



## **Response**

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

**from 4 to 14 February 2014**

The Albanian Government has requested the publication of this response. The CPT's report on the February 2014 visit to Albania is set out in document CPT/Inf (2016) 6.

Strasbourg, 3 March 2016

Table of Contents

<b>Response of the Albanian authorities to paragraphs 52 and 68 of the CPT's report .....</b>	<b>3</b>
<b>Full Response of the Albanian authorities to the CPT's report .....</b>	<b>5</b>

## RESPONSE OF THE ALBANIAN AUTHORITIES TO PARAGRAPHS 52 AND 68 OF THE CPT'S REPORT

### 1. Response regarding paragraph 52:

- *The CPT recommends that steps should be taken as a matter of urgency to radically improve material conditions in the observation units of Prison No. 313 and Korça Prison, in the light of the remarks in paragraph 51. In addition, immediate steps should be taken at Prison No. 313, Korça Prison and Elbasan Pre-Trial Detention Facility to ensure that all prisoners held in observation units are offered access to outdoor exercise every day. The Committee also recommends that custodial staff at Prison No. 313 be instructed to grant inmates access to a toilet at all times, including at night.*
- *Newly-admitted prisoners should, as a rule, be held in a dedicated reception unit to allow for proper assessment and classification and should be allocated to ordinary accommodation units as soon as possible after admission.*

Regarding the improvement of the conditions of the so called "observation facilities" in Korça Prison and Prison no.313, the Albanian Government has allocated an amount of 700 million Albanian LEK (500,000 euro) for the reconstruction of the Prison no.313's building. This investment will significantly improve the living conditions of the inmates in this penitentiary institution.

GDP has also taken several steps aiming to improve hygienic and material conditions in the above mentioned institutions. For inmates held in the so called "observation units", are offered a graph of outdoor activities.

The staff responsible for social care in Prison of Korca, Prison no.313 and Elbasan is offering daily activities plans outside the cell and all prisoners have access to those activities.

The GDP, in cooperation with the Albanian Football Federation, is hosting Football Championship in the penitentiary system, during the period September - November 2014, thus increasing the diversity of social and sporting activities offered in Prisons.

Ensuring access to education, which is a constitutional right, is one of the priorities of the GDP. For that purpose, a new cooperation agreement between the Ministry of Justice and Ministry of Education and Sports was signed in July 2014. Through this agreement the Ministry of Education and Sports is committed to offer the extension of the educational process for detainees, the secondary education in prisons and piloting of vocational education in two penitentiary institutions, Fushe-Kruja and Peqin.

Vocational training is an important aspect of the rehabilitation process and the preparation for reintegration of inmates. For this purpose, the GDP has already drafted a new cooperation agreement on the process of vocational training, employment and reintegration, with special focus on the most vulnerable categories of prisoners. The draft was consulted with several civil society organizations which are active in promoting the rights of persons deprived of their liberty, such as "Save the Children", "Albanian Helsinki Committee", "Meridia", "Center of Integrated Legal Services" etc. The above mentioned draft agreement is currently under consideration by the Ministry of Justice and Ministry of Social Welfare and Youth (MSWY). It aims to strengthen the cooperation with MSWY for the improvement of vocational training process in prisons and increasing the number of prisoners benefiting from this process.

The custodial staff of the penitentiary institution is instructed to ensure inmates' access to the toilet, at all times, including at night. Periodic inspections are performed for monitoring this process, as well as other aspects related to the rights and treatment of prisoners.

Accommodation of newly admitted prisoners/detainees in sections with appropriate conditions and their allocation to ordinary accommodation units as soon as possible is hampered by amortized infrastructure of some penitentiary institutions and the overcrowding. Currently, the GDP is drafting an action plan which will identify measures to be taken in order to facilitate this process.

**2. Response regarding paragraph 68:**

- *CPT was informed that the deadline of the agreement which enables the coverage of health services in prisons by public health insurance program is extended. The CPT would like to receive up-dated information on the progress of implementing the agreement.*

The Law no. 8328, dated 16.04.1998, "On the Rights and Treatment of Prisoners and Detainees", was amended on April 2014. The approved amendments provide that prisoners and detainees are entitled to receive free of charge health care services offered by health insurance scheme. Based on the above mentioned law, a tripartite contract for the reimbursement of medicines was signed between Regional Directorates of Health Insurance Service - Prisons - Pharmaceutical Warehouse.

Also, on June 2014, was approved the Memorandum of Cooperation between the Ministry of Justice and Ministry of Health. Through the renewal of the cooperation between responsible ministries it is addressed the problem of medical consultations in all regional hospitals, as well as the laboratory examinations, endoscopy, imaging and any other necessary examination, offered by District Hospitals, Regional and University Hospitals.

## FULL RESPONSE OF THE ALBANIAN AUTHORITIES TO THE CPT'S REPORT

### A. Police Establishments

- **Recommendation for section 1/11 (precautionary measures):** *Immediate transfer of persons with the security measure of "arrest in prison" in the detention institutions.*

Regarding the persons detained and arrested by the judicial police, they are held and handled in the police premises till the assessment and determination of the security measure by the court and then they are transferred to the Institutions of Execution of Penal Decisions (IEPD) of the Ministry of Justice.

The transfer of this category is made immediately, after the measure is imposed by the court, from all local police units, with the exception of Police Stations of Police Directorate the Tirana county, where certain delays were witnessed.

There is an overcrowding of the security room facilities and a not immediate transfer to the IEPD of people with the security measure "arrest in prison" for the structures of the Police Directorate of Tirana County. This is because of the increasing number of persons detained and arrested by the State Police as a result of the intensification of the fight against criminal activity as well as the overcrowding and insufficient facilities in the IEPD for the accommodation of persons with the security measure "arrest in prison".

As a result of the cooperation of the Ministry of Interior and the Ministry of Justice, the General Police Directorate and the General Directorate of Prisons, an improvement of the situation and immediate transfer to the IEPD of persons with the security measure "arrest in prison" for the Police Directorate of Tirana County has been made possible.

- **Recommendation for section 16 (ill-treatment):** *Pursuing a "zero tolerance" policy towards ill-treatment of the persons detained / arrested by the police.*

In appreciation of this recommendation by the General Directorate of State Police, the following steps have been taken:

- **Increase of the professional and technical level of the police personnel through the organization of specialized trainings with focus on prevention of torture, improving the treatment and respecting the rights of the detained / arrested, in the police facilities**

In 2014 several specialized trainings have been organized with police officers of local police structures that perform the task of holding, handling and securing the persons detained and arrested, officers and agents of the judicial police of the crime structures, such as:

- A one day training conducted by the central police structures on the theme, *"Getting acquainted and practical application of legal provisions on the escort of persons to the police and the treatment/respecting of their rights"*.
- A one day training on the theme, *"Prevention of torture and ill-treatment in the police stations"*, provided by the Albanian Helsinki Committee in cooperation with the Ombudsman.
- A two day training, on the theme *"The appropriate treatment of detainees in the police premises"*, held by experts of the Council of Europe.

