



CPT/Inf (2003) 10

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

from 4 to 14 December 2000

The Albanian Government has requested the publication of the CPT's report on its visit to Albania in December 2000 (see CPT/Inf (2003) 9) and of its response. The response of the Albanian Government is set out in this document.

Strasbourg, 22 January 2003

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REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS
Office of Legal Representative to the
International Organizations for Human Rights

No. _____ Prot

Tirana, February 18, 2002

Subject: *Albanian Authorities' answers to the Report of the Committee for the Prevention of Tortures and Inhuman or Degrading Treatment (CPT) for Albania*

With regard to the Final Report that Committee for the Prevention of Tortures and Inhuman or Degrading Treatment (CPT) has drafted for Albania on its visit from December 4-12, 2000 and the last one on 22-26 October 2001, the Albanian authorities in charge of the institutions which the delegation of this Committee has visited, have presented their answers.

Albanian authorities express their highest consideration for the contribution that the Committee for the Prevention of Tortures and Inhuman or Degrading Treatment (CPT) has given drafting the Rapport for Albania, assuring from its part that it will serve to increase the efforts for the improvement of the training conditions of the pre-detainees, detainees, persons with psychic problems etc.

The answers of the Albanian authorities are given chronologically according to the rapport of CPT from: the Ministry of Public Order, the General Department of Prisons (Tirana), the Ministry of Health, the Ministry of Justice, and the Ministry of Defense.

ANSWERS OF THE MINISTRY OF PUBLIC ORDER

Some preliminary requests with regard to a list of laws, orders, instructions and regulations which are in force and on the basis of which the state police are operating (point 12).

In implementation of the program of the Ministry of Public Order, the General Police Department has drafted a working program divided in three stages, aiming to outline and revise the normative acts to compliment all the aspects of the law on the State Police. Also some foreign missions assisting Albanian police, such as **M.A.P.E., INTERFORCA, I.C.I.T.A.P. as well as C.E., O.S.C.E** etc., have made their contribution to the preparation of these acts.

Follows the list of the required acts, laws and regulations:

1. **The Constitution of Albania**
2. The Code of Penal Procedure
3. The Law No.8291 dt.25.02.1998 “The Code of Police Ethic”
4. The Civil Code
5. The Code of Civil Procedure
6. The Code on Traffic
7. The Law No.8095, dated 21.03.1996 “On the Civil Service in the Republic of Albania”.
8. The Law No.8553, dated 25.11.1999 “On the State Police”
9. The Law No.8775, dated 23.04.2001 “On Gatherings”
10. The Law No.8405, dated17.09.2000 “On Town-planning”
11. The Law No.7697, dated 07.04.1993 amended with the Law No. 8277, dt.15.02.1998 “On Administrative Violations”
12. The Law No.8290, dated 24.02.1998 “On the Use of Fire Weapons”

13. The Law No. 7566, dated 25.06.1992 “On Weapons”
14. The Law No.7498, dated 05.07.1991 amended with the law No.7558, dated 30.01.1992 “On the Protection of Public order and Tranquillity.”
15. The Decree No.1188, dated 10.08.1995 “On Judicial Police”
16. The Law No.8331, dated 21.04.1998 “On the Execution of Penal Decisions”
17. The Law No.7492, dated 08.06.1991 “On the Depolitization of some State Structures”
18. The Law No.7508, dated 07.08.1991 “On the Military Police”
19. The Law No.8321, dated 02.04.1998 “On the Prison Police”
20. The Law No.8770, dated 19.04.2001 “On the Service to Guard and Secure Important Objects”
21. The Law No.829, dated 25.02.1998 “On the Criminal Police”
22. The Law No.8792, dated 10.05.2001 “On the Establishment of the Data Processing Center”
23. The Law No.8750 “On the Prevention and the Fight against Narcotic and Psychotropic Drug Trafficking”
24. The Law No. 8342, dated 06.05.1998 “On the Border Police”
25. The Law No.8432, dt.14.12.1998 “On Asylum”
26. The Law No.8492, dt.27.05.1999 “On Foreigners”
27. The Law No.8224, dated 15.05.1997 “On the Organization and Functioning of the Municipal and Communal Police”
28. The Law No.7978, dated 26.07.1995 “On the Armed Forces in the Republic of Albania” together with the supplement to this law.
29. The Law No.7496, dated 03.07.1991 “The Status of the Armed Forces in the Republic of Albania”
30. The Law No.7752, dated 28.09.1993 “On the Construction Police”
31. The Law No.8388, dated 05.08.1998 “On the Collection of Weapons and Ammunition”
32. The Law No.8766 dated 05.04.2001 “On the Protection and Rescue from Fire”.

