



**REPUBLIC OF ALBANIA
PEOPLE'S ADVOCATE**

**NATIONAL PREVENTION MECHANISM
ALBANIA**

**ACTIVITY OF THE ALBANIAN PEOPLE'S ADVOCATE
ON THE ROLE OF THE NATIONAL MECHANISM
ON THE PREVENTION OF TORTURE**

**ANNUAL REPORT
2013**

People's Advocate Office

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Foreword

Reports of citizens' abuse and ill-treatment in detention, penitentiary and "forced treatment" health care institutions in Albania highlight the need for detention facilities to be constantly monitored. State authority is felt at its greatest or at its worst when citizens are detained or placed in care facilities they cannot leave. As witnessed by those who have survived ill-treatment while in detention, people deprived of liberty are extraordinarily vulnerable to abuses of power by state officials. It is important, therefore, that we as a country and civil society remain on guard about protecting the human rights of those who are deprived of their liberty.

As Nelson Mandela states - "It is said that no one truly knows a nation until one has been inside its jails."

This NPM 2013 annual report addresses some of the achievements, as well as aspects to be improved in our dedicated work for the protection and promotion of human rights in facilities of liberty deprivation in Albania. We hope that this report will be of interest and assistance to all those who deal with and are concerned for the treatment and rights of people deprived from liberty.

Alfred Koçobashi
Director (on duty) of NPM

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COMPETENCES AND TASKS OF THE NATIONAL PREVENTION MECHANISM AGAINST TORTURE CARRIED OUT DURING 2013

1. Introduction to OPCAT and NPM functions in Albania

The Republic of Albania has signed the Optional Protocol of the Convention against Torture and other Inhuman and Degrading Treatments (OPCAT)", and approved it by virtue of Law No. 9094, dated 03.07.2003, conferring to the People's Advocate competences to act in capacity of the National Preventive Mechanism Against Torture.

According to the OPCAT, the National Preventive Mechanism Against Torture carries out its activities based on a series of domestic acts, where two of the most important ones are the Constitution of the Republic of Albania and Law No. 8454 dated 04.02.1999 "On People's Advocate", as amended.

These provisions envisage the core principles of inspections of the detention facilities and guarantee an activity compliant with the relevant international standards, whereas article 19/1 of Law No.8454, dated 04.02.1999 "On People's Advocate", as amended, authorizes an independent and comprehensive monitoring and investigation activity for each case of torture, inhuman and degrading treatment, ensuring wider access to any premises or offices to any officials without immunity and any documentation, either be classified, of the public administration bodies.

Further, other amendments by Law No. 9888, dated 10.03.2008, Law No.8328 dated 02.04.1998 "*On rights and treatment of prisoners and pre-trial detainees*" provide additional room to the People's Advocate in his capacity as the National Preventive Mechanism Against Torture (NPM) to accomplish duties during the control of penitentiary services. Article 74/1 of this law acknowledges to the People's Advocate, in capacity of NPM, the right as a special entity for the supervision of enforcement and implementation of the law on prisoners and pre-trial detainees. The People's Advocate Office is entitled to regularly observe the treatment of individuals whose liberty is deprived in the places of detention, arrest or imprisonment, with the view of strengthening, if appropriate, the protection of individuals from torture, cruel, inhuman or degrading treatment or punishment. According to this provision, this Office has the right to specifically submit reports and recommendations to the respective bodies, in order to improve the treatment and conditions of detainees and to prevent torture and cruel, inhuman or degrading treatment or punishment.

According to OPCAT, the purpose of the National Preventive Mechanism Against Torture (NPM) activity is conducting of regular visits in all premises of public institutions where the liberty of an individual is restricted based on a court decision or administrative order. In this context, institutions such as prisons, pre-trial detention and police custody facilities, mental health hospitals, military units and other premises are subject to regular inspections. Furthermore, problems identified during these inspection visits are translated into periodic national and international progress reports and

recommendations, in order to promote the continuous respect of human rights and improve the training standards of the personnel working in these premises.

During 2013 the People's Advocate Office, in the vest of the National Preventive Mechanism Against Torture (NPM) has improved and consolidated the structure of the Unit for Prevention of Torture, working with professionalism to review any phenomenon that would result in violation of human rights in the form of torture, inhuman and degrading treatment. As a result of these improvements, the NPM activity has sustained qualitative increase for the prevention of the foregoing practices, promotion of good practices and strengthening of dialogue with the state authorities due to close cooperation with the specialized Civil Society Organizations. These NGOs have continuously supported NPM by providing qualitative expertise with physicians, psychologists, educational experts and other stakeholders in accordance with OPCAT standards.

Inspections, visits and any other controls carried out at the State Police Institutions, penitentiary institutions (prisons and pre-trial detention facilities), Psychiatric and Infective Hospitals, military bases and units, Border and Migration Regional Directorates and other facilities for sheltering illegal immigrants and victims of trafficking, aimed at providing a full monitoring coverage of these institutions human rights situation, prevention of violations and adopt an official stand on the identified concerns.

During 2013, the People's Advocate, in capacity of the National Mechanism for the Prevention of Torture, carried out **108** inspections, re-inspections, controls with special topics and visits at the penitentiary institutions and other facilities as mentioned above. Furthermore, this structure has dealt with **220** individual complaints taken during the direct contacts during inspections. All of the above-mentioned activities were associated to **55** recommendations.

The above-mentioned recommendations and interventions are mainly focused on the measures to be taken for the respect and improvement of the rights of prisoners and pre-trial detainees, to meet their basic health and educational needs.

Besides the above-mentioned recommendations, a series of other measures are suggested, which have aimed at making internal infrastructure-related investments and recruiting. Similar efforts are made with the prison administration for the encouragement and promotion of activities intended for the protection of human rights.

During 2013, as well, cooperation with the civil society continued effectively in conducting joint visits, thus, increasing the police bodies (State and Prison Police) and other related institutions' activities' transparency, with the view of achieving the required standards.

Presently, the NPM is undergoing a procedure of improvement and advancement. Its founding members were assigned to important job positions at the public administration institutions, as a result of the good work and professionalism shown as part of NPM.

Accordingly, their vacancies will be filled with other members, professionals with proper knowledge and desire to further advance work and achievements to date. The goal is to institute a multi-disciplinary NPM, including also physicians, psychologists and psychiatrists, in order to meet OPCAT obligations and enhance the independence and professionalism of inspections and recommendations.

The continuous improvement of the NPM's work is a permanent challenge, and as six years ago when this initiative was launched, the expectations will be fulfilled keeping up with the pace of time.

2. Inspections conducted in 2013 at Penitentiary Institutions and Pre-trial Detention Facilities

During 2013, the People's Advocate, in the vest of the National Preventive Mechanism Against Torture, has conducted **34** inspections, re-inspections, controls with special topics and visits at prisons and pre-trial detention facilities.

As regards the detention and pre-trial detention facilities, **20** recommendations were made, **18** of which were made after monitoring and visits at penitentiary facilities by which issues for improving conditions and treating prisoners and pre-trial detainees were addressed; **2** other recommendations were of general character for the standardization of treatment conditions of the people deprived of liberty and respect of their rights from the penitentiary administration etc.

Following the content of 20 recommendations, a series of problems were reported, which need immediate consideration and improvement. This process requires decision making from the central top-level state authorities as in most of the cases it faces the obstacle of the lack of funds and adoption of bylaws to bring substantial improvements of the system both in form and content.

2.1. Key aspects and findings of monitoring at pre-trial detention and penitentiary system during 2013.

The following is a summary of aspects and main findings from the monitoring visits according to the five main areas taken into account by the NPM experts:

- 1 - Treatment of prisoners/pre-trial detainees
- 2 - Protective measures
- 3 - Material conditions
- 4 - Regime and activities
- 5 - Health service

2.2. Treatment

NPM's scope of activity is to collect information about the treatment of prisoners/pre-trial detainees, identification of torture cases, degrading and discriminating treatment,

exercise of physical violence beyond the limits provided by normative acts or psychological pressure against this category, and cases of the adoption of disciplinary measures of “deprivation from joint activities“. The People’s Advocate Office has handled a number of complaints and allegations for the Penitentiary Police personnel. Necessary procedural verifications and interventions were made on these complaints, according to the legislation in force and in the cases when violence was proved, recommendations were given and the case was referred to the respective competent authority.

The monitoring of the experts NPM group was also focused on disciplinary measures, their lawfulness and the conditions and correctness of their execution. From contacts with the convicts and pre-trial detainees whilst in isolation rooms under disciplinary measure, the NPM experts concluded that no cases of substantial violations were reported in the procedures in respect of the disciplinary measures. The isolation conditions in these rooms remain problematic because they are not in compliance with the fundamental standards of human rights as they are inappropriate to afford living conditions in respect to human dignity.

Also, in respect to the convicts’ dignity, their relatives and children, the contacts of the convict with the relatives and his/her minor children should be addressed with special priority, arranging appropriate venues as they do not exist in some penitentiary institutions.

Moreover, NPM has continuously recommended the drafting and approval of a clear and comprehensible set of rules and procedures, which describe in details the circumstances when should the premium-permissions or the employment procedures and the prisoners’ payments at penitentiary institutions be provided. These rules and procedures should be in full compliance with the international conventions, laws and other bylaws of the Albanian State for the penitentiary system.

2.3. *Protective measures.*

Following the objective of its monitoring visits at the penitentiary institutions, the monitoring team aimed to provide an assessment of the conditions and treatment of prisoners and pre-trial detainees. The monitoring team inspected the implementation of protective measures by assessing their compliance with the domestic legal acts and international standards.

From the inspections, the admission procedures were generally applied at the institution and Reception Commissions were operational at each Penitentiary Institution; personal documents and records were completed followed by observation and accommodation in rooms according to the eligibility criteria. No cases of violation of the disciplinary procedures and documentation irregularities were generally reported on the Disciplinary Commissions.

During 2013, as regards the procedures of complaints and requests of the prisoners/pre-trial detainees, the Directorate General of Prisons carried out a good job

pursuant to the recommendations of the People's Advocate for setting up a system for admission and processing of complaints/claims by the education sector of all Penitentiary Institutions and observance of deadlines for the delivery of official replies by the institution according to the Code of Administrative Procedures of the Republic of Albania. This system is currently operational at each Penitentiary Facility.

2.4. Material conditions

The NPM collected information of various aspects of the material conditions of prisoners/pre-trial detainees at the penitentiary institutions, mainly focusing on the following aspects: food and timely serving of meals, natural lighting, ventilation-aspiration and heating system, meeting basic requirements for personal hygiene, proper sanitation conditions, clothing, overcrowding, living conditions etc.

As per the monitoring, food was served in three meals at specific times and proportionally distributed during the day. The prisoners/pre-trial detainees did not confirm the amount of food but in many cases there were complaints about the cooking quality and meal cooking variety. Complaints were mainly about the lack of variety of meals in the daily menu. In this frame, inspections have been conducted in kitchen facilities, hygiene, as well as the conditions for preparation of meals, relevant documentation about the daily and weekly menu or preservation of samples in refrigerating units. These requirements were generally found compliant with the legal standards, except for the fact that in some penitentiary institutions the samples were not preserved in the refrigerating units as required by the legal framework. A continuous concern remains the lack of gloves usage during the meal delivery.

Regarding the continuous supply with running water, some of the Penitentiary institutions had deficiencies of running water, which in some cases, the running water was available for about 4 hours a day.

Some of the local penitentiary institutions continue to undergo problems of wear and tear and inappropriate conditions, especially related to humidity, damage of hydro-sanitation and sewage network. There are unpainted premises, and electric and plumbing networks out of technical parameters. There is a lack of shower sets in the toilets. Neither natural lighting, nor full ventilation of cells and heating is provided.

Another challenging living condition of the penitentiary institutions was also the lack of heating in rooms and collective facilities. Central heating systems in almost all penitentiary institutions, when installed, were not operational as a result of technical defaults or absence of fuel. In most cases, the prisoners/pre-trial detainees used blankets and warm sleeping clothes in order to warm up during the cold winter days.

Furthermore, another concern of some penitentiary institutions is related to the lack of supply with some basic products of personal hygiene (toothpaste, toothbrushes, shampoo etc.) and other detergents required to clean the cells.

Most of living rooms at penitentiary institutions lack cabinets and the prisoners/pre-trial

detainees keep their clothes in plastic bags or sacks, mainly under the beds. Such a fact observed by the monitoring team is contrary to the international legal requirements¹. A remaining concern is the disinfection of insects.

Regardless of the measures taken for opening new penitentiary institutions, overcrowding continues to be a main concern in prisons. The People's Advocate has often underscored the importance of reducing the number of inmates in prisons, respecting the standards of living space, as overcrowding is the main cause of wear and tear of the prison premises and poor quality of services to the prisoners.

These issues have been often brought to the attention of the Directorate General of Prisons, but it is not an exclusive competence of this institution. The improvement of human rights standards in the country and especially for prisoners needs the commitment of the Albanian Government; Ministry of Justice and Ministry of Finance, in order to allocate appropriate financial support.

2.5. Regime and activities

Following the objectives of monitoring visits at the places of detention, the NPM is also focused on the assessment of the right of pre-trial detainees and prisoners to contact their family members four times a month and to respect the number of phone calls with the relatives corresponding to 8 (eight) phone calls per month. Both these rights were applied in accordance with the legislation in force. Prisoners/pre-trial detainees were allowed to make phone calls as provided by the law and additional phone calls both in number and according to the schedules, subject to their specific requests and circumstances.

Meetings with family members lasted around 30 minutes. As result of the monitoring of the facilities where the prisoners/pre-trial detainees meet their family members, it was concluded that the meetings were realized in glass or iron barred isolated compartments, where the family members stayed on one side and the prisoners and pre-trial detainees were on the other side.

During the discussion with the experts, the prisoners/ pre-trial detainees expressed their desire to have close meeting opportunities with their family members, especially in cases when meeting with their children. These conditions are offered only in few recently built institutions (Vlora, Durres, Elbasan, Korça) according to the international standards, or subject to conditions or circumstances provided for by the institution. Generally speaking, by order of the head of institution, meetings in these cases were held in rooms used for the meetings with relevant legal advisors of the institutions. In respect of the dignity of inmates, their family members and children, contacts of the prisoners with their relatives and minor children should be addressed with special importance, as in many prisons they do not exist.

As regards communication with legal advisors, it was always guaranteed. According to

¹Rule 22 of European Regulation of Prisons

the General Regulation of Prisons, the right to information was guaranteed via the access provided to the pre-trial detainees to the print and electronic media. TV-s and radios were allowed in rooms in all penitentiary institutions.

NPM was especially interested in the employment of prisoners at penitentiary institutions. In this regard, the information obtained from the employed prisoners, was double checked with their names in the official list of the employed individuals given by the institution. The work done at all facilities (except for Burrel penitentiary institution) was paid back by reduction of days from the sentence, which is a prejudice of assuming guilty the category of pre-trial detainees. The prisoners were not supplied with employment record books and neither had they a social contribution certificate. As regards the job done by pre-trial detainees of these institutions, they are not paid back with the respective value of social insurances they deserve. Thus, this employment period at the penitentiary institution is not recognized as a period of work by the social insurance system. Based on the information shared by the employed pre-trial detainees, some of them worked every day of the week, i.e. even on Sunday, thus violating the Labor Code which guarantees for the employees a day off. All these facts confirm the discrimination between both categories, the one of free employees and the pre-trial detainee employees.

The right to outdoor activities was applied in accordance with the available conditions of the institutions. The right to take fresh air was properly applied. All prisoners and pre-trial detainees as per units, visited the outdoor ventilation facilities twice a day, two hours in the morning and one hour in the afternoon. The aeration/ventilation facility in some new penitentiary institutions had also a sheltered space, which gave the prisoners more favorable options to stay protected by the influence of various climate conditions. However, there were complaints by prisoners/pre-trial detainees about the limited space available for ventilation, which also conditioned the performance of another activity during that period. At the Penitentiary institution 313 the right to ventilation was not applied according to the relevant parameters, due to the lack of premises. Outdoor and indoor facilities in the unreconstructed prisons and pre-trial detention facilities do not comply with the standards required for normal functioning of such institutions. These premises should create favorable opportunities for the psycho-social rehabilitation of the prisoners/pre-trial detainees.

Compulsory education at penitentiary institutions was not provided in conformity with the existing Agreement between the Ministry of Justice and the Ministry of Education on the nine-year education system. Even though the heads of institutions had sent official letters to the Regional Educational Directorates, requesting opportunities for the delivery of study programs to the inmates without schooling or even to those who had not completed compulsory education, these efforts were unsuccessful.

On the other hand, the Regional Vocational Training Centers had offered professional training courses at the penitentiary institutions. In cooperation with the psycho-social staff of the institutions, preparatory work had begun for setting up the participants groups. They had the right to attend more than one course, if they wished so. According to the psycho-social staff, the classes of these courses were scheduled to

include up to 10 persons with duration of up to 1:30-2 hours.

The inmates and pre-trial detainees participated in book discussions and had the possibility of borrowing books from the library. The Directorate General of Prisons had made efforts to increase the libraries capacities with new books, though the inventory of libraries was still not completed at all institutions.

The prisoners/pre-trial detainees raised complaints about the limited number of activities offered by the institutions. These activities, as it was informed by the staff of psycho-social care, were conditioned by the funds allocated for that purpose. The most common activities of the penitentiary institutions consisted of different table games carried out in classes such as cards, chess, backgammon, etc.

The right to religious belief is respected at the penitentiary institutions. The new facilities have religious ritual premises for different religions. Also, many religious organizations and institutions help the convicts with the exercise of their religious beliefs.

The psycho-social personnel of the same unit have divided their workload according to the relevant sectors. Psycho-social files of the pre-trial detainees were kept in cabinets or lockers. In some of the files reviewed, after being authorized by the respective prisoners/pre-trial detainee, it was noticed that they were monthly updated with information about the prisoners/pre-trial detainees, however, with general comments and not personalized intervention plans. In the education specialists files there was a lack of diagnosis for persons with mental health problems, and lack of measuring instruments for the level of anxiety, self-assessment etc. Following the discussion with staff members of psycho-social care, the latter shared the need for participation in training events, mainly on mental health issues. Relations between staff and pre-trial detainees were friendly, and there were no complaints by the pre-trial detainees in this regard.

2.6. Health Service

Following the inspection of health care facilities, it was observed that the physical premises for medical or check-up examinations were appropriate, but they were not in proper conditions for medical interventions. From contacts with physicians and assistant physicians, it was concluded that prisoners/pre-trial detainees were not supplied with health certificates, which at the same time results in difficulties of receiving prescribed reimbursable drugs.

Additionally, most of the penitentiary institutions had a precondition to recruit a psychiatrist (on part time basis as in Korça Penitentiary institution) for the frequent cases of mentally ill and former substance addicts. The problems of these prisoners/pre-trial detainees were related both to inadequate diagnosis and medical treatment. This concern is also associated with inappropriate access to psychiatric consultations at the regional psychiatric hospitals. Even the consultations of other specialties and laboratory tests posed difficulties.

Dental service was not operational at the penitentiary institutions due to the lack of a dental unit and auxiliary equipment. Dental services were barely carried out at the public or private clinics at own expenses of prisoners.

During contacts and interviews with prisoners/pre-trial detainees, the above mentioned difficulties on shortages of medicine, delayed consultations and limited dental service within the institution were confirmed. In cases selected from the interviews, having examined their medical files, it was observed a slow and difficult follow-up of their health concerns. Processing for the purpose of admission was highly operational, being also reflected in the proper completion of files.

Unlawful detention of persons for which the court had imposed the medical measure of “forced medication” is an emergent concern. From the recent information, it is reported a number of about 100 persons with that status.

