

Within the framework of National Campaign Albania without torture

**Activity of the People's Advocate on
the role of the National Mechanism
on Prevention of Torture**

Compilation of Annual Reports

2008- 2010

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Albanian Rehabilitation Centre for
Trauma and Torture
Rruga Kont Urani, 10,
Tirana Albania

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CHAPTER I **2008 ANNUAL REPORT
OF THE PEOPLE'S ADVOCATE**

Activity of the People's Advocate on the role of the National Mechanism on Prevention of Torture.

The institution of the People's Advocate had in its past a significant activity concerning the identification and prevention of cases of torture, inhuman and degrading treatment. The adoption of such approach in this area was a result of the proper discharge of competences attributed to this institution by virtue of the Constitution and Law No 8454 dated 04.02.1999 "On People's Advocate" (as amended).

The activity of the People's Advocate Institution has been often subject to reference in a series of international reports underscoring the importance of the identification and elimination of cases of violence.

As a logical consequence of the peculiarities and achievements of our work in this area, in June 2007, the People's Advocate in cooperation with the Albanian Center for the Rehabilitation of the Victims of Torture conducted a joint seminar with the topic "Albania without Torture". The purpose of this meeting was to introduce ideas and give proposals on the way ahead for the implementation of the Law no. 9094 dated 03. 07. 2003 "On Ratification of the Optional Protocol of the Convention against Torture and other Inhuman and Degrading Punishments (OPCAT)".

This international act ratified by Albania imposed the binding obligations to the Member Parties to create a national structure for the prevention of torture or to attach such an activity to an institution with similar work profile.

According to OPCAT, the aim of the activity of the National Mechanism for Prevention of Torture (NMPT) is the implementation of regular visits in all premises of public institutions where the individual's freedom is restricted or their release from the premises is made on the basis of a court decision or an administrative order. With this understanding, institutions such as pris-

ons, pre-trial detentions, police stations, mental hospitals, military units, etc will be subject to regular inspections. Further, the problems identified from this inspection visits will be translated into recommendations and periodic national and international progress reports in order to promote continuous respect and improvement of standards of training of individual personnel serving in these premises.

At the end of the analysis and the discussions made on the role of NMPT, with the participation of representatives from the government and civil society, the institution of the People's Advocate was considered as the most suitable body meeting all the criteria for such an activity. This institution, according to their recommendations, meets all the international criteria namely the "Paris Principles", especially those related to the independent status of this institution, full legal competences to conduct inspection visits, and authority of access to all security premises.

With these main reasons, participants supported the proposal that the authority of the People's Advocate was the right body to take over in the future the legal attributions of exercising the NMPT mission.

To formalize this proposal, the People's Advocate addressed a recommendation to the Assembly of Albania and to the Prime Minister asking for an official authorization to perform the NMPT role, together with an additional request of 5 new jobs to exercise this function.

Following this request, with the approval of the budget of the People's Advocate Institution for 2008, the government approved 5 additional new jobs for this institution, which is understood as an agreement for the financial support to exercise the NMPT mission. This event marks the *de facto* initiation of the work of People's Advocate in the role of the NMPT. We underline the term *de facto*, because this function was not associated with another political act, which would have as an objective a legal document on the recognition of the NMPT by means of a resolution of the Assembly of Albania.

Although the request for a formal recognition of the NMPT was submitted by the People's Advocate to the Assembly of Albania in February 2008, it was not reflected in a relative resolution, due to the volume and speed of the Assembly procedures with regard to the reporting process.

However, because such an event has a special importance especially with regard to the international recognition of NMPT, in particular the UN agencies monitoring the establishment of such a functional activity, we hope that such a decision will be reflected in the report of the resolution of the Assembly of Albania on the activity of the People's Advocate for 2008.

In addition to the foregoing, and considering such an action as a merely formal event, the People's Advocate due to the fact of the allocation of financial funds,

approved in its organization structure the Unit for Prevention of Torture consisted of 5 employees, officially starting the mission of NMPT in January 2008.

The vision for the establishment of a functional NMPT is structured by the People's Advocate in 5 main directions:

1. Functional organization;

The model for the establishment of a functional organization of NMPT is approved on the basis of the institutional incorporated form of the People's Advocate. In order to establish such an organization, we have consulted a number of legal acts, manuals, and experiences made available by the Association for Prevention of Torture (APT) with the headquarters in Geneva, Switzerland, the Committee for Prevention of Torture of the Council of Europe, and the Ombudsman of the Kingdom of Denmark.

During the period April-May 2008, the People's Advocate carried out the competition procedures, in conformity with the Law "On Status of Civil Servant" in order to assign the employees of the Unit for Prevention of Torture. By the end of May, after a repeated legal procedure, 5 new employees of the NMPT unit were finally assigned. For their assignment, the People's Advocate respected the principle of gender equality according to OPCAT forecasts and further identified for each of them specific areas of responsibility. The Unit for Prevention of Torture is composed of one chief and four employees, who cover the areas of police, prisons, armed forces and healthcare, illicit emigrants, etc. During their activity, they cooperate and coordinate their actions with other sections. They receive their main guidelines by the People's Advocate.

2. Inspection Visits;

After the manning of the organization with personnel, from July to November 2008, the Unit for Prevention of Torture carried out 50 inspection visits, including 9 prisons, 9 pre-trial detention centers, 8 military units, 4 mental hospitals and 3 medical infective Centers, 2 Centers for asylum seekers and illicit emigrants, and 15 police stations.

After the inspection visits, the People's Advocate has submitted 45 written recommendations to the respective institutions, asking for better living conditions and better treatment for the detainees. In specific cases of inspection visits, we have observed physical violence and concrete actions are taken in this regard by filing a suit to the Prosecutor's Office all the alleged perpetrators in public functions. More details on these cases are given through the report in the specific areas.

On the other hand, the Unit for Prevention of Torture has managed 345 cases of complaints taken during the inspection visits by further examinations of

the specific cases associated with concrete actions and related recommendations. Further details of the actions and activities related to complaints are explained in the specific areas of this report.

In order to provide qualitative inspection visits, the People's Advocate has periodically drafted specific action plans and programs with regard to the centers to be visited by the Units for Prevention of Torture. Also, for each specific inspection premises, specific sample questionnaires are prepared, which are based on a list of required standards to be fulfilled, and then to be particularly inspected and monitored by the specific area expert of the Office.

3. Promotion of the NMPT activity;

With the consideration that the NMPT role and activity is very important and worth to be promoted, the People's Advocate has organized and conducted a number of meetings and co-chaired a number of conferences focused on the prevention of torture, and advocated the work and the progress made by the NMPT.

In concrete terms, 5 round tables are organized in 2008 with participation of representatives from the Ministry of Justice, State Police, General Directorate of Prisons, Civil Society organizations, etc.

In February, July and December 2008 in cooperation with the Albanian Center for the Rehabilitation of Victims of Torture and the Danish Center of the Victims of Torture, the People's Advocate has organized three round tables, which aim focused on awareness central state bodies and civil society on the process of NMPT establishment and the importance of this structure in the prevention of torture. To serve this purpose, in July, participant of the meeting was the Ombudsman of the Kingdom of Denmark, who provided detailed information on the activity of his country in this area, together with the importance of this structure in general.

In October 2008, the People's Advocate co-chaired a joint conference with the Ministry of Interior and the State Police. The main goal of this meeting was the understanding and the close cooperation of these structures with the NMPT unit, as a primary condition for the prevention of the cases of violence in the police premises.

In December 2008, the People's Advocate conducted a joint conference with the Ministry of Justice, General Prosecutor's Office and the General Directorate of Prisons. The main purpose of this meeting was to provide information and discussion of the solution to the problems highlighted by the inspection visits conducted by NMPT, concerning the respect of prisoners' rights and pre-detainees.

In the area of the cooperation and promotion of the work done by NMPT in the international arena, members of the Units for Prevention of Torture have participated in 2 international meetings organized by the Council of Europe, concerning the respect of human rights in prisons and police premises. In these meetings, NMPT participants have expressed their own experience and asked for the experience of other countries with regard to the application of best practices for the prevention of tortures in these premises.

Last, it is worth mentioning the very good work for the public information aspect on the NMPT activity, through proper use of the official website of the People's Advocate, TV and written media, etc. The reflection of the results of the inspection visits and the work for the information on cases of violence in prisons, police stations etc, has been a great advantage for the public awareness and denouncing the negative aspects of maltreatment or abuse of office of state officials. An irreplaceable role in this area is devoted to the close relations to TV and written media. Thanks to this cooperation, the role and the participation of People's Advocate regarding the solution of the problems of citizens is considerably increased in 2008.

4. Legal Recommendations;

One of the functional activities of NMPT has been related to the recommendations concerning legislative aspects, through proposals for amendments of legal and sublegal acts, aiming at the improvement of the existing legal framework on prevention of torture and the respect of individual rights.

In March 2008, the People's Advocate was invited to give his proposals in a parliamentary debate on the new amendments of the Law "On Rights and Treatment of sentenced persons". At the end of the debate, the proposal of the People's Advocate was accepted which had to do with the fact that legal amendments should basically include even the monitoring activity of the penitentiary system by the NMPT, as an organization concerning guaranteeing the respect of the rights and treatment of sentenced persons.

In May 2008, the People's Advocate, in the quality of NMPT, submitted a Special Report to the Assembly of Albania, regarding the mental health situation. Although this report is not yet elaborated by the Assembly, it has a number of serious problems concerning the respect of human rights, especially in prisons and mental hospitals.

Following the efforts for the improvements of the existing legal framework, the People's Advocate under the NMPT authority has given a special contribution, by giving opinions and proposing in written form related amendments to the Law "On Prison Police", to the General Regulation of Prisons, to special Regulations of the security premises of the State Police, etc. At the same time, members of the Unit for Prevention of Torture are appointed as

members of the Consortium for the Reform of Prisons, as well as members of the new prison and pre-trial premises infrastructure design. Our members have given fruitful opinions concerning the respect of standards for the treatment of sentenced persons.

5. Reports and International Cooperation;

NMPT is a function which requires a special attention in support of the international reports. In this aspect, with the establishment of the Unit for Prevention of Torture, we have established relations with representatives of the UN Subcommittee Against Torture, the UN Committee Against Torture, as well as the Committee for the Prevention of Torture of the Council of Europe.

Members of the Unit for Prevention of Torture are members of the working groups of the Albanian Ministry of Foreign Affairs, concerning the drafting of the reports to the Council of Europe, and the UN Committee Against Torture (CAT). The People's Advocate, in capacity of the National Mechanism, has provided to the latter, a special fact-finding report having to do with the prevention of torture for 2008.

In the meantime, in cooperation with the Ministry of Foreign Affairs, exchange of information is being held with the UN Subcommittee Against Torture regarding the information they periodically request on the NMPT work activities.

Main Challenges

Being a new and specific activity, the prevention of torture by means of periodic inspection visits has been associated with many challenges and difficulties. Practically, the problems encountered can be divided in two main areas:

1. Problems related to the logistic and material support for an efficient and professional activity;
2. Problems related to the deficiencies of some state institutions on information and evaluation of access and missions of the NMPT exercised by the People's Advocate authority.

With regard to the first observation, we can say that the work done during 2008 has been associated with great difficulties. In many cases, when violence has been identified during the inspection visits, the People's Advocate has experienced the need for impartial opinion of related area experts (sociologic, psychiatric, psychological, forensic etc), which only in one case are delivered through NGO funds, because Albanian state institutions have provided no special funds on these kinds of activities, with exception of those related to staff salaries.

Another previously mentioned problem is the special funds for a normal exercise of activity, especially office furniture and equipment, cars, stationery, per diems, digital audio and video cameras etc. With no financial and logistic support from the government, the institution of the People's Advocate is forced to take equipment and facilities from other sections such as computers, stationery, furniture, cars etc.

Experiencing these difficulties, the People's Advocate has requested in all meeting with representatives of Albanian state, other national partners, international partners, to be assisted with a normal logistic basis in order to successfully complete the mission in terms of quantity and quality.