- A two day training, on the theme, “*Prevention of torture and respecting the human rights, of the escorted, detained and arrested people at the police premises*”, at the police departments of the counties of Tirana, Durrës, Shkodra, Vlora, Kukes, Lezha, Korca and Elbasan, provided by European Institute of Tirana. For 2015, this training will be held in the police departments of Fier and Berat counties.
- **Preparation of administrative acts by the General Director of Police in order to perform the duties under the law and observing human rights.**

In continuation the General Director of State Police has brought to the attention of the leaders of central and local police structures and police personnel at all levels and ranks that: **the fulfillment of the mission and responsibilities must be carried out only in accordance with the law, with the rules and standard operating procedures of the Police, respecting human rights and liberties and in particular those of the escorted, detained / arrested people.**

In assessing the reports of inspections conducted by the Ombudsman, the civil society organizations, the Albanian Helsinki Committee, the European Institute of Tirana, the Albanian Rehabilitation Centre for Trauma, the Departments in the General Police Directorate, Professional Standards Directorate, the Service of Internal Affairs and Appeals, the CPT, etc., the following administrative acts have been prepared and sent to the local police structures.

- Caution Note No. 1947, dated 12.03.2014 *"For the fulfillment of duties and responsibilities in full compliance with the laws, bylaws and standard operating procedures, respecting and guaranteeing the rights of persons deprived of liberty"*.

By means of this document attention is drawn to all central and local police structures to treat and observe the legal rights of persons deprived of their liberty, such as:

- Prohibiting and not keeping in the premises of the accompaniment, detention / arrest cells and working offices of the police personnel of means and items which can be used to exercise violence and ill-treatment.
- Improving the conditions of stay, sleeping and sanitary conditions in security cells for the arrested/detained and those escorted.
- Leaders of the police units should exercise continuous controls on the conditions of the premises and observation of the rights of persons escorted, detained and arrested by communicating with these people, identifying and handling legally the claims, complaints about the violations of rights, exercise of violence and other mistreatments.
- Retention and treatment of minors, necessarily in separate premises/cells from the adults.
- Making medical visits/checkups by the medical personnel of the police or other physicians of hospitals after the detainment/arrest and no later than 12 hrs.
- Identification in the record by the police medical staff of every case when they ascertain on the body of the detained/arrested physical injuries, signs of violence, etc., informing the senior officers of police units and the Service of Internal Affairs and Appeals for conducting the legal proceedings to verify the legal handling of the case.
- Accomplishing the requirements of the Code of Criminal Procedure on the information for the rights entitled to the persons detained/arrested, guaranteeing the right to be defended by an attorney, guaranteeing protection required for minors to have a legal counsel and the presence of a psychologist or a trusted person, etc.

- Caution Note No 4577/1, dated 18.09.2014 “*On escorting and observation of the rights of the escorted individuals, to the premises of the State Police*”.

Through this act of the General Director of Police, all police personnel are required:

- **“To fulfill the mission and responsibilities of the State Police only with means and attributes recognized by the police law, observing the human rights”**. The use of other illicit means, outside the jurisdiction/limits and standard operating procedures of the State Police, constitutes a violation of human rights and are punishable by the law.
  - To understand and apply legally and fairly the concept of escorting, treating as escorted in the relative premises only the individuals specified in the articles 11/6, 101 and 106 of the Law “On State Police”.
  - To observe and implement the requirements of the Code of Criminal Procedure and the Law “On the protection of Child Rights” during the conduct of operations with minors (*accompaniment, taking statements, performance of other procedural actions*) from the judicial police officers, necessarily ensuring the presence of the parents, legal counsels and a psychologist.
  - For persons escorted to guarantee the fulfillment of the rights under Article 107 of the Law “On State Police” for documenting the data, communicating the reason the escorting, informing the family members or relatives, respecting the legal limit of retention as escorted and keeping juveniles in separate facilities from adults.
  - Not to use for holding the escorted, detainees and arrested in cells that do not meet the conditions required as regarding the space, cubature, full natural ventilation and light, hygienic conditions, cleanliness, etc.
- **Performing controls and inspections by the central structures of the police and other structures outside the police, on local police structures:**

To watch and check closely the treatment that is made to persons deprived of their liberty and the observance of their rights by the police personnel, inspections were performed by the central police structures in the police stations of Kukes, Dibra, Mat, Bulqizë, Korca, Pogradec, Durres, Shijak, Shkodra, Puka, Malesi e Madhe, Vlora, Saranda, Delvine, the police stations no. 1, 2, 3, 4, 5, 6 and Kavaje of the P.D, of Tirana county.

Checks and inspection in this regard have been conducted and by the Service of Internal Affairs and Appeals, the Ombudsman, civil society organizations for the protection of human rights, etc. For the violations and deficiencies observed, measures have been taken to eliminate them. Failure to implement legal obligations and standard operating procedures, to guarantee the rights of persons deprived of their liberty, disciplinary measures are taken for those responsible.

- **Recommendation for section no. 17 (ill-treatment):** *Providing information about the results of the disciplinary proceedings for the police employees of the Police Station of Saranda.*

After the visit of the CPT's delegation, through the Department of Public Safety and Professional Standards Directorate, the General Directorate of State Police took steps to verify and handle legally the violations committed by the judicial police officers of the Police Station Saranda.

Disciplinary proceedings began for 4 police officers of the first level of management of the structures combating crime of the Police Station of Saranda, of the Professional Standards Directorate for serious violations provided by Article 11 of the Discipline Regulation of the State Police, adopted by DCM no.786, 04.06.2008, amended.

In conclusion of the administrative investigation, the Professional Standards Directorate drew to the conclusion that the police officers have committed serious violations of the Regulation of Discipline and decided on the application of severe disciplinary measures:

- For three police officers was given the disciplinary measure, "Deferment of promotion deadline with 6 months".
  - For a police officer was given the disciplinary measure: "Suspension without payment for 10 days".
- **Recommendation for section no. 20 (ill-treatment):** *Providing information for the period 2012-2014, on the number of criminal proceedings / disciplinary measures taken against police officers for ill-treatment of persons deprived of their liberty.*

Statistics and indicators on criminal proceedings and references to the prosecution body for police officers, who commit abuses and exercise of physical / psychological violence, are administered by the Service of Internal Affairs and Appeals, at the Ministry of Internal Affairs.

With regard to ill-treatment and unlawful or unreasonable use force by the police, from the Directorate of Professional Standards to the General Directorate of State Police, the following disciplinary measures were taken:

- For 2012, disciplinary proceedings were started and finished for six police officers on serious violation of the provisions of Article 11 of the Regulation of Discipline, for whom severe disciplinary measures were taken:
- Exclusion from the police corps: for 5 police officers, of whom one pertaining to the first level of management and 4 to the operational level.
  - Deferment of promotion deadline: for one police officer of the first level of management.
- For 2013, disciplinary proceedings were started and finished for 7 police officers on serious violation of the provisions of Article 11 of the Regulation of Discipline, for whom severe disciplinary measures were taken:
- Exclusion from the police: 2 police officers, of whom one pertaining to the first level of management and one to the operational level.
  - Dismissal from work, for a civilian employee.
  - Extension of the deadline for promotion (ranking) from 6 to 12 months: 3 police officers pertaining to the operational level
  - Suspension without payment for 8 days for a police officer of the first level of management.
- For 2014, disciplinary proceedings were started and finished for 15 police officers on serious violation of the provisions of Article 11 of the Regulation of Discipline, for whom severe disciplinary measures were taken:
- Exclusion from the police: for 4 police employees of the operational level.
  - Deferment of promotion deadline with 6 months: for 4 police officers of the first level of management.
  - Suspension without payment from 6 to 10 days: for 6 police officers, of whom one of the first level of management and 5 of the operational level.
  - Decrease in rank for 6 months: for a police officer of the first level of management.



