

## **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 15 May 2023**

The Government of Albania has requested the publication of this response. The CPT's report on the 2023 visit to Albania is set out in document CPT/Inf (2024) 01.

Strasbourg, 3 October 2024

## **Information of the Albanian authorities on the measures taken for the implementation of the recommendations of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT)**

### **State Police**

Please be informed about the measures taken and those that are in progress for the implementation of the recommendations of the CPT regarding the encountered situation during the visit carried out in our country from 04 - 15 May 2023, where some local units of the State Police were part of the inspections/visits:

To begin with, we consider it necessary to clarify some names and terms used in the CPT report, such as: arrested/detained persons are designated as "detainees", security rooms where detainees are kept and treated in the State Police are named as: "detention cells" and "detention centers".

According to the provisions of point 1, article 17 of Law No. 108/2014 "On the State Police", the State Police keeps and treats in its premises the arrested and detained persons, until the setting of the security measure from the court.

By setting the security measure "arrest in prison" by the court, the person receives the status of "detainee" and is transferred to the Institutions for the Execution of Criminal Decisions (IEVP), which are subordinate to the Ministry of Justice and administered by it.

The findings and recommendation of the CPT report related to the issues that are the subject of the work of the State Police has become known to all central and local police structures, and the tasks for the work of the recommendations are done according to the area of responsibility.

#### **1. Mistreatment (points 12 – 16):**

##### **a) Regarding the case of finding a wooden stick in the office of crime specialists, in the Malësi e Madhe Police Station, where it is alleged that it was used for violence against persons who are arrested/detained:**

The case was evaluated and handled by the central structures of the State Police, that through the Directorate of Professional Standards started the process of disciplinary investigation against the responsible police officer, [X]\*, at the Police Commissariat of Malësi e Madhe, in the Local Police Directorate (DVP) Shkodër.

At the end of the investigative process for the violation provided for by Article 209 "Serious violation of police attributes/competencies" of the State Police Regulation, approved by DCM No. 750, dated 16.09.2015, amended, to the police officer was given a severe disciplinary measure: "Postponement of the promotion deadline for 3 (three) months".

##### **b) Regarding the case of finding a wooden stick in the workplace of crime specialists, in the Police Commissariat of Lezha, in the Local Police Directorate of Lezha:**

After examining the case it resulted that the wooden stick found in one of the workplaces of the Crime Specialist (placed on top of a wardrobe) in the Police Commissariat of Lezha, is an evidence blocked by the judicial police during the execution of procedural actions related to the denunciation

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\* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, names of individuals have been deleted.

made by the citizen [X] on 16.10.2022, against citizen [X], who insulted and threatened the latter over the phone.

During these actions, a wooden stick was taken and administered as material evidence in the complainant's backyard (the said stick found in the office of crime specialists).

The judicial police of the Police Commissariat of Lezha referred to the Prosecution Office of the Judicial District of Lezha the procedural materials by letter no. 2478, dated 20.10.2022, for the criminal offense provided for by Article 275 of the Criminal Code in charge of the citizen [X] (as a suspect for this criminal offense).

The wooden stick as material evidence was not sent to the prosecution body, it was kept in the office of the employee/crime specialist due to the lack of premises for the separate storage and administration of items/material evidence. To the prosecution authorities was sent only the documentation (record) that confirms the examination and the receipt of material evidence.

In the function of this proceeding, additional materials/documents were compiled and sent to the Prosecutor's Office of the Judicial District of Lezha by the judicial police, which were sent by letter No. 2478/1, dated 27.10.2022, of the Police Commissariat of Lezha.

Pursuant to the recommendations for: intensification of efforts to fight mistreatment in the police structures, effective investigation of allegations of violence, removing and not keeping in the work offices of the judicial police officers or the specialist for the investigations of crimes (and not only) items and objects that are material evidence or other items that can be used for abuse, there were drafted documents/material and sent to all central and local police structures:

Attention No. 567, dated 16.01.2024 "On the fulfilment of responsibilities and duties by the State Police structures in accordance with the Constitution, international acts and legal acts of the country, respecting and guaranteeing the rights and freedoms of persons", of the General Director of Police of the State.

In this administrative (circular) act, the following are defined:

- ✓ The violations and deficiencies identified by the CPT delegation during the visit to some local units of the State Police (including the findings made in the Police Commissariat of Malesi e Madhe and Lezha) were presented, as well as some deficiencies and violations found recently in the visits and inspections carried out by the Ombudsman in the police structures.
- ✓ The attention of all State Police employees has been drawn and the message has been conveyed for the following:
  - **Fulfilment of duties and responsibilities by the State Police in accordance with and in compliance with legal requirements.**
  - **Any form of violence and mistreatment of persons deprived of liberty are illegal and that anyone who commits, incites or tolerates such acts will be punished in accordance with the circumstances and the laws in force.**
- ✓ Tasks have been given to the heads of local police units (DVP/police commissariat) for the following:
  - Implementation of the requirements of the Criminal Procedure Code for the storage and administration of seized items and material evidence (Articles 214, 215 of the Criminal Code).
  - Removal of any items, tools and equipment from work offices that are not part of the office inventory (such as: firearms or hunting, batons, lists, levers and iron bars, baseball bats,

chains, metal gloves, knives, etc.) , according to the provisions made in Article 49, of the State Police Regulation, approved by DCM no. 750, dated 16.09.2015, amended.

- If it is not possible to store and administer material evidence in secretarial premises, measures should be taken to designate an environment/room for their storage/deposit, making them available to the prosecuting body whenever requested by them and ending the practice of keeping and their administration in work premises and offices.
- Detention and disciplinary punishment up to criminal prosecution (when the conditions are right) against responsible police officers and their superiors who do not respect, violate or neglect the rights of persons escorted and arrested/detained in police premises.

## **2. For protective measures against abuse:**

- a) Notification of arrest/detention (points 20 – 22);
- b) Consenting the arrested/detained person to a lawyer (points 23, 24);
- c) Access to the doctor (points 25, 26):

In the aforementioned document, tasks have been addressed and given for respecting and guaranteeing the legal rights of the arrested/detained persons during their detention and treatment in the premises of the State Police, for:

- Notifying/informing the family members of the arrested/detained about the fact of the arrest/detention of the person and his location.
- Accessing/Consenting the arrested/detained person to a lawyer/defender from the first moments of deprivation of liberty.
- Accessing to medical services.

For this purpose, it is requested to take and implement measures to guarantee and realize in practice the rights of accompanied and arrested/detained persons, related to:

Notification by the judicial police of a family member or other adult person with the person's consent (except in the case of minors, where such notification is mandatory), about the fact of the person's deprivation of liberty (accompanied, detained/arrested) immediately after deprivation of liberty, according to Article 255 of the Criminal Code. Criminal and standard procedure "Rules for the treatment of citizens who are accompanied in the premises of the State Police", approved by Order no. 894, dated 19.07.2022, of the State Police.

The respect and rights to be guaranteed with a lawyer at the discretion of the person and, if not possible, with bodyguards from the prosecuting body, taking measures to ensure their presence during the enforcement of the declared sentence, detentions/arrests and other procedural actions.

For this purpose, to the directors of the local police structures have been requested, that for the violations and deficiencies found related to the non-exercising of the responsibilities of the defender, mainly by the appointed lawyers (non-appearance or non-contact with the person, etc.) to be present at the prosecutor as well as the respective Chamber of Advocacy.

Fulfillment of the requirements provided for in the Standard Procedure "Treatment and security of persons arrested/detained in the premises of the State Police, identification and resolution of their requests/complaints", recently approved by Order no. 1720, dated 20.11.2023, of the State Police, on the part of the medical personnel in the Local Police Directorate as well as doctors of hospital centers employed part-time to perform medical checks and examinations for every arrested/detained person, by:

- Carry out medical visits immediately and no later than 12 hours after receiving the measure of arrest/detention.

- Interviewed and asked the person about the state of health and performing physical examinations of the body to see if there are signs of violence/mistreatment, wounds, bleeding, etc.
- Cases of evidence of physical injuries/mistreatment, which are in accordance with the statements of the injured party, should be sent to the prosecution body, according to the obligations provided for in Article 282 of the Criminal Procedure Code, despite the objections of the injured person, for clarifying the circumstances of causing physical injuries.
- Assessing the health status of drug users by consulting with specialist doctors/toxicologists to determine the type and dose of methadone treatment, as well as the follow-up of receiving this treatment.

