



Executive summary

to the Report

**to the Albanian Government
on the visit to Albania
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 4 to 14 February 2014

EXECUTIVE SUMMARY

During its periodic visit to Albania, the CPT's delegation reviewed the action taken by the Albanian authorities to implement recommendations made by the Committee after previous visits, in particular as regards the treatment of detained persons and conditions of detention in police detention facilities and prisons. The Committee also examined the situation of patients who were held in psychiatric institutions on an involuntary basis.

The level of co-operation received from the Albanian authorities throughout the visit was generally very good. That said, the principle of co-operation also requires that the CPT's recommendations be effectively implemented in practice. In this respect, the CPT is very concerned by the lack of progress in a number of areas, such as the regime of activities provided to prisoners, prison health-care services (in particular, the supply of medication to prisoners), the situation of forensic psychiatric patients (namely, the persistent failure to accommodate them in an adequate psychiatric establishment) and the implementation of legal safeguards surrounding the involuntary hospitalisation of a civil nature.

Police custody

The majority of the persons interviewed by the delegation indicated that they had been treated correctly whilst in police custody. Nevertheless, as in 2010, a significant number of credible allegations were received from detained persons (including juveniles) of recent physical ill-treatment by police officers, consisting mainly of slaps, punches, kicks and truncheon blows. In some cases, the ill-treatment alleged was of such severity that it could be considered as amounting to torture (e.g. extensive beating with hard objects such as a chair leg or a wooden bat). Most of the allegations concerned ill-treatment during the initial questioning by operational police officers in an attempt to obtain confessions or other information. In several cases, the persons concerned displayed physical marks consistent with the allegations made.

The report concludes that the situation has not improved since the 2010 visit –rather the opposite – and that determined action is therefore required on the part of the Albanian authorities to combat the phenomenon of police ill-treatment. The CPT urges the Albanian authorities to pursue a policy of “zero tolerance” of ill-treatment, taking into account a number of precepts set out in the report. Further, the Committee recommends that an independent and comprehensive inquiry be carried out into the methods of police questioning used at Saranda Police Station in respect of which the delegation received a number of consistent allegations of severe ill-treatment. Several recommendations are also made to reinforce the safeguards afforded to persons detained by the police, in particular as concerns the right to be granted effective access to a lawyer as from the very outset of deprivation of liberty.

As regards material conditions of detention in police establishments, the CPT has noted some progress. In particular, all holding cells (intended for stay of up to ten hours) in the establishments visited were now equipped with means of rest (a chair or a bench). Further, at Tirana Regional Police Directorate and Korca Police Station, the general conditions of detention have been raised to an acceptable level. However, detention conditions remained extremely poor in all the other establishments visited (i.e. police stations at Elbasan, Pogradec, Saranda and Vlora and Tirana Police Stations Nos. 1 and 2). Most of the custody cells in these establishments were found to be in a deplorable state of repair and hygiene and had very limited access to natural light. Moreover, artificial lighting was often dim or non-existent, ventilation inadequate and the heating system not functioning. In particular at Tirana Police Station No. 1, detained persons were on occasion being held in extremely cramped conditions (e.g. four persons in a cell of 5 m²). The CPT calls upon the Albanian authorities to take urgent measures to remedy the above-mentioned deficiencies.

Prison establishments

No allegations of recent physical ill-treatment of prisoners by custodial staff were received in any of the establishments visited and, on the whole, relations between staff and inmates appeared to be free of tension. Further, the delegation found no indication which would suggest that inter-prisoner violence was a major problem in the establishments visited. However, at Peqin Prison, the delegation heard a number of allegations of physical ill-treatment of prisoners by members of the central prison administration's special intervention unit in the context of cell searches.

The material conditions of detention were very good at Elbasan Pre-Trial Detention Facility and generally satisfactory at Korca and Peqin Prisons. However, at Tirana Prison No. 313, conditions had clearly deteriorated since the 2010 visit. The prison was affected by severe overcrowding, many cells had limited access to natural light and the state of hygiene left much to be desired. Moreover, most of the communal sanitary facilities were in a poor state of repair. The CPT expresses concern that the longstanding plans to construct a new prison in the Tirana area and to close down Prison No. 313 have been abandoned, due to budgetary constraints. Material conditions were extremely poor at Saranda Pre-Trial Detention Facility where all the cells were in a poor state of repair, had limited access to natural light and deficient lighting. By far the worst situation was found in the so-called "observation units" at Korca Prison and Prison No. 313 where, in the CPT's view, conditions of detention could easily be considered to be inhuman and degrading. Prisoners were usually held for many days – and sometimes even months – in cold and filthy cells with limited access to natural light and poor artificial lighting, with no possibility to go out into the open air. Some of these prisoners had less than 2 m² of living space per person and were obliged to share a bed or mattress with another inmate.