- **Recommendation for sections 21, 23, 24 and 25 (Precautionary measures):** *Guaranteeing the defense counsel from the outset of deprivation of liberty, carrying out medical visits/checkups and providing information about the legal rights*

The right to defense counsel is a fundamental right which is guaranteed to all persons detained and arrested by the judicial police. For the adults the choice and defense by a lawyer is made as per their choice.

Guaranteeing this right to minors is mandatory even if they refuse such a thing. Procedural operations with juveniles are performed in the presence of the counsel and the psychologist.

In the premises of the police stations and security rooms, lists of defense lawyers and their telephone numbers are displayed.

An innovation for guaranteeing the right to a defense lawyer for the escorted persons is also the definition made in the new Law on the State Police (no. 108/2014) which in paragraph 3, Article 109 stipulates:

"The escorted person is entitled to be notified immediately in a language he understands, of the reasons of his escorting. He / she shall be informed that there is no obligation to make a statement and that he/she has the right to communicate immediately with a trusted person and lawyer ".

- Medical visits/checkups to arrested/detained are performed immediately after the adoption of these measures and no later than 12 hours by the medical staff of the police.

In those police stations where there is no medical personnel, visits are conducted in regional health centers.

Measures have been taken to strictly implement the requirements of the Manual no. 763, dated 27.09.2011 "On the rules and standard procedures for handling and securing the persons arrested and detained at police stations" for conducting medical examinations, recording and reporting findings of signs of violence, providing medical assistance and treatment throughout the stay of these persons in police facilities, treatment in specialized hospital centers when necessary, etc.

- All persons detained and arrested are guaranteed the right to information about their rights, immediately after deprivation of liberty.

The judicial police officers and other police personnel initially perform oral notification of rights that this category of persons enjoy and then when detained and arrested these rights are given in written by a statement "type", which is prepared not only in the Albanian language but also in some other foreign languages. After being acquainted with this format, it is signed by the person and is given to be kept by him during the stay in the premises of the police, till the evaluation and determining of the security measure by the court.

A copy of the statement signed by the person responsible is administered by the police personnel, because often the copy given to the person is damaged / torn by the latter.

- **Recommendation for section 30 (Electronic registration of the police interviews):** *The expansion of the practice in all police units for electronic recording of police interviews / interrogations.*

With electronic registration systems (audio and / or video) are equipped the premises and security rooms and those of accompaniment in the PD of Tirana County and the Durres Police Station. Camera monitoring systems are installed also in the facilities of the security rooms (external environment and the corridor of rooms) in the police stations of Fier, Lezha, Kukes, Gjirokastra and Kavaja.

With donors' funding interview rooms for minors, who are victims of trafficking, are built in the police stations of: Shkodra, Fier, Vlora and Tirana county P.D. These facilities are equipped with the electronic system of audio and video recording, whose records will be part of the materials, will be referred to the prosecution body. Soon their commissioning will be realized.

Currently, for lack of financial resources it is not made possible to extend such an electronic system in all police units.

- **Recommendation for section 32 (Detention conditions):** *The significant improvement of the conditions of the detention facilities in the police stations: Elbasan, Pogradec, Vlora, Saranda, police stations No. 1 and 2 in Tirana.*

In order to improve the conditions of the detention and arrest facilities, with state budget funds there are reconstructed and built the premises of the security and escort rooms of the police stations of Gjirokastra, Fier, Lezha, Kukes, Korca, Kavaja, Durres and the PD of Tirana county.

The draft cost estimates for the reconstruction of the security and escort rooms in the Vlora Police Station have been prepared. It is expected for the funds to be allocated for the implementation of the investment funds.

During July 2014 the Italian police donated to the Albanian Police a considerable number of new bed clothes (mattresses and blankets), of which 130 (one hundred thirty) mattresses and 450 (four hundred and fifty) blankets are distributed to the local police structures, for improving the conditions in the security rooms.

For the year 2015, study-design activities for the police stations of Shkodra, Berat, Pogradec, Saranda, Elbasan and several police stations in the PD of Tirana County are foreseen above the fund limit.

In implementing the recommendations of the CPT delegation, by order of the Police General Director, the premises of security rooms in the Pogradec Police Station have been closed and do not function (order no. 569 dated 17.04.2014).

Measures have been taken for not holding people in environments/rooms, smaller than the indispensable minimum and overcrowded at other facilities in the Police Station No. 1 and other stations of the PD of Tirana County.

## **B. Prison Establishments**

### **Plan of measures in fulfilment to the recommendations of the monitoring report for penitentiary system of the Committee for the Prevention of Torture (CPT) (February 4- 14, 2014)**

After reviewing and analyzing the recommendations of the monitoring report of the Committee for the Prevention of Torture, the General Directorate of Prisons established an working group (by order no. 11.07.2014), in order to design an action plan aiming fulfilment to the recommendations of CPT. The working group undertook a consultation process with the staff of the Penitentiary Institution which have been object of the monitoring process, in order to assess the opportunities and resources that exist in meeting the recommendations of the CPT. The process was finalized with the drafting of the Action Plan (nr.371 Order dated 12.24.2014), which addresses short term measures and budgetary planning for meeting the recommendations.

#### **I. General Remarks**

##### **39. Increase efforts to reduce overcrowding.**

##### **40. Measures to reduce overcrowding, emphasizing the application of alternative measures to detention, and adoption of measures to facilitate re-integration into society of persons with limited freedom.**

Response to paragraphs 39 and 40.

Reducing the problem of overcrowding is an issue that requires a broader consensus and partnership. In order to increase the awareness and involvement of various institutions for this process, the General Directorate of Prisons organized on July 2, 2014, a conference on various aspects which are priorities but also a challenge for the penitentiary system, including overcrowding and reintegration process. The outcome of this activity was the development of a document with concrete recommendations which will be addressed in working groups with participants from different state responsible institutions. The meeting of the working group on issues of overcrowding will be held in January 2015 with the participation of representatives from the judiciary, Ministry of Interior, Ministry of Justice, General Prosecutor's Office etc.

Another measure which is expected to significantly improve the situation of overcrowding is putting into efficiency of the new detention and prison centre in Fier, with a capacity of approximately 800 persons.

In terms of addressing the issues of reintegration, is in process of finality the signature of the cooperation agreement between the Ministry of Justice and Ministry of Social Welfare and Youth (MSWY) on strengthening the preparation for release and reintegration of persons deprived of their liberty (the agreement was signed by MSWY and expected co-signing by the Minister of Justice). The agreement will result in compiling the guidelines for organizing the reintegration process, as well as the signature of the cooperation agreements between the institutions at the local level to coordinate this process.

In view of the reintegration are designed 4 social reintegration modules for juveniles, women, youth and persons without family support. The approval of the modules (approved by orders no 11547, 11548, 11549 and 11550, dated 10.12.2014) is associated with social staff trainings, in order to increase the knowledge and skills of cooperation, to address in time the issues of reintegration of these categories, based on specific needs that they represent.