The central structures of the State Police in evaluating the recommendations made by the Albanian Helsinki Committee "On respecting and guaranteeing the right to medical treatment of accompanied and arrested/detained persons", after the inspection carried out at the Police Commissariat of Korça have drawn up and sent for implementation to all structures of the State Police:

- A Letter Rogatory No. 7701, dated 12.10.2022 of the General Director of ASP "On respecting and guaranteeing in practice the right to medical treatment of accompanied and arrested/detained persons", attached copy (at the request of the European Committee of CPT).

#### **d) Information on rights (points 28, 29)**

In point 5 of Attention No. 567, dated 16.01.2024 "On the fulfilment of responsibilities and duties by the State Police structures in accordance with the Constitution, international acts and legal acts of the country, respecting and guaranteeing the rights and freedoms of persons", of the General Director of State Police, the obligation to:

- ✓ Verbally notifying and informing about the rights and giving the written format with the rights to the accompanied persons according to article 108, 109 and 123 of the Law "On the State Police".
- ✓ Communicating and providing the declaration/format of the rights of persons arrested/detained by the judicial police, immediately after the arrest/detention.

For the fulfilment of this right, the formats/letters of rights have been prepared for persons accompanied, arrested/detained and for persons who are victims of criminal offences, which have been translated into several foreign languages such as: English, French, German, Greek, Italian, Russian, Serbian, Arabic and Polish.

Their approval and functioning was done by Order No. 367, dated 19.02.2024 "On respecting and guaranteeing the right for accompanied persons, to be informed about their legal rights, in the premises of the State Police", of the General Director of State Police;

The formats/letters of rights reflect the rights for this category of persons:

- a) For suspected and arrested minors, in the police premises (according to "Annex 1").
- b) For accompanied minors, in conflict with the law, in the premises of the police (according to "Annex 2").
- c) For minors, victims of criminal offenses (according to "Annex 3").
- d) For persons accompanied (adults) in the premises of the State Police (according to "Annex 4").
- e) For victims of domestic violence (according to "Annex 5").

The formats/letters of rights mentioned above have been distributed to all central and local structures of the State Police, to be implemented in all cases of escorts, arrests or detentions they carry out with suspected persons, perpetrators and victims of criminal offences etc.

#### **e) Electronic recording of police interviews (point 30).**

The establishment and function of special premises for conducting interviews with minors (in conflict with the law, damaged by a criminal offense and witnesses of a criminal offense) was made in accordance with the obligations defined in the Criminal Justice Code for Minors and are in the service of this category of persons only and cannot serve/be used for conducting interviews with audio-visual recording of other adults.

In the projects drawn up for the reconstruction and construction of new facilities for keeping escorted persons in police commissariats no. 1, 2, 3, 4, 5, 6, 7 and of Kruja, in the Local Police Directorates of Tirana, Dibër, Elbasan, Berat and Saranda, special facilities are provided monitored with an audio and video system for conducting interviews with adult suspects, perpetrators and witnesses of criminal offenses.

### **3. Conditions of arrest/detention facilities (points 31 - 37)**

Recent years, with funds from the state budget, investments have been made in the reconstruction and construction of premises/buildings of local directorates and police stations, including the construction/reconstruction of premises for keeping and treating escorted and arrested/detained persons.

In this framework, facilities with suitable conditions have been created for the escorted and arrested/detained persons in the police commissariats of Shkodër, Dibër, Korçë, Lezhë, Durrës, Gjirokastër, Kukës, Fier, Sarandë and in the Local police Directorate of Tirana.

Escort and detention facilities in the police commissariat of Elbasan and Berat are in the process of construction, as well as the provision of basic personal hygiene means and products to arrested/detained persons.

The relevant structures of the State Police will plan and implement measures for the investments in the creation of suitable conditions for toilets inside the security rooms in the police commissariat of Lezhë, Shkodër and Fier, regarding the creation of conditions for the preservation of privacy during the execution of the personal needs of the arrested/detained, for which the relevant financial funds will be planned in the future.

The keeping and treatment of arrested/detained persons in the premises for this purpose is generally carried out within their limits and accommodation capacities, with the exception of cases where police operations were conducted simultaneously in several regions of the country, arresting/detaining a greater number large number of people.

In order to reduce the overcrowding the central structures of the State Police intervened to transfer and accommodate the arrested/detained in the premises of the neighboring local police directorates, which did not have a similar situation.

Regarding the recommendation for the creation of premises/spaces for performing physical exercises in an open environment/in nature for the arrested/detained every day, we clarify that:

- Ideation, design and construction of security room facilities for keeping and treating persons arrested/detained in the State Police, was done according to the experience and model provided in the years 2008-2010 by the police mission in our country PAMECA, which it is referred to the model of the premises built in the Austrian police, that did not have open spaces or premises for performing physical exercises by the arrested/detained persons.
- The time of holding and treating the arrested/detained persons in the premises of the State Police is short, which varies from 48 hours to 96 hours at most, during which time the court is obliged to examine and determine the amount of personal security against the arrested/detained. After setting the measure of personal security, the arrested/detained person is transferred from the premises of the State Police to the IEVP as a detainee or is released.

The escort and treatment of persons in the escort premises of the State Police is carried out based on the determinations made in article 108, 109 and 122 of Law no. 108.2014 "On the State Police", amended, which defines the legal cases of accompanying the person, the rights they have during detention and treatment in the police premises, the time of stay or detention which is: up to 10 hours.

Regarding the recommendation presented in point 36 - not to keep people escorted at night in the premises of the police stations, we inform you that:

The dynamic and work of the police for maintaining public order and security, preventing and combating criminal activity, etc., (of the duties and responsibilities provided for in Article 17 of the Law "On the State Police"), is continuous and without interruption during 24/7 both day and night exercising the attributes and powers that the law gives, including escorting and treating persons, which lasts until the case is clarified, but not more than 10 hours.

Regarding the findings made in the escort premises of the Kurbin Police Commissariat, in the Local Police Directorate of Lezhë (point 37 of the report), measures have been taken by the structures of the Police Commissariat of Kurbin for the placement/assignment of police officers for the supervision and provision of escorted persons, in all cases of escorting and treatment of persons in these premises.

For the year 2024, funds have been provided for the realization of the "Design Study" for the construction of the Kurbin Police Commissariat, as the earthquake of 2019 damaged the existing facility. This project also includes the construction of premises with suitable conditions for having and the treatment of accompanied persons.

The central structures of the State Police will plan and carry out continuous checks on the local structures for the implementation of the tasks defined in Attention No. 567, dated 16.01.2024 mentioned above (and not only) with the aim of improving the treatment and respect of the rights of persons who are held and treated in the premises of the State Police.

Attached we are sending you copies of the following documents:

- Attention Letter of the General Director of State Police No. 567, dated 16.01.2024 "For the fulfilment of responsibilities and duties by the State Police structures in accordance with the Constitution, international acts and legal acts of the country, respecting and guaranteeing the rights and freedoms of persons".

- Letter Rogatory of the General Director of State Police No. 7701, dated 12.10.2022 "On respecting and guaranteeing in practice the right to medical treatment of accompanied and arrested/detained persons".
- Order of the General Director of State Police No. 367, dated 19.02.2024 "On respecting and guaranteeing the right for accompanied persons, to be informed about their legal rights, in the premises of the State Police", (together with the letters of rights).

### General Directorate of Prisons

**The CPT would like to receive an update on the reconstruction and modernization of the prison system.**

One of the problems with the most urgent and necessary need for intervention is the waterproofing of the terraces in most of the IECDs throughout the country. For this reason, special importance has been given to the solution of this problem, so in this context the Projects and Investments Sector has foreseen in the project budget of 2024 the realization of the repair of the terraces according to the need found in the IECD.

As part of the ongoing projects, the Master Plan for the year 2023 - 2030 has been drawn up. Part of the projects of this master plan is the construction of the new prison of the district of Tirana with a capacity of 2000 places, a space which will also include the capacity of IECD "Jordan Misja", for this reason, during this period, the necessary investments for this IECD will be well thought out. Any other problems identified in Prison 313 "Jordan Misja", more specifically in the construction and engineering infrastructure of building A until the completion of the new Tirana prison, the Projects and Investments Sector at the GDP will take measures to be planned in the budget of next year.

Through a collaboration with the Albanian Football Federation, in recent years a donation has been obtained for the laying of green fields for two of the country's IECD. The General Directorate of Prisons is in constant conversation to further expand cooperation in all IECDs of the country, equipping their outdoor spaces with artificial grass in every space provided for outdoor sports activities.