The CPT acknowledges the efforts made by the management in most of the establishments visited to provide inmates with a range of out-of-cell activities, such as work, education and daily association sessions. It is also noteworthy that life-sentenced prisoners were allowed to associate freely with other (high-security) prisoners for most of the day. Nevertheless, it is a matter of concern that no provision was made for employment or educational/vocational training for the great majority of prisoners in the establishments visited. The situation was particularly worrying at Saranda Pre-Trial Detention Facility where most remand prisoners were only offered two hours of outdoor exercise per day and were confined to their overcrowded cells for the rest of the time without being offered any purposeful activities, and that for months or even years on end. The CPT reiterates its recommendation that the regime of activities for all inmates at the prisons and pre-trial detention facilities visited be substantially improved and that particular attention be paid in this context to the situation of life-sentenced and other long-term prisoners.

As regards health care, in virtually all the prison establishments visited, inmates' requests to consult a prison doctor were usually met without undue delay. However, the overall quality of general health care was undermined by the fact that all the establishments visited suffered from a severe shortage of medication. It is also a matter of serious concern that, despite the specific recommendation repeatedly made by the Committee since its first visit to Albania in 1997, medical screening of newly-arrived prisoners was still not carried out in a systematic manner. Further, recording and reporting of injuries observed on prisoners (on admission or during imprisonment) continued to be grossly deficient, and the principle of medical confidentiality was often not respected.

At Tirana Prison Hospital and, to a lesser extent, at Kruja Special Facility for Ill Inmates, material conditions were generally satisfactory. However, the CPT was very concerned by the almost total lack of heating in both establishments (for example, at Tirana Prison Hospital, the temperature measured in patients' rooms was as low as 11 degrees Celsius). Further, in pavilion A of the Kruja Special Facility, which accommodated mentally ill inmates, cells were found to be in a poor state of repair and hygiene. Moreover, both establishments were lacking basic medical equipment and supplies.

The situation of forensic patients who have been declared not criminally responsible and are subject to a judicial compulsory treatment order deserves special mention. At the time of the visit, the great majority of such patients continued to be held in prison establishments in breach of national legislation. Moreover, some two-thirds of them were being held at Kruja Special Facility in conditions which, in the CPT's view, were likely to amount to therapeutic abandonment. In fact, this establishment did not have a single psychiatrist for over a year, the supply of psychotropic medication was seriously affected by prolonged shortages and no rehabilitative activities worthy of the name were on offer. The CPT calls upon the Albanian authorities to take urgent steps to remedy these shortcomings and to speed up the creation of a specialised forensic psychiatric facility.

Civil psychiatry

The CPT is pleased to note that, during the follow-up visit to Vlora Psychiatric Hospital, its delegation received no allegations – and found no other indications – of physical ill-treatment or verbal abuse of patients by staff, or of violence amongst patients. On the contrary, many patients spoke positively of their relations with staff and the delegation itself observed a caring attitude of staff towards patients.

As was the case during the CPT's previous visit to the hospital in 2005, patients from all wards benefited from a relaxed open-door regime with free access around the hospital grounds during the day. Further, the level of hygiene was generally adequate in all the wards of the hospital. However, the CPT recommends that urgent steps be taken to improve the material conditions in the wards for female and male chronic patients, which were found to be in a poor state of repair.

The CPT welcomes the fact that staffing levels at the establishment have significantly improved since the last visit. That said, it remained the case that only a limited number of patients could benefit from psycho-social therapeutic activities and that, for the great majority of patients, psychiatric treatment was limited to pharmacotherapy. In this connection, the Committee was concerned to note that the hospital had repeatedly faced disruptions to the supply of essential medication (such as neuroleptics).

Finally, it is a matter of concern that the 2012 Law on Mental Health, which introduced a number of important safeguards for psychiatric patients, has never been implemented at Vlora Psychiatric Hospital in the context of involuntary admissions. In fact, it appeared that all the patients in respect of whom an involuntary placement procedure had been initiated had subsequently been convinced by staff, within the statutory 48-hour time limit for notifications to the competent court, to sign a (voluntary) hospitalisation consent form. However, in practice, the patients concerned were not allowed to leave the hospital unaccompanied and, if they did so, they would be returned to the establishment, if necessary by calling the police. In the CPT's view, most of these persons were thus *de facto* deprived of their liberty and consequently were not able to benefit from the safeguards provided for by law in the context of involuntary placement procedures. The Committee recommends that the Albanian authorities review the legal status of patients who are classified as "voluntary" at Vlora Psychiatric Hospital and notify to the court all cases concerning patients who are not allowed to leave the hospital on their own.