**41. Acceleration to the efforts to build a new forensic psychiatric institution and determine a deadline for its construction.**

Priority of the Albanian government is implementing a legal framework regarding proper health treatment of persons with mental health disorders, particularly those under compulsory medical treatment. Construction of the new forensic psychiatric institution is a process that is being considering with priority by the Ministry of Health and will be followed by the drafting of appropriate guidelines for the operation of this institution.

**II. Ill-treatment**

**42. The complaints of ill-treatment.**

Response to paragraph 42:

General Directorate of Prisons has taken effective measures to ensure that the request-complaint mechanism functions as an effective procedure, through which the detainees and prisoners can address confidential requests and complaints and the solutions available to them. In each case of allegation of ill-treatment, multidisciplinary inspection groups of GDP, verify the case in the institution. By the verifications it results that the force is used by the intervention groups in those situations and to the extent as it is specified in the penitentiary legislation.

**43. Case of S.S. in Peqin, documented in the medical file. Complain addressed to the GDP. CPT inquires more about the measures taken with the regard to damage caused to the SS.**

Response to paragraph 43:

GDP has verified the case, where it was concluded that the complains of the prisoner SS for ill-treatment, are unfounded.

**44. The force used by the intervention forces, should be necessary and end once the inmate is put under control. In order to protect the staff from allegations of ill-treatment, it is recommended the use of safe methods such as video surveillance recorders for all interventions (even within the cells) by above mentioned staff members.**

Response to paragraph 44:

GDP has as priority undertaking measures to prevent excess of the use of force. Measures were focused on informing the staff of intervention groups on intervention techniques through the training process.

The provision of safe methods of supervision (as video recorder) will be planned in the budget of 2015.

### **III. Prison conditions in detention centers and prisons visited**

#### *a. material conditions*

**45. Material conditions of prisons vary considerably from one institution to another.**

**46. Conditions of devices in Peqin toilets were outside standards.**

**47. Lack of beds and blankets in Korça Prison.**

Response paragraphs 45, 46, 47:

The situation of overcrowding in the period of the visit of the CPT, has been the reason of the a lack of beds and blankets for prisoners, in some cases. This problem is resolved. Each prisoner has been supplied with bed and blankets in accordance with the climatic conditions.

GDP has planned solving some problems mainly related to equipment of cells of prisoners and reconstruction of some facilities, with the 2015 budget.

**48. Conditions inadequate and dilapidated toilets at the "Jordan Misja".**

Response to paragraph 48:

The Albanian government has allocated a fund of 500,000 euro for the reconstruction of the Pre-trial detention "Jordan Misja". The fund allocated will serve to improve infrastructure conditions, reconstruction of confinement facilities, toilets etc. This investment will significantly improve the living conditions of the detainees in this institution.

**49. Substandard material conditions, limited access to natural light, overcrowding in Saranda Pre-trial detention.**

Response to paragraph 49:

The issue of overcrowding and limited access to natural light in Saranda Pre-trial detention is related to the amortized infrastructure of this institution. Overcrowding has conditioned also the limited opportunities for inmates based materials. Along with other measures to reduce overcrowding in the penitentiary system, GDP is planned in the Action Plan taking some measures in 2015, to improve the material conditions for detainees in this institution.

**50. Take measures to provide appropriate and acceptable conditions in Saranda, "Jordan Misja" Pre-trial detentions.**

As reference responses to paragraphs 48 and 49.

**51. Inhuman and degrading conditions and limited number of activities outside the cell for prisoners in observation rooms in Prisons of Elbasan, Jordan Misja, Peqin and Korça.**

**52. Take measures to improve the conditions of observation facilities in Prisons of Korça and "Jordan Misja". Taking action in Korça J.Misja and Elbasan Prisons for providing fresh air activities. Providing all the time access to the prisoners in the toilets, including night. Newly arrived prisoners should be kept in a section adapted for this purpose, which creates opportunities for admitting and classifying them and be accommodated as soon as possible in normal regime.**

Reply paragraphs 51 and 52

As reference for the "Jordan Misja" Pre-trial detention the response to paragraph 48.

GDP has taken measures to improve hygiene and material conditions in the premises of observation in these prisons. Social care staff in Korça, "Jordan Misja" and Elbasan Prisons are instructed and have drawn up daily activity plans outside the cell for the prisoners in the observation rooms, creating access for all prisoners to participate in these activities.

In order to increase the diversity of social and sporting activities in Prisons, GDP organized during September-December 2014, the Football Championship with the participation of sport teams from several Prisons. This initiative has been organized in cooperation with the Albanian Football Federation.

Creating access to education as a constitutional right, is one of the priorities of GDP. In July 2014, it is signed a new agreement of cooperation between the Ministry of Justice and the Ministry of Education and Sports. This agreement ensures the commitment of the Ministry of Education and Sports aiming the extent of the educational process in pre-trial detentions, providing secondary education in Prisons and piloting vocational education in Prisons of Fushe Kruja and Peqin.

Vocational training is an important aspect of the process of rehabilitation and preparation for reintegration of inmates. The new agreement of cooperation between the MoJ and MSWY is expected to strengthen the process of vocational training for the category of prisoners, in view of preparing for release.

All institutions are instructed to ensure all the time access to toilets for prisoners, including night. Periodic inspections are carried out in Prisons for monitoring this process and other aspects related to the rights and treatment of prisoners and detainees.

Accommodation of newly arrived pre-trial detainees/detainees into sections with appropriate conditions, is hampered by amortized infrastructure of some penitentiary institutions and the situation of overcrowding. Measures have been taken for the rapid accommodation of the newly come prisoners, in the ordinary regime, to the extent that the circumstances facilitate this process.

Regarding classification of prisoners, security risk assessment and opportunities for recidivism, GDP adopted in October 2014 a manual “*On the assessment of risk for recidivism prevention*”. Social and security staff of all prisons are trained to implement this manual, which has facilitated the classification of prisoners by the time they are accommodated in the observation premises.

**53. Steps should be taken to ensure that all prisoners have adequate quantities of personal hygiene items and cleaning products.**

Response to paragraph 53:

Besides the measures taken by the GDP for the supply of prisoners with the necessary amount of personal hygiene items and cleaning products, penitentiary staff have undertaken awareness campaigns to ensure well management and proper maintenance of these products by prisoners.

*54. The CPT welcomes the measures taken for 78 prisoners from Rrogozhina.*

**b. regime**

*55. The CPT welcomes the efforts made increasing the number of activities in Prison.*

*56. The CPT welcomes the fact that life prisoners were allowed to socialize freely with offenders with long years of punishment, in the most part of the day. In Peqin and Korca there were no differences between high security regime or the ordinary. In Korca Prison inmates benefit from out-of-cell activities like convicts.*

**57. More must be done to increase the number and diversity of activities outside the cell, particularly for prisoners with long terms or life sentences.**

**In Prison of Elbasan must be done more for the use of infrastructure, staff, for raising funds for the provision of the necessary equipment in order to provide a meaningful regime.**

Response to paragraph 57:

Measures undertaken by the Prison of Elbasan in fulfilment of this recommendation, have enabled increasing the number of activities and prisoners involved. In budgetary requirements for 2015, GDP has planned increase of funds for basic materials for the organization of activities outside the cell. Within the first two months of 2015, GDP will design a treatment module for prisoners with long term and life sentences, a process that will be accompanied by staff training, in order to improve their ability to provide a meaningful regime for this category and maintaining safe climate in Prisons.