3. Inspection initiatives ex-officio and recommendations made during 2013 at prisons and pre-trial detention facilities

3.1. Penitentiary institution of Fushë-Kruja, Doc. No. 201302517

The People’s Advocate, in capacity of the National Preventive Mechanism against Torture, conducted a general inspection at Fushë-Kruja Penitentiary Institution on 17. 10. 2013.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the prisoners and pre-trial detainees, the People’s Advocate introduced the final conclusions recommending as follows:

- 1 - Measures should be taken to separate the 18-21 year olds from the rest of the inmates , thus preventing the cohabitation of an 18-21 year old with other pre-trial detainees (within the pre-trial detention unit);
- 2 - Immediate measures should be taken to clean the facilities from the existing parasites in the rooms of prisoners/pre-trial detainees, intensifying the period of their disinfection;
- 3 - Measures should be taken for the energy supply and continuous water supply;
- 4 - Appropriate measures should be taken to reduce overcrowding and ensure a fair distribution of the pre-trial detainees in living rooms, in respect of the standard of living surface per person;
- 5 - Immediate measures should be taken to provide beds, chairs and cabinets in rooms for each pre-trial detainee;
- 6 - Immediate measures should be taken to provide the required ventilation duration as per the physician’s descriptions;
- 7 - Measures should be taken for the speedy operation of hot-water showers;

- 8 - Fixing and operation of the heating system for the cold months of the year;
- 9 - Measures should be taken to create an appropriate premise for meeting of prisoners/pre-trial detainees with juvenile relatives;
- 10 - Measures should be taken to maintain active professional and educational courses;
- 11 - Appropriate measures should be taken from the responsible personnel to enable individual and group consultancy in the rooms scheduled for such services;
- 12 - Psycho-social files should be completed with clinical data of the course of disease and plans oriented to clinical goals;
- 13 - Efforts should be made for a better maintenance and hygiene of the hospital premises, common facilities and for a large number of prisoners/pre-trial detainees' rooms as a key component for a good physical and mental health;
- 14 - Speedy supply with medicines, in particular the emergency medicines and dental materials;
- 15 - Failing to recruit a psychiatrist, a local psychiatrist has to be potentially recruited, in order to conduct more frequent psychiatric examinations and in a growing number.

3.2. Penitentiary Institution 313, Tirana, Doc. No. 201302303

The People's Advocate, in capacity of the National Preventive Mechanism against Torture, conducted a general inspection on 26.09.2013 at "Jordan Misja" (313) Penitentiary Institution in Tirana.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the prisoners and pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Measures should be taken to close down this pre-trial detention facility as incompatible with the standards for treatment of pre-trial detainees, provided for in the national and international legislation.
- 2 - Measures should be taken to reduce overcrowding of that facility.
- 3 - Measures should be taken to supply the pre-trial detainees with necessary hygiene products, in accordance with the international standards.
- 4 - Immediate measures should be taken for the supply of surveillance rooms with basic furniture, in order to respect the dignity of pre-trial detainees.
- 5 - Measures should be taken to adapt the premises and initiate professional and educational courses;

- 6 - Measures should be taken for the training on test evaluation, diagnosing and treatment of mentally ill persons;
- 7 - Increase of the treatment capacity with advisory services;
- 8 - Measures should be taken for the professional completion of files;
- 9 - Speedy recruitment of an additional physician and physician assistant;
- 10 - All pre-trial detainees should be supplied with a health certificate as the primary and required component both for the drug reimbursement and implementation of medical tests or other specialized medical consultations;
- 11 - Potential operation of the laboratory;
- 12 - Efforts should be made to reduce delays of medical examinations or consultations by better processing the complaints of pre-trial detainees from the mid-rank personnel;
- 13 - Measures should be taken for a better management of health issues at the Reception Commission;
- 14 - Increase of the number of consultations made by the psychiatrist as it would be compliant with the highest requirements for a similar service.

3.3. *Penitentiary Institution of Vlora, Doc. No. 201301783*

The People's Advocate, in capacity of the National Preventive Mechanism against Torture, conducted a general inspection on 12.07.2013 at Penitentiary Institution of Vlora.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

Following the inspections and visits conducted at that institution, a number of problems were reported, in respect of which the following recommendations were made:

- 1 - Measures should be taken to eliminate humidity, mainly in the third unit, with the view of improving infrastructure-related conditions in the affected sections of the building.
- 2 - Reconstruction of the isolation, surveillance and transit premises in terms of the defaults reported in these premises, and better circulation of fresh air and natural lighting by enlarging cell windows, without affecting the institution's security elements, for the purpose of the respect of rights of the pre-trial detainees in conformity with law and to eliminate their health consequences due to insufficient ventilation.

- 3 - Measures should be taken for the periodic disinfection of the institution to clean it from the insects and prevent any potential epidemics that might result from untimely disinfestations.
- 4 - Supply with sanitation products, both in quantity and quality, painting of oxidized beds and replacement of food distribution items, in order to improve the conditions and ensure that the current hygiene standards are respected.
- 5 - Measures should be taken to establish a meeting room for the pre-trial detainees with their minor children, in order to offer premises that are acceptable and psychologically appropriate for the minors during the meeting with their parents.
- 6 - Creating a separate area for the telephone set, outside the division employees, in order to ensure communication privacy for the pre-trial detainees.
- 7 - Infrastructure within the health and dental service premises should be improved, in order to meet the required standards and enhance the service provided to this category.
- 8 - From the feedback received, we were informed that recommendations were accepted and all proper measures would be taken for their implementation.

3.4. Penitentiary Institution of Tepelena, Doc. No. 201301782

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 17.07.2013 at Tepelena pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the prisoners and pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Measures should be taken for the support of Penitentiary Institution of Tepelena with material and financial resources, in order to enable the implementation of educational, social, artistic, cultural and religious activities.
- 2 - Speedy operation of the scheme of trilateral agreement on drug reimbursement.
- 3 - Measures should be taken to improve work in the field of social care, in order to enable consultancy and development of social topics and foster cooperation with the institutions for the purpose of rehabilitation of the pre-trial detainees.
- 4 - Prevention of overcrowding at the pre-trial detention facilities due to serious lack of infrastructure, thus aggravating their health situation.
- 5 - Recruitment of a psychologist within the framework of completion of the organizational structure;
- 6 - Psycho-social staff training, with the view of further development of capacities for

the professional treatment of especially vulnerable groups;

- 7 - Providing a special facility for the psycho-therapeutic treatment of prisoners;
- 8 - Heads of this institution should claim the observance of working schedule by virtue of the contract they have with the physician, dentist, pharmacist, assistant physician.
- 9 - Adequate efforts should be made for the recruitment of a full-time physician.
- 10 - Measures should be taken for the improvement of dental service.
- 11 - Immediate measures should be taken for the supply of pre-trial detainees with necessary sanitary products (except the soap).
- 12 - Appropriate measures should be taken for the repair and full operation of hot-water showers.
- 13 - Appropriate measures should be taken for the separation into special units of the 18-21 year old pre-trial detainees, in order to prevent joint activities with adult pre-trial detainees.

3.5. Penitentiary Institution of Saranda, Doc. No. 201301781

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 13.07.2013 at Saranda pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Procurement of funds for the reconstruction of Saranda Penitentiary Institution under the conditions and standards of the legal framework in force.
- 2 - Until the adoption of this measure, a potential option should be explored to provide heater for the kitchen through a special fund, as a necessary means to maintain hygiene and prevent diseases.
- 3 - Measures should be taken for the support with material and financial resources, in order to enable the implementation of educational, social, artistic, cultural and religious activities.
- 4 - Speedy operation of the scheme of trilateral agreement on drug reimbursement.
- 5 - Measures should be taken to improve work in the field of social care, in order to enable consultancy and development of social topics and foster cooperation with the institutions, for the purpose of the rehabilitation of pre-trial detainees.

- 6 - Prevention of overcrowding due to serious lack of infrastructure, thus aggravating the inmates' health situation.

3.6. Penitentiary institution of Tropoja, Doc. No. 201301488

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 22.06.2013 at Tropoja pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Repairs and necessary refurbishment works, to enable a quicker transfer of the pre-trial detainees to the new premises of Tropoja Penitentiary institution.
- 2 - Initiation of educational and professional training courses.
- 3 - Measures should be taken for the support with material and financial resources, in order to enable the implementation of educational, social, artistic, cultural and religious activities.
- 4 - Identification of modalities for the applicability of the trilateral agreement on medicines at the penitentiary institutions situated in the areas where there are no pharmaceutical depots.

3.7. Penitentiary Institution of Kukës, Doc. No. 201301487

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 20.06.2013 at Kukës pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Measures should be taken for the initiation of educational and professional training courses;
- 2 - Measures should be taken for support with material and financial resources, in order to ensure the implementation of educational, social, artistic and cultural activities;
- 3 - Cooperation with the non-profit organizations and other organizations of religious and rehabilitation character should be promoted;
- 4 - Potential option of keeping the internal doors open, if they are not contrary to the safety requirements;

- 5 - Immediate recruitment of a physician as without the latter, health care is at risk, there is no drug reimbursement scheme and no medical examination at the time of admission;
- 6 - Hygienic, ventilation and lighting conditions should be improved for a better physical and mental health;
- 7 - Appropriate measures should be taken to furnish the medical rooms with the necessary furniture and supplies.

Finally, based on the conditions reported by the previous monitoring visit, conditions identified in that visit or the progress or potential progress for meeting the required standards and following the discussion with the heads of institution in question, the monitoring team concluded that this Penitentiary Institution is highly damaged and its conditions harm the physical and mental health of pre-trial detainees, and infringe their human dignity. Further, as there is no other option available, it is recommended closing down that institution and transfer of pre-trial detainees to other nearest pre-trial detention facilities.

3.8. Penitentiary Institution of Elbasan, Doc. No. 201301200

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 14.05.2013 at Elbasan pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Immediate measures should be taken by the Directorate General of Prisons for reducing the number of pre-trial detainees at this correctional institution.
- 2 - Measures should be taken for the running water supply by using water deposits or opening wells.
- 3 - Measures should be taken for installing a phone set and adapting a shower facility available for the surveillance rooms.
- 4 - Emergent installation of the relevant security cameras in the ventilation area in the first floor, between the first and the second building, at the staircase.
- 5 - Measures should be taken for the immediate repair of the aspiration system in the shower facilities. These repairs should be made by the relevant construction company which dealt with infrastructure before the handover.
- 6 - Appropriate measures should be taken for repairing the damaged benches in some pre-trial detention rooms.
- 7 - Informing the Directorate General of Prisons about issues of legal protection of

the employed pre-trial detainees specifically linked with the payment obligation, their registration in the social insurance scheme, observance of the right to one day off per week etc.

- 8 - Psycho-social files of the pre-trial detainees should be kept in lockers.
- 9 - Potential cooperation with non-profit organizations and other institutions operating in Elbasan, to provide supplementary services and activities for the pre-trial detainees.
- 10 - Creation of a meeting facility for pre-trial detainees, in order to offer an environment that is acceptable and psycho-socially appropriate for the meeting with their minor children.
- 11 - Completion of the gym with necessary equipment and its operation within the shortest time possible.
- 12 - Implementation of the Cooperation Agreement with the Ministry of Education and Science for conducting educational courses at Elbasan Penitentiary Institution.
- 13 - Psycho-social staff training on mental health issues for the penitentiary system.
- 14 - The physician of the Penitentiary Institution should be recruited on a part time basis.
- 15 - Including at least one physician assistant to the organizational chart, to replace the other physician assistant in case of absences or permits.
- 16 - Institutional cooperation agreement with the regional hospital to ensure access to all types of consultations, examinations or necessary medical tests.
- 17 - Potential part-time recruitment of a psychiatrist.
- 18 - Operation of the dental care which not existing within the institution facility.
- 19 - The Institution should attempt to provide medicine for the pre-trial detainees within the shortest time possible, in order to make applicable the trilateral treaties for drug reimbursement.

3.9. Penitentiary Institution of Berat, Doc. No. 201301035

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, conducted a general inspection on 03.05.2013 at Berat pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Immediate measures should be taken for the final construction and speedy operation of Berat new pre-trial detention building facility.
- 2 - Immediate measures should be taken to reduce overcrowding of the pre-trial detainees, distributing them to other related institutions and immediate transfer of the prisoners convicted by virtue of a final court verdict, from the pre-trial detention facilities to prisons.
- 3 - Immediate measures should be taken to preserve the food samples under refrigerating conditions.
- 4 - Appropriate measures should be taken regarding the legal protection of the employed pre-trial detainees, specifically related to the payment obligation, their registration in the social insurance scheme, observance of the right to at least one day off per week.
- 5 - Immediate measures should be taken for the favorable psycho-social treatment of pre-trial detainees;
- 6 - Appropriate measures should be taken for the staff training on drafting of therapeutic plans;
- 7 - Appropriate measures should be taken for the due maintenance of personal psycho-social data on pre-trial detainees;
- 8 - Appropriate measures should be taken for the initiation of professional and educational courses;
- 9 - Appropriate measures should be taken for the maintenance and administration of books;
- 10 - Appropriate measures should be taken for raising a fund to meet the basic needs for hygiene and clothing for the needy persons and those lacking financial support;
- 11 - Appropriate measures should be taken for the operation of the medicine distribution scheme, so that their administration is functional and quicker;
- 12 - Appropriate measures should be taken for the transfer of mentally ill persons to specialized institutions;
- 13 - Appropriate measures should be taken to enable the recruitment of a part-time psychiatrist as there are growing needs for his professional assessments, particularly under the current conditions of this Penitentiary institution;
- 14 - Appropriate measures should be taken for the improvement of dental care;
- 15 - Appropriate measures should be taken for the supply of existing rooms used for medical examinations and treatment, with relevant infrastructure facilities.

3.10. Penitentiary Institution of Lezha, Doc. No. 201300723

The People's Advocate, in capacity of the National Mechanism, conducted a general inspection on 20.03.2013 at Lezha Penitentiary institution.

By the end of this inspection, once informed about all findings of the inspection team and the issues raised by the prisoners and pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Immediate measures should be taken to fix the non-insulated voltage wires and install plugs in the rooms and shower facilities. Lezha Penitentiary institution had failed to adopt measures for the protection of life and health of pre-trial detainees, as no plugs were installed, wires and switchboards were not insulated, as well as the shower sets of pre-trial detainees, which, under the reported conditions, pose a risk to the life and health of pre-trial detainees.
- 2 - Immediate measures should be taken to cover all sections with telephone sets, in order to ensure the compliance with the number of phone calls and access to their use by pre-trial detainees. A problematic issue was the standard of phone communication with relatives, specifically the opportunity and conditions offered by the institution for respecting this standard.
- 3 - Immediate measures should be taken to provide both running water and energy supply on a 24-hour basis. Part-time supply with both running water and energy was reported. This shortage along with the failure of supply with personal hygiene items such as shampoo, toothpaste, detergents and cleaning items, waste plastic bags and other related articles, shows that Lezha Penitentiary Facility has a problematic plan in creating proper conditions for the maintenance of collective and personal hygiene. In order to meet the personal hygiene standards, there were shower facilities but they were generally non-operational, thus representing another standard violated by that institution.
- 4 - Informing to the Directorate General of Prisons the overcrowding situation, claiming the adoption of measures for reducing the number of pre-trial detainees through their transfer and distribution to other pre-trial detention facilities. Overcrowding continues to be one of the most disturbing problems, as it gives rise not only to the breach of the standard of living space per person but also threatens their life and health by using three-level bunk beds or forcing them to sleep on the floor.
- 5 - Immediate verification of the persons registered in the recruitment list and its completion with persons who effectively worked but did not result with such a status. Immediate verification of the working days for each of the employees, transparency of working days for each of the employees in the framework of the institution's obligation. The Directorate General of Prisons should be informed about issues of legal protection for the employed pre-trial detainees, specifically linked with the payment obligation for their registration in the social insurance

scheme, observance of the right to a day off per week etc. Violations were reported both in terms of the absence of workers in the list of the employed and their financial non-treatment. Further, the treatment of employed pre-trial detainees who do not benefit equal rights as the other employees, stemming from the Labor Code and the Social Insurance Law, is considered as a discriminatory approach.

- 6 - Creation of a special section for the 18-21 year old pre-trial detainees. That institution reportedly lacked a special unit for the 18-21 year olds and this age group was forced to live and carry out joint activities together with the adult pre-trial detainees sharing the same unit.
- 7 - Reconstruction of indoor premises as the lack of plugs, broken glasses and other faulty appliances poses a risk to the life of pre-trial detainees.
- 8 - Creation of indoor gym facilities.
- 9 - Allocation of a special fund for material resources, with the view of facilitating the organization of rehabilitating and sports activities.
- 10 - Recruitment of psychologists in the framework of completion of the organizational structure.
- 11 - Staff training on file records and treatment plans.
- 12 - Immediate supply with emergency medicines.
- 13 - Change of conditions of the hospital premises, distinguishing it from the other facilities of the Penitentiary Institution.
- 14 - Supply of the physician's and nurse room with other proper medical supplies and furniture to ensure appropriate premises for medical examinations and check-ups.
- 15 - Better operation of the drug reimbursement scheme due to the delayed medicine supply.
- 16 - Supply of this Penitentiary institution with another medical van as the current one is out of order.
- 17 - Better operation of the Reception Commission.

3.11. Penitentiary Institution of Durres, Doc. No 201300442

The People's Advocate, in capacity of the National Mechanism, conducted a general inspection on 07.02.2013 at Durres pre-trial detention facility.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the

final conclusions recommending as follows:

- 1 - Immediate measures should be taken for identifying the security staff members, who have exercised violence against the pre-trial detainees and have not reported the event to their superiors and the relevant registers and have not taken disciplinary measures against them as provided by law;
- 2 - Growing access of the transparency of pre-trial detainees not only by guaranteeing the right to complaint but also through advisory efforts of the social workers and educational staff;
- 3 - Immediate measures should be taken to cover the premises out of the focus of security cameras with additional surveillance cameras, to ensure the transparency of security staff actions;
- 4 - Measures should be taken to provide running water on a 24-hour basis through the use of water deposits and motor-pumps or by opening wells within the institution premises; soliciting or using a special item fund to be spent for that purpose;
- 5 - Operation of the heater and shower facilities, which in most of the cases were out of order;
- 6 - Immediate identification of the solution for specific pre-trial detainees who could not realize their right of having fresh air at a different time from the one of the unit where they lived or their transfer to another unit, with the view of preventing potential conflicts;
- 7 - Immediate verification of the persons registered in the recruitment list and its completion with persons who effectively worked but did not result with such a status. Verification of the working days for each of the employees, transparency of the institution regarding the working days of each of the employees;
- 8 - Training seminars for the psycho-social staff, with the view of further developing professional treatment capacities and correct documentation in the file;
- 9 - Improvement of individual treatment programs for the persons from vulnerable groups;
- 10 - Re-distribution of the provided services: Through their services, the psychologists should be able to supervise the formulation of intervention plans by other experts, in order to provide the delivery of more professional and effective services;
- 11 - Allocation of a fund by the institution for educational and sports articles and supply of classrooms with proper education-oriented infrastructure;
- 12 - Supply of this penitentiary institution with a dental device unit;

- 13 - Recruitment of specialized psychiatrists.
- 14 - Revision of the organizational structure to include psychologists;

3.12. Penitentiary Institution of Lushnja, Doc. No. 201300587

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, pursuant to article 19/1 of Law No.8454, dated 04.02.1999, "*On People's Advocate*", as amended, on 27 February 2013 inspected the Penitentiary institution of Kosova, Lushnja.

According to the respective procedure, the monitoring team initially met the director of the institution and informed him about the purpose of their visit. The director expressed his readiness to meet all of the monitoring team requirements. Further, consultations were developed with the Head of Prison Police, Head of Internal Regime of the Penitentiary institution, Chief of Logistics and other officials. The monitoring team privately contacted the prisoners, inspected all of their accommodation premises and was informed about the whole documentation reflected in the relevant registers and acts.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Appropriate measures should be taken to reduce the level of overcrowding and meet the living space standard for each convict in m² and m³.
- 2 - Measures should be taken to eliminate humidity in rooms, kitchen and in the whole building, and painting of the premises in order to improve conditions according to the required standards.
- 3 - Continuous repair of the sanitation appliances in all premises of the penitentiary institution.
- 4 - Measures should be taken to perform disinfestations in all premises of the institution, in order to prevent potential epidemics and provide updated hygienic conditions.
- 5 - Completion of the monitoring scheme through installation of cameras in all premises which are currently unsupervised.
- 6 - Display of posters about the prisoners' rights, in all premises of this institution.
- 7 - Supplementing all necessary first aid kit medicaments.
- 8 - Replacement of the accommodating supplies in the premises where the health service is provided, such as cabinets, chairs, tables etc.
- 9 - Measures should be taken for the re-setting and repair of the central heating

system.

- 10 - Measures should be taken for the construction of religious ritual premises, with the view of providing an opportunity to the prisoners to practice religious rituals.
- 11 - Measures should be taken for supplying the institution with a medical van for the transport of the sick convicts.
- 12 - Measures should be taken for sheltering tents in some of the airing facilities, with the view of their operation even in hot or rainy weather.
- 13 - Measures should be taken to increase the number of books in the library.
- 14 - Measures should be taken for the supply with necessary dental repair materials.
- 15 - Measures should be taken by the Directorate General of Prisons for the specialized examination of four convicts at this Penitentiary Institution in respect of which the latter had submitted an official request.

