



**REPUBLIC OF ALBANIA
THE OMBUDSMAN
NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE**



**ACTIVITY OF THE ALBANIAN OMBUDSMAN OFFICE
IN ITS CAPACITY AS THE
NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE**

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ACTIVITY OF THE OMBUDSMAN OFFICE IN ITS CAPACITY AS THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE

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4. Legal framework on NPM operation

The Ombudsman Institution has been determined by the Parliament as the proper authority to provide the professional and independent operation of The National Preventive Mechanism against Torture (NPM). The establishment of the NPM was provided in Law No. 9094, dated 03.07.2003 “On the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)”, meanwhile its legal recognition, as a special structure near the Ombudsman in Albania became effective upon the entry into force of the Law No. 9888, dated 10.03.2008 “On some amendments and addenda to the Law No. 8328, dated 16.04.1998 “On the Rights and Treatment of Prisoners and Pre-Trial Detainees”.

The National Preventive Mechanism against Torture (NPM) operates on the basis of national legislation, also guided by principles and instruments sanctioned in international legislation, such as: The European Convention on Human Rights and Fundamental Freedoms, and its supplementary protocols, ratified by the Republic of Albania with Law no. 8137, dated 31/7/1996; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Republic of Albania with Law no. No. 7727, dated 30/06/1993; the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), ratified by the Republic of Albania with Law no. 9094, dated 07/2003; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified by the Republic of Albania with Law no. 8135 dated 31/7/1996. This list of legal instruments guiding the work of the said Mechanism is not exhaustive, as there are a number of recommendations in place, particularly those of the Council of Europe, which are crucial in guaranteeing the rights of persons deprived of their liberty. Nevertheless, these instruments are the “cornerstones” to the already several years long NPM work in Albania.

NPM operates in compliance with the national legislation, a tool in the Albanian citizens’ hands to ensure they enjoy their rights stipulated in: the Constitution of the Republic of Albania; the Albanian Criminal Code; the Albanian Criminal Procedures Code; Law no. 8454, dated 04/02/1999 “On People’s Advocate”, as amended; Law no. 9749, dated 04/06/2007 “On the State Police”; Law no. 44/2012, dated 08/05/2012 “On Mental Health”; Law no. 8331, dated 21/04/1998 “On the execution of criminal decisions”; Law no. 9887, dated 10/03/2008 “On personal data protection”; Law no. 10032, dated 11/12/2008 “On Prisons Police”; DCM no. 187 dated 17/3/2010 “On some additions and amendments to the Council of Ministers Decision no. 303, dated 25/03/2009 ‘On approval of Prisons’ General Regulations””, Law no. 9069 dated 15/05/2003 “On Military Police in the Armed Forces”; Law no. 8432, dated 14.12.1998 “On Asylum in the Republic of Albania”; Law no. 9959 dated 17/7/2008 “On foreigners”; DCM NO. 589, dated 28/8/2003 “On the set-up and

operation of the Reception Centre for Victims of Trafficking”. Again, this is not an exhaustive list; there are a number of Decisions of the Council of Ministers in place, as well as other handbooks and working documents, the enforcement of which will be a guarantee to the enjoyment of the said rights.

5. NPM organisational structure, institutional representation and cooperation

During 2015, the NPM operated with a multidisciplinary structure consisting of five assistant commissioners, part of the civil service of the Republic of Albania, of whom three legal experts, a psychiatrist and a clinical psychologist. With the amendments made to the Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended, it was anticipated that the NPM will be led by a Commissioner, therefore in 2015 the Ombudsman announced several times the vacancy for the position of the Commissioner, but due to the lack of the required number of candidates participating, and failure to meet professional criteria, the selection process of candidates for Commissioner has been impossible to be conducted. Since the beginning of October 2014 until the end of October 2015, the Albanian NPM under the conduct of the Ombudsman, successfully chaired the South East Europe NPM Network, a network established in 2013 on the basis of the South East Europe Declaration of Cooperation, signed by the Ombudsmen of Albania, Austria, Bulgaria, Croatia, Macedonia, Montenegro, Slovenia, Serbia, Bosnia and Herzegovina, Hungary, Greece and Romania. In fulfillment of the scope of this specified network, including OPCAT, for enhancing cooperation, experience sharing and arrangement of further joint activities with a view to an inherent realization of the NPM mandate in the region, the Albanian NPM realized two seminars and a conference in Tirana. The first seminar, entitled “Health services provided to persons deprived of liberty in the region of South-Eastern Europe: Problems and achievements revealed during the practice of the mechanisms and challenges to prevent maltreatment through the use of physical restraint and isolation”, held on 29 - 30 June in 2015, brought together the medical group of the network. The second seminar entitled “Challenges, concerns, and the need for common monitoring standards of South-East European mechanisms in the context of Migration” held on 29 October 2015, brought together the legal group of the network. The Conference “Towards common standards for monitoring the treatment of asylum seekers, refugees and illegal immigrants in South East Europe”, held on October 30, 2015 addressed the emergency issue of illegal immigration.

All these three international events were attended not only by representatives of the Network, but representatives of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT), the Sub-Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading (SPT), the Association for the Prevention of Torture (APT), European Agency for the Management of Operational Cooperation of External Borders of the Member States of the European Union (Frontex), the Agency of the United Nations for Refugees (UNHCR), Presence in Albania Organization for Security and Cooperation in Europe (OSCE), the Ministry of Health, Ministry of Justice, Department of Border and Migration Directorate General of Prisons, etc.

During 2015 the National Preventive Mechanism against Torture closely cooperated with the Committee for Prevention of Torture (CPT) and the Stationed Nations Sub-Committee for Prevention of Torture (SPT), the Association for Prevention of Torture (APT) and the OSCE Presence in the countries of the Region to ensure a quality oversight and

reporting system. Cooperation with the said structures is achieved through joint meetings and direct contacts and aimed at sharing experience and assessing needs and appropriate tools, in an effort to protect the right of persons deprived of their liberty, in compliance with OPCAT.

It is worth mentioning here the NPM's participation in the conference organized by the European Committee for the Prevention of Torture and Inhuman Treatment or Degrading Punishment (CPT), on the occasion of its 25th anniversary, which took place on 2 March 2015, in Strasbourg, France, where they discussed issues of special importance such as the fight against impunity in the police and in prisons, health care in prisons, juvenile detention and confinement and CPT standards in psychiatry. Another important cooperation in 2015 was the one established by the Danish Ombudsman and its NPM, the Danish Institute for Human Rights and Institute of Health Danish Against Torture, especially during the study tour conducted with the support of DANIDA Project, on 29th March – 2nd April; during such visit detention and the largest commissariat in Denmark were inspected.

During 2015, the Ombudsman in the role of NPM, in collaboration with Border and Migration Police Directorate and FRONTEX, constantly monitored operations of voluntary and compulsory repatriation of Albanian citizens from EU countries and Schengen area member states with the purpose of duly transferring Albanian citizens with repatriations decisions from the territories of EU member states. NPM was member of the monitoring team along repatriation operations, along with Mechanisms from other countries, accomplishing its legal and constitutional role as a guarantor, and at the same time acting in compliance with Directive 2008/115/EC of the European Parliament on common standards between EU member states and third countries on independent monitoring by NPM of citizens repatriation from EU countries to their countries of origin.

Compliant with its legal duties, the National Preventive Mechanism against Torture closely collaborated during 2015 with local Civil Society Organisations, specializuar në fushën e mbrojtjes të të drejtave të personave të privuar nga liria në vend. Beneficial was the collaboration with the Albanian Helsinki Committee in the framework of “Matra” Project where together with the Dutch Helsinki Committee, QSHRT and NPM of the Republic of Kosovo is working towards improving the living conditions and treatment of juveniles in detention centers in Albania and Kosovo. In addition, a fruitful cooperation has been the one with Përthyerje Association, and owing to this cooperation it was achieved the realization of joint inspections; inspections of a multidisciplinary and in-depth character, and auditoriums, conferences and seminars were held in order to highlight the problems found in prisons and commissariats, and discussions on finding solutions to them.

Furthermore, as a result of the effective collaboration they produced a series of promotion materials (leaflets, posters, manuals) and made possible a series of training courses focusing on human rights with employees of the state police and security, health and psycho-social staff of prison administration. Trainings and promotional materials have been designed to increase knowledge on Human Rights in police units, in prisons and detention facilities in order to ensure respect for their rights, improvement of knowledge on the institution of the Ombudsman and its role as the National Preventive Mechanism against Torture and information on other supervisory mechanisms. Trainings for prison staff have also been focused on the Conventions ratified so as to ensure respect for human rights in Albania and abroad, focusing mainly on aspects such as admission, registration, movement and transfer, classification and settlement, physical environment and living conditions, health care, education and employment, religious activities,

notification of health problems, notification on the loss of a relative and special permits, physical restraint and use of force, disciplinary measures, inspections and complaints against staff, meetings and communication with families, women in pre-trial detention, and vulnerable groups.

In order to promote human rights in the country and prevention of infringements, NPM experts were actively involved during 2015 in Albanian press and electronic media, via press conferences, joint meetings with journalists, interviews, attendance in TV shows, in view of raising awareness on problems and achievements regarding human rights of persons deprived of their liberty.

Financial assistance obtained under the Danish Neighbourhood Programme “Danish Support for the Albanian Ombudsman (2012-2015)” constituted a special role in the performance of NPM functional tasks during 2015.

6. Monitoring visits, progress of matters related to violence cases and recommendations

During 2015, the Ombudsman in its role as the National Preventive Mechanism for Torture Prevention conducted 130 visits, out of which 83 monitoring visits performed on the basis of the approved plan of inspections for the year 2015, and 47 re-inspections, special thematic checks and administrative investigations, to all institutions where individual’s freedom is deprived or may be deprived, including penitentiary institutions, police stations, psychiatric hospitals, military bases containing security rooms, centres handling foreigners, asylum seekers and victims of trafficking, and border crossing points and premises where temporary migrant handling had been anticipated. In more specific terms:

| | |
|---|------------|
| Inspections anticipated by the approved plan | 83 |
| Inspections performed on the annual planning | 8 |
| Monitorings/investigations performed on annual planning | 39 |
| Total visits for the year 2015 | 130 |

The whole activity as per above was accompanied with the delivery within the calendar year 2015 of 76 recommendations to institutions liable for problems and phenomena observed.

Feedback to the recommendations indicates that they are accepted and have stirred institutions into action to meet their obligations. Nonetheless, there is still need to follow up with further measures to improve conditions of individuals held in these institutions.

3.1 Cases of torture, ill-treatment and violence in police stations and penitentiary institutions

The NPM collaborated with the Special Section of the Ombudsman Office to conduct *ad hoc* inspections on cases of excessive use of force, as identified during the inspections or from the complaints submitted via mail or telephone, thus fulfilling both the preventive and reactive respective functions of both structures.

Acceptance and review with priority and rigorously of the complaints of citizens to the authorities of the State Police for their physical violence in police units, as well as to the Prison Police about the physical violence of detainees and prisoners in penitentiary institutions have been and will remain one of the priorities of the Ombudsman Institution. It should be noted that

this issue remains a concern, as it constitutes one of the most serious violations of fundamental human rights of not being subject to torture, punishment or cruel, inhuman or degrading treatment, guaranteed and protected by the Constitution of the Republic of Albania (Article 25), the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3), the Convention of UN Against Torture and other Cruel, Inhuman and Degrading Punishments “Optional Protocol to the Convention against Torture and other Inhuman and Degrading Treatment or Punishment (OPCAT), Criminal Code (Articles 86 and 250).

Violence exerted by police officers, who in some cases constitutes torture or arbitrary actions seriously affects the physical and psychological integrity of the person and leaves consequences on the health and in certain cases in the life of the violated person until the loss of it. This action is criminally punishable for the person who commits it. While it adversely affects the image of the State Police and the Prison Police, and harms and undermines public confidence to these bodies. Furthermore, this negative indicator of Police is unacceptable in a state of law and in a democratic society.

Cases of violence by police employees against citizens are difficult to be proved and substantiated. This relates to many reasons and causes, because they are conducted in closed places, within police premises, in offices, without external eye witnesses, but even if there is one, it is hard that the violated persons be against police employees. There is also fear of revenge at citizens to report cases of violence, distrust and uncertainty in their pursuit by justice bodies. In order to enable certification of police violence it is necessary that the complaint be made soon, when its effects are still visible and in the meantime, an administrative investigation should be made in place.

Several years of experience of our institution show that the employees of the State Police involved in this phenomenon, as for the hierarchy, are employees of low and middle levels, as we can mention general patrol officers, specialists of police in the area and inspectors of criminal police (judicial police officers). During 2015, 42 complaints were administered to the State Police authorities for use of physical force by its employees during the escort, arrest in flagrante, detention or during the interrogation in police units. Some of these cases were made public through media, which were cases in various manners and forms, such as directly, through videos made with mobile phones by persons close to the violated persons or bystanders. These cases were taken into consideration through initiative by the Ombudsman Institution. From the issues reviewed, 10 complaints were resolved in favor of the complainants, 26 were evaluated unfair and 4 of them were removed beyond the jurisdiction.

In cases for which it has been possible to prove the exercise of violence against citizens by police officers, the Office of the Ombudsman has made specific recommendations addressed to the Prosecutor's Office to initiate investigations for committing offenses of “Torture” and “arbitrary actions”. In total 9 recommendations were made for the initiation of investigations, of which 1 case for the criminal offense of “Torture” and 8 cases for the criminal offense of “Committing arbitrary actions”. Meanwhile, for 1 case recommendation was addressed to the governing structures of the State Police for giving a disciplinary measure. From the recommendations made to initiate investigations, 8 cases were accepted and 1 case is not yet addressed. The administrative investigation of cases handled by the Ombudsman Institution has shown that the causes of violence by State Police officers are different. Some of them relate to the lack of general and professional preparation, lack of knowledge related to national and international legislation, failure to comply with standard procedures during the actions of police officers, pressure of some executives for the discovery of authors by any means, killing and

wounding of police officers, in some cases administrative and criminal impunity of perpetrators of violence, etc.

Through the beginning upon initiative of cases made public in the media for the exercise of physical violence against citizens by the employees of the State Police in the police premises or outside them, after comprehensive investigation of these cases, it was recommended the initiation of the investigation for the offense of “Committing arbitrary actions” as provided by Article 250 of the Criminal, for 9 cases. People suspected in committing this offense were mainly directors of the State Police such as Deputy Director of Police, chiefs of police stations and police employees of the basic role. There is innovation in terms of the approach taken by the Ombudsman in order to expand investigation in connection with the responsibility of other persons present during the use of violence by officials of the Police to the detriment of citizens. Given the legal obligation of police employees, who had not taken action to stop unlawful situation, the Prosecution body was recommended the beginning of criminal charges against them “Failure to take measures to stop unlawful situation”, provided for by Article 291 of the Criminal Code.

In handling cases of complaints of prisoners or pre-trial detainees, when physical violence was exerted to them by employees of Prison Police, we can mention the cases of maltreatment of a prisoner at “Zahari” IECD Krujë, by police officers of the General Directorate of Prisons, or a prisoner of Durrës IECD by the police intervention group. While many of the criminal cases initiated by the Prosecutor's Office on the basis of recommendations of the Ombudsman are ceased or even when they are accepted and an investigation is initiated, the legal qualification of the offense is changed from torture to the execution of arbitrary actions, because the latter provides more lenient sanctions and types. For this reason, the Ombudsman Institution recommended to the Director of State Police to:

- Carry out a thorough analysis of this phenomenon, the issuance of contributing factors and setting specific tasks for its prevention.
- Generalization of the cases of violence and measures given on their authors.
- Improving the curriculum of Police Basic School and the High School of Security (Police), giving priority and enriching it with more themes, for the recognition and strict adherence to human rights.
- Directors of State Police in central and local levels should work more with officials in order to enable their presentation with the national and international normative acts in the field of human rights and especially with the the content of the Criminal Code provision, as amended, for the Offense of “Torture”. They should take all the organizational measures that legal infringement, which is made by certain individuals at police authorities be prevented and if it happens, it should be immediately denounced to the competent authorities.
- The Directors of State Police should be positive examples for their subordinates in public as well, regarding the correctness in performing tasks, the implementation of laws and especially with regard to respect for human rights, and treatment with dignity of citizens, whether they are offenders or not.
- Ongoing training in the psychological aspect for employees of the State Police in order to enforce the rules of conduct and ethics in the performance of duties, and maintaining peace and control in their actions while performing their legal duties even when verbally or physically challenged, by different people.

