INTERNATIONAL DISABILITY ALLIANCE (IDA)

Member Organisations:
Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the Deafblind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families, Pacific Disability Forum

IDA submission to the Human Rights Committee on the right to vote of persons with disabilities in Albania, 108th session

ALBANIA


Articles 2, 16, 25, 26 ICCPR

There is an exclusion from the right to vote and stand for election inscribed in Albania’s Constitution and elections laws which is directed at persons with intellectual and psychosocial disabilities.

Constitution
(21 October 1998)
- Article 27, section (2) states, “The liberty of a person may not be limited, except in the following cases...(d) when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society...”
- Article 45, section (2) states, “citizens who have been declared mentally incompetent by a final court decision do not have the right to elect.”

Electoral Law
(29 December 2008)
- Article 45, section 2 states, “Citizens declared by final court decision to lack the capacity to act are excluded from the right to vote.”

Proposed Recommendations to the Government:

- Take steps to remove provisions from the Constitution and electoral law that exclude from the right to vote and to stand for election: persons with disabilities deemed incompetent by a court which is violation of Article 25, ICCPR and Article 29, CRPD and contrary to the latest international standards on political participation.
• Take steps to remove derogatory language to refer to persons with disabilities in the law and government policies and programmes, and eliminate the medical/welfare model of disability, and introduce a human rights based approach to disability.

• Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.

• Take steps to accede to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.