

**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 28 to 31 March 2006

The Albanian Government has requested the publication of this response. The report of the CPT on its 2006 visit to Albania is set out in document CPT (2007) 35.

Strasbourg, 6 September 2007

**ANSWERS AND COMMENTS OF THE ALBANIA GOVERNMENT TO THE
REPORT OF THE EUROPEAN COMMITTEE FOR PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT (CPT) ON HIS VISIT TO REPUBLIC OF ALBANIA**

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1. INTRODUCTION

This document contains the Albanian Authorities' Responses to the comments and recommendations made by the delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), during its last visit.

As the Albanian authorities are committed to improve the current situation in the light of the CPT's recommendations presented in its reports, we have considered as a matter of priority to improve *the monitoring procedure of the implementation of the recommendations*.

In this respect, among others we have established a permanent liaison network with representatives of the responsible institutions, and we have worked together to define the measures to be taken along the recommendations of CPT. These new arrangements have proved to be fruitful until now, and we hope to attain better results in the future.

Regularly meetings with the liaison persons (under the coordination of Legal Representative Office), have been held and will continue also in the future, aiming to evaluate the results achieved and to identify the measures to be taken for securing full implementation of all recommendations made until now in respect of Albania. The next meeting is planned to take place at the first week of November 2006, and if the Committee so wish, we welcome its representatives to participate in the meeting.

The Albanian Government avails itself of this opportunity to thank the Committee for the continuous assistance offered through its monitoring visits, comments and recommendations, which is of essential importance for enhancing the government actions in order to prevent cases of torture or other degrading and inhuman treatment.

2. ANSWERS AND COMMENTS OF THE MINISTRY OF INTERIOR

The Ministry of Interior has carefully examined the report of the Committee for the Prevention of Torture and Degrading or Inhuman Treatment (CPT), prepared after its visit in Albania on March 2006, and we noted that the report raises a number of issues within the competences of the Ministry of Interior.

In this framework, particular attention was given to the recommendations made by (CPT) in its report, and we would like to inform that the Ministry of Interior has been engaged to further progress and improve the situation as regards to the detention system, in the light of European standards and recommendations made by CPT.

The implementation process of the CPT's recommendations has already started, (and it will continue until all the issues still pending will be resolved), and in this context, we would like to inform the Committee, as follows:

1. *The Minister of Interior has issued an order No. 2191, of 25 September, 2006 "On safeguarding and respecting the rights and fundamental freedoms of the persons while being accompanied to the police station and the pre-trial detention facilities", transmitting a very clear message to all police staff that all cases of ill-treatment or use of violence, including verbal violence, will be seriously punished and legally penalized. By this order, adequate solution was provided to a number of concerns raised in the CPT recommendations, in relation to:*
 - Prohibition of police staff from wearing masks while entering the pre-trial detention facilities for exercising their duties, as well as from using other instruments, which might lead to inhuman or degrading treatments of the inmates.
 - Banning of usage of metal handcuffs (German model) and metal helmets,
 - Withdrawing from service of the pre-trial detention cells measuring less than 1.7 m2.
 - Calculation of the pre-trial detention time limits starting from the moment that the person is accompanied to the police establishment.
 - Provision of certain facilities rendering possible some entertaining activities in the pre-trial detention facilities like, board games, reading of books and daily newspapers, listening to the radio.
 - Installation of a telephone, enabling the inmates to communicate with their families or the lawyer.
 - Opening of medical files for every detainee upon their arrival to the pre-trial detention facility, as well as further administration of their medical treatment.
 - Improvement of the hygienic conditions in the pre-trial detention system under the authority of the police establishments.
 - Regulation of the internal regime in the pre-trial detention facilities in order to improve access to showers and toilets, as well as the organization of family visits.
 - Drafting, within October 2006, of all necessary legal acts regulating food norms, hygienic standards and making possible the adoption of the regulation for the treatment of pre-trial detainees according to the standards established by the Ministry of Justice.

2. The following measures were taken at *the pre-trial detention facility in Durrës*:
 - The minor pre-trial detainees are separated from the rest of the inmates.
 - The female pre-trial detainees are placed in separate cells where proper hygienic and prophylactic conditions are provided.
 - The pre-trial detention facility has been painted and disinfected and all inmates suffering from diseases are provided ambulatory medical treatment at the city hospital (in Durrës).
 - Concrete measures are put in place for repairing iron grills, replacing old doors, door knobs, windows, as well as the hydraulic and electric system.

Regarding other concerning issues in relation to the pre-trial detention facility in Durrës, this is to inform that they are planned to be properly addressed within a short period of time through the implementation of the order issued by the Minister of Interior, as well as by the other legal acts to be drafted within October 2006, also defining the financial cost of all measures to be taken during 2007 and the following years.