- Clarification on the right of using force by the police employees in order to fulfill their legal duty, in accordance with the principle of proportionality.
- Failure to promote police officers, who have been perpetrators of violence against citizens.
- The Directors and other executives local police authorities should exercise more control and keep attitude in cases of violence against citizens, whether they are administrative offenders or perpetrators.

As to the bodies of Prison Police, 20 complaints were administered made by detainees and prisoners for physical and psychological violence in penitentiary institutions. From the complaints administered, 19 cases have been completed and 1 case is under investigation. Regarding complaints for which we could prove the use of violence by police officers of Prison Police to persons detained or sentenced to imprisonment, two recommendations were made addressed to the Prosecutor's Office to initiate investigations for committing offenses of "Committing arbitrary actions". The recommendations were accepted, but after the beginning of investigations, the prosecution body decided to cease the criminal proceeding. In addition, in 2 other cases alleging physical violence on the premises of the 302 IECD and Korca IECD, the verifications showed that these facilities were not monitored. For these reasons recommendations were sent to relevant institutions for the installation of cameras.

3.2 Extent of respect for prisoners and pre-trial detainees' rights in Penitentiary Institutions¹

Inspections of Penitentiary Institutions aimed at assessing the extent to which the rights of individuals deprived of their liberty are respected, as provided for in Law no. 8328, dated 16.04.1998 "On the rights and treatment of prisoners", as amended, and in the relevant by-laws. In general, the visits of Ombudsman's experts to these institutions for the year 2015 were conducted in conformity with the monitoring procedure of NPM and in a good spirit of cooperation. Exceptions constituted in the barriers that the NPM experts had in the performance of their duties during two investigations performed in Lezha IECD and "Mine Peza" IECD, with the delays in providing access in order to reach contacts and review the relevant documentations.

A number of issues were identified during the inspections in 2015, which present a pressing need for consideration and improvement. A summary of the findings is given below:

- Extremely degrading physical conditions and without any possibility of reconstruction of facilities in the internal regimes of Institutions of Execution of Criminal Decisions (IECD) of Zahari Krujë, IECD Saranda, IECD Tepelena, IECD Kukës and IECD Burrel, which cannot guarantee the rights of detainees and prisoners as sanctioned in international treaties and national legislation in force. Since these findings are repeatedly identified, with even more degraded conditions due to continued overcrowding and lack of investment, the People's Advocate recommended the immediate closure of these IECD institutions and the transfer of other persons to other penitentiary institutions.
- Overcrowding with an annual average of 25% above their capacity. Significant impact on reducing overcrowding compared with a year ago is due to opening of IECD Institutions

¹On NPM inspections at Penitentiary Institutions, 20 recommendations were drafted.

of Berat and Fier, as well as reconstruction of the IECD "Jordan Misja". However, the situation is problematic in IECD Institutions of Lezha, Kruja, Lushnja, Rrogozhina, Tepelena, "Jordan Misja", Burrel, Elbasan, Drenova, Durrësi, Kukësi, Vlora and Saranda, which are operating most of the time significantly over their official capacity. As a result of overcrowding, some IECD institutions had taken related measures for increasing the number of beds, which had reduced the number of people sleeping on the ground, but that had resulted in the violation of standards pertaining to the living space per person. The situation in some IECD institutions was even more problematic, because premises of common activities, and observation of isolation spaces, were changed into living spaces due to overcrowding. The situation was particularly worrying in the IECD observation section Drenova where most people were staying on the floor, with no beds, and unable to have appropriate ventilation of premises.

- Lack of implementation of the agreement between the Ministry of Justice and Ministry of Health to establish a Special Medical Institution, provided for in the law no. 44/2012 dated 08.05.2012 "On Mental Health", in order to provide accommodation and treatment of persons having the measure given by the court of "obligatory medication" and "temporary hospitalization". The treatment of this category of persons in IECD institutions, when there is no psychiatric doctors in their organic structure, and when access to psychiatric consultations at the regional psychiatric hospitals is difficult, or when medical consultation to Special Health Institution of Prisons still remains illegal for cases with acute episodes, being also reflected in the general problem of overcrowding.
- Claims for physical and psychological violence by some employees of the IECD Institutions of Burrel, Lezha, Vlora, Drenova and "Mine Peza". Reasonable complaints are followed by recommendations to the respective IECD Institutions and General Directorate of Prisons, for taking appropriate measures regarding the responsible persons.
- Detainment of some persons, convicted by the respective courts with a final decision, in some of IECD institutions predetermined as pre-trial detention institutions, as well as in pre-detention sections of some other IECD Institutions. In some cases, the convicts were housed in the same room with other detainees, and therefore, all the activities were performed together contrary to the legislation in force.
- Disciplinary procedures not correctly implemented for juveniles of IECD Vlora, using collective penalties and disciplinary measures of exclusion of minors from education activities, ignoring the administrative guidelines of the General Directorate of Prisons.
- Problems related to providing opportunities for education. In IECD institutions of Lezha, Lushnja, Tepelena, Saranda and Burrel, no compulsory education classes were applicable in accordance with the existing agreement between the Ministry of Justice and the Ministry of Education and Sports for the 9-year education. None of the penitentiary institutions, including the Special Institute of Minors in Kavaja, was offering high education classes.
- The compensation for the work/labour, except the IECD of Burrel, in all other institutions Institution were made by reducing the days of punishment, which implies a prejudgment of guilty sentence for the category of detainees. In this context, the detainees were not paid the corresponding value of Social Security for their work in these institutions, which brings to lack of evaluation of the working time in the institution as time in service and the denial of the right of beneficial of an old-age pension. Neither work/labour cards nor social contribution cards were given to the prisoners. Regarding the IECD institution of

Burrel, the right to reduce the sentence time for the related work/labour was not recognized, because of a final judicial decision given by Mat district court followed by a written practice between the General Prosecutor's Office and the Local Prosecutor's Office of Mat.

- In most IECD institutions, infrastructure had problems of amortization, humidity, uninterrupted supply of electricity and water, providing full natural lighting and ventilation of cells, the presence of insects, out of standard conditions of toilets, kitchens, showers, ventilation, isolation/detention rooms, etc. IECD institutions of emergency infrastructure problems are IECD of Zahari Kruja, Lushnja, Rrogozhina, Burrel, Saranda, Lezha, Tepelena, "Mine Peza", and the Special Health Institution of Prisons. Also, facilities for meetings with family members or minors were unsuitable. The exceptions are the new IECD institutions and the renovated ones.
- Common facilities for the development of rehabilitation activities do not exist in some of the IECD institutions as a result of changing the education facilities or practicing religious activities or sports activities in living rooms, or lack of funds to furnish them with teaching materials. Also, small surface areas for external ventilation limited the types of sport to be played in them. Therefore, almost all IECD institutions are suffering from formal records of psycho-social files, in terms of individual or group activities, which fictitiously resulted as realized, when they are not really performed.
- Health care facilities in prisons, except IEPV Vlora, Berat, Fier, Durrës, Elbasan, were generally unsuitable for visits or medical manipulations, and without any appropriate auxiliary materials.
- The delay in providing convicts/ detainees with health insurance cards, in most IECD institutions, was consequently leading to failure of implementation of the reimbursement scheme when supplying them with medicines or providing medical treatment.
- Difficulties in arrangement of consultations, examinations and laboratory tests and specific surgical interventions, were still present in some IECD institutions, for reasons related to the lack of full-time doctors in organization structure, or lack of ambulances, or the resistance of regional hospitals to treat these individuals due to lack of security in their premises, etc.
- Problems of providing dental services in the IECD institutions, as a result of shortages in equipment and materials. Dental services, except teeth extractions were carried out with difficulty in public Polyclinics (Medical Centers) or in private clinics at the expense of the prisoners themselves.
- Central heating systems, in almost all IECD institutions where they were existent, were not working due to technical failures or lack of fuel. In most cases, the convicts / detainees used blankets and heavy sleeping clothes to keep them warm.
- Shortages of supply with basic personal hygiene products (toothpaste, toothbrush, shampoo, etc.) and with other detergents needed to clean the cells, as well as shortages in uniforms and gloves for distribution of food was observed in most of IECD institutions.
- Due to shortages of supply with cupboard and lockers for clothes, convicts/ detainees kept their clothes in plastic bags or sacks, mainly under the beds. This problem was mostly present in IECD of Lezha, Tepelena, Korça, Durrës, "Jordan Misja", "Mine Peza", Saranda, Kukës and Tropoja.
- A problem encountered in all inspected institutions, was the presence of the high prices of products in IECD shops.

- The quality and diversity of food is a worrying problem in almost all IECD institutions.

3.3 Extent of respect for the rights of escorted, detained, arrested persons in police stations²

Inspections of police stations aimed at examining the facilities and collecting and assessing relevant data on action undertaken and practices used by the police in view of meeting standards set forth in law No. 108/2014 “On the State Police”, Manual “On Rules of treatment and security of persons arrested and detained in Police Stations” approved with order no. 763, dated 27.09.2011 of Director General of the State Police, and verification of implementation for the recommendations of the Ombudsman given during 2014. In general, the visits of Ombudsman’s experts to these institutions for the year 2015 we conducted in compliance with the monitoring procedure of NPM and in a good spirit of cooperation. Exemption consisted of barriers in exercising the duty of NPM experts during an investigation at LPD Tirana, with delays in providing access in order to have contacts and review the relevant documentation.

Findings of inspections conducted in police stations are as follows:

- Considerable overcrowding of DPV Tirana and some of its subordinate police stations, of Police Station of Korça, Police Station of Fier, working most of the time above of their official capacity. Overcrowding was primarily created as a result of numerous arrests and detentions made during the year by police for offenses recently included in the Criminal Code, but also because the detained / arrested persons were accepted with delay by the Directorate General of Prisons for overcrowding reasons of detention institutions.
- Complaints of cases of torture and physical and psychological abuse of citizens by police officers, especially those suspected offenders/perpetrators of Police Stations No. 2 and 5 in Tirana, the DPV Tirana, Police Station of Pogradec, and Police Station of Shkodra. Reasonable based complaints were followed by concrete recommendations for relevant measures regarding the responsible persons.
- Detention and treatment of detained persons which the respective courts had given decisions on the security measure of "remand in prison", in some of security premises of state police structures. Also, persons with final decision of the court, with imprisonment in absentia for a period of 5 to 20 days, are held and treated in some security premises of state police structures,
- Failure to perform related legal obligations by health and police personnel serving in the security premises, to report cases of violence against arrested and detained persons in DPV Tirana.
- Failure to meet related legal obligations for the construction or adaptation of escort premises according to the required standards (3 escort rooms, one for adults, one for women and one for minors). In most police stations, escort rooms did not meet the standards for a dignified treatment of people, as they resulted to be dirty, unpainted, not supplied with the necessary furniture (chairs, benches, tables), and when there were such rooms, their furniture was damaged.
- Failure to meet related legal obligations for the construction or adaptation of security premises, according to the required standards adopted by the International Conventions and the Manual “On Rules of Treatment and Security of Persons Arrested and Detained

²On NPM inspection at Police Units, 44 recommendations were drafted.

in Security Rooms in Police Units”. Security premises of DPV Tirana, Gjirokastra, Korça and Fier are excluded from this problem. Security rooms of police stations subordinate of DPV Tirana were also found in visible breach of the standards. Police stations resulting with out of order security rooms, no appropriate procedures of waxing seal and related minutes were found. Generally these rooms were found held with key or padlock.

- Incorrect records of registries are found for escorted and detained / arrested persons in most of police stations, mainly due to escort reasons, notification of family members or relatives of the escorted persons, and related notes on complaints against police officers.
- Lack of posters on legal rights of escorted and detained / arrested persons, or posters in inaccessible places by them, in about 30% of the police stations.
- Problems regarding the delivery of health service provided by DPV, related to correct records of registries of medical files, as well as inadequate facilities for offering health service. In a significant number of these institutions, medical examinations were carried out beyond the 12 hours deadline, as specified in the Manual of the State Police.

3.4 Extent to which the rights of persons being imposed the ‘disciplinary detention’ measure in the Armed Forces are respected³

General inspections at the Military Police Sauk, Tirana, at the Land Force Command Vau i Dejës, Shkodër, aimed at assessing compliance with standards set forth in Law No. 13/2015 “On Military Police in the Armed Forces of the Republic of Albania”, implementation of rules stipulated in the Guarding Service Guidelines by the Head of Disciplinary Detention Rooms in Military Police, on conditions in the disciplinary detention rooms, procedures for imposing the measures, respect for the rights of the military officers subject to disciplinary action, as well as the extent of implementation of Ombudsman recommendations provided over the past years. A number of issues requiring improvement were identified during the inspections: In summary, these findings are given below:

- Orders for “disciplinary detention” measure given at the Land Force Command, Military Unit No.1010 Vau Dejës, Shkodër were implemented at the Military Police Sauk, Tirana, and for the implementation of these orders and the follow-up of all procedures pursuant to them, a responsible person from this institution was in charge.
- Conditions in security rooms in the Military Police Sauk, Tirana were inadequate and could not provide the military officers subject to the “disciplinary detention” measure an accommodation compliant to set standards, respecting their dignity.
- Conditions of family visitation rooms were inappropriate compared to the standards.
- A camera monitoring system (CCTV) was missing in the hallways around security rooms in the Military Police Sauk, Tirana.
- Electric bells in security rooms were missing.
- There were not posters displayed on the rights and obligations of the military officers subject to the “disciplinary detention” measure in premises accessible to them.
- There was no heating in the security cells of the Military Police Sauk, Tirana.

³On NPM inspections in the Armed Forces, 1 recommendation and 1 piece of information were drafted.

3.5 Extent of respect for human rights in Psychiatric Hospitals⁴

Monitoring visits to Psychiatry Service “Mother Teresa” UHC Tirana, Mental Health In-treatment Ward in Shkoder, Psychiatric Hospital in Vlora, and Psychiatric Hospital in Elbasan, (whose function involves a more specialised treatment and enabling rehabilitation of mentally ill persons when all possible ways of getting such a service in the community are exhausted and there is no possibility to treat them in ambulatory conditions; or when there is need of psychiatric consultations due to requests coming from the Emergency Rooms in general hospitals), in addition to the general scope of visits were specifically aimed at: the assessment of respect for human rights and standards provided to people with mental health disorders in the areas of specialized in-patient mental health service facilities, defined in the Law No. 44/2012 dated 08.05.2012 “On Mental Health”; evaluation of procedures for the performance of involuntary admissions; physical limitation and constraint measures; the conditions under which such persons are held, their medical treatment and rehabilitation and verification for the implementation of the recommendations presented in these environments over previous years.

