



CPT/Inf (2006) 25

**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 23 May to 3 June 2005

The Albanian Government has requested the publication of this response. The report of the CPT on its May/June 2005 visit to Albania is set out in document CPT/Inf (2006) 24.

Strasbourg, 12 July 2006



REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS
Legal Representative Office

No. _____

Tirana, on 20.03.2006

Subject: The Albanian Authority's Responses on the Report of the
European Committee for the Prevention of Torture and other Inhuman or Degrading
Treatment (CPT)

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

Mrs. Silvia CASALE - President

Council of Europe - Strasbourg

Dear Madam,

Referring to your letter date 21 December 2005 in the report of 2005 of CPT for Albania, we inform that our state authorities are thoroughly engaged to realize the demands and recommendations made by the CPT and express their readiness to cooperate for the implementation and to take the concrete measures for the resolution of the evidenced problems in this report.

Responding to your request for information as regards to the implementation of the submitted recommendations provided in the paragraphs 68, 70, 98, 131, 156 of the report within three months deadline, we inform that we have taken a response from the Ministry of Justice and the Ministry of Health meanwhile the Ministry of interior will give a response as soon as possible.

THE RESPONSE FROM THE MINISTRY OF JUSTICE

Paragh. 68 The General Prison Department has adopted all the necessary fund for year 2006 to enable the intervention and the improvement of the infrastructure in the executing establishmet of criminal punishment in Lezhe, Vlore, burrel, Lushnje, Tepelene and Kruja in function of the improvement of the living conditions and accommodation conform the required standards for a better human treating of the prisoners.

Relating to the standard meal norm is concluded a study according to which actually can not be possible a practical change of the meal norm because of the high financial cost accompanied. The Ministry of Justice is making all the necessary efforts to cooperate with the responsible structures of the Albanian state, in order to find a solution to this problem.

Relating to the treatment of the prisoners regarding to the guarantee of their rights, the respect of their dignity and personality conform to the normal standards, The Ministry of Justice as the responsible institution is totally engaged and expresses its readiness on this regard in order not to have any violation of the prisoner rights.

Further more the new Pre-detention Rule to be adopted soon provides the extension of the number of meetings of the pre-detainees with their familiars from 3 to 4, like as the number of the phone conversations from 3 to 4. Also the relation of the prisoners with their familiars is intensified through the liberalization of the meeting with their juvenile familiars like as is improved sensitively the correspondence with abroad.

Paragr. 98 Relating to the daily outdoor exercise of the prisoners as regards to the executing institution of the criminal punishment, the pre-detention establishment in the street "Jordan Misja", we inform that the capacity of this institution is for 395 persons while in this institution actually is being treated 450 prisoners, including the juveniles and the pre detained women to whom is secured the outdoor exercise separated by the other prisoners.

The main obstacle for the normal function of the airing outdoor exercise for at least ½ of the prisoners is the issue of the overcrowding. On this regard have been examined all the necessary means to ensure that in this institution be guaranteed new physical conditions for the outdoor exercise of the pre-detainee.

We inform as well that the administration structure of this institution has extended the number of the cultural and physical activities for this category.

The Ministry of Justice by the actual Pre-detention Rule has enabled in the entire pre-detention establishment the full access of the prisoners with the visual and written media in the pre-detention institutions.

Paragr. 131 Relating to the problem of use of the "aeration cubicles" for the accommodation of the detainee in the executing institution of criminal punishment in the "Vaqarr" prison, we inform that the General Prison Department has taken all the necessary measures on this regard for these facilities not to be aimed for this kind of use.

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RESPONSES FROM THE MINISTRY OF HEALTH.

Referring to the recommendations made by CPT report 2005, paragraph 156, regarding the necessary measures to be taken by the Albanian competent authorities the Ministry of Health has informed the following:

The Ministry of Health has ordered all psychiatric hospitals that in case of an involuntary admission, they must notify the competent courts within 48 hours. Furthermore, for each patient brought against her/his will in the hospital, shall be filed the clinic dossier of the patient, in which will be included also the notification made by the hospital of the competent court.

Referring to the problem of the chronically mentally ill persons brought against their will in the hospitals, the Ministry of Health has already started the cooperation with the Ministry of Justice, in order to identify the modalities and the necessary measures to be taken jointly by both ministries. The adoption of these measures will contribute in the implementation of the 1996 Mental Health Act properly.

Also, the Ministry of Health has requested to all psychiatric hospitals in close cooperation with the respective courts, to prepare an working – plan for the periodic verification of the chronically mentally ill persons brought against their will in the hospital. In this context, all psychiatric hospitals are requested to inform the Hospital Department in the Ministry of Health about the results of the periodic verification of the chronically mentally ill persons brought against their will in the hospital.

Furthermore, all the forensic procedures relating to the involuntary hospitalization will be filed in the personal dossier. The preparation of the exemplar of this personal dossier is under way, and as soon as produced, they will be distributed to all psychiatric hospitals.

Finally, regarding the implementation of the relevant articles of the 1996 Mental Health Act, the Ministry of Health has organized consultation among the psychiatric experts and lawyers, in order to find the ways and means of improving the implementation of the above-mentioned Act. These consultation has concluded, in the light of the recommendation made by CPT, that it is necessary to review and to amend the 1996 Mental Health Act.

As regards to the other recommendations, the respective structures are totally engaged for their implementation by taking the necessary measures. We will inform further more in advance according to the deadlines required by your part.

Expressing the highest consideration,

Blerina Bulica

ACTING LEGAL REPRESENTATIVE



REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS
Legal Representative Office

No. _____

Tirana, on 23.03.2006

Subject: The Ministry of Interior response on the Recommendations of the
CPT Report of 2005

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

Mrs. Silvia CASALE - President

Council of Europe - Strasbourg

Dear Madam,

We first would like to apologize about sending the response of the Ministry of Interior some days later than the deadline provided in your letter date 21 December 2005, because of some technical difficulties, and we express our readiness for a better and close cooperation in the future.