3. *The following measures are taken in the pre-trial facility at the Police Directorate of Fier district:*
 - Relevant measures are taken for the improvement of the hygienic conditions and certain repairing works are done inside the pre-trial detention facility.
 - The pre-trial detention facility in Lushnje, is furnished with new shelves for food storage, the sanitary facilities, as well as doors and windows of the cells are repaired.
 - A new toilet facility is constructed at the pre-trial detention facility of Fier, three new fans for ventilation are put in place and all the interior is newly painted.
 - Extra police service is planned for improving the inmates' access to toilets during the night.
 - The minors are placed in cells separate from the adult inmates.

This is also to inform you that a special work plan is being drafted for providing proper solution to the other problems observed in the pre-trial detention facility of this Police Directorate in the framework of the implementation of the order issued by the Minister of Interior.

4. A number of measures are taken at the *pre-trial detention facility of Police Station No. 4 in Tirana*, improving the hygienic conditions as well as supply with blankets, mattresses, water, but the implementation in practice of the CPT recommendations will take some time for changing the room system. The measures to be taken for this purpose will be arranged following a special work plan, which is to be drafted by the Tirana Police Directorate based on the above-mentioned order of the Minister of Interior.

The General Directorate of the State Police will draft a special work plan envisaging all steps to be taken regarding the important investments to be undertaken at the pre-trial detention system under its authority, aiming at the improvement of the overall conditions in these facilities. It will also take all necessary efforts for improving the system for the transference of all detainees with a final court decision from the pre-trial detention facility to the detention facility under the authority of the Ministry of Justice, thus resolving in a way the problem of overpopulation in these facilities.

In paragraph 25 of the report, it is prescribed the case of one inmate, founded by the delegation in the pre-trial detention facilities at Fier, who was in need of urgent medical care and had been left in a state of total neglect. Regarding this case, we would like to inform you that all appropriate measures were taken and this detainee was treated according to his health conditions.

3. ANSWERS AND COMMENTS OF THE MINISTRY OF JUSTICE.

The Ministry of Justice has carefully examined the CPT report, prepared after its visit in Albania on march 2006, and we noted that the report raises a number of issues directly related to the competences of the Ministry of Justice, particularly as regards the observance of rights of detained persons.

The first issue raised and asking for detailed information is related to the implementation of the Master Plan of the Pre-trial Detention System in Albania. In this framework, regarding the new pre-trial facility of Vlora Circle, the contract for starting the construction work is already signed. The work has started and the object is due to be finished by August 2007. As regards the new pre-trial detention facility in Durrës, the project is concluded and approved. Actually we are dealing with procedures for obtaining the construction permit. The construction work is planned to start this October and finish in September, 2007. The new detention facility of Korça is actually under construction and, according to the contract, it is due to be finished in July 2007. According to the Pre-trial Detention System Master Plan, this institution will accommodate detainees serving their imprisonment sentence, also functioning as a pre-trial detention center for Korça Circle. In the mean time we are also working intensively for identifying the plots of land for the construction of new pre-trial detention centers for the circles of Shkodra, Kukës, Dibër and Gjirokastrë.

As regards the adoption of an aeration space for pre-trial detainees accommodated at the pre-trial detention facility at Jordan Misja Str. in Tirana, this is to inform you that in the draft budget of 2007 for the Ministry of Justice, which is to be approved by the end of the year, a special fund has been planned for this very purpose. This investment is planned to be finished within 2007.

The Report says that a lack of coordination and collaboration has been observed between the Ministry of Justice and the Ministry of Interior for the transference of the pre-trial detainees suffering with health disorders, to the Prison Hospital for further treatment. For this purpose, since April 2006, the Ministry of Justice has instructed the General Directorate of Prisons to accept all requests from the police stations for the hospitalization of the pre-trial detainees in the Prison Hospital, in conformity with the legislation in power and the spirit of all recommendations made. Following all procedures defined by Article 33 of the Law "On the rights and treatment of convicted persons with imprisonment", the General Directorate of Prisons has accepted requests for medical treatment at the Prison Hospital any time this was necessary, although the possibilities of this institution to provide medical treatment are limited.

Regarding the issue of the of outdoor exercise in Albanian prisons, we would like to inform the Committee that the Ministry of Justice, through the General Department of Prisons, has planned to take the necessary step for the implementation of the plan to create outdoor exercise facilities for adult prisoners.

The Ministry of Justice will continue to pay particular attention to the issue of the implementation of the long-standing plan to transfer all detained persons from police pre-trial detention facilities to establishments under the its authority. Furthermore, we ensure the Committee that the information on this regard will be provided continuously.

Regarding the new Food norm, we would like to inform that the General Directorate of Prisons, has submitted for approval the new food norm for the prisoners. The improved food norm is more nutritive comparing with the previous one, and it is expected to be applicable at the beginning of year 2007.

