

Report on Conditions in Albanian Prisons and Recommendations for Reform

Rule of Law and Human Rights Department

2013

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Executive Summary

Based on the information gathered in its role as Chair of the Sub-Committee on Prison Reform of the International Consortium, the OSCE Presence in Albania ('the Presence') identified in 2012 a need to reassess the situation in prisons and provide up to date recommendations. Over a three-month period, the Presence conducted a survey of eleven of the twenty-two prisons in the country. This survey included a special focus on mental health care in prisons. OSCE staff conducted interviews with numerous detainees and one prison administration official at each site visited, and also toured the site to make observations. OSCE officials received the full co-operation of prison administrators and inmates during all of their visits. The Presence's findings were then analysed in order to develop recommendations for prison reform that will guide future interventions of the Presence in this field.

Of the numerous recommendations, some that are of particular concern include the need to standardize practices of informing detainees of their rights upon entry, the importance of investigating allegations of corruption on the part of medical personnel, and the need to provide specialized facilities and care for people with mental illness. Other recommendations include making improvements to material conditions (e.g., food, laundry, heating, and outdoor space), addressing problems with access to medical care, developing a proper framework for compensation of detainees who work while in prison, and improving educational opportunities for inmates.

I. Introduction

Protection of the rights of people in detention in Albania has improved significantly over the last 20 years. The creation of new institutions like the Office of the People's Advocate, which also serves as Albania's National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture, as well as the active participation of civil society organizations, have served to draw attention to necessary improvements in detention centres. The Presence is committed to promoting the rule of law and the protection of human rights in the country, and to this end provides assistance and expertise to Albanian institutions, assisting them in achieving full conformity with relevant international standards and OSCE commitments. The Presence has been actively involved in the promotion of the rights of people in detention over the past ten years and has contributed to the progressive improvements of conditions in prisons.

The Presence chairs the Sub-Committee on Prison Reform of the International Consortium. In this role, the Presence identified a need to reassess the situation and provide up to date recommendations in support of the Albanian government's continued efforts in the area of prison reform. Therefore, in 2012, the Presence conducted a survey of eleven of the twenty-two prisons in the country, in order to assess the penitentiary system generally, and more specifically to assess the progress made since the last survey, conducted in 2003, with a focus on conditions in pre-trial detention facilities. The 2012 survey included a special focus on mental health care in prisons. The survey was designed to elicit information on needed improvements, as well as the specific areas in which the Presence can provide assistance to the government and prison administrations, in order to promote the rights of people in detention.

II. Methodology

The survey on the state of the prison system in Albania began in August 2012, as an initiative of the Presence's Rule of Law and Human Rights Department. Two questionnaires were drafted; one targeting people in detention and another one for prison administration representatives (see

Annexes). OSCE officials visited 11 of the 22 Albanian prisons over a three month period from August to October 2012, conducting interviews and making their own observations. The institutions visited are the following:



1. Durrës, a standard security prison with a section for minors, total capacity 250;
2. Tropoja, a standard security prison with a capacity of 15;
3. Zaharia, a facility reserved for mentally ill inmates, those with chronic diseases, inmates with disabilities and elderly inmates, with a capacity of 200;
4. Fushë-Kruja, a high security prison with one standard security section, total capacity 312;

5. Peqin, a high security prison with one standard security section, total capacity 680;
6. Lushnja, a standard security prison with a capacity of 176;
7. Vlora, a standard security prison with a section for minors and a pre-trial detention facility, with a total capacity of 115;
8. Tepelena, a high security prison with one standard security section, total capacity 108;
9. Saranda, a standard security prison with a capacity of 40;
10. Berat, a standard security prison including a pre-trial detention facility, with a total capacity of 46;
11. Shënkoll, a standard security prison with a section for minors, total capacity 703.¹

It should be noted that the goal of these visits was to collect information that would highlight areas of concern, in order to shape future OSCE interventions. Several NGOs are active in prison reform and detention monitoring in the country, and these organizations generate reliable statistics on prisons. The Presence also underlines the important work done by the People's Advocate as the National Mechanism for the Prevention of Torture on this topic, and the information generated by the General Directorate of Prisons. The present report has been prepared for policy purposes and the data contained herein is not a complete or statistically representative sample of the prison population. However, OSCE observers visited half of the detention sites in Albania and the final assessment of the situation in detention centres, as well as the recommendations for improving conditions, were based on:

Information collected through interviews with the people in detention. OSCE officials interviewed between five and twenty inmates at each site, with the exception of the Zaharia facility.* The interviews were conducted in full privacy and the detainees were informed that the information they provided would remain confidential.

Information collected through the interviews with prison administration representatives. The Presence interviewed one such representative at each site.

The observations made by OSCE officials during a comprehensive tour of each prison.

*It was not possible to interview inmates in Zaharia due to security and health concerns.

¹ All data on prison capacity is from the General Directorate of Prisons' 2010 *Report on the Albanian Penitentiary System*.

III. General Information on the Prison System in Albania

There are 22 prisons presently operational in Albania. The newest detention site, in Elbasan, opened on 3 October 2012. This new site provided space for an additional 120 inmates, and the capacity of Albanian penitentiaries rose by 2.7%, to a total capacity of 4537 inmates.