With regard to the second observation, despite promotion efforts of the work of the NMPT, the People's Advocate has often identified that some institutions have not reflected and have created unjustifiable barriers during the implementation of our mission. This is observed especially when asked to provide access to the security premises of the Police Stations of Tirana, Gjirokastra, Vlora, etc. Also, this is highlighted in some cases when members of our unit are not allowed to take the camera with them in order to prove the facts of violence through different pictures.

For all these cases, the People's Advocate has communicated with the Minister of Interior, with the State Police General Director, the General Director of Prisons etc. It is worth mentioning that after contacts with these authorities, a better engagement and responsibility is demonstrated by the structures to legally react in support of implementation of our mission. However, in practice there are still cases of deficiencies of the personnel of these executive structures.

Plans for the future

The People's Advocate has approved for 2009 a new inspection visit plan which includes some 120 inspection visits all over the country attaching priority to institutions such as Police Stations, Prisons, Pre-trial Detention Centers, Hospitals, Military Units, etc.

In addition to the new institutions to be inspected this year, NMPT has planned to make inspection visits to the institutions it has previously inspected, in order to assess and identify the changes made after the recommendations of the People's Advocate.

NMPT has always supported the idea of strengthening the cooperation with the NGO-s through common efforts to establish joint inspection teams, which might have experts of the required areas, such as in the area of Psychology, Sociology, Forensic Matters, Mental Problems, etc.

During the execution of these inspection visits, a special role will be given to media representatives, who will have a crucial role to public and govern-

ment awareness and the solutions of problems encountered when they are identified and made public. During 2009, in the framework of cooperation with public administration bodies, the People's Advocate has planned several joint meetings and conferences with the Ministry of Defense and the General Staff of Armed Forces concerning the treatment and respect of the rights of the military personnel. Further, meetings will be held with the Ministry of Health, the Mental Hospitals and the Infective Diseases' Hospitals with regard to the respect of the rights of patients and the conditions of their treatment. The same meetings will be organized with the Ministry of Labor, Social Affairs and Equal Opportunities on the treatment of illicit immigrants and asylum seekers in our country.

The People's Advocate will also intensify the cooperation with the Ministry of Foreign Affairs and other international organizations in order to draft realistic progress reports on its activity of the NMPT role.

With regard to this important event, it is expected that the People's Advocate will publish during 2009 the first consolidated report on the activity of the NMPT, which will be submitted to the UN Subcommittee Against Torture, and will be also available to the Assembly of Albania and other high state institutions of the country.

We believe that the accomplishment of the tasks we planned for the first year of duty of NMPT, and the accomplishment of the objectives we have set for the following year are a real evidence of our responsibility. This engagement shows that the People's Advocate has the commitments to work hard for an Albania without torture and higher standards of human rights, ranking Albania among the ten first countries in Europe applying successfully this initiative.

We hope that the confidence given by the Assembly of Albania to accomplish the objectives of this activity and the support of the Albanian government made public by the Prime Minister himself, have significantly influenced the increase of our motivation to further our national and international obligations in the field of human rights.

CHAPTER II **2009 ANNUAL REPORT OF
THE PEOPLE'S ADVOCATE***The Activity of People's Advocate in the role of the National Mechanism for Prevention of Torture (NMPT)***1. Consolidation of the NMPT role**

From its inception in 2000, the institution of People's Advocate has focused its main monitoring activity in the areas where the individual freedom can be violated. In our job, the places where the freedom of people is limited are considered always the places where the human rights could be threatened. Violation of human rights could probably happen inside the walls, in hidden and isolated places, rather than in open, visible and easily monitored areas.

Having a long experience in this area, the institution of the People's Advocate has created a very good model associated with positive results concerning the control and monitoring of the premises subject to human rights violation, detection of the violations associated with related recommendations for the proper punishment of the public officials involved in cases of violation and abuse.

The active role and our good experience made possible that by early 2008 the People's Advocate was assigned with a special law of the Albanian Assembly the function of the National Mechanism for the Prevention of Torture (NMPT), following the Optional Protocol for the Prevention Against Torture (OPCAT), ratified by Albanian Assembly with the Law No. 9094 dated 03.07.2003.

Following this function, the People's Advocate has established a special office namely the Unit for the Prevention of Torture. We have now about 2 years of experience with regard to inspection visits organized in response of complaints or various events in premises where human rights can be violated. Our activity is also focused on other inspection visits or periodic monitor-

ing of all premises subject to torture, inhuman and degraded treatment for specific circumstances of the restriction of individual freedom.

Only during 2009, the Unit for the Prevention of Torture of the People's Advocate Office has conducted some 150 inspection visits, other inspections with a specific focus, and monitoring events at the premises subject to violation of human rights and individual freedoms such as: prisons, pre-trial detention premises, institutions of State Police, Mental Hospitals, Civil Hospitals with a restricted freedom of patients (infection diseases' quarantine), Social Centers for the Treatment of Asylum Seekers and Persons subject to Illicit Trafficking, Military Bases, etc.

In spite of the activity of the Unit for Prevention of Torture in 2008 (some 50 inspection visits), the monitoring activity of this Unit during 2009 has tripled in number, showing a really high rate of working activity and a growing on side presence, in close contacts with the related institutions. In this activity, the People's Advocate has submitted to the respective institutions of the above mentioned premises some 123 recommendations, information reports, proposals and disciplinary measures, etc.

The activity of the Unit has combined not only the legal obligations to carry out regular inspection visits in the premises subject to potential violation of human rights cases, but also to be present in these premises where the events have occurred, or suspected to cases of torture, inhuman or degrading treatment.

With the exception of the number of already mentioned inspection visits, the Unit for the Prevention of Torture has managed some 413 complaints during 2009, which are taken by means of meetings with detainees, or sent to the Office of the People's advocate by mail or phone.

After the establishment and the consolidation of its activity, the Unit for Prevention of Torture has enhanced the contacts with international organizations such as the United Nations, Council of Europe, OSCE etc, as well as increased the cooperation with other national non-profit organizations operating in the area of monitoring the premises concerning the violation of individual freedoms and human rights.

2. Implementation of monitoring activity

In pursuance of the paragraph 1 of article 60 of the Albanian Constitution: *"The People's Advocate protect rights, freedoms and interests of individuals from illegal and irregular actions or inactions of public administration bodies"*.

According to the reference of our national legislation, the definition of public administration includes also the state institutions covering the penitentiary system (prisons and pre-trial detention bodies), State Police agencies and

the specific premises with arrested, detained and escorted persons, as well as isolation cells of the military units of Albanian Armed Forces.

Inside these premises, the individuals enjoy the status of persons deprived of liberty, compared with other state centers, where the refuge or the administrative deprivation from some individual rights is made due to social care or medical assistance (nursing homes, orphanages, mental hospitals, centers of illicitly trafficked persons, or asylum seekers etc).

During 2009, both above mentioned categories of the premises are considered and managed as a subject of monitoring from our office.

Along with the provisions of the Law No.8454 dated 04.02.1999 "*On People's Advocate*" (as amended) which authorizes this institution to conduct independent inspection visits, the Law No. 8328 dated 02.04.1998 "*On rights and treatment of imprisoned persons and pre detainees*", with the amendments made in March 2008, attributed to our institution a very active and integral role concerning the penitentiary activity.

According to article 74, paragraph 1. 2. 3, the People's Advocate is given explicit authority for the observation of the monitoring and implementation of the law on sentenced persons and pre detainees. Article 74, paragraphs 1, 2, 3, gives to the institution of the People's Advocate as an NMPT authority some additional competences borrowed from the original text of the Optional Protocol of the Convention Against Torture (OPCAT).

Pursuant to these provisions, the People's Advocate has the authority to regularly observe the treatment of individuals who are deprived of liberty in specific places of detention, custody or imprisonment facilities, in order to improve, where necessary, the protection of individuals from torture, maltreatment or cruel, inhuman and degrading punishment. He has also the authority to submit recommendations to the respective bodies, with the purpose of the improvement of treatment and conditions of the individuals deprived of liberty and of the prevention from torture or cruel, inhuman or degrading punishment.

Following the implementation of this task, the law gives authority and powers to the People's Advocate to be provided with free access in this premises, and full information regarding the number of individuals deprived of liberty and their locations, the treatment of these individuals, the conditions of the premises etc.

During the inspection visits in these premises, the People's Advocate is entitled to conduct at any time private interviews with the prisoners, with no presence of the prison or pre-trial facility personnel. He has also the right to freely choose the premises of inspection visits and the individuals for the interviews.

Under the NMPT role, it is also planned that our institution could be provided at any time with all necessary information or claims of the prisoners or the public administration of prisons or by people under a pre-trial proceeding. It has also the right to verify all documents, objects, tools or premises which have to do with the prisoner or the pre detainee, inside and outside the penitentiary institution. During the implementation of the monitoring process, the NMPT office has the right to hire experts of various areas, such as those related to forensic, psychological and psychiatric expertise, etc.

Following the implementation of the above mentioned tasks, during 2009 the Unit for Prevention of Torture attached to the People's Advocate has inspected, re-inspected and conducted inspection visits in all prisons and pre-trial centers within the country. During this activity, a number of recommendations were given regarding the respect of the rights of sentenced persons and pre detainees, especially those related to human, education, and health needs. Also, a number of other measures are proposed with regard to the introduction of security cameras, execution of internal investments, manning with appropriate trained personnel to achieve the required standards of these centers. Although the activity of the NMPT office has no such a character, there have been cases where we have asked for the punishment of the employees responsible for cases of violence and degraded treatment. Following our proposals, the General Directorate of Prisons has reacted positively with disciplinary measures given to the 15 prison police officers during 2009. This is a very positive indication of our work, but also of our existing satisfactory cooperation with the General Directorate of Prisons in order to prevent violence inside the penitentiary system and to properly punish the responsible perpetrators.

Acknowledgement of the proposals and elimination of the problems observed by the recommendations of the People's Advocate has resulted in significant improvements to the conditions of prisons and pre-trial detention premises, which will be further described in the related chapter of this report.

Following our purpose to establish close contacts with sentenced persons and pre detainees in order to identify and later try to solve their problems, we started and established communication lines through free of charge phone numbers offered by our office, as well as available post office boxes in the premises of prisons or pre-trial detention premises, opened only by the People's Advocate authorized personnel. This project has been very successful thanks also to the support given by the OSCE mission in Tirana. In 2009, the Unit for the Prevention of Torture has performed some 270 phone calls with prisoners and pre detainees, as well as some 154 complaints or letters of request from the specific post office boxes available in prisons or pre-trial detention premises.

Our growing presence during 2009 in these premises, together with the considerable increase of the communication, has also strengthened the confidence of the deprived persons and their freedom to present their real problems, or denounce negative events which violate their legitimate rights.

A productive activity of the Unit for the Prevention of Torture is also focused on the monitoring of the premises of the State Police with regard to the escorting and detention of individuals. The Unit has conducted inspection visits to observe the conditions offered by the above mentioned premises and has also participated in a number of investigations of violation cases, which are described in more details in the related chapter of this report. A specific case of this activity is the event of the Police Station of Diber District, where based on the investigation work of the Unit for the Prevention of Torture, 7 disciplinary measures are proposed and executed against some State Police officers. Nevertheless, the activity has been mostly focused on the identification of problems occurred in the police isolation cells. To this end, the unit has repeatedly given recommendations which are reflected in practice with related investments for the improvements of the conditions of these premises.

Additionally, during 2009, the Unit for the Prevention of Torture has conducted a survey concerning the treatment of individuals, especially children, during the arrest or investigation of cases from the State Police, where the evidence has shown a predominantly negative performance of the work of the police in this aspect and particularly with regard to the use of physical and psychological violence during the investigation stages. Despite the fact that the results of this survey were not in harmony with the opinion of the police, it will be an indication for the future work of the Unit for the Prevention of Torture and the focus of inspection visits.

Being resolved to continue the monitoring aspect of the activity of the State Police in the future, the People's Advocate approved during 2009 the document of the Methodology of the Inspections of State Police bodies, which will guide the professional work of the Unit for the Prevention of Torture in this area.

Another area with significant access to the activity of the People's Activity, in the new role of NMPT, is the activity of the Armed Forces, especially in the area of the treatment of individual rights. In the framework of the transformation of our Armed Forces as a member of NATO organization, the institution of People's Advocate has as a goal to increase the presence of the Unit in the military units, especially regarding the isolation disciplinary cells, giving appropriate recommendations for the treatment of individuals according to the required standards.