3.13. Penitentiary Institution of Korça, Doc. No. 201301156

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, pursuant to article 19/1 of Law No.8454, dated 04.02.1999, "*On People's Advocate*", as amended, on 15-16 April 2013 inspected the Penitentiary Institution of Korça.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Immediate measures should be taken to eliminate cases of violence exercised by the prison police officers against the prisoners/pre-trial detainees.
- 2 - Immediate measures should be taken for improving the food quality for prisoners and pre-trial detainees.
- 3 - Premises and conditions for special meetings should be improved and a separate space has to be created for meetings with minor children.
- 4 - Measures should be taken to install telephone sets in the isolation rooms and in the second unit of pre-trial detention system.
- 5 - Measures should be taken to ensure that all prisoners and pre-trial detainees are provided an adequate amount of basic personal hygiene products (including the toothpaste, toothbrush, shampoo etc.), as well as all materials needed for cleaning their cells.
- 6 - Improvement of psychological services and reflection in the file records of measures made for prisoners/pre-trial detainees who were former drug users,

mentally ill and for the prisoners/pre-trial detainees who had no contacts with their family members.

- 7 - Measures should be taken for sheltering tents in some of the airing premises, with the view of their operation even in hot or rainy weather.
- 8 - Completion of the monitoring scheme through installation of cameras in all premises which are currently unsupervised.
- 9 - Display of posters with the prisoners' rights, in all premises of this institution.
- 10 - Immediate termination of pre-trial detainees' ventilation within enclosed facilities and their walks outdoors in fresh air.
- 11 - Reduction of the working time of prisoners/pre-trial detainees employed at that institution to the extent of the implementation of relevant provisions of the Albanian Labor Code.

3.14. Penitentiary Institution of Peqin, Doc No. 20131483

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, pursuant to article 19/1 of Law No.8454, dated 04.02.1999, "*On People's Advocate*", as amended, on 06.06.2013 inspected the Penitentiary Institution of Peqin.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Measures should be taken to eliminate overcrowding in Peqin penitentiary institution.
- 2 - Identification and publication of the official accommodating capacity of the pre-trial detention premises in Peqin Penitentiary Institution.
- 3 - Operation of the surveillance premises in accordance with their legal mission.
- 4 - Measures should be taken for a more regular presence of the staff of physicians/physician assistants within the penitentiary regime.
- 5 - Considering, in the beginning of 2014, the issues of delayed medicine supply by the currently contracted pharmaceutical depot, in order to contract such a subject closer to that penitentiary facility.
- 6 - Immediate measures should be taken for the improvement of water quality for prisoners and pre-trial detainees.
- 7 - Preservation of refrigerating food samples for the residents at a conditional food regime due to diseases such as diabetes etc.

- 8 - Immediate measures should be taken for the increase of the number of joint WC in four maximum security units, where there are no WC in the living rooms, repair of personal hygiene appliances that are currently out of order and operation of all showers in the pre-trial detention facilities.
- 9 - Measures should be taken for the running water supply on a 24-hour basis.
- 10 - Measures should be taken to create a separate facility for meetings with minor children.
- 11 - Measures should be taken to ensure that all prisoners and pre-trial detainees are provided with an adequate amount of basic personal hygiene products (including toothpaste, toothbrush, shampoo etc.) and all materials needed for cleaning their cells.
- 12 - Measures should be taken for the supply of living rooms in the pre-trial detention premises, with clothes cabinets or shelves.
- 13 - Measures should be taken for sheltering tents in some of the airing premises, with the view of their operation in hot or rainy weather.
- 14 - Completion of the monitoring scheme through the installation of cameras in all premises that are currently unsupervised.
- 15 - Display of posters with the prisoners' rights, in all premises of the institution.

3.15. Penitentiary Institution of Kruja, Doc No. 201301718

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, pursuant to article 19/1 of Law No.8454, dated 04.02.1999, "*On People's Advocate*", as amended, on 26.07.2013 inspected the Penitentiary Institution of Kruja.

By the end of this inspection, once informed about all findings of the inspection team and the issues raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Immediate accommodation of the mentally ill persons under unlawful detention, in psychiatric wards administered by the Ministry of Health until the establishment of special medical institutions as provided by law.
- 2 - Thorough reconstruction of the building of penitentiary institution of Zahari, Kruja.
- 3 - Revision of the emergent organizational structure to include two psychiatrists.
- 4 - Supply of the penitentiary institutions with medical vans.
- 5 - Operation of the new energy supply line and reconstruction of the internal energy supply line.

- 6 - Measures should be taken for the water supply on a 24-hour basis.
- 7 - Display of posters with the prisoners' rights, in all premises of the institution.
- 8 - Measures should be taken to create a special room for meetings with minor children.
- 9 - Sheltering tents in some ventilation premises.

3.16. Penitentiary Institution of Burrel, Doc. No. 201301772

The People's Advocate, in capacity of the National Preventive Mechanism Against Torture, pursuant to article 19/1 of Law No.8454, dated 04.02.1999, "*On People's Advocate*", as amended, on 27.06.2013 inspected the penitentiary institution of Burrel.

By the end of this inspection, once informed about all findings of the inspection team and concerns raised by the pre-trial detainees, the People's Advocate introduced the final conclusions recommending as follows:

- 1 - Refurbishment of the premises by making relevant repairs and maintenance works to eliminate humidity and paint the rooms of inmates.
- 2 - Improvement of the common living premises by making relevant repairs of bathrooms in the maximum security units, particularly to eliminate humidity, mend the broken pipelines, shower sets, lighters and power supply system according to the technical safety standards.
- 3 - Improvement of the running water supply from the networking of water supply into units, extending the water supply period.
- 4 - Improvement of food quality.
- 5 - Measures should be taken to provide the required amount of the basic personal hygiene products (including toothpastes, tooth brushes, shampoo etc.) and with other adequate equipment for cleaning their cells.
- 6 - Continued adoption of measures required for the compulsory education of the illiterate persons and of those who have not completed compulsory education.
- 7 - Measures should be taken to provide medical full time training at the institution.
- 8 - Heating of the units according to the prison regulation standards.
- 9 - Provision and use of premises for the religious ritual practice by the convicts.
- 10 - Improvement of premises for meeting relatives and creating a special room for meetings minor children.
- 11 - Improvement of psychological services and reflection in the file of the measures taken.

3.17. Penitentiary Institution “Mine Peza”, Doc. No. 201302441

The Penitentiary Institution “Mine Peza” (302), Tirana, was inspected by the experts of the National Preventive Mechanism Against Torture on 27 September 2013. By the end of this inspection, once informed of all findings of the inspection team and concerns raised by the pre-trial detainees, the People’s Advocate introduced the final conclusions, recommending as follows:

- 1 - Emergent measures should be taken to reduce overcrowding, *inter alia*, due to improper infrastructure of the Penitentiary Institution 302, “Mine Peza”, for exceeding official accommodation capacity.
- 2 - Measures should be taken to eliminate humidity in the living premises and toilets.
- 3 - Measures should be taken for the use of isolation rooms and surveillance only in their official capacity.
- 4 - Based on the international legislation accepted by the Albanian state through the ratification procedure, it is recommended the adoption of adequate measures to create special premises for the separate accommodation of juveniles and adults.
- 5 - Measures should be taken for the opening of a trade unit within the penitentiary institution.
- 6 - More operational conditions are required for the drug reimbursement scheme.
- 7 - Measures should be taken for supplying all pre-trial detainees with health certificates as the main component for the operation of drug reimbursement scheme.
- 8 - Measures should be taken for improving hygiene in the rooms of pre-trial detainees through their supply with detergents and waste plastic bags.
- 9 - Reduction of the working hours of pre-trial detainees employed at this institution to the extent of the implementation of relevant provisions of the Albanian Labor Code.
- 10 - Measures should be taken to create a special room or adapting the existing premises for meetings juveniles.
- 11 - Completion of the monitoring scheme through camera installation in the premises that are not currently supervised.

4. Issues of the penitentiary system as identified by the complaints and findings of inspections in 2013.

Despite the insistence of the People’s Advocate, issues with an identified need for immediate changes remained unaddressed in 2013. Therefore, we have to bring to your

attention the issues raised in the 2012 annual report of the People's Advocate, as below:

- During 2013, most of the local prisons and pre-trial detention facilities continue to suffer from problems of wear and tear and improper conditions, in particular the humidity (Prisons 325, 313 of Tirana, Rrogozhina, Tepelena, Lezha, Kosova of Lushnja, Burrel, pre-trial detention Facilities of Berat, Saranda, 313 and 302 in Tirana), shortage of water supply, especially in summer (Prisons of Rrogozhina, Kruja, Pre-trial detention Facility of Elbasan), non-functional toilets, showers, airing facilities, isolation cells, lack of premises for education, practice of religious rituals, sports activities etc. (Prisons of Burrel, Lezha, Tepelena, Kosova in Lushnja and Pre-trial detention Facilities of Saranda, Berat, Penitentiary Institutions No. 313 and 302 in Tirana). The People's Advocate urges the recommendation for Burrel Prison to be closed down and continue to transfer the mentally ill patients from Kruja Prison and other related correctional institutions to specialized health facilities, according to the relevant parameters and standards. During inspections and re-inspections conducted in 2013 at all these institutions, we basically stressed the immediate need for partial investments that would significantly improve the existing conditions. These issues have been regularly reported to the Directorate General of Prisons but we believe they fall within the exclusive powers of this institution. If we claim the improvement of human rights standards within the country, especially for the sentenced persons, the Albanian Government and the Ministry of Justice and Ministry of Finance should take into account that apart from commitment, this process requires due financial support.
- One of the main issues which continues to be disturbing for the People's Advocate is the failure to find a final solution for the housing within a hospital facility out of the penitentiary system, of the persons in respect of whom the court has taken the measure of forced medication, in conformity with Law No. 44 "On mental health" and decisions of the District Courts. The People's Advocate has raised this issue every year and has not agreed with the situation in which these persons are still involved, medicated within the premises of the penitentiary system. During 2013 we were informed that the Ministry of Health is taking measures to build a special institution, in order to treat these persons according to law, as also recommended by the People's Advocate. Building a new institution according to the international standards would be a legal solution².
- A very serious concern which continues to be raised in many confidential communications with the inmates and pre-trial detainees is the issue of corruption in sections of the penitentiary administration. Such corruption has given rise to the claim for serious violation of the rights and treatment of individuals within these institutions. The People's Advocate has attempted to verify some reported corruption cases; however, it was very hard for him to find out the truth. Considering

²Upon the adoption of the new Law No. 44/2012 "On Mental Health", which is of current standards and other bylaws for its implementation, we believe the present concern will be ultimately resolved.

the periodic finding of prohibited items in specific cells or due to unequal treatment of some inmates and pre-trial detainees', it is indirectly understood that corruption is present in the penitentiary system and represents a threat for successful treatment of the rights of convicts or pre-trial detainees. We have periodically recommended **drafting and approval of a clear and understandable set of rules and procedures detailing the circumstances in which premium-permissions may be granted**, or employment procedures and payments of the inmates/pre-trial detainees at the penitentiary institutions. These rules and procedures should be fully compliant with the international conventions, laws and other bylaws of the Albanian state on the penitentiary system.

- Despite the measures taken for setting up new penitentiary facilities, overcrowding continues to be a major concern in prisons. The People's Advocate has often underscored the importance of reducing the number of inmates in prisons, respecting the standards of living space as overcrowding is the main cause of the wear and tear of prison premises and poor quality services to the inmates.
- The People's Advocate Office believes that special attention should be drawn to the prison staff training regarding the prisoners' rights during hunger strikes, meetings with their relatives, controls of inmates and premises where they live. Further, in respect of the dignity of inmates, family members and their children, special priority should be attached to the contacts of inmates with their families and minor children, arranging appropriate premises as they lack in some prisons. Further, we have periodically recommended **drafting and approval of a clear and understandable set of rules and procedures detailing the circumstances in which premium-permissions may be granted**, as well as the employment procedures and payments of the inmates/pre-trial detainees at the penitentiary institutions. Such rules and procedures should be fully compliant with the international conventions, laws and other bylaws of the Albanian state on the penitentiary system.
- Cases of torture and exercise of physical and psychological violence against the pre-trial detainees and inmates by the prison police officers remain in the focus of the functional duty of NPM. There have been some relevant complaints but in three cases during 2013 there were proven the claims of complainants on exercise of torture by the prison police officers, such as in the penitentiary institutions of Kavaja, Korça and 313 in Tirana. As regards these cases, we have recommended to the prosecutor's office to institute investigation for the criminal offence of torture and arbitrary acts.

The mission of NPM is: "Prevention of torture and maltreatment or inhuman and degrading treatment, focusing on their future and not on their past. However, an integral part of the preventive mandate of NPM is the assessment of institutions' feedback after having reported maltreatment cases

Confidence in the prohibition of torture and other forms of maltreatment will be decreased whenever the police officers who exercise violence are not held liable for their actions. When no immediate and effective feedback is collected after the receipt of

information about maltreatment, the persons who are prone to exercise violence will believe they will not be punished. Therefore, all efforts to promote the principles of human rights through merit-based recruitment and professional training will be undermined. Failure to implement proper measures by the colleagues, managers and investigation authorities will impact the degradation of values constituting the very foundation of democratic societies.

Otherwise, when the prison staff members ordering, authorizing, allowing or exercising violence are brought before justice for their actions or omissions, then a clear message is conveyed that such behaviors will not be tolerated. In addition to the respect of law, a similar message would ensure the general public that none is above the law, neither those who are responsible for its implementation.

Impunity should not be allowed at the institutions. It often occurs that colleagues help each other in relation to alleged maltreatment cases or they attempt to cover the unlawful actions of their colleagues. A public awareness campaign should be launched via training and personal examples, in order to promote a culture considering the support and coverage of acts of the colleagues maltreating inmates, as non-professional and an obstacle to their career.

Finally, none should be doubtful about the commitment of the People's Advocate to fight impunity. Such a commitment will be present at every level. If appropriate, NPM will not hesitate to act through statements up to the highest political and governmental authorities, in order to convey the clear message of "zero tolerance" against the exercise of torture and other forms of maltreatment at the penitentiary institutions.

4.1. Complaints and applications submitted by prisoners and pre-trial detainees.

Of 220 complaints examined, 193 are already closed and 27 are being followed up. 51% of the completed cases have been resolved in favor and 49% cases are unfounded.

The scope of complaints followed up for the year 2013 is basically linked with the infringement of prisoners' rights while serving their sentence at the penitentiary institutions and addressed to the prison administration or the Directorate General of Prisons. They were about the improvement of material conditions in prisons, unfair refusal of the applications for permit, adoption of unfair disciplinary measure, unlawful actions of the police officers (physical or psychological violence, degrading actions, violation of privacy etc), refusal of the request for transfer to another prison and complaint about the health service. Further, complaints have been addressed to the Ministry of Justice due to the failure to reply to their applications for pardon, to the prosecutor's office due to non-calculation of the pre-trial detention period in the sentence term, as well as complaints against the courts and judicial decisions for unfair sentences. Meanwhile, there have also been applications for the delivery of free legal aid.

5. Issues of penitentiary system arising from the examination of individual complaints

5.1. Overview

A total of 220 individual complaints were submitted in 2013 regarding the prisoners' rights, of which 193 are closed and 27 are still subject to review. Of closed cases, 51% had proven to be ill-founded and 49% were resolved in favor of the complainant during the reviewing process.

Complaints were submitted by the prisoners and their family members. The prisoners may inform us of their complaints by sending a letter via mail or calling the institution's phone number. The phone contact service has become a favorite means for the prisoners to submit complaints, especially in 2013. The staff of the People's Advocate Office will clarify by phone the complaint details in order to find out if the institution is competent or not to proceed with the application. If the complaint is beyond the due competence, the prisoner will be advised about the legal procedure he/she should follow. If the complaint is held admissible, it will be registered and the prisoner will be informed by a letter about the procedures to be followed and the number of employee deliberating the case. During the official working hours, the prisoners may call the phone numbers of the institution, to ensure that their complaints have arrived. The prisoner will be shortly informed thereof due to the electronic program for the registration of complaints.

As you may read below, there is a diverse scope of complaints. Some complaints may seem insignificant but we should take into account that the prisoners have limited independence in their life. In these circumstances, even a petty concern may have major consequences. Nevertheless, each accepted complaint reflects an individual situation. The largest number of complaints focus on the quality of health service; failure of reply to the request for special permit; refusal of the request for premium-permission; non-release due to completion of sentence term; unfair confinement in the isolation cell; failure to reply to the request for transfer to another penitentiary facility; refusal of the request for transfer to another institution due to health situation and proximity to the family domicile; unfair disciplinary measure; food quality; lack of heating.

5.2. Analysis of Specific Cases

Employment in prisons is a key input to the rehabilitation of prisoners and their preparatory social integration. Employment has a positive impact on prisoners also in other forms. Employment income would help most of them buy phone cards to speak with their relatives and friends and for other articles such as food, detergents etc. Without these incomes, it would be easy for a prisoner to be indebted and suffer consequences. Additionally, work gives the prisoners a sense of discipline and purpose while the unemployed prisoners spend their days closed in their cells, thus causing boredom and isolation.

Although the work of prisoners should be paid, such a right is still not applied due to the non-issuance of bylaws. As regards the job remuneration of prisoners, on 04.03.2013 a recommendation was sent to the Ministry of Justice, hereby asking the formulation of the draft decision of Council of Ministers on setting out criteria for the job remuneration of prisoners and its immediate delivery for approval to the Council of Ministers.

We are currently waiting for a reply from the Ministry of Justice.

The prisoners should serve their sentence at an institution with the closest proximity to the family domicile area. Prisoners often claim that the application for transfer to an institution near their domicile is held admissible only if one has financial means to pay for benefitting such a right. The investigation of complaints for the failure to reply to the request for transfer or for its refusal, has shown that some of them are resolved during the case review, namely, the Directorate General of Prisons has been involved in the procedure of request consideration and the prisoner is transferred to the desired facility. In some cases the prisoner is not transferred due to overcrowding of the penitentiary facility he has asked to be transferred to.

Prisons should be well-organized facilities with clear rules, so that inmates and prison personnel are informed about the legal limits of their actions. Some disciplinary measures taken against the prisoners for some violations have been subject to complained.

While examining a complaint for disciplinary measure, the role of the People's Advocate Office is not to reassess the facts but to ensure that the procedure followed is fair. The prisoner should appear before the Disciplinary Commission, be heard and informed in writing about the grounds of the measure taken. According to the deliberated cases, this procedure has been duly respected.

Most of the prisoners will be released to be integrated in the society. In the light of this fact, it is essential to attempt for ensuring the prisoners a smoother rehabilitation. During sentence term the prisoners have lost the decision making authority for daily tasks such as the time for having meals, sleeping and talking. For someone who is released after a long sentence term, social rehabilitation may be challenging, particularly when he/she lacks family support. A key role in this transition is played by the prisoner's right to benefit compensation permit. This several day permit enables the prisoner to restore the lost contacts. Refusal of the application for remuneration permit has been subject to some complaints processed by the People's Advocate Office. In cases of the complaints of prisoners for remuneration permit and special permit, the People's Advocate Office has no authority to grant permit or not, but it may only verify the procedure for the examination of these applications. Following an analysis of these measures, they were reportedly refused due to the lack of confidence relating to the housing of inmates out of the institution. The latter had no guarantee that the prisoners' life and health would not be harmed during the permit term or that the prisoner might threaten the life and health of other people. To consider this opportunity, the institution received information from the state police and the prisoner's relatives.

5.3. Conclusions

It is a duty of the state institutions to take measures for the rehabilitation of inmates through their employment, programs and services. Considering that work plays a central role for the prisoners' rehabilitation, based on a logical conclusion, we should make every possible effort to promote employment in prisons and the work done should be remunerated. Absence of replies to date on the recommendation made for the job compensation of prisoners shows a lack of goodwill.

As regards the cooperation of the Directorate General of Prisons with the specific Penitentiary Institution Directorate, we may admit that this cooperation continues to be successful. In some cases, the replies from the directorates of prisons were delayed due to the post-election period.