While there is some overcrowding of the prison population in the country, the Albanian government ameliorated the situation during 2012 in several ways: by opening the new facility in Elbasan, by implementing the new OSCE-supported probation system, and by granting amnesty to certain convicts. Overcrowding fell in 2012 after the new Elbasan detention site opened, to 420 people.

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The prison system in Albania is mainly regulated by Law no. 8328, dated 16 April 1998 “On the rights and treatment of detainees”, as amended, the General Regulation of Prisons approved by Decision of Council of Ministers no. 303, dated 25 March 2009, and the internal regulation of each prison. The General Regulation of Prisons in particular provides for the rights and obligations of prisoners and pre-trial detainees, the organization of life within the institutions, the manner in which penal decisions shall be executed, and the organization of work inside the prison system.

IV. Findings

Informing Inmates of Their Rights and Obligations

The General Regulation of Prisons, article 5, provides for the right of the detainee to be informed of their rights and obligations inside the prison upon arrival. This information should be delivered in writing, or, if the detainee is illiterate, it may be delivered orally.

There is no consistent pattern of informing inmates of their rights upon arrival

Based on the data collected by OSCE staff in the selected prisons, it is apparent that there is no consistent pattern of informing inmates of their rights upon arrival in the place of detention. In some places like Vlora, the inmates received this information from their lawyers verbally. The initial information received immediately after arrest was that the

person was going to be put in pre-trial detention. There were detainees in Vlora claiming that they were never given any information.

In Tepelena most inmates had been informed of their rights and obligations by the prison authorities, either orally or in written form. Some of the inmates claimed that they were never informed of their rights. It is possible that the detainees claiming not to have received information were imprisoned some time ago, and that practices have improved since.

The prisoners of Shënkoll generally reported that they had not received any information upon entering the prison facility. They explained that they learned the rules and any other necessary information from their fellow detainees. A few prisoners who had been extradited from other countries said they knew the rules of the prison because of the time spent in prisons abroad. Some of the interviewed inmates reported that upon entry to the facility, they were informed about the basic rules such as the rights to have meetings and phone calls, or were asked to provide information regarding medical conditions.

The interviewed inmates of Durrës and Fushë-Kruja reported that they had not received any information upon entrance to the site. In Berat, inmates reported that they received all of the necessary information from their defence lawyers only.

At the detention facilities of Peqin, Tropoja and Saranda, inmates reported a more positive situation with respect to information about rights and obligations. The inmates interviewed in Peqin and Tropoja prisons all declared that they were informed orally of their rights, as well as having been informed of internal rules and regulations. Inmates in Saranda had been informed in written form, including in the form of leaflets.

In places of detention where information was shared with inmates, that information consisted of the detainee's right to meet with the defence lawyer, right to communicate with their families and/or information about the rules and regulations in the pre-trial detention facilities.

With regard to visual aids providing information about the rights of prisoners, OSCE officials noted marked differences among the detention sites surveyed. There are sites where posters explaining detainees' rights, or the regulations of the site, are displayed in all cells and corridors in very visible places. This is the case in Vlora and in Tropoja. There are sites where this type of information is displayed inconsistently, sometimes in the corridors, sometimes in the airing spaces, like in Shënkoll. In several cases it was observed that rules and regulations were printed in a very small font, the ink was faint or smudged, and the

words were difficult to read. There are sites where there is no rights information on display anywhere in the prison, as in Tepelena.

Treatment by Prison Authorities

During the interviews it was noted that the cases of mistreatment of the prisoners were very rare, and incidents involving the use of force were infrequent. Some inmates reported that they had been mistreated while in custody of State Police Commissariats, but had been treated with dignity once in prison. The few cases of mistreatment reported allegedly targeted inmates with no support in or outside the prison, inmates who were poor,

Reports from inmates indicate that mistreatment is rare in prisons, as are incidents involving the use of force

and those who had no family or were perceived as being weak or otherwise vulnerable. Mistreatment of these prisoners was reported to consist most often of humiliation and offensive behaviour. Occasionally, mistreatment included the use of force, and there were

There were, however, reports that prison officials occasionally used force against 'undefended' prisoners and juveniles

reports that some prison police officers used force against 'undefended' prisoners (i.e. those without family or other support networks) and against juveniles, forcing them to clean up the premises. There were claims that detainees who had committed serious crimes and who had strong support outside of prisons were treated with special respect by the prison authorities, because their status was seen as passive pressure for those authorities.

Detainees who reported mistreatment also indicated that they had immediately been sent to be seen by a doctor following the mistreatment. A very small number of detainees reported that they were psychologically mistreated. In at least one case of alleged psychological mistreatment, the prison authorities claimed that the person complaining had mental health problems. The Presence was unable to assess any of these claims.

Confinement as a means of restraint has reportedly mainly been used in cases of physical altercations between inmates. However, there have been cases when confinement has been used after an inmate had an altercation with a prison police officer, or for illegal use of mobile phones. The period of confinement, according to the inmates, varied from two days to three months. Inmates that have been in prison for several years declared that the use of

confinement is now more limited than it was a few years ago, and it is now generally used as a last resort.



In most cases, inmates who have been confined did not appeal the confinement decision. They reported a variety of reasons for this, some stating that they found the decision fair; a few claiming that they did not trust the commission to make a fair decision due to corruption. All the interviewed inmates were aware of the legal right to appeal the confinement decision.