The findings from these monitoring visits conducted in 2015 at the above-mentioned psychiatric hospitals are the following:

- Non-compliance with the necessary living space requirements, inadequate conditions in hospital rooms, these persons were kept in hospital for longer periods of time / they were turned into residents of the Elbasan Psychiatric Hospital and for the wards with chronic patients at the Psychiatric Hospital Vlora.
- Hospitalising intellectually disabled people in Vlora and Elbasan Psychiatric hospital, contrary to the laws in force.
- Lack of seclusion rooms at the Psychiatric Hospital in Elbasan and Mental Health In-treatment Ward in Shkodër and problems regarding conditions and fulfillment of the standards of this room at “Mother Teresa” UHC Psychiatry Service, Tirana.
- Lack of a monitoring system with cameras (CCTV) in the premises of these hospitals, and lack of unified registers by the Ministry of Health in the four above-mentioned institutions, particularly regarding the record of involuntary hospitalisations and application of physical restraints.
- Lack of posters displayed on the rights of patients in the premises of these institutions.
- Deficiencies in completing staff with psychiatrists at Shkoder Psychiatric Hospital and failure to provide nurses and caregivers to the one in Elbasan.
- Shortage of physical restraint means at “Mother Teresa” UHC Psychiatry Service, Tirana, Psychiatric Hospitals in Elbasan and Shkodër.
- Delays in the revocation of the “compulsory treatment” measure for persons who were subject to such measure in Shkoder Psychiatric Hospital.
- Lack of a dental clinic that complies with the set standards, lack of an ECG machine at the Psychiatric Hospital in Elbasan.

⁴On NPM inspections in Psychiatric Hospitals, 4 recommendations were drafted.

- Hygiene-sanitary conditions in almost all facilities of these institutions were out of standard, and with humidity mainly found in the Psychiatric Hospital in Elbasan and in the wards of “chronic” patients in the Psychiatric Hospital in Vlora, since the latter has been recently built and the emergency wards, the acute and sub-acute wards meet the standards.
- Lack of a central heating system in the Psychiatry Service at “Mother Teresa” UHC and at the Psychiatric Hospital in Elbasan.

3.6 Extent of respect for the rights of persons in Centres⁵

3.6.1 National Reception Centre for Asylum Seekers.

The NPM, pursuant to Law No. 121/2014, dated 18.09.2014 “On Asylum in the Republic of Albania”, inspected the National Reception Centre for Asylum Seekers. The target of the inspection was to assess whether the treatment of foreign nationals being handled in this Centre, was in compliance with their rights to a treatment respecting their dignity and aiming their rehabilitation. The monitoring visit found that part of the recommendations formerly provided by the Ombudsman was implemented. The following represent problems which continued to be present:

- Lack of a lawyer, who would mainly deal with the documentation required to each individual sheltered in the centre, taking into consideration the fact that this centre accommodates foreign citizens.
- The anticipated staffing did not meet the needs for teachers, caregivers and medical staff.
- There was no agreement in place with the Ministry of Social Welfare and Youth to allow possibilities for vocational training in the Vocational Training Centres under the said Ministry, or possibilities for employment by the Regional Employment Offices, again under this Ministry for all the persons accommodated at the NRCAS, who are interested.
- Persons housed in the NRCAS were not provided with economic aid, as anticipated in Law No. 121/2014, “On Asylum in the Republic of Albania”.
- The display of rights and obligations for the beneficiaries of this centre was missing.

3.6.2 Closed Centre for Foreigners in Kareç

The inspection of the Closed Center for Foreigners, Kareç, established with the DCM No. 1083, dated 28.10.2009, pursuant to Article 100 of the Constitution and item 2, Article 83 of Law no. 9959, dated 17.7.2008 “On Foreigners”, on the accommodation of illegal foreigners in the territory of the Republic of Albania, who are subject to a detention measure, according to the legislation in force, was conducted with the aim assessing conditions and treatment of the persons held there. The Closed Centre is a facility under the Migration and Re-admissions Directorate, in the Border and Migration Police, Directorate General of State Police, under the Ministry of Interior. Along the frequent monitoring and investigative visits at this Centre, as a

⁵On NPM inspections at Centers, 4 recommendations were drafted.

consequence of numerous complaints on the treatment of foreign citizens in it, it was observed that the same problems, observed in 2014, were still continuing:

- There was shortage of staff able to speak the prevalent language of the foreigners, or to provide psychosocial, legal, and medical services.
- Recreational and sports areas lacked relevant equipment.
- There were no payphones, TV sets and antennas to provide information on what was happening outside the centre, or in the migrants' home countries.
- Cultural, recreational or sporting activities were lacking; the only sporting activity was the possibility of a football game, in an inappropriate pitch.
- There were no activities for babies, children and women.
- Cameras surrounding the external perimeter of the building were broken.
- Heating system was out of order.
- There was shortage of sanitation and hygiene items, or personal care items, according to age-groups.

For this center, a special recommendation was delivered on the date of 26.03.2015 relating the provision of 24-hour-health service for 19 irregular foreign citizens on hunger strike.

3.6.3 National Reception Centre for the victims of trafficking, Linzë

Inspection of the National Reception Centre of Victims of Trafficking, housing persons identified according to Standard Operation Procedures for the Identification and Referral of Victims/Potential Victims of Trafficking, was conducted with the purpose of assessing treatment conditions of persons handled in this centre. This closed high security centre is established by Order of the Council of Ministers no. 589 dated 28/08/2003 "On the set-up and operation of the Reception Centre for the Victims of Trafficking", which, apart from setting forth the functional duties of the institution or services provided in it, provides in point 3 that this centre also accommodates clandestine migrants, transiting through Albania. The findings of the monitoring visit at this Centre are given below:

- Need for amendments to the legislation on the operation of the NPCVT, taking into account the observations made above.
- Need for internal and external refurbishment of both existing buildings.
- The heating system was not working.
- Computers were out of order for beneficiaries.
- Shortage of a full-time psychologist and a full time lawyer in the centre.
- Problems relating the provision with health cards/booklets and implementation of the medication reimbursement scheme or all the beneficiaries of this centre.

3.7 Extent of respect for the rights of persona at Border Police Directorate and Commissariats and Subordinate Stations⁶

The Ombudsman, in the role of the National Preventive Mechanism against Torture, pursuant to Article 19/1 of the Law No. 8454, dated 04.02.1999, “*On the Ombudsman*”, as amended, and in close cooperation with the United Nations Agency for Refugees in Tirana (UNHCR), during 2015 monitored several border crossing/stop points, which are considered as those with the most frequent movements of illegal foreigners in Albania. From the inspections, it was observed:

- Their capacity in space and in financial and human resources is insufficient, not only for cases of massive flows, but also for cases of gradual increase of the number of asylum seekers or illegal migrants in a short time.
- In addition, from the inspections at border crossing points, as well as in potential territories – reception or assistance camps for transit passing of migrants, also confirmed by Border Police resources, it was observed that there are many challenges which should be overcome – in an emergency framework as well, so that they are perceived as functional centers not only for the registration and rather short-term assistance towards persons in need, but also as residential centers which shall enable a longer stay of persons in need for international protection in them.
- Problems were observed in insufficient material bases and in the lack of translation services. Teams should be present during the selection procedure of illegal foreigners in the border or at the regional border directorates so that it is provided the opportunity that each foreigner who is found illegally in the Albanian territory, clearly understand his own rights and clearly express if he is demanding asylum in the Republic of Albania.
- Furthermore, it was observed that persons who were given an expulsion order to be executed by them voluntarily, did not have available the minimal term stipulated by law for this purpose, but were obliged to leave the territory where they had entered into escorted and illegally.

7. Recommendations delivered on the basis of Inspections conducted during 2015 At the Institutions for the Execution of Criminal Decisions

Vaqarr I.E.C.D. - Dated 24.02.2015

The monitoring visit of NPM at this institution was held in a very good cooperation spirit. The Directorate of the Institution enabled the experts to perform an internal and external inspection at the Institution, within the rules and without difficulty at all the persons and

⁶On NPM inspections at Border Crossing Points, 2 recommendations were drafted.

premises that would be monitored. During the preliminary meeting with the Director of the IECD Mr. Bardhyl Faskaj the monitoring group was informed on the situation at the institution and problems encountered by the IECD administration in Vaqarr. As a result of closing several IECDs in the framework of restorations and reforms in the prison system, the IECD Vaqarr has recently been subject to several changes by shifting from a common security prison into a pre-trial institution. According to the director, the transfer and settlements of the incomers, mainly from IECDs Mine Peza and Jordan Misja, Tirana at this institution have been mainly made normally and smoothly. However, on the other side, the transfer of the detainees to other IECDs and accommodation of pre-detainees who had recently come to this institution, has been an extended and exhausting work load for the staff, since the change of regimen from prison to pre-trial detention has revealed its own problems. Anyway, according to the director, the transfer has been successfully conducted and the pre-trial detainees have been accommodated in rooms and the staff has been trying to systemize them by reviewing their files and according to each case.

As a consequence of this new situation established at this IECD, the Director revealed as the most significant problems: overpopulation, elements of security in the aeration premises and the limited number of security staff, particularly those in the function of monitoring guards of security perimeters. Meanwhile, other problems arising as a consequence of transfer and settlement of pre-detainees at this institution have been the transport and administration of personal garments and furnishings, as well as their submission to the detainees and pre-detainees, and the information of all family members on the new location of their family members. Along the transfer process, there have been numerous complaints from the pre-detainees regarding the possibility about telephones since, for each section, there is only one telephone device, insufficient for the present number of pre-detainees in that section and complaints about not allowing the transfer of household devices such as TV and fridge, which are limited by the applicable Order of the General Director of Prisons, no. 3895, dated 09.04.2013, who allows in the living premises only equipment purchased by the institution with a special commission.

The monitoring group was informed that the official capacity of the IECD is 146 persons, while, at present, at the time of inspection, there were 179 pre-detainees and 1 convicted person. At the institution, there were no minors, but there were 18 pre-detainees, who belonged to the category of 19-21 years old, who were not all grouped in a separate section. Division of regimens and the settlement of pre-detainees in rooms was still in the study phase of files and adjustment according to each case. At the IECD Vaqarr, there were four persons, who were treated with metadon, seven foreign citizens, among whom five Kosovo citizens, one Italian and one German. At the time of inspection, there was no person with disciplinary measure. In addition, the inspection group was informed by the IECD administration in Vaqarr that in the recent months, there have been several severe occurrences, such as an attempt of escape and on the date of 11/02/2015 one pre-trial detainee, who had just arrived at the institution, attempted suicide by self-hanging, but he was stopped in time by the IECD employees and immediately, a plan of measures was taken about his treatment.

The structure of the institution was complete and there were no absences in the civil or security staff, but with the new situation of changing the IECD function in Vaqarr, it was required the increase of the security staff with at least 5 employees in the security role. In

addition, at IECD Vaqarr at the time of inspection, there were 12 pre-detainees mainly employed in the kitchen, cleaning, greenery, food distribution, library and warehouse.

As per above, the following was recommended:

1. Taking immediate measures to increase the staff with 5 employees in the security role pursuant to the new role of IECD institution in Vaqarr as a pre-detention institution.
2. Taking immediate measures to impress and increase security elements in the surrounding premises and in the aeration premises where division nets are damaged;
3. Taking immediate measures to perform thermal insulation of the whole building so as to avoid humidity, which at the time of inspection was beyond allowed norms;
4. Taking immediate measures to add a telephone cabin for each sector so that communication of pre-detainees with family members is normally held;
5. Taking immediate measures to enable the provision of pre-detainees with the household equipment they have had in the previous Institutions before being transferred to IECD Vaqarr.
6. Taking immediate measures to adjust the registers with the terminology of the pre-detention institution and addition of the register on severe occurrence;
7. Taking immediate measures to adjust the management of the request/complaint process and setting into function mail boxes in sections.
8. Taking immediate measures to avoid delays and long waiting of family members before meeting the pre-detainees;
9. Taking immediate measures to improve the conditions of living rooms in the sector and avoidance of humidity;
10. Taking measures for the adjustment of sewage water canalizations;
11. Taking immediate measures to find the clothes and personal items, which have been lost during the transfer process of pre-detainees at IECD Vaqarr;
12. Taking immediate measures to establish opportunities for the provision of the laundry service on washing personal clothes;
13. Taking immediate measures to provide all pre-detainees with health booklets and execution of the reimbursement scheme for medication.
14. Taking immediate measures to provide the dentist's room with dental materials, so that an efficient stomatologist's service is rendered by this institution.
15. Taking immediate measures to provide health sector with a register for revealing violence cases.
16. Taking immediate measures to provide formats of medical control, which make possible the documentation and revealing of violence cases in commissariats against citizens who are brought for serving the sentence at this IECD, and to reveal the equivocs regarding such cases.

Juveniles' Institution in Kavaja – Dated 26.03.2015

The periodic monitoring visit of the Ombudsman's experts at the Juveniles' institution in Kavaja for the year 2015 was conducted in conformity with the monitoring procedure of NPM and in a good cooperation spirit. The scope of the visit was the collection of information regarding the

rights and handling of pre-detainees/detainees at the institution, and the verification on the extent of implementation of the recommendations made by the Ombudsman through letter No. K4/I3-2 Prot., dated 14.05.2014, with topic: “It is hereby recommended the improvement of conditions and handling of minors at the Juveniles’ Institution in Kavaja”.

The Institution of Juveniles has been operating since 2009 as rehabilitation, consultation and school center for the minors aged 14-18 years old. The capacity of the institution is 40 persons, 20 pre-detainees and 20 detainees, divided in four sectors. On the monitoring date at the institution, there were found 66 minors, of whom 52 pre-detainees and 14 prisoners. Another convicted minor was on rewarding leave. In the conditions of overcrowding, as a consequence of transfers of a contingency of minors from IECD Jordan Misja, Tirana and IECD Shën Koll, Lezhë, the institution had taken measures that the convicted minors relocate to a single sector, while the pre-detained minors adjust in three sectors. Even though the institution functioned in the conditions of overcrowding, the minors were provided with an appropriate accommodation place and were involved in the daily activities of the institution. The minors involved in professional courses along with their trainers of the Vocational Formation Center Durrës had made possible the cutting and welding of beds, which were shifted into bunk beds, but also of wardrobe drawers for all the rooms.

From the information collected in place through performing private interviews, without witnesses with minors deprived of freedom and with the staff of the institution, and through the verification of documents, objects, equipment and premises, it resulted that a part of recommendations made in the letter mentioned above had not been implemented. Taking measures for coverage with monitoring system through security cameras in the premises of corridors where classrooms are found and isolation/observation rooms aiming at the avoidance of the possibility to exercise psychological or physical violence against minors or claims for violence.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking measures in successful cross-institutional cooperation with the General Prosecution Office in order to resolve delays in communication among districts; prosecution offices and IECDs related to the revocation, cessation or substitution of the security measure. The administrative-legal cramp caused by either objective reasons, or from the lack of coordination between the parties should be adjusted so as to address the problem of minors staying for a long time at arrest measure with imprisonment having no contact with prosecutors.
2. Taking measures in order to change/adjust the instruction of the GDP for planning rewarding leaves for minors by reducing the required time of stay at the institution before the planning of the reward leave starts and by making more frequent anticipations than the annual ones so that all the minors deprived of freedom are assisted so as to be integrated in the community.

3. Taking measures in order to activate cooperation with RED Kavaja in order to provide the operation of the middle level school for the school year 2015-2016, for minors who have completed the 9-year-level.
4. Taking measures in order to make the relevant repairs of infrastructure, particularly in the observation/isolation rooms and joint showers.
5. Taking measures in order to display the weekly menu in the kitchen of the institution and to store the samples in fridge conditions.
6. Taking measures in order to repair sports equipment of the gym.
7. Taking measures in order to set into function the autoambulance.
8. Taking measures in order to provide dental instruments of the stomatologist's room.
9. Taking measures in order to monitor the process of washing personal clothes.
10. Taking measures in order to involve all the prisoners./pre-detainees into courses.

Durrës IECD – Dated 09.04.2015

The periodic monitoring visit of the Ombudsman's experts at IECD in Durrës for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights and handling of pre-detainees at the institution, and the verification on the extent of implementation of the recommendations made by the Ombudsman through letter No. K4/I40-2 Prot., dated 19.11.2014, with subject: "It is hereby recommended the improvement of conditions and handling of pre-detainees at IECD Durrës".

