



## **Response**

### **of the United Nations Interim Administration Mission in Kosovo (UNMIK) to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Kosovo\***

**from 6 to 16 October 2020**

UNMIK has requested the publication of this response. The report of the CPT on its October 2020 visit to Kosovo\* is set out in document CPT/Inf (2021) 23.

Strasbourg, 23 September 2021

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\* All reference to Kosovo, whether to the territory, institutions or population, in this document shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



*Special Representative  
of the Secretary-General*

7 September 2021

Dear Mr. Mitchell,

With reference to the Agreement signed on 23 August 2004 between UNMIK and the Council of Europe on technical arrangements relating to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I am writing in response to your letter dated 6 April 2021 in which you requested UNMIK to provide a response containing an account of actions taken by the relevant authorities to implement the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment (CPT) recommendations, as well reactions and replies to comments and request for information presented in the CPT report following their visit to Kosovo, from 6 to 16 October 2020.

Please find attached the comments prepared by the Office of Good Governance, Human Rights, Equal Opportunity and Gender Issues in the Office of the Prime Minister of Kosovo.

In submitting the attached, UNMIK underlines that it provides this document only in respect of information pertinent to establishing the actual situation vis-à-vis the joint communication. UNMIK takes note of reference to certain institutions and laws and of language used in various parts of the document submitted by the Kosovo authorities that do not conform to the status-neutral stance of the United Nations. Wherever the language used in comments departs from the status-neutral stance of the United Nations in relation to Kosovo, this language should only be seen as reflecting the views of the Kosovo institutions response to joint communication.

Accordingly, UNMIK, in submitting these comments, does so without prejudice to the status of Kosovo. It provides the information in the spirit of cooperation between UNMIK and the Council of Europe on technical arrangements relating to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in line with UNMIK's mandate under United Nations Security Council resolution 1244 (1999).

Yours sincerely,

Zahir Tanin  
Special Representative of the Secretary General  
Head of UNMIK

Mr. Alan Mitchell  
President of the European Committee for the Prevention of  
Torture and Inhuman or Degrading Treatment or Punishment (CPT)



Republika e Kosovës  
Republika Kosova-Republic of Kosovo  
*Qeveria-Vlada-Government*

*Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister*

Prishtina, 30 July 2021

**Honored Mr. Tanin**

The Prime Minister of the Government of the Republic of Kosovo, Mr. Albin KURTI, on 14 April 2020, has received from You, in the capacity of Special Representative of the Secretary-General and Head of UNMIK, a full confidential report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Committee), on his last visit to Kosovo conducted between 6 and 16 October 2020.

We appreciate the work, commitment and content of the Report, which highlights the measures taken by the relevant authorities in addressing and implementing the recommendations made by the Committee in the previous visits as well as in the recent visit.

The Office for Good Governance within the Office of the Prime Minister, has led and coordinated the process of providing answers and information from relevant institutions on addressing and implementing the findings in the report, drafted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Humiliating (CPT), from the last visit to Kosovo from data 6 and 16 October 2020.

In order for the report to be as substantive and to reflect the real situation, please for your consideration find additional comments and information provided by the relevant Institutions of the Republic of Kosovo.

However, for additional clarifications and information we remain at your disposal.

Dear Mr. Zarif, please accept my highest consideration

Sincerely,  
Ms. Emilia Redzepi

Deputy Prime Minister of Republic of Kosovo

Mr. Zahir Tanin  
Special Representative of the Secretary-General of the United Nations

Relevant information provided by the institution of the Republic of Kosovo on the confidential report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Committee), on his last visit to Kosovo conducted between 6 and 16 October 2020.

Below you will find the answers presented and the required information against each recommendation and request for information

Recommendation 1: *The CPT encourages the relevant authorities to pursue their efforts to combat ill-treatment by the police. A clear message should again be delivered to all police officers that any form of ill-treatment of detained persons, including verbal abuse, is unlawful and will be punished accordingly. Further, it should be reiterated to police officers that no more force than is strictly necessary should be used when effecting an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them.*

Answer: This recommendation has been forwarded to police officers through official letters in the past, but will be forwarded to the Regional Directorates and Detention Centres once again. Regular trainings are also held in police stations by the Training Division in order to respect human rights and fundamental freedoms for detained persons, in order to prevent violations of their rights during the time of arrest or detention in police stations. An official letter will be send to all Police Departments, Regional Police Directorates, Police Stations and Detention Centres where all police officers will be required to strictly observe the legislation in force during the detention, arrest, interviewing of detained persons. It will be requested to strictly follow the relevant legislation, including the Kosovo Police code of ethics, and to ensure that the use of force be done as defined by Administrative Instruction no. 02/2012 on use of force by Police Officers and Administrative Instruction no. 01/2016 on amending and supplementing the Administrative Instruction no. 02/2012 on the use of force by Police Officers.

Recommendation 2: *Steps should also be taken to ensure that when it is deemed necessary to handcuff a person, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary.*

Answer: This issue is regulated by the Regulation on Operations of the Kosovo Police dated 11.04.2017, respectively Article 32 Using of handcuffs and use of security means and Article 33 Security actions and Administrative Instruction no. 02/2012 on the use of force by Police Officers and Administrative Instruction no. 01/2016 on amending and supplementing the Administrative Instruction no. 02/2012 on the use of force by Police Officers. This recommendation will be addressed by the Kosovo Police Training Division, emphasizing the professional handcuffing of trainings held for police officers, police cadets as well as during the re-certification of police officers to raise the level of professionalism.

Recommendation 3: *In addition, it should be made clear to all police officers that the aim of police questioning is to obtain accurate and reliable information in order to discover the truth*

about the matter under investigation, not to obtain a confession from somebody already presumed, in the eyes of the interviewing officers, to be guilty

**Answer:** In addition to the primary legislation, the Kosovo Police has regulated this issue with the Regulation on Operations of the Kosovo Police dated 11.07.2017, namely Chapter IV arrest, police detention and restriction of freedom of movement and in particular Article 26 Rights of the person arrested during interrogation. An official letter will be sent to the Police Departments and Regional Directorates, Police Stations with which police officers will be reminded that the purpose of the interrogation is to obtain accurate and reliable information and to find out the truth about the case under investigation. Thus, to be professional in practice as defined by applicable law.

**Recommendation 4:** The delegation was also informed that the outcome of criminal cases based on criminal reports submitted by the PIK to the prosecutor's office was not communicated to the PIK once the criminal proceedings were terminated. In the CPT's view, the systematic provision of such information to the PIK would serve as an important indicator of the effectiveness of its work and would enable the PIK to adjust and, if necessary, improve its working methods.

**Answer:** There is no answer

**Request for information 5:** the CPT would like to be informed of the outcome of the criminal cases concerning ill-treatment by police officers which were initiated in 2018, 2019 and 2020 on the basis of reports submitted by the PIK and an account of the criminal/disciplinary sanctions imposed on the police officers concerned.

**Answer:** Kosovo Police, for the years 2018-2019-2020, the Directorate for Internal Investigations and Past Verification has reviewed 4 disciplinary cases for ill-treatment; one (1) has returned it to PIK and three (3) have been suspended until the end of the court trial.

#### **POLICE INSPECTORATE OF KOSOVO (PIK)**

PIK for the reporting period (2018, 2019 and 2020) has handled a total of 55 cases of ill-treatment during the exercise of official duty regarding the status of which is explained as follows:

- In 2018, a total of 15 cases were handled; all of them were forwarded to the State Prosecutor's Office (7 cases were forwarded with a special report and 8 with criminal reports).

In 6 cases PIK has feedback from the State Prosecutor's Office regarding the status of the case (2 rejected criminal reports, and 3 rejected reports).

PIK for these cases has recommended the suspension of 10 Kosovo Police employees and for 3 of them has recommended the transfer.

- In 2019, 17 cases were handled, of which 16 cases were forwarded to the State Prosecutor's Office and 1 case is still under investigation (7 cases were forwarded with a special report and 9 with criminal charges).

For 4 cases PIK has feedback from the State Prosecution regarding the status of the case (1 indictment filed, 2 dismissed criminal reports and 1 dismissed report)

PIK for these cases has recommended the suspension of 12 Kosovo Police employees and for 5 of them has recommended the transfer.

- In 2020, 23 cases were handled, of which 20 cases were forwarded to the State Prosecutor's Office and 3 cases are still under investigation (9 cases were forwarded with a special report and 11 with criminal charges).

For 4 cases PIK has feedback from the State Prosecutor's Office regarding the status of the case (1 indictment filed, 1 criminal report dismissed and 2 separate reports dismissed)

PIK for these cases has recommended the suspension of 5 Kosovo Police employees and has arrested four police officers.

**Request for information 6:** *The CPT recommends that all police officers be encouraged to prevent colleagues from ill-treating detained persons and to report, through the appropriate channels, all cases of violence by colleagues. This implies the existence of a clear reporting line as well as the adoption of whistle-blower protective measures (i.e. a framework for the legal protection of individuals who disclose information on ill-treatment and other malpractice).*

**Answer:** This recommendation has been forwarded to the Police Officers through official letters in the past, but will be send to the Regional Directorates and Detention Centres again.

Also in police stations, in addition to the direct way of reporting, there are boxes for information that every police officer can have access to and provide information for any abuse or misuse of official duty. With the changes in the organizational structure of the Kosovo Police at the beginning of 2019, the Kosovo Police established the Integrity Sector within the Professional Standards Division and based on the organizational structure, integrity officers are also foreseen. Kosovo Police has published the plan for strengthening the integrity of the Kosovo Police for 2021-2025. This integrity plan represents an opportunity for the Kosovo Police to develop and implement a comprehensive institutional approach to improving employee performance, reducing acts of misconduct and unprofessional.

In addition, Kosovo Police during 2018 and 2019 has been part of the Project "Advancement of Human Rights in policing in Kosovo" co-financed by the Council of Europe and the European Union and implemented by the Council of Europe. The project has trained twenty-five (25) Police trainers, who subsequently trained approximately 1,000 Kosovo Police officers on human rights, police ethics and prevention of ill-treatment, ranging from police rank to sergeant rank, in addition to the project supported the Kosovo Police (KP) in updating the twelve (12) core human rights curriculum modules, by engaging international consultants to provide technical assistance. With their contribution, the curriculum has been enriched with new theories and training materials, with cases from the jurisprudence of the European Court of Human Rights and with case studies of police practices of European countries as well as a Guide on the Human Rights has been drafted for KP. An official letter will be send to

all Regional Police Directors and Detention Centers so that police officers will heed the recommendation presented.