**The Committee would like to receive an up-to-date national information on:**

- The number of those sentenced to life imprisonment: **191 convicts**
- the number of convicts with normal sentences currently eligible for parole: **160 convicts** - the number of convicts with normal sentences who have submitted requests for parole to the courts: **currently 32 convicts have made requests<sup>1</sup>**
- the number of such requests that have been successful: **for the period January 2023-May 2024, 96 convicts have received conditional release**

**CPT recommends that steps be taken to fix the deficiencies in Fier and Peqin Prisons. Regarding the Fier Prison in particular, taking into account the high level of humidity in the area, the living quarters of the prisoners, especially those located on the ground floor level, need regular maintenance work.**

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<sup>1</sup> This number may be higher, as some of the convicts apply for conditional release through their lawyers and the IECD staff may not be aware.



In implementation of this recommendation, periodic interventions have been planned and carried out in IECD Fier and Pegin for the maintenance of the premises, especially on the first floors, which are more affected by humidity.

**The Committee recommends that a high priority should be given to the closure and decommissioning of Tepelene prison; we would like to receive a detailed calculation in this direction, from the Albanian authorities.**

**Pending closure, efforts should be made to bring the material conditions of imprisonment in Tepelena prison to an acceptable level. In particular, urgent measures should be taken to ensure that:**

- **To properly respect the minimum national standard of 4m<sup>2</sup> of living space for prisoners in overcrowded cells (not counting the space occupied by toilets inside the cell);**
- **The accommodation of all prisoners is kept in an acceptable state of repair and is properly ventilated and heated;**
- **The premises of shared showers to be repaired.**

Part of the Master Plan for the prison system for the year 2023-2030 is also the closure of the Tepelena prison. Meanwhile, until the Tepelena prison is completely closed, measures will be taken to improve the living conditions of the prisoners in this IECD.

As for overcrowding, the current situation is -10 prisoners below the prison's accommodation capacity, which means that the national standard minimum of 4m<sup>2</sup> of living space per prisoner is respected.

**Some deficiencies were observed in IECD Jordan Misja in Building B such as poorly ventilated cells in the observation sector as well as the lack of a shelter for bad weather and no exercise/sports equipment in the outdoor courtyard. Similarly, the courtyard of Building C had no equipment. The CPT recommends that measures be taken to meet these deficiencies.**

**The CPT would like to receive a detailed timeline for the reconstruction of Block A of Prison No. 313, as well as information on the general organization (general capacity; space and design of living rooms; spaces for outdoor exercise and sports; spaces for extra-cellular activities, including those for education and professional training, etc.).**

As part of the ongoing projects, the Master Plan for the year 2023 - 2030 has been drawn up. Part of the projects of this master plan is the construction of the new prison of the district of Tirana with a capacity of 2000 places, a space which will also include the capacity of IECD "Jordan Misja", for this reason, during this period, the necessary investments for this IECD will be well thought out. Any other problems identified in Prison 313 "Jordan Misja", more specifically in the construction and engineering infrastructure of building A until the completion of the new Tirana prison, the Projects and Investments Sector at the GDP will take measures to be planned in the budget of next year.

**The CPT recommends that prisoners be provided with free and sufficient essential personal hygiene products upon entry into prison and regularly thereafter.**

Essential hygiene products are provided regularly according to a distribution plan for each inmate.

**The CPT invites the Albanian authorities to progressively replace the sponge mattresses in prisons with proper mattresses.**

Pursuant to the recommendation of the CPT, work has continued on the periodic replacement of amortized mattresses with new mattresses.

**The CPT calls on the Albanian authorities to take the necessary measures in Fier, Peqin, Tepelena and Prison No. 313 prisons (and in other prison institutions in Albania where there is a similar situation) to significantly and substantially improve the regime of activities for all prisoners, regardless of their legal status. The aim should be to ensure that prisoners can spend a reasonable part of the day (ie eight hours or more) outside their cells, engaged in various activities (such as work, education, vocational training, sport, and recreation/association).**

The Directorate of Social Affairs, in accordance with the recommendations of the CPT, has continued to strengthen the social service at the IECD, updating / enriching the portfolio of therapeutic instruments, as well as psycho-educational programs. Thus, was opened "School - Life Skills" - 8 therapeutic modules based on cognitive behavioural therapy. Specifically, the prisoners participated in the following modules:

- ✓ Domestic Violence
  - ✓ Sex Offenders
  - ✓ Employment
  - ✓ Awareness of Law Violators
  - ✓ Stress – this silent factor (Part I)
  - ✓ Stress – this silent factor (Part II)
  - ✓ Post Traumatic Stress Management
  - ✓ URA – Restorative Justice
  - ✓ The staff of the social sector has been trained regarding the procedure for the preparation and drafting of the pre-release program.
- The base of procedural documents related to the implementation of the reintegration process has been completed.
  - 3 modules designed within the staff welfare component were drafted and approved. Meetings were held with multidisciplinary staff related to this component, with the aim of psycho-education, in order to address the "emotional exhaustion" of the staff;
  - In cooperation with CoE on June 11-14, 2024, the psycho-social staff of the IECD was trained in two therapeutic approaches:
    - ✓ Trauma Therapy
    - ✓ Cognitive Behavioral Therapy
  - With the aim of the success of these measures (individual program and overall psychosocial care for this category) in the work programs continuous training of the staff is foreseen and carried out in order to guarantee an efficient service and realistic intervention. In this context, the Department of Social Affairs in the GDP during the period March-April 2024 has conducted the following trainings:
    - - ✓ "On the prevention of recidivism and the social reintegration of offenders",
      - ✓ "Methodology in function of planning the detention plan of prisoners, based on instruments drawn up by experts of the Council of Europe",
      - ✓ As well as the implementation and training of the staff for the implementation of the "Psychologist's Protocol".

- In the framework of strengthening bibliotherapy, a Cooperation Agreement was signed between the GDP and the Center for Motivation and Development, which consists in enriching and revitalizing the libraries of IECD and encouraging prisoners to read, including citizens with medical conditions;
- We are in the phase of concluding a Cooperation Agreement between GDP and the "Vatra" Center. The latter has extensive, many-year experience in addressing domestic violence, supporting victims of violence, etc.
- Regarding education and professional training in the penitentiary system, the Cooperation Agreement with the Ministry of Education and Sports and that of the Ministry of Economy and Innovation, responsible for professional training, is in the process of being revised. The renewal of these agreements will make it possible to provide vocational education and training in IECD, taking into account the addressing of the findings and difficulties encountered in the provision of services during these years, as well as the elaboration of ways to provide more comprehensive vocational education and training.
- In the framework of the cooperation with the British Embassy in Tirana, as far as the rehabilitation component is concerned, it has been assessed and work is underway to open various workshops in 3 IECD, according to the identified needs. With the implementation of this initiative, with the support of British experts, dedicated to the field, we will replicate the same experience in other IECD, too. At the same time, the staff is being empowered through meetings and study visits in this context. Through this support, the implementation of therapeutic communities in IECD will be realized. Work with the component of domestic violence, drug abuse, etc. will be targeted.
- Activities for physical education and sports, including psycho-education are taking place in every IECD.

**The Committee also invites the Albanian authorities to consider introducing, if possible, an open policy in the accommodation of prisoners in Fier Prison (and, as appropriate, in other prisons in Albania), following the positive example of the Prison of Peqin.**

During the April-September period, the policy followed in the IECD is generally that of open doors, in order to reduce the effect of the hot months of the year. This policy is implemented taking into consideration the security level of the prison and the security risk posed by the prisoners, in order to maintain a safe climate in the institutions.

**The CPT recommends that prisoners subject to the regime under Article 17 of Law 81/2020 be offered an appropriate program of activities (preferably outside the cell) and be provided with a minimum of human contact for at least 2 hours each day and preferably more with staff and as far as possible one or more other prisoners from the same sector. Furthermore, the number of visits and phone calls allowed to these prisoners should be increased. CPT also considers that placement in the special regime sector should be limited in time and subject to review at least every two months.**

As Law 81/2020 provides, the placement of the prisoner in the special regime of exercising rights in high security prisons is based only on maintaining order and security and/or preventing communication with the criminal organization to which these prisoners belong, or with other organizations, through taking internal and external high security measures, to prevent: a) contacts with the criminal organization they belong to or with other organizations with which they cooperate; b) possible conflicts with elements of other organizations; c) interaction with other prisoners, who belong to the same organization or other organizations with which they cooperate; ç) communication or exchange of items between prisoners belonging to different groups. So, according to these legal provisions, for legitimate security reasons, prisoners accommodated in the 41 bis regime cannot contact or exchange items with each other or with other prisoners.