6. Inspection of Hospital Centers during 2013

The legal framework on the basis of which the mechanism has exercised its role to respect legal provisions institutionally is Law No. 8432, dated 14.12.1998 "On Asylum in the Republic of Albania", DCM No. 589 dated 28.08.2003 "On establishment and operation of the National Reception Center for Victims of Trafficking", Law No. 44/2012 "On Mental Health", Law No. 10107 dated 30.03.2009 "On Health Care in the Republic of Albania", as well as under Article 74/1, paragraph a, of Law No. 9888, dated 10.03.2008 "On some amendments to Law No. 8328, dated 16.04.1998", as amended, "*On the rights and treatment of prisoners and pre-trial detainees*".

Thematic planned inspections were conducted by the People's Advocate at the Mental Health Hospital Centers, Tirana Prison Hospital and juvenile pre-trial detention facilities. These institutions highlighted problems regarding the conditions and treatment of citizens by the administration and responsible staff, in accordance with the legal provisions under the relevant field.

The operational structure of institutional and infrastructure conditions, is also monitored.

Processing of the citizens' complaints against the above-cited institutions plays a specific role, by verifying on a step by step basis the procedure conducted by these institutions for the final resolution of the appeal in favor of citizens.

To accomplish its constitutional mission, the People's Advocate Office pursues compliance and law enforcement by the above-mentioned institutions as follows;

Fulfillment of all conditions under the legal provisions for mentally ill people and their professional treatment by the medical staff, and primarily their rehabilitation with psychosocial therapy as being specific for these functions. Monitoring of certain sections at these institutions where intensive therapy is applied for specific cases regarding physical limitations, methods of use of force with standardized tools and

environments in which it is practiced procedure and forms of compulsory and forced hospitalization, according to the law and procedures followed. Improvement of conditions in recreational facilities for children suffering from mental disability, providing all equipment required for intensive psychosocial rehabilitation, with the aim of escalating the prior situation and their gradual change in relation to their initial diagnosis.

- Due observance of the legal provisions at penitentiary institutions for males, females and juveniles, in respect to their conditions and treatment provided by Law No. 9888 dated 10.03.2008 "On some amendments to Law No. 8328, dated 16.04.1998, as amended "On the rights and treatment of prisoners and pre - trial detainees", their health care, financial amounts for their personal service needs, social rehabilitation with forms of employment within the institution, full involvement in social activities, education for different categories, licensing through professional courses, impact of the staff to enable preparatory custodian staff of their social rehabilitation etc.

7. Problems found during inspections at Hospital Mental Health Centers, Hospital of Infectious Diseases in Tirana and Tirana Prison Hospital

The National Preventive Mechanism Against Torture has conducted inspections and thematic inspections at Hospital Mental Health Centers, Hospital of Infectious Diseases at the University Hospital Center, Tirana Prison Hospital.

Inspections at Hospital Centers and Social Centers have a major role for the identification of problems about the conditions and treatment of citizens in accordance with the legal provisions under the respective field. The importance of this process lies not only in implementing the law on rights and freedoms of individuals but also for optimal institutional and infrastructural conditions within the facilities of these institutions.

Additionally, to carry out this process, a specific role is attributed to the strict treatment by the NPM of citizens' complaints about all of the above institutions.

During inspections and monitoring of mental health institutions, the People's Advocate has found that although the physical conditions in some hospital premises were improved, they did not meet standards and were understaffed. Nationwide inspections at Mental Health Hospitals have found over years that a large number of patients were housed at these institutions for a very long period of time. Mostly, the presence of these patients is found at the Mental Health Hospital of Vlora and Elbasan, where their number ranges up to 130 citizens. Most of these patients are abandoned by families and do not have chronic or acute diseases, but they represent cases of mental retardation or epilepsy. Although the law does not provide for mental health institutionalization or their permanent housing at these institutions, relevant structures have provided no facilities for these very specific cases. Also, recommendations

contain points on the revision of the budget and organizational aspects of the system of mental health care in the country.

Hospital overcrowding in Vlora is a problem also associated with the inclusion of mentally ill patients long abandoned by their families. It is recommended a fund allocation for the construction of Vlora Mental Health Hospital. Investing has begun and new buildings are being constructed within the perimeter of the existing hospital. Existing buildings in this institution are out of standards and full of humidity, with inadequate infrastructure, highly damaged water supply and sewage networks etc.

Two buildings are built in the capacity of rehabilitation centers in Vlora but they do not meet the needs of newcomers as their capacity goes up to 30 patients. Currently, there are difficulties for the deinstitutionalization of chronic patients because rehabilitation centers do not provide the capacity and relevant staff in relation to the number of patients. Accordingly, a large number of patients are hospitalized at mental health hospitals and long-term housing in these institutions undermines prospects for recovery or rehabilitation.

Inspections at institutions where mental ill patients are treated, have found a lack of contemporary instruments of restraints and protocols of their use, therefore it is recommended to provide facilities in accordance with specifications for conducting intensive therapies. Further, it is reported a lack of task-force staff for emergency cases, physician- patient, nurse - patient and career – patient relationship, lack of rehabilitation and reintegration programs with activities inside and outside the institution.

Problems encountered and addressed by the NPM in relevant recommendations are mid-term and long-term training for health care hospital staff and nurses, creation of a special registry to reflect forced admissions and mainly for medical treatment in 48 four hours and later, protocol records and completion of all sections according to the law for all records, periodic monitoring of the physical standards of patients, dental problems.

Also, there is a major deficiency in prophylactic - specification elements and mainly in the laboratory ones as these institutions do not have laboratory facilities, while during the intensive therapy or flows of outpatients at times of crisis there is a need for a quick result of physical parameters for patients. Also, the physician - psychologist cooperation to develop a specific treatment plan for each patient is almost non-existent at every hospital.

Patients treated at the Prison Hospital have almost the same problems but they largely need to have various rehabilitation and re-integration activities. The specific situation of the institution does not facilitate the "bed rest" regime, as the General Regulation of Prisons is applied in daily practice. Infrastructure and financial problems reduced over the years impact the improvement of living conditions for patients as the existing building is highly damaged, thus harming the patients' health. Also, understaffing affects several sectors, such as (wardens, social, rehabilitation and nursing staff etc.), as well as in cases of paraplegics treated at this institution.

Problems encountered in 2013 during inspections carried out at Hospital Centers, Center for Asylum Seekers, Victims of Trafficking Center and Kavaja Juvenile Correctional Institution are reflected with the following recommendations:

7.1. Inspection at Tirana Prison Hospital Centre - Doc. No. 201301766 (still under review)

During the monitoring visit at Tirana Prison Hospital Centre, representatives of the People's Advocate contacted the senior staff members of the institution to develop a preliminary discussion of the current situation and provide evidence on the relevant capacity, organizational chart etc. Further, a monitoring visit was conducted in all facilities, mainly in the female/male units, physicians' rooms, nursery, kitchen, surveillance rooms, airing premises and psycho-social activity facilities etc.

During inspection the monitoring team met patients of all units, who reported various problems addressed as complaints by the People's Advocate. In addition, experts reviewed the patients' clinic and psycho-social files, with the view of assessing treatment and their health care and psychological situation.

Following the monitoring visit, representatives of the People's Advocate had a final meeting with senior staff members of the institution and medical staff, to conclude on findings already reflected in the relevant recommendation:

- Measures should be taken to provide and add necessary funds for reconstruction of the PHC facilities by eliminating all infrastructure-related problems and more specifically, humidity, and those linked with the patients' daily life in connection with financial inadequacy reported at this center due to reduction of its budget over years.
- Measures should be taken to immediately provide facilities for meetings of patients with their relatives at current standards, in order to respect their rights as provided by law and their treatment under the required medical standards.
- Appropriate measures should be taken to provide a medical van of current standards and to avoid the transport of patients by the current vehicle for preventing undesired health care situations incurred during their transport in relation to emergency interventions.
- Appropriate measures should be taken for the operation of the specific surveillance room for those diagnosed with mental health problems under isolation measures.
- Measures should be taken to provide training courses for the rehabilitation staff and mainly the psycho-social one, in order to enhance the service quality of all the required (rehabilitating, reintegrating) programs, basically for the service of patients with mental health problems, change of practice on performance of all social activities while in outdoor facilities and their development after that schedule.

- Formulation of specific programs at appropriate time schedules, in order to enhance conditions for the rehabilitation and positive psycho-social impact for prisoners and pre-trial detainees (more specifically for cases under forced medical treatment) and time management in compliance with the regulation of the institution to prevent long-term accommodation of such a category into closed facilities.
- Measures should be taken to paint oxidized beds, provide bedding for patients in need, personal hygienic cleaning in the facilities offering such a service, subject to their personal needs, in order to improve conditions for the hospitalized patients.
- Measures should be taken for training the nursing and health-care staff to provide a more professional service, mainly to the patients with mental health problems as the main category of that center and those with disabilities.

7.2. Inspection at Vlorë Mental Health Hospital – Doc. No. 201302376 (still under review)

During the monitoring visit at Vlorë Mental Health Hospital, representatives of the People's Advocate Office contacted the senior staff of the institution to develop a preliminary discussion regarding the current situation of the institution, and provide evidence on the relevant capacity, organizational chart, current situation of the relevant sections, performance of works in the new building etc. Then, a monitoring visit was conducted in all facilities and mainly in the sections providing medical treatment for patients with chronic and acute diseases (females/males), admission section, physicians' rooms, nursery, kitchen, dining facilities, facilities of the 2 respective centers, facilities for psycho-social activities, showers and toilets etc.

During inspection, the monitoring team contacted patients in all units, and also examined the conditions in their rooms and in external facilities. Additionally, they verified cases of forced hospitalization and compliance of procedures pursuant to the law on mental health. Further, it verified cases of newcomers at this institution.

Following the monitoring visit, representatives of the People's Advocate held the closing meeting with senior staff of the institution and the medical staff to conclude on findings which were already reflected in the relevant recommendation:

- Completion within the deadline of the new building, as well as prevention of increasing the patients' number in all units of the hospital and mainly in the admission section, by cooperating with the regional hospital on non-specific cases (narcotics/alcoholics), in order to facilitate to a certain extent the situation created in the Psychiatric Hospital in Vlorë, given that current conditions in the actual buildings accommodating most of the patients of this institution, are far from the required standards.
- Measures should be taken to increase the psycho-social staff and establish the task-force personnel for the overcrowded units for specific cases requiring custody,

with the view of the service delivery and care for the patients at the required standards.

- Measures should be taken to provide all male/female patients with seasonal clothing and enable the heating of their living facilities, in order to prevent undesirable situations affecting their health.
- Fund delivery to provide that hospital an admission unit with all prophylactic equipment (laboratory, means of restraint means (fixation), cardio-vascular device etc) according to the service specifics based on medical mental health standards, with the aim of the delivery of a decent and professional service at the required standards, for the observance and improvement of medical and life conditions in the course of their recovery.
- Immediate measures should be taken for the improvement of situation at the women's unit, with all issues addressed (hygiene, clothing, staff), in order to treat them properly and professionally and prevent undesirable situations at that unit with epidemiological and health consequences.

7.3. Monitoring Visit at the Infectious Disease Hospital at Tirana University Hospital Center – Doc. No.201301401 (no answers are provided)

During the monitoring visit at the Infectious Disease Hospital attached to Tirana University Hospital Center, representatives of the People's Advocate Office contacted the head of service of infectious disease hospital to develop a preliminary discussion on the current situation of the institution. Records were administered on the capacity, organizational structure, current situation of wards, new investments, device or equipment etc. Further, monitoring visits were conducted in all facilities, mainly in the wards where patients with serious infectious diseases are medicated and in facilities where patients with HIV virus were administered medical treatment. Additionally, the quarantine facilities were visited in which the 24-hour "Daycare Hospital" was adapted for civil emergencies, Ambulatory Clinic, rooms of physicians, sickrooms, shower facilities and toilets etc.

During the inspection meetings were held with the patients of all wards, who shared opinions about their conditions and hospital treatment. Further, the procedures for admission of patients according to the diagnosis references were verified, in order to prevent their re-contamination during their accommodation at that institution.

After the monitoring visit the People's Advocate Office representatives had a final meeting with the head of infectious disease hospital service and medical personnel, in order to discuss the inspection findings reflected in the monitoring report along with the respective recommendations:

- Appropriate measures should be taken for the procurement of funds to complete, in accordance with the medical standards, the service to patients at the Ambulatory Clinic and Daycare Hospital in terms of reconstruction of the first ward to fully

eliminate humidity and provide the enlargement of facilities at the Infectious Disease Hospital.

- Measures should be taken for improving the conditions of patients and of nursing staff, supplying the rooms of patients and nurses of each ward with new accommodation supplies and equipment.
- Measures should be taken to make the shower sets operational, supplying them with the necessary components or parts.
- Measures should be taken for the full time recruitment at the hospital of contracted employees and increase of the number of task force personnel for the reception of ambulatory emergencies, including employees according to the respective sections (stretcher holders, transporters of biological samples, nurses at the endoscopic and fibro-scanner section and Daycare Hospital, as well as physicians and nurses for the IST Ambulatory Clinic, Hepatitis and CO infections).

7.4. Monitoring visit at the Center of Asylum Seekers – Doc. No. 201302307 (still under review)

During the monitoring visit at the Center of Asylum Seekers, representatives of the People's Advocate Office contacted the management of that center to develop a preliminary discussion on the current situation of the institution. Records were administered on the current population, newcomers, capacity, organizational structure, current situation of buildings, new investments etc. The visit was then conducted in all facilities and basically in the accommodation, dining and cooking facilities of the asylum seekers, social and sports activity premises etc. During the inspection meetings were held with the asylum seekers, who shared information about their conditions and treatment at that center. Additionally, psycho-social and rehabilitation programs developed for that category were verified.

After the monitoring visit, the People's Advocate Office representatives had a final meeting with the head of institution and medical personnel, in order to discuss inspection findings reflected in the monitoring report, along with the respective recommendations:

- Fund delivery for reconstruction of the complete building, with the view of improving the living conditions and eliminating humidity in the facilities, which is an issue of concern for the health of asylum seekers.
- Monthly financial assistance management for the persons accommodated at the center, as defined by Law No.1060 dated 26.01.2009, "On Amendments and Additions to Law No. 8432, dated 14.12.1998," On Asylum in the Republic of Albania".
- Creating financial conditions to increase the number of psychologists, guardians, physicians or nurses, and a favorable environment for providing outpatient medical first aid at the center.

- Increase of food quantity and use of dietetic food in specific cases, supply the beneficiaries with seasonal outfits, mainly winter clothing, and provide the center with entertainment supplies for the juveniles.
- Adoption of measures to provide the center with dental service for each beneficiary, in order to treat them in accordance with the law and train the mid – term and long - term psycho-social personnel.

7.5. Monitoring visits at the Victims of Trafficking National Reception Center – Doc. No. 201301402 (still under review)

During inspection at the Victims of Trafficking National Reception Center, representatives of the People's Advocate Office met the center staff members and developed preliminary discussions about the current state of the institution. Further, information was provided about the number of beneficiaries, newcomers, current state of buildings, new investments etc. Inspection was conducted at all facilities, particularly in the living premises of the beneficiaries, dining and cooking facilities, sport and social activity areas. During inspection meetings were held with beneficiaries who spoke about their conditions and treatment at the center. Medical and psycho-social files and reintegration and rehabilitation programs conducted by the relevant staff for this category were also verified.

After inspection the People's Advocate Office representatives held a final meeting with the management of this institution and the psycho-social personnel, to share the findings identified during the inspection. Findings were reflected in the inspection report along with the relevant recommendations.

Adoption of measures to enable the delivery of a sufficient budget for the center, disbursement of funds for repairs and restoration works, in order to eliminate current problems in the existing buildings (reconstruction, maintenance and restoration) and provide better living conditions for beneficiaries, in conformity with the standards under applicable legal provisions.

Adoption of measures to enter into an agreement with Tirana Regional Educational Directorate, provide access to education for the persons housed at this center, who have reached the age of compulsory education, in order to shortly introduce them to the learning process, make them attend the compulsory education and follow the relevant cycle, in order not to lose the academic year. This process is carried out in accordance with the right of each individual to free education. These measures are also applied for the 3-6 year old children of the center.

Assignment of rights and duties of this public institution, services to be taken in order to provide a normal life for the victims of trafficking, and also the status, rights and duties of the persons accommodated at this center, in accordance with Article 6 of Law No. 90/2012, dated 27.09.2012 "On organization and functioning of public administration".

Adoption of measures to provide people sheltered at the center with clothing they do not have (sweaters, shoes, trousers etc.), in order to treat them with kindness and respect.

Adoption of measures to optimize the play area for juveniles, in order to meet their entertainment needs, at least within the center facilities and restore in working condition the computer supplies within the facilities of this center.

7.6. Monitoring visit at Kavaja Juvenile Correctional Institution – Doc. No. 201300588 (still under review)

During inspection at Kavaja Juvenile Correctional Institution, the People's Advocate Office representatives met the management of the Institution to develop preliminary discussions about the current situation of this Institution, and to be provided with information about the capacity, institution's organization, conditions and treatment of juvenile offenders etc. Monitoring visits were later conducted in all facilities and mainly in the individual cells of juvenile inmates, showers and toilets, classrooms, counseling facilities, psycho-social and sports games facilities, isolation premises, handwork facilities, physician's and dentist's room, nursery, kitchen, airing facilities etc.

They met detained and convicted juveniles, who spoke about different issues and the People's Advocate Office handled these problems as complaints. Clinical and psycho-social files were checked, in order to verify the juveniles' health and mental status, as well as psychological programs focused on the rehabilitation and recovery of juvenile offenders.

After the monitoring, representatives of the People's Advocate Office held the final meeting with the management of the Institution, to share findings from the inspection. These findings were reflected in the monitoring report along with the relevant following recommendations:

- Measures should be taken to increase the number of basic-rank police officers in the Institution's organizational structure, for the supervision of isolation facilities and premises at night and provide service to juveniles at the best quality possible, as well as hiring a part-time IT technician to repair computers and other defaults (ringtones at emergency rooms) that may prejudice the safety of juvenile offenders.
- Repair of shower sets and sanitation supplies within the shortest time possible, provision of sanitary products according to the monthly quantities provided for in the internal institutional regulation and painting of walls in the juvenile correctional facilities and their cells, in order to provide conditions compliant with the required standards.
- Measures should be taken to recruit a dentist for providing this service within the facilities of this institution as the equipment or supplies for this service are already available.

- Proper means or supplies for the performance of sports activities and renovation of the football field, in order not to cause injury to juveniles' limbs while playing and provide mid-term and long-term training for the psycho-social staff, in order to accomplish their mission for the social reintegration of juveniles before their release.
- Improvement of the food menu regarding the variety of ingredients, larger bread portions, enhancement of milk quality and revision of the bank contract with the relevant company, in order not to deprive juveniles from the right to purchase products within the penitentiary institution.
- Provision of juveniles with bedding, linen, other related articles and laundry supplies for every sector, in order to improve the conditions of juvenile offenders.
- Inspection of all internal facilities which cannot be monitored by the camera system and installment of surveillance cameras in these areas in order to prevent undesired situations prejudicing the safety of juveniles.

8. Inspections on the verification of accomplishment of the People's Advocate recommendations in monitoring visits of 2012 (follow-up visits)

Inspection initiative ex officio of Tirana Penitentiary institution 313 (juvenile unit), concerning the verification of accomplishment of the People's Advocate recommendations in monitoring visits of 2012:

- Painting cells and other facilities of the unit of juveniles and women at the Pre-trial detention Facility 313, repair of shower sets and supply of every cell with a dustbin and sanitation products, in order to improve the inmates' life quality and personal hygiene (accomplished).
- Refurbishment of the women unit and elimination of humidity from cells, showers, and bathrooms (unaccomplished).
- Speeding up the supply of juveniles' cells with new accommodation items. Establishment of a central ventilation system, in order to protect individuals from the high summer temperatures, and delivery of the dental service with the required dental products for enhancing the quality of such service for the juveniles (unaccomplished).

