

Guiding Questions for the focus areas of the IX Session of the Open-ended Working Group on Ageing: Long-term care and palliative care

1) In your country/region, how is long-term care for older persons defined and provided for in legal and policy frameworks? What types of support and services are covered?

- *Constitution of the Republic of Albania*

Article 55

1. Citizens enjoy equally the right to state health care.
2. Everyone has the right to health insurance pursuant to the procedure provided by law.

Article 59

1. The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with: (...)
 - e) care and help for the aged, orphans and persons with disabilities;
 - f) health rehabilitation, specialized education and integration in society of disabled people, as well as continual improvement of their living conditions;

- *Law No. 10107/2009 "On health care in the Republic of Albania"*

Article 2

Healthcare is guided by the following principles:

- a) the right to health care is a fundamental right of the individual;
- b) guaranteeing equal rights in health care based on non-discrimination;
- c) the health care system functions based on efficiency and quality of service, ensuring patient safety and impartiality;
- ç) the participation of different actors, patients, consumers and citizens;
- d) accountability to citizens.

According to the right to health care as one of the most important issues of a social state and as an important element of every individual's right to live healthy, in cooperation with non-governmental organizations, a Study Report on "Health Service in Albania" has been drafted:

- *Law No. 9355, dated 10.03.2005 "On Social Assistance and Services". "*

Article 13

1. Social care services include services provided to individuals, families, groups in need, communities defined in Article 6 of this law, to meet their living needs.
2. Social-medical care services are provided by specialized personnel, resettlement and residential rehabilitation centers, daily centers or households, for individuals who are unable to live normally due to deterioration, temporary or permanent deterioration, physical, psychic, mental and sensory.

- *Decision of Council of Minister No. 821, dated 06.12.2006 "On Standards of Social Care Services for the Elderly in Residential Centers".*

2) What are the specific challenges faced by older persons in accessing long-term care?

- The People's Advocate Institution, by addressing issues of this age objectively over the years, considers that it is necessary to acknowledge and understand that the situation of the elderly in Albania is not good. They are one of the largest numerical groups of layers and groups in need.
- The lack of providing a minimum income leads the elderly and their families to poverty. They often encounter social barriers that affect their lives.
- Older people may not receive adequate health care, therefore they do not have access to healthcare services, generally the elderly living in rural areas of Albania. More and more elderly people live alone

but are also abandoned by their children, while their economic situation is worse than the rest of the population. With their income, apart from disallowing everyday living needs, a large part of the elderly are not able ensure their medicines and a suitable medication.

- The elderly health problems, the cost to facing their health problems and their financial situation problems are growing increasingly and therefore their situation becomes a social problem of its own.

3) What measures have been taken/are necessary to ensure high-quality and sustainable long-term care systems for older persons, including for example:

- Sufficient availability, accessibility and affordability of services on a non-discriminatory bases?
- High quality of services provided?
- Autonomy and free, prior and informed consent of older persons in relation to their long-term care and support?
- Progressive elimination of all restrictive practices (such as detention, seclusion, chemical and physical restraint) in long-term care?
- Sustainable financing of long-term care and support services?
- Redress and remedy in case of abuse and violations?

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4) What other rights are essential for the enjoyment of the right to long-term care by older persons, or affected by the non-enjoyment of this right?

The right of the elderly to have their own specific law, where it is clearly stated how to realize the social objectives for them.

They are groups in need who cannot provide basic vital needs, skills development due to their inability and limited economic, physical, psychological and social opportunities.

To guarantee and strengthen the rights of the elderly, we have recommended the proposal for the approval of the draft law on "Improving the quality of life and meeting the needs of the elderly".

5) In your country/region, how is palliative care defined in legal and policy frameworks?

- Law no. 138/2014 "On palliative care in the Republic of Albania".

"Palliative Care" is the set of diagnostic, therapeutic and psychosocial interventions oriented to the patient as well as to his / her family when the disease and the patient, due to its evolution and prognosis, no longer respond positively to the interventions envisaged in the treatment .

6) What are the specific needs and challenges facing older persons regarding end-of-life care? Are there studies, data and evidence available?

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7) To what extent is palliative care available to all older persons on a non-discriminatory basis?

The palliative care service in hospital institutions is provided by the medical staff that is doctors, nurses and also social workers, specialized for patients in these institutions.

Near each hospital structure at the regional level, service is provided to patients requiring palliative care with several beds and healthcare personnel assisting patients.

Palliative care is provided on the basis of the following principles:

- a) protection of the dignity and autonomy of the patient without discrimination;
- b) protecting and promoting the quality of life until its end;
- c) Providing a painless lifestyle until its end;
- ç) proper medical and psychosocial support for the ill person and his family;
- d) Acceleration or non-acceptance of death.

8) How is palliative care provided, in relation to long-term care as described above and other support services for older persons?

Rights of patients in palliative care

Patients, when acquiring palliative care, enjoy these rights:

- a) obtaining accessible and efficient palliative care;
- b) obtaining information on the disease, prognosis and treatment;
- c) Appropriate recognition of the true and accurate diagnosis and prognosis of the disease;
- ç) selection of the manner and type of medical treatment or their opposition;
- d) maintaining the confidentiality of the health condition;
- dh) making decisions and giving consent for treatment.