Decisions of the Council of Ministers of Albania

1. Council of Ministers' decision, No.275, dated 25.06.1992 "On the Rules of Administration and Control of weapons by physical and juridical persons"
2. Council of Ministers' Decision No.389, dt.06.08.1993 "On a Supplement to the Council of Ministers' decision No.275, dated 25.06.1992."
3. Council of Ministers' Decision No.257, dated 16.04.1996 "On the Work with blasting and explosive substances"
4. Council of Ministers' Decision, No.53, dated 04.02.1999 "On the Determination of the border zones, the kind of weapon, the amount of munitions, the criteria for granting permissions to keep arms, and the tariffs."
5. Council of Ministers' decision No. 56, dated 04.02.1999 "On the granting of permissions for the possession of arms by presidents and partners of commercial companies."
6. Council of Ministers' Decision No. 687, dated 18.10.1998 "On Rewards for various citizens who provide information on the collection of arms and ammunition."
7. Council of Ministers' decision No.204, dated 22.06.1992 "On Objects guarded by Armed Civil Guard"

Regulation

1. Regulation No.1075, dated 15.09.1999 "On the Security and Treatment of Detainees".
2. Regulation No.721, dated 25.06.1998 "On the Use of Fire Arms by Public Order Police and Other People Armed according to the Law."
3. Regulation No.159, dated 28.09.1993 "On the Services of Public Order Police"
4. Regulation on "The Discipline"
5. Regulation No.159, dated 01.08.1998 "On the Uniform"
6. Regulation No.171, dated 26.10.1993 "On the Readiness and the Service of the Information in the M.P.O."
7. Regulation No.110 and 798/1, dated 19.03.1993 "On the Physical Security of Foreign Diplomatic Representatives".

Instructions of the Ministry of Public Order

1. Instruction of the Ministry of Public Order, No.601, dated 10.12.1997 “On the Contingent of Ill-doers”.
2. Instruction of the Ministry of Public Order, No. 565, dated 03.10.1997, “On a more Efficacious Engagement of Public Order Inspectors in fight against Crime”.
3. Instruction of the Ministry of Public Order, No. 1288, dated 09.08.2000 “On the way of granting, taking off, administration and guarding of arms and munitions, sport and hunting guns granted with permission.”
4. Instruction of the Public Order Ministry, No.1242, dated 19.05.2000 “On ensuring public order and tranquillity during sport, cultural, religious and other activities of such a character.”
5. Instruction of the Ministry of Public Order, No.1288, dated 09.08.2000 “On the Criteria of granting, taking away and the administration of the Weapons given with permits.”
6. Instruction of the Ministry of Public Order No. 168, dated 20.10.1993 “On the Rules of escorting citizens to Police Commissariats, units, stations and other offices.”
7. Instruction of the Ministry of Public Order, No.933, dated 10.03.1999 “On the Procedures of Collecting, Granting, Handing in, Registration and Administration of the fire arms by presidents and partners of commercial companies and by inhabitants living in border zones.”
8. Joint instruction No.83.dated 12.01.199 “On the Cooperation of Construction Police with the Public Order Police.”
9. Instruction of the Ministry of Public Order, no.319, dated 24.05.1995 “On the Financial Determination of Juridical and Physical Persons licensed to trade hunting guns”
10. Joint instruction of the Ministry of Public Order with Forest Service Police, No.1129 and No.1702, dated 22.11.1999.
11. Instruction of the Ministry of Public Order, No.39, dated 05.03.1992 “On the Comprehension and Implementation of some amendments to the law No.7498, dated 05.07.1991 “On the Protection of Public Order and Peace”.

12. Instruction of the Ministry of Public Order, No.260 "On the Completion and Selection of mobile police units, units of public order police.
13. Instruction of the Ministry of Public Order , No.1068, dated 09.09.1999, "On the Application of Fines by public order police."
14. Joint instruction No.1129, dated 22.11.1999 "On the Inter-ministerial Cooperation for the Protection and Development of the Forests and Pastures Sector."
15. Joint instruction No.1 dated 28.04.1998. "On the Relations and the mode of cooperation between the Prefect and the chiefs of police."
16. Instruction no.1382, dated 08.02.2001 "On the Procedure followed by State Police to facilitate and select the detained foreigners."

Orders issued by the Ministry of Public Order

1. Order of the Ministry of Public Order, No.888, dated 20.01.1999 "On the Functional Duties of the Public Order Service Structures in the Ministry of Public Order."
2. Order of the Ministry of Public Order, No.674, dated 21.04.1998 "On the Organization and Functioning of Police Checking Units"
3. Order of the Ministry of Public Order, No.2/21, dated 10.03.1998 "On the Observation of Rules when handing in the Service duty".
4. Order of the Ministry of Public Order No.4830, dated 17.12.1992 "On the Implementation of the rules of behavior towards Senior Officials and the Diplomatic Corps by police structures."
5. Order of the Ministry of Public Order, No.1091, dated 09.10.1999 "On the Procedures of Issuing Permissions to travel abroad to staff members of the Ministry of Public Order structures."
6. Order of the Ministry of Public Order No.1437/1, dated 19.04.2001 "On the Duties to be carried out prior to, during and after the Elections to the Assembly of Albania."

7. Order of the Ministry of Public Order, No.783, dated 31.08.1998 “On the information of the officer staff members of the structures of the Ministry of Public Order on the legal provisions, bylaws and other normative acts, when they are appointed to a post.”
8. Order of the Ministry of Public Order. No.604, dated 17.12.1992 “On the prevention of unusual events as a result of the use of fire weapons in celebrations and wedding ceremonies.”
9. Order of the Ministry of Public Order, No.779, dated 28.08.1998 “On the Registration, Processing and Broadcasting of the events that have occurred”.
10. Order of the Ministry of Public Order, No.1154, dated 12.01.2000 “On the Planning of the Work”.
11. Order of the Ministry of Public Order, No.225/1, dated 07.01.2001 “On the Drafting of Normative Acts.”
12. Order of the Ministry of Public Order, No.591, dated 03.12.1997 “On the Wanted Persons”.
13. Order of the Ministry of Public Order, No.698, dated 30.05.1998 “On the Criteria to be met to receive the title of and be appointed officer to a set service.”
14. Order of the Ministry of Public Order, No.697, dated 30.05.1998 “On the designations, competence and procedures to nominate, appoint to a duty, transfer and release lieutenant officers and policemen of the structures of the Ministry of Public Order.
15. Order of the Ministry of Public Order No.1172, dated 20.01.1999 “On some changes to the law of the M.P.O., No.888, dated 10.02.1999.”
16. Order of the Ministry of Public Order, No.1437/1, dated 19.04.2001 “On the Duties to be carried out prior to, during and after the elections to the Assembly of Albania.”
17. Order of the Ministry of Public Order, No.1437/2, dated 19.04.2001 “On the Duties of the Police staff members to secure the polling stations.”

