

## Identification of possible gaps in the protection of the human rights of older persons and how best to address them

### QUESTIONNAIRE

#### **Background**

The Open-ended Working Group on Ageing, in its [decision 13/1](#) adopted at the thirteenth session, requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the fourteenth session of the Working Group and to be presented for consideration by the General Assembly, in accordance with resolution [77/190](#), regarding the existing international framework of the human rights of older persons and possible gaps, and options on how best to address them.

The purpose of this questionnaire is meant to facilitate the consideration of the existing international framework of the human rights of older persons and the identification of possible gaps in the protection of the human rights of older persons and how best to address them.

The questionnaire will be sent to all States Members of the United Nations, observers in the General Assembly, A-status National Human Rights Institutions, non-governmental organizations with ECOSOC Status and previously accredited organizations to the Working Group, as well as United Nations Funds, Programmes, Specialized Agencies and other UN Entities.

#### **The Questions**

##### [Identification of gaps](#)

1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your Government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. *(500 words each)*
  - a) Equality and non-discrimination
  - b) Violence, neglect and abuse
  - c) Long-term care and palliative care
  - d) Autonomy and independence
  - e) Protection et sécurité sociales (y compris protection sociale minimale)
  - f) Education, training, lifelong learning and capacity-building
  - g) Right to Work and Access to the Labour Market
  - h) Access to justice

- i) Contribution of Older Persons to Sustainable Development
- j) Economic security
- k) Right to Health and Access to Health Services
- l) Social Inclusion
- m) Accessibility, infrastructure and habitat (transport, housing and access)<sup>1</sup>
- n) Participation in the public life and in decision-making processes<sup>2</sup>

People's Advocate Institution, as a constitutional and independent institution, which guarantees fundamental human rights and freedoms, has paid special attention to the problems of the elderly people, addressing their needs and interests to the state institutions, in the protection and guaranteeing of this esteemed segment of society.

In addressing the issue of the elderly over the years with objectivity, People's Advocate concludes that it is necessary to acknowledge and understand the fact that the situation of the elderly in Albania is not favorable. They constitute one of the largest numerical segments among the disadvantaged layers and groups in need.

The increase in health-related issues, the rising costs associated with addressing health problems, and the growing challenges linked to the financial situation of the elderly, among other factors, contribute to making the situation of the elderly a standalone social issue.

- People's Advocate in its' proactive role, has monitored the implementation of the standards in social care services in Residential and Day Care Centers, where elderly people are treated.

There were found problems both in terms of infrastructure and human resources. For the improvement of living conditions and the provision of quality services according to the defined standards, we have sent recommendations to the Mayors of the Municipalities as well as the State Social Service.

The purpose of social services policies addressed to the protection of vulnerable groups, specifically the third age, is the creation of an appropriate system of social services, with contemporary standards for their rehabilitation and re-integration into normal life.

In the pursuit of a dignified and optimal lifestyle, we have recommended, as in previous years, the establishment of socio-sanitary centers where elderly individuals with serious health issues can receive specialized care and attention.

- Elderly people, upon reaching mandatory retirement have to stop working, despite their ability to work. Many older persons receive low pensions which are not sufficient for daily living.

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<sup>1</sup> To be discussed at the 14<sup>th</sup> Open-Ended Working Group on Ageing

<sup>2</sup> To be discussed at the 14<sup>th</sup> Open-Ended Working Group on Ageing

An increasing number of elderly individuals are living alone, often abandoned by their children, while their economic situation is more challenging than that of the rest of the population. They perceive the issue of the pension amount they receive as a form of discrimination by the state for the work and contribution they have provided over the years.

Old-age pensions are insufficient for a significant part of the population and are not based on the real cost of living. Despite our institutional interventions as well as recommendations for legal improvements in the social security system, pension measures remain quite low. There is even a category of elderly people who are not in the conditions to benefit from an old-age pension and must wait until the age of 70 to benefit from a social pension, which currently amounts to 8,588 ALL/month.

- Elderly individuals, particularly those residing in rural areas of Albania, may not receive adequate healthcare services. With their limited incomes, in addition to struggling to meet daily life necessities, a significant portion of the elderly cannot afford the necessary medications for proper medical treatment.

People's Advocate Institution in cooperation with healthcare experts, after monitoring the provision of health services, has prepared a Special Report titled "Monitoring the provision of services, with the aim of increasing the quality of health services offered free of charge to citizens and addressing offenses systematic". All findings and recommendations will assist the People's Advocate Institution and responsible institutions such as the Ministry of Health and Social Protection, the Healthcare Care Provider with its dependent institutions, Regional Hospitals, and the Mandatory Health Care Fund in engaging to ensure and maximize the protection of patients' interests. Particularly, attention is emphasized on vulnerable groups. The increase in salaries for medical staff should be based on a performance evaluation grounded in clear indicators of their work.

- Hospital budgets should not be historical budgets, but should be used to draw up the budget and allocate expenses based on the real needs of the hospitals, to evaluate the performance of the provision of health services provided for each hospital, as well as to realize the indicators of the hospital service.
- The budget allocation in healthcare based on the performance and activity of each hospital will lead to an increasingly better fulfillment of their needs. This approach will influence the autonomy and flexibility of healthcare managers to make decisions aimed at improving the efficient provision of healthcare services.

People's Advocate institution, through the National Mechanism, has repeatedly drawn the attention of the central institutions, for the swift establishment of the Special Medical Institution under the Ministry of Health, considering that the treatment conditions in the Institutions for the Execution of Criminal Decisions (IEVP), the Prisons' Hospital and Special Care Sectors in institutions for the execution of criminal decisions, where people with mental health disorders are currently accommodated, do not meet the minimum requirements for their medical treatment and health rehabilitation.