Inspection initiative ex officio of Tirana Penitentiary Institution 313 (women unit) on the implementation of recommendations of the People's Advocate during the monitoring visit in 2012:

- Elimination of humidity in the cell No.10 and potential removal of the pre-trial detainees from this cell. (unaccomplished)

- Drawing up a plan of measures for repairing wall plaster, works to improve toilets, eliminate cables and replace broken ceramic tiles. (accomplished)
- Installation of internal fans, washing equipment, required material for the dental service. (unaccomplished)

Ex officio Inspection to Tirana Penitentiary institution 302 on implementation of the People's Advocate recommendations during the monitoring visit in 2012:

- Measures taken to eliminate humidity, mainly in the Unit 3. (partly accomplished)
- Reconstruction of the isolation, surveillance and transit facilities, natural lighting and airing through the enlargement of cell windows, without affecting the institution's security elements. (unaccomplished)
- Measures taken for regular disinfections of the institution to eliminate insects or bugs (accomplished).
- Provision of sanitation products, painting of oxidized beds and replacement of food items. (accomplished)
- Measures taken to create a meeting facility for juveniles, create separate area for the telephone set, outside the division employees and improvement of health and dental service. (partly accomplished)

Ex officio Inspection to the Berat Penitentiary institution on implementation of the People's Advocate recommendations during the monitoring visit in 2012:

- Measures taken to complete works for the new building. (partly accomplished)
- Measures taken to repair shower sets, paint all facilities, supply various sanitation products, put covered dustbins in all the cells and insulate the electric wires in line with the technical safety standards. (accomplished)
- Measures taken to create a proper area for the social and educational service, to update the library, and promotion of reintegration programs. (unaccomplished)
- Measures taken to include a nurse and dentist in the staff of the health service, create a medical room, speed up procedures for the implementation of the trilateral agreement on the list of reimbursable drugs and availability of medicines. (partly accomplished)
- Implementation of the Agreement on education. (partly accomplished)

Ex officio Inspection to the Tirana Prison Hospital Centre on the implementation of the People's Advocate recommendations during the monitoring visit in 2012:

- Measures taken to provide patients and facilities with sanitation products for all the center units, change sheets and towels, paint oxidized beds and repair shower sets. (partly accomplished)
- Measures taken to create a special surveillance room, supply means of physical restraint, extend the telephone set cable and increase ramps in these facilities for quadriplegic patients. (partly accomplished)
- Measures taken to enhance the quality of all relevant (rehabilitating, re-integrating) programs, extend educational facilities and enrich the library with books and literature sources to enable proper conditions for activities within these facilities. (partly accomplished)
- Measures taken to improve the food menu and create a meeting area for the patients and their relatives, in line with the current conditions and standards. (unaccomplished)
- Measures taken to conserve drugs in accordance with the pharmaceutical standards supply the missing drugs and adapt alternative medications, in accordance with the specifics and diagnoses treated in this institution. (accomplished)
- Measures taken to conserve food samples in conformity with the prison rules, provide a medical van according to the required standards, and avoid exposure of the means of restraint by the security officers while being in the internal facilities of this center (partly accomplished).

Ex officio Inspection to the Tirana Mental Health Hospital, on implementation of the People's Advocate's recommendations during the monitoring visit in 2012:

- Measures taken to change windowpanes, sheets and towels, paint the walls, and correct all infrastructural defaults. (unaccomplished)
- Measures taken to fix the missing doors in the bathrooms, provide sanitation products and 24-hour water supply. (partly accomplished)
- Measures taken to improve the dining facility, create a comfortable environment for family meetings at every unit, operate the alarm system for civil emergencies and elevators. (partly accomplished)
- Measures taken for the promotion of rehabilitating and re-integrating programs and their reflection in an agenda. Creation of a form for every patient and supply facilities with all the relevant materials for conducting the activities. (accomplished)
- Measures taken to increase nursing personnel, select a task-force staff, provide training and internal technical staff for repairs. (partly accomplished)
- Measures taken to improve the surveillance and isolation facilities, to bring the patients in fresh air areas instead of staying in their beds. (partly accomplished)

- Measures taken to conserve the drugs, in line with the pharmaceutical standards, supply the units with medicines and the hospital with safety belts. (unaccomplished)
- Measures taken to have a functional yard in the juveniles unit, create facilities for the parents, supply linens and towels and potential enlargement of the unit, considering that it is the only of its kind exclusively treating the juveniles. (*partly accomplished*)

9. Implementation of the People's Advocate recommendations of on concerns reported from the monitoring visits of 2012

As regards the issues reported at the penitentiary institutions and Prison Hospital, we stress out that some of the recommended issues have been applied but there are still areas of concern such as:

- Poor infrastructure at some penitentiary facilities.
- Examination of health issues and their timely diagnosing.
- Increase of the psycho-social, mental health, nursing staff organizational structure (Hospital Prison Center).
- Supply of cells with ventilation equipment during summer.
- Increase of rehabilitation and re-integration programs, mainly in juvenile correctional facilities.
- Continuous health staff training.
- Long-term psycho-social staff training
- Promoting the rehabilitation of mentally ill persons at the relevant institutions.
- HPC budget decrease over years.

As regards the problems identified at Hospital Centers, we emphasize that some of these recommended issues are applied but some issues still remain problematic, such as:

- Infrastructure wear and tear.
- Understaffing at the health units regarding the number of patients treated by these institutions (physician-patient, nurse-patient).
- Lack of the means of restraint (fixation) and premises for intensive therapies, in accordance with the diagnosing prophylactics.
- Lack of laboratory facilities at the admission units, specifically for mental health and

specialized task force staffs.

- Lack of the number of psycho-social staff members for the practical implementation of rehabilitation programs.
- Hospitalization of the patients abandoned by their families with epileptic specifics and mental disorders.
- Increase of the number of rehabilitation centers at a national level.

A total of 29 follow-up visits were conducted in 2013 regarding the fulfillment of recommendations of the People's Advocate for the year 2012, respectively a total of 12 at the police stations and 17 at the prisons/pre-trial detention centers and HCPs. The follow-up visits show the same situation described in the above comparative cases.

10. Ex officio, ad-hoc and legislative recommendations - Implementation of the People's Advocate recommendations on the identified issues:

Upon the recommendations related to all the above findings, the People's Advocate Office, in its capacity of the National Preventive Mechanism Against Torture, closely monitored the efforts to correct the deficiencies and maintain constant international communication and cooperation, aimed at their implementation.

All the involved institutions responded to and welcomed the recommendations and contributed to their implementation. We reiterate that, although the People's Advocate recommendations were accepted by the respective institutions, their implementation has been complete only in few cases, while some recommendations were partly accomplished or the situation had remained the same.

10.1. Recommendation to Lezha Penitentiary Institution, registered as Doc no. 201301595

It is recommended to analyze and normalize the situation created in the Penitentiary institution of Shën Koll, related to the problems identified in this recommendation.

After being informed by the electronic media regarding the hunger strike of some prisoners in Shën Koll Penitentiary Institution of Lezha, in meeting constitutional and legal powers regulating the activity of the People's Advocate Office, the People's Advocate immediately sent a working team to administratively approach this case.

In accordance with the development of investigative procedures, the working team firstly had a meeting with the Director of Institution and communicated the purpose of the visit.

In addition, experts of the People's Advocate held separate meetings with prisoners in respective rooms of "Ordinary Security" Building 2 of this institution. During the

questioning, the latter reported a number of problems listed as below:

- *Impact of the administration of Shën Koll Penitentiary Institution to vote a particular political party.*
- *Limitation of fresh air hours for inmates of "Ordinary Security" Building 2 of Shën Koll Penitentiary Institution of Lezha.*
- *Poor food quality*
- *Overcrowding*

The records administered by the senior staff of Shën Koll Penitentiary Institution showed that the official capacity of the Ordinary Security should include 411 people, while there were currently 432 prisoners. In fact, the interviewed prisoners of the aforementioned building stated that overcrowding was caused by the use of three-level bunk beds or living in rooms with lower standards than those provided by the Regulation of the Directorate General of Prisons,³ where up to 5 convicts were settled.

In view of the above, we recommended:

- Initiation of the administrative procedure for taking disciplinary action against the Director of Shën Koll Penitentiary Institution, Mr. Kastriot Piroli, due to the decision of the human resources official in favor of a particular political entity.
- Adoption of measures to prevent in any form or manner any repeated political influence by the administration of Shën Koll Penitentiary Institution, at the discretion of prisoners/ pre-trial detainees to vote in favor of political parties participating in local or central elections.
- Adoption of urgent measures to shortly resolve the conflicting situation in the "Ordinary Security" Building 2, in Shën Koll Penitentiary Institution of Lezha.
- Adoption of urgent measures to improve food quality in Shën Koll Penitentiary Institution in Lezha, and inspections to be carried out by the relevant structures of the Directorate General of Prisons ²⁶, with the view of assuming individual responsibility towards people covering this aspect of operation of the penitentiary system. Measures should be taken to reduce overcrowding in all ordinary security units in Shën Koll Penitentiary Institution of Lezha.

In reply to the above-cited document, the Director General of Prisons basically sent a negative answer which we are commenting in relation to the recommendation of NMP points.

- *Initiation of the administrative procedure for taking disciplinary measure against the Director of Shën Koll Penitentiary institution, Mr. Kastriot Piroli, due to the decision of human resources official in favor of a particular political entity.*
- *Adoption of measures to prevent in any form or manner repeated political influence*

³ *Ibid*

by the administration of Shën Koll Penitentiary Institution, at the discretion of prisoners/ detainees to vote in favor of political parties participating in local or central elections.

Regarding the above two points, Mr. Dibra firmly objected that something like this had occurred, while the interviews with prisoners reflected in the minutes state quite clearly the fact of seeking a vote in favor of political parties participating in the elections. However, the inclusion of the above mentioned recommended items in the document were strongly and indisputably conditioned by the confession of what had happened by the Director of Lezha Prison in the presence of the Head of Police Unit of the Penitentiary institution.

- *Adoption of urgent measures to shortly resolve the conflict in the “Minimum/normal security” Building 2, in Shën Koll Penitentiary Institution of Lezha.*

In reply to this point of the recommendation, Mr. Dibra has totally overlooked the fact of our initial explanation that airing schedules in the building 2 are respected by Lezha Penitentiary Institution, as defined by the regulation of the Directorate of Prisons, and later the NPM explained that prisoners did not apply the schedules in question due to a conflicting situation for which the Penitentiary administration had not reacted for a while.

Regardless of the reply, the available information proves that the relevant NPM recommendation is implemented through the transfer of convicts involved in the conflict in question, to other Penitentiary Institutions and Vaqarr Penitentiary institution.

- *Adoption of urgent measures to improve food quality in Shën Koll Penitentiary institution of Lezha, and audits to be conducted by relevant structures of the Directorate General of Prisons⁴, with the aim of assuming individual responsibility towards people covering this aspect of operation in the penitentiary institution.*

Mr. Dibra denied that food was of poor quality, while according to the information resulting from inspection, the food quality in this institution has improved significantly, and a number of controls were carried out by the Directorate General of Prisons (point of recommendation).

- *Adoption of measures to reduce overcrowding in all ordinary security units of Shën Koll Penitentiary Institution of Lezha.*

With regard to the said population figures of Lezha Penitentiary institution, Mr. Dibra explained in his reply that such numbers are not found in prisons but in pre-trial detention facilities. The recommendation clearly explained the overcrowding in ordinary security, supported by facts but also administered on the basis of figures obtained from the administration of Lezha Penitentiary institution.

⁴ *Ibid*

10.2. Recommendation registered as Doc No. 201301768

Recommendation concerning the implementation of legal obligations for preparation and issuance of bylaws based on the implementation of article 18, paragraphs 1 and 2, 27, paragraph 5, letter "d " and 28, paragraph 2 of Law No. 44/2012 dated 19.04.2012 "On mental health", as amended.

In meeting constitutional and legal powers, the People's Advocate has, through periodic inspections at mental health facilities, continuously monitored the observance of human rights and standards provided to the persons of this category, in order to improve the treatment and conditions of patients and ensure full respect for human rights at the institutions in question.

Specifically, monitoring visits were conducted at Tirana Hospital and Special Institution in Zahari, Kruja, during which infrastructure-related problems were reported. Further, in conditions of deprivation of liberty, although the court has taken the decision of forced medication and not punishment by imprisonment, it was found that 111 people were held in the two institutions in question.

We believe that issuance of bylaws in question within a shorter time is deemed necessary because it will firstly define equal standards, and secondly will establish procedures to be followed regarding measures of physical restraint of the patients accommodated in special units. We emphasized that issuance of these bylaws would ensure the full enforcement of the aforementioned law.

In view of the above, with the purpose to shortly implement this very important law, the People's Advocate submitted the following recommendations:

- 1 - Drafting and approval, within the shortest time possible, of bylaws stipulated in Articles 18, paragraph 1 and 27 paragraph 5 letter "d", Law No.44/2012 "On mental health".
- 2 - Preparation and submission for approval to the Council of Ministers, of bylaws stipulated in Articles 18, paragraph 2 and 28, paragraph 2 of Law No.44/2012 "On mental health".

The responsible institutions have not sent a reply regarding this recommendation.

Cases started ex- officio by the People's Advocate on problems encountered during the monitoring, as per the respective field.

11. People's Advocate recommendations on violence related cases in penitentiary facilities, during the monitoring and individual complaints

During the monitoring of penitentiary institutions, the inmates have filed complaints with regard to physical or verbal violence committed against them by internal regime or security officers. In capacity of the NPM (National Preventive Mechanism Against Torture), the People's Advocate has exercised its legal authority against any claims focused on "violence", and set up a group of experts to verify these cases. A number of cases were referred in 2013. They were verified and the procedural documentation was sent to the respective institutions. There was a violation of fundamental rights of the complainants, as guaranteed by Article 25 of the Constitution and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, *to avoid being subjected to torture, punishment or cruel, inhuman or degrading treatment.*

11.1. Recommendation registered as Document No. 201301221 (no answer is provided)

We recommend the initiation of investigation against the citizen B.B., for the offence of "torture", provided by Article 86 of the Criminal Code, as amended.

To: Tirana Prosecutor's Office

On 22.05.2013, some experts of the National Referral Mechanism Against Torture at the People's Advocate Office, conducted a monitoring visit in the women unit of Tirana Penitentiary Institution No. 313. During the visit, the citizen E.M. complained to the experts that she had suffered physical abuse by a police officer. According to the complainant, at 12:00 hrs on 19.05.2013 she was in the cell No.10 of women unit, together with three other detainees, Dh.K, B.I and B.B.

The complainant explained the reason why she suffered physical violence by the female prison officer, as well as the reaction of her cell mates who intervened to separate them.

After they were interviewed, it was concluded that the three of them had seen the incident occurred in their cell, namely the physical violence against the complainant by the female prison officer. Their statements and procedural actions proved the statement of the complainant about the physical violence she has suffered by the female prison officer.

Also, from the registry examination administered by the medical staff of Penitentiary Institution No. 313, it was found that on 19.05.2013 the complainant was visited by some members of personnel and was administered "diazepam" tranquillizer.

In the meantime, experts who investigated this case asked the female prison officer about the claims raised against her by the complainant, but she refused to have

physically abused her. Despite her denial, we emphasize that the claim raised by the complainant was proven by exhibits.

By the end of the administrative investigation of this complaint, we concluded that action by the female prison officer of the women regime in the Penitentiary Institution 313 is inhuman and contains elements of "torture" offence.

There were violated the complainant's fundamental rights as enshrined by Article 25 of the Constitution and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms *to avoid being subjected to torture, punishment or cruel, inhuman or degrading treatment*. In the end of the investigation, the Tirana District Prosecutor was recommended to initiate investigations against the citizen B.B, with the duty of female prison officer in the Penitentiary Institution 313, for the offense of "torture", provided by Article 86 of the Criminal Code, as amended.

11.2. Recommendation registered as Document No. 201300875 (accepted)

We recommend the initiation of investigation against the citizens Altin Sulo and Bizantin Agolli for the offense of "arbitrary act", provided by Article 250 of the Criminal Code, as amended.

To: Korça District Prosecutor

The citizen D.P filed a complaint to the People's Advocate Office, explaining that when he heard that his brother had suffered a car accident, he was severely shocked and being in despair (but without any malicious aim) he hit the cell door several times. After a few minutes the cell door was opened and two male prison officers of the internal regime of Korça Penitentiary institution entered the cell. According to the complainant, after that the two male prison officers came near him. Specifically, they drew near the bed where he was lying and kicked him. They kicked him on the left shoulder and on the upper rib of the left arm.

The complainant D. P explained that the behavior of the two male prison officers had not been normal because they had not asked him what had happened but they started to exert violence by hitting him. The complainant claimed that after he was kicked, he felt intense and constant pain in the chest. Therefore, on 04/02/2013 he was taken to the physician to go through relevant medical checkup. According to the complainant, this event was witnessed by the citizens A. H, N.J. and E.Z., who, at the moment of incident, shared the same cell with him.

As in the complaint filed, the person claimed that the event was witnessed by citizens A. H, N. J and E, Z and these persons, on the basis of a minutes report, were interviewed by experts of the People's Advocate Office to testify what happened on 15/04/2013.

After their questioning, it was found that the three of them had witnessed the event occurred in their cell between David Plasaj and the male prison officers of the internal regime of Korça Penitentiary Institution. The witness statements have fully proven the

claim of the complainant for being attacked by the male prison officers. The witnesses also explained the reason why the complainant had hit the door, which had occurred as a result of being in despair because he had received news of his brother's accident.

After this claim was investigated, we concluded that this action by the male prison officers of the internal regime of Korça Penitentiary Institution contains elements of the offense of "arbitrary act", provided by Article 250 of the Criminal Code. This arbitrary action was committed by them in the quality of state employees as male prison officers in Korça Penitentiary Institution. As above, the People's Advocate Office addressed to the Korça District Prosecutor the recommendation to initiate investigation against the citizens A. S and B. A, who worked as prison police officers in Korça Penitentiary institution, for the offense of "arbitrary act " provided by Article 250 of the Criminal Code, as amended.

In the letter No.1 / 7 of 01/07/2013, the Head of Korça District Prosecutor's Office, Mr. Ferdinand Elezi, reported that criminal proceeding No.686 for the offense of "arbitrary act" as provided by Article 250 of the Criminal Code, was registered on the basis of the People's Advocate report.

11.3. Recommendation registered as Document No. 201300613 (accepted)

We recommend the initiation of criminal prosecution against the male prison officer of Kavaja Juvenile Correctional Institution, for the criminal offence of "torture" as provided by Article 86 of the Criminal Code, as amended.

To: Kavaja District Prosecutor's Office

During the inspection by representatives of the People's Advocate Office in Kavaja Juvenile Correctional Institution, a complaint was submitted in the form of a petition by some citizens serving their sentence in Kavaja Juvenile Correctional Institution (S.T, R.M, M.H, M.H, S.T, O.S, A.L and D.T). These juveniles pretended they were maltreated by the male prison officer, A. N.

To prove the claims of the complainants, the People's Advocate Office decided to institute an independent investigation. According to the explanations given by the juveniles, the male prison officer consistently showed a violent behavior to them, mainly on the first day of their conviction. This employee entered into the cell where the juveniles were staying and they claimed he hit them on the face saying that this behavior was a welcome sign in that institution.

All the above juveniles declare such fact in the presence of their fellows. Juveniles also stated that similar actions by the said male prison officer also occurred in facilities which are partly not monitored by security cameras and mainly in cells.

In their statements the juveniles explained they felt scared and threatened by this officer during his service in their unit. They unanimously claimed his presence had often caused anxiety, mostly in the early morning hours, where he entered their cell

and approached their beds, hitting them with the excuse of getting up to be ready for school activities.

The male prison officer who has committed acts against the complainants was interviewed and his words were recorded by the working team. While admitting that he had committed acts with the above juveniles, he refused to have physically abused them as the complainants claim.

By the end of the review and investigation of this issue and the documentation administered, we concluded that juveniles had suffered physical and psychological violence, as during the questioning juveniles testified in detail the violence related cases against them and their fellows.

Their treatment by the male prison officer is inhuman and degrading. In its content this action is criminal, because this employee has consumed the elements of "torture" offence. Violence against juveniles was committed to punish them under unprotected conditions, seriously prejudicing their rights provided for in the legislation. This violence is associated with the violation of their privacy in the cell and with a strong impact on their psychological condition.

Applicants were violated their fundamental rights guaranteed by Article 25 of the Constitution and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, *to avoid being subjected to torture, punishment and other cruel, inhuman or degrading treatment*. Regarding the above findings, the People's Advocate addressed a recommendation for Kavaja District Prosecutor to institute criminal prosecution against the male prison officer of Kavaja Correctional Juvenile Institution, A.N, for the criminal offence of "torture", provided by Article 86 of the Criminal Code, as amended.