Draft regulation

1. Internal Regulation of the State Police (*has been completed and is in the process of approval*)
2. Regulation on service of police mobile units (*has been completed and is in the process of approval*).
3. Regulation of the Inspector of Public Order Police (*has been completed and is in the process of approval*).
4. Internal Regulation on Detention (*has been completed and is in the process of approval*).
5. Regulation on Detention and Guarding of the Area (*has been completed and is in the process of approval*)

Draft Orders

1. Order “On the functional duties of the structures of public order police” (*has been completed and in the process of approval with the adoption of police structures.*)
2. Order “On Escorting Citizens to Police Structures”.
3. Order “On Blasting and Explosive matters” (*has been completed and is in the process of approval*).
4. Order “On the Organization and Functioning of the checking police units and the checking blocs (*has been completed and is expected to be adopted*).
5. Order “On the Invalidation of the Order for the police service in trains” (*the draft is ready and is in the process of discussion for approval*).

Draft instructions

1. Instruction “On the Duties of Police during Gatherings” (*the draft has been completed and it is in the process of adoption*)
 2. Instruction “On the Police Service in passengers’ Trains” (*the draft has been completed and it is in the process of adoption.*)
 3. On the Financial Tariffs for Juridical and Physical Persons who get licenses for trading fire arms (*has been completed and is in the process of adoption*).
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Note: These are a part of the normative legal acts, but there are many others which are being judged to be prepared and adopted, on the basis of their indispensability according to the needs, respecting also the stages set to draft and revise them by the working groups.

• ***Cooperation with Albanian authorities***

Paragraph 12

In reply to this point of the report, i.e. putting premises at the disposal of the institutions depending on the Ministry of Public Order, we explain that there are areas designated when citizens are escorted by police. Whereas detention rooms (where persons, for whom courts have passed a pre-sentence detention, are held) exist in 25 police Commissariats. In order to solve the problems raised in the report, the General Police Department set up immediately a working group, which inspected in details the police commissariats which **CPT** had visited, and in particular the Commissariat No.1 in Tirana. Analysis was made on this occasion with the aim adopting the necessary measures to improve the treatment of detainees and the conditions in the detention areas.

- *Tortures and other forms of maltreatment*

Paragraph 13

All the means which might serve to maltreat and torture detained people (barrels with cold water) were removed from that commissariat. The working group attached priority to the maltreatment noticed against detainees in the Commissariat No.1 in Tirana. With regard to the investigation required, an obstacle was the refusal of the persons confined in the Commissariat to make the indictment in conformity with the law. This concern was treated by the entire police effective and all respective local legislation and international acts on human rights were revised. On the other hand, the responsible persons were warned against violations of this character and tough measures were adopted.

On this occasion, the General Police Director sent a letter missive to all police units.

- *Description of concrete cases*

Paragraph 14

In view of the recommendations made by the delegation of **CPT**, medical checking rooms have been established for detainees in all police Commissariats of the country (except Tirana which does not have such rooms and this medical checkup is made in the Prison 313.)

Efforts are under way also to transfer all detainees, who according to the law, should stay in prison (despite the insufficient number of Albanian jails).

- *Preliminary measures*

Paragraph 15

The Ministry of Public Order has adopted harsh administrative measures on some police staff members for whom complaints have been filed, be they even in senior posts, such as chiefs of police commissariats or heads of Regional Police Department.

In order to make an inquiry as objectively as possible, in addition to the procedural actions on the part of the Prosecutor's Office and the Court, importance has been attached to the reports made by the institution of the Ombudsman (there have been even expulsions from police ranks of those charged of such violations).

Paragraph 18

Many activities have been held in cooperation with local and foreign organizations to inform the police of the democratic policing principles and the human rights. However, there is still much to be done for a more specific training of the staff members dealing directly with the treatment of the people escorted to police stations and with the detainees.

Paragraph 20

There are nearly 20 police staff members punished with disciplinary measures up to expulsion from the ranks of police or with penal prosecution.

The latest illustration to this case, which is a clear testimony to the existence of the political will, is the arrest (on 25.12.2001) of the Director of the Police Department of Elbasan Region and his bodyguards, after the indictment by one citizen for maltreatment.

Paragraph 21./3

The prosecutors and the judges have the right, which cannot be revoked by any police authority, to monitor and observe the work of police during penal investigation at the site where such work is carried out, as well as in the detention centers (this right is sanctioned in the Regulation on the Security of Detainees).

Paragraph 23

We hold that an efficient measure to prevent the maltreatment of detainees staying in institutions administered by the State Police, would be their management and treatment by specialized penitentiary institutions of the Ministry of Justice.

