

EXECUTIVE SUMMARY

The main objective of the CPT's 2023 visit to Albania was to review the treatment and conditions of detention of persons held in police custody and in prisons. A further focus of the visit was the situation of forensic psychiatric patients and prisoners with a mental disorder. The CPT delegation also examined, for the first time in Albania since 2000, the treatment of residents with intellectual disabilities in social care institutions.

With one exception (an attempt to mislead the delegation at Prison No. 313), the delegation received excellent co-operation in the establishments visited, enjoying rapid access to all premises and being able to speak in private with persons deprived of their liberty and to consult relevant documentation. As regards the co-operation received from the national authorities, the Committee expresses concern that it was not provided with a complete list of places of deprivation of liberty in Albania, despite repeated requests made before and during the visit. It is recalled in this respect that, under the Convention establishing the CPT, states parties must provide the Committee in a timely manner with "full information on the places where persons deprived of their liberty are being held".

Police custody

The CPT delegation visited a number of police establishments and remand prisons in various parts of the country and interviewed a large number of persons who were or had recently been in police custody. The vast majority of these persons indicated that they had been treated correctly by the police.

However, in one case, the delegation received a credible allegation of recent ill-treatment by the police in the Malësia region, consisting of slaps, punches and kicks during apprehension. The delegation also received a credible allegation that at Koplik Police Station a wooden club had been used to hit detainees on various parts of the body, including the soles of the feet. A detailed description of the location of this club and its shape was provided; both proved to be correct when the delegation subsequently visited the offices of the judicial police in Koplik Police Station and found the object. Another wooden baton was found in the offices of the judicial police in Lezha Police Station. The delegation was told by staff that the baton, which was fitted with a plastic strap to improve the grip, had been confiscated and served as evidence. However, it was found in a concealed position on top of a cupboard, and not in a labelled bag as other evidence material.

The CPT stresses that there is no legitimate reason for non-standard objects, such as wooden clubs or sticks, to be kept in rooms used for interviewing suspects. Apart from inviting speculation about improper conduct on the part of police officers, objects of this kind are a potential source of danger to staff and criminal suspects alike.

The report concludes that, although the positive trend observed during the most recent CPT visits to Albania as regards the treatment of persons detained by the police appears to be maintained, additional vigorous action is still required to eradicate police ill-treatment.

As concerns the fundamental safeguards against ill-treatment (namely the right of notification of custody and the rights of access to a lawyer and a doctor), most detained persons interviewed by the delegation indicated that a relative had been notified shortly after their apprehension and it appeared that those who wished to benefit from the right of access to a lawyer were usually able to contact their own lawyer or were offered an *ex officio* lawyer. However, the delegation heard some allegations to the effect that police officers had granted their request for an *ex officio* lawyer only after a considerable delay, in order to be able to informally question them about the suspected offence without the presence of a lawyer. Complaints were also received that *ex officio* lawyers did not provide any meaningful assistance. Further, the information gathered during the visit suggested that the initial medical examination of detained persons was still generally limited to asking questions about their state of health, without carrying out a physical examination.

In the report, the CPT makes recommendations designed to improve the operation in practice of the legal safeguards referred to above. Action is also required to ensure that all persons detained by the police are fully informed of their rights as from the very outset of their deprivation of liberty.

Prisons

The CPT notes that, despite a slight decrease in the number of prisoners since its previous periodic visit in 2018, Albania continued to have one of the highest incarceration rates of the Council of Europe's member states. Concern is raised in this regard that the remand prisoner population had grown further by almost 22% and reached nearly 2 800 at the time of the visit (that is, more than half of the total prison population). In consequence, overcrowding continued to affect some pre-trial establishments in the country and, as acknowledged by the authorities, remained a major challenge for the prison administration in providing satisfactory living conditions throughout the penitentiary system.

The visit once again demonstrated that the Albanian authorities should attach a high priority to measures designed to address the problem of prison overcrowding at its roots in order to bring about a permanent end to this phenomenon. In particular, strenuous efforts should be made to limit the use of pre-trial custody and to shorten the time spent by prisoners in remand facilities, with a view to halting the continuous growth of the remand population and reversing the trend.