In the letter No. 09 of 06/01/2014, Head of Kavaja District Prosecutor's Office, Mrs Ornela Rrumbullaku, stated that criminal proceeding No. 104 for the criminal offence of "torture", provided by Article 86 of the Criminal Code, as amended, was registered on the basis of the People's Advocate report.

12. Recommendations initiative ex officio by the People's Advocate on migration issues in the Republic of Albania

The People's Advocate, as a promoter of human rights and fundamental freedoms, notes a new dynamic on migration issues, particularly in the light of information showing that EU policies on migration, which until now have been focused on securing a safety zone, freedom of movement within the EU, by harmonizing national policies of its member countries, are already focused on a partnership between EU countries and non-member EU countries, access to global migration. Some EU countries, especially new member countries are already engaged in the formulation of the National Strategy on Migration and their Action Plans, precisely oriented towards this new policy

migration of the EU.

While the EU migration policy is now focused on a partnership with Albania and when different countries have prepared its specific national strategy on migration and detailed action plans, through which they define a clear policy of partnership in this regard, Albania cannot guarantee partnership with fragmented migratory policies in various sectorial strategies, but a National Strategy on Migration and a detailed Action Plan are required.

Albanian migration dynamics, clear definition of the migration policy of Albania, management in the spirit of migration partnership, migration policy approach towards the EU, coordination of activities and events between state and non-state structures within the country and abroad in terms of migration management, as well as support of international partners in this field, required for drafting a new National Strategy on migration and a detailed Action Plan.

The absence of this strategy will give rise to the infringement of rights of the Albanian citizens, foreigners or stateless (located in the territory of Albania as regular or irregular residents), who are involved in the issue of migration.

12.1. Recommendation registered as Document No. 201301007 (no answer is provided)

Addressed to the Prime Minister of the Republic of Albania regarding the: "Drafting and approval of the new National Strategy on Migration and a detailed Action Plan"

Albanian migration dynamics, clear definition of the migration policy of Albania, management in the spirit of migration partnership, migration policy approach towards the EU, coordination of activities and events between state and non-state structures within the country and abroad in terms of migration management, as well as support of international partners in this field, required for drafting a new National Strategy on migration and a detailed Action Plan.

In our opinion, the absence of this strategy will give rise to the infringement of rights of the Albanian citizens, foreigners or stateless (located in the territory of Albania as regular residents), who are involved in the issue of migration.

12.2. Recommendation registered as Document No. 201301007 (accepted)

Addressed to the Minister of Interior, Mr. Flamur Noka on "Pronouncement of nullity of the administrative act, Order of the Minister of Interior No. 90, dated 30.05.2012, "On documents to be submitted by Albanian citizens for the change of name/surname at registry offices and procedure to be followed by the registry clerk".

By letter of the Ministry of Interior with Prot. No.4467/1, dated 12.08.2013, sent by the Secretary General Mr. Isuf Çela, a reply was given about the procedures for documents to be submitted by the Albanian citizens on the change of name/surname at registry offices and the procedure to be followed by the registry clerk as below;

Law No.10129, dated 11.05.2009 "On civil status", as amended, has been subject to amendments regarding the procedure foreseen for the change of name/surname of citizens, approved by Law No. 130/2013.

Therefore, upon the entry into force of the new law on civil status on 29.05.2013, provisions regulating the name/surname according to the bylaw, Order of the Minister of Interior No.90, dated 30.05.2012, are repealed.

12.3. Recommendation registered as Document No. 201301007 (no answer is provided)

Recommendation addressed to the State Police Directorate General on: "Pronouncement of nullity of the administrative act of the State Police Deputy/Director General, No. 8671, dated 11.30.2012 "On cross-border control of Albanian citizens".

From the content of this administrative act, which can be considered an order because its content has prescriptive elements clearly specifying that all Albanian citizens of "INAD" category, returned by the Police of Schengen/EU countries, with Entry – Refusal Act, on the grounds of the information in the SIS (Schengen Information System); those of "deportees" category, returned from Schengen/ EU countries, accompanied by appropriate documentation (Departure -Orders, Expulsion - Orders Entry - Ban), after visa liberalization (dated 15.12.2010); those of "deportees" category, returned by police of Schengen/EU countries and not accompanied by appropriate documentation (Departure Orders, Expulsion - Orders Entry - Ban, SIS), after the visa liberalization (dated 15.12.2010), who are repeat offenders more than once and are registered in TIMS as "deported" under the above grounds, will be denied exit at the Albanian border where they have as destination Schengen /EU countries when travelling without a visa".

13. Monitoring Visit at Police Units and State Police activity monitored by NPM (*National Preventive Mechanism Against Torture*) in 2013

In capacity of the National Preventive Mechanism Against Torture, in 2013 the People's Advocate conducted **65** inspections, re-inspections and thematic controls of all State Police structures in the country. **11** recommendations on the improvement of human rights standards and treatment of individuals at these institutions were formulated and submitted to the Director General of Police. In this context, there have been treated **31** complaints of citizens against police authorities, divided into the relevant fields: 18 complaints for the exercise of physical violence by police officers, 10 complaints for unlawful escort to police facilities and 3 complaints for other concerns. 25 complaints were settled, 5 of which were in favor of the complainant, through the implementation of the recommendation by the authority it was addressed to, 3 a complaints were in favor of the complainant during the examination process, 10 complaints were unfounded, 5 complaints were out the jurisdiction and 2 complaints were archived because people had withdrawn, while 6 complaints are being followed up. Also, 6 recommendations on

the protection of citizens' rights from acts or omissions by the police have been prepared and sent to the State Police authorities.

Specific monitoring objectives

The monitoring visits were focused on inspection, visits, surveillance, collection and evaluation of records, actions and practices of legal obligations by police personnel to respect the rights of the escorted, detainees or arrestees. Monitoring included:

- *Treatment of the escorted, detainees or arrestees (from a legal, medical and psychological perspective);*
- *Examination whether safeguards are respected, provided by legal provisions for the escorted, detainees or arrestees (right to information, notification of the relatives or third parties about their detention, access to health care services, access to a lawyer);*
- *Material conditions;*
- *Police personnel.*

Methodology

Such monitoring was conducted through the analysis of several sources:

- *Meetings with representatives of the administration of institutions (chief/deputy chief of police station)*
- *Inspection of escorting facilities and security rooms (photograph and description).*
- *Examination of the administration documentation on the escorted, detainees and arrestees.*
- *Questioning of the escorted, detainees or arrestees;*
- *Questioning of police officers.*

Method of information collection and verification before, during and after the visit

Before the visits, based on the methodology of NPM inspections, the monitoring team gathered all the necessary legal information for the monitoring process (codes, laws, and Decisions of the Council of Ministers, orders and instructions). Monitoring followed the issue planning phase, which focused on identification of realistic performance progress indicators and indicators to be improved.

Legal Reference

Arrest and detention of persons suspected of criminal offenses is regulated by the Criminal Procedure Code (CPC), which is in force since August 1995 (with subsequent amendments). A suspect of having committed a criminal offense may be held by the police, on the basis of their competence, up to 96 hours. If the prosecutor does not order the immediate release, within 48 hours of arrest or detention he will require validation of the measure in the court of the place where the person is arrested or detained. Failure to comply with this time limit makes the arrest or detention

ineffective⁵⁶. The judge has a period of 48 hours from the submission to the court of the prosecutor's request to conduct a hearing and announce the decision on validation of arrest or detention and adoption of a personal security measure against the person.⁷

Persons for whom the court has imposed the security measure of "arrest in prison" should be transferred to Penitentiary institutions.

As regards the identification of the person against whom investigations are conducted, Criminal Procedure Code (CPC) in its Article 295 has set a period up to twelve hours, at which time police authorities are allowed to hold any person who refuses to give his identity or suspected of using a false identity. Further, in accordance with the Law "On State Police"⁸, someone may be held under police custody for a period not exceeding ten hours, in the following cases: for supervision of a juvenile for purposes of education or escorting him to the competent authority, or when a person is the carrier of a contagious disease, mentally incompetent and dangerous for the society.⁹

The monitoring team initially contacted the Deputy District Police Director of Korça, and then the chief of section of general patrols and security facilities who escorted the monitoring team during the visit in the police station premises. The contacted persons were informed about the purpose of the visit.

When the monitoring team was due to visit the rooms of police security personnel, personal data were recorded in the register of meetings between detainees / arrestees and human rights defenders (NGOs).

13.1. Treatment of the escorted/detainees/arrestees

13.1.1. Torture and other types of maltreatment

During the inspection of Korça District Police Directorate, the monitoring team interviewed detainees/arrestees, mostly males and some females. Most of the interviewees confirmed they were fairly treated during their police custody. Most of the interviewees did not claim any inhuman treatment or physical or psychological violence. Nevertheless, during the interviews with persons suspected by the Police for having committed any criminal act, the monitoring team became aware of a number of complaints of these citizens claiming alleged physical abuse on them by police officers, mainly at the first moments of detention / arrest.

Interviewees were, in each case, unable to report the identity of the police officer whom they accuse of maltreatment. Some of them stated that in more than one occasion during their detention, there had been present police officers without a uniform, which makes their identification impossible. Complaints mainly consisted of physical violence

⁵Article 258, paragraph 1, CPC

⁶Article 257, paragraph 1, CPC

⁷Article 258, paragraph 2; Article 259 of CPC

⁸Article No. 9749, dated 04.06.2007, as amended, articles 11, paragraph 6 and 101, paragraph 1

⁹Article 101, paragraph 1 of Law No. 9749, dated 04.06.2007

of slapping the face and head; knocking on head, use of rubber sticks on hands and verbal violence, specifically offensive words and insults against the detainees/arrestees.¹⁰

Among the group of detainees/arrestees, the monitoring team also interviewed juveniles (3 juveniles in Korça Police Station). Two of the respondents claimed they had been subjected to physical abuse by police (especially slaps on face) at the time of arrest and /or during the questioning.¹¹ Juvenile citizens A.J., and S.T., confirmed that at about 16:30 hrs on 15/04/2013, they went to Maliq police station upon their free will, escorted by the person who had filed the charge against them. When they arrived at the police station, there appeared 2 persons. One of them was a police officer and the other one was a local police officer.

Citizens A.J. and S.T. claimed that from the moment of their questioning by the police officers, they were subjected to physical violence. Citizen S.T. claimed that the police officer had hit him in the face 2-3 times while he was alone. Further, citizen A.J. claimed that the police officer had slapped him on his face in the presence of the citizen S.T., in the facilities of Maliq police station. During the inspection there were no signs of violence such as laceration, hematoma or wounds.

Also, in the same police station (Korça), the citizen E.M. reported that police had exerted violence against him at the time of detention near his home in the village. He complained that he had suffered physical violence. He was slapped on his face 4-5 times and on his head and was hit with a rubber stick on the palms of the hands, inside the police car. He also complained of verbal violence through offensive words. While asked about the identity of police officers whom he blamed for the violence, explanations were not complete (he gave them more detailed description but did not disclose the identity). In the body there were no signs of violence reported as laceration, hematoma or wounds, and psychological state at the time of questioning was stable.

During his stay at the station there was no complaint for maltreatment or physical/verbal violence.

Also, the citizen B.L. complained of intimidation and physical violence by the police at the time of detention. This person was contacted by the monitoring team immediately after his arrest. During the interview, citizen B.L. appeared frustrated and his frustration was mainly related to the grounds of arrest. At the time of the interview there were not found any signs of lesions/ hematoma resulting from physical violence on any of the persons questioned.

¹⁰Article 28 , paragraph 5 of the Constitution , Article 3 of the European Convention of Human Rights, stipulating that "No one shall be subjected to torture or inhuman or degrading treatment or punishment"; Manual register of Standard Operating Procedures for treatment and safety of arrestees and detainees in police units "approved by Order of the State Police Director General No. 763, dated 27.09.2011, chapter 1, paragraph 3, sub-paragraph 3.1, letter a and d;

¹¹Article 37 b of the Convention on the Rights of the Child;

Psychological state of the interviewed person was peaceful and did not witness consequences caused by maltreatment. The persons questioned showed no fear or intimidation to report the maltreatment they had suffered.

13.1.2. Keeping under detention / arrest in an unofficial place

Most of the persons interviewed by the monitoring team confirmed that the process of detention/arrest, escort to police stations or housing in the security rooms was performed in conformity with legal procedures prescribed in the Criminal Procedure Code, by virtue of law "On State Police" and the Manual of Standard Operating Procedures for treating and securing persons arrested and detained in police units", approved by Order of the State Police Director General No. 763, dated 27.09.2011 (hereinafter referred to as the Manual). However during the questioning the detainees / arrestees complained that in some cases they were not brought directly to the police stations but stayed in the police car before being sent to police stations.

Also, the interviews by the monitoring team verified claims of the detainees /arrestees over discrepancies between the time (hour) when they had been detained or arrested and the time entered into the minutes of arrest in *flagrante delicto*. The citizen E.M. claimed that he was first contacted by the police and became aware of his arrest on 14/04/2013, 7:30 to 8:00 AM while the minutes of arrest in *flagrante delicto* included the date 14/04/2013, at 13:30hrs. The same situation was also claimed by two juvenile citizens A.J and S.T., who confirmed that although they had been brought to Maliq police station on 15/04/2013 at about 16.30 hrs, the minutes on arrest in *flagrante delicto* which they carried, was bearing the date 15/04/2013, 20:30 hrs.

13.1.3. Use of force and firearms

As described in the provisions of the law "On State Police"¹² a police officer may use force to meet a legal aim only when it is necessary and only if all other measures are unsuccessful or impossible. Use of force by the police becomes the minimum level of necessary force, in each case according to the principle of proportionality. The level of force should be to the extent provided by law, including obedience by use of words, physical restraint, striking instruments, tools with paralyzing chemicals, electric shock device, police dogs and firearms.

Manual of Standard Operating Procedures for treating and securing the arrestees and detainees in police units (Chapter IX, Section 2), foresees the use of force and physical coercion to avoid:

- a) Attempts to forcibly flee /escape from security rooms, courtrooms, hospitals or from their vehicles during the transport;
- b) Violence against other arrestees/detainees or the service personnel;
- c) Violent acts to harm the health or cause suicide;

¹²Article 118, Law No. 9749, dated 04.06.2007

- d) Severe damage to items, common furniture and equipment of security rooms;
- e) Active and passive opposition or resistance in implementing orders or compulsory transfer.

Further, regarding the use of firearms¹³, their use by the state police is provided to stop or neutralize illegal actions of the detainees /arrestees, when other means have not produced any results. The use of firearms in connection with the detainees /arrestees as an extreme measure can be done in cases where:

- The person has committed, is committing or there is sufficient evidence that he has committed a serious crime, and attempts to escape detention or arrest;
- Arrestees or detainees attempt to escape sentencing, pre-trial detention rooms or places where they are held to be escorted by persons or by vehicles transporting them.

The information we collected during the visits did not report any cases involving the use of force and physical coercion means, and no cases of the use of firearms by the police against the detainees/arrestees, in order to meet a legitimate aim under the applicable provisions.

13.1.4. Detention/arrest and control

Based on the information collected during the visits, contacts with the detainees/arrestees and review of records identifying the detainees/arrestees, it was found that in some cases persons were arrested by the police prior to the time recorded in the minutes of the arrest *in flagrante delicto* and not in conditions of *flagrante delicto*, as reflected in the minutes. As above, ambiguity was found in the definition and identification of cases of detention and arrest in *flagrante delicto*. Pursuant to Article 251 of the Criminal Procedure Code, the person captured in *flagrante delicto* (in progress or immediately after the commission of an offense), when there are the criteria provided for in this section, shall be immediately arrested as soon as he is apprehended and will be held in custody for 10 hours.

It is worth mentioning the case of the citizen E.M., who claimed that he was informed on 04/14/2013, at 7:30hrs to 8:00hrs in the morning while he was going out of the house, while the minutes of arrest in *flagrante delicto* dated 04/14/2013, 13:30. The same situation was also claimed by two juvenile nationals A.J and S.T., who confirmed that despite they had gone to the police station of Maliq at their free will, on 15/04/2013 at 16.30hrs, the record of arrest in *flagrante delicto* which they had with themselves dated 15/04/2013, 20:30 pm.

¹³Law No. 8290, dated 24.02.1998 "On the use of firearms"

13.2. Fundamental protective measures

13.2.1. Right to information

During the visits at police facilities, including both the police station premises (corridors, offices of judicial police officers) and security cells, there were generally reported informative posters about the rights of the escorted/detainees/arrestees. In the interviews with the detainees/arrestees, some of them admitted they were informed about their rights from the police officers once they were detained/arrested. However, in the course of interviews, some detainees/arrestees stated they had not received the necessary information about their rights from the moment of their detention.

Lack of information of the detainees/arrestees about their rights is associated with a lack of access to inform their relatives about their detention and/or the lack of access to a lawyer upon their detention¹⁴. The citizen F.K. claimed of being informed about the rights of detainees/arrestees not at the time of arrest but on the following day. During the interview conducted by the monitoring team, the arrestee E.M. confirmed of not being informed of individual rights, nor about the right to not speak and no defense counsel was made available.

Lack of the right to information was particularly reported by the interviews made with the juvenile detainees, who, although had signed the statement of notice about their rights, claimed of not being informed about their rights as they were not furnished explanations about the right to not speak¹⁵.

The monitoring procedure identified that in the premises of police stations there were no informative posters of the rights of the escorted/detainees/arrestees in a foreign language, in accordance with the applicable provisions.

13.2.2. Informing family members¹⁶

Following the visits, it was reported that in many cases the detainees were provided the opportunity to speak with a relative. However, some of the detainees/arrestees who were interviewed complained they lacked an opportunity to inform the relatives right after their apprehension.¹⁷ After the claim raised by the complainants, the monitoring team examined the minutes on arrest of these citizens in *flagrante delicto*, confirming the claims raised by the interviewed arrestees.

During the visit it was established that phone sets for the communication of detainees/arrestees with their family members¹⁸ were missing in some security facilities.

¹⁴Article 255 of the Criminal Procedure Code

¹⁵ Article 35 and Article 255 of the Criminal Procedure Code

¹⁶ Article 31, letter "a" of the Constitution

¹⁷ Article 255, paragraph 4 of the Criminal Procedure Code

¹⁸Chapter V, Paragraph 6.1, letter "f" of the Manual

13.2.3. Access to medical care

As described in the Manual of Standard Operating Procedures for treating and securing the arrestees and detainees in police units (Chapter II, section 7), the physician interviews and verifies to find out if there is any sign of violence, maltreatment or various diseases of the arrestees /detainees before their accommodation in security rooms,. Provisions also foresee that any detainees/ arrestees shall be subject to a medical checkup (if necessary) by the physician/nurse of the department or the police station, within 12 hours of the detention/arrest.

The right to receive medical care (including physicians chosen by the detainees/ arrestees) is set out in the Manual associated with the right to free health care services during their stay in the security rooms (Chapter III, section 1.9, 1.10). Proper implementation of these provisions constitutes a guarantee against possible abuses by police. From the information collected during the visits it was noted that detainees/ arrestees generally had access to visit the physician, but with their free will in many cases refused to undergo medical examination.

Police Stations which have undergone reconstruction and act in conformity with the Manual are equipped with a special room for the physician, in accordance with normative standards, with fixed bed, the place where it is kept the record of visits, clinical records of detainees detailing the date, time and objective examination, and clinical interventions.

13.2.4. Access to a lawyer

From contacts and information collected during the visit, it resulted that some of the interviewees had access to a lawyer since the first moment of their detention¹⁹, making possible the presence of the lawyer during the questioning by police authorities. However, the questioning found delays in terms of the access to a lawyer, taking formal statements from the detainees / arrestees without the presence of a defense counsel. Some of the arrestees had requested the presence of the lawyer *ex officio* but while staying in the security rooms they did not have any contact with him.

During the questioning some of the arrestees, in particular juveniles, claimed that at the time of arrest and questioning they were not provided access to a lawyer, psychologist or parent, a claim which was supported by lack of signatures of these persons in the minutes of the arrest in *flagrante delicto*. Interviews with the adult citizen BL. and citizen A.H. found that they were questioned without having access to compulsory defense by a lawyer and psychological assistance²⁰, despite the presence of a psychologist in the police station facilities.

It was found that the psychologist of Korça Police Station staff did not have any relevant Bachelor degree. Despite the training offered in the field of psychology and

¹⁹Article 53 of the Criminal Procedure Code

²⁰Articles 35 and 49 of the Criminal Procedure Code

psychological services, it seems impossible to provide standards of a professional assistance in cases where the service is provided by a non-professional. It was also found that inmates/detainees were unable to choose the defense lawyer, as their list was not displayed.