***Recommendation 7:*** *The CPT recommends that the relevant authorities take the necessary steps to ensure that all persons deprived of their liberty by the police are granted the right to notify a family member or a third person of their choice from the outset of their deprivation of liberty, in line with the relevant legal provisions. Any delay in notification of custody should be approved by the public prosecutor (in compliance with the relevant legislation), should be recorded in writing with the specific reasons therefor and should be applied for the shortest time necessary.*

***Answer:*** Kosovo Police has regulated this issue with the Regulation on Operations in the Kosovo Police dated 11.04.2017, Article 24 Rights of the arrested person, Article 25 Notification of arrest, Article 26 and the rights of the person arrested during the interrogation. The forms of detention Centres are in accordance with the SOP for Detention Centres updated on 01.10.2020. This SOP has defined in detail the forms and actions to be taken. All police officers will be notified with an official letter requesting that the SOP for Detention Centres be fully implemented, as updated on 01.10.2020.

***Recommendation 8:*** *The CPT reiterates its recommendation that the relevant authorities take steps to ensure that all persons detained by the police are granted in practice the right of access to a lawyer (including the right to consult with the lawyer in private) as from the very outset of their deprivation of liberty. To this end, all police officers should be reminded of the relevant legal provisions, including the new Standard Operating Procedure on the Functioning of Detention Centres.*

***Answer:*** In addition to the Code of the Penal Procedure, the Kosovo Police has regulated this issue with the Regulation on Operations of the Kosovo Police, namely Article 26 Rights of the arrested person during interrogation. By an official letter, Kosovo Police will require to all police officers to implement the relevant legal provisions, including the new Standard Operating Procedure for Detention Centres in the Kosovo Police.

***Recommendation 9:*** *The CPT reiterates its recommendation that the relevant authorities take steps to ensure that the right of access to a lawyer is guaranteed by the legislation to all persons deprived of their liberty by the police (irrespective of their precise legal status), as from the outset of the deprivation of liberty.*

***Answer:*** Police officers are obliged to implement the relevant legal provisions, including the new Standard Operating Procedure for Detention Centres in the Kosovo Police. More precisely, point D, 1.17 which is determined according to the Criminal Code of Procedure (Article 166 par.3) A person arrested or detained in the Detention Centre has the right of confidential communication with his / her lawyer and that orally and in writing. Communication between the detained person and his / her lawyer can be observed, but not heard by the police officers. The right of access to a lawyer is set also on the form and the detainee signs the form after adequate notification. By an official letter, Kosovo Police will require all police officers to implement the relevant legal provisions, including the new Standard Operating Procedure for Detention Centres in the Kosovo Police.

**Recommendation 10:** *The CPT once again calls upon the relevant authorities to ensure that all medical examinations of persons deprived of their liberty by the police are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of police officers. To this end, all police officers should be reminded of the relevant provisions of the new Standard Operating Procedure on the Functioning of the Detention Centres.*

**Answer:** This issue is regulated by the SOP for Detention Centres in Kosovo Police. An official letter will be distributed to all Regional Police Directorates and Police Detention Centres that the actions of all police officers regarding the recommendation submitted by the CPT be in accordance with the Criminal Code of Procedure, the Rules of Operation of the Kosovo Police and the SOP for Detention Centres.

**Recommendation 11:** *The CPT recommends that the relevant authorities take steps to ensure that the right to access to a doctor is guaranteed by the legislation to all persons deprived of their liberty by the police (irrespective of their precise legal status), as from the outset of the deprivation of liberty.*

**Answer:** Legislation in force such as the Criminal Code of Procedure, the Law on Kosovo Police, Regulation on Operations in the Kosovo Police have regulated this recommendation and has also been incorporated in the SOP for Detention Centres in Kosovo Police. An official letter will be distributed to all Regional Police Directorates and Police Detention Centres that the actions of all police officers regarding the recommendation submitted by the CPT be in accordance with the Criminal Code of Procedure, the Rules of Operation of the Kosovo Police and the SOP for Detention Centres.

**Recommendation 12:** *The CPT calls upon the relevant authorities to take appropriate steps to ensure that all persons detained by the police – for whatever reason – are fully informed of their fundamental rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by the provision of clear oral information at the very outset, and supplemented at the earliest opportunity (that is, immediately upon the arrival of the persons concerned on police premises) by the provision of an information sheet (to be available in appropriate languages) on the rights of detained persons. The persons concerned should be asked to sign a statement attesting that they have been informed of their rights and be allowed to keep a copy of the information sheet.*

**Answer:** This issue is regulated by the Criminal Code of Procedure, the Law on Kosovo Police and the Regulation on Operations in the Kosovo Police. This recommendation is also incorporated in the SOP for Detention Centres in the KP approved on 01.10.2020. in the Additional Annex "D" the rights of detainees.

Also in each detention centre there are complaint boxes for arrested and detained persons. The complaint box is accessible by the Mechanism for the Prevention of Torture.



Detained persons/arrested by the Police are offered the basic form (the rights of the detained, arrested person) with their rights guaranteed by the legislation in force. These rights are read by the parties in the form and are also communicated to them orally (in language which they understand); that form is signed by the detained party and the responsible official and a copy is each time given to the party. The file of detained persons in KP detention centres also contains the form with the rights of the detained person, arrested, and it is mandatory to complete it and complete the file. The form has a number of rights which belong to the detained and arrested person and is offered to each party in police custody.

***Recommendation 13:** The CPT recommends that the information sheet should mention the right to access to a doctor of one's own choice.*

***Answer:*** This issue is regulated by the Criminal Code of Procedure, the Law on Kosovo Police and the SOP for Detention Centers in the Kosovo Police. An official letter will be distributed to all Regional Police Directorates and Police Detention Centers that the actions of all police officers regarding the recommendation submitted by the CPT be in accordance with the Criminal Code of Procedure, the Rules of Operation of the Kosovo Police and the SOP for Detention Centers.

***Recommendation 14:** The CPT reiterates its recommendations that steps be taken to ensure that juveniles are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person. The relevant legal provisions should be amended accordingly.*

***Answer:*** The interrogation of juveniles is regulated by the Criminal Code of Procedure, the Juvenile Justice Code (2018), the Regulation on Operations Article 45 Interviews with children, par.1.2 as well as according to the SOP. Police officials will be notified by an official letter that during the treatment of juveniles to fully respect the legal provisions the KCCP, Code of juvenile justice and Law no. 06 / L-084 on child protection. Kosovo Police continuously harmonizes its internal acts whenever there are differences in the primary legislation. Even for this point during the review of normative acts will be sent notification to the unit which drafts the acts of Kosovo Police to take appropriate action by drafting special SOPs for the treatment of juveniles by the Police.

***Recommendation 15:** The CPT recommends that the relevant authorities pursue their efforts to improve conditions of detention in police establishments. In particular, steps should be taken to ensure that:*

- Cells are adequately heated and ventilated and have sufficient lighting (i.e. sufficient to read by, sleeping periods excluded); preferably, cells should enjoy access to natural light;
- Cells are equipped with a call bell;
- All detained persons have access to soap and toilet paper, as well as sanitary towels for female detainees; those held for longer than 24 hours should also be provided with a basic sanitary kit (including a towel, toothpaste and a toothbrush);
- Persons obliged to stay overnight in police custody are provided with clean bedding;

- *In-cell toilets in multiple-occupancy cells are partitioned (preferably to the ceiling)*

**Answer:** Based on this recommendation regarding the improvement of the conditions in the police detention centers, the team of engineers of Department for Managing of Facilities has visited the detention centers in all facilities of the Kosovo Police, and according to the findings of the current situation and in order to make it functional, pre-measures for the renovation of these centers have been compiled, which are specified below, in the comments for the recommendation 16.

**Request for information 16:** *The CPT wishes to receive, in due course, detailed information on the outcome of the review of material conditions in police detention facilities carried out in the context of the Action Plan for 2020, including which police establishments will be refurbished and which will be closed down. In particular, the Committee would like to be informed of the plans concerning Drenas Police Station.*

**Answer:** Kosovo Police/ Department for Support Services, in the framework of the renovation of the detention centers and police stations, has foreseen the renovation of centers at the national level, according to the latest report of Police Inspectorate of Kosovo and recommendations given by them. In addition, remarks that have been ascertained during the inspection of cells by the Engineering Unit - Directorate for Managing of Facilities are taken into consideration while renovating those facilities.

The renovations that are planned to be done in the detention centers are:

- Cell/alert call system in the room of the police officer on duty.
- Systematization of ventilation in those centers where it does not work
- Staining and smoothing depending on the damage in certain places
- Adjust the sewer to avoid the return of wind from the sewer
- Repair of electric lighting where they are damaged
- While in the detention center in Deçan, it is specifically planned to increase the window openings to enable more natural repairs.

Interventions for the renovation of detention centers are foreseen for the following police stations:

Lipjan, Drenas, Peja, Deçan, Kline, Istog, Rahovec, Gjilan, Prizren, Suhareka, Mitrovica, North Mitrovica, Skenderaj

While for part of the ventilation are provided detention centers in these police stations as follows:

Drenasi, Peja, Deçani, Lipjani.

While the roof has been renovated and the detention center in Obiliq has been functionalized.

**Recommendation 17:** *The CPT recommends that steps be taken to ensure that all persons held in a police establishment for 24 hours or more are, as far as possible, offered outdoor exercise on a daily basis.*

Answer: Due to the construction of Detention Center facilities, this recommendation is almost impossible to implement as all detention centers are built nearby police stations or inside police stations and that there is no possibility of such spaces, since all Police Stations are built in city Centers where the mobility of citizens is large and the outside space of Detention Centers / Stations is small. Regarding the creation of spaces for outdoor exercises and fresh air for detained persons, all detention centers will be inspected and an evaluation in the technical aspect for the possibility of creating these spaces will be conducted.

Recommendation 18: *The Committee wishes to emphasise that the need for outdoor exercise areas for detained persons should be taken into account in the design of any new (or newly-refurbished) police detention facilities.*

Answer: Regarding the creation of spaces for outdoor exercises and fresh air for detained persons, all detention centers will be inspected and an evaluation in the technical aspect for the possibility of creating these spaces will be conducted. The actions to be taken regarding the creation of spaces for recreational activities for detainees are clarified as in recommendation 17.

Recommendation 19: *The CPT recommends that the necessary steps be taken to ensure that the relevant provisions of the new SOP on the Functioning of Detention Centres concerning strip-searches of detained persons are effectively implemented in practice in all police establishments. In particular, detained persons who are subjected to a strip-search should not normally be required to remove all their clothes at the same time, e.g. a person should be allowed to remove clothing above the waist and put it back on before removing further clothing.*

Answer: This recommendation is incorporated in the SOP on functioning of Detention Centers in Kosovo Police in Point D-Procedures, par.1.2. This recommendation was timely placed in the SOP on Detention Centers in the Kosovo Police, but also in writing police officers will be notified to strictly implement point D, paragraph 1.2 of the standard operating procedure for detention centers in the Kosovo Police.

Recommendation 20: *The Committee welcomes the current state of affairs and encourages the relevant authorities to take the necessary steps to ensure that, in the future, unaccompanied minors will not be detained in the Centre but rather be accommodated in a social welfare institution.*

Answer: Detention of unaccompanied children is regulated by the Law on Foreigners (article 112). As such, a child may be kept in detention center, only in case of his/her or his/her family best interest, in special facilities separate from those for adults. Detention of children is always as a last resort. The MIA authorities will do their utmost to ensure that also in the future, unaccompanied minor children are not placed in the Center for Foreigners, but that alternative measures are used.