The CPT delegation carried out follow-up visits to Prison No. 313 in Tirana and the prisons in Fier, Peqin and Tepelena. It received hardly any allegations of ill-treatment of prisoners by staff in any of the establishments visited; the vast majority of the prisoners interviewed stated that they were treated correctly by staff. Further, it appeared that inter-prisoner violence did not constitute a major problem in the prisons visited.

Material conditions of detention remained generally satisfactory in regular accommodation units at Fier and Peqin Prisons. By contrast, the premises of Tepelena Prison were run down; in particular, the cells located on the ground floor were badly ventilated, many of them also being in a poor state of repair. Further, the communal showers were dilapidated, and numerous complaints were heard from prisoners about insufficient heating in the winter. The situation was compounded by the fact that a number of prisoners were being held in very cramped conditions at the time of the visit, with cells offering less than 3 m² of living space per person.

The CPT considers that, given its major structural deficiencies, Tepelena Prison is barely suitable for use as a penitentiary institution; the present situation in this establishment impinges seriously upon both the quality of life of prisoners and the working conditions of staff. It is also evident that the costs involved in bringing about fundamental improvements to the current conditions of detention would be prohibitive. The Committee therefore recommends that a high priority be given to the withdrawal from service of this prison.

As regards Prison No. 313, the report notes that the two prisoner accommodation blocks that entered into service after the CPT's 2018 visit represent a marked improvement in terms of conditions of detention in this prison. However, the CPT expresses concern that, despite the assurances given by the Albanian authorities after that visit, the old A Block had not undergone major refurbishment. The conditions of detention in this building remained extremely poor (serious overcrowding, very limited access to natural light, poor in-cell ventilation, damp walls, etc.) and could in some cases be considered as amounting to inhuman and degrading treatment. At the end of the visit, the delegation was assured that the necessary funding had already been allocated by the Government for the complete reconstruction of Block A and that the work was expected to start soon.

Whilst acknowledging that efforts were being made to organise vocational training and educational activities for inmates at Fier and Peqin Prisons, it remained the case that the great majority of prisoners in this establishments were not provided with any opportunity for employment or education/vocational training. This is all the more worrying where long-term prisoners, including persons serving a life sentence, are concerned, bearing in mind the desocialising effects of long-term imprisonment. The situation was even less favourable at Prison No. 313 and Tepelena Prison

where the provision of a meaningful regime for prisoners was hampered by the lack of designated facilities, the bulk of the inmate population being obliged to spend most of the day in their (often overcrowded) cells.

The delegation paid particular attention to the situation of prisoners subject to special detention regime (so-called "41-bis"). Noting that these prisoners were subjected to a very impoverished regime and were offered barely any meaningful human contact for months on end, the CPT recommends that measures be taken to avoid situations of prolonged *de facto* solitary confinement. Further, the visiting and telephone entitlements of such prisoners should be increased.

As regards the provision of healthcare to prisoners, recommendations are made, *inter alia* to reinforce the healthcare staff resources at Fier and Peqin Prisons, to arrange for regular visits by a psychiatrist to most of the prisons visited and to reinforce the provision of psychological care to inmates. In particular, the visit revealed that the special care units ("SKV") at Fier and Peqin Prisons, which were intended primarily for prisoners with mental disorders, did not benefit from adequate psychiatric presence and were not staffed by other qualified professionals, with the result that almost no therapeutic or occupational activities were organised for patients. Further, the Albanian authorities are once again called upon to ensure that medical confidentiality is respected in prisons and to improve the existing procedures for the medical screening of newly arrived prisoners and the recording of injuries observed.

In the report, the CPT formulates a number of specific recommendations regarding various other prison-related issues such as discipline and prisoners' contact with the outside world. In this regard, the Albanian authorities should ensure that remand prisoners are entitled to receive family visits as a matter of principle and that short-term visits for all categories of prisoner take place, as a rule, under open conditions.

Forensic psychiatric institutions

Over the years, the CPT has expressed grave concerns as to the detention conditions and treatment of detainees on whom either a court-ordered compulsory treatment measure under Section 46 of the Criminal Code or temporary placement in a psychiatric institution is imposed (Section 239 of the Code of Criminal Procedure). For this reason, the Committee visited the establishments in Albania where forensic psychiatric patients are held: the Tirana Prison Hospital (female patients) and the temporary facility at Lezha Prison (male patients).

