



Response

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

from 23 to 26 November 2021

The Government of Albania has requested the publication of this response. The CPT's report on the ad hoc visit to Albania is set out in document CPT/Inf (2022) 08 which was published on 26 April 2022.

Strasbourg, 13 July 2022

MINISTRY OF JUSTICE

In fulfilment of the several-year recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), on November 23, 2021 the Minister of Justice concluded a Cooperation Agreement "*On treatment of persons with mental health disorders under medical measure*", with the Ministry of Health and Social Protection for medical care to sentenced persons with mental health problems.

This Agreement is published in a special section on the official website of the Ministry of Justice in the link of legislation: <https://www.drejtesia.gov.al/legjislacioni-3/> (Memoranda of Cooperation).

After more than 20 years of recommendations and remarks, by virtue of the Decision of Minister of Justice it was realized the closure of one of the most criticized and amortized institutions such as the Penitentiary Institution of Zahari, Kruja.

After the fulfilment of international recommendations, but also in pursuit of the obligations of the Albanian state, the General Directorate of Prisons cooperated with the Ministry of Defence regarding the transfer of 307 citizens under medical measures of "Compulsory treatment" from the Penitentiary Institution Kruja to the Penitentiary Institution of Lezha on 27.11.2021-28.11.2021.

The accommodation of these persons within premises of Lezha Penitentiary Institution will be a transitional phase, until they are finally taken under auspices of the Ministry of Health and Social Protection, in an institution fully adapted to the problems of these persons.

From the following correspondence with the General Directorate of Prisons, Ministry of Justice has been informed about the orders of the General Director of Prisons for the transfer of prisoners of Kruja Penitentiary Institution due to the transfer to conservation (temporary closure) of this Penitentiary Institution, specifically:

- Transfer Order under Prot. no. 12495/2, dated 22.11.2021, for the transfer of **11** convicts from the Penitentiary Institution of Kruja to the Penitentiary Institution of Durrës, as well as
- Order under Prot. no. 12676, dated 24.11.2021; Order under Prot. no. 12676/3, dated 25.11.2021 and Order under Prot. no.12676/5, dated 26.11.2021, for the transfer of a total of **319** citizens from the Penitentiary Institution of Kruja to the Penitentiary Institution of Lezha.

Therefore, following the information disclosed by the General Directorate of Prisons, it transpires that the transfer of citizens accommodated by Kruja Penitentiary Institution (currently in total there are 363 citizens¹), within the refurbished premises of Lezha Penitentiary Institution, as a temporary measure for the accommodation of persons with mental health problems, who have committed criminal offenses, until the establishment of a special institution for their treatment under the administration of the Ministry of Health and Social Protection.

¹ 363 citizens, by virtue of court decision, where respectively: 224 citizens under the medical measure of "compulsory medication" and 139 citizens under the medical measure of "temporary hospitalisation".

This transfer of citizens under medical measure was carried out through the means of transport of the General Directorate of Prisons², which provide the appropriate standards for this target group, while the transport of personal belongings was supported by the transport vehicles of the Ministry of Defence, together with the State Police forces. The transfer was made according to the current division into buildings /rooms, taking into account the mental and physiological health of citizens under medical measure and that treatment of the latter will be performed by the health-psycho-social staff of Kruja Penitentiary Institution together with the multidisciplinary staff of Lezha Penitentiary Institution.

Somatic and paraplegic patients were transferred to Durrës Penitentiary Institution, while other patients were transferred, according to forecasts, to Lezha Penitentiary Institution. The transfer, reception and accommodation of citizens was successfully achieved through the coordination of social, health and security staff of both penitentiary institutions.

Also, as regards the staff, the staff of Kruja Penitentiary Institution, Lezha Penitentiary Institution has been authorised as acting staff and transferred to duty.

The number of staff treating this category of people in Lezha is 35, i.e. 2 psychiatrists, 1 cardiologist, 1 general practitioner, 2 psychologists, 1 dentist, 1 head nurse, 10 nurses, 5 caregivers, 5 janitors, 6 social workers and 1 pharmacist.

The staff of Kruja Penitentiary Institution, specifically the health and social staff is regularly engaged, with meetings / consultations with patients and their families, in the framework of their psychological preparation regarding the transfer. The whole process of notifying and preparing patients, health assessment, transportation, escort and accommodation was managed based on the GDP Measure Plan under Prot. no. 12403, dated 22.11.2021.

After the transfer process, priority was attached and due account has been taken of the psychological component of citizens under medical measures, who after the transfer were brought to continuous consultations.

Meanwhile, the two buildings in Lezha, in addition to the staff dedicated to treatment of patients, have dedicated facilities and medical equipment, i.e. the nursing room completed with emergency medication, electrocardiogram (ECG), defibrillator, new dental armchair, autoclave and ECHO.