Recommendation 21: *The Committee trusts that the relevant authorities will continue to avoid placing parents with children in the Centre and ensure that when, in an exceptional case, minors are held there with their parents, their stay is limited to the shortest possible period of time.*

Answer: The competent authorities shall do their utmost to ensure that this recommendation of the CPT is regularly implemented

Request for information 22: *The CPT would like to receive updated information on the renovation work carried out as well as on the re-opening of the Centre.*

Answer: MIA is continuously committed to improving the conditions in the Center for the Keeping of Foreigners, repairing any damage caused, especially during the time of the Pandemic.

Recommendation 23: *The CPT encourages the relevant authorities to review the existing security arrangements at Vranidoll Detention Centre with a view to rendering the environment less oppressive and carceral as far as possible.*

Answer: The Kosovo authorities always consider the most humane treatment of detainees in the Center for Foreigners. Their treatment is done in accordance with the legislation in force as well as international human rights standards.

In this regard, DCAM, provides for the provision of training for the security staff of the Center for Foreigners, regarding the treatment as dignified as possible and in accordance with international standards. Trainings for the security staff of the Center, on-going basis.

Recommendation 24: *The CPT recommends that the relevant authorities take steps to ensure that all foreign nationals at Vranidoll Detention Centre are granted access to the unit's communal room throughout the day and that they are provided with a range of recreational activities (including sports), in particular when being held in the Centre for longer periods. To this end, the involvement of external service providers such as charity organisations and/or NGOs should be explored.*

Answer: The Kosovo authorities will be committed to implementing this recommendation.

In this regard, in cooperation with IOM, a professional trainer has been engaged where twice a week he holds sports activities for foreigners accommodated at the Detention Center.

Recommendation 25: *The Committee wishes to stress that foreign nationals should in principle have free access to outdoor exercise throughout the day (i.e. more than two hours per day) and that outdoor exercise areas should be appropriately equipped (such as shelters with protection against inclement weather, etc.)*

Answer: The Kosovo authorities will be committed to implementing this recommendation, being continuously flexible in terms of outdoor activities. As a next step in this direction, is the new Regulation for the Functioning of Detention Center, in which the inclusion of this recommendation can be considered, in order to offer foreigners more opportunities in terms of foreign activities.

**Recommendation 26:** *The CPT recommends that the relevant authorities take steps to further develop the range of activities for children (for instance, by creating a playground in the outdoor area) and to offer educational activities in the case of longer stays.*

**Answer:** The Center has the indoor space for children's games. MIA will consider this recommendation and within budgetary possibilities, or through donors to try to create outdoor spaces with playground for children

**Request for information 27:** *The Committee would like to receive detailed information on the agreement between the Department of Citizenship, Asylum and Migration (DCAM) and the local medical centre, including on the medical screening upon admission*

**Answer:** Currently, medical examinations are done by Family Medicine Centers, despite the fact that we do not have a signed agreement. As follow up actions, the MIA is committed to have an agreement with the Family Medicine Centers, for the provision of medical services in the Detention Center of Foreigners

**Recommendation 28:** *The Committee recommends that the relevant authorities take the necessary steps to ensure that at Vranidoll Detention Centre:*

- *All newly-arrived foreign nationals benefit from a comprehensive medical examination (including screening for transmittable diseases) by a doctor or a fully-qualified nurse reporting to a doctor as soon as possible after their admission. In this connection, particular attention should also be paid to the possible existence of mental disorders and other vulnerabilities (such as traumatic experiences);*

- *The record drawn up after a medical examination of a detainee contains: (i) a full account of objective medical findings based on a thorough examination (supported by a "body chart" for marking traumatic injuries and, preferably, photographs of injuries); (ii) an account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him/her; (iii) the doctor's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings. In addition, the results of every examination, including the above-mentioned statements and the doctor's observations, should be made available to the detainee and his/her lawyer;*

- *An individual medical file is opened without delay – and properly kept – for every newly-arrived foreign national;*

- *Whenever injuries are recorded which are consistent with allegations of ill-treatment by the foreign national (or which, even in the absence of allegations, are indicative of ill-treatment), the information is systematically brought to the attention of the competent prosecutor, regardless of the wishes of the person concerned. The health-care staff should advise detainees of the existence of the reporting obligation and that the forwarding of the report to the relevant authorities is not a substitute for the lodging of a formal complaint.*

**Answer:** All foreigners who arrive at the Center, within 1 hour undergo a medical visit.

Records are kept for all those admitted during the medical examinations, and the individual file is opened for you. Then, according to the doctor's recommendation, if

there is a need for a psychiatrist or specialist treatment, they are sent for specialist examinations to the University Clinical Center of Kosovo.

IOM has also hired a psychiatrist for the Center, as well as two Psychologists who provide services to foreigners on a regular basis.

***Request for information 30:** It is praiseworthy that the DCAM had signed a contract with an interpretation company which provided interpreters in relevant languages whenever needed and that the Centre benefited from the support of the Free Legal Aid Agency with whom a memorandum of understanding was being concluded. The Committee would like to receive updated information on this matter.*

***Answer:** MIA will continue to provide regular interpretation services as well as free legal aid.*

***Request for information 31:** The Committee trusts that the relevant authorities will ensure that the new brochure at Vranidoll Detention Centre will contain relevant information on many of the immigration detainees' right provided for by law. The Committee would like to receive a copy of the final version.*

***Answer:** The new brochure has been finalized. With the assistance of IOM, the brochure has been translated in multiple languages and is being distributed to foreigners.*

***Request for information 32:** The CPT recommends that the complaints procedures be specified in the information sheet/brochure for newly-arrived foreign nationals.*

***Answer:** The complaints procedure is specified by the new brochure in details.*

***Recommendation 33:** The CPT recommends that the relevant authorities take the necessary steps to ensure that all security staff at Vranidoll Detention Centre are provided with appropriate training (including in de-escalation techniques, interpersonal communication and cultural sensitivity). It would also be desirable for some security staff to have relevant language skills.*

***Answer:** MIA will consider this recommendation. MIA has foreseen specific training for the Center's security staff. We will also consider the possibility of offering language courses for these security officers.*

***Recommendation 34:** The Committee recommends that security staff at Vranidoll Detention Centre no longer carry batons in detention areas.*

***Answer:** MIA will consider and implement this recommendation.*

***Recommendation 34:** The CPT invites the relevant authorities to consider extending the possibilities for foreign nationals to have contact with the outside world by allowing them to keep their mobile phones, as is increasingly the practice in various European countries and/or by developing low-cost internet-based communication channels (such as Voice-over-Internet-Protocol).*

***Answer:** MIA will consider this recommendation.*

**Recommendation 35:** *The CPT recommends that the relevant authorities take the necessary steps, including at the legislative level, to ensure that formal disciplinary procedures for Vranidoll Detention Centre are established and implemented in practice. In this connection, for foreign nationals concerned should be entitled to be informed in writing of the charges against them, to be heard in person by the decision-making authority, to call witnesses on their own behalf, to receive a copy of the decision and to appeal to an independent authority against any sanctions imposed. Whenever necessary, use should be made of professional interpretation services. In addition, all disciplinary sanctions should be recorded in the recently established register. Further, health-care staff should be highly attentive to the needs of all detainee's places in solitary confinement and should therefore not only be informed of any placement but also visit the person concerned immediately after the measure has started (and, if the confinement exceeds 24 hours, at least once per day), providing prompt medical assistance, as required.*

**Answer:** Disciplinary procedures against foreigners in the Center are specified in the Regulation for the Functioning of the Center. Detailed records are kept of each disciplinary procedure. Foreigners are informed about their rights.

**Recommendation 36:** *COVID-19: The CPT recommends that the relevant authorities develop a specific and comprehensive strategy for immigration detention. Such a strategy should, inter alia, include awareness-raising on COVID-19 infection prevention at Vranidoll Detention Centre and the methods that will be used to guarantee that the Centre is provided with sufficient quantities of appropriate PPE. Further, steps should be taken to ensure that rapid, easily accessible and free PCR testing is available for every foreign national or staff member, should they develop symptoms suggestive of COVID-19 or be exposed to others suspected of having COVID-19.*

**Answer:** MIA, according to the recommendations of health institutions has provided services and adequate protection to foreigners in the Center. Testing is also done for foreigners whenever is necessary.

The Center has provided sufficient protective equipment for foreigners and the staff of the Center, which are provided by the MIA but also by external donors. MIA will continue to provide the necessary services and equipment to foreigners, as measures against Covid.

**Request for information 37:** *The CPT would like to receive updated information on a new Law on the Kosovo Correctional Service (KCS) that is currently being drafted.*

**Answer:** Ministry of Justice (MoJ), is in the final stage of drafting this law, through which it aims to regulate the field - activity of the Kosovo Correctional Service, special or additional requirements for recruitment, rights and obligations, special rules for career development, professional development according to the ranking system and the transfer of employees.

**Request for information 38:** *The CPT would like to receive more details about the plans to replace Peje/Pec Detention Centre.*

**Answer:** The Kosovo Correctional Service, with the consent of the Ministry of Justice, has started negotiations with the municipality of Peja for the allocation of a new location for the Peja Detention Center. This project is planned to be included in the Strategic Plan of the Ministry of Justice.

**Recommendation 39:** *The CPT encourages the relevant authorities to further develop the initial assessment and classification of sentenced prisoners in the entire prison system and to ensure that the individual sentence planning can be effectively implemented in practice throughout the execution of the prison sentence. Indeed, this will require ensuring the availability of adequately trained staff.*

**Answer:** The Kosovo Correctional Service has started as a pilot project (since 2019) the evaluation and classification of convicts through the evaluation center. The current staff who are engaged in the evaluation of convicts have attended professional training both inside and outside the country for the evaluation of convicts. The evaluation of prisoners is also provided in the draft law of the CSC and the plan is through the relevant unit to perform the evaluation and individual planning of the convicts in general.

**Recommendation 40:** *The CPT calls upon the relevant authorities to pursue their efforts to combat the phenomenon of corruption at Dubrava Prison, as well as in other prison establishments. An effective anti-corruption strategy must include preventive measures, education and the application of appropriate sanctions. In this context, prison staff and officials working within the penitentiary system should receive the clear message that extorting money or other favours from prisoners is unacceptable and will be punished accordingly; this message should be reiterated in an appropriate form, at suitable intervals.*

**Answer:** The senior management of the Dubrava Correctional Center regularly meets with the prisoners, handles their requests and needs directly. It informs prisoners that their rights and benefits shall not be obtained illegally because when convicts meet the legal requirements and behave well, benefits are not denied to them. The suspected officials are constantly under surveillance by the prison security and intelligence department. In addition, for some cases we have initiated investigative procedures in the Kosovo Police in order to investigate abuses in cases where we have suspicions. During this year alone, we have managed to prevent dozens of cases of smuggling inside the Dubrava Correctional Center by both visitors and correctional officers.