With the exception of the inmates of Tepelena, all detainees who were subject to confinement confirmed that they had the possibility to go out for one hour when in confinement.

During the interviews with the prison authorities, it was noted that the majority denied having used confinement. The Presence could not determine whether this denial was intentionally misleading, or whether those being interviewed had not been working at the site when the last case of confinement took place. Some prison authorities who acknowledged having ordered confinement said that it was imposed for a maximum of ten days, while others said that the maximum confinement was twenty days. The authority in Zaharia prison strongly emphasized that isolation was never used in that facility.

While all interviewed inmates were aware of their right to appeal a confinement decision, none of the inmates who reported being confined had lodged an appeal

With regard to the use of means of restraint, all interviewed inmates stated that the only restraint used was handcuffs and only while officers accompanied pre-trial detainees to court hearings. It must be noted that the authorities of Lushnja reported having had to handcuff two prisoners with mental health problems, as a preventative measure, before they were sent to the Prison Hospital of Tirana for the appropriate medical treatment. Both handcuffed prisoners were regularly visited by the prison doctor.

Inmates reported that prison staff generally do not carry any weapons while in the prison. Only in rare cases was it reported that staff carried batons. The use of batons was reported mainly, but not exclusively, in high security prisons.

Material Conditions

Food

Inmates have three meals per day. Interviewed inmates reported that the quality of food has improved compared to few years ago, yet it varies depending on the prison. For example, reports stated that the quality of food was satisfactory in Vlora, Lushnja and Berat, while in other places it was considered to be of a very poor quality, especially the meat. There were reports that in places where the quality was good, the quantity was not sufficient. For these reasons, usually the inmates of those prisons receive food from their families. They keep the food in the cells in private refrigerators bought by their families, or in cupboards. In a few cases it was reported that inmates kept gas cookers in cells to cook for themselves.

Most inmates receive supplementary food from their families, and some reported cooking on gas stoves in their cells

While article 26 of the General Regulation of Prisons guarantees inmates the right to a special diet, it was reported that in some of the inspected sites there is no possibility to follow such a diet, whether for purposes of religion, health, or other needs of the inmates. In Shënkoll it was reported that for diabetic detainees, the prison provided some very basic food such as two eggs, some cheese and about 2 kg of meat per month.

Inmates who had food brought by their families could consume it at any time, while the ones consuming prison food could not have access to food outside of mealtimes. All inmates reported that they had access to water at all times, except in Zaharia prison, where there is not 24 hour a day running water. All inmates reported that they could buy water and few other items in the shops located inside the sites.

Ventilation, light and temperature

Ventilation, light and temperature are reported to be generally good. Also, in almost all inspected cells it was noted that there is sufficient lighting for reading purposes. In some sites where the temperature is high during summer, inmates reported that they took electric

fans from home in order to provide for some ventilation. Also, while the Presence's visit occurred during the warmer months, many inmates reported that during winter they use radiators brought by their families to secure adequate temperature and heating. It was reported that in some sites, like the one in Saranda, there was no glass in the windows and during winter the authorities covered windows with plastic from outside.

The Presence asked inmates to report on the size of windows, and made independent observations as well. The windows in Tepelena, which is a very old site constructed during the Communist era, are very small. During the winter, inmates stay inside their cells as there is no suitable outdoor space for airing hours. A temporary tent is required to provide shelter so that they can go out even during the rainy days. The windows of the site in Tropoja are particularly small (40cm x 70cm) and without glass. The situation in Berat is quite problematic, where the ventilation is poor, and the cells are very small. The temperature in the summertime was hard to bear, as the windows are too small (40cm x 20cm) and cannot be opened.

One issue of particular concern was raised by the prisoners of Shënkoll, who reported that they were obliged to keep the lights on during the entire night. This was psychologically disturbing for all of them.

Another concern is the fact that in many sites the number of smokers is high and they smoke inside the cells. This negatively affects the air quality, particularly in winter, and creates an especially unpleasant situation for non-smokers.



Bathing facilities

Access to bathing facilities is twice per week. It was reported that the inmates that ask for more frequent showering are offered the possibility to do so. Showers were reported to be clean and in good shape, with the exception of old sites that need infrastructural improvement. One problem was reported to be the pressure of water, like it is the case of Shënkoll, where also the cleanliness of the bathing facilities was reported to be poor, yet the inmates could bathe more than twice per week. The number of toilets was reported to be adequate, yet the cleanliness of these facilities is not always reported to be acceptable.

The situation in Fushë-Kruja was reported to be very problematic, as hot water is scarce. Inmates have to book a hot shower at least a week in advance at the communal shower section. In order to shower more often, they have secured resistance heating wires with the permission of the authorities with which they heat water in their personal bathrooms inside cells.

In Saranda and Tropoja it was reported that there is only one shower in the facility. Because the facilities are small, all the interviewed inmates reported that having only one shower did not hinder them in observing the twice-weekly showering schedule. However, it is difficult to imagine what would happen should the only shower facility in the site be broken. No problems were reported in Durrës, where the prison facility is newly constructed.