From the information gathered on the spot, while conducting confidential interviews with individuals who were deprived of their liberty, and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that only the recommendation on the creation of a special environment for meeting of pre-detainees with minor family members had been implemented, while all other recommendations remained unfulfilled.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures for the transfer of prisoners to IECDs determined for this category.
2. Taking immediate measures for the reduction of overcrowding in regimen, particularly on the first floor and compliance with personal space.
3. Taking immediate measures for setting into function all the observation cameras of this institution.
4. Taking immediate measures for the provision, adjustment and establishment of living conditions according to the standards of the General Regulation of Prisons on observation/seclusion rooms.

5. Taking immediate measures regarding hygiene-sanitary conditions of all regimen premises, particularly on the first floor and disinfection of living rooms and outdoor premises.
6. Taking measures that the employee authorized for taking over requests/complaints be part of the education sector.
7. Taking measures for the organization of different social, religious and rehabilitating activities, setting into function the joint premises of this institution, and the repair and setting into operation of computers.
8. Taking measures about the verification of prices at the shop of the institution in order to address the concern of pre-detainees about its high prices, and the prices of telephone cards per impulse.
9. Taking measures for the addition of staff in the health care sector with psychiatrists and nurses and the provision of specific trainings for mental health about health and police staff.
10. Taking immediate measures about the provision of the institution with an autoambulance.
11. Taking measures about full provision of the pharmacy with emergency medicaments.
12. Taking immediate measures about the implementation of the medication reimbursement scheme for acute patients.
13. Taking measures for the provision of the stomatologist's room with autoclave, setting the unit into function and supply with dental materials.

IECD “Mine Peza” (302), Tirana – Dated 21.04.2015

This was the periodic monitoring visit of the Ombudsman at IECD 302 Mine Peza in Tirana for the year 2015. The institution has a maximal capacity of 170 persons. At the time of inspection, in the premises of the institution, there were 223 pre-detained persons. Consequently, overcrowding was an obvious and inherent issue.

In accordance with the monitoring procedure, the inspection team initially met the director of the institution, who said he was willing to cooperate in fulfilling the purpose of inspection. During the meeting, the inspection team originally requested information regarding the rights and handling of detainees, as well as about the treatment by the institution of the problems encountered in the previous inspection at this institution.

The director of the institution informed experts that IECD 302 Mine Peza is a pre-detention institution, but there are also 3 prisoners. According to the Order of the Minister of Justice this institution is categorized in two sections: one high security section and another common security section. The pre-detainees aged 18-21 years old were settled in 4 rooms on the first floor.

At the time of monitoring, there was 1 observation room and 2 seclusion rooms, which resulted problematic.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures for reviewing the cases of alleged excessive use of physical force, and taking the relevant administrative measures against responsible persons.
2. Taking immediate measures for the amendment of item 7/3 of the Order of the GDP no. 274, dated 14.10.2014 “On the implementation of job descriptions of prison police and service schemes at IECD “Mine Peza””, which gives the possibility to make appeal with an available group in every shift, since this procedure leaves space for rising doubts and claims for physical violence and psychological pressure.
3. Taking measures for handling with monetary wage all the employees at IECD 302 Mine Peza.
4. Taking immediate measures regarding the reduction of overcrowding at this institution.
5. Taking measures for the provision, adjustment and establishment of living conditions according to the standards of the General Regulation of Prisons on living premises.
6. Taking measures about the establishment of appropriate conditions for the meeting of pre-detainees with family members, especially children.
7. Taking measures about the adjustment and establishment of conditions according to the standards of the General Regulation of Prisons on seclusion rooms.
8. Taking measures regarding hygiene-sanitary conditions and humidity in toilets and showers and mainly the provision of each pre-detainee with hygiene – sanitary products.
9. Taking measures for the performance of more activities, basically sports activities.
10. Taking measures for covering a part of aeration premises, so that the latter is used in case of raining, too.
11. Taking measures for conducting more frequent visits of the institution’s doctor within the regimen.
12. Taking measures for the provision of a more efficient health service by giving the pre-detainees the possibility for examinations and consultations in specialized hospital centers according to the cases presenting needs for more specialized consultations.
13. Taking measures for the provision of a complete and efficient stomatologic service by the stomatologist.
14. Taking measures for the provision of the stomatologist’s room with dental materials and instruments.
15. Taking measures by the management staff of the institution for the supply of the pharmacy with medication for both acute cases and chronic cases, implementing the reimbursement scheme of medications with more efficiency.
16. Taking measures for performing repairs of showers and toilets.

Zahari IECD, Krujë – Dated 04.05.2015

This was the periodic monitoring visit of the Ombudsman at IECD Krujë in 2015. In accordance with the monitoring procedure, the inspection team initially met the director of the institution, who said he was willing to cooperate in fulfilling the purpose of inspection. The visit was performed in a good spirit of cooperation. The director of the institution gave the possibility to the experts and inspection team to have access within the rules and without difficulty to all the persons and premises they had to monitor.

During the meeting, the inspection team initially requested information regarding the rights and handling of prisoners/pre-detainees, and the verification of the implementation level of the recommendations made by the Ombudsman Institution through letter No. prot. K-4, I 23-2, dated 09.07.2014. According to the data received during this visit, information received while conducting confidential interviews with individuals who were deprived of their liberty, and conversations with the staff of the institution, it resulted that two recommendations of this letter had been implemented. Respectively, the first on the presence of doctor at the Disciplinary Commission as the responsible person for the evaluation of the health situation of the prisoner/pre-detainee and if the latter allows for his closure in seclusion and secondly pursuant to the medication reimbursement scheme. While the other two recommendations were partially realized, since the provision of the pharmacy with medication and the provision of the stomatologist with instruments or dental materials were not made in full.

As per above, in the end of the monitoring report, the following was recommended:

- ❖ Taking immediate measures for the establishment of the Special Medical Institution, which provides transfer, systematization and handling of all persons with the measure “compulsory medication”, who are held at IECD Kruja, in conformity with Article 28 of Law No. 44/2012 “On Mental Health”.

Until the quickest solution of the above recommendation, the following was recommended:

1. Taking immediate measures for the reduction of overcrowding in all regimen sectors and compliance with personal space.
2. Taking immediate measures for the avoidance of excessive use of physical force and any other psychological pressure by police staff and the available group at this institution. Taking measures for covering with observation cameras of premises or stairs enabling the exit of prisoners/pre-trial detainees in aeration.
3. Taking immediate measures for the division and accommodation in special sectors of prisoners/pre-trial detainees, where showers and/or other activities are also separated.

4. Taking immediate measures regarding hygiene-sanitary conditions of all regimen premises, particularly regarding humidity and with the amortization of all internal premises of the institution, based on Articles 23 and 26, of Law no. 8328, dated 16.04.1998 “On the rights and handling of the convicted with imprisonment”, as amended.
5. Taking immediate measures for the operation of physical restraint room and supply of this institution with the relevant means (leather belts, force shirts) required for the implementation of immobilization according to Article 27 of Law 44/2012 “On Mental Health”, for handling special cases (psycho-motor agitation, suicidal or homicidale attempts).
6. Taking immediate measures for the increase of health sector staff at this institution with two psychiatrists and caretakers.
7. Taking immediate measures for the provision of buildings with appropriate premises for creative and rehabilitating activities, improvement of showers and toilets.
8. Taking measures for timely processing and solution of complaints/requests by the management staff of the institution.
9. Taking measures for the provision, adjustment and creation of living conditions of observation/seclusion rooms, according to the standards of the General Regulation of Prisons.
10. Taking immediate measures for periodic disinfection of the whole institution.
11. Taking measures by the psycho-social staff in order to make individual handling plans according to vulnerable groups of this institution.
12. Taking urgent measures for the provision of the pharmacy with emergency medications, as well as medications for chronic diseases.
13. Health sector staff to take measures for the distribution and administration with accuracy and according to meals of daily medications of sick prisoners/pre-trial detainees, mainly those with mental health issues.
14. Taking measures for the re-evaluation of treatment for the mentally ill with periodic consultations with the psychiatrist, enabling the adjustments of dosages of neuroleptic types subject to diagnosis and condition of prisoners until the completion of the institution’s staff with a psychiatrist.
15. Taking measures for the supply of the stomatologist’s room with autoclave, dental instruments and materials.

16. Taking immediate measures for the urgent provision of the institution with a new autoambulance.
17. Taking measures for setting into operation the ECG and laboratory, fulfilling the health sector staff with the respective specialists.
18. Taking measures to provide access to paraplegic prisoners so that their movements are facilitated throughout the premises of the institution. Toilets and showers should be provided with ancillary means subject to their needs.

Drenova IECD, Korça – Dated 07.05.2015

This was the periodic monitoring visit of the Ombudsman at “Drenovë” I.E.C.D. Korça for the year 2015. The institution has a maximal capacity of 312 persons divided into 4 sections, specifically: the high security sector, common security sector, pre-trial detention sector and pre-trial detention sector for minors.

In conformity with the monitoring procedure, the inspection team initially had a meeting with the director of the institution, who said he was willing to cooperate in fulfilling the purpose of inspection, by providing access within the rules and without difficulty to all the persons and premises which had to be monitored. During the meeting, the inspection team originally requested information regarding the rights and treatment of prisoners and the manner of treatment by the institution of the problems encountered in the previous inspection at this institution.

The director of the institution set out the situation by highlighting overcrowding as the main problem, which has produced as a consequence the reduction of living conditions within the institution and difficulties in the provision of qualitative services. On the inspection day, there were 459 persons (147 persons above capacity) at the institution, of whom 10 persons aged 18-21 years old, 2 minors, 3 persons with mental health issues and 22 persons addicted to substances. A special sector existed for minors and persons with mental health issues.

According to the director, serious events were some cases involving suicide attempts, which had been prevented in due time by the staff.

Referring to the information received and confirmed with the official list of employees, at the time of monitoring, 30 prisoners appeared employed at the institution.

The staff was not complete. During the observation of documents and interviews with the staff and the prisoners and detainees, it resulted that there were several deficiencies. In specific terms, several shortages had been made to the staff and mainly 8 security employees and a part-time doctor.

As per above, it was recommended:

1. Taking immediate measures by the Directors of the Institution regarding the elimination of force means in the seclusion premises, aiming at the avoidance of their use against persons serving the seclusion measure.
2. Taking urgent measures to complete the staff as planned.
3. Taking immediate measures to address the overcrowding and mainly in the seclusion/observation premises where the treatment of persons found there is inhuman and degrading.
4. Taking immediate measures to provide the prisoners and the pre-detainees with bedding sets, chairs, closets, their provision with detergents and personal hygiene products in the premises of their stay.
5. Taking measures for providing services such as: aeration, activities and possibilities for shower inside the building, in all the sectors where they are limited due to the lack of space and overcrowding.
6. Taking measures to provide a solution to the issue of showers and hot water supply, in the observation and health sector where detainees and juveniles are accommodated, as well as in the pre-trial detention and prison sectors.
7. Taking immediate measures to improve hygiene-sanitary conditions of the hospital facilities, in order to provide a human and dignitary treatment to all persons sentenced with imprisonment in this institution.
8. Taking measures for the physician/assistant physician to conduct more frequent visits in the regime and to provide a more efficient healthcare service.
9. Taking measures to provide stomatological services with all the required interventions.
10. Taking measure to make sure the kitchen of the institution provides the prisoners diagnosed with Diabetes Mellitus with diabetic dietary food.
11. Taking measures to implement the medicine reimbursement scheme for acute diseases for all the citizens serving conviction at this institution.
12. Taking into consideration establishing a special sector for persons with mental health issues.
13. Taking measures to improve the quality of services provided by the psycho-social staff, to increase the number of contacts and the re-integrating and social-cultural activities in general and in particular for juveniles aged 18-21 years old.
14. Taking measures for resuming educational activities and vocational courses for minors.
15. Taking measures to increase the number of employees, to include not only for prisoners but also pre-detainees.
16. Taking measures to verify the prices and quality of products in the shop of the institution and increase the variety of products.

17. Taking measures to ensure appropriate heating for more than 4 hours a day, taking into account the climate of the area where the institution is located.
18. Taking measures to ensure drainage for airing space and covering parts of the airing space to guarantee that such activity is not prevented by rain or snowfall or high temperatures.
19. Taking measures to assess carefully and with priority the award of good conduct allowances and special leaves, by making a clear and adequate verification of the assessment and the credibility of the person who claims he is entitled to the leave and he/she has been denied.

“Ali Demi” IECD - Dated 15.05.2015

This was the periodic monitoring visit of the Ombudsman at “Ali Demi” IECD, Tirana for the year 2015 was conducted in conformity with the monitoring procedure of NPM, and in a very good spirit of cooperation. The scope of the visit was the collection of information regarding the rights, conditions and treatment of detainees/prisoners at the institution, and the verification of implementation of the recommendations made by the Ombudsman during the most recent visit to this institution delivered through letter with No. K4/I10-2 Prot., dated 15.05.2014, with topic: “It is hereby recommended the improvement of conditions and treatment of prisoners at “Ali Demi” IECD.

In the framework of restructuring Penitentiary Institutions, “Ali Demi” IECD currently operates as a special institution for the treatment of female detainees and prisoners. No copy of the order was available neither at the institution, nor in the official website of the GDP where “Ali Demi” IECD continued to be classified as a common security prison, with a special sector for female detainees with children up to 3 years old. Furthermore, in the website of DPB, the official capacity of “Ali Demi” IECD is 80 persons (versus the capacity of 148 persons declared by the director of the prison during the preliminary meeting. On the monitoring day, there were 69 detainees and 41 prisoners at the institution, respectively set in the pretrial detention sector and prison sector. Two women were pregnant, respectively 5 and 3 months. There were no children treated in a day care. In the special care sector, there were two persons with psychiatric disorders, meanwhile a total of 11 persons with mental health issues were treated at the institution. In addition, two minors and two girls aged 18 – 21 years old were treated at the institution, accommodated in the same room, as well as 5 foreign citizens.

From the information gathered on the spot, while conducting confidential interviews, without witnesses, with the women deprived of liberty and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that measures had been taken to fulfill the recommendations made in the letter mentioned above, but three recommendations have not been implemented yet.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking measures that the authorized employee for taking over requests/complaints is part of the education sector.
2. Taking measures for the provision of the institution with the register for documenting the cases of violence practice.
3. Taking measures for not including the institution's doctor in the Disciplinary Commission with the right of voting.
4. Taking measures for providing frequent contacts of the lawyer with detainees and prisoners in regimen, so that their information is made possible on procedures of benefiting from reward leaves and special leaves, probation service, etc.
5. Taking measures for the provision of prisoners/detainees with the basic packages of personal hygiene and sanitary hygiene.
6. Taking measures for the repair of damaged accessories in the premises of toilets and showers.

Lezhë IECD - Dated 11.06.2015

This was the periodic monitoring visit of the Ombudsman at Lezhë IECD for the year 2015. According to the official data of the GDP, the institution has a maximal capacity of 700 persons. At the time of inspection, in the premises of the institution, there were 760 persons, a number which obviously shows the overcrowding at the institution.

In conformity with the monitoring procedure, the inspection team initially had a meeting with the directors of the institution, respectively the Head of Security and with the Director of the Juridical Office of the Institution, who affirmed that they were willing to in fulfilling the purpose of inspection. At the end of inspection, the experts met and shared the problems observed with the Director of the Institution. During the initial meeting, the inspection team originally requested information regarding the rights and treatment of prisoners and pre-trial detainees and the manner of treatment by the institution of the problems encountered in the previous inspection at this institution.