Also, law 81/2020 provides: a) allowing one meeting per month with family members, which is carried out at regular time intervals and in certain environments, where the entry of persons or other objects is prohibited and subject to audio recording and video. Meeting with people other than family members, for convicted persons, is allowed with the proposal of the director of the institution and with the approval of the General Director of Prisons. For detained persons, meeting with persons other than family members is allowed only with the approval of the prosecutor. Meetings with legal defenders are without restrictions.

Prisoners in this regime are allowed to make one telephone conversation per month, with a maximum duration of ten minutes, which is recorded. The provisions do not apply to conducting telephone conversations with the institution of the People's Advocate and with domestic or foreign organizations operating in the field of human rights.

Respect for the rights provided for in Law 81/2020, for prisoners placed in the special regime 41 bis, is monitored without restrictions and the need for prior notification by the People's Advocate. The General Directorate of Prisons (GDP) is fully committed to implement every provision that the legislation in force provides for the special regime 41 bis and to cooperate with the institution of the People's Advocate to fulfill the recommendations that are within the competence of the field of action of the GDP.

**The CPT recommends that the Albanian authorities review the existing levels of health personnel in Fier and Peqin Prisons as an important matter, in light of the CPT's observations. First, urgent steps should be taken to fill the existing vacancies in these prisons. Steps should also be taken to ensure that the vacant part-time post of GP in Tepelena Prison is filled.**

Regarding the above-mentioned recommendations, we note that these issues have had a special focus from the GDP, the recruitment of health staff, especially doctors.

Regarding this concern, we note that the GDP has from time to time published online announcements regarding the recruitment of doctors in the prison system, but the recruitment of health staff, especially medical staff, has been difficult to fill vacant positions, since the work regime of these professionals is more difficult in the conditions of the prison regime, compared to the public medical service.

IECD Fier has three doctors on staff, where currently all three are part-time doctors (two general practitioners and one psychiatrist). If it is not possible to recruit full-time doctors, the vacancies are filled with part-time doctors.

While in IECD Peqin there are three doctors in organics, but currently there are two part-time doctors. On the other hand, it is evident that specialist doctors from the prison system or regional hospitals (psychiatrist, pulmonologist, cardiologist) are periodically sent to perform medical consultations of prisoners in the institution. Also, two nurses have been added to the health staff in this institution.

At IECD Tepelena, the staff is currently filled with a part-time doctor.

**The CPT recommends that steps be taken to develop targeted training modules for prison health staff addressing the particularities of health care in a prison setting (for example, related to prison-specific ethical issues, communicable diseases or drugs).**

As for staff training, treatments are continuously organized for health staff, such as for the management and treatment of former drug users, sexually transmitted diseases, medical first aid. In the framework of the recommendations of the CPT, health staff trainings have been developed by experts in the relevant fields (cardiology) for the use of the Defibrillator device, but also for medical first aid in the case of accidental punctures, an important and valuable topic for the health staff of prisons.

The focus has been and is on the training of medical and social staff, educational, promotional, counselling and testing activities for HIV/STI/Hepatitis, etc. The training was carried out in November 2023 at the National Reference Laboratory, near the Institute of Public Health. In continuation of these trainings, trainings on "Treatment and management of former drug users" were carried out for the employees of the prison system.

The Council of Europe has conducted dedicated trainings with health staff related to the issues and standards of mental health provision, ethics and confidentiality issues, etc.

**The CPT recommends that the Albanian authorities take appropriate measures in the visited prisons to correct/fix the deficiencies<sup>2</sup>. In this context, steps should be taken to ensure that health staff in prisons receive regular training in basic first aid skills (including the use of a defibrillator).**

Regarding these recommendations, the IECDs have been supplied with medical equipment and are in the process of supplying all the IECDs. The current situation is as follows:

- Dental chair and Autoclave - equipped all IECD
- Oxygen apparatus - equipped all IECD
- Defibrillator - equipped IECD Fushë Krujë, Lezhë, Durrës, Jordan Misja, Korçë, Shkodër, Peqin, Fier, Mine Peza, Elbasan, Prison Hospital Center (others are in the process).
- EKG (Electrocardiograms) - equipped IECD Elbasan, Rogozhinë, Durrës, Ali Demi, Jordan Misja, Lezhë, Special Structure, Korçë, Vlorë, Berat, Prison Hospital Center (others in the process).
- ECHO (Echography) - IECD Fier, Peqin, Special Structure Lezhë have been equipped.
- Physical restraint beds and straitjackets - have been equipped in the Lezhë Special Structure, Durrës, Fier, Prison Hospital Center, and for this year they are in the process of equipping several other IECDs.

**The CPT recommends that steps be taken to arrange regular visits (at least 2 per month) by a psychiatrist in prison 313, Peqin and Tepelena (and as appropriate, in all other prisons in Albania).**

Regarding this issue, as we mentioned above, in IECD Peqin periodically, a specialist doctor, especially a psychiatrist, is sent to perform psychiatric consultations for prisoners with mental health problems in the institution of Peqin. The same procedure was followed and is being followed for IECD Jordan Misja. While IECD Tepelena carries out psychiatric consultations of prisoners with mental health problems in public regional hospitals and in the Prison Hospital.

**The CPT once again calls upon the Albanian authorities to take the necessary steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that in all the establishments visited and, as appropriate, in other prisons in Albania:**

- **all newly arrived prisoners are subject to a comprehensive medical examination (including systematic TB screening) by a doctor or a qualified nurse within 24 hours of admission, followed by voluntary testing for HIV and hepatitis B/C;**
- **the record drawn up after the medical examination of a prisoner (whether upon admission or during imprisonment) contains:**

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<sup>2</sup> Regarding the medical equipment in the health facilities in the visited prisons, it is a concern that the Tepelena Prison did not have necessary equipment such as an automatic external defibrillator (AED), oxygen, and an EKG machine. Also, there was no AED in Prison No. 313. Contrary to this, the health facilities of Fier and Peqin Prisons were equipped with a defibrillator; however, no staff members were trained in its use and the device's audio instructions were in English.

- a) a full account of objective medical findings based on a thorough examination,
- b) an account of statements made by the person which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment), and
- c) the healthcare professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings.

The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed. Further, the results of every examination, including the above-mentioned statements and the healthcare professional's conclusions, should be made available to the prisoner and their lawyer;

- any traumatic injuries observed in the course of the medical examination of a prisoner are recorded in a dedicated register. In addition to this, all injuries should be photographed in detail and the photographs kept, together with "body charts" for marking traumatic injuries, in the prisoner's individual medical file;

- whenever injuries are recorded by a healthcare professional which are consistent with allegations of ill-treatment made by the prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the competent prosecutor. The healthcare professional should advise the prisoner concerned of the existence of the reporting obligation and that the forwarding of the report to the prosecutor is not a substitute for the lodging of a formal complaint.

Regarding the above-mentioned issues, all newly arrived prisoners at the institution are received by the health staff at the moment of admission, consult with the institution's doctors, taking a detailed medical history and providing them with the clinical card. In addition, prisoners (new admissions) undergo laboratory medical examinations (complete blood, biochemical, complete urine, pulmonoscopy or graph) in regional public hospitals.

The description of medical consultations and documentation in the clinical records of prisoners is the basic duty of the doctor.

From the moment of admission, prisoners (new entries) to the IECD, are consulted and examined for signs of violence and in case of finding, they are recorded in the relevant register, as well as the competent bodies are notified by official letter.

The medical staff at the IECD has been instructed on the procedures for the management, discipline and treatment of convicts and pre-trial detainees, as well as on the realization of medical examinations for the prisoners, according to the formats of the registers of physical restraint. As for testing for narcotics users, all IECDs have been supplied with drug tests from the pharmaceutical warehouse of the GDP (for new entry cases), as well as the staff has been informed and trained regarding the testing of prisoners.

For the testing of newly arrived prisoners and medical examination, voluntary testing for HIV and hepatitis B/C, we inform that, in cooperation with the Stop AIDS Association, voluntary testing of prisoners for infectious diseases (Hepatitis B, C, HIV/AIDS, SST) are provided, as well as training for prison staff.

Also, in cooperation with this association, mini laboratories for testing prisoners for infectious diseases have been enabled and placed in some IECD, specifically in IECD Jordan Misja, Berat, Fier, Rogozhinë, Fushë Krujë, Peqin, Ali Demi.