THE RESPONSE OF THE MINISTRY OF INTERIOR

Relating to the recommendations provided in the paragraphs 68 and 70 of the CPT report of 2005, the Ministry of Interior responds as follows:

- The Ministry of Interior and the General Police Department have undertaken all the necessary measures to inform and acknowledge all the structures under dependence, with the text of the European Convention "On the prevention of torture and other inhuman or degrading treatment" and the deriving obligations as well with the mandate of CPT and all the reports of this committee for Albania.
- Have been taken measures and is under process the valuation of the blankets and of the mattresses in order to get out of use all the amortized blankets and mattresses by replacing them with the new clean ones.
- The improvement of the access with the natural light and the ventilation conditions of detention remains a problem because actually *de jure* the pre detention settings have passed under the administration of the Ministry of Justice, thus the responsibility for the respective financial funds for the maintenance and the investments on this regard passes to the Ministry of Justice.
- In order to realize the enlargement of the existing windows in the detention rooms for better ventilation and light conditions is required a considerable financial sum.
- Have been taken the necessary technical and organisative measures by increasing the number of the service personnel to make possible that the entire detainees have access to the sanitary facilities according to their needs.

- Relating to the outdoor exercise of the detainee has been taken all the necessary measures to enable one hour per day the access in the aeration cubicles. As well this access is made possible on Sundays, Saturdays and the days off during the public holidays. Also are taken measures to improve the hygiene conditions and the cleaning and painting of the domestic detention rooms. For this reason have been enabled all the necessary means.
- Is under preparation the necessary infrastructure for the domestic settings (as far as it is possible) and the normative infrastructure to allow such in cell activities as: reading, games, radio, and the correspondence with the outside world.
- The respective structures of the Ministry of Interior are making a re- examination of the meal norms and the improvement of the meal quality for the detainees.
- Are created some visit facilities as; The number of meetings with the familiars or their relatives is extended by three in four months, are improved the settings conditions aimed for the visit meeting and is required to respect the time period determined for the meeting.
- Relating to the transfer of the juvenile detainees who are placed in the detention settings of the Police Commissariat in Durres to another detention setting under the dependence of the Ministry of Justice we inform that:
 1. Actually in the predetention settings have been placed 7 juvenile persons who are assured and are treated in separated rooms by the other adult detainee.
 2. There is not taken any measure to make the transfer of the juveniles in a more convenient setting as far as the pre- detention system will very soon be under passed under the administration of the Ministry of Justice.

Expressing the highest consideration,

Blerina Bulica

ACTING LEGAL REPRESENTATIVE

**ANSWERS AND COMMENTS OF THE ALBANIAN GOVERNEMENT
TO THE REPORT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE AND INUMAN OR
DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO REPUBLIC OF ALBANIA (*)**

From 23 May to 3 June 2005

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- 1. Ministry of Interior's Responses**
- 2. Ministry of Justice's Responses**
- 3. General Prosecutor's Office's Responses**
- 4. Ministry of Health's Responses**

(*) Transmitted to the CPT on 27 June 2006.

ANSWERS AND COMMENTS OF THE MINISTRY OF INTERIOR REGARDING THE RECOMMENDATIONS OF THE EUROPEAN COMMITTEE FOR PREVENTION OF TORTURE

Referring to the recommendations made by of the Committee for the Prevention of Torture and Degrading or Inhuman Treatment (CPT), in its report on 2005, we would like to inform that the Ministry of Interior has been engaged to further progress and improve the situation as regards to the detention system, in the light of European standards and recommendations made by CPT.

In this regard, we are pleased to inform the Committee about the measures taken by the Ministry of Interior in order to fulfil the CPT's recommendations, which will serve as a basis for our efforts in the improvement of current situation. In this context, we would like to submit the following information:

- Based on the recommendations made by the CPT in the report 2005, the Ministry of Interior and the General Police Directorate have revised the draft regulation "On the security and treatment of the arrested and detainee persons", by including all the recommendations related to the prevention of torture and the degrading or inhuman treatment, concerning to the detained, arrested or accompanied persons.
- The above mentioned draft regulation aims to deliver to all the officers of State Police the clear message that: **"The police state structures must fulfil their functional duties in conformity with the respective legal framework, respecting and guaranteeing the human rights and fundamental freedoms provided by law to all the citizens, especially to those deprived of their liberty"**.
- The General Police Directorate has carried out controls to the offices of the criminal and order Police State's officers and other working places in the local structures of the State Police. These controls were taken in order to totally avoiding the means used for the ill-treatment of persons deprived of their liberty. Also, measures have been taken for painting, the hygiene and furnishing of the detention places with other necessary accessories as sitting benches etc.
- The respective structures in the General Police Directorate have selected some of the police officers, serving to the security of the pre-detainees for participating to training activities. The selected police officers have been trained systematically, with the purpose to further enhance their responsibility in accomplishing their duties and obligations, in conformity with the law.
- We would like to inform that after the CPT presented the problems identified during its visits, we have not had any cases of violating the rules in the pre-detention rooms, consequently it was not necessary to undertake any immediate intervention. The police local structures are already aware of the importance attached to the respect of the pre-detainee's rights, as provided by law thus assuring that there is no case of intervention by the police officers wearing mask in the pre-detention rooms.