The vast majority of patients interviewed by the delegation made no allegations of ill-treatment by staff. That said, the delegation did receive a number of allegations of physical ill-treatment of patients at the temporary facility by custodial staff, mainly, but not solely, by the rapid intervention team. The alleged physical ill-treatment consisted primarily of punches to various parts of the body. Further, several patients claimed to have been subjected to foul language or threats of physical violence.

Despite marked improvements made at Tirana Prison Hospital since the CPT's previous visit in 2021, due to its carceral layout the CPT continues to consider that the living conditions offered to patients remain inadequate. As concerns the temporary facility at Lezha Prison, which accommodates male forensic patients, previously detained at the Zaharia Special Institution for Mentally Ill Inmates in Kruja, the CPT has no doubt that the Albanian Prison Service firmly wishes to do away with the prison culture prevalent at the Zaharia Special Institution. However, the overcrowding, the lack of medical and therapeutic staff and the inadequate building would have undone most, if not all, of whatever positive input could have been made since the transfer in 2021. Worse, if the number of patients continues to increase, the living conditions at the temporary facility could easily degrade even further, to the point of amounting to inhuman and degrading treatment.

The Albanian authorities have expressed their view that adequate accommodation for forensic psychiatric patients can only be realised by the construction of a new facility: the Special Medical Institution. With the aim for the Special Medical Institution to be up and running by 2028, the Ministry of Health and Social Protection has launched an application for funding under the European Union's

Instrument for Pre-accession Assistance III. If awarded, the Special Medical Institution will be situated on the grounds of Lezha Prison. The new special medical facility is planned to have a total capacity of 350 beds for both male and female forensic patients, which is approximately 80 beds below the number required to accommodate the current number of forensic psychiatric patients held in the temporary facility and Tirana Prison Hospital combined.

According to the Albanian authorities, the figure of 350 beds was the outcome of a needs assessment, which considered expected legislative changes as to the nature of the crimes for which obligatory treatment may be imposed, as well as the opening of outpatient care facilities for forensic patients in the vicinity of civil psychiatric hospitals.

Social care homes

The CPT delegation visited the Development Centres in Durrës and Shkodra. It was the first time that the CPT visited social care homes in Albania after the entry into force of the 2016 Law on Social Care Services.

The delegation received no allegations, and found no other indications, of ill-treatment of residents by staff in the residential care centres visited. On the contrary, many residents spoke positively about staff, and the atmosphere in the centres appeared generally relaxed. Regarding inter-resident violence, in both centres there were violent incidents amongst residents. It mainly concerned minor altercations and occasionally a slap, push or punch. In both institutions, the mix of residents of different ages and needs, with physically capable residents and those with slight intellectual disabilities sharing accommodation with residents unable to express themselves verbally, posed a real risk for tensions, irritations and misunderstandings. While staff appeared to be reacting rapidly and decisively in the case of conflicts between residents, structural shortcomings in both centres, including low numbers of orderlies and cramped living conditions (leading to mixed gender rooms and minors being placed together with adults) resulted in a level of staff supervision incompatible with the severity of the disability, both physical and intellectual, of several of the residents and the vigilance required to prevent violence.

While the Durrës Development Centre was in a reasonable state of repair, the Shkodra Centre, was in poor condition, with extensive water damage due to leaking bathroom pipes resulting in walls partially covered with bright green and black mould. Due to their dilapidated state, the bathroom and communal room in the female section were not in use, obliging the female residents to use these facilities in the adjacent male section. No adjustments, such as a partitioning, had been made to the two male section bathrooms to enable the female residents to use them in serenity.

In both centres, several bedrooms were accommodating too many residents. In the CPT's view, the Albanian authorities should strive to reduce occupancy levels in the residents' bedrooms to a maximum of four. Further, according to their official capacity neither centre was overpopulated: the Shkodra Centre was operating at close to full capacity and the Durrës Centre had a few vacant beds. However, given the cramped living conditions, the Albanian authorities should consider reducing the official capacity of both centres.

Efforts were made, at both establishments, to maintain a regime with a structured programme. However, in both centres there was a limited range of occupational, rehabilitative, and recreational activities on offer.

As to discharge, Article 25 of the Law on Social Care Services provides that every placement in residential care should be re-evaluated every six months. It appeared that family support was a crucial condition for discharge; without a family to return to, a resident would not be discharged. The CPT asks for comments of the Albanian authorities on the above.