**Recommendation 41:** *The CPT recommends that the management of Dubrava Prison and the High Security Prison, as well as that of Mitrovica/Mitrovicë and Pristina Detention Centres, remain constantly vigilant and deliver a clear message to all custodial staff that all forms of ill-treatment, including verbal abuse, are unlawful and will be punished accordingly. Further, it should be reiterated to custodial staff that no more force than is strictly necessary and proportionate should be used to bring an agitated and/or violent prisoner under control and that, once under control, there can be no justification for striking them.*

**Answer:** The management of the mentioned institutions regularly holds regular meetings with the correctional staff in order to increase the level of professional behavior towards prisoners. In addition, in these meetings they are reminded of the



responsibility and consequences in case of non-compliance with the basic principles for the treatment of deprived persons. In addition, the management regularly meets the prisoners in order to directly inform them about the complaints and grievances they may have against the correctional staff.

In any case where there is information or allegations of the use of force by correctional officers against prisoners, appropriate measures are taken in relation to the eventual violation. In the training plan for KCS, at the Kosovo Academy for Public Safety, for the year 2021, a training is planned that will increase the professional capacities of the correctional staff, on human rights and humane treatment of prisoners.

***Recommendation 42:*** *Yards at the High Security Prison should be equipped with shelter against inclement weather.*

***Answer:*** The Kosovo Correctional Service, in the framework of the budget for 2021/22, has provided the necessary budget funds for the installation of shelter equipment against bad weather in the High Security Prison.

***Recommendation 43:*** *The CPT recommends that the relevant authorities take steps to ensure that at Pristina Detention Centre:*

- *The necessary refurbishment is continued so that the establishment is maintained in a good state of repair and is fully operational and safe;*
- *Sanitary annexes in double-occupancy cells are fully partitioned (i.e. from floor to ceiling);*
- *Each cell is equipped with a table and chairs commensurate with the number of prisoners accommodated in the cell;*
- *The upper bunk-beds can be safely used;*
- *The quality of mattresses and blankets provided to prisoners is reviewed;*
- *All prisoners are provided free of charge with essential personal hygiene items and clean bedlinen;*
- *Outdoor exercise yards are equipped with shelter against inclement weather.*

***Answer:*** KCS, in the framework of the annual budget has foreseen, in addition to other centers, the maintenance of DC Prishtina. Finally, renovations of hydro-sanitary joints have been carried out on all three sides of ward "b".

In order to meet the standards required for the Pristina Detention Center, KCS in 2022, has the following priority:

-complete division of sanitary annexes in double cells from floor to ceiling, -each cell to be equipped with a table and one or two chairs depending on the number of prisoners placed there. In this regard, intervention will be made in the adaptation of the stairs for the upper beds of the double rooms so that they can be used safely.

- Detention Center Prishtina, in December 2020, is equipped with new mattresses and blankets, according to standards (anti-fire).

-all prisoners admitted to the Detention Center in Prishtina, are immediately offered a hygienic package with all the necessary elements and a set of sheets, in case they want to have new ones. Sheets are also allowed to be brought from home and cleaned once a week.

Regarding the coverage of the shelter in the walking area, this recommendation will be fulfilled within this year, where the works will be carried out by the technical staff and the prisoners.

***Recommendation 44:** Prisoners should be provided with a minimum of 4 m<sup>2</sup> of living space per person in a multiple-occupancy cells (not counting the area taken up by any in-cell toilet facility). Cells measuring less than 6 m<sup>2</sup> do not constitute suitable prison accommodation and should be taken out of service or enlarged. The CPT recommends that the relevant authorities take the necessary steps to ensure that these principles are effectively implemented in practice at Mitrovica/Mitrovicë Detention Centre. The capacity of the establishment and of the cells should be revised accordingly and any extra beds should be removed from the cells.*

***Answer:** In DC Mitrovica, in order to respect the standards, actions have been taken to reduce the number of prisoners in rooms, in accordance with their space. This recommendation has been met.*

***Recommendation 45:** The CPT recommends that the relevant authorities continue the programme of refurbishment at Dubrava Prison. In particular, steps should be taken as a matter of priority to ensure that:*

- *All premises are maintained in a good state of repair and hygiene, as well as being kept safe;*
- *Prisoners are provided with at least 4 m<sup>2</sup> of living space per person in multiple-occupancy cells;*
- *All prisoners are able to take a hot shower at least twice a week in decent conditions;*
- *Sanitary annexes in double-occupancy cells are fully partitioned (i.e. from floor to ceiling);*
- *Each cell is equipped with a table and chairs commensurate with the number of prisoners accommodated in the cell;*
- *The quality of mattresses and blankets provided to prisoners is reviewed and prisoners are systematically provided with clean bedlinen;*
- *Outdoor exercise yards are equipped with shelter against inclement weather and benches.*

***Answer:** In the Correctional Center in Dubrava, the repair of facilities is done regularly depending on the degree of damage caused to facilities, which works are foreseen in the annual budget planning. In order to improve housing conditions due to some problems with water leakage and outdated infrastructure it was decided that pavilion number 2 be temporarily closed until complete renovation (2021-2022). Regarding the hygiene of the facilities of the Dubra CC, the prisoners are engaged in the maintenance of the hygiene of the common areas, who are also compensated for their engagement in work.*

- *The standard of the necessary space with at least 4m<sup>2</sup> for the placement of prisoners in the Dubrava CC has been met, in the cells with several persons there are a maximum of 4 persons who have sufficient space according to the standards for housing. All common rooms are equipped with static tables and chairs in the room in proportion to the number of prisoners in the room. The sanitary annexes in Dubrava CC in all wards are separated by a wall up to the top and in accordance with the protection of the privacy of the prisoners in the room.*
- *All prisoners take a hot shower during the week, at least twice, while those who are engaged in work, have access to a shower every day.*
- *During this year, in each ward, prisoners are provided with new mattresses and*

blankets as well as sheets, which are cleaned regularly once every two weeks.  
- In the courtyards of most pavilions there are several seats, and it is planned to increase the number of seats and cover those parts with shelters.

All common rooms are equipped with static tables and chairs in the room in proportion to the number of prisoners in the room.

***Recommendation 46:** As observed already during the previous visit, there was insufficient storage space for personal belongings in the cells in all the establishments visited. Inmates either had to purchase additional furniture themselves (usually plastic drawers) or keep their possessions in cardboard boxes or plastic bags under their beds. Steps should be taken to remedy this shortcoming.*

***Answer:** In the Correctional Center in Dubrava, there are three professional workshops where in addition to professional training from carpentry work have the drawers for the needs of prisoners are being produced. We are waiting for the supply of additional material to ensure a sufficient number of drawers for all correctional institutions.*

***Recommendation 47:** Whilst noting the regime activities currently offered to prisoners, the CPT encourages the relevant authorities to step up their efforts to engage more prisoners at Dubrava Prison in work, vocational training, education and sports activities, with a view to ensuring that the potential of the workshops, school, sports hall and the vast grounds inside the secure perimeter of the establishment are fully exploited.*

***Answer:** In Dubrava CC, currently about 330 prisoners are engaged in work; - Secondary education (if not completed at large), gives the opportunity to all who are interested, to attend within the school within the Dubra CC. In addition, professional trainings are offered which can be attended according to the will of the prisoners (adjuster, plumber, bricklayer, electrician, carpenter).*

*- KCS in the last two years has made investments in increasing production capacity such as poultry farms and tree plantations in order to increase the possibility of engaging prisoners in work.*

***Recommendation 48:** The CPT reiterates its recommendation that all prisoners be provided with a comprehensive regime out-of-cell activity, in the light of the above principles. In the CPT's view, the aim should be to ensure that all prisoners (including those on remand) are able to spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association.*

***Answer:** There are daily routines in the prisoners' rooms where the prisoners are informed about all daily activities, including activities outside the room. Correctional institutions provide sufficient conditions, time and space for recreational activities, depending on the season. Also, sports facilities such as fitness, sports field (football), sports activities, for each sports activity are from 2 hours to 5 hours per week, depending on the treatment of the prisoner. From time to time tournaments are organized between prisoners of different wards.*

It is foreseen to make additional investments in professional workshops, schools (computer equipment), tools (cabinets), sports fields, fitness tools, musical instruments, etc.

A number of detainees were hired after the court approved the permit.

***Recommendation 49:*** *The CPT recommends that the psychiatric input at Pristina Detention Centre be increased.*

***Answer:*** There is lack of psychiatrist in general in the country.

The free position for a psychiatrist is always opened. We will increase the number of consultants until the position will be covered. Currently is engaged part time psychiatrist and full time psychologist at this institution.

***Recommendation 50:*** *Prisoners with severe mental disorders should be cared for in a suitable therapeutic environment. As for any other psychiatric patient, their treatment should involve, in addition to appropriate medication and medical care, a wide range of therapeutic, rehabilitative and recreational activities, and should be based on individual treatment plans drawn up for each patient by a multidisciplinary team. In the event that the transfer of the patients concerned to the Forensic Psychiatric Institute in Pristina is not immediately feasible, the CPT reiterates its recommendation that the relevant authorities take steps to review the situation of prisoners from severe mental disorders at Dubrava Prison, with a view to significantly improving the psychiatric treatment provided to them, in the light of the above remarks. This may require the recruitment of staff to provide psycho-social rehabilitative activities and the allocation of suitable premises in which these activities could take place.*

***Answer:*** Based on law for mental health all inmates with mentally health disorder should be treated at public health institutions.

During the imprisonment of inmates, there are cases that until they will be identified, sentenced or finished forensic psychiatric expertise are kept into the prison facilities.

The SOP is describing the way of treatment. The Multi-Disciplinary Teams (MDT) are set up at all institutions composed by medical, correctional and social members staff.

There is need for more occupational therapy conditions and adequate professional staff. To solve this problem, we have increased activities of MDT.

We employed at this institution one psychiatrist and one psychologist full time, now we are in process of employing another one psychologist full time for more support at the institution.

at mid time, we have at all Prison Health Units a psychologist full time employed, psychiatrist part time employed and full time medical doctors and nurses to cover all institutions 24 hours a day with medical team.

Together with Kosovo Correctional Service of Kosovo, we prepared the Project for Institutions for Medical Care for Persons with Special Needs with capacity of 95 persons, including mental disorder persons, persons with vulnerability, drug free units, persons with several chronic disease and geriatric unit.

We hope that Forensic Psychiatric will increase capacity in Pristina and other district as it is planned at Psychiatric planed strategy.