- There is no free transportation for the elderly. The problem remains mainly for the elderly, who live in remote rural areas. We have advocated for the realization of this right through our institutional intervention, but the problem remains unresolved.

Due to infrastructural barriers for the elderly with disabilities, there is a consequence of a lack of access to information and, consequently, a failure to receive services.

People's Advocate institution has recommended to the central and local institutions, for the realization of the construction infrastructure for the categories of persons with limited mobility and vision, with their participation in this process.

#### [Options on how best to address the gaps](#)

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. (500 words)

In the Alternative Report on the Implementation of the CEDAW Convention in Albania for the years 2016-2020, prepared by the People's Advocate institution with the aim of presenting it in the Fifth Reporting Cycle of the Albanian state before the CEDAW Committee, the status and level of fulfillment of the recommendations that this Committee has addressed to the Albanian state in the previous reporting cycle regarding the rights of elderly women are outlined:

- The People's Advocate acknowledges that the situation of elderly women in Albania is not favorable. This situation is aggravated even more in the absence of a protective legal framework for the elderly in Albania.
- The challenge remains the increased access of elderly women to healthcare services, especially in remote and rural areas. The People's Advocate expresses concern about the low pension rates for this vulnerable group of women.
- Also, the low number of residential and day care centers for elderly women has been assessed as problematic.
- People's Advocate is particularly concerned about the situation of Roma women regarding their access to safe shelter, taking into consideration situations that may endanger life or health. This concern is heightened, especially for elderly women, those with limited abilities, or children who are part of the community.

There has been prepared information from ENHHRI for the work of the People's Advocate institution in the protection of the rights of persons with disabilities, including elderly persons. The information was sent to the Chairperson of the Working Group for the implementation of the UN Convention "On the Protection of the Rights of Persons with Disabilities", presenting the problems encountered and addressed by our institution, starting from environmental barriers, in providing services.

In the Resolution/September 2019 of the Steering Committee for the first report of the Albanian state on the implementation of the UN Convention "On the protection of the rights of persons with disabilities", among the recommendations given, we can also mention:

- Ensuring access to healthcare for individuals with disabilities, including the elderly and Roma individuals with disabilities. This includes early identification and intervention for children with disabilities, as well as access to accessible healthcare services for all individuals with disabilities.
  - Removing all environmental and infrastructural barriers in the provision of public services;
  - Providing comprehensive information about the possibility of using electronic media, with special attention to social media
  - Ensuring transparent and barrier-free access to the justice system for persons with disabilities without discrimination;
  - Taking effective and coordinated measures to ensure that health services are compliant with the Convention;
2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. *(500 words)*
  3. What other options can be considered to strengthen the protection of older persons? Please elaborate. *(500 words)*

The People's Advocate Institution, while assessing the current achievements of the Albanian state through the reform of the public social insurance system, expresses the need to aim towards being more effective in policies related to social insurance. Some issues remain highly sensitive in public opinion, primarily the low pensions, the amount of which is insufficient to cover a normal standard of living.

It is assessed that there should be a stronger foundation for the state's policies in the field of social insurance. Despite occasional legal improvements in this area, there are still noticeable differences in the size of citizens' pensions. Low pensions remain a sensitive public issue, as the pension amount for the majority of beneficiaries is below the necessary level to meet basic life needs.

The People's Advocate Institution calls for full and effective facilitation and support for their participation in family, communities, and throughout society, promoting active aging throughout the life cycle.

In order to guarantee and strengthen the rights of the elderly, to fully and effectively support their participation in society based on their needs and preferences, we have been seeking for years the approval of the draft law "On improving the quality of life and meeting needs for the older persons", but this issue still remains unresolved. The institutional replies to our requests have consisted in the fact that the government has not neglected this category, but their rights have been specifically included in several legal and by-laws, referring to the new pension reform, law no.93/2014 "On the inclusion and accessibility of persons with disabilities" or the law on social services.

Despite the provisions made in various legal acts, the elderly should have their own specific law to guarantee and strengthen their rights.

The People's Advocate requests for an expansion of the range of social services offered to this category and increased care, especially for the elderly who are alone, dealing with health problems and lack the means for care:

- Increase in the monthly allowances for all types of pensions,
- Free access to public transport,
- Availability of integrated social and healthcare services, accessible and extended throughout the country,
- Reimbursement of vital medications with high cost,
- Setting up new day care centers and residential centers for the elderly who have severe social problems, etc.
- Increase community services, especially for the elderly, who are disabled and alone, as exposure to poverty, exclusion and social isolation has a direct impact on their health, especially mental health.

The authorities must undertake all the necessary measures to guarantee the rights of older people, starting from the education of students in schools.

4. *If applicable*, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

To achieve the social objectives for this category, there is no specific law. They are treated as persons and groups in need who cannot secure the fulfillment of basic vital needs.

- It is considered that for the protection of the rights of the elderly in Albania, a framework law on the elderly is required.
- The People's Advocate Institution, considering the lack of justification in its approach, the absence of defining a minimum standard that should form the basis for formulating state social policies for vulnerable groups, including the elderly, a special report has been prepared titled "On the Minimum living standard in Albania" (2020). This report is accessible on the institution's official website<sup>3</sup>.

It is crucial to end the legal vacuum on the minimum living in order to establish a normative standard with direct impact on social and economic policies, as well as to ensure the guarantees of citizens in terms of providing the means of their living.

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<sup>3</sup> <https://www.avokatipopullit.gov.al/media/manager/website/reports/Minimumi%20jetik%20ok.pdf>