- Regarding the accommodation conditions, measures have been taken for fulfilling the pre-detainees' demands for new mattresses and blankets.
- The improvement of the light and airing conditions actually remains a problem, which needs to be resolved. This situation is due to the fact that the pre-detention places *de jure* have passed under the competences of the Ministry of Justice, which means that this Ministry administers the respective financial funds on the maintenance and investing of these facilities.
- We consider as prior issue, which calls for proper consideration the enlargement of the windows in the existing pre-detention facilities, in order to improve the lighting conditions as soon as the financial funds are provided.
- Regarding the detained persons' right to have the possibility to come out in fresh air, currently is offered at least one hour per day the exit in the outgoing airing cubicles, as well even for the Saturdays and Sundays, as well as the days off or official holidays. Concerning the conditions of the pre detention facilities, measures have been taken to improve the hygiene, cleaning conditions, even in the interior places, through every day painting and cleaning. To this purpose, the respective responsible structures have assured all the necessary facilities in order to realize the cleaning.
- In the pre-detention system the work is under way in order to improve the situation, towards the establishment of the proper infrastructure (as far as possible) and the normative system, in order to allow activities, such as: the reading, games, radio and the correspondence abroad.
- The Ministry of Interior is exploring the respective food norm provided in the pre detention facilities, in order to improve the quality of the food provided.
- Regarding the meetings of the pre-detainees with their familiars or relatives, the situation is improved, and in this context, we would like to mention that not only these meeting are increased from three to four per month, but also measures have been taken in order to respect the time period for these meetings, and to improve the visiting facilities conditions.
- Regarding the treatment of the juvenile detainees, immediate measures have been taken in order to ensure that they are treated in separate rooms, divided from the other major detainees. According to the statistics data at country level, results that in the pre-detention rooms, are detained 42 juveniles.

**ANSWERS AND COMMENTS OF THE MINISTRY OF JUSTICE
REGARDING THE RECOMMENDATIONS OF
THE EUROPEAN COMMITTEE FOR PREVENTION OF TORTURE
AND RESPECT OF THE PRISONERS' HUMAN RIGHTS**

We assessed the latest comments and recommendations of the European Committee for the Prevention of Torture, regarding the situation of prisoners in terms of respect for their human rights. We have greatly appreciated the recommendations, as they will serve as a basis for our efforts in the improvement of standards on treating the persons deprived of their liberty in Albania.

The Ministry of Justice is held responsible for the treatment of the prisoners and pre-trial detainees. It's part our daily obligation to treat them humanly and to respect their dignity as human beings. Prisons should be places with no life, health and personal integrity risks. There should be no discrimination in the treatment of prisoners. Their treatment should aim their integration into society and should not bring unreasonable suffer.

• **Overcrowded prisons**

One of the sharpest problems which affects the treatment of the prisoners and the daily work of the prison staff, is the overcrowding of the penitentiary institutions. In order to tackle this problem, the Ministry of Justice is applying two plans of action: the infrastructural plan and the legal plan. As a result of the application of action plan in infrastructure, the prison of Fushe Kruja will start operating in full capacity (350 prisoners) within the first half of the year 2007. Also, within this time period, the prison of Lezha and the prison of Burrel will offer more capacities. The construction of Korca prison, with a capacity of 350 prisoners, is expected to be accomplished within July 2007.

Aside from the infrastructure, a special attention is paid to the amendment of the legislation aiming at the rehabilitation and the use of the confinement as the last relevant resort in giving justice. The necessary amendments which provide for the inclusion of measures and sanctions in the community, are expected to be finalized by the respective structures in the Ministry of Justice within November 2006.

• **Inclusion of the pre-detention centers under the supervision of the Ministry of Justice**

In order to include the pre-trial detention system under the supervision of the Ministry of Justice, the latter, in cooperation with the Austrian Ministry of Justice and with the financial support of the European Commission, compiled a "Master plan for the Pre-trial Detention System in Albania". This document aims to set up a well - functioning pre-trial detention system in Albania pursuant to the highest standards. The construction of 12 pre-detention centers throughout the country, is part of this master plan.

The Council of Ministers in the Republic of Albania approved the ownership of the Ministry of Justice over different territories which will be utilized for the construction of the pre-trial detention centers in the districts of Elbasan, Berat, Vlora, Konca, Lezha, Fieri and Durres. It's not yet selected a territory for the construction of the new pre-trial detention center in Vlora, which is to start by August 2006 and accomplished within a period of 12 months.

According to a Council of Ministers' Decision (no. 163, dated 21.03.2006), the Ministry of Justice is held responsible for the adoption of a building in the city of Durres, which will serve as a pre-detention center for the detainees of Durres Police Commissariat. Actually, the building is under the supervision of the Ministry of the Interiors. By July 2007 this institution will start operating in full capacity. More than ½ of the general nationwide number of detainees, will be supervised of the Ministry of Justice.

• **Maltreatment**

The General Department of Prisons has not provoked unreasonable use of force. In any case, the use of force is applied in conformity with the domestic and international norms and recommendations. The department will take all necessary measures in order to investigate and bring before justice all those staff members that will apply the excessive use of force toward the prisoners and detainees. Disciplinary measures or criminal proceedings will be carried out when cases of torture or ill-treatment are suspected. The General Department of Prisons will pay a special attention to the supervision of the rules applied in order to assure that the use of force is in conformity with concrete situations. To improve the quality of the work done by the prison staff and to assure respect for human rights, we have supported and closely cooperated with different organizations aiming to train the staff.

Concerning the incident of December 2003 in Kruja prison, no criminal proceeding was conducted against the perpetrators of violence use. However, the Director of Kruja Prison at the time, is now transferred to a lower position.

• **About the transfer of the persons sentenced by a final decision to the penitentiary institutions**

To tackle this problem, the Ministry of Justice has taken all necessary steps. By a special order (no. 3768/1, date 10.05.2006), the Minister of Justice asked the General Prisons Department that in cooperation with other competent state authorities, carry out the transfer and accommodation of sentenced persons in prisons, after all legal procedures for the execution of the court decision are accomplished. The General Prisons Department has taken all the necessary measures to execute the immediate transfer of the prisoners to the penitentiary institutions, after the relevant legal documents have been completed.

• **Conditions for the treatment of the prisoners**

In a long term project, after the extension of the establishments for sheltering the inmates, the aim is to reduce the number of persons that stay inside a cell, bearing in mind that each inmate will have 4m² space. Actually there is no lack of beds in prisons. For Vlora pre-detention center, this problem will be solved within the year 2006, with the accomplishment of the project. All necessary measures have been taken, and the supply of the inmates with water and other personal hygiene means is in process. The installation of the central heating system has been accomplished in Tepelena prison. In those institutions where the lack of a proper heating system is evident, new funds will be required, in order to improve them.