13.3. Legal proceeding

13.3.1. Period of detention/arrest

From the information collected during the visits, the monitoring team found that the detainees/arrestees were generally given the statement on recognition of their rights, copies of the minutes of detention/arrest, as well as copies of personal search²¹. From examination of the records of detainees/arrestees, there were not found any cases in breach of a period of 96 hours provided by some laws for keeping someone under police custody²².

13.3.2. Access to trial

The hearings on validation of measure for detainees/arrestees were found conducted within a 48-hour period of police custody of the detainee/arrestee. Most of the detainees were waiting for a hearing on the measure validation.

13.4. Procedural safeguards

13.4.1. Audio and video recording

The security system in many rooms of the police stations was monitored by cameras but their records were not saved in tapes or DVDs. Audio-visual recording equipment are installed at police stations to control and monitor the areas but the information collected on Police Station servers is only temporary, so the control showed only the current state of affairs and did not identify situations or cases occurred the previous day.

13.4.2. Registers

During the inspection, gaps were identified in the completion of manual of the escorted/detainees and arrestees to specify all police actions, i.e., the reason of escort/detention or arrest, injury signs, the name of officer who has taken the action, the place where he is held, the time when the person came to police facilities, the time when he is informed of his rights, the time when he is questioned and the time when he contacted a family member, a lawyer or a physician. The crime suspects continue to be kept escorted. Such actions are contrary to Articles 11/6, 101/5, 103/1 and 107 of the Law 9749, dated 04.06.2007 "On State Police".

²¹Chapter III, paragraph 1.14 of Manual

²²Article 28, paragraph 2 of the Constitution; article 258, paragraph of the Code of Criminal Procedure

13.5. Material conditions

13.5.1. Escort and security facilities

Security facilities far from the standards required by law are located in the police stations of Elbasan, Pogradec, Peshkopi, Burrel, Berat, Lushnja, Kruja, Shkodra, Vlora, and Saranda and in Tirana Police Stations No. 1, 2 and 3.

Escorting facilities far from the standards required by law are located in the police stations of Elbasan, Gramsh, Librazhd, Peqin, Devoll, Erseka, Pogradec, Peshkopi, Burrel, Bulqiza, Berat, Çorovoda, Kuçova, Mirdita, Kurbin, Lushnja, Mallakstra, Kruja, Shijak, Shkodra, Puka, Malsi e Madhe, Tepelena, Përmet, Vlora, Saranda, Delvina, Has, Tropoja and in Tirana Police Stations No. 1, 2, 3, 4 and 6.

Police stations that were subject to reconstruction are in line with the standards.

Conditions in the security rooms are fully compliant with those provided in standard operational procedures and in the manual on treatment of detainees and arrestees. Special rooms are created for men, women and juveniles. The questioning room for meetings with lawyers or judicial police officers, is compliant with the required standard, supplied with wall-mounted tables, chairs and equipment. There is a separate room for the physician, in accordance with the normative standards. Rights of the detainees and arrestees are displayed in the internal facilities of security rooms. There is an operational interphone in the interior lobby of security rooms. It was found that in the security rooms, wall-mounted signal device for contacting the employee service, if necessary, did not work.²³

13.5.2. Food treatment

During the monitoring of police stations, after questioning the detainees /arrestees, there were found cases of lack of food treatment for the detainees/arrestees, under the normative applicable provisions.²⁴

During the contact with police staff in some police stations, a "catering/food supply" contract of service between the institution and a private entity was reported, in relation to the treatment of detainees /arrestees²⁵. Verification has shown that the documentation on food provision for the detainees/arrestees was not specified:

- The amount in ALL (Albanian Lek) of daily portion or daily meal for every detainee/arrestee.
- The amount of food provided to each person based on the calories needed.

Also, during the monitoring it was mainly found that kitchen staff was not provided with a cooking register. The storage box of cooked food did not have necessary documents (lacked the registration booklet of the person who administered storage, time for putting

²³Chapter V, paragraph 4.3, letter " c " of the Manual

²⁴Chapter IV, Sections 2.1 and 2.2 of the Manual

²⁵Chapter IV, Section 2.4 of the Manual

it inside the box, and the type and the name of the stored food). It was also noted the lack of food samples in their storage box, in contravention to the normative applicable provisions.²⁶

13.5.3. Situation of vulnerable groups

The monitoring found that only Korça Police Station had security rooms, of these one for juveniles, one for females and three for male adults. Regarding these courtrooms it was found the existence of three ones, in accordance with the requirements of the normative provisions on the provision of material conditions for guaranteeing the rights of vulnerable groups. In particular, it had to consider the juvenile escort room accomplished with the support of Save the Children Foundation because it was in full compliance with the normative provisions, ensuring normal conditions for escorting juveniles.

14. Summary of recommendations developed by the NPM during 2013 on findings of inspection/monitoring conducted at District Police Directorates and their subordinate Police Stations

14.1. Recommendation on the inspection of Shkodra Police Directorate and its subordinate Police Stations - Doc No. 201300132/3

1. Building or reconstruction of escort facilities in Shkodra, Puka and Malesi e Madhe Police Stations, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police", Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, creating suitable and decent separate premises with the necessary supplies for females, males and juveniles.
2. Building or reconstruction of new security facilities in Shkodra District Police Directorate, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and manual "*On the Rules of Treatment of Detainees and Arrestees in the Police Security Facilities*".
3. Correct records of the citizens' escort/detention/arrest.
4. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.
5. Installation of the monitoring system within the escort facilities, particularly in investigation premises of Shkodra District Police Directorate and all of its subordinate Police Stations. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.

²⁶Chapter IV, Section 2.5 of the Manual

6. Creating monitoring rooms for citizens' questioning by Judicial Police Officers of Shkodra District Police Directorate and its subordinate police stations.

14.2. Recommendations on the inspection at Tirana District Police Directorate and its subordinate Police Stations - Doc. No. 201300136/2

1. Establishing immediate operational new security facilities at Tirana District Police Directorate and bringing security facilities out of order at Tirana Police Stations No. 1, 2, 3 and 6.

2. Building escort facilities in Tirana Police Stations No. 1, 2, 3, 4 and 6 as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, in order to create separate suitable, decent facilities with the necessary supplies for females, males and juveniles.

3. Constructive changes in the security facilities of Tirana Police Station No. 5 and Kavaja, in order to meet the standards of the manual "On the Rules of Treatment and Security of detainees and arrestees in police security facilities".

4. Management of the central and local police bodies must take measures to provide that all police officers have knowledge on the law "On State Police " and fully implement the legal requirements regarding the escort of citizens to police authorities, and treat them with dignity.

5. Removal of violence-oriented objects in the offices of judicial police officers, where detainees or arrestees are questioned.

6. The following measures should be shortly implemented at Tirana Police Station No. 1:

- *Transfer of the reception room from the escort facility and its transformation into an escort room for women and juveniles, or keeping it under its current function and creating new escort facilities.*
- *The escort facility located within the security facilities should not be used for intoxicated persons and drug users.*

7. Correct records of the escorted, detainees, arrestees by paying particular attention to notification of family members, relatives or the trusted persons, time of notification, name and telephone number of the notified person.

8. The register on complaints of the escorted, detainees, arrestees should be made operational, and the citizen released should sign in this register. This information will prevent the potential abuse of police officers regarding the reason and time of their escort.

9. Implementation of legal provisions of the Criminal Procedure Code on recording the

exact time of arrest or detention of citizens and not initially treated as escorted.

10. Installation of the monitoring system within the escort facilities, particularly in investigation premises of Tirana District Police Directorate and all of its subordinate Police Stations. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.

11. Appropriate measures should be taken to provide running water at Police Stations where water lacks, and showers should be installed in security facilities.

14.3. Recommendations on the inspection of Durres District Police Directorate and its subordinate Police Stations - Doc. No. 201300501/2

1. Timely completion of escort and security facilities at Durres Police Station, as per requirements of law 9749, dated 04.06.2007 "On State Police".

2. Building new escort and security facilities in Kruja Police Station, as per requirements of the Law No. 9749, dated 04.06.2007 "On State Police", Letter Rogatory of the State Police Director General and the manual "On the rules of treatment and security of detainees and arrestees in police security rooms".

3. Correct records of the escorted, detainees and arrestees.

4. Management of the central and local police bodies must take measures to provide that all police officers have knowledge on the law "On State Police" and fully implement the legal requirements regarding the escort of citizens to police authorities, and treat them with dignity.

5. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.

6. Installation of the monitoring system within the escort facilities, particularly in investigation premises of two Police Stations. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.

7. Appropriate measures should be taken to create a telephone set in the security facilities of two Police Stations.

8. Creation of the register regarding the complaints of the escorted, detainees/arrestees.

14.4. Recommendations on the inspection of Fier Police Directorate and its subordinate Police Stations - Doc. No. 201300726/2

1. Building escort facilities in Lushnja and Mallakastër Police Stations, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, in order to

create separate suitable, decent facilities equipped with the necessary supplies for females, males and juveniles.

2. Repair of all defaults as shown above, in Fier Police Station escort facilities.
3. Construction of new security facilities in Lushnja Police Station, as per requirements of Law No.9749, dated 04.06.2007 "On State Police", the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities ".
4. Repair of all defaults as shown above, in Fier Police Station security facilities and making the heating system operational.
5. Correct records of the escorted, detainees and arrestees.
6. Continuous training of all police officers have knowledge about the law "On State Police", and full implementation of legal requirements regarding the police escorting cases.
7. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.
8. Installation of the monitoring system within the escort facilities, particularly in investigation premises at the Police Stations where such a system does not exist. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.
9. Transfer from the police facilities to pre-trial detention and Penitentiary Institutions under subordination of the Directorate General of Prisons, of all the pre-trial detainees under the security measure of "arrest in prison" and of the detainees due to enforcement of a criminal judgment in absentia on "imprisonment", taken against them by a court of law.
10. Appointment, at Fier District Police Directorate, of an expert-psychologist with appropriate education.

14.5. Recommendation on the inspection of Korça District Police Directorate and its subordinate Police Stations - Doc. No. 201300963/2

1. Building escort facilities in Pogradec, Devoll and Erseka Police Stations as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, in order to create separate suitable, decent facilities equipped with the necessary supplies for females, males and juveniles.
2. Construction of new security facilities in Pogradec Police Station, as per the requirements of Law No.9749, dated 04.06.2007 "On State Police", the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities".
3. Adoption of measures for correcting the shortcomings identified in the register of the

detainees/arrestees lice, in order to standardize this procedure in line with the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities". The register should contain all the state police activities, such as time and reason of detention or arrest, the place where the person is kept escorted, when he/she came to the police facility, when the person was informed of his/her rights, how and when he contacted a family member, a lawyer, a physician or a psychologist in cases of minors.

4. Adoption of appropriate measures to ensure that every individual escorted, detained or arrested for whatever purpose, is immediately informed at the moment of apprehension, on his rights and, then, in the place he/she has to undergo direct examination or where other procedural actions shall be performed, make sure that he/she is provided with short informative materials in a language he/she understands, listing their own rights. It is the duty of the State Police to make sure this legal obligation is met.

5. Management of the State Police central and local bodies must take measures to provide that all police officers have knowledge on the law "On State Police " and fully implement the legal requirements regarding the escort of citizens to police authorities, and treat them with dignity.

6. Police staff continuous training, in order to eliminate all forms of maltreatment of the escorted and detainees/arrestees, as unacceptable and punishable actions. In addition, key importance has to be attached to modern and scientific methods of criminal investigation through investments and staff training, so as to increase the number and kind of evidence collected against the defendants, minimizing the importance of his/her admission or objection of the criminal offence in the investigation process.

7. Provision of legal aid at the moment of detention. Further steps should be taken to ensure free legal aid (representation) for all those who cannot afford a defense counsel.

8. Provision of compulsory legal and psychological assistance in case of detention or arrest of a juvenile, and the immediate notification of his/her family members.

9. Measures should be taken regarding the food supply according to the standards set out in the Joint Order No. 432, dated 10.03.2008, of the Minister of Interior and Minister of Health.

10. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.

11. Display in the police facilities of Erseka and Maliq Police Stations, of posters containing information on the rights of the escorted.

12. Installation of the monitoring system within the escort facilities, particularly in investigation premises at all Police Stations of Korça District Police Directorate, where

such a system does not exist. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.

13. Measures should be taken to install the telephone set within the escort facilities of Korça Police Station to provide the detainees/arrestees the opportunity to meet their family members, as foreseen in the Manual “On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities”.

14. Transfer from the police facilities to pre-trial detention and penitentiary institutions under subordination of the Directorate General of Prisons, of all pre-trial detainees under the security measure of “arrest in prison” and of the detainees due to enforcement of a criminal judgment in absentia on “imprisonment”, taken against them by a court of law.

15. The register on complaints of the escorted, detainees, arrestees should become operational by paying special attention to the sections reflecting signs of injury, name of the officer who has taken the actions and the place where they are held.

14.6. Recommendation on the inspection of Lezha District Police Directorate and its subordinate Police Stations - Doc. No. 201300974/2

1. Sinks should be installed in the toilets of escort rooms and iron doors should be replaced with wooden doors as per the stipulations of Letter Rogatory No. 703, dated 07.08.2008 of the State Police Director General “On the Preliminary Evaluation Report of the CPT delegation and Adoption of Measures in meeting its Recommendations”.

2. Construction of escort facilities in Kurbin Police Station should be completed as per the requirements of Law No. 9749, dated 04.06.2007 “On State Police”

3. Adoption of measures for correcting the shortcomings identified in the register of detainees/arrestees, in order to standardize this procedure in line with the requirements of Law No. 9749, dated 04.06.2007 “On State Police” and the Manual “On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities”. The register should contain all the state police activities, such as time and reason of detention or arrest, the place where the person is kept escorted, when he/she came to the police facility, when the person was informed of his/her rights, how and when he contacted a family member, a lawyer, a physician or a psychologist in cases of minors.

4. Adoption of appropriate measures to ensure that every individual escorted, detained or arrested by the police, for whatever purpose, is immediately informed at the moment of apprehension, on his rights and, then, in the place he/she has to undergo direct examination or where other procedural actions shall be performed, make sure that he/she is provided with short informative materials in a language he/she understands, listing their own rights. It is the duty of the State Police to make sure this legal obligation is met.

5. Police staff continuous and intensive training on relevant curricula, in order to have

information and strictly apply the legal criteria on escorting citizens to the police, and treating them with dignity.

6. All cases of the treatment of the escorted, detainees/arrestees should be examined to initiate disciplinary proceedings against those police officers who will commit offenses.

7. Installation of the monitoring system within escort and security facilities, and particularly in investigation premises at all Police Stations where this system does not exist. Monitoring should begin from the entrance of the police station building, in order to avoid any disconnection point up to the detention area.

8. Display of posters, within the security and escort facilities, containing information on the rights of the escorted, detainees and arrestees.

9. Display of posters for the respect of human rights by police officers, to stop the violence etc. These posters should be placed in the escort and security facilities, as well as in offices and other police premises.

10. Measures should be taken to install the telephone set within the escort facilities in Lezha Police Station to provide the detainees/arrestees the opportunity to meet their family members, as foreseen in the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities".

11. The register on complaints of the escorted, detainees, arrestees should become operational by paying special attention to the sections reflecting signs of injury, name of the officer who has taken the actions and the place where they are held.

14.7. Recommendations on the inspection of Berat District Police Directorate and its subordinate Police Stations - Doc. No. 201301155/2

1. Building of escort facilities in Berat, Kuçova and Çorovoda Police Stations, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, in order to create separate suitable, decent facilities equipped with the necessary supplies for females, males and juveniles.

2. Construction of new security facilities in Berat Police Station, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police", Manual "On the Rules of Treatment of Detainees and Arrestees in the Police Security Facilities".

3. Adoption of measures to correct the shortcomings identified in the register of detainees/arrestees, in order to standardize this procedure in line with the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and the Manual "On Rules of Treatment of Detainees and Arrestees in the Police Security Facilities". The register should contain all the state police activities such as time and reason of detention or arrest, the place where the person is kept escorted, when he/she came to the police facility, when the person was informed of his/her rights, how and when he contacted a

family member, a lawyer, a physician or a psychologist in cases of minors.

4. Analysis, identification of liability and initiation of disciplinary proceeding against the judicial police officer Rrapo Xhavara for the offence committed against the citizen Rafaen Laze, a case which is described above. Because of his unlawful actions, court validation of arrest *in flagrante delicto* is made with a 24-hour delay.

5. Adoption of appropriate measures to ensure that every individual escorted, detained or arrested by the police, for whatever purpose, is immediately informed at the moment of apprehension, on his rights and, then, in the place he/she has to undergo direct examination or where other procedural actions shall be performed, make sure that he/she is provided with short informative materials in a language he/she understands, listing their own rights.

6. Management of the State Police central and local bodies must take measures to provide that all police officers have knowledge on the law "On State Police " and fully implement the legal requirements regarding the escort of citizens to police authorities, and treat them with dignity.

7. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.

8. Installation of the monitoring system within escort and security facilities, and particularly in investigation venues at all Police Stations where this system does not exist. Monitoring should begin from the entrance of the police station building, in order to avoid any disconnection point up to the detention area.

9. Measures should be taken to install the telephone set within the escort facilities of Berat Police Station to provide the detainees/arrestees the opportunity to meet their families, as foreseen in the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities".

10. Transfer from the police facilities to pre-trial detention and penitentiary institutions under subordination of the Directorate General of Prisons, of all pre-trial detainees under the security measure of "arrest in prison" and of the detainees due to enforcement of a criminal judgment in absentia on "imprisonment", taken against them by a court of law.

11. The register on complaints of the escorted, detainees and arrestees should become operational by paying special attention to the sections reflecting signs of injury, name of the officer who has taken the actions and the place where they are held.

14.8. Recommendations on the inspection at Elbasan District Police Directorate and its subordinate Police Stations - Doc. No. 201301372/2

1. Building of escort facilities in Librazhd Police Stations, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General, in order to create separate suitable

and decent facilities, equipped with the necessary supplies for females, males and juveniles.

2. Construction of new security facilities in Elbasan Police Station, as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police", Manual "On the Rules of Treatment of Detainees and Arrestees in the Police Security Facilities".

3. Correct records of the escorted, detainees and arrestees.

4. Training of police officers by the State Police central and local structures in order to be informed about the law "On State Police" and strict implementation of legal requirements regarding the cases of escorting citizens to the police units.

5. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.

6. Installation of the monitoring system within escort and security facilities, and particularly in investigation venues at all Police Stations of Elbasan District Police Directorate of Elbasan, where this system does not exist. Monitoring should begin from the entrance of the police station building, in order to avoid any disconnection point up to the detention area.

7. Measures should be taken to install the telephone set within the security facilities of Elbasan Police Station.

8. Analyzing and finding the responsible persons for cases found at Elbasan and Librazhd Police Stations, where the suspects as possible perpetrators of offenses or in the quality of persons reporting favorable circumstances for investigation, are treated as escorted.

9. Necessary measures should be taken for providing food at any time to the detainees/ arrestees.

10. Making proper arrangements to create a room for keeping personal items of the detainees/arrestees and providing a copy of personal control record.

11. The register on complaints of the escorted, detainees, arrestees should become operational.

14.9. Recommendation on inspection in Dibër District Police Directorate and its subordinate Police Stations - Doc. No. 201301441/2

1. Building or adaptation of escort facilities in Dibër, Burrel and Bulqizë Police Stations as per the requirements of Law No. 9749, dated 04.06.2007 "On State Police" and Letter Rogatory No.703 dated 07.08.2008 of the State Police Director General "On the Preliminary Evaluation Report of the CPT delegation and Adoption of Measures in meeting its Recommendations".

2. Construction of new security facilities in Dibër and Burrel Police Stations, as per

requirements of Law No. 9749, dated 04.06.2007 “On State Police”, Manual “On the Rules of Treatment of Detainees and Arrestees in the Police Security Facilities”.

