

## Comments on the Report of the Council of Europe Commissioner for Human Rights

### *Comments of the Ministry of Health and Social Protection*

#### *Gender Equality/Domestic Violence*

1. Law Nr. 47/2018, recently adopted in Parliament, includes amendments to Law Nr.9669/2006 "On Measures Against Domestic Violence in and Violence in Family Relations" and also legal measures which are foreseen to improve child protection, such as in cases of direct violence, as well as in the cases of assisted violence. These are also focused on child custody and social services. There have also been reviewed the responsibilities of central and local government institutions in the protection of children's rights.

#### *Children Rights' and protection*

2. National Agenda for Children's Rights 2017-2020, approved with DCM no. 372, dated 26.04.2017. is the strategic document for rights of children. The core vision of National Agenda is create conditions to foster social development of children, social inclusion and participation in all processes, considering the highest interest of the child. National Agenda aims at the protection and promotion of children's rights in the Republic of Albania, implementing national and international standards in the field of children's rights, with a comprehensive and systematic approach to children's rights. The Agenda is a multidisciplinary and systematic framework which aims to be integrated into all national, local, child-related documents, plans and other activities in the spirit of the UN Convention on the Rights of the Child.

The strategic pillars of the Agenda are: (i) Good governance in promotion, respect and protection of children's rights; (ii) Eliminate all forms of violence against children; and (iii). Friendly and Child Friendly Systems and Services for Children and Adolescents: Development and Education, Justice, Health and Diet and Social Protection.

3. Sub-legal acts on the Law 18/2017 "On the Rights and Protection of the Child" are currently in the drafting process. Until present, following DCMs have been approved:
  - a. DCM "On the Rules of Functioning of the National Council for Rights and Protection of the Child" (DCM Nr. 54, dated 31.01.2018)

b. DCM "On procedures for control and sanctions by the State Agency for the Rights and Protection of Children" (DCM Nr. 91, dated 14.02.2018)

c. DCM "On defining the rules of cooperation between institutional mechanisms, child protection structures at local level and non-profit organizations for the implementation of national and local policies, and services necessary for the protection of children" (DCM No 148, dated 03.13. 2018)

d. DCM "On the rules of operation of cross-sectoral child protection team in the municipalities and administrative units" (DCM Nr. 353, dated 12.06.2018)

This decision aims to regulate the functioning of the Cross-sectoral Technical Group, established and functioning as an ad-hoc group at the local level in the municipalities or administrative units. This decision defines roles and responsibilities of the members of the Cross-sectoral Technical Group for a comprehensive and effective approach to children in need of protection.

4. Law 18/2017 "On the Rights and Protection of the Child", foresees for the first time the protection measures in the case of a child in need of protection. These measures are related to the protection of the child, including the a) emergency protection measure, which is a temporary protection measure for the removal of the child from the family and placement in alternative care; b) the protection measure for the placement of the child in alternative care; c) The measure of protection for the specialized supervision of the child in the family environment.
5. The draft-decision which defines the type and frequency of exchange and processing of information and statistical data required by the State Agency for Rights and Protection of Children (Agency) at the responsible state structures at central and local level. Indicators / statistics from different areas such as demography, health, nutrition, violence, migration, work, poverty, education, and justice for children are representing an overview of children's rights and protection areas.
6. Law 18/2017 "On the Rights and Protection of the Child" provides in Article 53 that the child protection is achieved through taking protective measures, carrying out interventions to respect the rights of the child and provision of services according to the needs, aimed at developing the child's well-being in his or her family or placing in alternative care when the child is temporarily or permanently deprived of the care of the parents or when, due to his highest interest, he or she can not be left to the care of the parents.
7. National Agenda for the Rights of the Children 2017-2020 in its third pillar, aims to promote friendly processes and systems to the children, such as education, health, social

services and justice. In this regard, it is mainly aimed at identifying the main strategic measures for achieving the assessment of the progress of children's rights in these areas.

8. Law 18/2017 "On the Rights and Protection of the Child" provides in Article 67 the obligation to report when any natural or legal person has information or the child himself must notify any child suspected or occurring, abuse, neglect or exploitation of the child's central institutions and local child protection structures or the State Police.
9. National Agenda for the Rights of the Children 2017-2020 the aim is the elimination all forms of violence against children through the establishment of an integrated and effective child protection system through a significantly improved legal and institutional framework, and addressing various forms of violence against children such as bullying, violence in schools, positive displacement, domestic violence, sexual abuse, economic exploitation and street children, child safety in the digital environment, unaccompanied children or victims of trafficking etc. Prevention is also in focus, as a key strategy for protecting children from all forms of violence, with particular focus at programs aimed at promoting positive non-violent parenting.