**The CPT calls again on the Albanian authorities to take steps throughout the prison system to ensure that the principle of confidentiality is fully respected during medical examinations of prisoners.**

The issue of respecting confidentiality, during medical visits, has been constantly addressed by the General Directorate of Prisons, either through explicit provisions in regulatory acts, or through ongoing training of police staff.

VKM no. 209/2022 "On the adoption of the General Regulation of Prisons", contains specific regulations for this aspect, specifically in Article 21 "Health care services", point 4: "... *During consultation and medical examinations, the prisoner remains unchained and the security guard remains outside the room until the visit is over.*"

The presentation of the legal acts in force, and the operating procedures of the police staff in the prison system is the subject of the training of the police staff, both in the modules of the basic training program and in the career training program.

Referring to this observation of the CPT in prison 313, the GDP has sent an ordinance to all prisons to bring back to the attention of the staff, the issue of the confidentiality of the medical visit.

**CPT recommends that a complete therapeutic concept be drawn up for all SKV sectors in Albania in the light of CPT's remarks, introducing, among others, adequate human resources, multidisciplinary team work and specialized training for prison staff. Also, special care should be taken to create conditions within these sectors that favor the creation of a positive therapeutic environment.**

It is known that people with mental health problems are a category that presents difficulties to be treated adequately in the prison system, due to the restriction of freedom, the limited infrastructure of prisons to provide an adequate hospital service, the number of the small number of psychiatrists in the system, the amortized infrastructure in some old prisons, the lack of suitable spaces for the provision of psychological and therapeutic services, etc. To this list are also added the challenges of the prison system for the treatment of the category of citizens with medical measures of 'compulsory treatment' or 'temporary confinement'.

It is true that most prisoners with mental disabilities are kept in prisons like other prisoners, but it is known that these prisoners are accommodated in the Special Care Sector (SKV), or in special rooms where they receive special care, not only health but also psycho-social.

- SKVs have been created in IECD Durrës, Fier, Malësi e Madhe - Reç, Peqin, Rogozhinë, 'Ali Demi', 'Jordan Misja' and Lezhë.
- in other IECDs where there are prisoners with mental health problems (specifically, IECD Korçë, 'Mine Peza' and Lushnjë), due to security, infrastructure and the low number of this category, it is enabled to accommodate them in special rooms.

Regarding this recommendation, we inform that in Fier prison and Durrës prison, in cooperation with the Council of Europe, a pilot project is being implemented for the treatment and management of prisoners with mental health problems, focusing on multidisciplinary teamwork. Following this project, several trainings were conducted by CoE, with the health and psycho-social staff for their treatment. GDP will replicate the positive practices that are being followed in this pilot project in IECD Fier and Durrës, with priority to the operation of SKV (special care sectors) in prisons where there are SKV and psychiatrists.

**The Committee would like to receive detailed information on the initial training for newly recruited prison staff as well as the training received by officers on duty.**

Pursuant to Order No. 1500 Prot., dated 31.10.2023 "For the initial training of candidates selected to be accepted as Prison Police employees" of the General Director of Prisons, the Training Center at the GDP conducted the initial training with the winning candidates to be employed in the Prison Police, specifically in the premises of the Training Center (GDP), IECD Malësi e Madhe (Reç), IECD Fier, IECD Peqin and IECD Korçë.

The initial training program was aimed at theoretically and practically training the new basic role employees who will be employed in IECDs of the Republic of Albania, with the aim of increasing their capacities related to service procedures, professional ethics, communication skills, familiarity with security aspects, with the legal package that regulates and regulates the activity of IECDs in order to fulfil the mission, vision and basic objectives of the General Directorate of Prisons, but also for the provision and treatment of convicts and detainees in accordance with international standards.

During this (3-month) initial training period, the Prison Police employee:

- a) Is familiar with the rules of conduct and the Code of Ethics, the rights and freedoms of prisoners, their respect and protection;
- b) Is trained in the techniques that make possible the minimal use of force, with the aim of respecting the rights and dignity of prisoners and not exceeding the measure of force to neutralize the prisoners.
- c) Has followed the modules related to the use of weapons and other restrictive devices, in compliance with the rules defined in the legislation in force for the use of weapons as well as the by-laws in force issued in implementation of the legislation for the Prison Police.

The initial training program is implemented in two parts. In the first part, 2/3 of the program was developed and then it was transferred to practice, which was developed at IECD, within the trial period. After the internship, the candidates selected to be admitted to the Prison Police are evaluated in writing for the acquisition of knowledge based on the training program as well as the work during the internship.

**The CPT recommends that measures be taken in prison 313 to ensure that prisoners subject to disciplinary proceedings are systematically provided with a copy of the decision. Steps should be taken in all prisons visited (and in other prison institutions in Albania) to ensure that prisoners are informed of their rights to have access to a lawyer in the context of disciplinary proceedings.**

The legal provisions are clear regarding the prisoner's right to have a copy of the decision of the disciplinary commission in IECD and the right to be represented by a lawyer. Law no. 81/2020 "On the rights and treatment of those sentenced to imprisonment and pre-trial detention" provides in its article 66 "Procedure of granting disciplinary measures", as follows: *"The prisoner against whom disciplinary proceedings have begun has the right to:*

- a) *to be informed immediately in a clear way and in a language that is understandable by him about the facts, violations and disciplinary measures that can be imposed;*
- b) *to be heard and given sufficient time and facilities to submit claims and evidence in his defense;*
- c) *to be assisted by a defender when this is requested by him;*
- d) *request the summoning and hearing of witnesses; and*
- e) *to benefit from the help of an interpreter for free when he does not understand or speak the Albanian language.*

...

**The reasoned decision of the disciplinary commission to take the disciplinary measure is taken within 20 days from the detection of the violation and is notified to the prisoner."**



Meanwhile, we are currently in the process of drafting a standard operational procedure for handling the full disciplinary procedure against prisoners in the IECED, including systematic notification of the decision of the disciplinary committee and making available a copy of the decision for the prisoner's knowledge.

**The CPT once again reiterates its recommendation that the Albanian authorities review the role of health personnel in relation to disciplinary segregation, in the light of the above remarks. In doing so, we must bear in mind the European Prison Rules (in particular, Rule 43.2) and the comments made by the Committee in its 21st General Report (paragraphs 62 and 63).**

In reference to Article 65 of Law 81/2020 "On the Rights and Treatment of Prisoners and Pre-trial Detainees", it is emphasized: *"Before the start of the disciplinary review, the doctor prepares a medical report stating the health condition of the prisoner to whom disciplinary proceedings have begun. The report is made available to the disciplinary committee and is reviewed by it for the purpose of determining the disciplinary measure. The doctor participates in the meetings of the disciplinary committee without the right to vote and has the right to provide clarifications if this is requested by the disciplinary committee."* The doctor's report is important to guide the disciplinary commission in pursuing a facilitating disciplinary policy towards prisoners with mental health disorders, disabilities, physiological diseases, etc.

**The CPT recommends that the Albanian authorities adapt the draft internal regulations to conform them to the standards of the CPT and, then, call for their rapid approval and the creation of a leaflet, understandable for all patients. At the appropriate time, the CPT would like to receive a copy of the internal regulation.**

The General Directorate of Prisons is in the process of drafting the internal regulations of all IECEDs, including the regulation for patients with medical measures, in the light of the recommendations of the CPT. The process ends within the month of August 2024.

**The CPT recommends that the Albanian authorities make efforts to:**

- **provide more congenial and personalised surroundings for patients;**
- **provide full bedding, including fitted sheets, unless there are compelling personal contraindications;**
- **equip patients' cells with tables and stools commensurate with the number of patients being accommodated in the cell, and with lockable storage space where patients can store their personal belongings.**

**Further, the CPT recommends that once the overcrowding has been reduced, steps be taken to remove the bunk beds. It also encourages the management of the temporary facility to provide, as far as possible, areas free from passive smoking to all patients who request this.**

The current material conditions are in full compliance with the legal and sub-legal regulatory framework specifically; clothing, sleeping equipment and lighting in living quarters (Article 29 of the General Prison Regulations), airtime for prisoners (Article 30), hygiene services (Article 31), personal and environmental hygiene (Article 32), as well as the provisions in the European Prison Rules, Recommendation 2006 (2). Also, the conditions of treatment of citizens with medical measures are in accordance with Law No. 44/2012 "On mental health", article 5, 28 and 29.

The rooms have full lighting, normal temperature, are well ventilated, have a toilet and are furnished. Patients are provided with beds and sleeping equipment according to the seasons. 10 employees are employed to clean the premises.