In the preliminary conversation with representatives of the institution, the monitoring team revealed the problems encountered during the visit conducted at this institution on the date of 16.06.2014 and given on the relevant report No. K4/124-2 Prot. dated 17.07.2014. From the previous visit at this institution, there had been observed problems related to overcrowding, hygiene in general in the living premises and particularly in observation – seclusion rooms, provision with accessories for maintaining hygiene, use of observation-seclusion premises as pre-trial detention premises; establishment of a particular section for young people detained, aged 18-21 years old, etc⁷. Such deficiencies observed in the previous monitoring and the measures taken related to their reduction or improvement were also part of the preliminary discussion.

⁷See the content of the Monitoring Report of the NPM's group of experts on Lezha IECD, No. K4/ 124-2 Prot. dated 17 July 2014.

The representatives of the institution, in relation to the problems identified in the previous visit informed that the institution, within the available possibilities, had taken all the measures to minimize or eliminate the problems identified in the previous visit.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures to limit overcrowding in Lezha IECD with the objective that each cell provide a minimum of 4m² living space per person in conformity with Article 22, item 1 of the General Regulation of Prisons.
2. Taking immediate measures to address the overcrowding situation at Peqin IECD pursuant to Article 24 of the Law No. 8328 dated 16.04.1998 "*On the rights and Treatment of Prisoners and Pre-Trial Detainees*" as amended, and every prisoner is provided with a separate bed and an appropriate sleeping set.
3. Immediate measures to be taken by the Director of the Institution regarding the termination of the degrading situation and conditions of inhuman treatment of 34 prisoners/pre-trial detainees of the Seclusion/Observation Sector in full compliance with the General regulation of Prisons, Article 21, item 1, "*The prisoner stays in the acceptance room not more than 10 days and then, he is settled in the living area. In the settlement of prisoners in rooms, there are taken into account criteria related to the conviction measure, age, health condition,...*"
4. Taking immediate measures regarding the improvement of hygiene-sanitary conditions of all the premises of internal regimen in Lezha IECD.
5. Taking immediate measures regarding the repair and elimination of humidity in the premises of showers and toilets and physical improvement of the latter.
6. Taking immediate measures regarding disinfection of premises in the living areas.
7. Taking measures for the creation of normal hygiene-sanitary conditions in the premises for meetings with family members and their provision with indispensable refurbishing.
8. Taking measures for the establishment of working premises for the employees of social care sector inside the regimen.
9. Taking measures for the separation of the convicted people aged 18-21 years old in a special sector.
10. Taking urgent measures to adjust the premises of rooms where the health sector performs its services; the room where the doctor conducts visits, the nursing and the pharmacy room.
11. Taking urgent measures to add at least two other doctors in the health sector.
12. Provision of the stomatology room with the required dental instruments and materials for performing this service with efficiency.
13. Taking measures for the provision of all prisoners with health cards, by accelerating the procedure of completion with the relevant documents in cases of transfer from one IECD to the other.
14. Taking immediate measures for the adjustment of non-insulated current wires and installation of plugs in the premises of the rooms and showers.
15. Taking immediate measures for the provision of running water, as well as electricity 24 hours a day.

Kukës IECD – Dated 16. 06. 2015

The periodic monitoring visit of the Ombudsman's experts at Kukës IECD for the year 2015 was conducted in conformity with the methodology and inspection procedure of NPM and in a good spirit of cooperation. The main objective of the inspection visit was the assessment of conditions and treatment of pre-trial detained persons, who were found at this institution at the time of inspection.

The Institution for the Execution of Criminal Decisions Kukës, upon Order no. 329, dated 15/01/2009, "On categorization of institutions for the execution of criminal decisions" is categorized as pre-trial detention institution.

In the preliminary conversation with the director of Kukës IECD Mr. Dida, the inspection group revealed the same problems, which had been observed at this institution during the inspection visit of the year 2014 mainly the excessively amortized premises of this institution, conditions of joint and personal hygiene, lack of conditions for performing various activities, etc. In this meeting, the inspection team was informed about the general situation at the institution and on the current situation of this institution by revealing as the main issue the fact that the I.E.C.D. is located underground. Mr. Dida, pursuant to the recommendation of the Ombudsman, on the closure of this building, informed us that it has been already found a new building for IECD in Kukës, (upon Decision no. 22, dated 10.02.2015 of the Municipal Council Kukës it was decided for the proposal to the Council of Ministers on the transfer of the former Military Hospital Kukës to the Ministry of Justice, General Directorate of Prisons, Kukës IECD), but this transfer process and the transfer of ownership is rather slow. Meanwhile, the other recommendations made by the Ombudsman in 2014 remained unfulfilled, and more specifically:

1. Finding a solution for the set-up of the request/complaint box which should exist in sections, possibly near the telephone, so that the prisoners can make use of the right of complaint.
 - Enabling, within the security scheme, the opening of doors to facilitate aeration in the pre-trial detention premises.
 - Provision of the institution with autoambulance.
 - Staff increase with a full-time doctor in the health sector.
 - Provision of all detainees with health cards.

During the inspection visit at the institution, there were 58 detainees, of whom one with mental health issues, who was under investigation by the Prosecution Office of Serious Crimes Tirana, and 2 Kosovo citizens. The official capacity for pre-trial detention was 36 persons. Hence, this institution was in overcrowding conditions. In total, the regimen had 17 rooms and the detainees were settled in single, double and triple rooms. The institutional organizational chart was complete.

As per above, in the end of the monitoring report, the following was recommended:

- Taking immediate measures for closing Kukës IECD and acceleration of procedures for passing, transfer of ownership of the new building of the former Military Hospital Kukës to the Ministry of Justice, General Directorate of Prisons, Kukës IECD and finding possibilities (financial and material) for the adjustment of the new building of Kukës IECD, according to the legal standards aiming at the treatment of detainees according to their legitimate rights.

Until the termination of the transfer process from the old building to the new building, measures should be taken for the following:

2. Taking immediate measures for the reduction of overcrowding at this I.E.C.D.
3. Enabling, within the security scheme, the opening of doors to facilitate aeration, because the corridor was very narrow and the rooms are located in the ground floor of the building, which does not allow for good aeration of the rooms.
4. Finding a solution for the set-up of the request/complaint box which should exist in sections, possibly near the telephone, so that the prisoners can make use of the right of complaint.
5. Taking measures for the provision of detainees with hygiene-sanitary products.
6. Taking measures for increasing staff with a full-time doctor in the health sector.
7. Taking measures for the provision of detainees with health cards, thus accelerating the procedure of completion with the relevant documents even in the cases of transfers from one I.E.C.D to another.
8. Taking measures for the provision of pharmacy with medications, for both acute and chronic diseases.
9. Taking immediate measures for the provision of the institution with autoambulance.
10. Taking measures for the improvement of dental service and provision of the stomatologist's cabinet with dental instruments and materials.
11. Taking measures for the provision of the institution's kitchen with food samples.

Tropojë IECD – Date 17.06.2015

The visit at I.E.C.D. Institution Tropojë marked the next visit of the NPM inspection group according to the work plan approved by the Ombudsman. The inspection visit at this institution was conducted in a good spirit of cooperation. The Director of the Institution offered the Monitoring Team access within the rules and without any difficulties to all persons and premises to be visited. The main objective of the inspection visit was the assessment of the conditions and treatment of detainees and prisoners found in this institution.

According to the order of the Minister of Justice, the Institution for the Execution of Criminal Decisions Tropojë is categorized as an institution with two regimens; detention and

imprisonment. However, the interior premises of this institution had no such separation, but the prisoners / detainees were found in a divided regime, in separate rooms under the relevant categories.

The Institution of Tropojë IECD made the transfer of detainees to the premises of the new building upon the Order of the General Director of Prisons, dated 06.05.2015.

Currently at this institution, there are 29 persons deprived of liberty, of whom 17 were prisoners and 12 detainees.

Even in this monitoring, the scope of the visit of the monitoring group also involved the verification of meeting the standards in the present building of Tropojë IECD.

The group of experts noted that the Cooperation Agreement between the General Directorate of Prisons and the General Directorate of State Police, regarding the pre-trial detention room of this institution set under the administration of Tropojë Police Commissariat, had become effective again through letter Prot. No. 2157/1, dated 17.03.2015. The Director of Tropojë IECD informed us that it had been requested the abrogation of this agreement, since the capacities of IECD are small and maintaining a pre-trial detention room on behalf of Tropojë Police Commissariat caused overcrowding problems.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures for solving the situation of overcrowding at Tropojë IECD, through the transfer of prisoners, whose place of residence or that of their family members is outside Tropoja Municipality.
2. Abrogation of the agreement for the use of security rooms by Bajram Curri Police Commissariat in the premises of Tropoja IECD.
3. Taking measures for support with material and financial means to enable the realization of activities of education, social, artistic, cultural and religious nature. Establishing opportunities for the development of educational and vocational formation courses at IECD.
4. Taking measures for the implementation of the three- party agreement on medications even in those IECDs, which are located in areas with no pharmaceutical warehouses.
5. Taking urgent measures for the provision of the IECD pharmacy with medications, for both acute and chronic diseases.
6. Taking measures for the provision of prisoners with health cards and implementation of medication reimbursement scheme.

Peqin Institution for the Execution of Criminal Decisions (IECD) – Dated 08.07.2015

On 08.07.2015 the People's Advocate was informed about the refusal of food and initiation of hunger strike by a group of inmates at the IECD of Peqin as a means of protest against a number of unresolved problems related to their rights and treatment at this institution.

Following this situation, in the capacity of the National Mechanism for the Prevention of Torture, Inhuman and Degrading Treatment, on 09. 07. 2015 the People's Advocate Institution sent a working group consisted of Alfred Koçobashi, Irisa Laçi (legal experts/lawyers) and Alma Alibali (psychiatrist) with a view of on-site identification of the claims of inmates.

Besides the initial meeting with the management authorities of the IECD of Peqin on the above situation, the inspection group has held a long and face-to-face meeting with the inmates who had refused food, obtaining from them a series of data and testimonies about the problems they encountered in penitentiary services.

In addition to the foregoing, the inspection group has checked and identified on-site, through penitentiary staff, all claims set forth by complaints of citizens Kastriot Frashëri and Lavdrim Muço, and 10 other inmates at the Penitentiary Institution of Peqin, filed with the People's Advocate Institution on 08.07.2015. They claimed they were on hunger strike due to degrading conditions and absence of the collective security within the observation premises and non-observance of the hunger strike, claimed by a written petition from the convicts and addressed to the prison administration authorities.

While examining the complaints, the Sub-commissioners held minutes of interviews with the complainants Kastriot Frashëri and Lavdrim Muço, and other members of hunger strike, being introduced to the conditions of addressing their requirements by the administration authorities of Peqin IECD. The Sub-commissioners also administered minutes on questioning of medical personnel, psycho-social and security personnel in respect of which a reasonable doubt has arisen that by their actions and omissions they might have prejudiced the rights of complainants.

By the end of investigative procedures and operations based on interviews, testimonies and consulting the relevant records, it was proven that the twelve complaining inmates housed in the room number 4 within the observation premises at Peqin IECD, were violated and are still violated the right to peaceful protest for exercising hunger strike, without adoption of their legitimate claim, as a result the non-observation under legal and medical protocols, of the right to exert hunger strike.

The direct responsible persons for this violation of the right of inmates were identified the citizens Edlir Kazazi with duty of internal regime specialist, Ordinary Security, Building A and Mr. Besnik Kaptelli, with the duty of chief of security at Peqin IECD. These two citizens had administered the written petition of the prisoners Lavdrim Muço and Kastriot Frashëri, and also of other convicts regarding the approval and creation of proper conditions to exercise hunger strike. However, they had not filed it with the administration authorities of the institution under legal procedures⁸ for the administration of petitions-complaints and registration of the claim with the relevant register and notification of the head of Institution. This omission of the above persons has caused suffering, degrading treatment and physical difficulties for the persons on hunger strike, thus causing them health problems due to lack of information and therefore, the omission/inaction of health and psycho-social sector, who had to be informed and immediately put into motion when the hunger strike is approved and formalized by the Institution. However, we deem that even in cases when these services are not officially notified, they should take on their responsibilities and be available and in daily contact with the convicts within the regime,

⁸Pursuant to article 8 of the Law no.8283,dated 16.04.1998"On rights and treatment of sentenced persons and pre-trial detainees". The pre-trial detainees and imprisoned persons are entitled to submit applications and file complaints in relation to law enforcement and internal regulations in the form defined in this law and individually". Further, article 25 of the General Regulation of Prisons provides for: "The requirements and complaints shall be filed in accordance with the provisions of law on rights and treatment of convicts. Each institution keeps and updates the register of applications or complaints of the convicts and pre-trial detainees, in written and electronic form."

and to act independently to inform the Heads of the institution and deliver proper medical and psychological services for similar cases.

As above, in the end of the monitoring report, the following was recommended:

1. Analysis of the case of violation of the rights to hunger strike of the prisoners of room no. 4, Observation Unit at Peqin IECD and initiation of administrative procedures for the adoption of disciplinary measures against Mr. Edlir Kazazi, with the duty of internal regime specialist and Mr. Besnik Kaptelli with the duty of Chief of Security, Peqin IECD.
2. Adoption of immediate measures by the Director of the Institution regarding the analysis and identification of responsibilities for the lack of coordination by the security and health and psycho-social sectors to provide adequate conditions for the convicts in cases when they are on hunger strike.
3. Adoption of immediate measures to limit overcrowding at Peqin IECD, with a view that every cell offers a minimum of 4m² living space per person in accordance with article 22, paragraph 1 of the General Regulation of Prisons.
4. Adoption of immediate measures to address the situation of overcrowding at Peqin IECD pursuant to article 24 of Law no. 8328 dated 16.04.1998 "*On rights and treatment of imprisoned persons and pre-trial detainees*", as amended, providing to every convict a separate bed and appropriate bedding/sleeping kit .
5. Adoption of immediate measures by the Director of the Institution to put an end to the degrading situation and conditions of inhuman treatment of 16 prisoners in the room no. 4 of the Observation Unit, in full compliance with the General Regulation of Prisons, article 21, paragraph 1 "*The prisoner stays in the admission room no longer than 10 days and then he/she shall be housed in the domicile premises. While accommodating the prisoners in rooms, due account should be taken of the requirements related to the sentence term, age, health status ...*

Berat IECD – Dated 03.09.2015

Periodic monitoring visit of the People's Advocate experts at Berat IECD for year 2015 was conducted in compliance with the procedure of monitoring the National Mechanism for the Prevention of Torture. The purpose of the visit was to collect information about the rights and treatment of prisoners, and identifying the level of the implementation of recommendations made by the People's Advocate by letter no. K/4I46-2, dated 19.11.2014 with subject: "*Recommended the improvement of conditions and treatment of prisoners at Berat IECD*".

Based on the information collected onsite, during the confidential interviews with the prisoners and personnel of Berat IECD and through the identification of documents, facilities and premises, it resulted that most of the recommendations of previous year were implemented because upon the transfer and takeover of the new building of Berat IECD, a number of issues reported within the previous premises of Berat IECD would be significantly improved. Meanwhile, a number of recommendations are still not implemented such as the employment of a full time doctor/physician. Although the premises of this IECD were new, the heater, emergency bell in rooms within the regime, were not operational. Further, according to the inspection of a series of premises or facilities such as the dentist room, IECD shop, TV hall,

gym, premises of Christian believers and IECD laundry service/facility were not functional due to the lack of furniture/equipment.

The institution has a maximum capacity of 99 persons. At the time of inspection visit, the premises of the institution housed 113 pre-trial detainees and 5 persons were held on the account of Berat District Police Directorate, pursuant to the cooperation agreement between the General Directorate of Prisons under Prot. no. 2157/1 dated 17. 03. 2015 and the State General Police Directorate under Prot. 1054/1, dated 16.03.2015. Following the opening of new premises (building no. 2) a few days before the inspection carried out by the inspection team, overcrowding could not be considered an issue of concern because there were some inmates above the official capacity.