Laundry facilities

Not all sites have adequate laundry facilities, despite the fact that article 29 of the General Regulation of Prisons requires appropriate equipment for ensuring hygiene in prisons. It has to be noted that, even when the site has a good laundry facility the majority of the inmates prefer to have their families do their laundry. Usually the only inmates that do laundry on-site are the ones that do not have a family, or whose families refuse to assist them in this manner.

Many sites lack adequate laundry facilities or do not provide detergents

Even though the prison of Shënkoll has a laundry facility, the interviewed detainees reported that the facility was used by the prison administration only, so the ones that did not have families, or whose families lived far and could not come often, did their own laundry by hand. They also had to buy the washing powder and soap themselves outside of the prison, even though article 30 of the General Regulation of Prisons requires the prison to provide detergents and soaps. It was reported that the sites of Berat, Tropoja and Saranda did not have any laundry facility, so the inmates have to do laundry in the showering area.

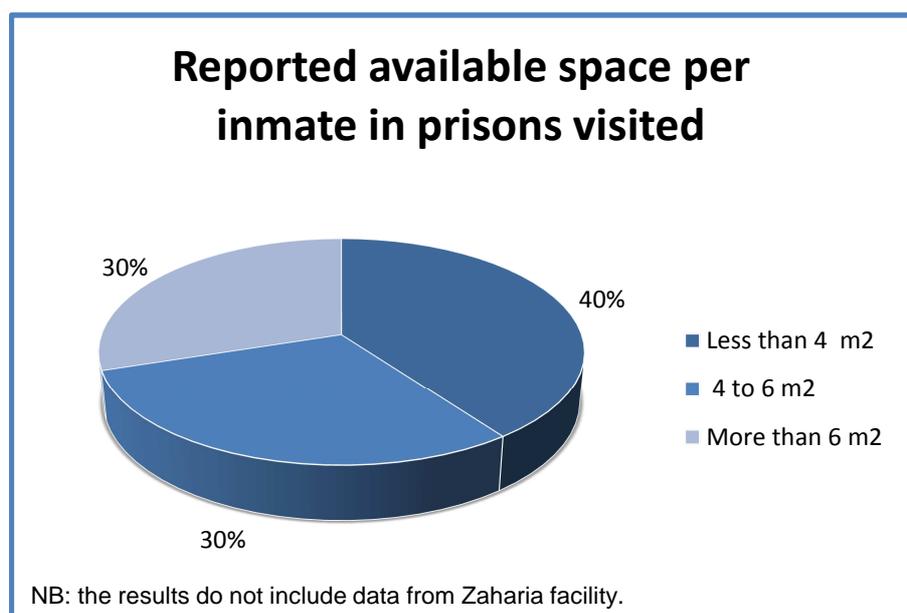
Bedding

According to the article 23 of the General Regulation of Prisons, a separate bed is always provided by the prison. Also, the prison authorities should provide detergents and soaps to allow inmates to properly clean their rooms and bedding, per article 30 of the same Regulation.

While authorities reported that there are sufficient bed sheets in all sites, the majority of detainees prefer to use their own sheets brought by their families, who also launder their bedding. Inmates using the facility's bedding had the possibility to have it changed once a week. The situation reported in Shënkoll prison was problematic. During the visit it was reported that the prison authorities provided only a bed with no mattress, and all the rest had to be provided by the inmates' families. There were rare cases when the prison offered mattresses, which according to the inmates were wet at all times, so everyone preferred to get them from home. The inmates had to wash their bedding by hand, and were also obliged to get washing powder and soap from outside. The situation reported in Berat was also problematic, as inmates claimed that no mattresses or sheets were provided by the prison. People sleeping on mattresses on the floor were reported in Berat, Tropoja and in Tepelena. There were rare reports that sometimes bedding was not changed for more than one month.

Division of inmates in cells

Article 22 of the General Regulation of Prisons provides that detainees must have at least 4 m² per person inside the cells. While this rule was generally respected, there were cases when the space was smaller. Fewer than 4 m² per detainee were reported in four



sites visited. The situation was made worse by the fact that many inmates kept fridges,

radiators and other items brought from home inside the cells. There were no reports of juveniles sharing cells with adults, or women sharing cells with men, both of which are prohibited.

In Vlora, inmates reported that there were two to six inmates sharing the same cell, with approximately 4-6 m² allocated to each person. Cells had toilets inside, as well as one or two big windows. With few exceptions, the available space per detainee in Shënkoll was reported to be approximately 5 m². The number of inmates sharing the same cell varies from two to five persons. There are usually two to four detainees sharing a cell in Durrës, Fushë-Kruja and Peqin prisons. There is usually 10 m² available per person in these sites. In Saranda, two to four inmates were sharing the same cell with approximately 5 m² each.

However, several sites do not meet the 4 m² requirement. In Tepelena there were four to ten persons sharing the same cell with 1.8-2.5 m² available per person. In the prison of Lushnja it was reported that there were 3.3-6 m² available per person in cells that hold five to eight inmates at a time. All of the inspected cells had toilets and windows. The situation in Berat was problematic with two to three detainees sharing a cell where they had access to approximately 3 m² per person, with no toilets inside the cell. In Tropoja the approximate space per person was reported to be 3 m².