- **Food norm**

In order to protect the inmate's health, the General Directorate of Prisons in cooperation with the Institute of Public Health have accomplished a study on the new food norm for the inmates. The improved food norm, which is more nutritive in comparison with the previous one, will start by the beginning of year 2007.

- **Airing**

Our legislation provides for the airing of the inmates. In despite of the difficulties like insufficient staff members and lack of funds, the General Department of Prisons, has taken all necessary measures in order to allow an every day airing for the inmates in all penitentiary institutions. An airing space for the remands is planned to be constructed in the pre-detention prison in Str. "Jordan Misja", Tirana by the year 2007. At the same time, social, cultural and sportive activities are intensified.

In some institutions, the airing time has been sufficient (e.g the prison in Str. "Ali Demi", Tirana, has an open area, so the airing time can reach a few hours a day). The situation appears to be different in other penitentiary institutions, because of overcrowding of these institutions.

After the construction of establishments for the treatment of the inmates, as well as with the application of the new organizational measures, the every day airing of the inmates will be improved.

- **Programs for the inmates**

The treatment of the inmates will aim at their education and re-integration in the society. The programs will be full of social, cultural and educational activities in order to restore the respect for themselves, to develop their personal responsibility and to prepare them for their freedom. The education office in the General Department of Prisons has been charged with the duty to review the programs which aim at the participation of the inmates in collective, cultural and sportive activities and to draw up a plan for the education of the minors. This work is to be accomplished within June 2006.

- **Programs regarding the treatment of the life imprisonment inmates**

The General Directorate of Prison Administration will take all the necessary measures in order that the life imprisonment inmates enjoy special treatment programs, including educational, sportive and recreative activities. At present, the Ministry of Justice is preparing a normative act on the prisoners' job opportunities, and the long-time inmates will be treated with precedence.

The great number of life imprisonment prisoners, the insufficient number of staff members and the over population of penitentiary institutions, make the treatment of the prisoners more difficult. However, the aim is to encourage their participation in many collective activities, as well as to improve their living conditions and treatment. With regard to the transfer of an inmate to a common security prison, the General Department of Prisons will take all the necessary measures in order that prisoners, who have suffered part of their confinement, and possibilities of their rehabilitation are evident, be transferred to a common security prison. The General Department of Prisons will help them prepare and present to the court all the relevant documents.

• **Education of the minors in Tirana-Vaqarr prison**

In continuation of the cooperation programme with UNICEF, we agreed that soon with start the work for training of the staff in contact with minors, for the improvement of material conditions in the classrooms of the institution and the equipment of the library, aiming the improvement of the quality of educational activities.

Also, through the orders of Prison Directorate nr. 3738 and 3739, dated 17 May 2006, for the “Division of minors section from of the Vaqarr prison” and for the “Establishment of separate place for the young offenders between 18 – 21” in all the prisons, concrete measures are taken to avoid contacts with adults offenders.

• **Information about the rehabilitation of the minors**

The Ministry of Justice regards of prior importance setting up a new rehabilitation institute for children. Because of the inconvenient geographical allocation of a building chosen for this reason in the city of Progradec, and after consultations with UNICEF and other interested subjects, another one which is thought as more appropriate, is selected in Kavaja. At present, we are preparing the necessary documentation needed for the transfer of this property under the ownership of the Ministry of Justice.

• **No minors are kept in the pre-detention prison in Str “Mine Peza”, Tirana**

The General Department of Prisons has taken all the necessary measures not to shelter minors in the pre-detention prison in Str. “Mine Peza”. They are treated in a special department inside the pre-detention prison in Str. “Jordan Misja”, Tirana.

• **Treatment conditions in Kruja Special Institution**

Since appropriate measures were undertaken, the water supply service in Kruja Prison is improved. Part from the funds for the year 2007 is previewed to be spent for the renovation of shower and toilette facilities. Also appropriate measures will be taken in order to improve hygienic conditions in the establishment.

- **Information about the special institution responsible for the treatment of persons “under medical sanctions”**

The establishment of a special institution dealing with the treatment of persons “under medical sanctions” is of relevant importance regarding this community. In the above mentioned Council of Minister’s Decision (no 163, dated 21.03.2006) the Albanian government has provided for funds in order to adapt a building in Durres (under the administration of the Ministry of Justice) for the accommodation and the rehabilitation of this community. The institution is expected to be ready to operate before July 2007. According to law, and a common regulation of the Ministry of Justice and the Ministry of Public Health, the Ministry of Justice will be held responsible for the security of this building.

In accordance with Law (No 8092 dated 21.03.2006) “on Mental Health” and the “Common Order” (No 146, dated 20.04.2004) of the Ministry of Justice and Ministry of Public Health, norms to guarantee the rights of persons with mental disturbances, treated in psychiatry ward, as well as rules to guarantee the security of the building where persons “under medical sanctions” will be treated, are to be drafted.

- **Improving treatment conditions in Prisons Hospital**

The food quality in this institution is of the same quality as the food served to the patients under medical treatment in the University Hospital Complex “Mother Teresa”. The General Department of Prisons has taken measures to improve the hygienic situation in the toilettes of the Prisons Hospital.

- **Airing and other activities regarding patients of the Prisons Hospital**

The General Department of Prisons has taken measures to guarantee, that all patients, whose conditions allow an every day airing do so 1 hour a day. It is somehow difficult to develop activities in this institution because of lack of place, but measures to create a procreative space in order to develop therapeutic programs are to be taken.

- **Medical Treatment of the Prisons’ Hospital patients**

The persons “under medical sanctions”, due to lack of proper institutions to treat them, are accommodated inside the Prisons’ Hospital, where other detainees, suffering from different diseases are held under medical care. According to law, the Ministry of Public Health is held responsible for the medical treatment of persons “under medical sanctions”, while in practice the General Department of Prisons, which actually obtains very limited infrastructure capacities (like accommodation, medical staff, infrastructure, medical examinations) is held responsible for the treatment of this community. The psychologists of this institution are drafting new professional projects for the individual treatment of the patients throughout which they’ll be able to identify their problems, their psychological state of being, and assure their treatment by indicators (deadlines). Also procreative and sport activities are previewed for these patients.