The staff of Lezha Penitentiary Institution is continuously subjected to proper training sessions, in order to strengthen them as assets, in view of maximizing patient service.

The facilities at Lezha Penitentiary Institution have been adapted with special equipment for the best possible treatment of citizens under medical measures. Regarding medical equipment, the General Directorate of Prisons has trained all health staff about their use, in accordance with all applicable protocols.

² Pesëmbëdhjetë automjete.

Further, the Minister of Justice has signed the Joint Order no. 55, dated 26.01.2022 of the Ministry of Justice and Ministry of Health and Social Protection, *"On the establishment of an inter-institutional working group to monitor the implementation of the cooperation agreement "On the treatment of persons with mental health disorders under medical measures" and the joint action to improve the conditions and treatment of persons with mental health disorders under medical measures"*.

The inter-institutional working group has the task of monitoring the implementation of the Cooperation Agreement "On treatment of persons with mental health disorders under medical measures" and the joint action plan for improving the conditions and treatment of persons with mental health disorders under medical measures.

The Ombudsman, by letter no. K4 / I8-2 Prot., dated 18.03.2022, with the subject: "Recommendation on the improvement of conditions and treatment of persons with mental health disorders under medical measures, as well as legal regulations in the organisational structure at Lezha Penitentiary Institution", has forwarded to the Ministry of Justice the following recommendations:

1. *Until the establishment of the Special Medical Institution, shall take immediate measures for the drafting /approval of the regulation on the functioning of Lezha Transitional Institution.*
2. *To take immediate measures, for the approval as soon as possible of the organisational structure of Lezha Penitentiary Institution, based on a clear and concrete study conducted by the Ministry of Health and Social Protection in cooperation with the Ministry of Justice, to increase the medical service capacities and support services of this institution, in order to enhance the quality of services to persons under medical measures.*
3. *To take immediate measures, in the framework of investments of the Albanian Government for Reconstruction, which are planned to be carried out for the reconstruction of other buildings in the territory of Lezha Penitentiary Institution, to build and adapt one of the buildings, due to the growing number of persons under medical measures with mental health disorders, located in the institutions of the penitentiary system.*
4. *Ministry of Health and Social Protection, in cooperation with the Ministry of Health, based on the Joint Action Plan for the treatment of persons under medical measures, should detail specific activities with concrete deadlines for these persons, according to the commitments made in the joint agreement, pursuant to the requirements of law no. 44/2012 "On mental health" and law no. 81/2020 "On the rights and treatment of prisoners and pre-trial detainees".*

These recommendations of the Ombudsman have been previously addressed by the General Directorate of Prisons by its letter under Prot. no. 3338, dated 18.03.2022, on the subject "On the implementation of the Cooperation Agreement for the treatment of persons with mental health disorders under medical measures", which are addressed to the Ministry of Health and Social Protection for the implementation of commitments undertaken in the Joint Cooperation Agreement.

At the same time, the Ministry of Justice, after being introduced to these recommendations, kept correspondence with the Ombudsman, expressing the utmost commitment for the implementation of the Joint Agreement with the Ministry of Health and Social Protection and the Joint Order.

On 08.04.2022 a representation from the Ministry of Justice, being part of the above working group, inspected on site Lezha Penitentiary Institution and reported to the Minister of Justice.

Based not only on the recommendations of the Ombudsman, but also on the information of responsible units, by letter under Prot. no. 2293/1, dated 20.04.2022, Minister of Justice asked for the attention and commitment of the relevant units of the Ministry of Health and Social Protection, to meet the obligations of the aforementioned joint agreement.

At the same time, based on the Prime Minister's letter under Prot. no. 1729/1, dated 13.04.2022, Ministry of Justice informed the latter about the whole process followed above and attached all the correspondence maintained.

Further specifically, regarding the paragraphs highlighted in bold by you, below we inform that:

Regarding the recommendation of paragraph 14, we clarify that the growing number of male patients with mental health disorders, who have committed a criminal offense, remains dependent on the decision-making of courts, based on the circumstances of the specific cases they review.

In any case, according to the legislation in force, these persons are subject to an annual assessment of their health condition and it is the court that decides on the continuity of treatment of these persons, always based on the recommendations of field experts.

Regarding the question posed in paragraph 23, we inform that currently Kruja Penitentiary Institution does not accommodate any convicts due to the transfer to conservation (temporary closure) of this Penitentiary Institution, until a final decision that is also related to the approval of a new court map.

Regarding the recommendation of paragraph 28, we note that this recommendation has been implemented for all patients hospitalized at the Prison Hospital Center, as well as for female patients under the medical measure of 'compulsory treatment' with mental health problems, who have committed an offense. Therefore, they are provided with clean sheets and basic personal hygiene products. It is also obvious that at the Prison Hospital Center there are 24 hours of sanitary staff and caregivers who take care of all hospitalized patients, but especially for female patients under medical measures. Meanwhile, furnishing of accommodation facilities (rooms) with tables, chairs or lockers is ongoing.