**58. The poor regime activities in Prison Saranda.**

Response to paragraph 58:

The infrastructure of Saranda Prison hinders the implementation of a regime of diverse activities for detainees.

**59. Take measures to improve the regime of activities in all institutions visited. The goal should be that every inmate pass a reasonable time outside the cell, involved in activities of different natures.**

Response to paragraph 59:

GDP in collaboration with penitentiary facilities visited by the CPT, has taken steps to improve the program of activities that are offered to prisoners, so they spend a considerable part of the day outside their cells, engaged in effective activities consisting in vocational training and employment. In order to improve the regime of activities, GDP has compiled a protocol "*On the implementation of Professional Courses aiming the Employment of Prisoners inside and outside of the penitentiary system*". This guide serves as a guide for staff on how they can fit a regime of activities outside the cell, in view of their training for free life. Another important measure is the approval of the strategic document "*On employment policies for detainees and its Action Plan, for the period 2014-2017*". This document addresses the steps to be taken to create effective opportunities and to promote employment of prisoners within and outside the penitentiary system.

**60. CPT urges the Albanian authorities to ensure that daily activities outside the cell, are provided to pre-trial detainees at the "Jordan Misja" pre-trial detention, according to the provisions of the regulation.**

Response to paragraph 60:

A weekly schedule of activities is compiled by the staff of this institution, providing participation of the inmates in sporting activities mainly outside the cell, according to a daily schedule.

#### **IV. Juveniles in the "Jordan Misja" pre-trial detention.**

**61. Recommendation 50, related to the provision of beds for the prisoners, should be taken into consideration for juveniles in pre-trial detention of "Jordan Misja". Steps should be taken to remedy the problems concerning sanitation and equip with cupboards for food keeping.**

Response to paragraph 61:

In fulfilment of the provisions provided for juveniles, in the amendments adopted in April 2014, to the Law no. 8328 dated 16.04.1998 "On the rights and treatment of detainees sentenced to imprisonment and pre-trial detainees" as amended, which stress the commitment to support the treatment of juveniles based on the best interests of the child, the GDP has taken a number of measures to improve the treatment of this category including expanding the number and diversity as well as the duration of the activities outside the cell, improving rehabilitation and re-integration programs, capacity building of staff treatment on specific issues such as communication with this category, intercession and conflicts resolution. Taking into consideration the difficult conditions and infrastructure of "Jordan Misja" pre-trial detention, aiming the provision of a meaningful regime activities for juveniles, this category was transferred to the Juvenile Institution (JI) in Kavaja, based on the proposal of GDP and with the approval of the Minister of Justice. JI of Kavaja provides a model for the provision of proper rehabilitation services and reintegration of juveniles in conflict with law, according to international standards.



**62. CPT requires confirmation if the provision under which juveniles were granted access to out-of-cell activities for not less than 3 hours / day, has become effectively implemented.**

Response to paragraph 62:

Weekly Plan activities designed for juveniles in 4 Prisons where they are accommodated, ensures that this category participate no less than 3 hours per day in activities outside the cell, which include outdoor sport activities, education, vocational training, recreational activities, library service, social and psychological counselling, training etc.

## **V. Health Service in Prisons Visited**

*63. The scope of monitoring the CPT were the health service, the level of staff, medical examination and reporting of documentation of injuries.*

**64. CPT recommends that vacant positions, noticed at the time of the visit, will be fulfilled without delay with medical staff in Korça (with 3 nurses), Peqin (with 1 general physician and one nurse). Take measures to increase nursing staff resources.**

Response to paragraph 64:

Regarding the fulfilment of this recommendation, the staff in Peqin is completed with a general practitioner, also there are appointed two other doctors. The staff in Korça Prison is filled with nurses.

GDP will address to the competent authorities the requirements for increase of the nursing staff in institutions with most immediate needs as Kruja, “Jordan Misja” and Peqin Prisons.

**65. CPT requires increasing the number of nursing staff in Pre-trial detention “Jordan Misja”.**

For reference the response to paragraph 64.

**66. The CPT recommends taking measures to remedy some of the problems associated with the supply with equipment required for health and dental service in Peqin (reagents for the operation of the laboratory) and Prison Elbasan (dental chair).**

Response to paragraph 66:

The necessary materials for health and dental services, could be provided with budget planning for 2015.

**67. In the entire institution visited, at the time of the visit, there was a shortage of medical drugs and generally inmates complained about the quality and timely delivery of health services.**

Response to paragraph 67:

The Albanian government is committed to strengthen interagency cooperation to ensure modern standards in the treatment of prisoners in the penitentiary system. In this context, a cooperation agreement was signed in July, between the Ministry of Justice and Ministry of Health, on health care in the penitentiary system. The implementation of this agreement has solved the problem of supplying medication, medical consultations in all regional hospitals, as well as enabling medical and psychiatric consultations, laboratory examinations, endoscopy, imaging and any other necessary examination, in District Hospitals, Hospital University Centres, according to the legislation.

Guidelines drafted by the GDP pursuant to this Agreement, on the cooperation of Prisons with the health structures and institutions at the local level, have improved especially the psychiatric service for patients with mental health disorders.

**68. The CPT was informed that has been extended the deadline of the agreement according to which enable the coverage of health service in prisons by the public health insurance program. CPT requires updated information on the progress of the implementation of this agreement.**

Response to paragraph 68:

In amendments approved to Law no. 8328 dated 16.04.1998, "On the Rights and Treatment of detainees sentenced to imprisonment and pre-trial detainees", as amended, under which prisoners receive with no charge all services provided by health insurance scheme. Pursuant to this law, the tripartite contract was signed between Regional Directorate of Health Care Insurance- Prisons - Pharmaceutical Warehouse, for the reimbursement of medicines.

**69. CPT inquire to be informed on the position of the Albanian authorities regarding the practical implementation of the visits to the hospitals outside the penitentiary institutions, as current procedures allow for the delays.**

**70. CPT recommends taking measures as a matter of priority, to plan regular visits of the mentally ill to psychiatrists in Peqin Prison.**

For reference the answer to paragraph 67.

**71. Medical examination on admission still not done systematically, even after recommendations continuously since 1997. Often the newcomers do not screened for transmissible diseases.**

Response to paragraph 71.

GDP has established an working group to draft a guideline on the treatment procedure at the time of admission, which will be adopted within the January 2015, after a consultation process with the experts, a process that will continue with the training of medical staff. This guide will regulate the procedures to be followed: during admission for infectious disease examination, personnel performing the examination, issues that the examination report must contain, the use of professional tools for documenting medical evidence on file, the procedure for reporting and addressing the results to the relevant authorities etc.

In order to carry out tests on admission, in prisons “Ali Demi” and Vaqarr are set up two laboratories, which have facilitated the screening for transmissible diseases, mainly for prisoners in penitentiary institutions of Tirana.

Based on the planning budget for 2015, GDP is assessing options for raising other laboratories in several Prisons, especially for transmissible diseases, in cooperation with NGOs that can support this process. Part of this process is lobbying to the relevant institutions for increasing funding to this regard.

**72. There are deficiencies in the maintenance, management and reporting of injuries during the admission of detainees. Descriptions are limited to a few short sentences without clarification on the source of the damage. Also are missing the doctor's conclusions. The authorities have failed to address to the prosecutor office the cases of damages ascertained at the time of admission, although under the Criminal Code Articles 281 and 282 they are required to report.**

Response to paragraph 72.