Communication and Visits

Entry and exit

According to the prison authorities interviewed, the entry and exit of all types of visitors is strictly controlled, including prison authorities or external visitors. The Education sector keeps a special register of all incidents, no matter how insignificant. This data serves for the evaluation of each prisoner's behaviour, which may be relevant when the prisoner's case is brought to court, when the probation office considers an alternative sentence, or when it comes to decisions regarding days of leave, among other matters.

There have been cases where family members of inmates, especially when the inmate is newly arrived, violate the rules by bringing cash to the inmates. The families generally abide by the rules following a full explanation by prison police. However, there have been cases where family members inserted hard drugs such as heroin inside food. They were criminally prosecuted for this act.

The entry and exit registers are rigorously kept per the regulation. Access to information contained in the registers is provided for by the regulation and controlled by the administrator of the institution. With an internal order, access may be granted to the lawyer, education sector and the health and security sectors. The information in the register is classified based on its importance, and confidential information may only be disclosed pursuant to an internal order issued by the relevant authority in the institution.

Family visits

As provided by the General Regulation of Prisons, the inmates generally receive family visits once a week. In Vlora, visits last for one to two hours and they take place in a large room. Inmates and family members are divided by a glass with a hole. The visits are supervised by prison police officers. In Tepelena, the visits last half an hour and visitors are divided by iron bars. There is a considerable distance between inmates and visitors. In Shënkoll the visits last for 20 minutes. The area was very small and the room was crowded. Because of the iron bars dividing visitors and inmates, some inmates reported that they refused to meet with their children, fearing it could be traumatic. There was one case of an inmate whose family was living abroad and could not meet him more than three to four times a year, and he has been permitted to have longer visits. However, the Presence could not find convincing reasons to explain why certain other inmates also spent one hour with their families every time they paid a visit. There were unproven reports that these inmates paid bribes to the authorities.



In some sites, like in Durrës, Fushë-Kruja, and Peqin, the length of the visit depended on the number of visitors in the site. The average length of the visit was reportedly 20 minutes. The authorities permitted the visits to last longer than 20 minutes when there were not many visits. The situation of Berat was reportedly problematic, because there usually was a long queue of visitors. Also, the visits take place in an uncomfortable situation where inmates are inside a room while the visitors are outside the building, separated from inmates by a window with very small holes. The meeting place in Tropoja is very inconvenient as the inmates talk to their family members through a hole in the wall of the exercise yard.

According to the interviewed inmates, the privacy of the meeting cannot be preserved as the police remain directly next to the meeting place.

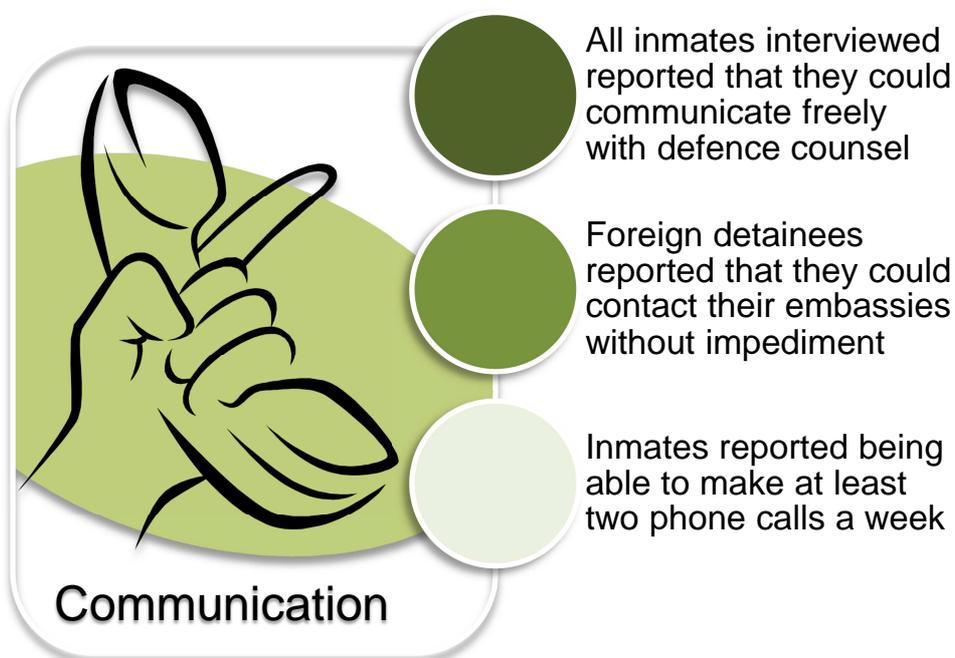
Private mail

Regarding possible censorship of private mail, the majority of the detainees replied that they were not aware of any, due to the fact that they never used mail services. A few cases of stolen presents sent to detainees were reported, one of which was investigated thoroughly and the responsible person was fired. Another reported case of theft was never investigated properly, according to the concerned inmate.

Phone calls

Detainees reported they can buy pre-paid phone cards in the shop inside the site. The inmates of Vlora reported that they can make unlimited phone calls. In Tepelena, inmates may make

10 minute phone calls twice a week, and more upon request. Detainees may make phone calls more than twice per week also in Shënkoll, Lushnja, Durrës, Berat, Fushë-Kruja and Peqin. Inmates reported that they could call at any time if they had the money to do so.