- ***Security of detainees and persons deprived of their freedom against maltreatment***

In September 1999, the Ministry of Public order adopted a new regulation (No.1075, dated 15.09.1999) “On the Treatment of Detainees” which contemplates more humane rules linked with the airing of the rooms, the meeting with family members and relatives, the right to get supplementary food, etc. While drafting this regulation, we took into consideration also suggestions from NGOs such as different organizations dealing with the Human Rights, and the Albanian Helsinki Committee. This regulation has been considered acceptable by analogous police missions which are assisting our country.

Paragraph 26

Notification of a relative (Article 25 of the Code of Penal Procedure)

The difficulty to realize this obligation stands with the cases when the person who is escorted by police or the detained lives outside the territory of the Police Commissariat which is carrying out the investigation, and furthermore, other difficulties are added with the poor infrastructure in the cases when their homes are in remote areas of the country.

In all other cases this obligation is fulfilled.

Paragraph 27

The right to have a defense attorney since the moment when one is deprived of his freedom.

This right is sanctioned by law, but in many cases it is neglected or underestimated by policemen who are carrying out the investigation. This happens because of the economic conditions of the persons under investigation or the impossibility for the police to find an attorney within the deadline of 10 hours.

The Ministry of Public Order and the General Police Department are working to find the ways and means which will lead to such a result.

Paragraph 29

On the information related to the rights

The Central Police Department of the State Police is revising the Instruction of the Ministry of Public Order, No.168, dated 20.10.1993 “On the Rules of Escorting Citizens to Police Commissariats, units, stations or other offices.”

The Head of the Public Order Police and other chiefs in any police commissariat are charged with the task of advertising in conspicuous places or through leaflets the rights and duties of the persons whose freedom is taken away.

Paragraph 30

Code of behaviors during interrogation

The Central Department of Criminal Police of the General Police Department, in addition to other planned acts, is drafting a manual which will carry the obligations and rights of the persons who are escorted or detained by police. This manual will determine the term of his custody in police premises, the term of interrogation and his stay in the detention area up to the moment when the person is finally arrested or released, the name of the policeman with the attributes of the one who has escorted a person, in conformity with the laws in force. (2001-2002), etc.

Paragraph 32

Escorting persons to police station

The escorting of other persons who carry out administrative violations to other police commissariats, as a form of detention of administrative character, is being replaced with fines.

The sectors of criminal police are rarely gathering of information through persons escorted to police commissariats or premises. This is due to the fact that in many cases, the information received has been invalid because such places impose fear in the persons interrogated, consequently the information is not accepted by prosecutor's offices or courts. The psychology of Albanian individuals with regard to police premises makes them avoid providing accurate information out of fear of being labeled a spy by the public opinion round him.

These forms are being replaced with other methods determined by normative acts with which the sector of criminal police is working.

Even in the cases when there is suspicion that the person escorted may be eventually guilty of a penal act, his escorting to the police commissariat lasts no longer than 10 hours. After this, they are detained or arrested (when they are proved guilty) or are released. The court holds the final decision on the detention of a person.

- *Conditions of detention, the detention rooms*

Paragraph 34, 35, 37, 38

The Ministry of Public Order and the General Police Department have ensured the funds for the reconstruction of all police commissariats which have detention areas, mostly in the direction of the sanitation, the places where the detainees meet with their family members, the refrigerator rooms for food supplies, bedding and cover and other human conditions.

As to the size of the detention areas and their improper airing (which is considered as a form of torture), we explain that almost all detention areas in the police commissariats on national level have been constructed before 1980s. As such, only their maintenance can be improved, because the facility cannot be expanded in size and spaces for the fact that in many cases they are within the building limits of police commissariats and Departments, and because of the technical conditions of construction which do not permit such an action.

The funds, even if earmarked in this direction, would go invain because in a near future the detention system, which so far has been a subordinate of the Ministry of Public Order, will pass completely onto the dependence of the Ministry of Justice.

Paragraph 36, 39

Police compounds designated for detention purposes

Holding detainees for many months in places which do not meet the required conditions.

After the court files the form of custody, many detainees (especially in Tirana), for various reasons (the Prison 313 does not accept them for lack of space) stay contrary to the law and without any proper condition for people, in the sites where people escorted to police commissariats stay. Staying in these areas for more than 10 hours causes difficulties for the life of the persons who are, consequently, deprived of their right to have food. This right cannot be fulfilled because the Police Commissariat cannot provide food for different reasons.

Paragraph 40

Separation of minors and women from other detainees.

In view of solving this problem, an agreement has been reached with the General Prisons Department so that this category of detainees be swiftly transferred to Prison 313 in Tirana, despite the stage of investigation or the process of trial. In many cases, this accord is not implemented by the General Prisons Department and due to the impossibility to accommodate the minors in separate rooms, they are united with others. Accommodation for women detainees is less difficult, but many problems are encountered with their treatment, for the fact that there are no policewomen working in these sectors of Albanian police.

Paragraph 44

Restricted contacts with relatives

The regulation No.1075, dated 15.09.1999 "On the Safety and Treatment of Detainees" stipulates that the meeting of detainees with family members and relatives must be 3 times a month for time terms lasting half an hour.

It is true that the meeting time limits in some cases are reduced by service policemen, but the violation of this right is a result of the overburden of the service people (more than double capacity), the great number of detainees and the small number of police staff serving for this

purpose.