To serve this purpose, with the attribution of the NMPT role, the unit for the Prevention of Torture has organized regular meetings in the military bases,

where it is closely informed on the conditions of the isolation disciplinary cells, treatment of the soldiers, and normative acts in force guiding the implementation of disciplinary isolation measures etc.

The promotion of the institution of the People's Advocate in the role of the NMPT for the inspection of the military bases, has contributed to the establishment of close relations with the authorities of the Ministry of Defense and the General Staff of Armed Forces. They have given specific tasks to the subordinate military units in connection with the respect of the legal aspect of our institution and all related facilities to be provided for the fulfillment of our monitoring mission.

We have identified a satisfactory support from the leaders of the military units. They have provided full information according to the legal provisions in force, classified information included, concerning the number of the recruited soldiers, their health care, etc.

The product of our access in the military bases has been focused on the specific recommendations of the People's Advocate, especially those concerning the drafting and approval of new regulations on disciplinary isolation, equal right treatment of the military personnel according to the legal status they enjoy, implementation of transparent procedures in isolation cases, the improvement of living conditions of the premises and other procedures, especially those related to the recruitment of the soldiers. You will find more information on these issues in the related chapter of this report.

What is very important in the relations established with the Armed Forces is the fact that they have a good understanding of the monitoring role of the People's Advocate, a cooperation which will follow in the future with main focus on the promotion of human rights standards in the military bases.

The Unit for the Prevention of Torture attached to the People's Advocate has also continued this year to conduct inspection visits to a number of health and social service institutions. For the activity of these inspection visits you may find more details in the respective chapters, however, it is necessary to underline in this context the importance to be shown with regard to their normal activity in support of the people in need.

The recommendations of the People's Advocate after the monitoring activities they have conducted have raised a number of issues of interest on the improvement of conditions and treatment in premises of centers such as nursing homes, orphanages, mental hospitals, social centers, infective hospitals, centers of illicitly trafficked persons, or asylum seekers etc.

Generally speaking, the problems in these centers are related to the improvements of the living conditions, better conditions of premises, food standards, financial support to the personnel, etc.

We have identified a rapid and positive reaction from the responsible authorities of these centers especially with regard to management of emergent issues. However, the implementation of other measures leading to the constant improvement of living condition of individuals of these institutions remains to be followed in the future.

3. Promotion of NMPT Activity and cooperation with NGO-s

Considering the promotion of NMPT activity as a very important factor, along with the promotion of a productive dialog for the improvement of human rights of the individuals deprived from liberty, during 2009 the People's Advocate organized and co-chaired a number of meetings, seminars and conferences, focused on the subject of the prevention of torture.

In concrete terms, during 2009 the People's Advocate co-chaired with the Albanian Center for the Rehabilitation of the Victims of Torture and the European Institute of Tirana 9 roundtables and 3 national conferences on issues of the prevention of torture, inhuman and degrading treatment in prisons, pre-trial premises, police stations etc. A special attention in these activities is paid major problems of the area and the promotion of the dialog with invited representatives mainly from the Ministry of Justice, Ministry of Health, Ministry of Interior, Ministry of Education and Science, State Police, General Directorate of Prisons, Mental Hospitals, Prison Hospitals, as well as participation of other stakeholders of civil society.

To pave the way for a fruitful dialog and mutual cooperation, during June 2009, the People's Advocate signed cooperation agreements with the Albanian Center for the Rehabilitation of Victims, Albanian Helsinki Committee, and the European Institute of Tirana.

The aim of these agreements was to create a common group of mutual assistance, and to consolidate the monitoring capacity of the NMPT for the prevention of torture, inhuman and degrading treatment in all state institutions. This cooperation aims at providing a full coverage of the monitoring activity, to exchange information on all events or negative situations, to combine with human resources the majority of the inspection visits conducted in the respective institutions etc. The People's Advocate, through these agreements, succeeded among others, in acquiring the necessary assistance for the accomplishment of its tasks, especially concerning the support with experts of specific areas missing in the organization, such as forensic experts, psychiatrists, psychologists, and social workers.

From the observation of the results of this cooperation, it can be easily identified that the recommendations presented by the People's Advocate are supported with the independent expertise provided by the above mentioned

NGO-s, with regard to the violation cases or subject oriented inspection visits.

Specific cases worth to be mentioned are the assistance with forensic expertise by the Albanian Center for the Rehabilitation of the Victims of Torture, offering special expertise for the investigation of events in Lezha Prison, Police Directorate of Diber District, Police Directorate of Tirana District. This assistance has resulted in achievements of positive effects.

A very fruitful cooperation is also established with the Albanian Helsinki Committee. In a specific case, they offered expertise of psychologist and social workers, which participation resulted with the successful drafting and documentation of a survey regarding the work performance of the police during the escorting and detention cases carried out with juveniles of the Pre-trial detention Center 313 in Tirana. Exchange of information in connection with alleged reports by various individuals for cases of violence in prisons, police organizations, etc, is also maintained with the Albanian Helsinki Committee.

A good model worth to be mentioned is also the successful cooperation with the European Institute of Tirana, with which, in addition to the joint inspection visits in all pre-trial detention centers, we have adopted excellent forensic, psychological and psychiatric expertise, in support of various investigations in prisons, inhuman and degrading treatment cases, especially in the specific cases of the Hospital Center of Prisons, Tirana, Police Station No.4, Tirana etc. Through the cooperation with the NGO-s, it is made possible the promotion of the rights of pre detainees by means of advertisements in newspapers, as well as providing posters in the pre-trial detention centers promoting the rights of the pre detainees.

The People's Advocate has paid special attention to the cooperation with the Free Legal Service in Tirana (TLAS) during those inspection visits resulted with requests by the sentenced persons for free judicial assistance.

The assistance of the above mentioned organizations has been irreplaceable for the work of the People's Advocate in the authority of the National Mechanism for the Prevention of Torture (NMPT). Such an experience will continue to be further consolidated through the increase of the joint monitoring activities.

Lastly, worth mentioning is the very good job performed concerning the public information of the NMPT activity, through the official internet webpage of the People's Advocate, written media etc. The reflection of the results of the inspection visits or of the work done so far concerning the cases of violence in prisons, police stations, etc, has been of great advantage for the public awareness and denouncement of negative phenomena of maltreatment or

abuse of power of the state officials. An irreplaceable role is also played by the very good relations established with the written and TV media. Thanks to this cooperation, during 2009 we can note a significant increase of the reflection of the participation of People's Advocate for the solution of many cases concerning the citizens.

4. Legislative Recommendations

One of the functional activities of the People's Advocate in his authority as the NMPT has been also the provision of the recommendations of legislative character. We have provided proposals for amendments of existing legal and normative acts, aiming at the improvement of the legal framework in force on the prevention of torture, inhuman and degrading treatment, as well as the respect of human rights of individuals.

In May 2009, the People's Advocate was invited by the Ministry of Justice to give respective proposals on the General Regulation of the Probation Service as a legal act which implementation is of special importance for the respect of rights and treatment of sentenced persons.

Articulated opinions and active role displayed in the seminars generally focused on the establishment and consolidation of the Probation Service, were a special contribution given by the People's Advocate in this respect.

During a meeting with the Ministry of Justice and the General Directorate of Prisons, in July 2009, the People's Advocate submitted a series of proposals in the framework of the approval of the General Regulation of Prisons. Most of these proposals were consensually agreed and reflected in the approved act.

At the same time, representatives from the Unit for the Prevention of Torture attached to the People's Advocate, are designated as members of the Consortium on Penitentiary Reform and have given constructive opinions in relation to potential amendments in the legal and sublegal framework for the observance of standards on the treatment of sentenced persons.

5. Reporting and international cooperation;

NMPT is not only a national institution for the prevention of torture but it also meets purely international obligations, especially the reporting ones. In this context, since the inception of the Unit on Prevention of Torture, contacts are established with representatives of the UN Subcommittee Against Torture, UN Committee against Torture and the Committee on Prevention of Torture of the Council of Europe and a series of other foreign non-governmental organizations contributing to our activity in this area.

Further, representatives from the Unit on the Prevention of Torture have

become members of the working groups at the Albanian Ministry of Foreign Affairs in respect of the delivery of reports to the Council of Europe and the UN Committee against Torture (CAT).

In the meantime, in cooperation with the Ministry of Foreign Affairs, communications continue with the UN Subcommittee against Torture, concerning the data and information they periodically request on the work of the NMPT. Further, the annual report of the Albanian NMPT for 2008 is sent to the UN Subcommittee, as part of the Annual Report of the People's Advocate for 2008.

In the framework of international cooperation and the promotion of the work of NMPT, representatives from the Unit for the Prevention of Torture have participated in several international meetings hosted by UN, Council of Europe and the OSCE, concerning the respect for human rights in prisons and police premises and the consolidation of the NMPT role in the region and beyond. Our participant experts in this meeting have given opinions and provided the expertise of several inspection visits and the experience of the activity of the office in general. This is thanks to the fact that the establishment of NMPT is already created in 23 countries of Europe, including Albania. In the Balkan region, Albania is the only country activating this structure two years ago. This fact has enabled the Albanian NMPT to be included in an advanced training and assistance program (Peer to Peer, the consolidation of NMPT) of the Council of Europe and UN, which will be activated in January 2010 including a certain number of activities aiming at the consolidation of Albanian NMPT in its monitoring role.

Lastly, in all international meetings, our country is evaluated not only for the readiness to ratify and establish in due time the NMPT according to the Optional Protocol of the Prevention of Torture (OPCAT, UN), but also for the determination of the People's Advocate to accomplish this mission and international obligation.

Challenges

The activity of the prevention of torture by means of periodic inspection visits has experienced also its challenges and difficulties. In concrete terms, the challenges we have faced during the implementation of our activity plan of 2009, are the following:

1. During 2009, our work is associated with logistic difficulties and shortage of human resources. In many cases, when during observations of the inspection visits we have identified cases of violence, the People's Advocate has called for an independent opinion of the specific experts of various areas (sociologists, psychiatrists, psychologist, forensic experts etc), which is made possible only through NGO funding, because the

Albanian state has not provided additional funding or creation of new jobs for full coverage of specific activities by our staff, with the exception of the existing personnel salaries.

2. As already mentioned above, we lacked the necessary funds for the procurement of basic office furniture, stationery, per diems, cars, etc. With the lack of this financial and logistic support from the Government, the institution of the People's Advocate has been forced to take from other sections of the People's Advocate all the necessary job equipment and facilities such as computers, stationery, office furniture, cars, etc.

Experiencing these basic shortages, the People's Advocate has made related requests in all meetings with representatives of Albanian state authorities, or other national and foreign partners, in order to be supported with logistic materials, because it has been very difficult to accomplish its tasks in a professional way.

3. The People's Advocate has often observed that some state institutions, despite their promotion for the work of NMPT, have created unjustifiable barriers to the implementation of our mission. This has taken place in the form of creating difficulties regarding the access to be provided in the premises of the State Police of Tirana, as well as in some other prisons. In some other cases, our office staff is not allowed to take pictures inside the premises in order to obtain real evidence of potential violence cases.

As regards all these observations, the People's Advocate has discussed with the Minister of the Interior, the State Police General Director, the General Director of Prisons etc. After these discussions, we have identified a better engagement and higher responsibility from these structures, in order to react within a legal framework, in support of our mission accomplishment. However, there are still deficiencies in practice, especially at the executive level of employees of these structures.

Forecast for the future

For 2010, the People's Advocate is in the process of the approval of a new program of inspection visits, which contains a number of 150 inspection visits, re-inspections, and inspections with a specific subject all over the country, including Police Stations, Prisons, Pre-Trial Detention Centers, Hospitals, Military Units etc.

The NMPT has planned to conduct again inspection visits to the institutions which have been previously inspected, in order to observe and identify the execution of the recommendations made by the People's Advocate, and will also focus on the improvement of some other aspects.

The plan provides also for the further strengthening of the cooperation with Non Profit Organizations. It follows the previous experience with joint

working groups for specific inspection visits, having participants from the required areas, such as: Psychologist, Forensic Experts, Psychiatrist, Social Workers, etc.