Patients have access to hot water showers as needed. Food is cooked in parameters and served three times a day. Patients are allowed to buy food items and other items for personal needs from the Economic Operator contracted by the General Directorate to provide shopping service for patients.

Although in conditions of overcrowding, measures have been taken to improve the living and sleeping conditions of patients with medical measures at IECD Lezhë, through the provision of equipment for beds, including bed sheets, tables and benches, etc.

**CPT recommends that daily outdoor exercise be made available to all, including newly arrived patients and those who need assistance. Also, the CPT recommends that the Albanian authorities take steps to increase the time that patients accommodated in the temporary institution can spend outside in the ventilation facilities.**

The ventilation facilities are adequate. Infrastructural improvements have been made. 4 tents have been built which serve for the patients to stay in the shade during the ventilation period. Daily outdoor exercise has been made available to all medically qualified patients, with a frequency of 6 hours per day.

The Special Medical Institution IECD Lezhë, in cooperation with experts from the Saint'Egidio organization, will implement/strengthen occupational therapy in this institution, through the construction/opening of a greenhouse, with the aim of involving citizens with medical measures.

**The CPT reiterates its recommendations to the Albanian authorities that immediate steps be taken to ensure that:**

- **the number of healthcare staff is increased at the temporary facility, including assuring the around the clock presence of a psychiatrist; in this context, the CPT would like to be informed about the present availability of psychiatrists (in full-time equivalent) at the temporary facility;**
- **occupational therapists and additional clinically trained psychologists are recruited at the temporary facility. Further, the CPT recommends increased efforts by the Albanian authorities to enhance custodial staff's understanding of issues related to mental health.**

**The CPT would like to receive confirmation that a full-time psychiatrist has been assigned to forensic patients housed in the Tirana Prison Hospital.**

Full-time psychiatrist has been assigned to the Tirana Prison Hospital.

In Lezha temporary institution are assigned 3 psychiatrists, 4 general practitioners, 1 imagerist and 1 pulmonologist.

Meanwhile, dedicated trainings are conducted with the security staff at the two institutions where patients with medical measures are accommodated, as it relates to the understanding of mental health issues.

**The CPT recommends that the Albanian authorities take steps, both at the temporary facility and at Tirana Prison Hospital, to ensure that:**

- **a policy concerning the use of means of restraint is drawn up;**
- **the duration of the use of means of seclusion and mechanical restraint is for the shortest possible time (usually minutes rather than hours), and is terminated when the underlying reasons for their use have ceased;**
- **every patient who is subjected to mechanical restraint is under continuous supervision**

- **a qualified member of healthcare staff should be permanently present in the room in order to maintain a therapeutic alliance with the patient and provide them with assistance;**
- **every patient who is subjected to seclusion is under continuous supervision by a qualified member of healthcare staff;**
- **patients are not subjected to mechanical restraint in view of other patients (unless the patient explicitly expresses a wish to remain in the company of a certain fellow patient);**
- **handcuffs are not used as a means of restraint;**
- **once the means of restraint have been removed, a debriefing of the patient takes place, to explain the reasons for the restraint, reduce the psychological trauma of the experience and restore the doctor-patient relationship. This also provides an opportunity for the patient, together with staff, to find alternative means to maintain control over themselves, thereby possibly preventing future eruptions of violence and subsequent restraint;**
- **all instances of recourse to means of restraint (whether manual, mechanical or chemical) are recorded in a specific register, in addition to the records contained in the patients' personal medical files. The entries in the register should include the time at which the measure began and ended; the circumstances of the case; the reasons for resorting to the measure; the name of the doctor who ordered or approved it; and an account of any injuries sustained by patients or staff. Patients should be entitled to attach comments to the register, and should be informed of this entitlement; at their request, they should receive a copy of the full entry.**

Physical restraint is the last alternative of treatment for these citizens and is carried out in accordance with the law on mental health, Article 27 - Physical restraint.

Physical restraint is applied for short periods of time with clear objectives, according to protocols approved by order of the Minister of Health. The patient is informed about the physical limitation. All the procedures followed for the realization of physical restraint and the reasons for undertaking them are described in detail in the patient's card and in the register of physical restraint, this register was drawn up by a working group of the GDP and an expert in the relevant field and which it has been made available to all IECs by order from the GDP.

Physical restraint is applied in the conditions when it is authorized by the psychiatrist in writing and is carried out in the least restrictive/coercive form, which provides security and control of the patient's aggressive behaviour.

In each IEC, where physical restraint is applied, the data, for each case, is documented in the separate register, in addition to the detailed documentation in the patient's clinical record. The family members of the patients or their representative were also informed about this procedure, when the patient is subjected to physical restraint.

However, in IECs when there have been cases of prisoners with mental health problems with acute psychotic elements, they are immediately sent to the Prison Hospital for further treatment until they improve, which means that they are not kept in the institution.

In continuation, the General Directorate of Prisons has informed the Ministry of Health and Social Protection regarding the management and treatment of citizens with medical measures, categories of citizens with mental health problems, in other words 'persons irresponsible before the law and do not bear criminal responsibility', subject to medical measures "compulsory treatment in a medical institution", within the availability of a court decision for this reason.

The intervention of the Ministry of Health, by transferring their management to the health care structures on its administration (regardless of the transitional period in the buildings adapted to the IECED Lezhë), in addition to fulfilling the legal obligations, would also consist in providing the best specialized psychiatric service etc., through Public Health or university hospital structures, with the aim of providing health care to them according to their needs.

In the light of these CPT recommendations, specific provisions for the use of physical restraints will be included in the internal regulations of the temporary institution in Lezha.

**The CPT recommends that the Albanian authorities take measures to ensure that these rules<sup>3</sup> are effectively implemented in practice. Legal practice and, if necessary, relevant legislation should be amended accordingly.**

In accordance with the recommendations of the CPT, all patients who have given their consent for treatment, all measures have been taken for regular information regarding their situation, as well as the applied treatment. They are clearly informed that they can quit at any time. Any other approach is based on the legislation in force, for clearly and strictly defined exceptional situations, accompanied by dedicated supervision.

**The CPT again recommends that the Albanian authorities take the necessary steps to reassess the need for hospital care in relation to all patients currently held in the temporary institution and in the Prison Hospital and in this context consider the possibility that forensic patients they can be granted permission (un)accompanied.**

Reassessment of the need for hospital care in relation to patients held in the temporary institution and in the Prison Hospital is carried out by the court. The prison administration has addressed to the court several cases to conduct periodic reassessments.

The recommendation on the possibility that forensic patients can be given permission (unaccompanied) will be carefully evaluated if it can be included in the internal regulation of the operation of the Lezha temporary institution.

### **Ministry of Health and Social Protection**

**Paragraph 111:** Regarding the steps taken for the establishment of the Special Medical Institution for the treatment of forensic patients, the Ministry of Health and Social Protection aims to further mature the project-fiche for the establishment of this institution, according to the recommendations of the European Commission, in the framework of the application for IPA III, and the recommendations of the CPT (the reservations expressed in the last report regarding the location of Shënkoll due to the unfavourable atmosphere for it, with the predominance of a penal rather than a medical setting). For this purpose, we are working, with health and justice system experts, to identify a suitable plot for a decent treatment of forensic men patients, preferably in the vicinity of Tirana, with the aim of having greater access to different professionals who will have to be recruited for the provision of multidisciplinary services in this institution. The drafting of the feasibility study for the new location, with the aim of increasing the maturity level of this project for financing support, is one of the steps that this working group will undertake in the future. Meanwhile, as it is foreseen in the Mental Health Action Plan 2023-2026, the further strengthening of the network of community mental

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<sup>3</sup> The CPT considers that, as a general principle, all categories of mentally disordered patients, voluntarily or involuntarily, civil or medico-legal, with legal capacity or legally incompetent, should be put in a position to freely give consent to treatment. Admission of a patient to a psychiatric institution on a voluntary basis, whether in the context of a civil or criminal proceeding, should not preclude seeking informed consent for treatment.

health services is one of the main interventions in implementation, which will contribute to specialized community/ outpatient care, also provided to forensic psychiatric patients.

**Paragraph 119:** In line with what is laid out in this paragraph on the inappropriate conditions of the Tirana Prison Hospital for the treatment of female forensic patients, as well as the general measures of the "Strazimiri" decision against Albania" of the European Court of Human Rights (ECHR), the Ministry of Health and Social Protection and the Ministry of Justice with joint order no. 54, dated 31.01.2024, have set up a joint working group for putting into operation the Special Medical Institution for women. For this purpose, the Ministry of Health and Social Protection has undertaken the commitment to adapt the facility of the Inpatient Mental Health Service in Shkodra to a Special Medical Institution for female patients, with a capacity around 35 beds. This intervention will address the impossibility of transferring female patients with mental health disorders with medical measure "forced treatment" from the Prison Hospital Center to the Lezha transitional institution, due to the overcrowding of the latter.