Communication with legal counsel

All the interviewed detainees reported that they could at all times communicate freely with their lawyers. Some of the detainees complained that the lawyers assigned by the court were usually inexperienced and young, and that their defence work was not conducted in a professional manner.

Communication of foreign nationals with their embassy

The few foreigners interviewed reported that they could contact their embassies without restrictions.

Access to media



All of the inmates interviewed reported that they have television sets in their cells, which are provided by their families. All prisons have libraries that provide books and magazines. Also, newspapers and magazines can be bought in the shop located inside the detention site. A few detainees reported that they could subscribe to newspapers and receive them regularly. No press is provided for free by any of the prisons. In Vlora the inmates have the possibility to watch movies in the cinema hall.

Activities

Educational activities

The availability of educational activities varies a great deal from site to site. While in some sites, such as Vlora, there are classes provided by a professional educator, in other sites, like Shënkoll, not a single education activity is available. The only activities that the prisoners of Shënkoll may perform

are going to the gym or playing football. In places like Tepelena and Lushnja, inmates may attend language courses. The majority of sites have computer rooms where inmates can receive computer literacy courses. Illiterate prisoners in Lushnja could receive writing and arithmetic courses.

**The availability of
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Time outdoors

According to the General Regulation of Prisons Airing, prisoners should be allowed to spend two hours daily outdoors. Yet in practice, the time spent outdoors differs from one site to the other depending on the number of inmates, as well as on the size of the available outdoor space. Also, in general, the Presence found that detainees could spend more time outside during the warm seasons.

Inmates of Vlora reported that the rule was observed, and they had the possibility to go out twice daily for one hour and a half. However, three out of four juvenile detainees interviewed in Vlora claimed that deprivation of time outdoors was often used as a punishment for juveniles. In Tepelena the inmates reported that they could go out for four hours during summer and three and a half hours during winter. The majority of the interviewed inmates of Shënkoll reported that time outdoors was the only good thing about that prison. They said that, if the detainees did not have any conflicts among each other, they could spend the time outdoors together and enjoy about six to eight hours outside. The inmates use the time outdoors to play sports or cards and talk to each other.

The designated outdoor spaces of Vlora and Tepelena are rather spacious. The outdoor space of Berat is quite small, thus not allowing for the inmates to play sports, but rather play card games and dominoes and socialize. The size of the exercise space in Tropoja is about 20 m² covered with a net on the top. The detention authorities try not to overcrowd the exercise space by sending out detainees individually or in pairs, but it is very small and inconvenient to do any exercises. During winter it is reportedly covered with snow.



Religious observance

In all sites visited by the Presence, there were areas designated for religious purposes, including spaces used as mosques or churches. Imams or priests pay visits to some of the sites. Detainees had access to religious literature.

Work opportunities

The detainees have the possibility to work only in certain detention sites. Inmates may work in the kitchen, as cleaners, doing landscaping or clean-up work outdoors, or in the shop. They do not get paid, but are compensated with the reduction of their sentence. The majority of the detainees interviewed did not have sufficient information on the option of working or on the number of the days they can earn to reduce their sentence. Some detainees claimed that they had asked to work, because they would like to have a reduction of approximately four days of sentence per month of work, but they were not given the possibility to do so. There were unproven claims that a detainee had to pay up to 500€ as a bribe to be allowed to work in the kitchen. A considerable number of inmates said they did not have any interest in working.



Medical Services

Access to health care

Usually, in all sites, prisoners have access to doctors 24 hours per day. When serious health problems arise, detainees are brought to regional hospitals. Some of the interviewed detainees said that they had to pay a form of bribe to doctors for every visit. The amount varies starting from 5000 ALL for a normal visit. The detainees who do not pay have to wait for a few days. At least three interviewed inmates, residing in different sites, reported that they had complained to the prison authorities because either the dentist or the doctor did not visit them for more than one month. Notwithstanding the seriousness of these allegations, the limited scope of the monitoring project did not allow for a thorough investigation of these cases by the Presence.

The medical service offered in prisons is generally of low quality. The prisons offer only a limited number of basic medications like paracetamol and medication for high blood pressure, and these are reportedly of an inferior quality.



Detainees suffering from serious illnesses all declared that they received medication from their families. In Tepelena the inmates complained that there are people with mental health problems, who need to have special treatment, sharing the prison with the others. Inmates say that their presence in the prison causes psychological distress to the others.

Particular concerns were raised with regard to dental services. Many inmates complained they had to pay bribes for such services. Also, they said that the material used by some dentists for filling tooth cavities was of a very low quality, thus not lasting long enough, or causing other complications. One of the worst examples was the dental clinic of Fushë-Kruja. During the visit, the Presence noticed that the tools were dumped in the sink and seemed in very poor condition. They had not been used for two days and were still not autoclaved. The appliances were visibly untidy. In addition, the dentist was very unwelcoming of the Presence and exhibited reluctance to co-operate.

In the prison of Fushë-Kruja, inmates also reported that one of their fellow inmates died a year ago of a heart attack, allegedly due to negligence on the part of the medical personnel. When the Presence inquired about this case, the prison's medical personnel stated that the inmate had come to the prison's hospital in terminal condition.