Another goal will be the inclusion of the NMPT staff in an international training and assistance program, which will further increase the standards, professionalism, the methodology and the efficiency of the performance of our work. The People's Advocate has planned for 2010 to approve the methodology of the inspection visits for the prisons and pre-trial detention premises and mental hospitals. These documents will have a key role for the increase of the professionalism during the monitoring and inspection visits.

Finally, together with some NGO-s, our institution will plan the organization of some seminars and roundtables with state institutions with the aim of strengthening the dialog and the exchange of ideas for the improvement of standards of the treatment of individuals deprived from liberty.

We hope that the confidence given by the Albanian Assembly to accomplish the mission and related activities has a very significant role which really motivates us to accomplish our national and international obligations in the area of human rights.

CHAPTER III **2010 ANNUAL REPORT OF
THE PEOPLE'S ADVOCATE**

*Activity of the people's advocate as the
national mechanism against torture 2010*

1. Legal mandate and monitoring activity

In year 2010 role of the People's Advocate as a National Mechanism on Prevention of Torture (NMPT) has been transformed into a functional and consolidated task, taking a priority importance amongst other tasks of the Ombudsman. In a period of three years, the Ombudsman managed to establish and to put in operation an effective structure to respond with a high degree of professionalism to any official phenomena related to violation of human rights, torture, inhuman and degrading treatment. In 2010 this activity has continued playing a qualitative growth in preventing the above-mentioned phenomena, in promotion of positive practices and in strengthening of dialogue with relevant authorities.

The function of the National Mechanism of Prevention of Torture has been attributed to the People's Advocate in January of 2008. As already highlighted in previous reports, this event was a result of the official proposals of our institution on the enforcement of Law no 9094, of 03.07.2003 "On the Ratification of the Optional Protocol of the Convention Against Torture and other Inhuman and Degrading Treatments (OPCAT)". This proposal aimed at establishing and functioning of a national structure on prevention of torture, as requested by OPCAT, under the authority of the People's Advocate as this office represented a suitable institutional profile. Acceptance of this proposal by the Albanian Government, adding financial and human capacities for 2008 and onwards, launched the start of our activity in this field.

While carrying out our work as a National Mechanism on Prevention of Torture, we work pursuant to several national and international acts governing and mandating our daily activity. More specifically, according to item 1

of Article 60 of the Constitution of Albania “the People’s Advocate protects the rights, freedoms and lawful interests of the individual from illicit and irregular actions, or omissions of the public administration bodies”. Stemming from the need for offering a greater monitoring of institutions where freedom of people is more restricted, and where probability for violations is higher, we have considered as important for implementation even the provisions of the Optional Protocol of the Convention against Torture and other Inhuman or Degrading Treatments (OPCAT)” approved by Law no 9094, of 03 July 2003.

These provisions provide for the basic principles of inspections in the above-mentioned institutions and guarantee an activity that is in conformity with national standards in this field.

Also, Article 19/1, of Law no 8454, of 04 February 1999 “On the People’s Advocate”, as amended, the People’s Advocate authorizes an independent, overall and complete monitoring and investigative activity for any case of torture, inhuman or degrading treatment, guaranteeing a greater access to every facility or office, to any official holding no immunity and to every piece of documentation, be it even classified documentation of the public administration bodies.

Even the amendments of March 2010, on Law no 8328, of 02 April 1998, “*On the rights and treatment of people in detention or prison*”, enables exploitation of a greater space by the People’s Advocate as the National Mechanism on Prevention of Torture to carry out his services during penitentiary services’ controls. Article 74 of this Law stipulates that the People’s Advocate, at the NMPT role, being a special subject, is entitled to the right of supervising the implementation and enforcement of the law for the detainees and prisoners. People’s Advocate enjoys competencies to regularly observe treatment of individuals deprived of liberty in the detention, arrest, or imprisonment centers, in order to strengthen, when appropriate, protection of individuals from torture, harsh, inhuman or degrading treatment, or punishment. Also, this provision recognizes the right to submit specific reports and recommendations for the relevant bodies, with the purpose of improving treatment and conditions of the individuals whose liberty is removed and of preventing torture and wild, inhuman or degrading treatment, or punishment.

Inspections, visits and any other controls done at the institutions of state police, institutions of enforcement of criminal judgments (prisons or detention facilities), psychiatric and infective hospitals, in military basis and wards, regional border and migration directorates, as well as in other shelters for accommodation of illegal migrants and trafficked people, are aimed at ensuring a full monitoring coverage of the situation of human rights in such institutions, preventing violations and articulating a realistic official stance on the situation in the ground.

In 2010, People's Advocate, as the National Mechanism on Prevention of Torture, has carried out 162 inspections, re-inspections, controls of special themes and visits in all the centers of deprivation of liberty and other institutions referred to above. In addition, this structure has treated about 370 complaints of individuals received at direct contacts during the inspections that are carried out. All this activity is accompanied with 81 recommendations and with a considerable official correspondence to explain many details and phenomena observed during inspections.

Different from the activity held in this direction in 2008 (50 inspections and visits) and during 2009 (150 inspections, re-inspections and visits), the monitoring activity for 2010 keeps growing in indexes and quality, showing a high efficiency of work and an added presence in the relevant institutions.

The above-mentioned recommendations and interventions are mainly presented for respecting the rights of the sentenced and detained people, in meeting their living, health and education needs.

Also, several other measures are proposed for conducting internal infrastructure investments, in filling all the vacancies so as to cover all the services required by such facilities. Apart from this, special consideration has been dedicated to the promotional activity of human rights in cooperation with the prisons administration, which shall be dealt with in details in this study. The People's Advocate has continued pursuing with priority the quality of communications by the hotline offered to the detainees and prisoners and by the special mail boxes opened only by the People's Advocate staff at any detention facility and prison. This project, thanks to the assistance and support delivered by the OSCE mission in Tirana, keeps being very efficient and useful. For 2010, the People's Advocate, being the National Mechanism for Prevention of Torture, has realized about 250 phone calls with detainees and prisoners, from which notifications are taken and concrete complains asking for solutions are taken note of. Meantime, mail boxes installed in all the detention and prison facilities have served as means for receiving about 120 complaints and requests, which have been treated with priority and which have been resolved in most cases.

People's Advocate, as the National Mechanism on Prevention of Torture, has kept being active in its activity in inspecting venues of the State Police, paying attention and controlling in particular lawfulness and regularity of accompaniment, detention or arrest of individuals, conditions of their treatment within commissariats, infrastructure and material problems in such venues.

In 2010 surveys are carried out with the police services regarding administrative treatments during accompanying of citizens, keeping of suspicious things in the investigation offices that can provoke psychological violence to the individuals, as well as the role of the police psychologist in treating

minors and staff that can show psychological problems while on service. In the recommendations delivered at the senior structures of the state police, we have submitted relevant remarks for all concerns appearing at the supervision stage. Through establishment of good cooperation ties and meeting his tasks related to the State Police, People's Advocate keeps asking for enforcement of the laws in force and of the document approved in 2009 on the Methodology of Inspections in the State Police Bodies. This document has been the guiding document in the work done in this field, making use of professional and legal aspects, and yielding positive outcomes.

Another field the People's Advocate has focused its activity as the National Mechanism for Prevention of Torture in 2010 is monitoring of human rights standards in the armed forces of the Republic of Albania. This activity was in particular concentrated in treatment of the rights of the militaries, respect for their status, control on disciplinary measures and conditions of the detention rooms used for disciplinary punishment purposes. To this end, frequent inspections are organized in military basis and wards, where military staff are contacted, enabling a between acquaintance of conditions of their treatment and level of implementation of the by-laws regulating their life within military institutions.

Product of our access in these military facilities was the submission of special recommendations by the People's Advocate, which have risen problems related in particular with drafting and approval of new rules on disciplinary isolation, treatment of the military staff with equal rights, according to the legal status provided for them, respecting of transparent procedures in case of their isolation, improvement of facility conditions, etc.

These issues are treated more thoroughly in a special section of this report.

In 2010, the National Mechanism on Prevention of Torture, has carried out about 32 inspections, re-inspections, visits and thematic controls in the Mental Hospital Centers of Tirana, Vlora, Shkodra and Elbasan, in the Infective Deceases Hospital at the QSUT (University Hospital Center of Tirana) and Military Hospital, Prisons Hospital Center of Tirana, Extradition Facility at the Border Police Commissariat in Rinas, Institute of Minors in Kavajë, National Center of Victims of Trafficking in Linza and National Asylum-Seeking Reception Center in Babrru, Tirana. For all these activities, we have drafted over 10 recommendations on improving hospital centers to ensure the respect of individual rights.

Inspections have played a great role in identifying problems in these institutions regarding conditions of facilities and treatment of nationals compliant to the legal provisions of relevant fields.

The importance of such processes is related not only with the respect and

enforcement of the law on the rights and freedoms of the individual in these institutions, but even with the functionalities of the institutional structure, approximated with professionalism according to law binding standards and infrastructure conditions in these facilities.

Also, to ameliorate this process, a special importance is given by us to complaints of citizens treated in such institutions.

The theme of inspections in these health-related and social centers was:

1. to observe meeting of all conditions, according to legal provisions, in places where people with mental health problems stay, and their professional treatment by doctors;
2. treatment of such people with psycho-social therapy, according to the special specificities, as provided by the law in these cases.
3. monitoring of spaces when intensive therapy is organized as a procedure for special cases related to physical limitation, by use of force (with standardized means) in the facilities such procedure is used.
4. improvement of conditions in the recreation facilities for the children with mental handicaps, provision of all the appropriate means for a psycho-social intensive rehabilitation, with the purpose of ensuring a better and gradual improvement of these people vis-à-vis initial diagnosing.
5. monitoring of the quarantine venues in the infective disease hospitals, with the purpose of improving treatment of infected people in cases of a mass epidemics.
6. improvement of conditions in infective hospitals for keeping the ill people in categorized rooms, according to the medical diagnosis, so as to identify any risk of re-contamination while hospitalized in such centers.
7. constant control on the respect of rules of hospitalization for patients with defined infective diseases.
8. respecting of legal provisions from the Institutions of Enforcement of Criminal Judgments for minors and women, as provided for in Law no 8328 *"On the rights and treatment of sentenced people"*, regarding their health care, rehabilitation in the social life by employment possibilities in the institution, full commitment in social activities, education for various categories, licensing through vocational training, impact of preparatory staff to enable social rehabilitation of these people.
9. Regarding victims in human trafficking, our priorities are as follows; monitoring of living conditions offered to them, health care, constant monitoring of their psychological situation, and commitment in social life so as to ensure their rehabilitation in the society.

10. supervision of conditions in the National Asylum-Seeking Reception Center, their treatment as well as the service carried out in implementation of respect of rights of asylum-seekers, compliant to the law.
11. inspection of facilities and treatment of the people extradited from abroad and staying in the Border Police Commissariats. Binding delivery of legal aid and of psychological aid when minors are involved, according to the definitions of the Law "On the State Police".

Recommendations of the People's Advocate, issued at the end of the inspection and monitoring work, have raised several issues of interest for improving the conditions and for treating individuals temporarily hospitalized in mental centers, in infective disease hospitals, community centers of treatment of people with mental health, in the shelter for victims of trafficking in Linza, etc. In general, problems are more numerous related to deficiencies in necessary equipment, capital investments in depreciated facilities, increase of the food norm, financial treatment of the staff, etc.

Responsible authorities have reacted quickly and positively to the issues having an emergent character. Nonetheless, more attention should be given to solution of other problems and measures to be taken for improving living conditions of people living in such institutions.

Cases examined in the context of inspections in the Facilities for the Deported People in the Border Police Commissariat of Tirana, in the Institute for Minors in Kavaja, National Center of Trafficking Victims in Linza and the National Asylum-Seeking Reception Center in Babrru, Tirana, and recommendations.

1. The the case launched with the initiative no **201001024**, in the institute for Minors in Kavaja (*pursuant to the provisions of Law no 9888, of 10 March 2008 "On Some Amendments and Supplements to Law no 8328, of 16 April 1998 "On Rights and Treatment of those Sentenced with Imprisonment"*).

It is observed that in this institution the number of basic police staff is insufficient for supervising the isolation rooms and other venues at night. Minors are not engaged in any working activities within the institution and there is no stomatologist to treat prisoners, although all appropriate dental cabinet appliances are in that institution.