**Recommendation 51:** *In the longer term, the Committee encourages the relevant authorities to increase the capacity of the Forensic Psychiatric Institute in Pristina to ensure that prisoners suffering from severe mental disorders can be transferred there.*

**Answer:** *There is no answer*

**Recommendation 52:** *The CPT encourages the relevant authorities to further develop the programme for the management of prisoners with drug dependence (introducing harm-reduction measures (such as needle-exchange programmes) in all the establishments, and opioid agonist therapy with methadone in Mitrovica/Mitrović Detention Centre).*

**Answer:** For further develop the programme for the management of prisoners with drug dependence (introducing harm-reduction measures (such as needle-exchange programmes) in all the establishments will be reviewed with the independent, professional research. Prison Health Department, has MoU with NGO "Labyrinth" who is dealing with drug addictions.

To star the component of "harm reduction" needle exchange program, we are in the process of doing research from the independent professional organization to identify:

1. Anonymous interview by NGO personal of IDU in prisons by the inmates,
2. Anonymous interview for the medical staff about the knowledge of IDU in the prison by inmates.
3. Anonymous interview for the correctional staff about the knowledge of IDU in the prison by inmates.
4. Review of the last one year, daily repot of Correctional staff about finding used syringes during the search at prisons.
5. Review of the last one year, daily repot of Medical staff about information's for using syringes for IDU during this period.
6. Anonymous interview by NGO personal of IDU in prisons by the inmates that were drug users and are released from the prison.

After managing this research, based on the results, we will take initiative for the project if it will be needed.

The MNMT (methadone Maintenance Program) is developed at all prison health facilities, including Mitrovica Detention Centre.

CSK in cooperation with the Ministry of Health, have drafted a joint project for the treatment of this category of prisoners.

**Recommendation 53:** *The CPT recommends that the relevant authorities take urgent steps to ensure continuity of care for newly-admitted prisoners at Dubrava Prison and Pristina Detention Centre and, where appropriate, in other KCS establishments.*

**Answer:** The measure already taken. Monitoring of implementing the SOP for Prison Health service harmonized with recommendations of CoE.

The Correctional institutions, based on internal rules for the treatment of prisoners, have increased care for newly admitted prisoners and concrete actions are taken for continuous and correct supervision by correctional officers for this category of prisoners.

**Recommendation 54:** *The premises of the hospital unit at Dubrava prison were still not adapted to the needs of physically disabled inmates and the common toilets and showers continued to be*

cleaned by the patients themselves. As stressed in previous reports, such work is highly inappropriate for inmates who are ill. The CPT reiterates its recommendation that these deficiencies be remedied.

**Answer:** Regarding physical disability and elevator for the first floor in DPS was performed the project but it was impossible to be implemented during the pandemic period.

Regarding cleaning within DPS, even that was supported by medical staff was not the best solution. It was difficult to have employed person for such service, even that was tried by Administration of Dubrava Prison. To solve the physical disability and elevator for the first floor in DPS, in cooperation with Kosovo Correctional Service, the project already is done.

For cleaning within DPS, in cooperation with Dubrava Prison Administration are hired healthy inmates to work in DPS and to take responsibility for cleaning, feeding and other supportive services within the stationary.

CSK in budget planning for the coming years, will provide additional budget to address this recommendation.

**Recommendation 55:** *The CPT recommends that the relevant authorities take steps to ensure that the contents of any autopsy reports are shared with the relevant prison management and with the health-care staff, in particular with a view to ascertaining whether there are lessons to be learned as regards operating procedures in respect of future similar episodes.*

**Answer:** There were never sent to the Prison Health Department (PHD) the autopsy report content for the death in custody, even that was required several times for many reasons, including security or the process of investigation. Prison Health Department already addressed the request for another time to send the content of autopsy result. It is out of the PHD responsibility.

Based on article 137, paragraph 7 of Criminal Procedure Code in Kosovo, autopsy report is delivered to the Prosecutor who issued the order for autopsy. Institute of Forensic Medicine does not have the right to give the report to ANY other party (including family members) involved except Prosecutor, but all parties have the right to request it from the Prosecution itself.

**Request for information 56:** *The CPT would like to receive a copy of the autopsy reports concerning the death of two prisoners who died at Dubrava Prison in January and April 2020.*

**Answer:** See comment on recommendation nr 55!

**Recommendation 57:** *The CPT once again recommends that the relevant authorities take the necessary steps to ensure that, in all KCS establishments, all newly-arrived prisoners are subject to systematic TB screening and voluntary testing for HIV and hepatitis B and C.*

**Answer:** Since last report of CPT for the same issues, Prison Health Department has reviewed the SOP, harmonized with Recommendations of CoE, and launched the last one, in use SOP for prison health service.

Regarding TBC screening was done as following:

At the SOP is précised at first medical examination and systematic examination to be implemented the national protocol for TBC. For this reason, is signed MoU with NGO "KEA" for supporting, implementing and monitoring those protocols. This NGO is implementing TBC protocols in the country as well.

For implementing the CPT recommendation, to be sure about the needed use of X-ray at the admission, we started the project of Chest X-ray of every inmate at the admission. This project started on 01.10.2019 until 29.02.2020. during this period was checked by X-ray 1353 inmates from which number no one was detected with TBC. during this project was found that the persons who has indications need to be checked by X-ray but not everyone.

We developed also the information paper for the inmate's rights, responsibilities and health services that they can get into the prisons including, TBC screening, VCT, testing, MMT and other services prescribed at SOP. This information paper is on use, since 02.08.2018. Except the explanation at the first medical consultation, the inmate take this information are with him in the room to have possibility for getting more information's and having always written at his cell.

The same procedures for TBC is ongoing for HIV, HCV&HBV. At admission and during the systematic medical examination they do take the laboratory check according to the indicators. At every prison we have laboratory equipment's for those testing. at the admission the inmates take the information paper to have knowledge about this possibility, except explanation or doing due to the first medical examination. Except indications, admission, once a year, every inmate has systematic visit including laboratory test. everyone who has indications can make any time, HIV, HCV&HBV test and US of liver.

***Recommendation 58:*** *The CPT recommends that the practice of taking photographs of injuries and the use of body charts be introduced in all KCS establishments, in line with the remarks set out by the Committee in its previous visit reports and the requirements laid down in the SOP.*

***Answer:*** Regarding the body injury and the process of evidencing of them, we have taken those measures:

1. We developed the SOP regarding this.
2. We had training with all staff members about the processing it, how to access, write in medical and specific protocol, write the report for further processing, describe it in report, draw in chart body and make the photo of the injury. Every Prison Health unit is equipped with camera and memory to save it and print in the same time.
3. We are monitoring this process permanently.

***Recommendation 59:*** *In several of the injury records seen by the delegation in the establishment visited, the statement made by the prisoner concerned as to the origin of the injuries and the description of injuries were not detailed enough and conclusions to the consistency between the allegations made and the objective medical findings was missing. The CPT recommends that these shortcomings be remedied. In this context, reference is also made to the detailed recommendation in relation to the CPT's visit to Vranidoll Detention Centre concerning the contents of the record drawn up after a medical examination.*

***Answer:*** *There is no answer*

**Recommendation 60:** *The CPT recommends once again that steps be taken to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by the prisoner concerned (or which, even in the absence of an allegation, are clearly indicative of ill-treatment), the record is always brought directly to the attention of the competent prosecutor (regardless of the wishes of the person concerned) who will be in a position to swiftly take the necessary action (including the ordering of an examination by a doctor with recognized forensic training). The health-care staff should advise prisoners of the existence of the reporting obligation and inform them that the forwarding of the report to the relevant authorities is not a substitute for the lodging of a formal complaint.*

**Answer:** Regarding the processing and implementing of the processing of the case of body injury, was performed the training of the staff supported by Office of CoE in Pristina and Office of Ombudsperson, respectively by Mechanism of Prevention of the Torture of this office. All those issues are described at SOP on use. We have to be sure for implementing of this. We will continue and repeat this training again to be refreshed. In such cases, the CSK is obliged and addresses them to the prosecutor's office for further action.

**Recommendation 61:** *The CPT recommends that further steps be taken at Dubrava Prison to ensure that medical confidentiality is fully respected in practice, in compliance with the relevant provisions of the new SOP and the recommendations made by the Committee in previous visit reports.*

**Answer:** The SOP on use do precise this issue. Monitoring of this process will be more frequent and will be repeated the training about those topics connected with medical confidentiality.

Files - medical papers are all enclosed in separate envelopes in order to ensure confidentiality.

**Recommendation 62:** *In the CPT's view, the introduction of dedicated locked letterboxes for requests for medical consultations to which only members of the health-care team have access would further enhance the confidentiality of such requests.*

**Answer:** The complain of the inmates is regulated with the decision of creating the Panel for review of the human and health rights of the inmates. The panel is composed by 3 persons of PHD with mandate of 3 years. The complaint boxes are installed at all PHU. There is just one person, but not from that unit, that has a key of the box. All the complains are discussed and the inmate takes the response about.

The operational rules of the Panel are in place.

Only medical staff have access to these boxes. Therefore, this recommendation is implemented in practice.

**Recommendation 63:** *The CPT encourages the relevant authorities to review the staffing levels of custodial staff at Pristina Detention Centre and to increase them as necessary, duly taking into account any increase in the number of prisoners accommodated in the establishment.*



**Answer:** The Correctional Service is reviewing the regulation on internal organization and depending on the needs and capacities of the Prishtina Detention Center, the number of correctional officers and other adequate units will be provided.

**Recommendation 64:** *The Committee reiterates its recommendation that steps be taken in all Kosovo Correctional Service (KCS) establishments to ensure that pepper spray does not form part of the standard equipment of custodial staff.*

**Answer:** CSK acts is in accordance with applicable law regarding this point.

**Recommendation 65:** *The most severe disciplinary sanction that may be imposed on sentenced prisoners is solitary confinement for up to 15 days. If a prisoner has been sanctioned to disciplinary confinement for a total of more than 15 days in relation to two or more offences, there should be an interruption of several days in the disciplinary confinement. However, Article 104, paragraph 2, of the Law on Execution of Penal Sanctions (LEPS) still provides that in the case of several disciplinary violations, solitary confinement may be imposed for an uninterrupted period of up to 30 days. The CPT recommends that the relevant legislation be amended, in the light of the above considerations.*

**Answer:** The Ministry of Justice is in the drafting phase of the law on the execution of criminal sanctions, where this issue will also be addressed.

**Recommendation 66:** *The CPT reiterates its recommendation that the relevant legal provisions be revised so as to ensure that disciplinary punishment of remand prisoners does not include a total prohibition of family contacts and that any restrictions on family contacts as a form of punishment are applied only when the offence relates to such contacts.*

**Answer:** The Code of Criminal Procedure is in the phase of amendment, and this point will be addressed to the working group.