Finally, the Ministry of Justice confirms once again its willingness and commitment for the implementation of the recommendations aiming at the improvement of the standards for respecting the rights of persons deprived of their liberty.

4. ANSWERS AND COMMENTS OF THE MINISTRY OF HEALTH.

Referring to the recommendations made by of the Committee for the Prevention of Torture and Degrading or Inhuman Treatment (CPT), in its report on 2006, the Ministry of Health has been engaged to further progress and improve the situation as regards to the mental health issues, in the light of European standards and recommendations made by CPT.

In this framework, special attention has been given to the issue of the implementation of the mental health strategy, in terms of the political decisions to be taken and putting into practice the concrete plans for this purpose.

1. Regarding the implementation of the Mental Health Act, we would like to inform you as follows:

- all psychiatric hospitals are implementing the procedure of notifying the court about the cases of involuntary hospitalizations, and;
- all hospitals have submitted to the court the (placement) requests for the chronic patients, whose staying in the hospital has been considered as indispensable due to the risk they present for themselves and the others.

2. In relation to the measures taken for the placement of the chronic mentally ill patients and the mentally retarded persons, who are accommodated in the psychiatric hospitals because of being abandoned by their families, or due to shortage of alternative structures in the system of social and health services, we would like to inform you the following:

a) We have made an estimation of the chronic patients with mental disorders staying in the psychiatric hospitals for these reasons. According to the estimation done there are:

- 67 mentally retarded persons and 173 chronic mentally ill patients in Elbasan hospital,
- 36 mentally retarded persons and 162 chronic mentally ill patients in Vlora hospital,
- 41 chronic mentally ill patients at the psychiatric clinic of Shkodra Hospital Center,

- 17 chronic mentally ill patients at the psychiatric clinic of the University Hospital Center "Mother Theresa" in Tirana.

b) In Shkodra, since 6 years ago, and in Elbasan, since march 2006, there are two accommodating structures (supported by donations), respectively "Mimoza" House/Center in Shkodra and "Drita" Center in Elbasan, each of them accommodating 10 women, selected out of the chronic patients at the women wards of the hospital centers of both cities. As a result of this, there is an obvious positive change in the health condition of the patients as regards their regaining of everyday life skills and this is clearly confirmed by the patients themselves. As such, after a two-year period of rehabilitation in the "Mimoza" Center in Shkodra, three patients have returned to their homes. Another positive result for these patients has been the fact that they have reestablished contacts with their families and such contacts have been far better as compared to what they used to be before.

In Elbasan, with the support of the Ministry of Health in cooperation with the World Health Organization, they are working for the adaptation of the former Health Center of Cërrik into a housing structure for accommodating 12 patients (6 women and 6 men), who are to be selected out of the chronic patients of the Psychiatric Hospital of Elbasan. This new structure is due to become operational during the first 6 month period of 2007.

c) Certain measures have been taken for improving the conditions in the psychiatric hospitals and the situation is being monitored systematically:

- The treatment of the patients by the medical staff: In the Psychiatric Hospital of Elbasan there was one case of ill-treatment identified and the directory has already taken the disciplinary measure of "warning for discharge" towards the responsible person. In the hospital of Vlora, the disciplinary measure of "warning for discharge" was taken towards 10 staff members held responsible for cases of ill-treatment of patients; three other staff members were released from work on charges of ill-treatment of patients. This hospital has started to implement the procedure of complaints made by the patients and their families in relation to living conditions in the hospital and treatment by the staff. The Directory of the Hospital has started posting on an information sheet the dates and timing (once a week) when the patients and their family members can meet the Hospital Director. On the day of admission to the hospital, the patients are given a brochure with the information on the services offered by the institution and the rights of the patient.

- Recourse to means of restraints: recourse to such means happens only in the cases of agitated and violent patients for the purpose of therapy administration, or for avoiding any risk for the patient himself, or the medical staff. In most cases, it is limited to immobilising the patients by holding him by the hands. Means of restraint, like leather straps or straight jacket, are very rarely used under the doctor's instructions. On every case of implementation of such procedures, a note is entered at the patient's medical file, signed by the doctor who has advised and approved the use of the constraint means. There are no isolation rooms in hospitals in Shkodra and Vlora. In the hospital of Elbasan, only four out of the seven wards have isolation rooms, which are only rarely used and at the doctor's instructions. Every case of isolation is noted in a dedicated register.

- The living conditions of the patients are improved. Actually there is a greater number of patients having a bed-side table for personal belongings; however this is not yet true for every single patient.