Following inspection of the situation by us, we recommended as follows;

- addition of basic police staff in the organizational chart of the institution to inspect isolation rooms and other venues at night time and offering a better qualitative service to minors.
- establishment of a program involving minors in working activities, so as to engage them in working relations in the institution and to achieve their

re-integration in the social life.

- taking of measures for hiring a part-time stomatologist in the medical staff, so as to offer this service within venues of such institution, because dental appliances are already present in this institution.

Regarding what said above, the General Prisons Directorate, at its reply on recommendations for a better treatment of minors in the Institute for Minors in Kavaja, says that some of the suggestions have been fulfilled, such as provisional hiring of additional six police staff for monitoring the isolation room and other facility venues at night until their assignment is also included in the organizational chart of the institute. A working programme for minors has also been enabled, so as to engage them in laborious activities while in the institute, and appropriate measures shall soon be taken for offering a dentist in the Institute.

2. Case launched upon the initiative no **201000405** in the I.E.V.P. 313 (*pursuant to provisions of Law no 9888, of 10 March 2008 (pursuant to the provisions of Law no 9888, of 10 March 2008 "On Some Amendments and Supplements to Law no 8328, of 16 April 1998 "On Rights and Treatment of those Sentenced with Imprisonment")*).

What was observed by inspections in this institute was that there is humidity in the rooms and various other venues of this facility. Treatment with monthly financial assistance is not benefited from this center according to legal provisions, and there is no pre-school system for minors. Psychologists, care-takers, doctors, nurses and translators are very limited for this category of persons. Also, there is no refrigerator of appropriate dimensions in the kitchen of the facility so, as to hold all food articles.

Following our supervision, we recommended as follows:

- reconstruction of venues of the facility for the women regime as soon as possible, complete improvement of conditions of the pre-detainees, removing of humidity in rooms, corridors and in other venues in the facility.

- taking of appropriate measures for disinfecting venues and extermination of mice or other insects, as it could help in avoiding eruption of a possible epidemics at the summer time, or substitution of toilettes with new ones, designed to avoid emergence of mice in cells.

- avoidance of interception of meetings by the supervisory staff and establishment of normal privacy conditions, as stipulated by the law, as well as establishment of better conditions for meeting of minors and their family members.

- conditions allowing for heating during winter at the detention venues for the women and children.

At its reply, the Prisons Directorate notified of improved conditions and treatment of women and minors, adjusting some of the identified issues, such as the immediate disinfection in the women and minors' ward, and taking of appropriate measures by the relevant supervisory staff to avoid interception of talks between detainees and their family members. For the period of 2011-2013, the mid-term budgetary project includes establishment of the heating system in the women and children ward.

Rooms in the Institute of Enforcement of Criminal Judgments no 313 in the section inhabited by women and minors are small, windows are of dimensions that do not allow for an appropriate aeration, there is a serious depreciation of the building, as well as humidity in the rooms and corridors and inappropriate functioning of the heating system. There is a constant presence of mice in the toilets in the women and minors' venues, in particular during summer. No privacy conditions are allowed in meetings with family members by the supervisory staff.

3. Case launched upon the initiative no **201000522**, at the National Asylum-Seeking Reception Center (*pursuant to what provided for in Law no 8432, of 14 December 1998 "On Asylum-Seeking in the Republic of Albania"*).

Following the observation from our side, we recommended as follows;

- allocation of funds for reconstruction of buildings with the purpose of eliminating humidity in rooms and in other social grounds.

- monthly financial treatment of persons sheltered in the center as defined in Law no 1060, of 26 January 2009, "*On Some Amendments and Supplements in Law no 8432, of 14 December 1998, "On Asylum-Seeking in the Republic of Albania"*", Article 13/b provides that: "*Asylum-seekers shall be provided with the right to sheltering, food, financial assistance for narrow private needs, offered in the national center on asylum-seekers*".

- financial conditions to allow for more personnel, more specifically a psychologist, care-taker, doctor or nurse and a full-time or part time interpreter.

- establishment of the kindergarten system for the children, assigning an educator for them. Buying of a new refrigerator of appropriate dimensions for holding food articles before approaching of summer.

4. At the National Center of Victims of Trafficking in Linza, Tirana, we saw that special internal rules were approved for adjusting the internal life in the center, both in the Albanian and English language. Special files were opened for each migrant sheltered in the center, and a commission was established for examining the health status of each incoming migrant. The second floor of this building was found to be covered by humidity, rendering it not appropriate for living.

Regarding the humidity of the National Reception Center of Victims of Trafficking, the Ministry of labor, Social Affairs and Equal Opportunities reports that a fund of Albanian Lek 5 million is planned for eliminating the humidity in the second floor of the facility. This fund shall be managed and administrated by the heads of this institution.

5. In the Border Police Commissariat of Rinas, Tirana, the reception facility for the deportees is composed of one part serving for adults, one venue for the women and 1 venue for the minors. The three compartments are of appropriate dimensions and have a good lighting, as well as all relevant furniture, such as tables, or chairs, according to required standards. Rights and obligations of deportees were posted in the walls. It was also remarked that reception and interviewing venues for the detainees had all the appropriate parameters and conditions. Toilettes were also divided and separate, according to the categories of persons - namely adults, women and minors. The sanitation conditions in the entire facility were of acceptable parameters.

The National Mechanism on Prevention of Torture, after having identified all the problems as cited above, has submitted relevant recommendations in all institutions.

In 2010, People's Advocate, as the National Mechanism on Prevention of Torture carried out 60 inspections, re-inspections and thematic controls in all the prisons and detention centers of the country, which are answerable to the General Directorate of Prisons and the Ministry of Justice. At the end of these inspections, 29 recommendations were drafted and submitted vis-à-vis improvement of standards of rights and treatment of individuals sheltered in these institutions.

During the inspections we have received and considered about 370 complaints of prisoners and detainees, which were resolved by means of relevant interventions. Part of the overall number of complaints were about 120 complains taken from the mail boxes put in the penitentiary facilities, which are open only by the People's Advocate staff in order to preserve their confidentiality. About 900 people were met and interviewed during the inspections, who, despite being heard on their comments and complaints, were also advised for legal issues and other relevant items. Contacts are also kept with the detainees and prisoners through the free line put at their disposal, enabling during 2010 about 250 telephone communications dedicated on various topics.

In order to further promote rights and appropriate treatment of the ones serving detention of imprisonment and for eliminating any case of violence, torture, inhuman or degrading treatment, People's Advocate has organized in 2010 about 10 joint activities with the penitentiary administration, combining several joint needs, including exchange of experience, training, information

on international standards, confrontation with problems, dialogue promotion, etc.

According to provisions of our law, the term of public administration includes even other state institutions covering the penitentiary system (prisons and detention). While in these institutions, the individual enjoys the status of the person deprived of liberty. This category of institutions has been on the focus of our activity even during 2010.

In fulfilling this task, People's Advocate has been given by the law several competencies to realize a full access in these venues, receiving, inter alia, any information on the number of individuals deprived of liberty and their location, manner of treatment of such individuals, conditions of their detention, etc.

Also, in the quality of NMPT, People's Advocate can receive at any time and with no delay information or complains from the detainees or prisons and/or detention administration, can verify documents, objects, equipment and venues, related with the detainee or prisoner in the penitentiary institution, or outside it. For realizing the supervisory process, the NMPT is entitled to the right of using specialists of relevant fields to get the appropriate information, such as a forensic doctor, a psychologist, a psychiatrist, etc.

Problems in the penitentiary system

1. The People's Advocate has kept asking insistently about a final solution to sheltering in a hospital, outside the penitentiary system, of persons who have taken an order by the court for a compulsory cure. We have raised this issue every year. We even raised it in 2008 through the Special Report no 2, "On Status of Mental Health" submitted to the Assembly, and does not at all agree with the way these people are cured within the penitentiary system venues. Despite efforts of the Ministry of Justice and Ministry of Health to establish a suitable place for this category of people, these people still keep being treated under conditions that are not lawful.
2. In 2010, prisons and detention centers in the country keep suffering from the same problems of other years, such as depreciation, especially humidity, lack of constant water supply, electricity supply issues, presence of mice, bad conditions of toilettes, kitchens, bathrooms, outdoor spaces, lack of education venues, of religious habits, sports activities, etc. People's Advocate reiterates the emergent need for mainly partial investments, which shall significantly improve current situations. Also, it is with pity that we observe that some of the newly built prisons and detention centers are being depreciated very quickly by humidity, because of the low quality of works and of the installed equipment, which

is a serious issue for the long-term guarantee of investments in this field in respect of law-binding standards.

3. In 2010, some of the prisons and detention centers were found to not offer auto-ambulances having the necessary first aid means, but just some transportation means (mini-buses) to transfer sick people to hospitals. Due to overpopulation and depreciation of venues, in some of the penitentiary venues, rooms for the medical check-ups are not convenient and do not enable provision of a normal health service. In some cases, we have been witnesses of a lacking periodic control on expired medicaments. The People's Advocate continues to see with concern that the financial treatment of the health personnel in prisons is insufficient and not equal with the civil health service.
4. The People's Advocate, even during 2010, observed that some of the prison police staff have not received any payment for the overtime or days off working time. Their salary is not motivating compared to the difficulty of the work and there is still no special uniform with identification uniforms for every staff.
5. During 2010, the People's Advocate observed that in some prisons and detention centers lack of surveillance cameras, or installment of cameras in places covering the entire penitentiary venues is still a problem. Their lack and improper positioning, due to limited number of cameras, has often times become a cause for the non-identification of violence and for not taking appropriate measures for delivering the first aid or timely intervention for special events within the security regime.
6. Another ongoing problem identified in 2010 was calculation of the detention time, as sometimes people are obligated to stay in this regime even after final court decisions. We have asked relevant structures to apply Article 57 of the Criminal Code, where each detention day should be calculated as 1.5 prison days for the detainee. We have raised this concern several times. We have also made it known to the Assembly, because sometimes some people have stayed for several months in detention, after a final court judgment is issued for them. We have asked for amendment of Law no 7941, of 31 May 1995 on entry into force of Law no 7895, of 27 January 1995 "On the Criminal Code in the Republic of Albania" for the detained people kept unduly in the detention facilities. Despite great interest of competent institutions, this request has not taken a final solution.
7. we observed in 2010 that reduction of the number of detainees and prisoners was been minimal and has not greatly influenced in reducing overpopulation in penitentiary institutions. Overpopulation has continued, leading to complaints by prisoners who claim that lack of suffering

of a punishment in home confinement conditions, as per the conditions stipulated in the law, has reduced the internal detention and prison spaces, allowing for less space for educational, health or other purposes. People's Advocate has mentioned establishment of new detention spaces as an emergent need, in particular for Tirana, due to the high number of people in the existing institutions.

8. Even during 2010, prisons and detention facilities failed to take appropriate measures to treat within minimum access conditions of their daily activity persons with disabilities (paralyzed, mentally deceased people, deaf and blind people, etc.). This conclusion emerged from the lack of the staff to reply to all needs of this category of people and lack of equipment to enable a suitable treatment to their challenged abilities.
9. Prisons and detention facilities do not yet offer a service of communication in a foreign language for the foreign prisoners and detainees, so as to make sure that they get all other services and procedures as offered to other people. These institutions do often ask for the help of other prisoners or detainees knowing the foreign language spoken by the foreign prisoner/detainee in order to communicate with these people.
10. The General Prisons Directorate should keep instructing relevant dependent structures of prisons police on the need to standardize all their actions in cases of controls in prisons, ameliorating the quality of ethics in communicating with the convict, respecting in full their lawful rights, avoiding the arbitrary cases of violence, destruction of personal items and documenting any action of control at the presence of the convicts in order to not leave cause for accuses on appropriation.
11. One of the problems raised during communications with the convicts is the issue of corruption in some segments of prisons' administration. Inmates claim that corruption is in particular evident in the case of delivery of special and remunerating permits, for additional meetings with their family members, for inserting illegal items in the cell, mainly cell phones, and for the differentiated treatment in special rooms of some of the convicts.

