**Report**

**“On violence against older person”**

1. **Legal, policy and institutional frameworks: is there a non-discrimination law that prohibits discrimination based on age?**

Albanian legislation based on Article 14, "Prohibition of discrimination" of the European Convention on Human Rights and Article 8 of the Constitution of the Republic of Albania, prohibits discrimination in all its forms. All legal acts contain the general principle against discrimination.

There is no specific law as above, but it is worth noting that the Republic of Albania creates facilities for the elderly with other legal acts.

**The main law for social care services is:**

Law No. 121/2016, date 24.11.2016, "For Social Care Services in the Republic of Albania".

* **The government has adopted the following regulations regarding social care services for the elderly:**
* Decision of the Council of Ministers no. 823, dated 6.12.2006, "On the Approval of the Standards of Social Care Services for the Elderly in Day Care Centers";
* Decision of the Council of Ministers no. 518, dated 4.9.2018, "Community and Residential Social Care Services, Criteria, Procedures for Their Benefit and Amount of Amount for Personal Expenses for Beneficiaries of Organized Service";
* Instruction of the Minister of Health and Social Protection no. 581, dated 18.12.2017, "On the Approval of the Standards of Social Care Services, Home Assistance, for the Elderly";
* Instruction of the Minister of Health and Social Protection no. 911, dated 27. 12. 2018, "On the Approval of the Standards for the Provision of Social Care Services in Multidisciplinary Community Centers";
* Decision of the Council of Ministers no. 148, dated 13.3.2018, "On Defining the Rules of Cooperation Between Institutional Advisory and Coordinating Mechanisms";
* Decision of the Council of Ministers no. 578, dated 3.10.2018, "On Referral and Case Management Procedures".
* In Albania, **local governments** play the main role in providing and financing social care services. As a result of the fiscal and administrative decentralization of Albania, the provision of social care services has been transferred from the central government to the local government.

**The main law is:**

* Law no. 139/2015 "On Local Self-Government" (especially Article 24).

In order to ensure an adequate level of funding at the local level for the implementation of social care plans, the Social Fund was established in 2018.

**The relevant regulations are:**

* Decision of the Council of Ministers no. 111, dated 23.2.2018, "On the creation of the Social Fund";
* Decision of the Council of Ministers no. 150, dated 20.03.2019, "On the methodology of calculating funds for the financing of social care services".
  1. **Is there a legislation on violence against persons and/or domestic violence that includes violence, abuse and/or neglect of older persons?**

There is legislation on domestic violence which defines the elderly as its subjects. Accordingly, the law no. 9669, dated 18.12.2006 "On Measures against Violence in Family Relations (amended).

* 1. **Does the law establish a specialised independent organ receiving complaints of discrimination based on age?**

As far as we know, has been created an organ that examines all complaints about discrimination in all its types precisely the Commissioner for Protection from Discrimination.

* 1. **Is there a national plan, policy or strategy to address violence against older persons, that is overseen by a national mechanism to monitor and implement it? Please provide detailed information and relevant documents, if applicable.**

In December 2019, the Government with Decision no. 864, dated 24.12.2019 "On the Approval of the National Policy Document on Aging, 2020-2024, and the Action Plan for its Implementation" approved the strategic document which is the first policy document dealing with long-term care services for the elderly.

The strategy is monitored by the Ministry of Health and Social Protection of Albania.

1. **Manifestations of violence: what forms of violence, abuse and neglect are older persons facing? In which settings does it happen? Please provide detailed information.**

The forms of violence and the risk factors for the elderly are not defined in strategic/political documents but are evidenced by studies that State Bodies or various organizations conduct based on the cases evidenced in everyday life. From our research we have identified the following:

**Forms of elder abuse**

* Physical abuse of older persons includes intentional injury to such persons, which causes physical pain or injury. Often these people do not report the problems they have with their children or relatives, as they fear that they may face the law.
* Emotional abuse is expressed through pressure, intimidation or threats. Elderly people can often face humiliation and ridicule from the people they live with.
* Psychological abuse. Elderly people are ignored by family members or by the staff of the centers where they are housed, this age group also faces isolation from friends and from the community where they live.
* Neglect, abandonment. Elderly people, as a result of their physical problems, neglect their hygiene, taking medications, performing personal needs, etc. As a result of migration, a large part of these people also face abandonment by their family members.
* Sexual abuse. Elderly people can face sexual abuse, committed by relatives or strangers. Victims of sexual abuse are less likely to be believed by others, especially if they have no signs of trauma on their bodies.
* Financial abuse of the elderly includes the misuse of financial resources, caused by family members or their guardians. 5 to 10 percent of older people globally may experience some form of financial exploitation. This abuse often goes unreported due to the victims' shyness or inability to report it.