**Recommendation 67:** *It is a matter of concern that at Mitrovica/Mitrovicë Detention Centre, self-harm continued to be formally regarded as a disciplinary offence and, if committed repeatedly, was punished by solitary confinement. The CPT must once again emphasise that acts of self-harm frequently reflect problems and conditions of a psychological and psychiatric nature and should be approached from a therapeutic rather than a punitive standpoint. Moreover, the practice followed at Mitrovica/Mitrovicë is apparently not in line with the approach adopted by the new SOP on the Prison Health Care Service which provides that all self-harm should be treated as a health issue and that psychological, psychiatric and health measures should be taken to eliminate its causes. The CPT reiterates its recommendation that steps be taken at Mitrovica/Mitrovicë Detention Centre and, where appropriate, in other KCS establishments, to ensure that the above-mentioned precepts are effectively implemented in practice.*

**Answer:** The way of treating self-harm is described at the SOP very well. The implementation in some cases is always a matter. we are monitoring the process any time to be implemented as much as possible. There is no reason to be not implanted in any single unit. Prison Health Department had a discussion with Kosovo Correctional Head Administration to avoid of such cases in general. We have been agreed to monitor together this process at all institutions.

CSK has ordered DC Mitrovica that such practices should be stopped immediately. The issue of self-harm will be addressed on the basis of prison health care standards.

***Recommendation 68:*** *At Mitrovica/Mitrovicë Detention Centre, the copy of the disciplinary decision given to the prisoner concerned did not contain information on the modalities and deadlines for lodging an appeal. At the High Security Prison, the delegation heard a few complaints that the prisoners concerned had received a written copy of the disciplinary decision (which included the relevant information on the possibility to lodge an appeal) only several days after the execution of the disciplinary punishment had started. The CPT recommends that these shortcomings be remedied.*

***Answer:*** The Correctional Service has approved the manual for the use of official forms where the form of the disciplinary decision is foreseen, which also contains the part of the complaint. Therefore, we will take care that all correctional institutions are using the same standard of disciplinary decision form.

***Recommendation 69:*** *The CPT reiterates its recommendation that the relevant authorities take the necessary steps, including at legislative level, to ensure that the following principles are effectively implemented in practice in all KCS establishments:*

- *All prisoners should be entitled to a visit (from families and other relatives) at least one hour every week;*
- *Remand prisoners should be entitled to receive visits and make telephone calls, as well as send and receive correspondence, as a matter of principle, rather than subject to authorization by a judge;*
- *Any refusal in a given case to permit such contacts should be specifically substantiated by the needs of the investigation and be applied for a specified period of time;*
- *Further, "open" visiting arrangements should be the rule and "closed" ones the exception, for all legal categories of prisoners. Any decision to impose closed visits must always be well-founded, reasoned and based on an individual assessment of the potential risk posed by the prisoner.*

***Answer:*** In all correctional institutions, the issue of family visits for convicts is regulated by the internal act of the institution. Whereas, regarding the pre-detainees regarding the visits and telephone calls, this issue has been addressed to the working group for drafting and amending the code of criminal procedure.

***Recommendation 70:*** *The CPT recommends that an information brochure be supplied to all prisoners upon their arrival in a prison, describing in a straightforward manner the main features of the prison's regime, prisoners' rights and duties, complaints procedures, basic legal information, etc. This brochure should be translated into an appropriate range of languages.*

***Answer:*** The CSK will ensure that all correctional facilities are provided with brochures which will be given to all prisoners upon their receipt.

***Recommendation 71:*** *It remains the case that, with the exception of the High Security Prison, there were no dedicated registers for internal complaints, despite the requirement to this end laid*

down by Article 91 of the LEPS. The CPT reiterates its recommendation that this deficiency be remedied.

**Answer:** The Correctional Service has developed a guide to the grievance mechanism and the High Security Prison practice will be applied to all other correctional facilities.

**Recommendation 72:** *At the High Security Prison, the delegation was informed that prisoners whose PCR tests had come back positive had been isolated for some 20 days. The CPT notes in this context that the usual recommended length of medical isolation, depending on the circumstances of the particular case, is between 10 and 14 days.*

**Answer:** Based on this issue, everyone who was positive with RT PCR test was treated in accordance with the guidelines and recommendation of the WHO and national protocol. The insolation without symptoms was just 7 plus 3 days. The person with symptoms and confirmed positive with RT PCR was isolated until next test will be negative or 14 plus 3 days, mean 3 days without symptoms. In the future, if cases will be, will be respected the national protocols of NIPHK.

The vaccination of the inmates more than 65 years is finished. Now is the process of vaccination of the vulnerable persons. The Prison Health Department is trained to perform the vaccination to all inmates and correctional staff into the prison. The medical staff is already vaccinated. The plan for further vaccination is under responsibility of the Committee for Vaccination. PHDF is ready to act immediately after the committee will give vaccines for those persons.

Also, KCS in such cases acts in accordance with medical recommendations at the relevant institution.

**Recommendation 73:** *The CPT recommends that all KCS staff be reminded of the proper use of protective face masks.*

**Answer:** The correctional service has acted and continues to act based on the recommendations of the institute of public health.

**Recommendation 74:** *The CPT encourages the relevant authorities to maintain and further develop the possibility of making Voice-over-Internet-Protocol (VoIP) calls for prisoners.*

**Answer:** The virtual communication system or platform will continue to be applied in correctional institutions.

**Request for information 75:** *The CPT welcomes the fact that a memorandum of understanding has been concluded between the Forensic Psychiatric Institute ("Forensic Institute") and the KCS since the last visit. That said, the delegation was informed by the management of the Forensic Institute that there was still a lack of clarity regarding the Institute's legal status which significantly impeded its proper functioning. The Committee would like to receive the comments of the relevant authorities on this matter.*

**Answer:** *There is no answer*

**Recommendation 76:** *The CPT recommends that the management of the Psychiatric Clinic and the Forensic Institute exercise continuous vigilance and remind staff at regular intervals that any form of ill-treatment of patients, whether physical or verbal, is unlawful and will be sanctioned accordingly. Staff should also be reminded that no more force than is strictly necessary and proportionate should be used to bring an agitated and/or violence patient under control and that, once the patient concerned has been brought under control, there can be no justification for striking him/her.*

**Answer:** our actions in relation to patients where there is a need for physical restrictive measures, force is used in a proportionate manner, taking into account the fact in the therapeutic aspect. Our actions have gone in the direction of preventing these actions and the injuries to be minimal and the staff is regularly given recommendations to use force carefully and not to come to the injury of the patient who needs involuntary treatment.

**Recommendation 77:** *The CPT recommends that an incident register be established and maintained at the Psychiatric Clinic and the Forensic Institute, as well as in other psychiatric establishments.*

**Answer:** we as a Clinic have the incident report which is completed regularly. We have established, incident report and register in each ward and is maintained based on incident occurred

Regarding incidents occurring in a psychiatric or frenzy clinic involving inmates or correctional staff, records of those incidents are kept at the Pristina Detention Center.

**Recommendation 78:** *At the Psychiatric Clinic, conditions were rather poor in the old building, due to the lack of renovation and maintenance (e.g. stained walls, damaged furniture, etc.) Steps should be taken to remedy these deficiencies.*

**Answer:** as Clinic, the requests have been continuous addressed to improve these conditions and according to the plan in April 2020, the directorate of the University Hospital and Clinical Service of Kosovo (UHCSK), had planned a complete renovation of the Psychiatric Clinic, but the same was not realized due to COVID 19 situation and lack of funds, otherwise the Clinic does not have its own funds and does not manage them.

**Recommendation 79:** *The CPT recommends that the relevant authorities take steps to ensure that patients in the Psychiatric Clinic and the Forensic Institute benefit from a more therapeutic environment. To this end, especially in the case of longer stays, patients should be encouraged and supported by staff to personalize their living space and they should be provided with lockable space for their personal belongings.*

**Answer:** this situation is a result of lack of funds to provide proper inventory and therapeutic environment.

**Recommendation 80:** *The CPT recommends that steps be taken at the Forensic Institute to create a dedicated accommodation area for female patients, separated from the one for male*

patients. Further, in view of their vulnerability and special needs, juveniles requiring psychiatric inpatient care should be accommodated separately from adult patients.

*Answer:* There is no answer

**Recommendation 81:** *The CPT recommends that immediate steps be taken to ensure that female and male patients in the Psychiatric Clinic have access to separate showers/bathrooms. Further, steps should be taken to improve the state of repair of the showers/bathrooms in the Clinic.*

*Answer:* this situation is a result of the lack of funds to provide the appropriate access to separate showers/bathrooms

**Recommendation 82:** *The CPT recommends that the relevant authorities take steps to ensure that all patients at the Psychiatric Clinic and the Forensic Institute, as well as in other psychiatric establishments, are effectively able to benefit from access to outdoor areas every day (with appropriate supervision and/or security if required). This also implies that patients should be informed of this possibility. The aim should be to ensure that all patients benefit from unrestricted access to outdoor areas during the day unless treatment activities require them to be present on the ward.*

*Answer:* in the Psychiatry Clinic the garden and the space which is used for the patient, is used under the supervision of the staff, while the garden in the rest of the clinic is shared with the Neurology Clinic and for the regulation of the same we have not been able to secure funding.

We will draw –develop new plan for usage of outdoor areas. New plan will be done with multidisciplinary team and needs of the patients

**Recommendation 83:** *Nurses of the Psychiatric Clinic and the Forensic Institute should be encouraged to interact with patients and establish a therapeutic relationship.*

*Answer:* The Psychiatry Clinic has a small number of nurses during the day shift, while the night shift and the caregiver make it impossible to build a proper therapeutic relationship, so efforts will continue in this direction to meet this necessary standard.

We will establish new approach for these activities. New plan will be done with multidisciplinary team and training of nurse for establishing better therapeutic relationship *with patients.*

**Recommendation 84:** *The CPT considers it to be of crucial importance that staff assigned to security-related tasks in psychiatric establishments be carefully selected and that they receive appropriate training before taking up their duties (including on de-escalation techniques), as well as in-service courses. Further, during the performance of their tasks, they should be closely supervised by – and subject to the authority of – qualified health-care staff. In addition, the Committee has misgivings concerning the involvement of security staff in health-care-related tasks. If such involvement is necessary as a measure of last resort, it should be carefully supervised by a qualified member of the health-care staff.*

**Answer:** Security staff is managed by Private Security Company and the Central Directorate of the University Hospital and Clinical Service of Kosovo. Therefore, it is beyond our competencies as a Clinic to carry out any kind of their training. But the correctional service has continuously trained the correctional staff working in these institutions.

**Recommendation 85:** *The CPT recommends that the relevant authorities take the necessary steps to ensure that, at the Psychiatric Clinic and the Forensic Institute, as well as in all other psychiatric establishments:*

- *Patients' medical history is properly documented in their medical files on the basis of the information obtained during a medical examination carried out on admission;*
- *Individual treatment plans are drawn up for all patients (taking into account the special needs of acute, long-term and forensic patients, including, with respect to the latter, the need to reduce the risk of re-offending), comprising the goals of the treatment, the therapeutic means used and the staff members responsible. The treatment plans should also contain the outcome of a regular review of the patients' mental health condition and a review of their medication. Patients should be involved in the drafting and review of these plans and informed of their therapeutic progress;*
- *A multi-disciplinary approach to the treatment of patients is adopted and that various categories of clinical staff meet regularly in order to share information and discuss patients' needs and therapeutic progress;*
- *A range of therapeutic and psychosocial rehabilitative activities is provided to patients; as a minimum, every patient should be offered the opportunity to participate in one organized activity every day and should be motivated by staff to participate.*

**Answer:** The Psychiatry Clinic will make efforts to continuously meet the standards of completing medical documentation, individual treatment and treatment plan, multidisciplinary approach, while the provision of group activities of a rehabilitative and psychosocial nature is in progress.