3. Installation of the monitoring system within the escort and security facilities. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the detention area.
4. Changing the function of the chief nurse within the organizational structure and replacement with a physician.
5. Police staff continuous training on relevant curricula, in order to have information and strictly apply the legal criteria on escorting citizens to the police, and treating them with dignity.
6. Implementation of legal provisions of the Criminal Procedure Code on recording the exact time of arrest or detention of citizens and not initially treated as escorted.
7. Analyzing all cases regarding the treatment of detainees/arrestees and initiating disciplinary proceeding against police offenders.
8. Reconstruction of facilities where food is prepared for detainees/arrestees and replacement with new equipment or food supply by private subcontractors.
9. Correct records of the citizens’ escort/detention /arrest.
10. The register on complaints of the escorted, detainees, arrestees should become operational.

14.10. Recommendations found during the monitoring at Kukës District Police Directorate and its subordinate Police Stations - Doc. No. 201302285/2

Treatment of detainees / arrestees in accordance with human rights

1. Based on the information collected during the visit, it is recommended that police authorities should take necessary measures to combat all forms of maltreatment by the police. All police officers should be mindful to understand that any form of maltreatment of the escorted/detainees/arrestees is not acceptable and will be punished accordingly. For this purpose, consideration should be given to investment in appropriate investigative tools and skilled human resources, in order to reduce potential collection of crime records only through confession.

It is recommended police awareness about the effects and consequences of physical and psychological violence against the escorted, detainees, and arrestees, objection of all cases of violence against these persons and consequences in their career resulting from violence. It is also recommended to organize training sessions for police officers, in order to recognize and respect the rights of the escorted/ detainees/arrestees.

2. Inspections conducted, identified the need to strengthen the legal framework on the rights of the escorted, detainees, arrestees, and their treatment. Though not

comprehensively, provisions of the law "On State Police" allow for the rights of the escorted but the detainees and arrestees lack that kind of treatment. It is recommended the law "On State Police" includes the guarantee of rights of the escorted, detainees and arrestees, and legal safeguards for the realization of these rights.

3. It is recommended the investigation of every reporting case by the escorted, detainees, arrestees, for physical abuse by police during the arrest, and the responsible persons should be punished and brought to justice.

The right to information

4. It is recommended that police authorities adopt proper measures to ensure that all detainees/arrestees are fully informed about their fundamental rights since the time of their detention, through the delivery of initial clear verbal information from the police, being supplied with information sheets on fundamental rights of the escorted/detainees/arrestees immediately after their arrival to the police facilities. It is recommended that the information sheets reflect the rights and obligations of the people escorted/detained/arrested even in English and Italian language, in accordance with the legal provisions in force.

5. It is recommended to gradually provide the public with information on the rights of the escorted, detainees, arrestees, through the promotion of human rights, publishing flyers or information in the mass media.

The right to contact family members

6. Additionally, the above analysis provides the right to contact family members, which from the information collected, was found partially accomplished. It is recommended that, in accordance with the legal framework in force, the police authorities should take necessary measures to ensure that all detainees/arrestees should contact their family members from the first moment of arrest/detention, and to clearly reflect this in the relevant records and registers of the escorted/detainees/arrestees.

The right of detainees/ arrestees to contact a lawyer

7. Given the above analysis on the access of detainees/arrestees to contact a lawyer, a recommendation is addressed to the Albanian authorities for adopting stringent measures to enforce the legal obligation for protection of the detainees/ arrestees represented by a lawyer from the moment of their detention. To enable the full realization of this right, a copy of the list of lawyers, members of the Bar Association, available to contact the detainees/ arrestees should be made accessible.

8. It is recommended the adoption of appropriate measures by the police to inform the detainees/ arrestees about the right to have a lawyer and the real opportunity to contact one before the investigation has been completed. They may waiver such a right at their discretion and such a fact should be reflected in writing in the relevant documentation.

Respect of the rights of juvenile detainees /arrestees

9. Monitoring team particularly emphasized the respect of the rights of juvenile detainees/arrestees. Given the above analysis on their access for information about their rights, parental presence, access to a lawyer or a psychologist, the Albanian authorities are recommended to take strict measures to prevent in any case the questioning of juveniles without the presence of a lawyer, despite their waiver of the right to have a lawyer.

10. It is also recommended that the Albanian authorities should take measures to strictly apply the presence of a psychologist and the parent in every stage of the procedure⁴⁹, by recruiting experts in the field of psychology in the respective police stations. It is recommended that the psychologist position should be filled by a professional of the field, with relevant university education, with the view of providing skilled and professional specialized assistance.

Training courses to update the principles and legal concepts

11. Given that the monitoring found in stances of noncompliance of time or the moment of *flagrante delicto* with the situation described in the records of the arrest in *flagrante delicto*, special attention should be paid to the concept of arrest in *flagrante delicto*, to ensure that the police authorities do not exceed their powers when detaining people. Therefore, it is recommended the performance of training courses for updating the legal principles and concepts, to protect human rights, respect law and provide supplementary knowledge under Law No.9749, dated 04.06.2007"On State Police".

Material conditions

12. Building escort facilities in Has and Tropoja Police Stations as per requirements of law and normative acts.

13. It is recommended to provide the detainees /arrestees with suitable items for sleeping, according to the sanitary requirements stipulated in bylaws.

14. Immediate removal of the covert room from the escort facilities, with technical equipment and prevention of this practice from re-occurring in the future.

15. Installation of the monitoring system within the escort and security facilities at Tropoja and Has Police Stations. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to detention area and their potential custody in a term of no less than one week.

14.11. Recommendations on issues encountered during the monitoring visits at Puka and Fushë-Arrëz Police Stations - Doc. No. 201302288/2

Treatment of detainees /arrestees in accordance with human rights

1. The inspection conducted, identified the need to strengthen the legal framework on the rights of the escorted, detainees, arrestees, as well as their treatment. Though not

comprehensively, provisions of the law "On State Police" allow for the rights of the escorted but the detainees and arrestees lack that kind of treatment. It is recommended the law "On State Police" includes the guarantee of rights of the escorted, detainees and arrestees, and legal safeguards for the enjoyment of these rights.

The right to information

2. It is recommended that police authorities adopt proper measures to ensure that all detainees/arrestees are fully informed about their fundamental rights since the time of their detention, through the delivery of initial clear verbal information from the police, being supplied with information sheets on fundamental rights of the escorted/detainees/arrestees immediately after their arrival to the police facilities. It is recommended that the information sheets reflect the rights and obligations of the people escorted/detained/arrested even in English and Italian language, in accordance with the legal provisions in force.

3. It is recommended to gradually provide the public with the information on the rights of the escorted, detainees, arrestees, through the promotion of human rights, issuing flyers or information in the mass media organs.

The right to contact family members

4. Additionally, the above analysis provides the right to contact family members but from the information collected this was found partially accomplished. It is recommended that, in accordance with the legal framework in force, the police authorities should take necessary measures to ensure that all detainees/arrestees should contact their family members from the first moment of arrest/detention, and to clearly reflect this in the relevant records and registers of the escorted/ detainees/arrestees.

The right of detainees /arrestees to contact a lawyer

5. Given the above analysis on the access of detainees/arrestees to contact a lawyer, a recommendation is addressed to the Albanian authorities for adopting stringent measures to enforce the legal obligation for protection of the detainees/ arrestees represented by a lawyer from the moment of their detention. To enable the full realization of this right, a copy of the list of lawyers, members of the Bar Association, available to contact the detainees/ arrestees should be made accessible.

6. It is recommended the adoption of appropriate measures by the police to inform the detainees/ arrestees about the right to have a lawyer and the real opportunity to contact one before the investigation has been completed. They may waive such a right at their discretion and such a fact should be reflected in writing in the relevant documentation.

Respect of the rights of juvenile detainees /arrestees

7. Monitoring team particularly emphasized the respect of the rights of juvenile detainees/arrestees. Given the above analysis on their access for information about their rights, parental presence, access to a lawyer or a psychologist, the Albanian

authorities are recommended to take strict measures to prevent in any case the questioning of juveniles without the presence of a lawyer, despite their waiver of the right to have a lawyer.

8. It is also recommended that the Albanian authorities should take measures to strictly apply the presence of a psychologist and the parent at every state and proceeding level by staffing the police station with relevant experts in the field of psychology. It is recommended that the psychologist post should be filled by a professional of the field, with relevant university education, thus enhancing the opportunity to provide skilled and professional specialized assistance.

Twinning courses to update legal principles and concepts

9. Given that the monitoring found instances of non compliance of time or the moment of *flagrante delicto* with the situation described in the records of the arrest in *flagrante delicto*, special attention should be paid to the concept of arrest in *flagrante delicto*, to ensure that police authorities do not exceed their powers when detaining people. Therefore, it is recommended the performance of training courses for updating legal principles and concepts, to protect human rights, respect law and provide supplementary knowledge under Law No.9749, dated 04.06.2007"On State Police".

Material conditions

10. Construction of escort facilities in Police Stations of Pukë, as per requirements of law and normative acts.

11. Installation of the monitoring system in escort and security facilities of Puka Police Station. Monitoring should begin from the entrance of the police station building, in order to avoid the occurrence of any disconnection point up to the area of detention and their potential custody for a term of no less than one week.

15. Overview of police activity regarding the respect of human rights and fundamental freedoms

In capacity of the National Preventive Mechanism Against Torture, the People's Advocate Office has conducted **65** inspections, re - inspections and thematic controls at all local State Police structures. 11 recommendations were formulated and presented for the improvement of standards of human rights and treatment of individuals settled at these institutions, and 6 recommendations were oriented to violence or arbitrary acts by police authorities.

Problems encountered during inspections at police stations and generalized recommendations

Construction or reconstruction of escort and security facilities at all State Police units, as per requirements of Law No. 9749, dated 04.06.2007 "On State Police ", Manual

"On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities".

Training of state police officers, in order to strictly recognize and implement normative acts during the police escort, detention or arrest of citizens, and treating them adequately.

The People's Advocate Office has regularly addressed these issues to the State Police units, calling for their solution.

In view of the above, the State Police Director General has prepared the working program to meet the People's Advocate Office recommendations, and in this regard it has set up a working group for monitoring and implementing the relevant tasks.

The working program defines concrete measures and tasks to be taken for implementing recommendations of the People's Advocate Office. Some of these tasks have also fixed deadlines.

During inspections conducted this year, it is found that a number of State Police units have made some improvements, specifically:

- District Police Directorates and Police Stations have adopted concrete actions for their subordinate structures, with the view of the above program implementation;
- New escort and security facilities have been built at the District Police Directorate of Tirana and Durres Police Station, in line with the current standards.
- Positive feedback by forwarding to the Law Commission of the Albanian Assembly, based on the People's Advocate recommendations sent to the Minister of Interior and the State Police Director General during previous years, for the amendment and improvement of Law No. 9749, dated 04.06.2007 "On State Police".
- A trainer has been appointed at each police station, to continuously train police officers who work in escort and security facilities;
- Standardization of the register for the escorted/detainees and arrestees, as per requirements set out in Law 9749, dated 04.06.2007 "On State Police" and the Manual "On the Rules of Treatment of Detainees and Arrestees in the State Police Security Facilities".
- In almost all police units there are registers regarding complaints of the escorted, detainees or arrestees;
- Cooperation between police authorities and transparent behavior with civil society, where some agreements have been concluded.
- Removal of violence-related objects in the offices of judicial police officers and in the facilities where the detainees or arrestees are questioned.

- Establishment of new facilities for the questioning of citizens at Elbasan and Pogradec Police Stations.
- Placement of signboards showing the rights of the escorted, detainees/arrestees at almost all escort and security facilities.
- Use of a model form, listing the rights of the escorted, detainees/ arrestees at almost all Police Stations.

Besides the positive achievements, a series of problems are associated with the conditions of escort and security facilities, the way how law is enforced by State Police officers during the escort / detention and arrest of citizens, and how they are treated at these facilities, which might prejudice the citizens' rights and freedoms.

Regarding escort and security facilities

1. Escort facilities far from the standards required by law are at the Police Stations of Elbasan, Gramsh, Librazhd, Peqin, Devoll, Erseka, Pogradec, Peshkopi, Burrel, Bulqiza, Berat, Çorovoda, Kuçova, Mirdita, Kurbin, Lushnja, Mallakastër, Kruja, Shijak, Shkodër, Puka, Malësi e Madhe, Tepelena, Përmet, Vlora, Saranda, Delvina, Has, Tropoja and Tirana Police Stations No. 1, 2, 3, 4 and 6.
2. Security facilities far from the standards required by law are located at the Police Stations of Elbasan, Pogradec, Peshkopi, Burrel, Berat, Lushnja, Kruja, Shkodër, Vlora, and Saranda and at Tirana Police Stations No. 1, 2 and 3.

Regarding the treatment of the escorted, detainees and arrestees;

- Gaps identified in the register of the escorted, detainees, arrestees to specify all state police activities such as time and reason of detention or arrest, traces of injuries, name of the official where the person was kept, when the person arrived at the police facility, when the person was informed of his/her rights, when he was questioned, how and when he contacted a family member, a lawyer or a physician.
- Keeping the persons as suspected for having committed a criminal offense, while such action is in violation of Article 11, paragraph 6, of Law No. 9749, dated 04.06.2007 "On State Police".
- Minutes of detention or arrest of persons caught *in flagrante delicto* is not completed in real time when the person has been captured. Based on Articles 144, 250 of the Criminal Procedure Code, recording in the minutes the time of arrest of the person caught *in flagrante delicto* or detained is a key element on the basis of which the pre-trial detention effects begin. Further, under Article 258 of the Criminal Procedure Code, the prosecutor, within forty-eight hours from the arrest or detention, applies for evaluation of the remand order to the court of the place where arrest or detention took place.

- Exhibits are administered in the offices of judicial police officers because there are no specific premises.
- Most of the Police Stations, with the exception of Korça, Tirana and Durrës, do not have monitoring system to survey the escort and security facilities.
- In some cases, relatives or a trusted person are not informed and also the time of notification, notifying party's name and telephone number.
- Failure to provide legal assistance from the moment when the person is detained.
- Failure to provide, at any moment, free legal aid for the entire category of people who do not have financial means.
- Lack of compulsory legal and psychological assistance in cases of arrest or detention of juveniles. The most flagrant case occurred in Korça Police Station, where during the inspection it was found a juvenile who was being questioned not in presence of the psychologist, despite the fact that the psychologist of Korça District Police Directorate was present and was accompanying the inspection team but he was not informed to take part during the questioning of juvenile.
- Some Police Stations /Directorates do not have information forms about the rights of the escorted, detainees, or arrestees, when the latter are foreign citizens.
- Unsuitable conditions and lack of organizational skills for food treatment, in accordance with the food treatment standards, as stipulated in the Joint Order No. 432, dated 10.03.2008, of the Minister of Interior and Minister of Health at the police stations of Korça, Pogradec, Vlora, Saranda, Gjirokastra, Shkodra and Elbasan.
- Improper conditions to provide medical treatment and lack of organic function with a physician at two police directorates. More specifically:
 - There is no facility to be used for medical examination at Dibër District Police Directorate.
 - As regards Dibër and Kukës Police Directorates, the detainees/arrestees continued to be administered medical aid at the regional hospitals of Burrel, Bulqizë, Peshkopi, Kukës, Has and Tropoja because the organizational structure of these police departments did not provide a general practitioner with a suitable room to perform medical check-up and where he could keep the necessary medicaments. This function within the Department of Human Resources was titled as "Chief Nursing Officer".
 - According to the public order police officers of that Police Directorate, the lack of physician had caused some problems in the work of this sector as the regional hospital physicians recommend that the detainees/arrestees had to undergo medical treatment within the hospital facilities even if it was unnecessary. These

actions of medical staff not only compromised their position but also caused constraints in public order police services because the structure of that sector has not provided specific officers to guard detainees/arrestees within the hospital facilities.

16. Data on reported cases of violence, arbitrary actions of police bodies analyzed by the NPM during 2013.

16.1. Introduction of specific cases and recommendations

Doc. No. 201300567/3

We recommend the immediate termination of actions of Tirana District Police Directorate police officers for the secret surveillance of the citizen Skënder Tufa and three former political prisoners of the communist regime, former hunger strike participants, Fatmir Lloçi, Petrit Lipe and Besim Valeri.

1. Immediate termination of the actions of Tirana District Police Directorate police officers for the secret surveillance of the citizen Skënder Tufa and three former political prisoners of the communist regime, former hunger strike participants, Fatmir Lloçi, Petrit Lipe and Besim Valeri.
2. Immediate termination of the unlawful escorts of the group of former political prisoners of the communist regime and adoption of measures for the full compliance with police escorting legal standards.
3. Serious and objective deliberation of this case. Initiation of the disciplinary proceeding and adoption of the disciplinary measure against police officers who have conducted and the ones who have ordered police escorting of the citizens Skënder Tufa, Fatmir Lloçi, Petrit Lipo and Besim Valeri.
4. Generality of this case in order to prevent the State Police offices from the potential violation of human rights and fundamental freedoms, subject to this recommendation.

Doc. No. 201300567/6

Recommendation on the immediate termination of unlawful actions of Tirana District Police Directorate against the citizen Skënder Tufa etc, former political prisoners of the communist regime.

1. Immediate measures should be taken for the termination of unlawful actions of Tirana District Police Directorate for periodic escorting to the police station and surveillance of the citizens Tufa, Fatmir Lloçi, Petrit Lipe and Besim Valeri.
2. Serious and objective deliberation of this case and identification of specific responsibilities. Initiation of the disciplinary proceeding and adoption of the disciplinary measure against the police officers who have ordered the surveillance

of the citizen Skënder Tufa.

3. Generality of this case in order to prevent the State Police employees from the potential violation of human rights and fundamental freedoms.

Doc No. 201300598/7

Recommendation on the full compliance with legal standards for escorting citizens to the police premises.

1. Measures should be taken for the full compliance with legal standards for escorting citizens to the police premises.
2. Immediate termination of unlawful police escorting of the citizen Oltion Nurçe.
3. Serious and objective deliberation of this case and identification of specific responsibilities. Initiation of the disciplinary proceeding and adoption of disciplinary measure against the police officer, Jetnor Xhaferri, who has ordered the police officers to escort the citizen Oltion Nurçe to the police premises.

Doc. No. 201300979/4

Recommendations regarding the suicidal hanging incident of the citizen N. K within the escorting premises of Tirana Police Station No. 3.

1. Analysis of the suicidal hanging of the national N. K within the escorting premises of Tirana Police Station No. 3 and administrative responsibilities' identification of the senior officials of Tirana District Police Directorate and Tirana Police Station No. 3, who have not taken proper measures for building escort premises in conformity with law and organizing police services, with the view of preventing undesirable events within the police premises.
2. Generality of the suicidal hanging case and causes of such occurrence regarding the citizen Ndue Kolthi by all local police bodies, with the view of upgrading the police service quality and preventing similar events in the future.
3. Revision and improvement of the "*Site plan of the public order police premises*" within the Police Station No. 3 of Tirana and all national police local bodies, and their staffing with the number of police officers required to better implement their functional tasks and at a high quality. If this service cannot be covered by police officers, a potential option may be the construction of a monitoring system of the escort premises from the information office.
4. Immediate measures have to be taken for building escort facilities of citizens at the Police Station No. 3 of Tirana and at all Police Stations on a national level, where they do not exist, according to the provisions of Law No. 9749, dated 04.06.2007 "On State Police" and the letter rogatory No. 703, dated 07.08.2008 of the State Police Director General, providing separate suitable and decent premises equipped with the necessary furniture for women, men and juveniles, without iron grills or doors and without latches and locks.

5. Adequate measures should be taken by the units of the State Police Directorate General for organizing inspections at the local police bodies regarding the implementation of duties provided by law, letters rogatory, orders, instructions and recommendations of the People's Advocate, related to the above described issues.

Doc No. 201301432/2

Recommendation for the full compliance with legal standards for escorting citizens to the police premises.

1. Measures should be taken for full compliance with legal requirements for escorting citizens to the police premises.
2. Serious and objective deliberation of this case and identification of specific responsibilities. Initiation of the disciplinary proceeding and adoption of disciplinary measures against the police officers, who have escorted the citizens Sh. Sh and F. R to the police premises.

Doc. No. 201302125/3

Recommendation on the initiation of disciplinary proceeding against the General Patrol employees, B. T and H.H, and the judicial police officer L. F, police officers at the Police Station No.2 of Tirana.

1. Initiation of the disciplinary proceeding against two employees of the Police General Patrol and the Judicial Police Officer, L. F, in conformity with article 76 of Law No.9749, dated 04.06.2007 "On State Police".
2. The legal violations reported in this case should be generalized, so that to prevent in the future similar cases of the violation of citizens' rights.