Each institution administrates a specific register for the administration of the damages examined or reported by inmates upon admission. In each case in reporting of the injury source, staff refers to the evidences and information given by the prisoners. In cases where the prisoners are reluctant to refer the source of the injury, medical staff finds difficult to come to the conclusions and moreover to address cases to the prosecutor office.

**73. Authority to take appropriate measures, including staff training, the entire institution visited and other institutions, create opportunities to:**

- **For all newly-arrived prisoners immediately after admission, medical examination performed.**
- **A separate record of damages should be kept to document all cases.**

For reference the response to paragraph 71 and 72.

**74. CPT requires taking measures in Saranda and Peqin Prisons and where necessary in other institutions to ensure that the medical examination of prisoners is kept away of hearing - unless the doctor asks the contrary in a given situation - and from seeing, of non-medical staff.**

Response to paragraph 74:

Confidentiality during medical examinations is one of the basic principles respected during medical examinations and one of the main topics of training modules for medical and security staff in the penitentiary system. Monitoring of the procedures of medical examinations and respect for confidentiality, is a continuous process undertaken by the GDP in each Prison, but mainly in IVSHB and Kruja Prison. Medical records containing the personal prisoner's health data, are administered in metal cupboards.

## **VI. Prison Hospital**

**75. Take immediate measures by the authorities to guarantee the necessary heat in the rooms of patients and to correct problems with the water supply.**

Response to paragraph 75:

GDP has taken adequate steps to meet this recommendation. For patients in prison hospital is provided the heating and regular water supply.

**76. Take measures to equip observation and common patient rooms with alarm / communication tools.**

Response to paragraph 76:

In prison hospital it is completed the equipment of the observation rooms with the communication means. In the action plan GDP addressed the short-term measures to equip also the ordinary patients rooms with bells or other communication means.

**77. Forensic psychiatric patients with long-term residency, should be provided with a wider number of activities outside the rooms.**

Responses to paragraph 77:

For patients in prison hospital it is adapted a regime of activities outside the cell in a longer extend of time. The diversity of activities for forensic psychiatric patients is conditioned by limited interest that manifest this category to participate in activities.

**78. Take urgent measures to strengthen the coverage of psychiatric service in prison hospital.**

With the renewal of the Memorandum of Cooperation between the Ministry of Justice (MoJ) and Ministry of Health (MoH), has been resolved the problem of psychiatric consultations for patients with mental health disorders in prison hospital and other penitentiary institutions.

**79. CPT asks for comments and clarifications with regard to somatic service. CPT was informed that surgical interventions were steadily postponed by the Hospital Centre "Mother Teresa".**

Response to paragraph 79:

With the renewal of the Memorandum of Cooperation between MoJ and MoH is solved also the problem of surgical interventions. Surgical interventions are performed on planning basis, but also in emergencies cases in University Hospital Center "Mother Teresa", but also in regional hospitals.

**80. CPT requires immediate measures to equip IVSHB medical equipment (disinfectant, syringes etc.), As well as somatic necessary medications.**

Response to paragraph 80:

Regarding this recommendation we inform that the prison hospital is supplied with all necessary medicines and medical materials. There are supplied also all the penitentiary institutions with the emergency medication, as well as with the necessary medical materials.

**81. Therapeutic psychosocial and occupational activities should be further developed in prison hospital, including maximum of mental patients, especially those who are under compulsory treatment.**

For reference the response to paragraph 77.

**82. CPT urges the authorities to take measures to ensure that the medical examination of patients in prison hospital are carried away of listening - unless the doctor concerned requests otherwise in a given situation- and visibility of security staff.**

For reference the response to paragraph 74.

**83. Current physical means of restrain in prison hospital should be replaced with professionally recognized means of restraint. Patients subject to means of restraint, should be monitored directly and continuously by the medical staff or trained staff.**

Response to paragraph 83:

Prison staff of Prison Hospital and Kruja institution, are instructed and trained for continuous monitoring of patients on measures of physical restraint, based on the protocol "On supervision of persons with mental health disorders, in case of use of physical restraint means". Patients who are subject to restraining are constantly monitored by medical staff.

Replacing the current physical restraint devices with known professionally tools will be a short-term and gradual process.

## VII. Prison of Kruja

84. *The number of prisoners in Prison Kruja has increased since 2005.*

### **85. Take urgent measures to guarantee:**

- **Renovation of rooms and toilets in the pavilion A;**
- **Adjusting the heating system in the whole organization and the creation of regular access to hot water;**
- **Regular supply of product hygiene and detergent cleaners;**
- **Provision of persons with disabilities, wheelchair toilets and showers.**
- **Equipment and regular change of clothes to bedding and linen.**

#### Response to paragraph 85:

GDP has taken urgent measures to supply the institution with hygiene products and regular monitoring of this process. Currently GDP is cooperating with potential donors and NGOs for providing the wheelchairs to the people with physical disabilities. In the budget planning for 2015, the GDP has addressed measures for carrying out reconstructions on facilities in ward 'A', heating and water supply systems.

### **86. Increase the number of activities, especially sports, for patients in ward 'A'**

**CPT recommends measures to develop an open-door regime, for as patient as is possible during the day and for the implementation of a wide number of activities in Kruja.**

#### Response to paragraph 86:

The Albanian government is making efforts to expedite the construction of a new institution of forensic psychiatry, in order to establish standards for a meaningful regime of activities for the category of persons with mental health disorders of the institution of Kruja. Limited physical conditions and geographic location of this institution does not favour cooperation with the institutions or organizations that could increase the diversity of activities, according to the specific needs of this category. However institution has reviewed the opportunities offered and has started on implementation of an activity plan, which includes mainly recreational activities for this category.

### **87. Take urgent measures to:**

- **Recruitment of psychiatrist to provide the necessary care for patients;**
- **Increase significantly the nurses and sanitary assistance.**

As reference responses to paragraphs 64 and 67.

**88. Take measures to ensure that:**

- All the prisoners receive medical treatment and care according to their state of health requires;
- Prisoners who suffer from physical disabilities, provide necessary assistance (including physiotherapy) and equipment and other materials (including patients without self-control);
- Pre-clinical tests for treatment should be carried out regularly in the institution or the nearest hospital;
- Replacing the dental chair.

Response to paragraph 88:

The health care policy is focused on providing this service in an integrated manner, based on the individual's specific needs of each case, but also in terms of increasing knowledge of health and social care staff, on the specific needs of the treatment of persons with physical disabilities.

GDP has addressed to the short-term action plan for improving service measures and equipment for this category. Preclinical tests are being carried out at several institutions where the infrastructure is appropriate. GDP is assessing opportunities for collaboration with partner organizations in order to expand the positive experiences of cooperation such as the construction of laboratories for conducting pre-clinical tests and medical analyzes at the "Ali Demi" and Vaqarr.

Provision of the equipment and other material for health services are addressed in the 2015 budget.

**89. The CPT recommends that effective measures must be taken to ensure a wide and enough scale of psychotropic drugs.**

Response to paragraph 89:

The range of drugs, including psychotropic, for mentally ill patient in penitentiary system, is based on the list of reimbursable drugs approved by the Ministry of Health. The amount of medication is provided in each case according to the needs of institutions for psychotropic medications.

GDP will continuously address your recommendation regarding the expansion of the range of psychotropic drugs, included on the list of reimbursable drugs.