- The hygienic situation inside the wards and out of them is improved.
- There is a better supply with water and electric energy.
- Personal hygiene of the patients is improved.
- Accommodation of the patients is improved.
- The nutritional standards are respected.
- Measures are taken for the improvement of the dining conditions.
- Measures are taken for fulfilling the needs of patients suffering with incontinence, by providing certain appropriate materials (plastic under sheets for protecting the mattresses, and a reserve stock of mattresses and blankets).
- Measures taken for fulfilling the needs for medicaments and including the rehabilitation programs into the medical treatment of the patients. At the Hospital of Elbasan, the patients are benefiting from the use of occupational therapy implemented both in the Daily Center and in the Garden-House established at the Hospital premises. The running of an occupational program has enabled 5 patients to involve in agriculture work, for 4 hours a day, paid according to salary standards applied with normal workers in this field of activity.
- The actual buildings of the Psychiatry Clinic in the Tirana and Elbasan hospitals are being reconstructed with public funds (in Elbasan, 15 million Lek for 2006, 40 million Lek for 2007; in Tirana, 20 million Lek for 2006, 120 million Lek for 2007 – 2008). The reconstruction project was prepared based on the principles of contemporary psychiatric science, like respecting of human rights, creation of a socialising environment for the patients, ensuring of positive relations with the staff and the psycho-social rehabilitation of the patients during the time of hospitalisation.
- New investment funds are planned, but not yet approved, for 2007, for the construction of an acute patient ward in Shkodra, with a capacity of 35 beds, as well as the construction of four protected houses for the accommodation of chronically mentally ill patients.

d. The Ministry has the following short-term plans for reducing/preventing the prolonged hospitalizations:

In Elbasan, there are plans for establishing a Mental Health Community Center for Elbasan district. So far, funding for this project is already earmarked and the Ministry of Health is negotiating with the Ministry of Defence for the transference to the Ministry of Health, of the ownership title of a building considered as appropriate, in terms of location and size, to be transformed into a Mental Health Community Center.

In Shkodra, the building for this purpose is already identified (property of the Ministry of Health) and funds already allocated for turning it into a Mental Health Community Centre. The Centre is also planned to accommodate the Association of Family Members for a better coordination of joint activities. The Centre is planned to become operational within the first 6-month period of 2007.

In Vlora, the actual Mental Health Community Centre is supplied with a car, which is used for sending the patients to their residential place. This has helped in increasing the number of patients benefiting from the services offered by this Centre. The Centre is also accommodating the Association of Family Members in Vlora. The Ministry of Health has decided (in September 2006) for a new extension of this establishment and, besides further expanding the activities run by it, it is planning to set up inside the centre a new section for the accommodation of a group of chronic patients from the Hospital of Vlora. These interventions are planned to be realised during 2007.

e) In order to improve the quality of the service offered to the patients, an order issued by the Minister of Health, No. 327, dated 29.08.2006, obliges all mental health structures, with or without beds, to employ, within 2006, a social worker and a psychologist in order to provide a multi-disciplinary service. Actually, all psychiatric hospitals, especially the ones in Vlora and Shkodra, have already employed a social worker and a psychologist.

There is a significant improvement of the relations of the psychiatric hospitals with the family doctors covering what is called the "catchment area" of the respective hospitals. This has had a positive impact on the medical treatment of the patients suffering with disorders to be referred to other specialist doctors.

3. In paragraph 32 of the report on the 2006 visit is referred the issue of those chronic patients who were held in the psychiatric hospitals "because of a lack of services and the lack of the appropriate alternatives in the actual health system" as well of mentally disabled persons who were held in psychiatric hospitals "because of a lack of appropriate structures for their stabilization".

This issue has been on the agenda of the *Ministry of Labour, Social Affairs and Equal Opportunities and the Ministry of Health, in order to find a proper and final solution* for those two categories of patient. Both ministries continue to negotiate for identifying the measures to be taken in this respect. So far, no concrete results have been achieved.

We would like to assure the Committee that as soon as both parties, upon negotiations, will conclude to a concrete solution, we will immediately inform the CPT.

5. CONCLUDING REMARKS

The Albanian authorities would like to thank the CPT for the very comprehensive and realistic report, which followed the Committee's visit, conducted in Albania on March 2006.

The Albanian authorities are committed to enhance their co-operation with the Committee by improving the situation of persons deprived of their liberty, in the light of the recommendations made in previous visit reports.

We would like to inform the CPT that the responses provided by Albanian relevant authorities cover the most part of the problems raised by the delegation at the report. However, there are still a small number of issues, mentioned in the report, which are pending for a solution, and call for further consideration by Albanian Authorities. We regret that at this stage we are not able to submit to the CPT any relevant information, as required in the report.

We would like to assure the Committee that the work is under way, and all the Albanian authorities involved in this process, are trying to do the utmost in order to improve the current situation, in the light of the CPT's recommendations. Albanian authorities are treating this issue as a matter of priority.

We will submit to the CPT updated information regarding the implementation process of the recommendations still pending for full implementation.