- **Reviewal of court decisions regarding “medical sanctions”**

In order to guarantee the respect for the rights of the persons “under medical sanctions” the Ministry of Justice has brought to the attention of the High Council of Justice that law requirements regarding court decisions (like the decisions fixing medical sanctions) which limit human rights, must be reviewed from the courts.

- **Medical service in Kruja Prison**

It is very difficult to resolve the vacancies for psychiatrists in Kruja Prison. The main reasons for this problem are the lack of financial motivation, the relatively distant establishing of this institution from urban areas. An improved financial treatment taking place by the year 2007, will help to obtain a more qualified medical personnel and a professional psychiatric service. The General Department of Prisons has taken all necessary measures in order to avoid lack of medicaments in the institution.

All prisons have full time psychologists and educators, but the overcrowding of prisons make their work very difficult.

Also a 24 hours nurse service operates in Tepelena Prison.

Further medical staff and nurses will be employed by the year 2007, in the Pre-detention Institution, Str. “Jordan Misja”.

- **Improving conditions in dispensaries**

A special fund is designed to buy (by the year 2007) necessary tools for medical assistance (in order to offer better services), and to improve the hygiene. Actually there is water supply in the dentist room of Vaqarri Prison.

- **About medical examination of prisoners**

With regard to the requirements subject to CPT Recommendations on the medical examination of prisoners and the professional quality of this service, a working group made of specialists of the General Department of Prisons is working to identify the problems and recommend strategies to improve the situation. In the pre-detention buildings in Str. “Jordan Misja”, and Str. “Mine Peza”, Tirana appropriate measures have been taken to systematize the medical data of each pre-detainee.

- **Treatment of prisoners suffering from serious health diseases**

For prisoners suffering from serious health diseases, it is required to transfer them into the Prisons Hospital, which in collaboration with “Mother Theresa” Hospital, will offer them specialized medical treatment. Depending on their improved health conditions they will be sent back to their establishment.

- **The confidentiality regarding prisoner's medical examination**

The General Department of Prisons has taken all necessary measures in order to assure confidentiality during the patient medical examination, avoiding the presence of the police officer. Generally the security police in uniform escorts the prisoner to the place of medical examination, but his presence is not allowed while medical check examination is carried out, except for the serious security danger.

- **Storing medical data regarding the prisoner patients**

The General Department of Prisons has taken all necessary measures in order to assure confidentiality while dealing with prisoners medical data.

- **The doctor's professional independence**

The General Department of Prisons will take all necessary measures to assure that the medical staff working in prisons performs their duties independently, in accordance with their ethical norms, without internal or external influences.

- **Intangibility of prisoners' correspondence**

The intangibility of prisoners' correspondence is guaranteed. The General Department of Prisons is taking all necessary measures to create favorable conditions for the prisoners to have an confidential and intangible correspondence.

- **Reply to comments**

Measures are undertaken in order to store (in records designed for this reason) the cases when isolating or restricting tools are used in the Prisons Hospital. Due to noticed lack of medical staff, by the year 2007 new staff will join (three specialists, a doctor, a psychiatric assistant, a psychologist) the Prisons' Hospital. By the year 2007, new funds will be required to open a laboratory capable to offer basic pre-clinic tests.

The prisoners held in isolation are allowed to take 1 hour per day airing, but separately from the other prisoners.

The General Department of Prisons will take all necessary measures to assure that prisoners held in isolation have the opportunity to read during the execution of isolation.

The General Department of Prisons will take all the necessary measures to unify the practice of disciplinary measure of isolation, so that the isolated prisoner will receive a copy of the decision on the issuing of the isolation measure, accompanied with a reasoning of the decision and the rule of the appeal procedure.

The General Department of Prisons has taken all the measures in order to record all cases when isolation or restriction tools will be applied in Vaqar and Tepelena prisons.

According to the new regulation on the Pre-detention System issued by the Minister of Justice, the detainees enjoy the right to meet with their family members 4 times a month. The same regime is provided for in the recent draft regulation regarding prison system.

We confirm that the “airing areas” in Vaqari Prison are not in use.

One of the isolation rooms in Kruja Prison is not permitted to be used, because it does not satisfy the conditions provided for proper natural and artificial lighting.

To the above, we express the full commitment of the Ministry of Justice to further improve the respect for prisoner’s human rights as well as their treatment due to their personal integrity.

**ANSWERS AND COMMENTS OF THE GENERAL PROSECUTOR'S OFFICE
REGARDING THE RECOMMENDATIONS OF
THE EUROPEAN COMMITTEE FOR PREVENTION OF TORTURE**

The General Prosecutor's Office has seriously assessed the comments and recommendations of the Committee for the Prevention of Torture (CPT) submitted in its report 2005 regarding the work of the prosecution office.

The General Prosecutor's office basically agree with the comments and concerns presented by the CPT delegation, but at the same time it brings to the attention of the Committee the commitment of the Prosecution Office to apply the standards set out in the European Convention for the Prevention of Torture and other Degrading or Inhuman Treatment or Punishment.

1. The prosecutors have supervised the work done by the police officers during preliminary investigations, considering with special attention the issue of respect for the rights of the persons against whom criminal proceedings are conducted.

The General Prosecutor, taking into consideration the concerns and recommendations of the Committee, has issued instructions for the prosecutors and judicial police officers in order to implement more effectively the standards required in terms of the enforcement of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In this regard the General Prosecutor has issued:

- a. **Directive no 228/1, March 3 2006** "About the Report carried out by CPT". This Directive makes an overview of the situation and problems identified by CPT and gives instructions to the prosecutors and judicial police officers on how to improve their work, in order to prevent cases of ill-treatment of persons deprived of liberty, to encourage these persons to denounce all cases of ill-treatment, and bring before court all those officials responsible for ill-treatment. Also the Directive includes instructions on how to coordinate the work with other institutions responsible for the enforcement of the Convention.
- b. **Circular no 1760/1, June 28th 2005** "Comments and recommendations of the UN Committee Against Torture"
- c. **Order no 72, March 1 2004** "On the execution of criminal decisions and the supervision of prison penalties convictions". The Order among others provides for the obligation of the prosecutors, who monitor the execution of prison penalties to start criminal proceedings if cases of ill-treatment of persons deprived of liberty are met.