The People's Advocate has not managed to verify such claims, but has been a witness of the presence of forbidden items in the cell and of the differentiated treatment of some of the inmates. For each denounced case, the People's Advocate has closely cooperated with the Internal Control Service at the Ministry of Justice and has enabled continuation of a more specialized investigation from them.

Inspections in prisons and detention facilities

1. Case no **201000400**. Inspections and visits carried out in 2010 in the Deten-

tion Institution no 313, Tirana, by the People's Advocate, identified several problems, which have already been identified in the recommendations of this institute. More specifically, we have asked for a reconstruction of some of the internal spaces of this institution, full improvement of conditions, in particular of the women section, avoidance of humidity in rooms, corridors, and other venues, continuation of disinfection in all spaces so as to avoid presence of mice and insects, buying of a washing machine for meeting all the needs for washing, establishment of appropriate heating conditions for winter in the detention area of women and minors, more spaces in the minor rooms, covering of electric cables in the toilettes so as to not endanger the life of convicts as well as adding of new telephone booths in the second and third floors.

The General Prisons Directorate (GPD), in its reply reported for the mid-term budget for 2011-2013 includes construction of a new detention center in the Institute on Enforcement of Criminal Decisions 313 as well as construction of a new prison for women. This measure, according to GPD, will lower overpopulation and will help in offering better conditions to the convicts. Speaking of the other recommendations, we are informed of disinfection of venues, establishment of heating appliances, offering of more spaces in the minor cells, installment of new telephone cabins and isolation of electric lines.

2. Case no 201000623. Inspections and visits carried out in Institute of Enforcement of Criminal Judgments no 325, Tirana, in 2010, People's Advocate has again recommended reconstruction of venues for a complete improvement of conditions in the women ward, especially in toilets, normal water supply, elimination of humidity, etc. From information received we are informed of partial measures taken for the toilet system and a constant water supply. A new investment has in the meantime started in the Prison in Rrogozhine for transferring the women section in this prison in totally and entirely new venues, which meet all relevant standards.

3. Case no 201000835. Inspections in the Institute of Enforcement of Criminal Judgments in Saranda put at our attention the need for acceleration of work for establishing new venues in the detention facility of Saranda. We have also recommended solution of other problems, such as constant control of prices of food articles bought by the detainees, control on the expiry date of medicaments, more outdoor spaces for the detainees, installment of coolers in times of high weather temperatures, etc. In the reply received, we were informed of measures taken for controlling the medicaments and prices of food articles as well as improvement of the ventilation system in rooms.

4. Case no 201000880. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Kruja ended in the recommenda-

tions on planning of reconstruction funds for some of the main elements of the facility, which is very depreciated, to eliminate humidity in rooms, in the toilets, rest rooms to establish appropriate living conditions for the convicts, especially for the ones having health problems and are of an advanced age. The People's Advocate has also asked for supply of special sanitation conditions and appropriate outdoor possibilities, as provided in the rules, for the people with physical challenges. Measures for appropriate waster supply of the institution, an appropriate auto-ambulance, more staff dealing with caring services for the convicts are some of the other recommendations coming from this institute. In reply to our recommendations, the General Prisons Directorate and the Prison of Kruja have informed of partial investments for eliminating the humidity, providing of supplies for the sick people, opening of a new medical laboratory, but difficulties were in the meantime introduced in relation to finding a proper auto-ambulance and for adding new staff in the organizational chart of the institution.

5. Case no 201000801. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Korce ended in the recommendations, inter alia, on acceleration of procedures for installing security cameras, finding of an auto-ambulance of acceptable conditions to reply to needs of sick detainees and prisoners, and taking of measures for operation of the pumping station so as to improve the situation of the water supply in the Institute of Korca.

The General Prisons Directorate and the Prison of Korca, in their replies, informed us of measures taken for the water depot, installment of security cameras and ensuring of the fund for buying an auto-ambulance.

6. Inspections in the Institute of Berat in 2010, led the People's Advocate issue recommendations, stemming from the highly improper conditions in this detention facility, on acceleration of efforts to establish new venues in this institution. The information we have received show that funds are earmarked for building new venues, while the plot of land where the facility shall be built is also found. Full works for construction of this building are foreseen to end during 2010.

7. Case no 201001025. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Rrogozhine ended in the recommendations of the People's Advocate on adding of new staff because of the high number of people detained in Rrogozhine, finding of funds for reconstructing and eliminating humidity in cells, establishment of appropriate outdoor conditions and installment of protection canvases the soonest possible in these venues. In answer to such recommendations, the General Prisons Directorate explained that it shall invest in building of three facilities of this institution during 2011-2013, substantially improving all conditions,

amongst which even establishment of suitable outdoor exercise conditions and installment of protection canvases to such venues.

8. Case no 201000681. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Durres ended in the recommendations by the People's Advocate on appointing a doctor in the institution, providing all appropriate dental equipment to him/her, buying of an auto-ambulance, provision of the secondary line for supplying the institution with electricity, the quickest possible repairing of showers, lighters and switch plugs in rest rooms, elimination of humidity, provision of appropriate outdoor exercise venues, installment of tents, use of uniforms, gloves, boards for distribution of food as well as measures for a periodic control of the quality of drinking water. In reply to our recommendations, the General Prisons and Detention Directorate of Durres, informed that the dental cabinet in the Institution has been supplied with medicaments and materials to offer dental services to inmates, planning for the secondary electric line is proposed for the funds of 2011, a fund of Albanian Lek 3.9 million is earmarked for building a water well, showers, electric plugs in the situation, all meeting relevant standards, are repaired. Also, measures are taken for eliminating humidity, the transitional room is painted and supplied with beds, mattresses, sheets, pillows and blankets, the ones distributing food in cells are provided with gloves and food distribution boards, work is underway for installing protection canvases, measures are taken for isolating the terrace and the external hydro-isolation, while the Health Section has started completion of a periodic test on quality of drinking water.

9. Case no 201001103. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Peqin ended in the recommendations on acceleration of procedures on full reconstruction work in the toilettes, measures for adjusting boilers in the observation spaces, constant supervision of use of sterile gloves by the security and kitchen staff, disinfection of venues for prevention of mice, filling of vacancies with doctors, lab experts, nurses and a psychologist and update of the food article prices list.

In the reply on submitted recommendations, we are informed that measures are taken for a full reconstruction of toilettes in every cell, the organigramme of the medical staff is completed, the food article prices list is updated, chemical substances for periodically disinfecting the place were also ensured, and all electric lines in the observation venue are isolated.

10. The People's Advocate, at its visits carried out in the Prison of Tepelena, has sought creation of a separate space/room for the health care provision to inmates and another space for meetings with lawyers, improvement of food quality and establishment of a covered ambience for meeting the family members.

In the information received we are informed that measures are taken for improving the quality of food and a new space is established for meetings with family members. Creation of rooms for health and legal assistance keeps remaining a problem due to lack of funds. The Institute of Tepelena shall be closed down following construction of the new prison of Gjirokastra.

11. Case no 201000407. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Burrel ended in the recommendations on taking measures for establishing appropriate outdoor exercise conditions and supply of the outdoor space with protection canvases, continuation of reconstruction of the severely depreciated prisons facilities, especially in the shower and toilettes spaces, as well as transferring of mentally ill and senior aged inmates in the prison of Kruja.

In reply to our recommendations, we are informed that partial repairs have started for eliminating humidity and for providing a normal water supply service. Meantime, measures were taken for installment of some protection canvases in the outdoor spaces and some of the sick inmates were sent to the Prison of Kruja.

12. Case no 201001426. Inspections and visits carried out in 2010 in the Institute of Enforcement of Criminal Judgments in Kukes ended in the recommendations related to acceleration of procedures on start of work for the new facility of the Detention Institution in Kukes, start of the investment for improving conditions in the toilettes, installment of the telephone in a suitable position, so as to guarantee access and privacy of inmates, establishment of a suitable place for meetings of inmates with their family members, organization of educational activities and of religious praying and adding of a psychologist in the organizational chart of the institute.

From the reply we got we are informed that venues for meetings with the family member are improved, phone communication is improved as well, while procedures for starting building of the new prisons are underway.

13. Case no 201001426. In 2010, the People's Advocate has paid a visit in the detention facility of Tropoja, where construction of the new building was over. At that time, they were delaying with the transfer of services and equipment to the new location. Although the new facility was not operational, the People's Advocate recommended some measures for the new facility, asking for hiring of a new psychologist, establishment of a new ground for meetings with family members, establishment of a new venue for educational and training activities, a space for treating health needs of the detainees, elimination of crossed irons in windows, posting of posters with the necessary information for the institutions of protections of human rights.

From the reply we got, we are informed that all measures suggested for the

new detention facilities were applied. The only unresolved issue was hiring of a psychologist.

14. Case no 201000859. The People's Advocate has also carried out investigations and visits even in the prison of Fushe Kruja. At the end of such investigations he recommended some measures. More specifically, we recommended a part-time specialized medical staff, such as, for instance, of a psychiatrist or cardiologist, or organization of periodic visits of such experts in the prison, hiring of a stomatologist; appropriate repairs in the water-supply network in order to establish a normal water supply service; provision of necessary sleeping appliances to the isolation rooms; creation of appropriate conditions for the outdoor activity, putting into operation of the football field the soonest possible as well as installment of showers in the transit section rooms. In reply to our recommendation, the General Prisons Directorate reported that appropriate consultations from the specialist doctors are covered by the doctors of the Prisons Hospital Center and of the Regional Prison of Kruja, and, when deemed necessary, a team of specialist doctors is sent from the General Prisons Directorate. With regards to hiring of a full-time stomatologist we were informed that announcement for the vacancy was made public and that they were waiting for hiring such staff. Measures are also reported to have been taken for improving the water-supply system in the institution; rooms were supplied with the appropriate materials, while a special fund was planned for the showers in the transit section rooms.

15. Case no 20100852. The People's Advocate, in 2010 made inspections and visits even in the prison of Vaqarr, Tirana. At the end of such inspections, we recommended as follows: an auto-ambulance for the prison, funds for hydro-isolating the terrace of the facility, elimination of the humidity in the cells, appropriate outdoor conditions and supply of protecting canvases for the facility.

In reply to our recommendations, the General Prisons Directorate explains that they were waiting for the tendering process for buying the auto-ambulance. Funds were also sought from the Investments Sector for reconstruction works for eliminating the humidity in the facility and for improving conditions at the outdoor areas.

16. Case no 20100490. Inspections and visits carried out in 2010 in the Prison of Shen-Koll, Lezhe by the People's Advocate, at the end of which we recommended as follows: filling of the vacancies on the medical staff; improvement of the sanitation conditions in toilettes; elimination of humidity, of mold, washing of showers and static shower heads; measures for providing appropriate number of showers and hot water from the centralized boiler to all sectors; repairing of the central hot water boiler; removal of house heating

devices which impose risks to the inmates; new waste bins for the institution; funds for replacing window frames; improvement of conditions in the offices of police staff in all sections and their supply with appropriate office furniture; elimination of provisional refrigerator and TV installments and lying of electric lines in the inmate rooms in the ground; more education and sports material basis and establishment of conditions for a normal holding of activities in the minor section. Despite the promising reply from the General Prisons Directorate, situation in the Prison of Lezha keeps being problematic and has huge deficiencies in investments for improving the situation.

17. Case no 2010001124. Inspections and visits carried out in 2010 in the Detention Facility of Vlora ended in the recommendations on the use of sterile gloves by the police staff while controlling food and by the kitchen staff; provision of minors with clothes and sleeping materials; elimination of delays in immediate enforcement of final court judgments on the transfer of detainees in prison. In reply to our recommendations, the General Prisons Directorate and the Detention Facility of Vlora explained that measures on control service and offering of food are fulfilled. Also, supply of appropriate items to the detainees and update of price lists were made a reality. About enforcement of court judgments authorities explained that the delay is due to delayed correspondences with the other bodies.