PERSONS DETAINED IN CONFORMITY WITH LEGISLATION ON FOREIGNERS

Paragraph 47

Referring to the observations in the Rinas Airport, we explain that the Ministry of Public Order has attached special importance to the service in this airport and for this reason several measures have been taken to rehabilitate and improve the conditions in the police areas, attached to this airport. As far as the implementation of the demands of the Law “On Foreigners” and “The Asylum”, is concerned, the Central Department of Border Police have recently organized some meetings and held seminars with Border Police chiefs in the districts, so that to clarify them about the implementation of the required demands. A good part of the police effective working in this service are having qualification and training courses in Albania and in other countries.

With regard to the request to install public card phones in the transit areas for the detainees to use them, we judge that this point must be solved by the Ministry or the Department which have the service of air transport under its jurisdiction.

The right of the detainees to be informed and to communicate normally in their national language has been solved by designating in these places police staff who know several foreign languages, particularly English.

Paragraph 48

Lodging for asylum seekers

The articles of the law “On Asylum” are not evaluated and respected because foreign persons in our country have very rarely requested to have this status and consequently, it has not become a practice in our country.

The construction of the infrastructure for their stay in special centers has emerged as an indispensability recently. The problem to set up centers for asylum seekers and for those who are in transit has been forwarded to the Albanian government to adopt the respective measures.

Another way to help solve the problems linked with detention, mistreatment and tortures by policemen towards citizens is the installation of a civil phone number in the Ministry of Public Order. It is giving the chance to all persons who are facing such problems, to complain through this

phone number, without being identified.

As a result of the application of this method, during September 2001, some 68 complaints have been received. After their verification by respective structures, disciplinary measures up to release from state police structures have been passed for 8 police servicemen at different levels.

There are also structures such as the Internal Control Service, the Minister's General Inspection operating in the Ministry of Public Order, whose duty is, among others, to examine the complaints by citizens.

RESPONSES FROM THE GENERAL DEPARTMENT OF PRISONS

Over its stay to Albania in December 2000, the **CPT** delegation visited two institutions which are subordinate to the General Department of prisons and concretely to:

The Prison of Burrel and the Prison Hospital in Tirana

Appreciating the suggestions and the recommendation made by **CPT**, we are giving some responses concerning the measures adopted in the context of the reformation of the Albanian System of Prisons.

Paragraph 56

With regard to the complementation of the legal framework, a number of new provisions have been approved, namely: the General Regulation of Prisons and the special regulations of each institution of imprisonment, on the basis of the security level. In the light of the recommendations of the **CPT**, Albanian authorities are completely committed to the strict application of these recommendations in practice.

Paragraph 57

As far as the program for the extension and construction of new prisons is concerned, an important progress has been made to ease the sharp problem of overcrowding in prisons that we are already facing. Hence, the reconstruction of the third floor in the building of Prison 302 in Tirana, with an additional capacity of 80 inmates, has been completed. A new prison and an institute of mental health have been also built respectively in Rrogozhina and Kruja.

There are under construction: Prison of Peqin, with a fund of 6 000 000 USD, with a capacity of 350 places, which is foreseen to finish in August 2002; Prison of Lezha, financed from the European Community, (The fund –640 000 Euro). This establishment has capacity of 750 places and is thought to be ready within 6 months; Prison of Fushe-Kruja with a capacity of 350 places. The project has already finished, and we are waiting the financing by European Community and their opposition on the project. It is foreseen to be a medium security prison.

We think the building of the new prison establishment will solve somehow the problem of Albanian prison overcrowding.

Paragraph 58

The problem of the lack of working places is a very serious one. The lack of working places for our prisoners is caused apart from the insufficient sensibilization of different enterprises or associations operating in Albania.

Mainly the prisoners are employed in maintenance and cleaning services inside the establishment. Concerning the actual employment, there are some certain association's initiatives in this regard, but anyway the territory of our prison establishment constitutes a real difficulty (despite the prison of Lushnja, the surface of the other ones is small and therefore it makes impossible the organization of workshops within their territory).

Nevertheless the full employment and the whole respective legislation this activity will be based on, remains one of the main priorities of our Government.

We stress that the new Prisons of Peqin and Fushe –Kruja are projected to have the appropriate facilities for the employment of the inmates within the territory of these establishments. According to the legal framework, is applied the volunteer work for the internal services, not for the profit interests, but thinking that it would create appropriate conditions for the inmates and for their living environment.

Regarding the remand prisoners, we are aiming at guarantying appropriate working conditions as well.

Paragraph 59

The prisoners, whom the death penalty is converted into life imprisonment, are now submitted to a new regime defined in the respective law articles.

Their treatment is the same with that of other inmates; the other restrictions regarding the treatment of this category are abrogated since 1997 after the recommendations of C.P.T during that visit.

The visit in the prison of Burrel

❑ Maltreatment

In some cases, because of the lack of a Prison Police Regulation and the specific regulations of each penitentiary institution, some non-ethical forms of communication used by police staff are noted bringing into conflicts, insults or unmotivated use of force.

Regarding the remarks made on the C.P.T report, General Directory of Prison Administration based in the European experience as well, is abolishing the so-called “special groups”, defining the creation of an only emergency group, which will intervene only in very extreme cases, such as: riots etc.

According to this new practice we intend to implement, there will be no more the so-called “special groups”. Inside the prison establishment there will be emergency groups made up of a limited number of persons, to assist the normal 24 hours activity.

Since the period that cases of maltreatment were noted after the Circuit of General Directory was sent on this purpose, some positive changes are made. The functions of the police staff are already defined in details in the Regulation of Prison Police.