In this context, the respective evaluations from the health sector and that of prisons have been carried out on the need for intervention in the infrastructure, furniture and security perimeter of the building of the Inpatient Mental Health Service in Shkodra to be transformed into a Special Medical Institution for women. In the following, we are working on the development of the regulatory framework for the creation and operation of this institution, as well as the human resources necessary for the provision of therapeutic and safe services.

This working group will also plan the transfer of the hospital mental health service for civilian patients to a psychiatric ward in the Shkodra Regional Hospital, ensuring the full integration of the mental health service in general health care, in accordance with the specific provisions of the Mental Health Action Plan 2023-2026.

**Paragraph 124:** Pursuant to the submissions in this paragraph, in order to assist the staff in the management of agitated patients, the Ministry of Health and Social Protection has developed the Diagnostic and Therapeutic Care Protocol for Agitated Patients (approved by ministerial order no. 327, dated 19.06.2024), which has been shared with the General Directorate of Prisons for the treatment of patients with mental health disorders with medical measures and convicts or detainees with mental health disorders.

**Paragraph 130:** In the context of the recommendation addressed in this paragraph, in order to further improve the treatment of forensic psychiatric persons, towards individualized multidisciplinary treatment, we inform that the working group set up by order of minister no. 18, dated 12.01.2024, with representatives of the Ministry of Health and Social Protection, the Ministry of Justice, the General Directorate of Prisons as well as representatives of the multidisciplinary teams of the Psychiatry Service at the University Hospital Center "Mother Teresa" Tirana, the Lezha institution and Tirana Prison Hospital, have developed the document "Treatment plan for forensic psychiatric patients", approved by Order no. 391, dated 17.07.2024. This document aims to provide a unified format of the treatment plans for forensic psychiatric persons with mental health, in inpatient institution.

Also, we would like to inform that the Ministry of Health and Social Protection and the Ministry of Justice, with joint order no. 53, dated 31.01.2024, have established an joint working group for the review of the joint action plan, annex to the cooperation agreement "On the treatment of forensic psychiatric patients", in the light of the recommendations of the CPT- and the measures of the "Strazimiri vs. Albania" decision of the European Court of Human Rights (ECHR), as well as all the latest developments in this field. The cross-sectoral working group, co-chaired by the Deputy Ministers of Health and that of Justice, will also engage in monitoring the implementation of the revised joint action plan.

In the meantime, we inform you that the Ministry of Health and Social Protection and the Ministry of Justice continue cooperation with the Council of Europe to improve the treatment of forensic psychiatric patients", within the project of HF III "Strengthening the protection of rights of human rights for convicted persons in Albania".

**Paragraph 182:** *The CPT would like to receive an explanation as to the financing of residential care facilities in Albania, including a break down as to which items related to basic care (for instance, wheelchairs, anti-decubitus mattresses and residents' hoists) are not paid for by public means.*

The financial Social Fund mechanism supports the establishment of social services in local level and contributes directly to the provision of the basket of social services for all categories in need, based on the analysis of the needs and the local social plans, aiming expanding the map of social services. The Social Fund, in five years of operation, has made possible the establishment of 73 social care services, benefiting 32,869 individuals, provided by 581 professionals, from which 51 municipalities and 8 districts, with a disbursed fund of 1.2 billion ALL.

Within the Medium-Term Budget Program "Social Care" there is a continuous increase in the amount of the social fund by 50% in 2023, compared to 2021, and a 10% increase for 2025 compared to 2023.

The increase in the number of social services, supported by the Social Fund, has led to the expansion of the map of services in the territory of the country. Services are currently provided in 391 care institutions in all 61 municipalities of the country or 16% more than in 2021. These institutions provide 1,147 services or 2.3 times more than in 2021 for 46,958 beneficiaries (where 30% of them are persons with disabilities), out of 10,000 beneficiaries in 2019.

**Paragraph 188:** *The CPT would like to receive an explanation as to the financing of residential care facilities in Albania, including a break down as to which items related to basic care (for instance, wheelchairs, anti-decubitus mattresses and residents' hoists) are not paid for by public means.*

In order to guarantee the provision of a quality and sustainable service, the MoHSP has supported, through the Budget Program "Social Care", within the Social Fund mechanism, the specialized national service of production and distribution of wheelchairs. Starting from 2018, over 11,000 wheelchairs have been provided, free of charge, to persons with disabilities/individuals in need throughout the country.

**Paragraph 191:** *The CPT considers that in both centres there were violent incidents amongst residents, such as 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 enhance the risk of inter-resident violence, including of a sexual nature. It's also clear to the delegation that structural shortcomings in both centres, including low numbers of orderlies, resulted in a level of staff supervision below what is acceptable.*

Based on the standards of the residential service (development centers) for persons with disabilities, the beneficiaries are divided in bedrooms and common areas is based on diagnosis, age group, gender and developmental abilities. Depending on the problems that the beneficiaries have with their behavior, with each other, the social staff draws up an individual plan for each of them.

The State Social Service, based on the annual working timelines for the years 2023&2024, has provided training to social staff regarding the management of conflicts cases and related to the therapeutic treatment of the beneficiaries.

Recently, MoHSP has started the process of revising the existing standards of social care services. Within this process, the framework of basic quality standards, has been approved by Ministerial Instruction No. 281/2024, aligned with the European Voluntary Quality Framework for Social Services.

In the framework of the deinstitutionalisation process, already included in the Action Plan of the National strategy of Social Protection 2024-2030, the evaluation of two centers (Durrës and Shkodër) is foreseen: i- evaluation of children; ii- their families; iii- infrastructural assessment and iv- of the evaluation of the social staff. Based on the evaluation findings, the infrastructural and structural changes of the social staff will be proposed, respecting the revised specific standards for the development centers.

**Paragraph 194:** Regarding to *the recommendation related to the scope and nature of training for both development centers*, the SSS, in cooperation with the national partners, has planed the organization of training sessions, during the second semester 2024, as part of the deinstitutionalization process, as well (refer to the answer above).

**Paragraph 195:** Regarding the *CPT's recommendation programmes be developed to enable residents to express themselves and be understood*, we inform that these programs will be part of the training sessions explained in paragraph 194.

**Paragraph 196:** *The CPT recommends that the Albanian authorities introduce the obligation to maintain a dedicated incident register in the residential social care facilities.*

Based on the standards of social care, the care staff fills out a form related to the incidents occurring during the provision of the service. However, based on the given recommendation, SSS will create a database template registering the incidents, that will be sent to all institutions to be completed and updated case by case.

This recommendation will be taken into consideration during the revision process of social service standards, as well.

**Paragraph 208:** *The CPT recommends the steps be taken by Albanian authorities to ensure that Shkodra Development Center is renovated carrying out necessary repairs, inter alia: the plumbing, the bathrooms, the elevator, should be covered wherever it is exposed, and the mold should be eliminated wherever it appears). As to the Durrës Development Centre, the outdoor playground area should be repaired without delay. Also, the CPT recommends that the Albanian authorities ensure that all residents have daily access to the outdoors, including those needing assistance. For both the Shkodra and Durrës Development Centre the CPT recommends equipping rooms with bedside tables commensurate with the number of residents accommodated in the room and reducing the occupancy levels of both centres to reach acceptable living conditions as well as restricting occupancy of the residents' rooms.*

Regarding the findings of the CPT, we clarify that the Durrës Development Center, an institution under the State Social Service, has completed the reconstruction of the center's buildings and premises. The infrastructure is in accordance with the service typology and care standards for this category. Also, in cooperation with donors, the furnishing of the premises with the necessary hotel equipment has been achieved.

The Shkodër Development Center has carried out necessary repairs of the plumbing and bathrooms and as a result of the intervention, the mold that was present in the beneficiaries' rooms and toilets has also been removed. Painting of the rooms and partial decoration of the corridors inside the institution has also been carried out.

Regarding the elevator in the Durrës Development Center, we inform you that it is functional, while in the Shkodra Center it continues to be out of order.

In the Durrës Development Center, the service is offered in two buildings, where in one of the buildings, service is provided for beneficiaries with severe diagnoses, who are unable to access their personal space. Under these conditions, their personal belongings are managed by orderlies. While the beneficiaries in the other building have access to their personal space and clothing management.