**90. CPT calls for steps to develop a wide network of therapeutic, rehabilitative and recreational activities, for the mentally ill patient, especially those under compulsory treatment measure.**

Response to paragraph 90:

With the support of partner organizations GDP has expanded the range of rehabilitative and recreational activities for patient with mental health disorders. Priority for 2015 has been given to providing the necessary material basis for organizing recreational and therapeutic activities with this target group.

*91. The CPT welcomes the fact that the newly come prisoners undergo the medical examination.*

**92. Take measures for maintaining medical confidentiality.**

For reference the response to paragraph 74.

**93. Mentally ill patient under compulsory treatment, should be informed about treatment placed to them, and those able to make the distinction, be granted the right to refuse this treatment or any other medical intervention. This perception applies to Prison Hospital and Kruja institution and if necessary to propose amendments to the relevant legislation.**

Response to paragraph 93:

Your recommendation has been implemented in two penitentiary facilities. Already patients have been notified on their treatment. GDP is estimating the recommendation on the right for refusal of treatment or any other medical intervention, by the patients with mental health disorders, who are able to make a difference. This process will continue with consultations with psychiatrists and experts, in order to design specific and clear instructions for handling these cases.

**94. The direct and continuous monitoring of physical and mental condition of the mentally ill patient subject to the physical restraint. In Kruja Prison must be kept a register for the registration of all cases when it is necessary the use of means of restraint. Current leather tools should be replaced with professionally recognized means of restraint.**

Response to paragraph 94:

Medical staff of Prison hospital and Kruja institution are instructed and trained for continuous monitoring of physical and mental condition of people with mental health disorders subject to physical restraint. Cases of use of physical restraint means are administered in a special register in Prison Kruja.

As referred to paragraph 83, replacing of the current physical restraint devices with known professionally tools will be a short-term and gradual process.

**95. Take measures through competent institutions to ensure strict implementation of the competent courts of the obligations under section 46 of the Criminal Code.**

Response to paragraph 95:

This is an issue that requires a broad consensus. GDP is highly committed to cooperate and to address this issue in the competent institutions.



## VIII. Other Issues

### a. The prison staff

**96. The prison staff (including high managerial level), must be appropriately recruited and trained in terms of promoting positive relationships between staff and prisoners.**

**97. CPT requires updated information on immediate plan and legislative measures undertaken by the Ministry of Justice aimed at improving the procedures for recruitment, promotion and remuneration of staff.**

Response to paragraphs 96 and 97:

Policy for the recruitment of the penitentiary system, is based on legal criteria of selection. Personnel undergo the training process that includes: basic level training, career training and specific professional training. The training and evaluation process carried out, is based on an important document adopted in November 2014 "*The Regulation of the Training Centre*". Trainings are conducted in partnership with international and domestic organizations.

Regular trainings are organized by the training centre based on an annual training plan. During December 2014, the GDP undertook a major initiative to strengthen the capacities of the Training Centre, through the training of 16 employees of the penitentiary system, on the module "*Training of Trainers*". This training was supported by ICITAP and OSCE.

In cooperation with the Institution of Ombudsman, it has been organized a training with the participation of Directors of Prisons, on treatment issues and promotion of positive communication of staff with prisoners.

Another important training was organized with social sector staff of penitentiary institutions, on the new modules of rehabilitation and reintegration for the categories of juveniles, women, youth and persons without family support.

### b. Discipline

**98. CPT finds that since the visit of 2010 no changes in terms of disciplinary measures for prisoners.**

**99. Taking into account the potential harmful effects, punitive segregation as not granted for more than 14 days for adults and 3 days for minors. CPT recommends reviewing the legislation relating to the foregoing. Moreover, whenever minors are subject to disciplinary punishment, should be guaranteed appropriate human contact for the duration of the disciplinary measure.**

Response to paragraphs 98 and 99:

Amendments to the Law no. 8328 dated 16.04.1998 "On the rights and treatment of detainees sentenced too imprisonment and pre-trial detainees" as amended, adopted in April 2014, have significantly improved the disciplinary policy, specifically by reducing the length of disciplinary action for the categories of women and juveniles. The practice of implementation of this policy especially for juveniles shows that the disciplinary measures are applied to juveniles only when the educational and pedagogical methods have not yielded success, also in cases where juveniles are iterative of serious disciplinary violations. Trainings conducted with staff that treats juveniles in prisons consist on specific issues of communication modules and juvenile treatment based on the best interests of the child. The recommendation for legal amendments on the disciplinary policy for other prisoners, will be taken into consideration in legislative initiatives that the GDP will undertake as a going concern.

**100. Inmates are subject to disciplinary sanctions provided in each case with a copy of the decision, which shall contain the reasons for the decision, and appeal deadlines.**

**101. The role of the medical staff about discipline issues to be reviewed, referring to the European Prison Rules (in particular, Rule 43.2) and the comments of the Committee on General Report 21 (paragraph 62 and 63 of CPT / Inf. (2011 ) 28).**

Response to paragraphs 100 and 101.

Directorate General of Prisons has developed a draft-guidance on "*The standard operating procedure of the Disciplinary Commission in Prisons*". This paper is directed to the penitentiary staff and prisoners and addresses among other aspects, the composition of the Disciplinary Commission and the role of medical staff in the disciplinary proceedings, the right of prisoners to be heard by the Disciplinary Committee, to be notified of the decision given and the deadlines to appeal this decision.

**102. Material conditions in solitary confinement in Peqin leave much to be desired in terms of hygiene, to take measures to improve the situation. This situation was found also in the Saranda Prison.**

Response to paragraph 102.

Measures to improve and monitor the hygiene situation in all institutions are taken continuously by health staff.

The Action Plan addresses further measures to ensure a hygienic situation in Prisons, standards and continuous monitoring of the situation, by the GDP.

### **c. Contact with the outside world**

**104. The CPT finds that since the visit of 2010 no changes in terms of the rules regarding prisoners' contacts with the outside world.**

**105. The CPT recommends that steps should be necessary to extend the family visits at least 1 hour, comparing to 30 minutes that is the current duration.**

**106. Review of the conditions where family visits realize and create opportunities for open meetings (where families and prisoners sit around a table), although in some special cases for security reasons may be justified to prevent physical contact between prisoners and their families.**

#### Response to paragraphs 104, 105, 106

In order to create a friendly meeting atmosphere of prisoners with their families, the General Directorate of Prisons has conducted an evaluation process of the infrastructure and security conditions, currently Prisons offer. Based on the evaluation process, it has started at the "Ali Demi" and Prison of Fushe-Kruje, a pilot project aimed precisely at creating conditions for open meetings with family and especially the children of prisoners, by extending the length of meetings. Depending on the infrastructure conditions that offer Prisons, the level of overcrowding and specific aspects of security, GDP is taking measures to expand this practice in other penitentiary facilities, accompanying by drafting of clear guiding on the procedure and duration of conducting the meetings.

### **C. Vlora Psychiatric Hospital**

#### The Special Medical Institution

##### Actual Phase of the Project

The project is submitted to the Ministry of Integration in the capacity of IPA project coordinator. The draft is largely consulted and elaborated with representatives of EU delegation to Tirana, as well as in trilateral official meetings (Health Ministry, Justice Ministry and the European Union Delegation), with regard to next steps to forward this project.