We are in the process of drawing draft proposal for the new treatment plan with inclusion of progress of health condition of the patients. Action points: 1. Treatment Progress, 2. Remarks for medication " Clozapine " Blood test, Protocols 3. Multidisciplinary Approach, 4. Participation in psychosocial activities

**Recommendation 86:** *The CPT recommends that the relevant authorities take urgent steps to ensure that reputable clozapine initiation and maintenance protocols are available in all psychiatric establishments. Further, health-care staff should be trained concerning the potentially lethal side effects of such treatment and the importance of carrying out regular blood tests.*

**Answer:** The issuance of protocols belongs to the MoH, otherwise psychiatric establishments are based on internationally recognized protocols from other countries regarding the use of Clozapine. Otherwise so far we have not had any cases with complications from the use of Clozapine and anyway the staff will be trained according to International protocols

Will be set up written protocols for initiation and maintenance. Held informatively meeting, training and set up protocols based on best RU practice for patients with mental problems.

**Recommendation 87:** *The CPT recommends that an immediate end be put to the practice of routinely prescribing psychotropic medication for newly-admitted patients at the Psychiatric Clinic and the Forensic Institute; upon admission, every patient should be thoroughly examined and any medication should be individualized according to the particular situation of the patient and his/her needs. Further, medical prescriptions should be regularly reviewed.*

**Answer:** The description of the therapy is done in accordance with the rules and protocol of the Clinic, but where there are any omissions or difficulties, the Clinic will record in time and eliminate any possible irregularities. The description of therapy on a routine basis is made depending on the drugs available in the Clinic. In our institution we do not prescribe routinely psychotropic medication for newly received patients we prescribe drugs available in our institution).

**Recommendation 88:** *The Committee recommends that the relevant authorities take steps to ensure that, in all psychiatric establishments, newly-arrived patients benefit from a comprehensive physical examination. Reference is made to the relevant recommendation made in relation to Vranidoll Detention Centre.*

**Answer:** *there is no answer*

**Recommendation 89:** *The CPT recommends that the relevant authorities develop a specific and comprehensive strategy which addresses their obligations in response to the COVID-19 pandemic in all psychiatric establishments. Such a strategy should, inter alia, include awareness-raising on COVID-19 infection prevention in such establishments and the methods that will be used by the authorities to guarantee that every establishment is provided with sufficient quantities of appropriate PPE. Further, it should describe how it will be ensured that rapid, easily accessible and free PCR testing is available for every psychiatric patient or staff member of such establishments, should they develop symptoms suggestive of COVID-19 or be exposed to others suspected of having COVID-19. Moreover, staff in all psychiatric hospitals should be instructed to use PPE properly.*

**Answer:** The Pandemic management strategy was made by the Ministry of Health, while we as a Psychiatric Clinic have implemented all the recommendations arising from these levels.

**Recommendation 90:** *In the Psychiatric Clinic, there were two relatively spacious seclusion rooms located in the intensive care ward. Regrettably, they were in a rather poor state of repair (with the glass window being damaged in one room) and they were not equipped with a toilet. Steps should be taken to remedy these shortcomings.*

**Answer:** Psychiatry Clinic, its management has requested their ongoing renovation and since we do not have own funds we hope that those renovations will be done after being approved by the directorate of the University Hospital and Clinical Service of Kosovo (UHCSK).

**Recommendation 91:** *The CPT reiterates its recommendation that the relevant authorities take steps – including by providing training to all staff concerned (doctors, nurses, orderlies) – to*

ensure that at the Psychiatric Clinic and the Forensic Institute, as well as in other psychiatric establishments:

- Specific protocols on the use of means of restraint are issued for psychiatric hospitals (as required under Article 27 of the Law on Mental Health);
- Patients are only subjected to means of restraint (including seclusion) as a measure of last resort to prevent imminent harm to themselves or others and never as a punishment. Restraints should always be used for the shortest possible time. When the emergency situation resulting in the application of restraints ceases to exist, the patient should be released immediately;
- Every resort to means of restraint should always be expressly ordered by a doctor after an individual assessment, or immediately brought to the attention of a doctor with a view to seeking his/her approval;
- If, exceptionally, a patient is subjected to mechanical restraint or seclusion for more than a period of hours, the measure is reviewed by a doctor at frequent intervals;
- Every patient who is subjected to seclusion benefits from continuous supervision by a qualified member of the health-care staff. If patients are held in seclusion, the staff member may be outside the patient's room (or in an adjacent room with a connecting window), provided that the patient can fully see the staff member and the latter can continuously observe and hear the patient. Video surveillance cannot replace continuous staff presence. A written running record (log or journal) should be kept by the supervising staff member, in which the condition of the patient is noted down at regular intervals (e.g. every 30 minutes); this record should be included in the patient's medical file;
- Once seclusion (or mechanical restraint) has been terminated, a debriefing with the patient takes place. For the patient, such a debriefing is an occasion to explain his/her emotions prior to the restraint, which may improve both the patient's own and the staff's understanding of his/her behaviour and express wishes on alternative interventions in the future. For the health-care staff, this will provide an opportunity to explain the rationale behind the measure, and thus reduce the psychological stress of the experience as well as restore the therapeutic relationship;
- All instances of restraint – including physical holding, seclusion and chemical restraint – are recorded in a dedicated restraint register (in addition to the record made in the patient's individual medical file). The entries in the register should include the time at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the doctor who ordered or approved it, the time at which the patient had a debriefing, and an account of any injuries sustained by patients or staff. The keeping of such a register will allow hospital management to monitor the extent of recourse to means of restraint and enable measures to be taken, where appropriate, to reduce their use.

**Answer:** part of the staff is trained for these emergency situations and further training depends on securing funding and support from the highest management levels.

We will review existing restraint protocols and upgrading with the best practices of EU protocols; Provide training for doctor, nurses on restraint EU protocols and adapting with existing Law on Mental Health

**Recommendation 92:** The CPT acknowledges that, in highly exceptional situations, the assistance of the police may be unavoidable. However, in the CPT's view, hospital staff should generally be sufficient in number and able to handle violent situations without recourse to the police, including at night. The Committee recommends that the relevant authorities take the necessary steps to ensure that the presence of ward-based staff is sufficient during all shifts and



that they provide training on de-escalation and restraint techniques to all members of staff concerned in order to avoid interventions by police officers in the hospital (Psychiatric Clinic).

**Answer:** External assistance in this case of the Police is requested only in special cases when there is a risk to the safety of the staff of the Clinic that has been available to physically manage the psychiatric patient. Requests for staffing are ongoing and we expect that in the future this staff will be completed.

**Recommendation 93:** *The CPT urges the relevant authorities to put in place a clear and comprehensive legal framework governing the involuntary placement of a civil nature and involuntary treatment of patients in psychiatric establishments, and to ensure that it is duly implemented in practice in all psychiatric establishments. Reference is made to pages 56-58 of the Committee's report.*

**Answer:** The Psychiatry Clinic is an Institution that implements the laws, but it also contributes to the compilation according to the request of the Ministry of Health.

**Recommendation 94:** *According to the Law on Mental Health, the Government shall adopt a regulation on the procedures and functioning of mental health services in institutions for the execution of penal measures. That said, at the time of the visit such a regulation did not yet exist. The Committee recommends the relevant authorities take the necessary steps to remedy this lacuna.*

**Answer:** *there is no answer*

**Recommendation 95:** *The CPT wishes to stress again that every mandatory review of the measure (i.e. at least every six months) should involve not only a written report by the health-care institution and the opinion of an independent expert (as required by the national legislation), but also a court hearing where the defense lawyer and the patient are heard. The Committee reiterates its recommendation that the relevant practice be modified in the light of the above remarks.*

**Answer:** *there is no answer*

**Recommendation 96:** *Concerning complaints mechanisms, patients may address complaints to the management of the establishment or the Office of the Ombudsperson. However, in both establishments visited, the dedicated complaints boxes seen by the delegation were not properly labelled and not all patients were aware of their purpose and the existing complaints procedures. Moreover, internal complaints were not properly recorded in a dedicated register. These deficiencies should be remedied.*

**Answer:** Complaints box is located at the entrance of the clinic and not always patient also understands the importance and purpose of the possibility of the use of any eventual complaint.

**Recommendation 97:** *The Committee recommends that steps be taken in all psychiatric hospitals to ensure that a brochure or information sheet is systematically provided and explained verbally to newly-admitted patients (and their families), and that patients unable to understand the brochure/information sheets receive appropriate assistance.*

Answer: the issuance of brochures requires special funds which the Psychiatric Clinic does not have.

Recommendation 98: *In Ward C of the Forensic Clinic, patients were only allowed to receive visits or make telephone calls with the authorization of the competent (pre-trial) judge. In this regard, reference is made to the recommendation on the contact with the outside world in relation to prison establishments (page 45 of the report) which applies mutatis mutandis to patients held in the Forensic Institute.*

Answer: In the case of detainees in the forensic clinic, communication with the outside world is carried out on the basis of court permits.

Recommendation 99: *The Committee recommends that the relevant authorities review the total ban on visits to patients in psychiatric hospitals, imposed in response to the COVID-19 pandemic, and take steps to ensure that patients can receive such visits in safe conditions, respectful of requirements for physical distancing and with the use of appropriate PPE.*

Answer: Currently the restriction on family visits for prisoners has been lifted as a result of the improvement of the situation with the covid-19 pandemic and the restrictions or prohibitions on visits have been removed. This always, according to the official recommendations of the Institute of Public Health.

