**KRCT’s inputs/comments for the UN Special Rapporteur’s report**

The Kosova Rehabilitation for Torture Victims (KRCT) is an independent, non-governmental, and non-profit organization founded in 1999. Established in the aftermath of the conflict in Kosovo, KRCT is dedicated to providing treatment and rehabilitation services to victims of torture and abuse during the war. Committed to upholding and promoting human rights for all ethnicities in Kosovo, KRCT actively works towards preventing and eradicating torture and other forms of ill-treatment. Since 2006, through systematic monitoring of human rights in detention facilities across Kosovo, including prisons, pre-trial detention centers, police stations, and mental health institutions, KRCT plays a crucial role in ensuring accountability and safeguarding the rights of individuals deprived of liberty. The organization's commitment to transparent and objective assessment is evident in its advocacy for unannounced monitoring visits, a practice successfully implemented in 2022 based on the MoU with the Ministry of Justice in Kosovo. The KRCT’s inputs can serve as a valuable source of information and insights to contribute to the Special Rapporteur's report on prison management and human rights, particularly in the context of Kosova.

Major Challenges and Their Causes:

KRCT identifies major challenges in the prison system, such as treatment of prisoners with mental disorders, treatment of prisoners addicted to narcotic substances, lack of adequate infrastructure, sustainable management and lack of effective rehabilitation programs. The causes of these challenges are attributed to various factors, including resource limitations and shortcomings in policies and practices. Addressing these challenges requires a holistic approach that combines legislative reforms, resource allocation, and innovative practices to ensure the protection of detainees' rights and the efficacy of rehabilitation efforts in Kosovo's correctional facilities.

Innovation and Good Practices:

A noteworthy innovation has been the recent passage of three fundamental laws governing the management of correctional institutions, namely the Laws on the Execution of Criminal Sanctions, Correctional Service, and Probation Service. These legislative strides, mark a positive shift towards enhancing the rights of detainees. The revised legal framework has contributed to the reinstatement of certain rights previously restricted, such as weekend days, food packages and the right to appeal against the Conditional Release Panel decision. Workshops were also held for the review and improvement of rehabilitation and resocialization programs, but they have not yet been put into practice. Also it is important to highlight the MoU between KRCT and Ministry of Justice, where for the first time since 2006, KRCT is allowed to conduct unannounced visits.

Recommendations on How to Improve Existing Prison Management:

KRCT recommendations for improving prison management include areas such as improving mental health services, providing special treatment for prisoners addicted to narcotic substances, enhancing rehabilitation programs, improving material conditions and appointment of management of correctional institutions with long-term contracts.

KRCT offers strategic recommendations to improve the management of correctional facilities in Kosova. Foremost among these recommendations is the imperative to address the persistent challenge with prisoners with mental disorders. KRCT advocates for a comprehensive review and amendment of legislative frameworks governing sentencing policies, considering alternatives to imprisonment for non-violent offenses, and implementing measures to expedite judicial processes. KRCT underlines the need for increased investments in infrastructure, personnel and rehabilitation programs to improve the level of human rights standards and the overall well-being of detainees. Moreover, KRCT calls for sustained investments in the professional development of correctional staff, fostering a culture of empathy and adherence to human rights principles. These recommendations aim to transform Kosovo's correctional system, creating an environment that prioritizes rehabilitation, respects human rights, and aligns with international best practices.

Measures to Reduce Overcrowding:

Although in general overcrowding is not an issue in the prison system of Kosova, there are cases when in some of the Detention Centers, such as DC in Pristina and DC in Gjilan, overcrowding becomes an issue, especially in cases when groups of people are detained. In this regard, the KCS should be aware of and take measures to reduce overcrowding in correctional institutions. We consider that it is important to mention the agreement in progress between Kosovo and Denmark on the transfer of prisoners from Denmark to the Detention Center in Gjilan (with a capacity of 300 beds), because no clear information has been given regarding this matter, especially regarding the transfer of about 200 local prisoners who are currently in this center, which we consider that it will have a direct impact on the existing capacities of the other Detention Centers in Kosova and therefore it may lead to overcrowding.