2. The prosecutors, by complaints or *ex officio* have started investigations against police officers for ill-treatment of persons deprived of their liberty during hearings into the police commissariats, during arrest by force, or in the re-education institutions. In 2005 and the first three months of the year 2006 criminal proceedings were conducted against 19 persons, 17 of whom were police effectives in the State Police (10 police officers, 6 police agents and 2 police effectives in the re-education institutions). Three of them are tried to courts and convicted, while the criminal proceedings against the other 16 are continuing.

3. With regard to specific cases mentioned in the report we would like to provide You with the following information:

S. Case: All police officers who participated to the arrest of the citizen G. S. were asked by the competent prosecutor about the happening. After that, the prosecutor ordered a confrontation of all police officers with Mr. S., where he declared that none of the police officers had bitten him. The citizen pretended that he was bitten by the citizen A. S., who does not result to have ever served as a police effective. Further investigations were conducted to find the alleged perpetrator. Because it resulted impossible to find the alleged perpetrator, the criminal investigations were suspended and the criminal file is sent to the Internal Inspection Service in the State Police.

L. Case: On the request of the People Advocate the prosecutor ordered medical expertise for the citizen P. L.. The medical expertise (act no 322, dated 04.04.2004) was based on some photos, from which resulted that the health damages caused to the victim, needed more than 9 days of medical treatment. But, the date when the photos were taken could not be proved. In these circumstances the prosecutor ordered the medical examination of the victim (act no 525, dated 05.07.2005) This medical act does not specify any external body harm, or signs of earlier harms on the body of the citizen P. L.. On the other side the citizen did not claim for ill-treatment even though he had the right to do so. By analyzing the facts it results that the citizen P. L. suffered body harms, but it is not proved that it was caused in the police commissariat, or by police officers. In these circumstances (based on art. 328/1.dh of the Albanian Code of Criminal Procedure) the case was dismissed.

**ANSWERS AND COMMENTS OF THE MINISTRY OF HEALTH
REGARDING THE RECOMMENDATIONS OF THE EUROPEAN COMMITTEE
FOR PREVENTION OF TORTURE**

Referring to the recommendations made by CPT report 2005, we would like to submit the following comments:

ILL-TREATMENT

The Ministry of Health shares the opinion that the situation in the psychiatric hospitals regarding ill-treatment of patients by staff call for urgent intervention. This inquietude has been analyzed with great attention during the systematic meetings between the representatives of the ministry of Health and the directors of the psychiatric hospitals/services and during the sessions with the respective staff of the hospitals.

The directories of the psychiatric hospitals are actively following the process concerning the improvement of treatment of patients by staff. In this context, we would like to inform that in the Vlora hospital, is identified one case of ill-treatment and against the responsible person the directory has already taken the disciplinary measure “warning for discharge”.

An working group under the responsibility of the Ministry of Health and with the support from the World Health Organization is working for the preparation of the “Regulation of network services for mental health”. This regulation will include also the determined attitude of the hospital’s directories to fight against the ill-treatment cases of the patients.

PATIENTS’ LIVING CONDITIONS AND TREATMENT

Living conditions

The Ministry of Health has acted and intervened in order to improve the patients’ living conditions in the psychiatric hospitals. In this regard, we would like to mention some measures taken concerning the implementation of the “open door policy”:

- It has been completed the process of awareness of the hospitals’ directors and staff. In the psychiatric hospitals the attention has been orientated towards the implementation of this practice;
- In the hospital of Vlora and Elbasani, the implementation of the open door services in the admission department has broken the taboo of the departure of the patients from the hospital, and we are working to apply this positive experience to the wards of chronically mentally ill persons;
- The Reconstruction of Psychiatry Service of Tirana University Hospital Center “Mother Teresa”, (which is going to be realized soon), will make possible the implementation of the “open door policy”;
- Regarding this practice, are planned staff training as well as reciprocal visits for the exchange of positive experience among the hospitals’ professionals.

The functioning of the admission – hospitalise ward.

All the psychiatric hospitals are working to support and to strengthen the services offered by the admission – hospitalise ward. In particular, the work done until now in this ward has aimed:

- To be orientated towards the short-term hospitalisations. Moreover, during the period January-June 2006, in the Vlora psychiatric hospital are hospitalized 172 persons, from them 84 persons have been hospitalized for an average of 8.4 days, while 80 persons are transferred in other wards and after that, they have left the hospital. During the period 21 March – 31 May 2006, in the Elbasani psychiatric hospital, in this ward results that are treated 22 persons, and all of them were back in home, thus avoiding the hospitalization in the ward for chronically mentally ill persons;
- To better co-ordinate the work with other services of the psychiatric hospital as well as with the network of the community services: with the Community Centers of Mental Health, where they already exist (Tirana, Vlora) or the cabinets of Psychiatry (Elbasan, Shkoder), in order to make them more effective and useful for the community.

The actual functioning conditions of the *Psychiatry Service of Tirana University Hospital Center “Mother Teresa”* render very difficult the division between the functioning of the admissions and functioning of the medical urgency. In this context, we would like to underline that the reconstruction project of the Psychiatry Service offers a good solution to this problem.

The seclusion rooms.

There are no more seclusion rooms at all hospitals and they are transformed into rehabilitation rooms.

The conditions of wards and sanitary units.

Various teams, (composed by representatives of the Ministry of Health and representatives of the relevant directories inside the hospitals) have followed the implementation of the measures taken for the improvement of the hygiene in wards and sanitary units at all hospitals.