9) Are there good practices available in terms of long-term care and palliative care? What are lessons learned from human rights perspectives?

- The People's Advocate Office, in his mission towards protection of the elderly's rights, has conducted inspections in the elderly residential. Following the identified problems, we have sent recommendations to Mayors, the State Social Service for the improvement of their living conditions and the most quality implementation of the social care standards for this category.
- Since the living minimum is determinant with regard to the levels of benefits under social protection schemes, we have asked over the years for the establishment of a working group to conduct studying and determine about the minimum level of living standards in Albania.
- The issues we face in the daily lives of the elderly, were addressed to the line ministry to be included in the preparation of the national report on the implementation of the Action Plan 2012-2016 on the MIPAA / RIS recommendations for the elderly.

Guiding Questions for the focus areas of the IX Session of the Open-ended Working Group on Ageing: Autonomy and independence

1) In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?

- *Constitution of the Republic of Albania*

Article 59/e

The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with: (...)

e) care and help for the aged, orphans and persons with disabilities;

- Law No. 9355 dated 10.03.2005 "On Social care and Services", as amended.

Decision of the Council of Ministers No. 658 dated 17.10.2005 on "Standards of Social Services".

Article 1

This law aims at:

1. Determine social assistance and services for individuals and groups in need who cannot ensure the fulfillment of basic needs, development of personal abilities and opportunities and preservation of integrity due to the limited economic, physical, psychological and social.

2. To alleviate poverty and social exclusion for the individual

- Law no.121 / 2016 "On social care services in the Republic of Albania".

Article 6

Benefits of social care services include these groups;

... ..dh) the elderly in need ..

- Law no. 7703 dated 11.03.1993 "On social security in the Republic of Albania", as amended, which regulates social security relations.

- Law 93/2014 "On the inclusion and accessibility of persons with disabilities", for the category of elderly people with disabilities.

Article 1

The object of this law are:

a) Defining the fundamental rights related to the inclusion and accessibility of persons with disabilities in order to guarantee equal opportunities for all of these persons on equal terms with others;

b) Determinations in order to ensure independent living for all persons with disabilities who choose to live independently, maximizing their autonomy and independent decision-making with a view to guaranteeing life in the community on equal terms with the others...

2) What other rights are essential for the enjoyment of the right to autonomy and independence by older persons, or affected by the non-enjoyment of this right?

-The right of the elderly to have their own specific law, in order to clearly define the way of achieving social objectives for them.

They are groups in need who cannot provide basic vital needs, skills development due to their inability and limited economic, physical, psychological and social opportunities.

-The right to social security

-The right to housing

-The right to a healthcare service

3) What are the key issues and challenges facing older persons in your country/region regarding autonomy and independence? What studies and data are available?

- Very low old-age pensions, which are not enough for daily living. Despite our institutional interventions and recommendations for legal improvements in the social security system, pension arrangements remain low. There are also categories of elderly people who are not eligible to receive old-age pension and are expected to be 70 years of age benefited social pension, at the amount of 6700 ALL per month.
- There is no agreement in the field of social security with the neighboring countries, Italy and Greece, for the recognition of the working years.
- Lack of information about their rights.
- Denial of the elderly in retirement age.
- Non-compliance of all social service standards in residential centers for the elderly.
- Lack of providing a minimum income.
- Supplying health problems and increase the cost of facing health problems.
- Older people are often subject to verbal, sexual, psychological and financial abuse.

4) What steps have been taken to ensure older persons' enjoyment of their right to autonomy and independence?

The People's Advocate Institution has paid special attention to the rights of third age. In order to guarantee and strengthen the rights of the elderly, we have long sought through the years the proposal and the approval of the draft law on "*Improving the quality of life and meeting the needs of the third age*".

- Problematic issues, which are encountered in the daily lives of the elderly, has been addressed to the Ministry of the line regarding the preparation of the National Report on the Implementation of the Action Plan 2012-2016.
- In relation to the complaints of the elderly about the retirement pension arrangements, we have sent different recommendations to the Regional Social Insurance Directorates.
- In our mission to protect the rights of the elderly, we carried out inspections in the social care centers in the territory of Albania. Following the identified problems we have sent recommendations to Mayors of the Municipalities, the State Social Service for the improvement of their living conditions.
- Since minimum standard living is determinant for the levels of benefits in the social protection schemes, we have recommended setting up a working group for the study and setting the minimum level of living standard of Albania, but it has not yet been defined.

5) What mechanisms are necessary, or already in place, for older persons to seek redress for the denial of autonomy and independence?

Providing information about their rights
Capacity building of employees in state institutions.
Accurate statistical data and qualitative information on the rights of the elderly.
Continuous monitoring of the implementation of social care facilities.
Inter-institutional co-operation, cooperation between central and local government.
Contribution from civil society.
Establishment of more residential and day-care centers.

6) What are the responsibilities of other, non-State, actors in respecting and protecting the right to autonomy and independence of older persons?