The estimated budget for this phases amounts to 200.000 Euros including the conduct of a feasibility study for the project.

Actually, the newly established institution will be useful to the full implementation of the provisions of Law 44/ 2012 "On mental Health" as well as for its sub-legal acts. Through the implementation of this project, Albania will take a step closer to the fulfillment of the basic criteria as defined at the 2010 Opinion of the European Commission, on Albania's application for membership to the EU, in particular with regard to priority nr. 12 on the treatment of detained and of the inmates.

## Vlora Psychiatric Institution

### 1. Preliminary remarks

The new premises of Vlora Psychiatric Institution are envisaged to become functional within next year, providing a specialized acute health service with stationary function.

It is important to point out that by the reactivation of the National Committee on Mental Health, headed by the vice Minister of Health z. Klodian Rjepaj, this organ adopted a highly ambitious agenda towards the enforcement of the National Plan of Action on Mental Health 2013- 2022. The establishment of an integrated network of mental health services, which constitutes the nucleus of this document, is based on the accomplishment of two major strategic objectives: the decentralization of mental health services through expansion and enrichment of the existing network with services closer to the community and; deinstitutionalization through the reduction of the number of beds/ stationary spaces for psychiatric patients and the establishment and strengthening of community services on mental health.

During the four meetings of the Committee on 2014, the necessity to assess the situation of chronic resident patients in two psychiatric institutions, the one of Elbasan and the other of Vlora, was identified as an urgent matter for consideration. In this framework, the initiative on establishing an Inter-institutional Working Group within this year, with the participation of high level experts from the Health Ministry as well as from the Ministry of Social Welfare and Youth with the view of drafting long term plans on deinstitutionalization of patients who suffer chronic mental health disturbance, is undertaken.

Being aware of the complexity and of the importance of this process, other representatives from Ombudsman Office, WHO as well as experts working on mental health sector, are invited to consult and contribute in this process. One of the most important issues which will be scrutinized by the Inter-institutional working group, is the reorganization of Vlora Psychiatric Hospital, acute service (the new premises) and permanent accommodation for chronic patients (in particular retardates). The final versions of these plans will be submitted to two ministries co-signatory of this order (Ministry of Health and Ministry of Social Welfare and Youth) for adoption, within the first six months of 2015.

### 2. Maltreatment

As with regard to this issue, we express our content on the total absence of reporting on physical and verbal maltreatment.

### 3. Life conditions

With respect to life conditions of the patients residing at Vlora Psychiatric Hospital, the amortization of the existing compounds hampers efforts for improvements of these conditions. This is why a particular attention was paid to the construction of the new building. Meanwhile, more specifically on the material conditions at the female pavilion and to the one for the chronic male patients, we can confirm that during this period of time there have been significant improvements of life conditions at canteens (chairs and tables) and in the patients rooms as well (beds). Some of these items are donated by an NGO which operates in the field of human rights at Vlora region.

### 4. Staff and training

Regarding the shortcomings of essential medicines, we can affirm that this issue is already tackled with respect to specific medicines that must be programmed in advance for resident patients (due to concomitant illnesses) reiterating at the same time that Vlora Psychiatric Hospital, just like other psychiatric institutions across the country, has no problem with psychotropic medicines supply. Meanwhile, in the framework of your recommendation on continuing development of psycho-social- occupational activities and services, we inform that the Health Ministry has planned to increase the number of psycho- social staff at Vlora Psychiatric Hospital, with the view to offer these sort of services to a larger number of patients as well as at a larger spectrum of treatments.

Also, it is worth noting the enhancement of the organics at Vlora Psychiatric Hospital during this year, with two new doctors specialized on psychiatrics through the following of one year intense training for the needs of this service.

Referring to what is mentioned before, the inter-sector group that will be established within this year, will coordinate the conduct of the individual assessment of persons with physical impairments who are actually hospitalized in psychiatric institutions of the country, identifying the necessary residential structures for accommodation in the framework of offering a better and more appropriate care addressing patients` specific demands.

### 5. Restrictive measures and Restraint

Being aware of the new practice introduced with regard to Restriction and Isolation, (Standards of Physical Restraint in the Stationary Specialized Mental Health Services, adopted by Ministry of Health order No. 586 on 30.10.2013) and other regulatory expectations in the field of mental health, this sensitive issue is scheduled to be addressed via the holding of some training/ informative sessions, with the support of the Ombudsman Office.

Also, key to this subject, is the completion of isolation rooms in compliance with predefined standards in the abovementioned document, at the new building of Vlora Psychiatric Hospital.

## 6. Protective Legal Measures

One important finding, elaborated at paragraphs 120,121 of your report, is also the non-enforcement of involuntary treatment procedures according to the forecasts of the new mental health law (No. 44/ 2012) and its sub-ordinary provisions on this service and other psychiatric services as well.

In this regard, with respect to Vlora Psychiatric Hospital we can confirm that the situation has changed to some extent, because during this period of time there have been information and time to time communications by the side of Health Ministry and of the Stationary Specialized Mental Health Services, in the capacity of enforcement structures of this procedures, on details of this procedure (based on the regulatory framework of mental health). Actually, for the second half of the year 2014, three persons have been subject to the involuntary treatment.

Once again this development is not perceived by our side as a great achievement, because there are still confusions between professionals on procedures. This is why the initiative described at paragraph 5 of this material, the one on the organizing of training/ informative sessions on sensitive procedures of mental health care, such as the involuntary treatment, will be broadly elaborated during these sessions.

In response to concern raised on paragraph 121 of your report, on persons deprived of their right to go unaccompanied or to go out from the premises of the psychiatric hospital, we inform you that this happens only for some of resident chronic patients (severe mental retardation) who have been accommodated for a long time in the premises of this service due to the absence of other alternatives (elaborated further in two subsequent paragraphs). The long time institutionalization has had its repercussions on the functioning of these persons, and this is the reason why this service applies such politics, as a protective measure from a maltreatment or potential abuse out of hospital premises, given the fact that they are very vulnerable persons.

At the same time, we inform you that all mental health documents adopted (as well as forms Type A1, A2 and A3 on involuntary treatment, requested at para 122 of your report, forms which you can find also attached to this material) are published at the Ministry of Health website at the following link:

<http://www.shendetesia.gov.al/al/publikime/shendeti-mendor/dokumenta-mbi-shendetin-mendor>

Regarding the problems encountered on paragraph 124 of your report, after the confirmation by Vlora Psychiatric Hospital as well, we notify that 12 patients, considered in this report as involuntary hospitalization, are in fact under the obligatory treatment or in temporary hospitalization, will be treated in Special Medical institutions (article 28 of mental health law), services which implement international politics of open doors functioning and not in public psychiatric hospitals any more.

Another important issue worth mentioning here, is the fact that some of these persons, on whom the Tribunal has decided to interrupt the obligatory treatment measure, are still accommodated at Vlora Psychiatric Hospital, because other alternative services are missing out of psychiatric hospitals (family support, and/or social support).

As abovementioned, such a shortcoming has been and continues to be a burden on the functioning of many stationary specialized mental health services, in the framework of deinstitutionalization politics implementation, guiding the mental health reform.

In conclusion, we can remark that the beginning of the new legal framework enforcement in the field of mental health, has identified some shortcomings (including findings concluded in paras 123 and 125 of your report), which will find proper coverage at the law 44/2012 amendment “On mental Health”.