The incidents are solved in accordance to the rules. The use of force is applied only in extreme cases, when the life of police staff is in danger, always in conformity with law articles and other acts deriving from the law in force. This improvement is dedicated to the training of basic level staff, carried out by the occupation inside the prison service, intending a better communication and respecting the inmates' rights.

Paragraph 64

Regarding the manner of keeping the stick in a demonstrative way, we shall try to avoid it.

Paragraph 65

The problem you mention is found right. Therefore in the framework of your remarks, is drafted an order for the Minister of Justice, which will make possible the categorization into 2 security regimes: high security and common security. The prisoners sentenced with relatively short sentences will be accommodated in the common security sections in the conformity with the Law "On treatment and rights of the prisoners" and will be more possible the closeness to their families too.

Paragraph 66

We are caring actually for the construction of appropriate facilities, basing on the article 21 of General Regulation of Prisons. At the same time, the construction of a new prison establishment (see the above paragraphs) will make possible the implementation of all the defined parameters, 4m² and 9m³ for each inmate. We have begun to furnish the rooms with necessary items such as tables, plastic chairs etc.

We are trying to guarantee the appropriate heating system. We are taking in consideration to solve this problem towards the Central Heating System, which will be effected with the budget of 2002.

Paragraph 67

Regarding the irregularity observed in the section C, there are conferred 5 million leks to improve the conditions within this section.

The detergents are distributed regularly to all prisoners, in accordance with the rules in force.

We have solved the problem of water, making possible that all the inmates are allowed to take a shower once a week.

The clothes are washed in the laundry. It is added an hour of airing in order to be used for washing the clothes.

Paragraph 68.

The Directory of Prison of Burrel has requested a special fund from the General Directory, to be equipped with stoves, refrigeration room etc. The General Directory has included this request in the budget of 2002.

Regarding the improvement of the food quality, we think that the new increased food norm, defined in collaboration with the Ministry of Health, will be a positive progress.

Paragraph 70-73

We agree that the social activities program is poor. In the framework of the C.P.T recommendations, the Administration of the Prison of Burrel has undertaken measures in order to build a sportive area. Also they have added some other sportive activities such as basketball etc to improve as much as possible the social treatment of the inmates. The period of airing is extended from 2 hours per day for each prisoner to 3 hours per day for each, including the necessary time for personal hygiene. Based on the recommendation of the prison doctor, the airing period for the ill prisoners is extended to 5 hours per day for each.

Health's care service

The health care service is improved. All the new arrivals have to do a general medical check –up in order to avoid the health problems for the other inmates. The time schedule for the medical controls is defined and applied regularly.

The heating of medical facilities will be solved in the framework of the heating system within this establishment (see paragraph 66 of this report). We are glad to inform C.P.T that there are no more expired medicines in use and the inmates take their pills according the doctor` s recipe.

Paragraph 81-82

The General Directory of Prison Administration considers as very essential the establishing of good relations between the staff and the inmates, in order to avoid negative forms of communication. A priority has continuously been the training of the staff, specially the basic level, in the Prison Training Center, where is insisted to the role of educators considering it as the most important one.

Paragraph 83-84

The prisoners that are put in isolation have the right to get the airing one-hour per day. Also the Disciplinary Procedure is developed in accordance with articles in the law “On the rights and treatment of prisoners” where everything is recorded in a special file.

There are some measures undertaken to furnish the isolation rooms with fixed items.

Paragraph 87

Regarding your observations about the contact from outside, we inform you as follows:

- The sections designated for meeting the familiars are improved;
- The priority is given to those inmates, whose familiars come from remote areas.
- We intend installing phone cards in the external location of establishment to facilitate the contacts with outside.

The visit in the prison Hospital of Tirana

We inform you that the reconstruction in both wards (the infective ward and surgery ward) is already finished, solving the heating problem and sanitary installations.

Actually there are 36 patients accommodated in the psychiatric ward and the total number of the patients is 80, according to the capacity level.

The administrative structure of this hospital is as follows:

- ❑ The Director of prison Hospital
- ❑ Deputy Director

Medical staff made up :

- ❑ The Chief of the clinic,
- ❑ Cardiologist,
- ❑ Infection Doctor,
- ❑ Surgeon,
- ❑ Nurses
- ❑ Sanitariums

The civil staff numbers 46 individuals and Prison Police staff numbers 82 individuals (total 128 persons).

Paragraph 90

The position of the pharmacist is non-vacant and there are no more expired medicines in use.

The heating matter is solved after the reconstruction of the hospital, taking advantage from the Heating System of the University Hospital Center in Tirana. The room of medical treatment actually is in good conditions.

Actually the doctors work 5 hours on Saturdays while the nurses are present during all the time. The social specialist is planned to be part of administrative structure in the framework of the new administrative structure of 2002. This official specialist will offer different forms of psychosocial activities.

The living conditions of patients

The patients' rooms are adjusted and properly equipped with beds, blankets, sheets etc. As we have mentioned above the heating matter is solved. The conditions of toilets and other hygienic accessories are improved as well. A laundry is in function.

The food quality is improved, also a new food norm is under approval (see the respective paragraph above).

The airing of patients still constitutes a problem, which will be solved by constructing an airing area for all the patients whose conditions allow an every day airing.

As we informed above, the psychiatry ward is not overcrowded meanwhile we have avoided the unjustifiable stay of the patients for long periods.

The treatment of the patients

In order to guarantee a better treatment for the patients, we have strengthened the collaboration with the doctors of University Hospital Center on different medical issues.