Referring to the information obtained and confirmed with the official list of employees. At the time of monitoring, there were 6 pre-trial detained employed at the institution.

As above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures for not replicating the situation of the use of transit rooms such as isolation rooms for the pre-trial detained under disciplinary measures as housing the pre-trial detainees in those facilities constitutes cruel, inhuman and degrading treatment.
2. Taking immediate measures for housing deaf-mute pre-trial detainees and those with mutilated legs in special wings and their treatment under specialized service.
3. Taking immediate measures for allowing crutches for pre-trial detainees with mutilated legs as this device would support them for a more human, worthy and human treatment.
4. Taking immediate measures to hire a full time doctor/physician.
5. Taking immediate measures to fill vacancies of dentist physician and nurse.
6. Taking immediate measures for operation of the dentist's room.
7. Taking immediate measures for functioning of the institution's heater.
8. Taking immediate measures for opening the shop within IECD internal premises.
9. Taking immediate measures for the supply with relevant furniture of the cult worship premises for Christian pre-trial detainees, TV hall, IECD gym.
10. Taking measures to activate the institution's laundry service/facility.
11. Taking measures to fix emergency bells inside the rooms under regime.

Burrel IECD –Dated 28.09.2015

The monitoring visit at this institution was conducted in a good spirit of cooperation. In the absence of the Director, the Head of Security Sector and the service offices of the institution were available for the monitoring group and they were provided access within the rules and without difficulties to all the persons and premises that were monitored.

During the meeting, the inspection team originally requested information regarding the rights of prisoners/detainees and the verification of implementation of the recommendations made by the

Ombudsman through letter No. K-4 I 81-2, dated 19.01.2015. According to the data that had been taken during this visit, information received through confidential interviews with persons deprived of liberty, an conversations with the staff of the institution, it resulted that a recommendation of this letter had been implemented and specifically the establishment of a special sector for young people aged 18-21 years old. Meanwhile, some of the recommendations from a year ago had been partially realized, but most of them had not been implemented.

Based on the order of the Minister of Justice no. 329, dated 15/01/2009, “On the categorization of institutions for the execution of criminal decisions”, as amended, the Institution for the Execution of Criminal Decisions Burrel is categorized as a “High security prison, with a common security section and a pre-trial detention section. The current capacity of the institution is for 198 persons.”

On the date of 28.09.2015, 202 persons were found at this institution. The division into sectors was: 79 pre-trial detainees, 24 high security and 99 prisoners in the common security sector. At the institution, 3 rooms were used as surveillance-seclusion premises, where, at the time of inspection, there was no person found. Special categories at this institution involved 9 ill people, of whom 6 people with mental health issues and 2 diabetics. During the meeting, we were informed that the structure-organizational chart of the institution has a reduction of IECD employees from 162 to 153.

At Burrel IECD there is a special sector for young people 18-21 years old.

Along the presentation meeting, the directors of sections accepted that in the material aspect, the infrastructure of the institution is outdated and degraded, notwithstanding the efforts to repair it. Possibilities are limited due to the lack of considerable funds to undertake such an initiative. Only the kitchen of the IECD shall be reconstructed with a donation of Raiffeisen Bank. In response, the monitoring group explained that the opinion of the Ombudsman’s Institution, also expressed in the previous recommendations is that the General Directorate of Prisons should take into consideration the preparation and approval of a project for the construction of a new institution.

During the ongoing visits in this institution, this time is again noted the lack of toilet facilities in high security rooms and showers within the sector, for which in the previous meeting it was clarified that investments had been anticipated to be made in this sector. In addition, toilets and showers are problematic in the detention sector at this Institution, which are dysfunctional and out of all the parameters of hygiene. Frequent lack of running water further aggravated the situation in these areas.

In general, the conditions of the buildings were not good and insufficient for social and cultural activities. Absence of an efficient heating system was observed in them for the winter period and adequate ventilation system. In addition, electrical and hydro-sanitary installations resulted amortized.

The final meeting was held with the Director of the Burrel IECD, who was informed about some of the main findings of monitoring, which would be part of the Ombudsman's recommendation.

As per above, in the end of the monitoring report, the following was recommended:

❖ **Closure of Burrel IECD**

The following were recommended until the implementation of the above recommendation:

1. Taking measures the full reconstruction of all premises of this institution.
2. Taking immediate measures to remedy the situation of compensation for the work done by the pre-trial detainees/convicts under provisions of articles 34 and 35 of the Law no. 8328 dated 16.04.1998, “On rights and treatment of imprisoned persons and pre-trial detainees”, as amended.
3. Taking immediate measures for improving the system of petitions-complaints within the institution, sending replies in writing of the pre-trial detainees and convicts within the legal time limits.
4. Taking immediate measures for repairs, maintenance, getting rid of humidity and painting of the convicts’ rooms. Improvement of the shared living premises shortly carrying out the necessary repairs of the shared toilets in the wings. Repair of pipeline and broken hydro-sanitary equipment, lighting device and wiring/electric connections in accordance with the technical security standards.
5. Taking immediate measures for the observance/respect of the personal space of 4m² in rooms.
6. Taking measures to ensure that all convicts are supplied with the sufficient quantity of basic products of the personal hygiene (including toothpaste, tooth brush, shampoo etc) and materials required to clean their cells.
7. Taking measures to provide heating at all sectors, in accordance with the standards provided for in the prison regulation.
8. Taking immediate measures for the standardization of prices at the IECD shop, and of phone cards at market prices of the institution, with a view of addressing the concern of the convicts/pre-trial detainees regarding their high prices.
9. Taking immediate measures for implementation of the medicine reimbursement scheme for all convicts/pre-trial detainees in terms of acute diseases.
10. Taking measures for conducting more frequent consultations regarding the convicts with mental health problems, with a view of re-assessment and accurate diagnosis and relevant medication.
11. Taking measures for the delivery of a comprehensive and adequate dental service.
12. Taking measures to ensure the right to the pre-trial detainees/convicts to practice religious beliefs.
13. Taking measures for the improvement of premises of appointments with family members/relatives and creating a special and appropriate room for meetings of the convicts with minors/juveniles.
14. Taking measures to improve the ventilation premises in order to be adapted to the climate conditions and need for greenery.
15. Taking measures to identify a solution on the delivery of laundry service by the institution for the convicts’ clothing and personal clothes.
16. Taking measures to expand activities and meetings with the convicts for purposes of rehabilitation, counseling, re-integration and socio-cultural-sports activities.

Tepelena IECD – On 05.10.2015

The monitoring visit of the personnel of the National Mechanism for the Prevention of Torture attached to this institution was conducted in a very good spirit of cooperation. The initial meeting took place, in accordance with the methodology, with the Director of the Institution, who was informed of the visit purpose and was required an overview of the situation of the institution. He enabled to the experts the implementation of external and internal inspection within the Institution, in compliance with rules and smoothly, of all persons, premises and facilities to be monitored.

By virtue of order no. 329, dated 15/01/2009, “On classification of institutions for the execution of criminal decisions”, as amended, IECD of Tepelena is categorized as a maximum security prison with a wing of ordinary security and a wing of pre-trial detention. Further, the maximum capacity of this IECD is 70 persons, while on the day of visit, IECD of Tepelena housed 108 pre-trial detainees (two of whom were brought for treatment at the Special Medical Penitentiary Institution, whereas one person was under intensive care unit at the University Hospital Center of Tirana) and 24 convicted. A total number of 10 persons aged 1821 years old were treated at that institution.

Based on the information collected onsite through interviews in private without witnesses with the pre-trial detainees and the institution personnel, and through the identification of documents, facilities, equipment and premises, it resulted that although some efforts had been made to comply with the recommendations, e.g. increase of the number of security cameras or installation of a limiter outside the shower compartment, most of the recommendations made in the above cited letter were still not implemented.

As above, the following was recommended:

- Closure of Tepelena IECD because it does not provide any conditions for the worthy treatment of pre-trial detainees/inmates in accordance with the relevant standards. The current infrastructure prevents guaranteeing the rights of persons treated at this institution, therefore they should be immediately transferred to other institutions enabling the rehabilitation process through the delivery of adequate services.

Adequate measures should be taken until the implementation of this recommendation on:

1. Completion of the organizational structure of the health sector with a full-time physician/doctor to enable regular visits, as well as the supply of all convicts/pre-trial detainees with medical cards/files, with a view of implementing the medicine reimbursement scheme, so that the supply with medicaments both for acute and chronic diseases is done under this scheme.

Saranda IECD – On 06.10.2015

The monitoring periodic visit of experts of the People’s Advocate at the IECD of Saranda for year 2015 was conducted in accordance with the monitoring procedure of the National Mechanism for the Prevention of Torture. The purpose of the visit was to collect information about the rights, conditions and treatment of pre-trial detainees within the institution, as well as

the identification of the level of implementation of recommendations made by the People's Advocate by letter no. 201402313 Prot. K1/I82-2, dated 19.01.2015, with topic: "Recommendation for the improvement of conditions and treatment of pre-trial detainees at the IECD of Sarandë".

Based on the on-site collected information, when conducting confidential interviews with the persons treated at that center and with the institution personnel, and through the identification of documents, facilities, equipment and premises, it resulted that only two recommendations were implemented: the one related to the administration and management of registers of disciplinary measures and personal files of the pre-trial detainees from the legal sector and the one regarding the kitchen supply with refrigerators and heaters, although the aspirator was still missing. Meanwhile, all other recommendations were still not implemented.

The IECD of Sarandë, with an official capacity of 31 persons, at the moment of inspection visit had 51 persons, a concern also present in the inspection of previous year with overcrowding of 20 pre-trial detainees above the required capacity.

As above, in the end of the monitoring report, the following was recommended:

- ❖ Immediate closure of this IECD as despite all recommendations made over years by the People's Advocate for the full reconstruction of this institution for improving conditions and providing services in accordance with the international standards and Law no. 8328 dated 16.04.1998 "On rights and treatment of imprisoned persons", as amended, it remains an institution housing persons under inhuman and degrading conditions.

The following recommendations were made until a solution for implementing this recommendation:

1. Adoption of related measures to address the issue of the premises of this Institution made available to the Police Station of District of Saranda, in fulfillment of the Agreement between the Ministry of Justice and Ministry of Interior. Under the overcrowding conditions and lack of premises in this institution, it cannot offer necessary services to the pre-trial detainees of this IECD, and the exclusion of the Institution from the above agreement is the right solution to make possible a complete reconstruction of Saranda IECD, in order to meet the requirements and standards provided by legislation and the European Convention on Human Rights.
2. Taking immediate measures to address the overcrowding situation in respect of Article 24 of Law nr. 8328 dated 16.04.1998 "On the rights and treatment of prisoners and pre-trial detainees", as amended, where every prisoner shall be provided with a separate bed and a set of suitable bedclothes.
3. Taking measures for adequate supplying, adapting and creating living conditions in the observation/ separation room, according to standards established by the applicable laws and the General Regulation of Prisons.
4. Taking measures for division by categories, people of 18-21 years old, mentally ill, narcotic substance abusers, as provided for in Article 29, paragraph 1 and 2 of the General Regulation of Prisons.

5. Taking measures to fully repair the showers and toilets, as well as improve their hygiene and sanitation.
6. Taking immediate measures to furnish the pre-trial detainees with the basic package of personal hygiene and detergents.
7. Taking measures for providing a shop with basic products for the pre-trial detainees to buy basic products according to their needs.
8. Taking measures by the education sector to strictly implement the order of General Directorate of Prisons related to the process of management of complaints / requests.
9. Taking measures to add a pharmacist and a dentist in the organization structure, in order to provide a more efficient health service.
10. Taking measures to provide an ambulance vehicle for the institution.
11. Taking immediate measures to implement the reimbursement scheme for medicines.
12. Taking urgent measures to furnish the pharmacy with emergency medicines and medicines for chronic diseases.
13. Taking measures to ensure standard registers and cards for this institution by the General Directorate of Prison.

Elbasan IECD - Dated 15/10/2015

In accordance with the monitoring procedure, the monitoring team initially met the Director of the institution. He expressed his willingness and availability to meet all the requirements of the monitoring team. In preliminary conversations, the monitoring team, given that Elbasan IECD is a new institution, required basic information about the progress of the work, services and the treatment of pre-trial detainees. Based on the organizational infrastructure, Elbasan IECD provided shelter of pre-trial detainees in 3 buildings of the institution.

Each residential building was organized into 4 sections. The building No. 3, second floor of sector 2, provided shelter for pre-trial detainees of 18-21 years old. Each of the detention sectors of the above buildings had isolation rooms for disciplinary measures of "temporary isolation from common activities". Elbasan IECD had 2 observation rooms, with 2 beds each of them. The institution had ventilation system and central heating, as well as fire protection system.

Sport premises were also present (mini-football field), laundry room, modern kitchen, and a room for religion practicing, library, hospital / medical room, as well as a gym. Sectors, which included also the living rooms of the pre-trial detainees, were organized within this area: living rooms, common premises, counseling rooms, classrooms, external common bathroom, shower places for a person, storehouse. Living cells were designed for 1, 2, 3, 4 and 5 persons. All living cells had their own toilet.

The official capacity of Elbasan IECD is 120 people, while at the monitoring time, the institution provided shelters for 225 pre-trial detainees.

At the monitoring time, the institution had 21 young people aged 18-21 years old, accommodated in 5 separate rooms, while the rest were adult pre-trial detainees. The institution had accommodated the young age group pre-trial detainees (18-21 years old), in a separate sector, specifically in the building no. 3, second floor, sector 2. At the monitoring time, there were no pre-trial detainees with disciplinary measures.

Referring to the information received and confirmed in the official list of employees, at the monitoring time, the institution had 13 employed pre-trial detainees.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures to reduce overcrowding at Elbasan IECD and comply with personal space for pre-trial detainees in the living rooms.
2. Taking measures for supplying, adapting and creating standard living rooms for pre-trial detainees based on the standards of the General Regulation of Prisons.
3. Taking measures to supply 24 hours with running water the housing facilities of pre-trial detainees in this institution.
4. Taking immediate measures to regulate the aspiration system of bathroom premises and repair of shower heads.
5. Taking measures to provide more frequent showers with warm water for pre-trial detainees.
6. Taking necessary measures to repair the damaged benches and furniture in several detention rooms.
7. Taking necessary measures to meet the needs for cupboards of the pre-trial detainees' rooms.
8. Taking necessary measures to furnish the gym with the necessary equipment and make it operational at full capacity.
9. Taking necessary measures for the implementation of the Cooperation Agreement with District Education Directorate to develop educational courses at Elbasan IECD.
10. Taking immediate measures to hire a full-time doctor at Elbasan IECD.
11. Taking appropriate measures for establishment of an institutional cooperation agreement with the Regional Hospital and Mental Hospital in order to have access to all types of necessary consultations, examinations or analyzes for pre-trial detainees in these hospitals for specific cases.
12. Taking necessary measures for providing short time medication and medicines to pre-trial detainees by the institution itself, in order to make more operational the three-party agreement for reimbursement of medicine/medicaments.
13. Taking measures to provide health insurance cards for all pre-trial detainees, speeding up the procedures of providing the relevant documents even in transfer cases from one penitentiary institution to another.
14. Taking necessary measures for providing an operational dental care in the institution furnishing the dental supply room with instruments and dental materials.
15. Taking necessary measures for supply and improvement of the quality of bed clothing, such as linen sheets, pillows and blankets for all pre-trial detainees;

Rogozhina IECD - On 21/10/2015

The monitoring visit of the People's Advocate and MKPT staff at this institution took place in a very good spirit of cooperation. The Directorate of the institution provided the assistance for internal and external inspection of the penitentiary institution by the People's Advocate Institution and experts, in compliance with the rules of the institution and without any difficulty to all persons and premises to be monitored. The main objective of the monitoring visit was to assess the conditions and treatment of convicts / pre-trial detainees.