Mental health issues

One very problematic issue concerns people who have committed crimes but do not bear criminal responsibility due to mental health problems. Those who have been ordered by the court to receive obligatory mental health treatment are either kept in prison hospitals, or in the prison of Zaharia in Kruja. While the prison authorities try to ensure that these people receive proper medical treatment, the fact that they are kept in the prison system is a severe violation of their rights.

In Zaharia, access to health care is better than in many prisons. The prison provides the majority of prisoners' medication, according to the prison administrator, and the families provide the rest. Medical personnel, including psychologists, are on hand 24 hours per day, and each prisoner has an individualized treatment plan. The prison administrator reported that inmates may spend four hours per day outdoors, although there is no possibility of playing sports. Two libraries are available, and while inmates are allowed six calls per month, in practice they may often make up to 25.

However, there are serious problems with material conditions in this facility. As there have been continued discussions on closing the facility, there has been no new investment in the prison in a very long time. This is compounded by the fact that a reported 70% of inmates receive no assistance from their family, either because they have none, or their family refuses to be involved. This is a much higher percentage than in other institutions, and highlights the stigma of mental health problems. Most inmates in Zaharia do not have sufficient clothes or assistance in washing their clothes and bedding. Additionally, the prison authority noted that there was not running water 24 hours per day. While inmates are allowed to receive visitors once every 10 days, in practice this varies greatly. Most prisoners receive no visits, while some receive visits up to ten times a month. The prison administrator noted that families might visit more if they were treated like visitors in a hospital, instead of going through searches and screening as if they were entering a prison.

Other Issues

During the visits, the Presence was informed of alleged discrimination against some inmates based on their place of origin. According to these inmates, prison staff members have a tendency to favour inmates that come from the same place as the prison official in question. This reportedly manifests itself in the allocation of cells and other favours. A few inmates claimed that, even though the highest prison authorities were informed, they did not respond to such allegations.

Another matter of concern was the provision of ID cards to detainees, as cases of prisoners without ID cards were reported. These people informed the Presence that, even though they have asked to be provided with this important documentation repeatedly, requests are granted selectively. Allegedly, cards were granted according to the political affiliation of the inmate, in order to support some party voters and disfavour others.

V. Recommendations

1. There is a need to put into place a standardized practice with regard to informing detainees of their rights, obligations and the prison's regime upon their arrival. This information should be given in writing, as provided by the secondary legislation, and supplemented by oral explanation when necessary.
2. There is a need for a better inspection of the provision of food in detention sites. Also, detainees requiring a special diet for health or religious reasons should be accommodated. Detainees must have access to proper places where they can store food. It is dangerous for detainees to cook in their cells and this practice should be stopped. Alternatives should be considered, such as providing kitchen access to inmates.
3. There is a need to provide central heating in all detention sites.
4. All necessary steps should be taken to provide for proper bathing in places where facilities and practices are inadequate.
5. All sites should provide laundry services for personal clothing of inmates. Detergents and soaps should be provided in accordance with the secondary legislation.
6. All sites should offer proper and sufficient bedding, including bed frame, mattress, and sheets, to all inmates. Detainees should be able to wash their bedding in adequate laundry facilities.
7. There is a need to properly observe, where possible, the equal distribution of inmates in cells. Practices whereby some inmates have twice as much space as others in the same prison should be halted.
8. Outdoor spaces should be redesigned to fulfil the needs of the inmates for fresh air, including during winter and when it is raining. Atmospheric conditions should not hinder the right of the inmates to spend time outside. Proper exercise space should be provided where possible.

9. The possibility to have more educational activities for detainees should be considered. In many sites the only activity performed is sports and gym exercise. It is necessary to take steps to encourage inmates to read or attend training courses (including vocational training), to assist in their rehabilitation and eventual reintegration.
10. Of immediate concern is the approval of secondary legislation providing for a comprehensive framework regulating the work performed by prisoners. Such legislation should include a table setting out standard remuneration of prisoners and allocation of funds for such remuneration.
11. There is a need to properly and thoroughly investigate cases of alleged corruption in detention centres, not only with regard to the behaviour of prison administration or prison police, but particularly in the cases of medical personnel. The allegations raised by several interviewees on this subject were of a grave nature and caused particular concern to the Presence.
12. There is a need to provide for proper medication of inmates in the prison system. The medication should be of a good quality and meet the needs of inmates. The same quality of treatment should be offered by dentists. Cases of alleged corruption should be properly investigated.
13. In order to ensure respect of the right of prisoners to participate in political life and to vote, the possibility to be provided with ID cards should be offered to all detainees.
14. All cases of alleged discrimination against detainees on any ground should be properly investigated.
15. People under court-ordered mental health treatment are not prisoners, but patients. They should not be detained in prisons, where they are subject to the same regime of rights and obligations as prisoners. The recently approved law on mental health provides for a separated regime dealing with this category of people, but there is still no appropriate site where they may receive treatment. An action plan for implementation of the law should be developed, and an adequate facility must be built as soon as possible.

Annexes

Questionnaire for the Detainee

GENERAL INFORMATION

1. Name
2. Gender
3. Age
4. Date/s of visit/s
5. Name of interviewer
6. What information did the detainee receive upon entering the place of detention? In what form?
7. Are internal regulations or tables with detainees' rights on display?