The new arrivals are subject to a medical examination, which is confidential. The results of the examination are communicated only to the patients themselves or to their representatives.

The injuries noted during the examination are recorded afterwards informed to the prosecutor. (Despite this practice is in force, we have not had such recorded injury cases up to now).

Different therapeutic programs still remain a real problem in the prison hospital because they are not applied, such as: ergo therapy, group therapy etc or other rehabilitation programs. It is a deficiency still incorrigible, which we are seriously taking in consideration. In the framework of the changes available for 2002, including the social worker within our administrative structure, an improvement will take place in this regard.

The patients categorized as irresponsible from the court are accommodated inside the prison hospital. The Mental Health Institution is ready to function (see the beginning of this report) constituting a good solution for this category (actually there are 35). Their accommodation will take effect very soon inside the Mental Health Institution of Kruja.

Other issues related with the C.P.T mandate

Paragraph 97

The meeting of the patients with their relatives is realized in conformity with law articles. Actually the inmates are allowed 4 visits a month with during time from 30 minutes to 1 hour. The remand prisoners are allowed 2 visits a month with the same during time (from 30 minutes to 1 hour). The visit` s room is in appropriate equipped conditions.

Paragraph 98-99

Means of force are used only in extreme cases, as the last mean to prevent the aggressive behavior of the violent patients, especially those with mental disturbances. The use of means of force is allowed according to doctor` s order and is withdrawn immediately when the patients stop demonstrating aggressive behavior. Such cases are recorded.

Paragraph 101

The regulation of the hospital, the rights and their duties are communicated orally to the patients, once they enter in the prison Hospital. We are considering the recommendation to summarize these rights and duties into a brochure. The administration of the prison Hospital is working on such brochure to make it available for all patients.

The visit of C.P.T in October 2001

During the visit of October, **C.P.T** delegation visited Prison 313 and prison Hospital. Regarding your recommendation on prison establishment, we inform you as follows:

The administration of Prison 313 has undertaken necessary measures for a first medical examination once a remand prisoner enters in this institution. The further examination is carried out in the prison Hospital. The administration of Prison 313 has prepared a special basic medical record, to register all the injury cases evidenced by the doctor.

All the injuries evidenced are written down in this record, and afterwards the doctor prepares a confidential report for the Director of the Prison on this purpose.

The cases of drug-addicted persons entered in Prison 313 always are registered.

The General Directory of Prison Administration has seriously analyzed and evaluated the report of **C.P.T** Committee and in the framework of its recommendations has undertaken the necessary measures to improve the situation as much as possible. Recommendations of **C.P.T** are made known to the institutions visited by its delegation. Therefore based on the orders issued by General Director, each Prison`s Director has issued respective internal orders to improve the situation.

The General Directory of Prison Administration considers C.P.T`s suggestions as very constructive and positive on the progress of the reform we have undertaken to improve the situation in the Albanian Prison System especially in the efforts made to pass the pre-detainee administration under our authority.

RESPONSES BY THE MINISTRY OF HEALTH

In view of the tasks laid in the Report covering the visit to Albania from December 4-14, 2000, of the Committee for the Prevention of Tortures and Inhuman or Degrading Treatment (CPT) for Albania, the Ministry of Health reports in the following on the measures it has adopted to improve the situation.

Paragraph 103

The overcrowding and the great number of beds in the institutions treating psychically - affected people.

In order to help solve the problem of overcrowding and the great number of beds in psychiatric institutions, the Steering Mental Health Committee has been set up and is functioning in the Ministry of Health. This Committee consists of representatives from institutions linked with mental health problems (representatives of the Ministry of Health, the Ministry of Education, the Ministry of Labor and Social Affairs, psychologists, representatives of mental health institutions, the university Psychiatric Clinic, World Health Organization experts in the field of mental health.

The Steering Mental Health Committee is preparing the strategy and the plan of action in the field of mental health in Albania. The aim of this strategy is to create a system of communal services for persons with mental health problems, to treat these patients with the assistance of multi-disciplinary squads and to employ in the structures of our health institutions also social workers and psychologists. The realization of such a strategy would ensure the contemporary information and the necessary treatment for the people who need support in overcoming their mental problems. This would also help reduce the stigma in these patients and integrate them in the family and social life. This leads to a greater care for the patients in their living places, and indirectly, to the reduction of the number of patients hospitalized in psychiatric institutions. In order to promote this idea, the Ministry of Health, in cooperation with WHO, held a meeting in December 2001 with representatives of non-governmental organizations operating in Albania. This meeting helped encourage even more the improvement of mental health and the integration of the mentally affected patients in community.

Paragraph 108

On physical mistreatment of patients in the psychiatric hospitals in Vlore and Shkoder

In relation to the problem of mistreatments in psychiatric hospitals, talks have been held with the medical staff in the psychiatric hospitals of Vlore and Shkoder. The purpose of these talks (particularly with the paramedical staff) has been to sensitize them of the medical ethic, the code of the patient and the implementation of the law on medical health, placing the rights of the patient first. The chiefs of these institutions are drafting a regulation on the cases when coercive measures can be applied.

Paragraph 114/1

Every patient should have a bed and the necessary bedding and cover, cleaned at proper intervals.

With funds from the Ministry of Health, the necessary stuff has been bought to provide the patients with beds, with new bedding and cover. Once in 2 months all hospital wards are sanitized and disinfected, the patients' clothes included. During 2002, all the needs of the patients will be met with money funded by the Ministry of Health.