For this purpose, it has been putted to the disposal of the *Elbasani hospital*, a fund of 40 million Lek (approximately 400.000 USD) and are in the process:

- The purchasing of tables and chairs for the patients of all wards, the purchasing of kitchen furniture, of laundry furniture as well as the means against the fire;
- The installment of a new furnace;
- Building of environment wall of the hospital;
- Reconstruction of the hospital.

At *Vlora Hospital*, it has been improved the level of hygiene-sanitary of all hospital's premises and are improved the personal hygienic conditions of patients for example: the douches are functioning 24 hours in 24 hours.

The actual conditions of the Psychiatry Service of Tirana University Hospital Center “Mother Teresa” are far from the minimal standards. That was the main reason for planning of an entire reconstruction intervention for all premises of this service.

In parallel with the starting procedures of the implementation of the project, during last months some investments are made in order to facilitate the current difficult situation, for example: there are installed window-panes, there are performed adjustments for maintenance of water system, there are fulfilled the needs of wards for mattresses, sheets and other equipments for patients’ rooms.

For the future development of Psychiatry Service to Shkodra and Elbasani hospitals, which includes the transformation and the improvement of these services, are already prepared the relevant projects.

The project-plan for Shkodra hospital foresees:

- The solution for the regulation of chronically patients in 4 protected houses;
- The transformation of the cabinet of Psychiatry into a community center for mental health.

The project-plan for Elbasani hospital foresees:

- The construction of 2 new houses, and
- The construction of a community center for mental health with beds.

The Ministry of Health is working for activating the necessary financial resources for the implementation of those projects.

The water supply and electrical energy delivery.

The hospitals’ situation regarding the water supply and electrical energy delivery is improved considerably. For example: at Vlora hospital is provided permanent water supply and permanent electricity. The permanent water supply was provided by emplacement of water deposit, while the permanent electricity was provided due to purchase of a new generator.

The equipment with beds, mattresses, sheets and blankets

At all psychiatric hospitals there are enough beds, mattresses, sheets and blankets (for use and in stock) for all patients. So, Vlora hospital is equipped with the necessary quantity of beds, mattresses, sheets and blankets, thus fulfilling the needs of all wards.

Monitoring the patients’ weigh

All the hospitals’ wards are equipped with the weighing-machine, for instance at Vlora hospital are purchased weighing-machines for each wards, thus ensuring the monitoring of the patients’ weigh and its proper documentation in the patient’s clinic dossier.

The patients' eating conditions

In order to ensure patients' nourishment in normal conditions there are taken measures for providing that the wards' canteens (where they exist), are supplied with enough quantity of tables, chairs, plates, glasses and spoons for all patients, and where is possible, the patients are served in their rooms, with the necessary means for this purpose.

For example, at Vlora hospital the canteens of all wards are provided with tables and chairs. Each patient has her/his own chair and they are served in table for 4 persons. The kitchens are supplied with the dishes and the necessary equipments for offering this service.

For improvement of patients' living conditions in this hospital, although are performed many interventions, through the partial or entire reconstruction of special departments, still the conditions in some departments are far from the desired situation, for instance there are big and moisture rooms, which need for new plastering, hydro isolating, flooring ect.

At Psychiatry Service, Tirana University Hospital Center "Mother Teresa", the patients take the meals in their rooms. In this regard, the conditions will be considerably improved due to the entire reconstruction of the premises of Psychiatry Service. The project amounts to 20 million Lek (approximately 200.000 USD) and will start to be implemented soon (it is foreseen at the end of this month). The implementation of the project will improve the situations regarding the services offered, living conditions, hygiene and the food services, the implementation of the vocational therapy and recapture therapy.

Treatment of patients with multiple disabilities.

In general, psychiatric hospitals have concentrated the attention to the treatment of patients with multiple disabilities. The directories of psychiatric hospitals (after having identified) are following the fulfilment of the needs of incontinent patients' with appropriate materials (plastic under sheets for protecting the mattresses, and a reserve stock of mattresses and blankets).

For instance, at Vlora Hospital is ensured the necessary quantity of the facilities for incontinent patients and also is provided the necessary assistance for patients with multiple disabilities, through the establishment of the appropriate premises for moving and eating, and also is offered direct assistance from the hospital's personnel.

Providing the patients with a lockable space for storing their personal belongings.

At all hospitals work is done towards the improvement of patients' living conditions and the respect for their privacy. For instance, at Vlora hospital all patients are provided with sufficient space for storing their personal belongings, through the purchase of dressing-table. Each patient has her/his own dressing-table. Also, in other hospitals a number of patients are provided with dressing-table, but not all of them do have this chance.

PATIENT'S TREATMENT

The implementation of rehabilitation programmes.

All psychiatric hospitals consider very important the establishment of the conditions for implementation of rehabilitation programmes and also the process of the strengthening and widening of the experience acquired from the implementation in practice of these programmes.

For instance, at Elbasani Hospital:

- is continuing the use of occupational therapy in daily center with daily patients' groups, under the care of the rehabilitation team;
- 10 female patients are selected and are accommodated into a protected house, out of the hospital's premises;
- are encouraged the social relations out of the hospital, through the arrival at the hospital of different groups of students, or other persons, in order to create an agreeably atmosphere for the patients;
- patients are profiting from the establishment of a small garden-house in the premises of the hospital.

At Psychiatry Service of Shkodra, is implemented not only the promotion of the social relations out of the hospital, but also is implemented the exchange of the patients' groups, between the ward and the guarded house "Mimoza".

At Vlora hospital, are multiplied the patient's activity and the games, such as chess, cards, dominoes ect. We would like to mention as well that the work for the establishment of the volley-ball court is under way.

By the Psychiatry Service, Tirana University Hospital Center « Mother Teresa » importance is attached to the application of the occupational therapy, even if in the conditions of the material base are at minimal standards and the inappropriate physical circumstances. A group of specialists have already prepared plans for individual patients and also for group of patients. This experience has become wider and is serving as a preparatory phase for the exit of the patients from the hospital towards the protected house or the commune centers.

The monitoring of the medicaments' administration.