Regarding the recommendation of paragraph 29, we stress that measures have been taken to create shady environments, outside the building (yard).

Regarding the recommendation of paragraph 30, we note that measures have been taken to ensure that all persons accommodated at the Prison Hospital Center, including female patients with mental health problems, who have committed a criminal offense, benefit from the exercises offered outdoors for at least two hours each day, have access to television and radio as well as board games, and be provided with a wide range of daily activities outside the cell.

Regarding the recommendation of paragraph 31, we note that at the Prison Hospital Center the nursing service is performed based on the schedule approved by the Chief Nurse and approved by the Head of Hospital Clinic of the Institution (PHC), i.e. the sector where female patients under medical measures are accommodated, is covered by nurses assigned to this ward, facilitating the maintenance of their therapeutic relationship.

Regarding the recommendation of paragraph 33, we submit that measures have been taken to record these data in the relevant recommended registers.

Regarding the recommendations of paragraphs 36 and 37, in the framework of its state responsibilities, Ministry of Justice has reported the relevant information in the introduction of this letter.

MINISTRY OF HEALTH AND SOCIAL PROTECTION

Paragraph 36

Regarding the strengthening of the efforts of the Albanian Authorities for the establishment of the Special Medical Institution, for the provision of a humane and safe therapeutic care for forensic psychiatric patients, according to international standards and in compliance with the local legal framework , as you have been informed, MHSP has planned to include this intervention in the document of Strategic Response of Albania for IPA III, part of the national priority projects to be financed by this instrument, in the program window 2023-2024. Based on the fact that the project has already been planned in the IPA III Albanian Strategic Response, as mentioned before, MSHMS has developed and applied with the project-fische for “The establishment and function of the Special Medical Institution,,to the State Agency Strategic Programming and Assistance Coordination (SASPAC), in the framework of IPA III financial support for the year 2023, considered as one of the priority projects for the health sector.

Paragraph 37

Regarding the Lezha Health Care Institution, Ministry of Health and Social Protection, pursuant to the cooperation agreement, is engaged in improving the specialized psychiatric service in this institution, identifying a list of psychiatrists (about 44 doctors), part of public health institutions/specialized mental health services, which will be organized in the provision of specialized psychiatric support service for the staff of this institution, according to a schedule agreed with the General Directorate of Prisons, based on the needs of the transitional institution.

The psychiatrists, engaged as above mentioned, will offer their contribution in the development and implementation of individualized multi-disciplinary plans for persons accommodated in the transitional institution, in cooperation with the full-time staff of this institution.

Meanwhile, in the framework of the activities of the Council of Europe project "Strengthening the protection of the rights of convicts in Albania", is under development a package of Standard Operating Procedures (SOP) for the Treatment of Prisoners and Detainees with Mental Health

Problems and Forensic Psychioatric Patients, through the engagement of an international expert, Mrs. Olivera Vulic, psychiatrist and former member of the Committee for the Prevention of Torture/CPT, as foreseen in the joint action plan, annex to the Cooperation Agreement between Ministry of Health and Social Protection and Ministry of Justice.

In order to validate draft - SOPs with the current situation of the Lezha Health Care Institution, the report of the validation is planned to be finalize within June 2022 by CoE experts, and immediately the recommendations issued will serve as a basis for further updates and finalization of SOPs, in function of the current capacities of this institution.

This document will provide for minimum standards in the field of forensic psychiatry such as: staffing requirements (multidisciplinary and security staff) and relevant training; admissions; accommodation; treatment plan; means of restraint; ex officio review of the compulsory treatment measure; conditional dehospitalization, etc.

As regards to the treatment, the above mentioned document, among other things, will set the standards regarding treatment plans, including treatment goals, a plan for each patient, therapeutic tools used and responsible staff, will cover, inter alia, physical health, mental health, social status, psychological well-being, physical activity, addictions, risk assessment of committing a recidivism, the right to include patients in their individual treatment plans and to be informed about their progress, etc.

The application of these standards, adter their approval, will ensure the full applicability of your recommendations in relation to this matter.

Also, in order to address health problems, outside the field of mental health, Ministry of Health and Social Protection is engaged for the provision of diagnostic services and specialized treatment for forensic patients accommodated in the Lezha Health Care Institution, through the Lezha regional hospital and other university hospital facilities, as well as for the provision of laboratory examinations, epidemiological screenings and diagnostic assistance, through the Public Health Institute and other public health institutions at the local level, according to the needs of transitional institution. In this context Ministry of Health and Social Protection will continue its support for ensuring the vaccination with antiCOVID vaccine of new forensic patients.

Thanking for your understanding.