2. Recommendations on cases launched by free initiative and from complains related to situation in prisons and detention facilities

1. The People's Advocate, as the National Mechanism on Prevention of Torture, investigated an event in the Institute for Minors in Kavaja, where five minors, while being accompanied by the police staff towards the fitness center, rushed away from the police officers accompanying them, run towards the opened sports fields where five other minors were playing football, and started fighting with them. The security staff, composed of three people, chased them, and managed to separate the fighting minors from the violent conflict with some difficulty. In the meantime, the other group of five minors that were having lessons in the second floor of the building, did immediately leave the class, kicking and opening two intermediate security doors and managed to get in the open field trying to get involved in the conflict through the thirteenth security door, left open by the police due to negligence and urgency reasons. Some other police staff and others from the education sector came in assistance of the police within a few minutes. Violence was exercised for about five minutes in the sports grounds, where stones taken from concrete unfixed frames and hurled to two of the boys. The security staff managed to first separate the conflicting groups, and then sent children to their rooms. While accompanying them in cells, violent attempts were remarked by some of the minors, as they tried to enter in other

sections and continue fighting with their peers. Afterwards, the security staff identified a severe bloody injury of two of the minors in their head. They were immediately accompanied to the Hospital of Kavaja, accompanied by the nurse of the Institute.

Stemming from this situation, the People's Advocate recommended taking of disciplinary measures against the responsible staff tolerating such a situation, emergent filling of the vacancies of the psycho-social staff capable of treating and resolving conflicts between inmates, reinforcement of security elements in the Institute by installing new doors of a high security and removing all hard items within the security dimension which can pose a risk to the life and health of the inmates and staff, re-installment of security cameras in suitable positions so as to cover all the Institute spaces, as well as maximal training of the security staff to reach with prevention measures in case of similar acts. We are informed by the General Prisons Directorate that measures are taken against the management staff of the Institute replacing some of the education and police staff of the Institute with a new and qualified staff, all dangerous items are removed, doors were reinforced with new security elements while work for realizing some other security measures is underway. (case no **201000551**)

2. The People's Advocate was informed that the police forces of the Sector of Accompaniment at the General Prisons Directorate there were claims that such police forces had entered into cells shouting and calling names to inmates, getting inmates out of their cells and hitting them in the corridors, and offending the prison police staff. They were claimed of having controlled things of the inmates, destroying utilitarian appliances, stepping over the inmate beds and polluting them. This had caused a lot of problems in the inmates, and such controls were received with deep feeling of fright and nervousness by them. To prevent such cases in the future, by introducing concrete measures, the People's Advocate recommended monitoring of police actions in the cells by the security cameras, in the conditions of a full lighting of the corridors, denunciations of irregularities in control, and documentation of such irregularities in reports of relevant services as illegal behaviors of the police; each ending control in the cells has to be documented and countersigned not only by the police staff, but also by the inmates in the cells, leaving them space to declare relevant remarks; police forces have to be instructed on how to exercise controls without infringing rights and lawful interests of the individual. Also, police forces have to act accordingly and be trained for self-restraining and exercise violence only in exceptional cases, only when absolutely necessary to paralyze illegal acts of the inmates. In no case should violence be exercised in vital parts of the body, as this is an added risk to the life and health of the inmates. Police forces have to be clearly identified at the control services so as to allow a quick identification of

the staff that might be accused of misuse of office; control reports have to be drafted and counter-signed at any case by the Sector of Accompaniment and the prison administration, documenting in this report even eventual remarks or reserves of the police staff while controlling; control and advising of the police staff of the General Prisons Directorate on the ethics in communication with the inmate and prison or detention police staff, and imposing of disciplinary measures in cases of violation of working discipline. Regarding this recommendation, the General Prisons Directorate adopted measures for improving the work during controls in prisons, changing several procedures for elimination of abuse of office. (Case no **201000628**)

3. The People's Advocate recommended re-formatting of the meetings' register, by opening of a new section for countersigning of the person at the quality of a visitor, family member or lawyer of the inmate next to notes of the police staff. Such recommendation comes in efforts to improve the work and clearly identify meetings in prisons and detention facilities.

This recommendation was welcomed by the General Prisons Directorate, which notified of measures taken for changing practices of filling out the prison registers, according to the proposed advice. (Case no **201000508**)

4. In a visit held in the Institute for Enforcement of criminal Judgments in Durres, the People's Advocate was witness to the depreciation of new venues of this institution, which were built about one year ago with the purpose of serving as a Psycho-Forensic Hospital center. Following refusal of the Ministry of Health to take the building under administration, the facility remained abandoned. It is seriously risked by depreciation due to the impact of atmospheric factors. While inspecting this facility, we saw that the second floor was flooded with water and the walls of some cells were seriously damaged by humidity. The People's Advocate recommended taking of emergent measures by the construction company and doing of some minor adjustments and modification so as to suit this facility to penitentiary purposes. Taking into account overpopulation in the prison of Durres and the highly depreciated venues in the detention facility 313 of women in Tirana, the People's Advocate suggested use of this facility for one of these categories of inmates, with the purpose of improving conditions and life of inmates. (Case no **201001542**).

5. The People's Advocate got familiar with the new amendments of the Decision of the Council of Ministers no 303, of 25 March 2009 "*On Approval of the General Prisons Rules*". Referring to this development, we declared that amendments were hasted, and excluded opposition and proposals coming from institutions protecting human rights in the country. First of all, the content and practical interpretation of the rules show that drafters of such amendments have ceased to apply international standards (CoE Prison Rules

and UN Minimum Prison Standards) and legal standards on treatment of inmates. Second, the detainees are deprived of the rights to have a TV set, a refrigerator or other similar items in their rooms, according to the new rules. In the absence of TV rooms to watch TV programmes according to a set graphic, we recommended that it was appropriate to treat this aspect of their life in their cells. Referring to what said above, we recommended that the General Prison Rules were reviewed the soonest possible and entirely due to several other issues requiring an acceptable solution. In reply to this recommendation and to several other interventions on this issue, the Ministry of Justice sent some new proposal for the General Prisons Rules for opinion. These proposals have a significant positive impact on improving new standards in the aspects referred above, showing that it was not very careful in the amendments made before. (Case no **201000508**)

6. The People's Advocate observed that there was a serious overpopulation in the detention for minors aged 14-18 in Durres. It was due to this overpopulation that often times minors were sent to other sections, were accommodated together with adults, which is in fact a serious legal violation. Stemming from this fact, we recommended that the Institute for Minors in Kavaja be also classified as a detention institution in order to send detained minors there, instead of the prison of Durres, because of the fact that the Institute has sufficient space to receive a considerable number of minors. In reply to this Recommendation, the Ministry of Justice said that the Institute for Minors in Kavaja was also classified as a detention center for minors. This action paved the way for a better treatment of minors. (Case no **201000723**)

7. The People's Advocate has observed from inspection in the Institute of Enforcement of Criminal Judgment in Korca that quality of drinking water coming from the water-supply network in this institution is far from acceptable standards. During visits in the cells, it is observed that drinking water coming out of the tap is not clear. Because of tight economic situations, most of the inmates drink water from the tap, and have, therefore, complained of the quality of water and negative effects it might cause to their health. Due to this situation, the People's Advocate recommended taking of emergent measures to improve the quality of drinking water in the prison of Korca, considering it as a fundamental guarantee for protection of the health of inmates. The reply coming from the General Prison Directorate and the Prison of Korca says that some works were done on the water depot, and particularly in the filtering plant and that a significant improvement in the water quality in the network was consequently identified. (Case no **201001542**)

8. People's Advocate was informed of some complaints coming from the prisons police staff, more specifically from the prison of Rrogozhine, who claimed failure of administration to pay their overtime work, days off while they were on duty and additional services done in 2009. Other detention and

prison facilities do not have such concerns as payments were made in due time. Referring to this case, the People's Advocate observed that a regular financial treatment according to ranking of the Prison Police had not yet started, although medium and high level functionaries had long ago received salaries concordant to their new ranking and positioning. So, police staff in some of the prison and detention facilities had not received the salary they were entitled to. For this reason, People's Advocate proposed establishment of an immediate working group and launch of economic and financial control for all prisons and detention facilities sharing such claims.

This working group should meet with all the police staff and wait for their complaints, verify claims in relevant salary registers and in case no financial violation was remarked, it should explain in details the relevant police staff. Apart from this measure, the group was proposed of reviewing once again the financial treatment according to ranks and the financial fund issued according to special categories, earmarking the potential irregularities. In reply to the above recommendation, The General Prisons Directorate informed of having established some audit groups to regard financial irregularities on treatment of the police staff in the ground. (Case no **201000204**).

9. The People's Advocate accepted the request submitted by an inmate for the release from prison because he suffered from an incurable disease and was very close to death. The inmate had previously sent a request to the court, but the court ceased to take that into consideration. Under these conditions, and after having a first-hand look at his situation, the People's Advocate recommended the Judicial District Court of Elbasan to accelerate consideration of the inmate request. In a letter received from the Court of Elbasan, we are informed that this request was taken into account and that the inmate was released. (Case no **201000146**)

10. The People's Advocate accepted the request of a national addressed to the Institute on Enforcement of Criminal Judgments of Lushnje regarding the medical treatment this institution offered to her son, who was suffering the punishment there. This national claimed that her son was sick and did not receive the appropriate medical treatment. After treating this complaint, we observed that the inmate suffered of mental diseases and that his staying in the facility was a danger to his health and to the health of others. The People's Advocate recommended transferring of the inmate in the facility of Kruje, as it has a special section for the mentally problematic inmates. We were notified from the information coming from the General Prison Directorate that the inmate was transferred in the prison of Kruja. (Case no **201000525**)

11. The People's Advocate did also consider the complaint of some doctors working in prison and detention facilities who opposed two items of the Instruction of the Minister of Justice, considering them as not fair. This In-

struction includes the prison doctor in the decision-making for giving special permits to the inmates, asking them to give an assessment of the health status of the inmate relative just based on papers, but not seeing him/her in person. The Decision of the Council of Ministers, on which the Instruction of the Minister was based, did not charge such a task to doctors. This is the reason why the People's Advocate recommended revocation of the two items of the Instruction, which do unduly involve doctors in giving a special permit to inmates. This recommendation is still debated in the Ministry of Justice on some arguments, which, according to the Ministry, should involve doctors in such decision-making. (Case no 201001541)

3. Cooperation with the NGOs and People's Advocate promotional activity

In 2010, the People's Advocate, as the National Mechanism on Prevention of Torture, has paid a special importance to joint activities with the NGOs.

In 2009, the People's Advocate signed cooperation agreements with the Albanian Center of Rehabilitation of Victims of Trafficking, Albanian Helsinki Committee and the European Institute of Tirana.

These agreements were signed to establish a joint coordination of monitoring activities in the ground, but of common assistance. This cooperation was increased in 2010, by realistically coordinating the monitoring force of the NMPT on prevention of torture, inhuman and degrading treatment in every state institution. This cooperation has managed to ensure in 2010 a full coverage of the monitoring activity, a real time exchange of information on any event, and an effective combination with the human resources of the majority of inspections in the ground.

In 2010, the People's Advocate, through an agreement managed to ensure a greater support for its work, covering specialized professional aspects. Participation in our inspections, as well as taking of specialized opinions of legal and forensic experts, psychiatrists, and social workers working for the above-cited NGOs, has been a considerable success on successfully meeting our activities.

Paying of visits with joint working groups, common exchange and verification of information, the added presence in state institutions and coming up with joint conclusions for every observation in the ground has been a novelty of a very effective cooperation with the NGOs.

Outcomes of this cooperation shall the main recommendations submitted by the People's Advocate in the role of the National Mechanism on Prevention of Torture are related with concrete assistance and independence expertise provided by the above-mentioned NGOs.

In 2010, the Albanian Center on Rehabilitation of Victims of Torture has

offered medical-forensic and psychological assistance for inspections in prisons and detention centers, which has yielded very positive results in our work. Also, the People's Advocate has been very committed in giving his institutional and institutional contribution in several publications issued by QSHRVT on prevention of torture and improvement of standards of treatment of inmates with mental health problems.

Cooperation has continued in satisfactory levels even in the Albanian Helsinki Committee. We have organized joint monitoring and verification visits in the penitentiary system, especially related to the identification of problems addressed by groups of inmates. Also, an ongoing contact and correspondence is ensured on receiving and exchanging information and in the verification of complaints by inmates from the AHC correspondents working in districts. At the beginning of 2010, the People's Advocate and the AHC unified their stances on improvement of the content of the General Prisons Rules, issuing their respective opinions on a number of issues.