All the hospitals have attached particular importance to monitor the administration way of medicaments, in order to improve the current situation.

For instance: *The Vlora hospital has changed the way of providing the patients with medicaments: for each patient the respective medicaments is prepared in small and special packages, where is noticed the name of the patient and the way of medicaments' application.*

The cooperation with the general hospital concerning the somatic needs of the patient.

Relations with the general hospital are continuously improved, thus making possible that the majority part of the cases where is necessary the concilium from other specialist are treated accordingly.

PSYCHIATRIC SERVICE STAFF

The situation regarding the multidisciplinary treatment is improved. In this regard, we would like to mention that in order to better offer the *multidisciplinary treatment*, actually one social-worker and the psychologist are included to the hospital/Psychiatric Service personnel.

The Hospital Department in the Ministry of Health has identified as its imminent objective to reorganize the work of those professionals, to braid the experience with the implementation of the cotemporary procedures.

The improvement of the professionalism by the doctors/nurses personnel.

The Ministry of Health with the cooperation and assistance of the World Health Organization, has already organized many training activities for doctors/nurses staff working in the mental health field. It intends to organize such activities also in the future.

In this context, we would like to mention that from June 2005 until now, all the doctors of the Vlora, Elbasani and Shkodra hospitals have already participated in trainings seminars for mental health. Also:

- a) 10 doctors from the Psychiatric Service, Tirana University Hospital Center and all other ambulatory psychiatric doctors of Tirana have profited form this trainings;
- b) Almost 35 nurses coming from Elbasani, 10 nurses coming from Vlora and 5 coming from Shkodra and 10 coming from Tirana are involved in trainings seminars for mental health.

The Ministry of Health has considered as very important the continuous training with regard to the doctors/nurses staff, as a very serious objective that should be resolved appropriately. Thus the neuro-psychiatry department in *Tirana University Hospital Center « Mother Teresa »* in Tirana is working to construct an action plan with the aim to apply this important element. The drafting of the specific curricula and modalities in this regard are under process.

THE RESTRICTIONS AND ISOLATION MEANS

In this regard, we would like to inform that in the hospitals in our country there exist no more isolation rooms that turned to function with the aim of re-education room.

The involuntary hospitalisation

The Ministry of Health in collaboration with the Ministry of Justice, concerning to the implementation of the law « On mental health » has established a working group in order to find out a solution to this problem. Thus after having several meetings with the working group even other meetings with the experts of the area concerned, is enabled the realization of an important step relating to the practice of the involuntary hospitalisation.

Enclosed herewith the report you will find the order of the Minister on the involuntary hospitalisation and the respective application forms.

Thus for your information through the assistance of the psychiatrists doctors, in *Tirana University Hospital Center* « Mother Teresa » we have collected this data:

- At Elbasani hospital there are 14 cases evidenced as involuntary hospitalisation that have been sent to the court;
- At Vlora hospital have been evidenced 5 similar cases;
- At the psychiatric service of Shkodra hospital are evidenced 9 similar cases;
- At the psychiatric service of *Tirana University Hospital Center* are evidenced 9 similar cases.

As regards to the new practice of the involuntary hospitalisations have been established the new structures and the proper procedures to delegate to the court the cases of involuntary hospitalisation.

As well is accomplished the identification of the number of chronicle patients who are placed in the psychiatric hospitals because of lack of services and the lack of the appropriate alternatives in the actual health system of our country. Thus, results that:

- In the hospital of Elbasan have been evidenced 184 of chronicle patients,
- In the hospital of Vlora there are 168 patients;
- In the psychiatric service of Shkodra hospital there are 41 patients;
- In the psychiatric service of *Tirana University Hospital Center* there are 22 patients.

Is identified the number of the patients suffering from the mental backwardness, who stay in the psychiatric hospitals because of lack of appropriate structures for their stabilization.

- In the hospital of Elbasan there are 66 cases of such patients
- In the hospital of Vlora there are 36 cases of such patients

The Ministry of Health in collaboration with the Ministry of Labour, Social Affairs and Equal Opportunities is taking all the necessary measures to find a solution through establishing the residences and houses aiming to systemize the patients with mental problems meanwhile are taking concrete measures and are following the improvement of the conditions in hospitals.

THE EXIT OUT OF THE HOSPITAL

The revision of the law based on the recommendations of CPT.

Considering the requirements according to the law “On mental health”, the new draft regulation on the services of mental health provides as well the procedures for their movement out of the hospitals.

THE ACCOMMODATION IN THE HOSPITAL

How are informed the patients and their familiars about the place and the structures to submit their complaints, and what are the procedures followed?

The Ministry of Health is working to inform all the department directors in order to guarantee and respect the patients’ right and their familiars for information.

Thus in the *hospital of Vlora* is produced an informing pamphlet for the patients (and their familiars) since at the moment they are placed in the hospital, giving information on the services offered by the hospital and the rights of the patients. In order to ensure that the patients and their familiars have the chance to express their opinion on the experience they have had during their stay, is placed to each remand a gathering box for the complaints and requests of the patients. The hospital department has established a respective commission for their examination.

THE PSYCHIATRIC SERVICE IN TIRANA UNIVERSITY HOSPITAL CENTER.

- It is already determined a day per week to apply the complainants to the chief of the service, as an *ad hoc* measure for the facilitation of the patients complaints. All the patients are informed for this new procedure according to their interests.
- It is established a new collaborating process between the Ombudsman and the NGO-s on the protection of human rights, in order to find a strategy for the solution of these problems.
- Also, to this aim is being cooperating with the National Center of the Quality, Security and the Accreditation of the health institutions (with the office on the protection of the patients rights).

The service to this aim is working to active the financial sources for drafting and producing the informing pamphlets, having as objective to find a solution till September 2006.

Considering that the Psychiatric Service Regulation into force, lacks the normative rules relating to this argument, is provided that the draft rule as amended (which will be submitted to the Mental Health Steering Committee within the July 2006) should reflect the obligations of the hospital relating to the respect of the patients’ rights.