#### *Rights of Roma and Egyptian minorities*

1. Government of Albania adopted the National Action Plan for Integration of Roma and Egyptians 2016-2020, targeting the two communities concerned. This plan was drafted in close cooperation of all line ministries and with representatives of Roma and Egyptian organizations as well as other actors. Ministry of Health and Social Protection coordinates and monitors the implementation of the National Action Plan for the Integration of Roma and Egyptians. The National Action Plan for Roma and Egyptians sets out strategic goals and activities in the civil registration, education and promotion of intercultural dialogue, employment and enhancement of professional skills, health care, housing, urban integration and social protection.

2. For the monitoring of the Action Plan, Ministry of Health and Social Protection had established the ROMALB system which generates official data according to the plan's indicators. Two reports, for the year 2016 and the year 2017, were compiled based on the ROMALB system.

#### *Rights of Persons with Disability*

1. Indexation of disability payments has been carried out based on the consumer price index and the social pension index.
2. Ministry of Health and Social Protection coordinates and monitors policies for persons with disabilities in accordance with the principles of the UN Convention on the Rights of Persons with Disabilities and based on the Framework Law no. 93/2014, Dt. 24.7.2014 "On the Inclusion and Access of Persons with Disabilities". National Action Plan for Persons with Disabilities, 2016-2020, approved with DCM no. 483, dated 29.06.2016, is

implemented in cooperation with line ministries, donors and representatives of civil society. Line ministries recently reported on the National Plan at the National Disability Council meeting in May 2018. MHSP has initiated a mid-term evaluation of the NAP. Regarding services, Chapter 6 of Law no. 93/2014 provides for definitions of various services for independent living, aiming to provide support in overcoming barriers such as: personal assistance, equipment and technical support, accessibility services, including transportation and reasonable accommodation when needed.

3. Services for PWDs should support the needs of the individual and personal choices to contribute to the development of PWDs. Within this context, the Reform of Service Modernization includes services as part of the reform with legal measures in Law no. 121/2016 "On social services in the Republic of Albania. Reform on Evaluation of Disability aims to implement the bio-psycho-social model of evaluation and its implementation across the territory. Community-based services rely on the principles of the social model of disability and reasonable accommodation for persons with disabilities. MHSP has recently reorganized National Council on Disability, a consultative body for policy making, with the approval of DCM Nr. 196, dated 4.4.2018 "On Amendments to Decision Nr. 48, dated 21.1.2015 of the Council of Ministers" On the adoption of a Rules of Functioning of the National Disability Council ". National Council for Disability has considered the main achievements of the National Plan for Persons with Disabilities 2016-2020 (DCM Nr. 483, dated 29.06.2016), and has made recommendations on social inclusion policies for persons with disabilities for policy and legislation based on the bio-psycho-social evaluation of disability in line with the International Model Functional Classification.
4. MHSP has collaborated with line ministries and civil society on a specific agreement on Persons with Hearing Impairments to contribute to empowerment of persons with disabilities. MHSP works for accessibility as a precondition for inclusion. Agreement has been signed by the Ministry of Health and Social Protection, the Ministry of Education, Sports and Youth and the Ministry of Economy and Finance and the National Association of Persons with Hearing Impairments.
5. Persons with Disabilities are one of the beneficiary categories as part of Law no. 111/2017 "On Legal Aid Guaranteed by the State" which defines the forms, conditions, procedures and rules for the organization and administration of legal aid guaranteed by the state.
6. Regional Employment Offices provided services such as employment and vocational guidance, vocational training, employment mediation, and so on. The Ministry of Finance and Economy has identified the needs for accessibility in VET institutions and public schools, where reasonable accommodation is needed. Vocational education and training is free for persons with disabilities who attend vocational education and training courses for all categories of persons with disabilities.
7. MHSP guarantees that persons with disabilities have equal access to health care through prevention and provision of healthcare without discrimination. MHSP has worked toward the diagnostic causes of disability specifically for adults and children and according to

the bio-psycho-social model. Disability Evaluation Reform has facilitated procedures through less procedures and documentation for persons with disabilities "

8. Law No.121 / 2016 "On Social Services in the Republic of Albania" and Law no. 18/2017 "On the Rights and Protection of Children" have established the legal basis for "Social Reintegration". Employment legislation aims at the economic empowerment of economic aid recipients and special groups through employment.

***Comments of the Ministry of Education, Sport and Youth***

- In page 12 of the Report, the data of 16% on the registration of Roma children refers to the year 2017, not 2018;
- In page 13 of the Report, the number of assistant teachers for children with disabilities needs to be modified from 620 to "over 650".