TREATMENT

8. In case of ill-treatment or torture, date when and place where the allegation was noted; authorities responsible for the ill-treatment; circumstances of the ill-treatment; witnesses to the acts.
9. Detailed description of the ill-treatment (what, how, how long, how often, by whom), the effect it had on the detainee immediately and later, any visible marks.
10. After the alleged ill-treatment could the detainee visit a doctor and get medical certificate or other evidence?
11. If the person has been in confinement, what was the maximum length?
12. Could he appeal the confinement decision?
13. Did he still have the possibility to go out of confinement for one hour?
14. In what case have the means of constraint been used, if ever? For how long?
15. Do the persons have access to a doctor afterwards?
16. Do the prison staff carry weapons? What type (firearms, batons)?
17. How frequent are incidents involving use of force?

MATERIAL CONDITIONS

18. How are the quantity and the quality of food? What are meal times? Do persons have the possibility to have special diets subject to their health condition, religion, or other? Do persons have access to food and water outside meal times?

19. Is ventilation and temperature adequate? What is the size of the window, can it be opened? Is lighting good enough for reading?
20. How often do persons have access to bathing facilities? Are they sufficient in number? What is their state of repair and cleanliness?
21. Do the detainees use their own clothes? Do they have access to laundry facilities?
22. Does each detainee have a separate bed? How frequently is the bedding laundered? Are there sufficient stores of bedding?
23. How many detainees are sharing a cell? How much m² per person is available? How are the people sharing the space in communal cells?

REGIMES AND ACTIVITIES

24. How often do detainees receive visits from outside? What is the length of the visit? Are there any restrictions, on what basis? Describe the place where the visit takes place.
25. Is private mail subject to censorship?
26. Is there possibility to make phone calls? How often?
27. Are detainees able to communicate freely with the defence lawyer?
28. Are foreign nationals able to contact with their embassies?
29. What access do detainees have to media? Do detainees have access to other written material like books or magazines?
30. Are there any educational activities available? Do juveniles have access to education?
31. Do detainees have the possibility to be outside at least one hour daily? What is the size and nature of the exercise space? Is prohibition to go out used as a punishment?
32. Do practicing detainees have access to religious practicing activities?
33. Do detainees have the possibility to work? Is the work paid? What type of work do they perform?

MEDICAL SERVICES

34. Does the detainee have a medical condition? How easily can he gain access to medical care? Is there access during the night?
35. Does the prison provide for medication? If not, who does?
36. What is the number of doctors/nurses in the facility?
37. Other comments

Questionnaire for the Detention Centre Authority

GENERAL INFORMATION

1. Detention facility
2. Is the facility for men, women or minors?
3. Name of Director
4. Date/s of visit/s
5. Name of interviewer

6. If the facility is mainly for adult males, are there women or juveniles kept as well? If, yes, how many women/juveniles?
7. If there are juveniles, are they separated from adults? If they are not, how are they kept/with whom do they share the cells?
8. If there are women, are they separated from men?
9. What is the maximum capacity of the detention facility? How many detainees are there at present?
10. How many cells? What is the size of the cells? How many detainees are in each cell? How is the division of detainees in cells decided?

TREATMENT

11. Are cases of use of means of constraint registered? For how long are they imposed? Do the persons so treated have access to a doctor?
12. Do prison staff carry weapons? How frequent are incidents related to the use of force?
13. Are entry and exit registers rigorously kept? Are all the important incidents registered? How is the information used? Who has access to information?
14. How frequent are the inspections of the internal control service?
15. Who determines the disciplinary measures and on what basis? Does the person have the possibility to defend himself? How does the appeal mechanism work?
16. What types of complaints do the detainees have? What is the timeframe for handling the complaint? How many complaints have been lodged over the last six months? How many complaints have been decided in favour of the complainant?

REGIMES AND ACTIVITIES

17. Does the detainee have a possibility to be outside and exercise; where and how often?

18. What are the conditions for family visits (when, how often, how long, where)?
19. What are the conditions for visits by defence counsels (e.g. only weekdays or certain hours, how often, how long, where, do they need the authorization of the prosecutor)?

MEDICAL SERVICES

20. Does the detainee have access to adequate medical facilities?
21. What are the most prevalent medical conditions? Does the prison have a strategy for addressing them? Where do medical consultations take place? How is the visit organised?
22. Where do medical consultations take place? How easily can detainees have access to medical services? Are medical personnel on duty during night?
23. Does the prison have enough medication? Where is it stored? Do prisoners have the possibility to get medication from outside?
24. What is the number of doctors/ nurses? Do they have appropriate professional qualifications?
25. Are there any detainees with mental health problems? What happens once the detainee has been diagnosed with mental health problems, is he transferred, or is he treated in the same prison? Does he have access to psychiatrist? Does he have access to proper medication?

MATERIAL CONDITIONS

26. What are the sanitary facilities and how often are the inmates allowed to take a shower?
27. After making a tour of the detention site, please describe the situation of the sanitary facilities, hygienic conditions of the sites, airing room, meeting rooms, etc.
28. Any other comments

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The Organization for Security and Co-operation in Europe

Presence in Albania

Sheraton Tirana Hotel & Towers, First Floor

Italia Square

1010 Tirana, Albania

www.osce.org/albania

ISBN: 978-92-9235-251-6

