

CPT/Inf (2003) 12

**Response of the Albanian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Albania**

from 22 to 26 October 2001

The Albanian Government has requested the publication of the CPT's report on its visit to Albania in October 2001 (see CPT/Inf (2003) 11) and of its response. The response of the Albanian Government is set out in this document.

Strasbourg, 22 January 2003



REPUBLIC OF ALBANIA
Ministry of Foreign Affairs
the legal representative office
at international human rights organisations

Subject: The Albanian Authority's Responses relating to the problems presented in the Report of the Committee for the Prevention of Torture and other Inhuman or Degrading Treatment, for Albania.

**The Committee for the Prevention of Torture
and other Inhuman or Degrading Treatment (CPT)**

Council of Europe - Strasbourg

The final report on Albania prepared from the Committee for the Prevention of Torture and other Inhuman or degrading Treatments, after its visit in Tirana during 22-26 October 2001, has been revised carefully from the Albanian Authorities, responsible for the institutions where the observations have been made. Following, we present the responses of Albanian authorities prepared taking into consideration the problems evidenced in the report and the recommendations that has been made by the monitoring group.

MINISTRY OF HEALTH

The Ministry of Health is taking different measures for the improvement of the situation in the Psychiatric Hospital “Ali Mihali” Vlore, which are presented as follows:

1. Improvements of the professional skills of the medical and supported staff

In the psychiatric hospital “Ali Mihali” Vlore the medical and supporting staff is assisted on the bases of a training program with the goal to prevent maltreatment towards the patients and the familiarisation of the staff with the rules of work and the specifics how to work in a psychiatric hospital.

The training of service staff especially of the nurses and support staff is included in the “Rules of the function of the Psychiatric hospitals” drafted by the Ministry of Health, as a very important and obligatory element to be implemented by the heads of the Hospital. In this manual the duties, competencies of the staff and assistants are defined based on the Chart of the Patient’s Right. Based on this manual the Directorate of the hospital has prepared the interior rules where are prescribed the cases in which the restricted measures should be used.

2. Respect for the patient’s dignity from the nurse and supporting staff

The responsibilities and competencies of the staff are prescribed in the manual of the Psychiatric Hospital functioning, which is drafted taking into consideration the patients dignity and the respect for them. As a result of the improvement of the implementation’s level of these parameters, the level of the respect of the staff toward the patients with mental illness has been increased.

Also the Re-functioning of the Ergo-Therapeutic ward has made possible the combination of the medical treatment with the psychosocial rehabilitation as a process which has affected positively in the improvement of the patient's personality.

3. Life condition and patients treatment

a) Life Condition

Generally all the patient's rooms are completed with, sheets, mattresses, and coverts. During the last times the ward of the men and women with chronic illness were equipped with new beds, where missing.

Necessary measures have been taken to improve the eating conditions of the patients. The men ward is completed with big dinning tables and chairs. Now all the patients can eat seated and in appropriate conditions.

The quality of the food is controlled by qualified staff, which calculates the daily calories. For the recovered patients in the hospital is arranged the possibility to measure their weight weakly.

b) Care for Polly handicap patients

Actually the hospital possesses only one wheel chair, in help of the Polly handicap patients. The Ministry of Health is making efforts in order to secure more chairs and other supporting implements to improve the Polly handicap patient's life condition.

The Economic Office in the Psychiatric Hospital of Vlora has secured the hygienic tools for the patients and appropriate clothes for the winter and summer seasons. The woman ward is equipped with wardrobes for personal things, others pavilions will be equipped during the year 2003.

For the patients regarding the men ward is made possible the movement in fresh air.

The patients treatment

The patient's treatment with medicines has been reduced. In accordance with the recommendations of the CTP delegation is eliminated totally the appliance of the medicines in the mouth of the patients by syringe. Also as above mentioned is reopened the Ergo Therapy Pavilion, making possible the rehabilitation activities combined with medicine therapy. Two times a week in the outside environment of the women ward is organised sports activities in order to involve more patients in these activities.