The People's Advocate has developed a successful cooperation even with European Institute of Tirana. In 2010, representatives from both institutions have carried out frequent joint inspections in all the detention facilities in our country. Apart from the monitoring visits, IET has provided a special medical-forensic expertise as well as psychiatrists and psychologists for treating the inmates and the mentally sick people in the penitentiary system. IET has provided with a neurologist in one case, when the European Court of Human Rights had asked the People's Advocate to provide a detained verification of the treatment of one of the inmates that was considered by this court. In 2010 the People's Advocate and IET have continued to jointly talks about the rights of inmates by broadcasting spots, and to hold consultative meetings focused on the penitentiary system reforms.

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has taken into consideration the very important role of the Center for Free Legal Aid (TLAS) in delivering legal aid to the inmates. In many cases, the People's Advocate has addressed inmates to TLAS, asking for legal aid while settling their private cases in the court. Part of our cooperation with this NGO was the joint participation in several activities held on the rights of inmates and legal aid to them.

The People's Advocate at the quality of National Mechanism on Prevention of Torture, in 2010, has dedicated a special importance to the promotional activity on prevention of torture, degrading and inhuman treatment. NMPT's activity was related to organization of meetings and holding of a productive dialogue on improving human rights, and in particular in treating the individuals deprived of liberty.

In this context, in 2010 the People's Advocate has co-organized seven

seminars with the Albanian Center of Rehabilitation of Victims, focusing mainly on the exchange of experience and dialogue on observations about the penitentiary services and solution of different problems in this field. These seminars were focused on the health service staff, education, legal service, and prison and detention police staff from all over the country. It is worth mentioning that these seminars have managed to establish a climate of effective cooperation and understanding with the prison administration in resolving many appealing issues in these services.

In 2010, the People's Advocate, together with the European Institute of Tirana, organized two workshops and one national conference on the status of rights of the detainees. These activities served as a forum to discuss about and debate on several important issues on the detention system in Albania and to coordinate several positions for a joint monitoring process in the future. A product of this cooperation was the promotion of the Second Progress Report of the Penitentiary System in the country, published by IET with a contribution of the People's Advocate.

Another important aspect of promotion and propagating of the rights of people deprived of liberty was the very good work done for public information on the NMPT. It should be emphasized that constant update of the web page with recommendations on improving status of human rights is regarded as a priority in 2010. Cooperation was also consolidated with the media to reflect our work, especially the inspection results, proposals submitted for improving conditions in prisons, police commissariats, etc. Thanks to this cooperation, in 2010 there has been a better coverage of the People's Advocate participation in resolving several issues.

4. Cooperation with international organizations and the reporting process

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has continued working in 2010 as a structure with concrete plans of cooperation and pure reporting activities in the international arena.

In implementation of OPCAT, in 2008 we established ties with the UNO's Sub-Committee Against Torture, knowing the need for cooperation and expertise from the UNO international experts and to build a sustainable cooperation and reporting relationship with NKT, in the light of implementation of Article 11 of OPCAT.

The UNO's Sub-committee on Prevention of Torture has exchanged a dense correspondence with our office for 3 years, showing a great interest in the work for preventing torture and attaining tangible results in this regard. Through the Ministry of Foreign Affairs in Albania, but even though direct

communications, the People's Advocate has tried to regularly inform this international structure on the torture, inhuman and degrading treatment preventing activities conducted in our country.

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate was called in June 2010 to report in a special session of the Sub-Committee Against Prevention, headquartered in Geneva. This was the second reporting at a global level done only by those countries that have already started to consolidate their monitoring activity, according to OPCAT. At this meeting, the People's Advocate conveyed information on the status of human rights in Albania, referring to the annual monitoring reports on limitation of liberty, submitted before at the Albanian Assembly.

Members of Sub-Committee asked several questions and gave opinions on various issues, which were afterwards debated by both parties. In the end, the People's Advocate received very positive assessment on the work done so far, and an open support was declared on strengthening of professional and organizational capacities by UNO structures.

In this reporting session, the Albanian state took several positive assessments on the seriousness and operation within a short period of time of an independent and functional structure, as the National Mechanism on Prevention of Torture. In his concluding words, Mr. Victor Rescia, Chair of the Sub-Committee on Prevention of Torture, stated, inter alia, that *"from such a small country like Albania, we manage to get such big messages on the seriousness and resoluteness to respect international acts, freedoms and rights of the individual"*. Via this reporting meeting, the People's Advocate managed to fulfill one of the most important objectives and obligations as the National Mechanism on Prevention of Torture at the international plan, becoming one of the first countries in the world implementing an international act of such an advanced level.

In the context of international cooperation, representatives from the People's Advocate office have taken part in many international meetings held by the Council of Europe, in the context of "Peer to Peer" project. This project is aimed at training and offering experience vis-à-vis respect of human rights in prisons, police and other places where liberty of the individual is limited. In these meetings, our experts have given opinions and have received expertise and information on a number of inspection practices, also providing input on the running of our activity in general.

Stemming from what said above, in June 2010, the Council of Europe organized in cooperation with the People's Advocate in Tirana, the international conference with the participation of 23 European countries that have already established a NMPT. This conference was focused on the main rights and freedoms of the individuals in relation to police bodies. Participants ex-

changed several opinions and best practices that should be applied by police bodies, and agreed also on establishing a joint manual on ways to monitor police venues.

In 2010, People's Advocate continued its cooperation with several foreign partners acting in Albania and having a priority role in strengthening standards of human rights. In not a few cases, we have held contracts and meetings with representatives from the OSCE Office in Albania, and we have exchanged information and reports with them on the situation observed in the penitentiary institutions. In the beginning of 2010, the People's Advocate, together with the Pameca Mission, organized a workshop for identifying problems in the community services of the state police and for its infrastructure capacities in the isolation venues. This workshop was accompanied by a final report addressed to state police authorities, recommending several amendments and updated in its work.

Another very important partner in our work for 2010 was the Office of EU Delegation in Tirana, with which we have organized several meetings and have exchanged constant information, sharing with them information from the inspections of respect of human rights in the penitentiary institutions. In the framework of fulfilling the tasks foreseen in the Progress Report of the European Union, this office has appraised the work of the People's Advocate in the context of the NMPT, and has shown a special interest in getting to know the recommendations issued by our office and related to implementation of tasks coming from the Progress Report. Fruit of this interest has also been inclusion in the country's integration agenda of Item 12 of the Association and Stabilization Report, according to which Albania should examine and implement the People's Advocate's recommendations related to the situation in prisons, police and other venues where liberty of people is limited.

The People's Advocate keeps having a serious and efficient cooperation with the Torture Prevention Agency, headquartered in Switzerland, which has offered a great technical assistance during 2010 on treatment of the Albanian staff through manuals and advanced didactic brochure for carrying out of professional monitoring process.

5. Legislative recommendations

One of the functional activities of the People's Advocate, in his role as the NMPT, was submission of recommendations of a legislative character, which, through the proposal for changes and amendments of laws and by-laws, were aimed at improving the legal framework in power on prevention of torture, inhuman and degrading treatment and respect of the rights of individuals. According to the main OPCAT provisions, such activity is considered as very

important in the context of prevention and correction of acts or phenomena that can cause torture, inhuman or degrading treatment.

In 2010, People's Advocate, in its role as the NMPT, submitted to the Ministry of Interior and the General Police Directorate several recommendations asking for issuance of by-laws for prevention of keeping of suspicious items in the police investigation venues, approval of new rules on treatment of arrested persons and detained according to the new standards of Law "On State Police", for clarifying rules of police activity in the isolation rooms, re-formatting of police registered with new sections for notifying the family members and the counsel of defense, re-dimensioning of the work of the psychologist in the state police institutions, showing attention even to the police staff who might have psychological problems, and for the review and update of the curricula of the Police Formation Center with the international acts on human rights. In reply to these recommendations, the State Police informed us that several positive measures are taken by approving a new manual on treatment of the arrested and detained people, issuing an order to removal of all suspicious items that might serve for causing psychological pressure on persons from every office, and reformatting police registers according to new sections. The State Police has shown its willingness to offer psychological assistance to its staff, and has sought assistance for fulfilling the teaching curricula with human rights issues and for trainers specialized in human rights.

In 2010, At the quality of the National Mechanism for Prevention of Torture, the People's Advocate submitted several recommendations to the Ministry of Justice and to the General Prisons Directorate asking for approval and amendment of legal acts for improving the General Prisons Rules, for changing the registers of meetings for the detainees and prisoners, providing more information for them, for reducing overpopulation in some of the penitentiary facilities, re-categorizing some of the institution on execution of court judgments, for avoiding the responsibility of the prison doctor in cases of special permits for the inmates, etc. In reply to these recommendations, the Ministry of Justice and the General Prisons Directorate have informed of a series of positive measures taken for a positive amendment of the General Prisons Rules, pursuant to our proposals, changing the registers of the penitentiary institutions, such s prisons and detention facilities, to treat more people in their venues in order to reduce overpopulation in other facilities.

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has undertaken several initiatives in resolving issues belonging to treatment according to the law of the military. In this framework, recommendations on inclusion, in concordance with the law, of some categories of military persons, in the house renting compensation scheme were made. Also, a recommendation was also introduced on the increase and

standardization of the food norm for pilots of the Armed Forces, according to the other categories of pilots at the Ministry of Interior and the Ministry of Health. A recommendation is issued even on payment of the overtime work of some military staff, pursuant to Article 17, and Article 31, item 2 of *Law no 9210, of 23.03.2004 "On the Status of the Military in the Armed Forces of the Republic of Albania"*.

6. General Observations

The People's Advocate is of the opinion that its role as the National Mechanism for Prevention of Torture has intensified work vis-à-vis protection of human rights and lawful treatment of individuals who are found in the state institutions where liberty is limited. During the entire year, in 2010 we have observed a serious and efficient cooperation with all the state bodies in charge of enforcing the legal framework in force and human rights in this field. Joint activities, communication and dialogue, exchange of information, and increase of dialogue level have been precious assets to affect substantial changes in respect of human rights.

Cooperation with foreign organizations has been very productive and in interest of identifying and strengthening our institutional capacities, transforming these resources in a sustainable expertise and assisting factor to other countries. The People's Advocate assesses the successful work and cooperation with the NGOs and media bodies, which have, with no doubt, given a precious contribution in strengthening and covering of our monitoring activities in each state institution.

A special consideration should be given to minimization of the flagrant cases of violence, torture, inhuman and degrading treatment in the state institutions, which means a high responsibility of title-holders and staff of penitentiary institutions regarding respect for the human rights.

The People's Advocate considered that there is still a lot to be done for consolidating standards of human rights and treatment of individuals. Priorities are continuity of infrastructure investments for improving the isolation rooms, constant treatment of security staff, promotion of best practices in relations with people who are deprived of liberty, more transparency in this field, etc.

At the quality of the National Mechanism for Prevention of Torture, the People's Advocate has assessed as insufficient the institutional commitment, funds and measures taken for improving the situation in hospitals. Apart from this, the Ministry of Health has often shown itself inactive and incapable of moving in time and of informing in each case on improvements made by it.

A good and correct cooperation is observed with the Ministry of Labor, Social Affairs and Equal Opportunities to put in light proposals on changing the

situation in some of the institutions depending on it.

In general, the health and social services offered to individuals in these centers need more investment funds, more staff, better speed in realizing of projects, a better concentration and attention in the human treatment of the sick people, as well as new projects that would enable a substantial improvement of several aspects.

The People's Advocate appraises cooperation, the climate of dialogue and reciprocal aid existing in the Ministry of Justice, General Prisons Directorate and the penitentiary institutions' directorates.

Implementation of the reforms and measures taken for improving the prisons system has led a substantial service improvement. Also, steps undertaken in the training of staff, their involvement in experience sharing programmes has served as a positive model, leading to a substantial awareness-raising on human rights issues.

Nonetheless, high level of depreciation of some of the penitentiary institutions, lack of funds for investments, lack of appropriate conditions in some prisons, offering of an appropriate living space, overpopulation and a complete standardization of penitentiary services all over the country keep being problematic.

The People's Advocate believes that the joint institutional efforts on the radical improvement in this field will be fostered in the future, in order to meet the obligations on respect for human rights and the integration commitment of the country as soon as possible.