Paragraph 114/2

Every patient should receive satisfactory food as for its quality and quantity, and all patients should have their weight taken regularly.

With regard to the quantitative and qualitative improvement of the food for the patients, measures have been adopted to increase the variety of the food, to provide the necessary daily calories and improve the quality in cooking. Patients' weight is taken every two months in the respective hospitals. Also efforts are under way to furnish the compounds with tables and chairs, so that the degrading patients can have their meals in human conditions.

Paragraph 114/3

Every patient (especially those without incomes) should be supplied with shoes, clean proper clothing and underwear according to seasons.

The Department of Hospitals has taken measures to provide heavy clothes for winter and light clothes for summer for the hospital patients. Also reserve underwear have been ensured for every patient. A problem still remains their regular washing due to the fact that lavatories are not functioning well for lack of electricity. Also efforts are being made to ensure a personal wardrobe for every patient to put his clothes.

Paragraph 114/4

Supply of patients with wheel chairs

Wheel chairs are periodically used for the patients who are completely handicapped. This for the fact the service staff needs time to consider this application as a permanent rule. Meetings have been held to instruct the paramedical staff so that they understand the need of the application of adopting materials, which can create comfort for these patients.

Paragraph 114/5

Every patient should be supplied with the basic personal hygiene items and have a shower at least once a week.

The provision of patients with items of personal hygiene, though there is some improvement in this direction, still remains a duty to be carried out by the departments of the respective hospitals. Conditions for the patients to have showers have been improved (the patients are having showers once a week and time and again they are supplied with personal hygiene items.)

Paragraph 114/6

Patients must have a private space, especially a lock wardrobe.

Measures are being taken with regard to this problem, furnishing a part of the patients in hospitals with personal wardrobes for them to keep their own items. Also efforts are under way to furnish all patient rooms with personal lock wardrobes.

Paragraph 114/7

A nonstop electric supply should be guaranteed.

The present electric supply is only for lighting, and no electricity is supplied for heating and other appliances which operate with electric energy. Power cuts continue to be a problem creating difficulties in the creation of the proper conditions for the patients in the hospital. In cooperation with the Albanian Electric Distribution Corporation, efforts are under way so that medical institutions be a priority in the energy supply through the installation of direct lines. Presently, the electric supply has been considerably improved, a fact which has contributed to a cleaner and more comfortable environment for the patients.

Paragraph 114/8

A lighting system should be installed in various wards in emergency cases.

With regard to the lighting system in emergency cases, in addition to the generator which ensures energy for lighting during electric failures, also some halogenous lamps are being used in wards, for the time until the generator is put to operation.

Paragraph 114/9

Improvement of the areas where patients stay and the fixing of the broken windowpanes.

In the course of improving the living conditions, the wards in hospitals have been rehabilitated, including cracked plasters, elimination of moisture and also measures are taken to fix doors, windows and to replace the broken windowpanes.

Paragraph 114/10

The premises and appliances in the kitchen should be in good condition.

Measures have been taken to furnish the kitchen with the necessary items such as spoons, pans, garbage bins, chairs and tables, wherever they are missing. Supply with the necessary cleaning stuff and higher controls in these premises on the part of the Department have improved the sanitation in the kitchen area.

Paragraph 127

Shortage of psychotropic drugs

For 2001, the Economic Department in the Ministry of Health allocated an additional fund to purchase the quantity of medicaments according to a list drafted by the Hospitals Department, meeting in the amount of 90 percent the needs for psychotropic drugs. A key problem remains the realization of the activities of rehabilitation. In addition to the organization of sport activities, work is going on for the opening of an ergotherapy studio.

Paragraph 133

The staff of nurses must acquire an elementary, special and continuous formation in psychiatry.

The Ministry of Health, in cooperation with the Department of Psychiatry in the University Hospital Center in Tirana, has prepared and adopted the regulation on the psychiatric service in the institutions with beds for patients. An important part in this regulation is devoted to the obligations of the leaders of the institution to realize the systematic and continuous qualification of the nurses and the paramedical staff, on the basis of a set plan.

This regulation outlines clearly the duties and the competence of the nurses and the paramedical staff, on the basis of the Patient's Rights Card.

Paragraph 135

On the functioning of the isolation areas.

The Ministry of Health has instructed through an ordinance the chiefs of these hospitals so that coercive means and sedatives be used as rarely as possible and always authorized by the chief of the service.

Lastly, we stress that the two reports (that of December 2000 and that of November 2001) made by **CPT**, in the original (French) and also translated into Albanian, are sent to all medical institutions which treat psychic patients.

RESPONSE OF THE MINISTRY OF DEFENCE

Referring to the situation in the unit 1100 of the Military Police in Shkoder, we notice that:

The events in Albania in 1997 and the impossibility for investments in the stage of the restructuring of the armed forces, are some of the objective causes of the situation noticed by **CPT** in the unit 1100 of Military Police, Shkoder.

This authority has had and still has in the center of attention the respect for the human rights and freedoms and in this context, continuous preventive measures are taken to avoid the cases of torture. In this point of view, measures are adopted in the unit 1100 of the Military Police, Shkoder, to create good conditions in the detention areas and to furnish them in accordance with the law. For the current year, new improvements will be made for the rehabilitation of the premises in conformity with the standards required for this unit.

We have also attached importance to the qualification of the staff serving in that Military Police unit.

The necessary legal improvements are planned to be made in the Military Penal Code and the Law "On Military Police" in the framework of the adoption of the Albanian legislation to that of the European Union.