Designing Daily Life in Prisons:

The daily life in the prison system in Kosova has room for improvement. Most convicts have a daily routine, which they follow during most of their time in prison, therefore The Kosova Correctional Service has to focus more their efforts to design daily life in prisons on meaningful and productive activities, rehabilitation, and reintegration, which is critical for achieving good physical and psychological health. The lack of individual plans for each category of prisoner is one of the main issues that affects the daily life but also plays a very important role on preparing for the post penal life of the prisoners. It is also necessary to specify the daily life of the detained persons, who have almost no activities and during the 24 hours they are forced to stay locked in the cell for 22 hours while they only have 2 times a day of 1 hour for walking in the open air, their situation is made even more difficult by the fact that many cases remain in detention for years.

Challenges and Innovations for Providing Mental Health Provision:

The treatment of persons with mental disorders is one of the key challenges for the Kosovo Correctional Service. Correctional institutions neither have adequate infrastructural capacities for the accommodation and treatment of persons with mental health disorders nor professional human resources, despite this fact, prisoners with mental disorders are still being accommodated in these institutions. Such accommodation is contrary to the applicable legal provisions, especially for detainees. The Criminal Procedure Code provided that *“persons with mental disorders should be detained in the healthcare institution”*. Following KRCT continuous recommendations, the Ministry of Justice has adjusted the Ward D of Correctional Center in Dubrava, which was inaugurated in February 2023, with the purpose to accommodate and treat persons with special needs, including with mental health disorders, abusers of narcotic substances and persons with organic diseases. KRCT expresses its concern that no special spaces have been provided for juveniles and women. Another issue is the lack of space for the accommodation of prisoners for psychiatric examination at the Kosovo Forensic Psychiatry Institute. Despite the court decisions on the psychiatric examination of prisoners with mental disorders, in the absence of vacant premises, they have been accommodated in correctional institutions together with other prisoners.

Measures Taken to Mitigate the Use and Impact of Solitary Confinement:

While efforts have been made within the Kosovo prison system to mitigate the use and impact of solitary confinement, through discussions between relevant actors, challenges continue in practice. The biggest concerns regarding this topic are the application of this measure to imprisoned minors. Based on the Juvenile Justice Code in Kosovo, it is expressly forbidden to impose solitary confinement for minors.

Laws, Policies, Special Measures, and Management Innovations for Specific Groups:

Three basic laws on the management of correctional institutions were enacted in 2022: The Laws on the Execution of Criminal Sanctions, Correctional Service, and Probation Service. KCS has finished the Administrative instruction on amending and supplementing the Administrative Instruction on the household order in the correctional institutions and other sub legal act are foreseen to be revised in order to comply with the provisions of the three above mentioned laws.

Sensitive categories as elderly persons, persons with chronic health problems, mental disorders as well as abusers of narcotic substances are one of the key issues addressed by KRCT regarding the treatment of prisoners. In certain cases, KRCT noticed that these categories in many institutions are mixed, without complying with the adequate categorization criteria.

* **female prisoners:** among different specific categories, KRCT pays special attention to female prisoners. The CC for women in Lipjan doesn’t even come close to meeting conditions to be a Correctional Center. The facility does not provide spaces for conducting activities for convicts and residential infrastructure is almost obsolete.

KRCT recommended that the construction of e new correctional center for women needs to start as soon as possible, including the separation of regimes by age and length of sentence, special facilities for mothers with children, as well as conducting free visits.

Preparing for the Next Pandemic:

KCS has undertaken several measures in response to the COVID-19 pandemic which resulted effective. The correctional staff had a good cooperation with the medical staff and the vaccination and quarantine process went well.

Maintaining Human Rights Standards in Privately Managed Prisons:

Kosovo's prison system consists only of public institutions.