Recommendation 100: *The Committee welcomes the initiative to set up a Task Force to review the whole approach to civil and forensic psychiatry. The Committee would like to receive updated information on the action taken in this regard.*

Answer: *there is no answer*

Request for information 101: *The delegation was informed that, in the context of the ongoing process of de-institutionalization, the authorities had planned to reduce the official capacity of the SSI to 50 beds. The CPT welcomes this development, and it would like to receive updated information on the measures taken in this regard.*

Answer: The number of residents at the Special Institute in Shtime since 2015 is on a downward trend although the demand for housing in residential institutions is increasing. Currently there are 63 in this institution, compared to 2015 where there were 67 beds. This has been made possible as a result of the construction of community-based houses in several other municipalities and by reducing the number of new cases received within the Special Institute in Shtime. The Ministry plans to continue building community houses in other municipalities so that the capacity of the Special Institute in Shtime can be reduced to 50 beds. The Ministry of Finance Labour and Transfer, will continue with the policies of reducing the requests for admission of new cases within the Special Institute in Shtime, except in cases where there is no alternative solution. Construction of community-based houses in municipalities and transfer of residents to these houses will be a priority

**Recommendation 102:** *According to the authorities, a new draft law on the admission and treatment of residents in residential care establishments was being prepared. The Committee wishes to receive updated information on this legislative process.*

**Answer:** As a result of some changes in the management of some of the residential institutions, which with the decentralization process have passed under municipal competence such as community-based houses and changes in the organization and structures at the level of ministries such as the case of merging the Ministry of Labour and Social Welfare within the Ministry of Finance and Transfers and a clearer definition of procedures and advancement of service provision for citizens in need of residential services, it is planned that in 2021 to draft and approve an Administrative Instruction that will regulate and determine the procedures for placement of citizens in residential institutions administered by the central and local level. By December 2021, it is expected that the Administrative Instruction for placement of clients in residential care institutions, which are managed by the central and local level, will be drafted and approved.

**Recommendation 103:** *According to Article 18 of the Law on Mental Health, the organization and provision of mental health care in residential social care institutions shall be determined by a Government regulation, based on a proposal prepared by the Ministry of Health in cooperation with the Ministry of Labour and Social Welfare. However, since the adoption of the law in 2015, no such regulation has been issued. The CPT would like to receive comments of the relevant authorities on this lacuna.*

**Answer:** The Law on Mental Health has obliged the Ministry of Health and the former Ministry of Labour and Social Welfare to draft a regulation that would advance services for this category, but as a result of initiatives to supplement and amend this law, it has not been achieved, to initiate the drafting and approval of the regulation as defined in Article 18. The Ministry will identify the emergency needs for investment, to create the most suitable environment for stay and development of activities for residents and professional staff. Ministry of Finance Labour and Transfer- through the relevant Department will cooperate with the Ministry of Health about the existing initiatives for the preparation of laws and bylaws for this category and will be committed to the obligations set out in this law to begin to be implemented such as the preparation of regulations under Article 18. of the Law for Mental Health.

**Recommendation 104:** *The Committee reiterates its recommendation that efforts be made at the SSI to offer a more personalized environment and living conditions which are conducive to the well-being of residents.*

**Answer:** Every year, the Ministry allocates funds for capital investments, treating with priority the necessary investments that enable access within the internal and external spaces of this institution where the residents are located, but also investments in equipment and certain spaces within facility to create the best environment and conditions for staying and developing activities with residents. The Ministry will identify the emergency needs for investment, to create the most suitable environment for stay and development of activities for residents and professional staff.

**Recommendation 105:** *The CPT encourages the management of the SSI to facilitate residents' daily access to the open air by providing adequate staff assistance for those residents with severe impairments.*

**Answer:** Maximum efforts have been made and the commitments of the professional staff are continuing to enable access to all residents even in the premises outside the wards, such as in the garden and the activities, but the serious health condition of some residents is making it impossible to carry out daily activities. It should also be noted that as a result of the COVID 19 pandemic and the implementation of pandemic protection measures in 2020, daily activities with residents have been reduced. The professional staff will prepare a monthly and daily plan for work and daily activities with residents, as well as providing assistance to residents with severe injuries to use the indoor and outdoor spaces.

**Recommendation 106:** *It is regrettable, despite the fact that a significant number of residents had severely reduced mobility, that there was no physiotherapist. Further, the posts of two nurses, one occupational therapist and one orderly were vacant at the time of the visit. Given the profile of the residents, there was clearly a need for a physiotherapist who would be engaged in rehabilitation work. The CPT recommends that the aforementioned vacancies be filled, and that a physiotherapist be recruited as soon as possible.*

**Answer:** The lack of staff and some professionals in this institution, has affected that some services remain unrealized for the needs of some of the residents. Efforts to recruit staff have continued to be provided by considering the possibility of purchasing services from a non-governmental or private provider due to the impossibility of recruiting a regular physiotherapist within this institution, while as a result of the needs for services and in the absence of regular staff recruitment during the COVID 19 pandemic, the Ministry has engaged support staff and caregivers through the engagement of nurses and medical assistants by the Employment. Jobs that can be filled through regular recruitment will be identified and advertised, and services that can be contracted by the non-governmental or private sector to be offered according to the requirements and needs of residents will be specified.

**Recommendation 107:** *The CPT recommends that the relevant authorities provide staff with suitable professional support and ongoing training (including to avoid burn-out and maintain high standards of care).*

**Answer:** The management of the institution conducts an ongoing monitoring process and provides guidance to all staff engaged in the performance of their duties. Over the past year as a result of the COVID 19 pandemic, constant attention has been paid to the provision of services to residents through the support and motivation of engaged staff and the preservation of their health in the exercise of the profession and the performance of work duties. The Ministry will prepare and implement a training curriculum for professional support, protection of health and safety at work, as well as necessary training in order to be able to continue to fulfil their job duties, always adapting to the specifics and needs of the staff of this institution.

**Recommendation 108:** *The Committee recommends that the relevant authorities take the necessary steps to ensure that a psychiatrist is present at the SSI on a regular basis, according to the residents' needs.*

**Answer:** The Ministry through the contracting of psychiatric services, has hired a Psychiatrist, who is providing these services from the beginning of this year and these services are planned to be provided continuously.

**Recommendation 109:** *A few residents were treated with clozapine, without regular blood tests being taken. The CPT recommends that the relevant authorities take urgent steps to ensure that reputable clozapine initiation and maintenance protocols are available in all psychiatric establishments. Further, health-care staff should be trained concerning the potentially lethal side effects of such treatment and the importance of carrying out regular blood tests.*

**Answer:** Blood samples are now taken regularly for all patients taking Clozapine. These patients have been treated with this preparation for years and earlier blood tests were done sporadically, and the values have always been acceptable. The tests were not done for a while due to not reviewing Psychiatric therapy as a result of the psychiatrist's absence. Also, the management and the medical service will be engaged in the regular implementation of the protocols for the treatment of the patients who take this medicine. Actions will be taken to train health care staff to perform systematic checks by the medical service.

**Recommendation 110:** *In the CPT's view, a care plan should be set up for each resident, indicating the goals of treatment, the therapeutic means used and the staff member responsible. Care plans should be regularly reviewed and adapted based on an in-depth assessment of each resident's physical and mental state and abilities. Health-care staff should be involved in the drawing up and review of the care plans, to ensure a multi-disciplinary approach. Further, residents should as far as possible be involved in the drawing-up of their individual plans and be informed of their progress. The CPT recommends that the relevant authorities take steps to ensure that the above-mentioned precepts are effectively implemented at the SSI. In particular, the offer of psycho-social rehabilitative activities should be significantly increased; as a minimum, every resident should, health permitting, be offered the opportunity to participate in one organized activity every day.*

**Answer:** There are individual plans for some of the residents who are in better health, while psycho-social activities are continuously developed until the pandemic period. The Covid-19 pandemic has affected the reduction of resident activities. The Ministry has started drafting an Administrative Instruction, within which a sub-legal act will be required and the preparation of a resident care plan will be determined. The Ministry will continue with the implementation and advancement of care plans for residents for whom a care plan has been drafted. Preparation of care plan for each resident based on the obligations arising from the Administrative Instruction, which is expected to be drafted and approved by June 2022.

**Recommendation 111:** *The CPT recommends that staff at the SSI be trained on the proper use of PPE.*

**Answer:** The staff is constantly being trained by the doctor and the management of the institution about the treatment and use of anti Covid-19 measures. They are also continuously informed about all the developments and measures taken by the relevant institutions about the COVID-19 pandemic. The Ministry will continue to implement the plan within the preventive measures for COVID-19 always according to the recommendations of the Ministry of Health, the National Institute of Public Health of Kosovo and the WHO.

We will continue training of health personnel and information on the latest developments occurring around the Covid-19 pandemic and the use of protective measures in the prevention of this virus.

**Recommendation 112:** *The Committee reiterates its recommendation that the relevant authorities take steps to ensure that at the SSI, written instructions on the use of means of restraint are elaborated in line with the recommendations made with regard to the Psychiatric Clinic and the Forensic Institute (pages 55-56 of the report) and that a dedicated register for the use of restraints (including chemical restraint) is established.*

**Answer:** The management of the SSI will treat with priority, and engage the health service staff, including the Psychiatrist, that the written instructions for the use of the means of restraint be implemented.

The register for the use of restrictive means was created by the Special Institute in Shtime. The SSI management will take immediate action and work closely with the Psychiatric Clinic and the Forensic Institute on forms for the use of restraint tools and the implementation of these protocols.

**Recommendation 113:** *It was now the practice that all residents who were unable to consent to their placement were notified to the court with a view to appointing a guardian and then be placed in the SSI on the basis of the court's decision. However, residents had not been heard in person by the judge, reportedly because of problems of communication. The CPT wishes to stress that in this context, residents should be given the opportunity to be heard in person by the judge.*

**Answer:** The procedure for placement in the institution is regulated by the administrative instruction 11/2014 for placement of residents, which includes the engagement of the Custodian Body within the Centre for Social Work.

With the Administrative Instruction that is in the process of drafting, this recommendation will be addressed and reviewed as it is possible to implement it more easily in practice. The Working Group for drafting the Administrative Instruction to address and consider the possibility for Persons with Mental Disabilities to be offered this opportunity to communicate with a judge, in cases where this is possible, as they are not always aware of the protection of the own interests.

**Recommendation 114:** *In the Committee's view, although many residents have comprehension and communication difficulties, whenever possible, they should be informed of their rights, if necessary, using repeated, simplified, individualized, verbal formats. Similarly, accessible and comprehensible complaints systems should be in place. To this effect, an information brochure, setting out the establishment's routine and residents' rights - including information on legal*

*assistance, review of placement (and the resident's right to challenge this), and complaints procedures – should be drawn up at the SSI and issued to all residents on admission, as well as to their families. Residents unable to understand this brochure should receive appropriate assistance.*

***Answer:*** The Ministry of Finance Labour and Transfer- is in the process of drafting an Administrative Instruction, which will include the rights of residents in the appeal process. With the approval of the administrative instruction, a manual for its implementation will be drafted and based on this, an information brochure for residents can be prepared.

### **APPENDIX**

***List of the relevant Institutions of the Republic of Kosovo, that has provided additional comments and information on addressing and implementing the findings in the report drafted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Humiliating (CPT), from the last visit to Kosovo from data 6 and 16 October 2020.***

- Ministry of Justice
- Kosovo Correctional Service
- Ministry of Internal Affairs
- Department of Citizenship, Asylum and Migration
- Kosovo Police
- Kosovo Police Inspectorate
- Ministry of Health
- Psychiatric Clinic
- Kosovo Institute of Forensic Psychiatry
- Institute of Forensic Medicine
- Ministry of Finance, Labor and Transfers
- Special Institute in Shtime