By Order no. 329, dated 15.01.2009, "On categorization of institutions of Execution of Criminal Decisions", as amended, Rrogozhina IECD is categorized as "common security prison with a detention section. "Its maximum capacity is 345 people. During the visit, Rrogozhina IECD had 437 convicts / pre-trial detainees.

During the visit, the monitoring team had an initial meeting with the Head of the Legal Office, who in the absence of the Director provided an overview of the current situation in the institution highlighting a major problem; the overcrowded institution. At the time of inspection, this institution had a total of 437 individuals, divided by categories, 189 pre-trial detainees and 248 convicts. Rrogozhina IECD provides employment opportunities for 8 pre-trial detainees and 44 convicts. Convicts/ pre-trial detainees mainly work in the kitchen, garden, cleaning activities, library, maintenance works, etc. There were no complaints regarding the recognition of work days and providing the employment dynamics to interested persons.

Special categories were people with mental health problems, and chronically ill persons sent for specialized medical treatment at the Special Medical Penitentiary Institution, Tiranë, and persons of the age group of 19-21 years old.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures to limit overcrowding at Rrogozhina IECD, with the goal that each cell provide a minimum of 4m² living area/space per person.
2. Taking immediate measures to address the overcrowding situation in respect of Article 24 of Law no. 8328 dated 16.04.1998 "On the Rights and Treatment of Convicts and Pre-trial detainees", as amended, where every convict shall be provided with a separate bed and a set of suitable bed clothes.
3. Taking immediate measures to stop the use of isolation premises for convicts/ pre-trial detainees beyond the prescribed time by the disciplinary committee, and termination of the long time accommodation in these environments of persons who are not subject to disciplinary actions.
4. Taking immediate measures by the head of the institution related to the eradication of cases of physical abuse of prisoners by security staff, by improving the management and supervisory mechanisms for punishment of people who use practices of physical abuse of pre-trial detainees or excessive use of force.
5. Taking immediate measures to improve the living conditions in the rooms of pre-trial detainees, repairing toilets and improving hygiene in the rooms.
6. Taking immediate measures to supply the isolation rooms with tables, cupboards, etc, in order to promote human dignity related to food service and basic living conditions.
7. Taking immediate action to repair the boilers for providing hot water for washing in isolation and observation sector and other places where they were out of order.
8. Taking measures for repairing exposed electric installations and provisional electric connections according to technical safety rules.
9. Taking measures by the medical staff of the institution to conduct frequent contacts with convicts/ pre-trial detainees and timely respond to their requests for medical visits, either for the identification of new cases or for monitoring of ill chronic patients.
10. Taking measures for supplying the dentist cabinet with dental instruments and materials, in order to provide an adequate dental services and timely relevant interventions.
11. Taking immediate measures to provide health certificates for all convicts/pre-trial detainees of this institution.

12. Taking immediate measures to implement the three-party agreement between the Regional Directorate of Healthcare Insurance, the Penitentiary Institution and Omega Farma pharmaceutical storehouse, in order to effect the medicine reimbursement scheme for both chronic diseases and emergency cases, thus ensuring a regular supply of this institution with medicaments.
13. Taking immediate measures to supply the Institution with mainly emergency medications.
14. Taking appropriate measures by the personnel responsible for individual and group counseling in rooms intended for consultation/counseling, and promotion of social-cultural-sport activities for convicts for rehabilitation purposes, counseling and reintegration.
15. Taking measures to create a special environment supplied with the necessary items and warm and friendly atmosphere for meetings of convicts/ pre-trial detainees with minors and elderly people.

Vlora IECD – Dated 22.10.2015

The monitoring visit of the NPM staff at this institution was held in a good spirit of cooperation. In conformity with the methodology, it was held the initial meeting with the Director of the Institution who was informed about the purpose of the visit and was demanded a general overview of the situation in the institution. He provided experts with the opportunity to conduct inspections outside and inside the Institution within the rules and without difficulties to all the persons, premises and facilities that would be monitored.

Upon Order no. 329, dated 15/01/2009, “On the categorization of institutions for the execution of criminal decisions”, as amended, the Institution for the Execution of Criminal Decisions Vlora is categorized as a “detention institution, with a detention section for minors and a common security prison section.” Meanwhile, the maximal capacity of this I.E.C.D. is 115 persons, on the day of visit, Vlora IECD accommodated 202 persons (2 of whom left on that day), of whom 23 were minors and 36 aged 18-21 years old.

From the information gathered on the spot, while conducting interviews in privacy, without witnesses, with detainees and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that efforts had been made to fulfill the recommendations made on the letter mentioned above, but a considerable part of them have not been implemented yet.

As per above, in the end of the monitoring report, the following was recommended:

1. To be taken immediate measures in order to stop absolutely the cases of using violence, insults, threats or hits to minor and adult pre-trial detainees and to be taken measures against police officers making such actions.
2. To be taken immediate measures by the Director of the Institution for strengthening the supervisory mechanisms aiming at the prevention of violence cases and setting before

responsibility persons, who use physical maltreatment practices or excessive use of force to pre-trial detainees.

3. To be taken immediate measures for the interruption of collective penalties towards minors and for the interruption of their exemptions from educational activity during the time they result with disciplinary measures.
4. To be taken measures relating the use of educational measures for minors, valid for their pedagogic function, which may possibly substitute disciplinary measures provided for adults. To be taken into consideration the disciplinary measures in seclusion conditions towards minors as rare cases and to be used for the shortest possible periods.
5. To be taken immediate measures for security camera coverage of corridor premises at the entrance of building "A".
6. To be taken immediate measures to address the overcrowding issue, in respect of Article 24, Law No 8328, dated 16.04.1998 "*On the rights and treatment of prisoners and pre-trial detainees*", as amended, and ensure that each has an individual bed and appropriate sleeping uniform.
7. To be taken immediate measures for the improvement of living conditions in the rooms and in the premises of surveillance and isolation/seclusion.
8. To be taken immediate measures for the provision of minors and pre-trial detainees with basic packages of personal hygiene and with detergents.
9. To be taken immediate measures for the fulfillment of the health sector structure with a full-time doctor and with a stomatologist.
10. To be taken immediate measures for the fulfillment of the health sector structure with a stomatologist and for the supply of the stomatologist's cabinet with autoclave and dental materials, aiming at the provision of an adequate and timely stomatological service with the respective interventions.
11. To be taken immediate measures for the provision of all prisoners/detainees of this institution with health cards.
12. To be taken immediate measures for setting into function the medication reimbursement scheme and regular provision with them.
13. To be taken measures for the provision of this institution with an autoambulance.
14. To be taken measures for the establishment of a certain facility at the institution in order to function as a laundry.
15. To be taken measures to address and solve the problem of prices at the shop of the institution.
16. To be taken measures for the coverage of aeration premises in order to enable it in the days with severe weather.

Kosovë, Lushnja IECD – Dated 11.11.2015

The periodic monitoring visit of the Ombudsman's experts at Kosovë, Lushnja IECD for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights and treatment of prisoners, and the verification of implementation of the recommendations made by the Ombudsman through letter

No. K/4I12-2, dated 11.06.2014 with topic: *“It is hereby recommended the improvement of conditions and treatment of prisoners at Kosovë, Lushnja IECD”*.

From the information gathered on the spot, while conducting confidential interviews with the prisoners and the staff of Kosovë, Lushnja IECD, as well as through verification of documents, objects, and facilities, it resulted that only three recommendations had been implemented, the one of disinfecting living rooms, division of prisoners of the age group 18-21 years old into a special sector and the settlement of chronic ill people in separate rooms; meanwhile, all the other recommendations have remained unfulfilled so far. The only investment made at this I.E.C.D. was the waterproofing of the terrace and it was expected that very soon to be invested in the common toilets of building no. 1 and the kitchen of the institution.

The Institution has a maximal capacity of 170 persons. At the time of the inspection visit, in the premises of the institution, there were 240 convicted persons. Overcrowding was a present issue with 70 prisoners above the official capacity.

Referring to the information received and confirmed with the official list of the employees, at the time of monitoring, there were 37 prisoners at the institution.

As per above, in the end of the monitoring report, the following was recommended:

1. Taking immediate measures for the decrease of overcrowding in the regimen and compliance of the personal space of 4m² per room.
2. Taking immediate measures regarding hygiene-sanitary conditions of all the regimen premises, particularly regarding humidity and sewage water canalizations.
3. Taking immediate measures for the provision of buildings with appropriate shower premises.
4. Taking measures for the improvement of material and hygiene-sanitary conditions of the toilets.
5. Taking measures regarding the periodic disinfection of living room premises.
6. Measures to be taken by the education sector for the strict implementation of the GDP order relating the process of processing complaints/requests.
7. Taking measures for surveillance camera coverage in corridors near seclusion/observation rooms.
8. Taking measures for provision, adjustment and creation of living conditions according to the standards of the General Regulation of Prisons for seclusion/observation rooms.
9. Taking measures for adding to the staff of this institution a full-time doctor.
10. Taking immediate measures for strict implementation of the three-party contract between Lushnja IECD, Health Care Compulsory Fund and Pharmaceutical Depot, in order to provide medications for chronic and acute diseases in time and in sufficient quantities by fully implementing the medication reimbursement scheme.
11. Taking measures for treatment in special sectors of prisoners with mental health issues, as appropriate.
12. Taking urgent measures for the provision of pharmacy with medication and appropriate furnishings for their storage.

13. Taking measures for the supply of the stomatologist's room with dental materials.

Tirana Special Penitentiary Health Institution, Tirana - Dated 25.11.2015

The periodic monitoring visit of the Ombudsman's experts at Special Penitentiary Health Institution Tirana for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights, conditions and treatment of prisoners/pre-trial detainees at the institution, and the verification of implementation of the recommendations made by the Ombudsman through letter No. 201500083/2 Prot. K4/I6-2, dated 22.01.2015, with topic: *"It is hereby recommended the improvement of conditions and treatment of prisoners/pre-trial detainees, patients at the Special Penitentiary Health Institution Tirana"*.

From the information gathered on the spot, while conducting confidential interviews with persons who were treated at this institution and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that none of the recommendations of one year ago had been implemented.

The Special Penitentiary Health Institution with an official capacity of 99 persons, at the time of the inspection visit had 103 persons, where there were treated 60 prisoners with security measure *"mandatory medication"* and *"temporary hospitalization"* given by the respective courts, witnesses trials and prisoners waiting to perform forensic examination. The rest of prisoners/pre-trial detainees present at this institution had been brought there for more specialised treatment for various pathologies manifested in their IECDs. The main service provided in this S.P.H.I. remained health and psycho-social care, but their treatment continued to be inhuman and in degrading conditions.

As per above, the following was recommended:

1. Taking urgent measures for the provision of a special fund by the Ministry of Justice so that a full reconstruction of the S.P.H.I. Tirana is made, since this institution provides primarily health services, therefore the conditions for the treatment of patients should comply with the standards of an adequate health service in conformity with the legislation in force and the European Convention on Human Rights.
2. Taking measures for the separation of patients in designated sectors for pre-trial detainees and prisoners, as provided in Article 8 of the General Regulation of Prisons.
3. Taking measures for the establishment of a physical limitation room, which should be made available according to the well-stipulated criteria in Article 27 of Law No. 44/2012 "On Mental Health" and its sub-legal acts, since this institution also treats persons with mental health issues.
4. Taking measures for the provision of an adequate and standard-compliant premises for meetings of patients with their adult and minor family members.

5. Taking measures in order to equip each internal-regime room with electronic bell, in order to facilitate patient-staff communication in case of emergency assistance.
6. Taking immediate measures to provide heat in all premises, as stipulated in the agreement with QSUT Directorate.
7. Taking measures for the improvement of room conditions and full repair of showers and toilets, and the improvement of their hygiene-sanitary conditions.
8. Taking measures to refurbish patients' rooms with furniture, sheets, mattresses, tables and chairs, in order to provide appropriate living conditions, as envisaged in the legal framework in force and the General Regulation of Prisons.
9. Taking measures in order to open a grocery store inside the institution, where patients may buy basic food items.
10. Taking measures to provide common premises for religious, cultural and sports events delivered by the psycho-social care sector.
11. Taking measures to recruit additional medium-level medical staff, considering the particular category of persons treated in this Institution.
12. Taking measures for the establishment of a reserve fund for tumour-sick patients, whose treatment requires costly medications.
13. Taking measures to recruit an additional dentist to ensure adequate dental service.
14. Taking measures to recruit additional police staff, so that patients are escorted to other hospital centres within QSUT without infringing security conditions.

Recommendation to the Minister of Justice, Minister of Internal Affairs, General Prosecutor, General Director of Prisons, and General Director of State Police on the immediate transfer of the arrested and convicted persons to relevant sectors of IECDs according to the applicable legal and sub-legal acts. Dated 03.09.2015

The Ombudsman, in the role of the National Mechanism for Prevention of Torture, during inspections conducted in Penitentiary Institutions in place and in security premises of State Police organs, observed that:

1. In several IECDs anticipated as pre-trial detention institutions and in the pre-trial detention sections of several other IECDs, are held persons who had been convicted with final court decisions from respective courts.
2. In several cases, these convicted persons have been settled in the same rooms with pre-trial detainees, and as a consequence they perform all the activities together, contrary to the provisions of Law no. 8328 dated 16.04.1998 "On the rights and treatment of prisoners", as amended.
3. Pre-trial detainees are held and treated in some of the security premises of state police authorities, against whom the respective courts have given decisions for the assignment

of the security measure “arrest with imprisonment”, as they had not been accepted by IECs with the justification of overcrowding in their premises.

4. Persons who had been convicted with final court decisions, with imprisonment in absence for a period of 5-20 days are held and treated in several security premises of state police authorities, as they are not accepted by IECs without a special order of the General Directorate of Prisons.

Our observations set out above were also accepted and confirmed by:

- General Directorate of Prisons, with letters no. 105/1 Prot., 19.01.2015 and no. 6136/1 Prot., dated 21.07.2015.
- General Directorate of State Police, with letter no. 76/2 Prot., dated 17.02.2015.

As per above, it results that against arrested persons, pre-trial detainees and prisoners, the following are not complied with: provisions of law no. 8328 dated 16.04.1998 “On the rights and treatment of prisoners and pre-trial detainees”, as amended; DCM no. 327, dated 15.05.2003 “On the transfer of the pre-trial detention system under the Ministry of Justice”; Joint Order of the Minister of Justice no. 3750/1, dated 10.07.2003 and the Minister of Public Order no. 1883, dated 16.07.2003; Joint Order of the Minister of Justice no. 582/1, dated 24.01.2007 and the Minister of Interior no. 432, dated 23.01.2007 “On the full transfer of pre-trial detention from the Ministry of Interior to the Ministry of Justice”; Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the order of the General Director of State Police, no. 763, dated 27.09.2011.

As per above, the following was recommended:

Taking measures for the implementation of legal and sub-legal acts cited above, by making:

1. The immediate transfer of the arrested against whom a personal security measure had been given “arrest with imprisonment” by the court, and prisoners with final court decisions with imprisonment in absence, from the security premises of State Police to the relevant sectors of IECs;
2. Immediate transfer of the convicted with imprisonment, for whom a court decision has become final, from the pre-trial detention sections to the relevant sections of IECs, where the convicted persons are held.