**Risk factors for violence in older people:**

* They belong to the female sex
* Advanced age
* Spousal relationship with the guardian
* Movement problems
* Economic dependency
* Primary care unit
* Disease and health problems
* Mental or cognitive impairments.
* Overexposure of the caregiver, a single caregiver of the dependent person.
* Lack of resources and social programs to support addiction and caregivers.
* Social isolation.

1. **Data: are data available at national and local level about violence, abuse and neglect of older persons? Are national surveys about violence including experiences of older persons? If available, please provide figures and data.**

We do not have statistical data for this target group, but only the number of cases registered/completed in court for Article 130/a "domestic violence" and the number of convicted persons, but without information about their age.

1. **Access to justice: how does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their human rights have been violated as a result of violence, abuse and neglect?**

**The Directorate of Free Legal Aid** is a public legal entity under the Ministry of Justice, whose internal organization has been approved by the Prime Minister, with Order no. 59, dated 25.03.2019 "On the approval of the structure and organization of the Free Legal Aid Directorate" with the proposal of the Minister of Justice, in accordance with the legislation in force.

The mission of the Free Legal Aid Directorate is to guarantee legal aid as one of the most essential forms of access to justice that every individual should have for the realization and protection of his legal and constitutional rights.

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**Based on Article 11 of Law no. 111/2017 "On legal aid guaranteed by the state", legal aid is offered to the following persons, regardless of their income and wealth:**

1. victims of domestic violence;
2. sexually abused victims and victims of human trafficking, at every stage of the criminal proceedings;
3. minor victims and minors in conflict with the law, at any stage of the criminal proceedings;
4. children, who live in social care institutions;
5. children under guardianship, who seek to initiate a process without the approval of their legal guardian or against their legal guardian;
6. to persons who benefit from disability payments, in accordance with the legislation in force on assistance and social services, including persons who benefit from the status of the blind;
7. persons who are subject to involuntary treatment in mental health service institutions, according to the provisions of the legislation in force on mental health;
8. persons who undergo voluntary treatment in mental health service institutions for serious mental illnesses;
9. persons who are requested to remove or limit the ability to act, at any stage of this process;
10. persons, whose capacity to act has been removed or limited, who seek to initiate a process against their legal guardian, for regaining the capacity to act, without the approval of the legal guardian;
11. persons who are beneficiaries of social protection schemes;
12. persons whose rights have been violated through an action or inaction that constitutes discrimination, based on the decision of the competent body, according to the legislation in force on protection against discrimination.

**Also, benefit from the legal aid scheme guaranteed by the state and citizens with insufficient income and assets, as follows:**

1. The right to benefit from legal aid is available to anyone who proves that they have insufficient income and assets to cover the costs of counselling, representation and/or defense in criminal cases, in administrative cases and in civil cases.
2. The income of a person, who lives in a family, is considered insufficient, according to the meaning of point 1, of this article, if the total income of all family members, divided by the number of family members, are lower than 50 percent of the minimum monthly salary determined according to the legislation in force.
3. The income of a person, who does not live in a family, is considered insufficient, according to the meaning of point 1, of this article, if it is lower than the level of the minimum monthly salary determined according to the legislation in force.
4. If a person, who lives in a family, requests secondary legal assistance for a case against another member of the same family, the rule provided in point 2, of this article, will not be applied. In this case, the income of this person is considered insufficient, according to point 1, of this article, if it is lower than the level of the minimum salary determined according to the legislation in force.
5. A person's wealth is considered insufficient, according to point 1, of this article, if its total value does not exceed the value of 36 minimum monthly wages according to the legislation in force.

The Directorate of Free Legal Aid is the institution that guarantees equal access to justice for all citizens in need and vulnerable categories through the provision of primary and secondary legal aid services, exemption from court fees and expenses as well as exemption from the obligation to prepay the fee execution of the execution order.