In the Shkodra Development Center, most of the beneficiaries have serious diagnoses, where their ability to move is also limited, under these conditions everything is managed by the orderlies. All the other recommendations will be taken into account with the review of social care service standards for these categories (refer to the response given in paragraph 191).

**Paragraph 209:** *Regarding the recommendation for providing a sufficient budget for food, to provide residents with a healthy and varied diet, designed by professionals in the field (nutritionist), based on the diagnoses and nutritional needs of the beneficiaries in the centers, we inform you that the 2024 indexation has been carried out by the State Social Service for all social care institutions, including the two Development Centers Durrës and Shkodër.*

**Paragraph 214:** *The CPT recommends that the Albanian authorities amend the approved organigrams for both residential care centres in order to be able to proceed with the recruitment of nursing staff and occupational therapists. Further, the Committee recommends that the number of unit-based staff (orderlies and education therapists) in both the Durrës Development Centre and the Shkodra Development Centre be increased.*

We inform that the State Social Service, at the beginning of 2024, has requested from the MoHSP the determination of the number of employees with temporary contracts, in all social care institutions, including the two development centers, based on the needs that come from the centers themselves. Currently, part-time staff are appointed in these centers. On the other hand, regarding the Development Center, depending on the Municipality of Shkodra, the structures are proposed by the Municipality itself and approved by Decision of the Municipal Council.

In conclusion, we state that all recommendations will be taken into account with the revision of social care service standards for these categories (further refer to the answer given in paragraph 191).

**Paragraph 217:** *The CPT recommends that measures be taken to ensure that all residents have daily access to an individualised programme of rehabilitative activities with a view to improving quality of life, as well as resocialisation programmes preparing residents for more independent living.*

MoHSP, in cooperation with international partners, within the framework of the deinstitutionalization process, has started the assessment process of beneficiaries in the development centers. To date, the evaluation of the three development centers Shkodër, Berat and Korçë has been carried out. The evaluation process will continue with the other three centers. Based on the findings and recommendations, an action plan will be drafted, taking into consideration the recommendations of the CPT, as well.

**Paragraph 218:** *The CPT recommends that steps be taken to develop activities specifically tailored for residents with severe physical, intellectual, and sensory disabilities at both the Durrës and the Shkodra Development Centres.*

All the beneficiaries in both centers have received training tailored for residents, but based on the health diagnosis, the development progress has not been evident.

Referring to your recommendation based on the deinstitutionalization process, an individual intervention plan will be drawn up for each beneficiary, after the end of the beneficiary assessment process in these two centers (further refer to the information provided in paragraph 217).

**Paragraph 219:** *The CPT recommends that the Albanian authorities take urgent steps to ensure that such training is provided in all residential care centres.*

Please refer to the information provided in paragraph 217.

**Paragraph 220:** *The CPT recommends that the Albanian authorities take steps, in both the Durrës Development Centre and the Shkodra Development Centre to provide residents with adequate dental care (including preventative/conservative treatment), support daily oral hygiene routines, and ensure that female residents also undergo regular health screening (for example, cervical smears, mammography) as appropriate.*



We inform that in the development center Durrës and Shkodër all beneficiaries who are not of the age of general healthcare screening, receive annual health checks and examinations, as appropriate, tailored for residents. The Durrës development center has concluded an agreement with a private clinic, where specific health tests are done for the beneficiaries. As for dental treatment, the service is offered near dental centers in state hospitals.

**Paragraph 221:** *The CPT recommends that the Albanian authorities ensure that a protocol for a system of mandatory monitoring of the white blood cell count of residents treated with Clozapine be drawn up at the national level, in line with international guidelines. Further, staff should be trained in detecting the early signs of the potentially lethal side-effects of Clozapine.*

We inform that the SSS will monitor the implementation of the recommendation, from the two Development Centers, in cooperation with the respective Health Centers, to carry out the necessary examinations for residents treated with Clozapine.

**Paragraph 222:** *The CPT recommends that the Albanian authorities take steps that the resident concerned had been involved in the plan's development.*

We inform that the SSS will monitor the implementation of the recommendation, from the two Development Centers.

**Paragraph 225:** *The CPT recommends that the Albanian authorities ensure that all residential care centres in the country develop written guidelines on the use of movement-restricting measures.*

Based on the standards of social care and the regulation of the institutions, no movement-restricting measures are applied. Beneficiaries with serious intellectual diagnoses (lack of orientation in time and space) should be accompanied from the staff of the institution. The recommendation will be considered in the revision of the existing standards for this category.

**Paragraph 228:** *CPT notes that in case a legal representative decides on the placement in a care facility of an incapacitated person under their responsibility, Albanian legislation does not foresee an appeal.*

Pursuant of Law on social care services 121/2016, Article 50, foresees that:

1. When the applicant/beneficiary of social services, deems that the official decision of the respective body is unfair, he/she may file a written complaint before the local government unit/State Social Service within 10 calendar days from the date of notification. The local structure shall process the complaint and notify the complainant in writing, within 7 calendar days from the date of receipt of the complaint.
2. The applicant/beneficiary of social services shall have the right to submit a complaint in writing to the Inspectorate of the Social Care Services, within 10 calendar days from the date of receipt of the reply by the local government units/State Social Service, after exhaustion of the complaint defined in paragraph 1 of this article.
3. The Inspectorate of the Social Care Services, after the complaint processing and verification, shall inform in writing the interested person and the local government unit/State Social Service within 10 working days from the receipt of the complaint.
4. The applicant/beneficiary of social services, who claims an infringed and/or denied legal right, shall have the right to bring charges before the court, in accordance with the provisions of the legislation in force on the adjudication of administrative disputes.

**Paragraph 232:** *The CPT observed that, besides the possibility of filing a request for placement and an interview in the context of the risk assessment, the legal placement procedure does not foresee a formal stage in which the beneficiary, possibly the future resident, may express their views.*

Based on the existing social services standards, service users are consulted with and participate in the development and the implementation of the care plan. The contract of the service user, and any eventual modifications made to the care plan are signed by a legal guardian in case that the service user to whom is totally removed the ability to act, by a court decision. The legal guardian signs a

notarial declaration, agreeing to the future service user placement in the institution and receiving appropriate tailored service.

**Paragraph 233:** *The Article 26 of the DCM 518/2018 allows for emergency placement of the individual with disability in the development center. The CPT notes that one resident had been placed in the Shkodra Development Centre, since 5 April 2023, there was still no official placement decision. The CPT recommends, that the Albanian authorities take the necessary measures for the case.*

We inform you that the Center is carrying out to return the individual to the biological family, based on the family evaluation process and the negotiation with the beneficiary's parent.

**Paragraph 234:** *In both centres, not all adult residents had been deprived of their legal capacity. For instance, in the Durrës Development Centre, for 29 out of 36 residents (of whom 13 were adults the centre was the legal guardian. In the Shkodra Development Centre approximately 17 out of the 41 adult residents had been deprived of their legal capacity. Shkodra staff explained to the delegation that some time ago the centre had stopped requesting that the court deprives a resident of legal capacity because it had been advised that such step was not necessary, as most residents had been admitted as minors, with the consent of their parents or legal representatives, and that in those cases the centre, under the terms of Article 271 of the Albanian Family Code, had legal custody. The delegation had difficulties understanding this reasoning as it was told that under Albanian law, custody is not automatically transferred in deprivation of legal capacity when the age of majority age has been reached. The CPT would like to receive the comments of the Albanian authorities on the above.*

The procedures followed in court regarding the ability to act and the legal guardianship process are two different processes. Taking legal guardianship by the institution takes place until the age of 18. While the procedure for removing the ability to act is not limited by age, but by the diagnosis and behavior of the individual.

The MoHSP, through SSS, has authorized the assessment of the situation in all residential centers for persons with disabilities in order to take measures to comply with the provisions of the Family Code. Based on social care services standards, the informed consent document of the beneficiaries, is part of its file. The SSS has recommended the care institutions for carrying out procedures for receiving custody.

**Paragraph 237:** *The CPT view, although some residents have comprehension and communication difficulties, whenever possible, they should be informed of their rights, if necessary, using repeated, simplified, individualised, verbal formats. Similarly, accessible, and comprehensible complaints systems should be in place. The Committee recommends that the Albanian authorities ensure that the above-mentioned precepts are effectively implemented in practice.*

Based on the standards of social care for PWDs, every resident is informed and agrees regarding every service offered at the, although they have comprehension and communication difficulties, center.

The implementation of this recommendation will be part of the monitoring process, abovementioned.