In the hospital the serving of the medicinally consultant function co-operating with the local ambulatory consultant serving beside the Shpresa Association supported by the UNOPSS-i. We have to take notice that these serving consultants function independently from each other. At the other hand the somatic care for the psychic patients is realised by the effective in the general Hospital of Vlora when it's necessary.

4. The Staff

The personnel work is organised based on a time schedule drafted by the Chief of wards, avoiding as much as possible the unjust absences. Psychiatrist's number is enough to cover the hospital duties. The nursing and service staff is completed and approved for the year 2002. The Head nurse of the man ward acts as e general head nurse.

5. Other issues presented in the CTP report.

The isolated ward is reconstructed and is not used for this function anymore but as a place were the patients live and stay.

Finally we highlight that besides the Recommendation and duty ruled from the Ministry of Health, all the recommendation made by CPT in its report, are delivered to the Directorate of the Psychiatric Hospital in the original version and translated in Albanian as well.

MINISTRY OF PUBLIC ORDER

The state police carry out its duties relating to the treatment and security of the detainees, conform the current Albanian legislation, which is in substance and in form a contemporary one. As well this activity is sustained in the implementation of the International Conventions related to the domestic legislation. The treatment and the security of the detainee's cells are always evaluated as an important and difficult duty, which takes a lot of responsibility.

We accept and are aware that there have been infringements and shortcoming in applying the legal acts regarding the treatment of the detainees and in respecting their rights. One reason is the fact that the detention system in the police station of districts has been under construction during the years 1949 until 1970. Despite the investments done to improve the situation we stress that the system is not properly realised. This system has been damaged heavily in the year 1997 and the consequences continue to be present today. In this regard the Ministry of Public Order has done considerable investments and improvements and will be continuing to do this in the future.

We have to take notice that all the recommendations, objections, suggestions of the international institutions will be kept in mind in all construction and reconstruction processes of the detaining facilities that are done until today and ones that will be done in the future.

It has been difficult to create the conditions according to the standards because of the fact that the current detaining system is overcrowded beyond its capacity because, it holds even 289 persons sentenced by the court decision (who should have been sent to the prison by the General Directorate of the Prisons) besides the detained persons currently staying in the place.

We are aware that the treatment in the detention room is out of the legal norms but it has been unavoidable for the simple reason that the prisons do not have the required capacity. The overcrowd of the detention rooms creates difficulties to accomplish the treating standards despite the utmost efforts made from MPO and its supporting structures.

In various police stations there is an absence of the permanent doctors because this job position is not preferable. This situation forces the leader of the Police Station to request assistance and to get doctors from outside, who in many cases refuse to do visits in the detention rooms because they don't have the legal obligation. For this reason the treatment of the detainees is done in the civilian hospitals, where there are no conditions for the fiscal security of the detainees because sometimes they are hospitalised in the same places with the other patients. This issue has not found a solution, even after continues requests that are addressed to the Ministry of Health, of Justice and other government institutions.

Even with the difficulties for the security of the suitable facilities we are making possible the isolation of the mental ill persons sentenced by the courts and individuals that are chronically sick or invalids and the rest of the other detainees.

The police staff of the detaining rooms does not have the necessary specialised professional training but only general police training within the program for the personnel of the Public Order Service Units. For this reason to improve the level of the treatment of the detained persons we have decided as an important duty the education and the training of the police staff that serves at the detaining system. To carry out successfully this process we evaluate the assistance of the foreign institutions as a very important one.

We evaluate the notices made in the International Organisation's report about the detained person's treatments such as maltreatment, hygienic conditions, medical treatments, nutrition, etc. The responsible police structures in the districts are informed about these problems through memorandums, manuals and at the same time has been taken disciplinary measures.

To improve the situation of shortcomings noticed by certain international organisations and non-governmental ones, is drafted "The interior manual of the Detention" based on the rules approved by the Council of Ministers and according to the law.