5. Recommendations delivered based on Inspections conducted during 2015 At Local Police Directorates and Subordinate Commissariats

LPDs

Durrës Commisariat – Dated 28.05.2015

Monitoring aimed at the collection and evaluation of data on actions and practices followed up by police units in fulfillment of the standards stipulated in law (effective at the time of inspection and drafting of the report) no. 108/2014 “*On State Police*” and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”, and the evaluation of the execution level of the Ombudsman’s recommendations.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking the required measures to inform all the detained/arrested people by the police on their fundamental rights since the first moment of deprivation of liberty and keeping under review and verification of cases where allegedly they had been violated or maltreated by police officers during their arrest.
2. Taking immediate measures for the provision of basic medications for the first-aid kit at Durrës Police Commisariat, so that detained/arrested people are provided with medical service according to law requirements.
3. Taking measures for making use, as soon as possible, of the book of complaints for the escorted persons, and detained/arrested at the Police Commissariat under the Police Directorate of Durrës District.
4. Taking measures for the compliance with legal provision of the C.C.P. relating notes in the minutes, giving the time (accurate time) of arrest or detention of citizens, by not initially treating them as escorted.
5. Taking measures for the installation of a monitoring system in the escort premises and particularly in the interrogation premises at Durrës Police Commissariat.
6. Taking measures for the arrangement of interrogation rooms for citizens by Judicial Police Officers at the Directorate of District Police Durrës.
7. Taking the required measures by police authorities in order to provide a list with the contacts of lawyers, and to enable the presence of lawyers elected during the process of interrogation.
8. Taking the required measures in order to reflect clearly contacts with family members in the respective minutes and in the registers of escorted/detained/arrested citizens.

Shkodër LPD and Subordinate Commissariats:

- Shkodër Police Commissariat, dated 02.06.2015

- Pukë Police Commissariat, dated 03.06.2015
- Malësi e Madhe Police Commissariat, dated 02.06.2015

Preliminary Notes

The scope of monitoring was the collection and evaluation of data on the actions and practices followed up by police units in compliance with the standards set in the law (in force at the time of inspection and preparation of the report) no. 108/2014 “*On the State Police*” and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”, as well as evaluation of the level of implementation of recommendations of the Ombudsman regarding the construction of escort and security rooms according to legal standards, phase out of function the rooms that do not meet the necessary criteria, and implementation of law requirements for escort or detention/arrest procedures.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures by the General Director of State Police for the stipulation of technical rules of escort, revealing, retention and treatment of persons escorted to police premises in fulfillment of Article 109 item 8 of Law No. 108/2014 “*On State Police*”.
2. Taking measures for the construction or reconstruction of escort premises at Shkodër, Pukë and Malësi e Madhe Police Commissariats in fulfillment of the standards stipulated in Law No. 108/2014 “*On State Police*” and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”, in order to provide appropriate and dignified premises, equipped with the required refurbishing for accommodation, separately divided for females, males and minors.
3. Taking measures for the construction of new security premises at Shkodër Police Commissariat in compliance with legal requirements and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”.
4. Taking the required measures to inform all the detained/arrested people by police on their fundamental rights since the first moment of deprivation of liberty
5. Taking immediate measures for the provision of metadon and basic medications for the first-aid kit at Shkodër Police Commissariat, so that detained/arrested people are provided with medical service according to law requirements.
6. Taking measures for the provision and completion with responsibility of the book of persons escorted to the Commissariats of Shkodër, Malësi e Madhe and Pukë.
7. Taking measures for making use, as soon as possible, of the book of complaints for the escorted persons, and detained/arrested at the Police Commissariat under the Police Directorate of Shkodër District

8. Taking measures for the compliance with legal provision of the C.C.P. relating notes in the minutes, giving the time (accurate time) of arrest or detention of citizens, by not initially treating them as escorted.
9. Taking measures for the installation of a monitoring system in the escort premises and particularly in the interrogation premises at Shkodër, Malësi e Madhe and Pukë Police Commissariats.
10. Taking measures for the arrangement of interrogation rooms for citizens by Judicial Police Officers at the Directorate of Shkodër District Police and its subordinate commissariats.
11. Taking the required measures by police authorities in order to provide a list with the contacts of lawyers, and to enable the presence of lawyers elected during the process of interrogation.
12. Taking the required measures in order to reflect clearly contacts with family members in the respective minutes and in the registers of escorted/detained/arrested citizens.

Dibër LPD and Subordinate Commissariats:

- Peshkopi Police Commissariat, dated 15.06.2015
- Bulqizë Police Commissariat, dated 15.06.2015
- Burrel Police Commissariat, dated 15.06.2015

Preliminary Notes

In conformity with the inspection procedure, the group of experts authorized by the Ombudsman, at each of the above-mentioned subjects, initially met with the head of the authority in order to communicate the scope of the inspection.

In addition, after receiving the required information for the duty performance, the group of experts had a private meeting with the persons deprived of liberty, inspected the escort and security premises, the offices of judicial police officers, and was introduced with the documentation presented in the respective registers and acts. In more specific terms, the general situation and the problems observed at the Police Directorate of Dibër District and its subordinate police authorities are given below:

As per above, at the end of the monitoring report, the following was recommended:

1. Immediate closure of security rooms in Burrel and Peshkopi Police Commissariats, since the stay of citizens in these conditions constitutes a degrading treatment and affects the dignity of each person held in these premises.
2. Taking immediate measures for the construction or reconstruction of escort rooms at all of the above-mentioned commissariats inspected by NPM experts, according to the

stipulations made in the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the Order no. 763, dated 27.09.2011 of the General Director of State Police.

3. Taking measures for the construction of toilets and escort rooms in the inspected commissariats, according to the provision and parameters of the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the Order no. 763, dated 27.09.2011 of the General Director of State Police.
4. Taking immediate measures for the arrangement of special premises for the retention and storage of material exhibits in commissariats, which have functional detention/arrest rooms.
5. Taking immediate measures for the installation of the monitoring system with surveillance cameras in the corridors of escort rooms at all of the above-mentioned commissariats.
6. Taking immediate measures for the installation of the monitoring system with surveillance cameras in the corridors where detention/arrest rooms are found at all of the above-mentioned Commissariats inspected by the NPM experts.
7. Taking measures for the arrangement of the doctor’s room in Burrel Police Commissariat, according to the criteria stipulated in the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the Order no. 763, dated 27.09.2011 of the General Director of State Police.
8. Taking measures for the improvement of conditions in the doctor’s room in Peshkopi Police Commissariat, according to the legal stipulated criteria.
9. Taking measures for the supply of the above-mentioned Commissariats, inspected by NPM experts, with medication and blood pressure devices.
10. Taking measures for the provision of detained/arrested persons with information/didactic/fiction literature.
11. Taking measures for updating the registers of escorted and detained/arrested persons at all of the above-mentioned Commissariats inspected by the NPM experts.
12. Taking measures for the completion with full responsibility of registers for escorted and detained/arrested persons in all their columns at all of the above-mentioned Commissariats inspected by the NPM experts.
13. Taking immediate measures for the strict implementation of Law no. 108/2014 “On State Police”, Article 109, regarding the escort of persons, aiming at giving an end to the practice observed at all the inspected Commissariats, according to which, the register of escorted persons also includes detained/arrested persons.
14. Taking immediate measures for the training of personnel at all the Commissariats inspected regarding the implementation of Law No. 108/2014 “On State Police” on the

escort of persons, and implementation of Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended.

Kukës LPD and Subordinate Commissariats:

- Has Police Commissariat, dated 17.06.2015
- Tropojë Police Commissariat, dated 18.06.2015
- Kukës Police Commissariat, dated 17.06.2015

In conformity with the inspection procedure, the group of experts authorized by the Ombudsman, at each of the above-mentioned subjects, initially met with the head of the institution in order to communicate the scope of the inspection.

In addition, after receiving the required information for the duty performance, the group of experts had a private meeting with the persons deprived of liberty, inspected the escort and security premises, the offices of judicial police officers, and was introduced with the documentation presented in the respective registers and acts.

The Ombudsman observes that, contrary to the recommendations of the previous year, dated 19.06.2014 / Doc. No. 201401261, in Tropojë and Has Police Commissariats, no measure has been taken for their execution, since escort rooms at these commissariats either are missing, or beyond any required standard. There are not three escort rooms at these commissariats, as provided by law no. 108/2014 “On State Police”, the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the Order no. 763, dated 27.09.2011 of the General Director of State Police, divided separately for females, males and minors.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the construction of new escort premises in Tropojë and Has Police Commissariats according to the requirements of Law no. 108/2014 “*On State Police*”, by providing appropriate and dignified premises, equipped with the required refurbishing for accommodation, separately divided for females, males and minors.
2. Taking measures for the adjustment of security premises at the Police Directorate of Kukës District, aiming at the establishment of aeration premises, practice of religious rituals or other activities according to law requirements.
3. Taking measures for the repair of all technical defects observed in the security premises of Kukës Police Commissariat.
4. Taking measures for completion with responsibility and in detail of the book about escorted, detained and arrested persons in Kukës, Has, Tropojë Commissariats.
5. Taking measures by the management structures of local authorities so that work is performed with all the officials for the presentation with law 108/2014 “*On State*

- Police*” and strict implementation of legal criteria regarding the cases of escort of citizens to police authorities, and for their dignified treatment.
6. Taking measures for the notification of family members, relatives or the person that the escorted is confident to, making notes in the relevant registers about the time of their notification, name of the notified person and his telephone number.
 7. Taking measures for the execution of legal criteria in order to guarantee the signing of the escorted person in the escort register at the time he is released.
 8. Taking measures for the rigorous completion in the respective registers at Subordinate Commissariats of the escort reason by avoiding general writings, such as “verification” or “conflict”.
 9. Taking immediate measures for the installation of the monitoring system with surveillance cameras in the corridors of escort, interviewing rooms or rooms where police investigations are conducted with escorted, detained/arrested persons at all of the above-mentioned commissariats.

Berat LPD and Subordinate Commissariats:

- Berat Police Commissariat, dated 03.09.2015
- Kuçovë Police Commissariat, dated 02.09.2015
- Çorovodë Police Commissariat, dated 02.09.2015

The scope of monitoring was the inspection, visit, surveillance, collection and evaluation of data, actions and practices followed up by police in compliance with the standards stipulated in Law no. 108/2014 “On State Police” and Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”, and taking measures for the fulfillment of his recommendations”, and the verification of the execution of recommendations made by the Ombudsman through Letter No. K4/ I 43-2, dated 13.11.2014 with topic: “*Recommendations on the inspection made at the Police Directorate of Berat District and its subordinate Commissariats*”, regarding the conditions provided in these premises and mainly in the escort and security rooms, for which recommendations have been made for their construction or adjustment according to legal standards, and implementation of law requirements during the escort or detention/arrest of citizens.

Before the visits, the monitoring group consulted the legal basis (codes, laws, decisions of the Council of Ministers, orders and instructions) necessary for the monitoring process. During the visits, in accordance with the inspection methodology, the working group initially held meetings with the directors of institutions and communicated to them the purpose of the visit. The directors also expressed willingness to meet all the requirements of the inspection team. **The working group also inspected the escort and security premises, the offices of the judicial police officers, was presented with all the documentation reflected in the records and the relevant documents, and contacted all the escorted, detained/arrested persons found in place.**

From the information collected on the spot, during the inspection it resulted that the factual situation found was that of a year ago, with improvements mainly in the maintenance and

completion of sections in registers. On the other side, recommendations on health environment, security rooms and installation of the monitoring system with surveillance cameras had not yet been implemented.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures for the closure and sealing of security rooms in Kuçovë and Çorovodë Police Commissariats.
2. Taking measures for the installation of the monitoring system with surveillance cameras in the corridors of escort/detention/arrest rooms at all three Commissariats under this LPD.
3. Taking measures for the arrangement of appropriate facilities of escort and detention/arrest inside the premises of commissariats of this LPD, with dignity and provided with the required refurbishing for accommodation, separately divided for females, males and minors, in conformity with the standards stipulated in the law “On State Police”, Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with the Order no. 763, dated 27.09.2011 of the General Director of State Police.
4. Taking measures for the provision with register for detained/arrested persons in Çorovodë Police Commissariat, as well as the completion with full responsibility of the register for escorted and detained/arrested persons in all their columns in Çorovodë and Kuçovë Police Commissariats.
5. Taking immediate measures for the arrangement of an appropriate facility for medical visits and manipulations in Berat Police Commissariat, and its supply with emergency medications.
6. Taking measures for the display of the list of lawyers mainly in easily accessible premises for detained/arrested people at the Police Commissariat in Berat and Kuçovë.
7. Taking measures for the provision of detainees/arrested people with means of personal hygiene at the Police Commissariat in Berat.

Korçë LPD and Subordinate Commissariats:

- Pogradec Police Commissariat, dated 01.10.2015
- Ersekë Police Commissariat, dated 30.09.2015
- Devoll Police Commissariat, dated 30.09.2015
- Korçë Police Commissariat, dated 01.10.2015

Objektivat specifike të monitorimit

The scope of monitoring was the inspection, visit, observation, collection and evaluation of

data, actions and practices followed up by police units in compliance with the standards determined in Law No. 108/2014 “*On State Police*”, Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, and collection and evaluation of data on the actions and practices followed up in commissariats aiming at the prevention and solution of issues related to the infringements of human rights, and the verification of implementation of the recommendations made by the Ombudsman through letter No. K4/I56-4 Prot., dated 04.12.2014 with topic “*Recommendations on the inspection conducted at the Police Directorate of Korçë District its Subordinate Commissariats*” and the response received by the DGP with No.6410 Prot., dated 13.01.2015 on the recommendation made.

In conformity with the inspection methodology, the working group initially held meetings with the directors of these institutions and communicated to them the scope of the visit. The directors of these authorities expressed availability to realize all the requests of the inspection team. **Following the inspection, the team had fruitful consultations with the Order and Public Security Chiefs at Police Commissariats, Pogradec and Devoll, and Chiefs of Commissariats Ersekë and Korçë and with other officials of these police units.**

The working group received the required information for the duty performance and privately contacted persons deprived of liberty. It inspected escort and security premises, offices of judicial police officers and it was introduced with all the documentation given in the relevant registers and acts.

In addition, the working group was informed that the Police Directorate of Korça District had been presented with the recommendation of the Ombudsman and on such basis, the Police Directorate of Korça District had ordered specific duties in fulfillment of these recommendations. In specific terms, the detention/arrest rooms had been closed, sealed and out of use at the Commissariat of Pogradec.

In conversation with the police personnel in charge of implementing the tasks given, the working group was informed that the Police Directorate had taken several measures to improve conditions in the escort and security premises. It had also been completed the training of police personnel that served in these facilities and the one in charge for the implementation of legal criteria during the escort and detention / arrest of citizens, but due to the lack of allocation of funds required for infrastructure improvements, no obvious enhancements were observed.

Along the inspection, the working group observed that, even though several measured had been implemented at this Police Directorate, several problems still continued to be present.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the construction of escort premises in Police Commissariats in Pogradec, Devoll and Ersekë according to requirements of law no. 108/2014 “*On State*”

Police”, by providing appropriate and dignified premises, equipped with the required refurbishing for accommodation, separately divided for females, males and minors.

2. Taking immediate measures for complying with living space and guaranteeing a human and non-degrading treatment of the pre-trial detainees/arrested in security rooms of Korça Commissariat.
3. Taking immediate measures for increasing the staff of Police Directorate of Korça District with a full-time doctor.
4. Taking immediate measures for the correction of deficiencies observed in the book of escorted/detained and arrested persons aiming at the standardization in accordance with the requirements stipulated in no. 108/2014 “*On State Police*” and the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”.
5. Taking the required measures by the management structures of central and local authorities of State Police for the introduction of all officials with law “*On State Police*” and strict implementation of legal criteria regarding the cases of escort of citizens to police authorities, and for their dignified treatment.
6. Taking measures for accurate compliance with the legal provisions of the C.C.P. relating notes in the minutes of the time (accurate time) of arrest or detention of citizens, by not initially treating them as escorted.
7. Taking measures for the installation of the monitoring system in escort, security premises and particularly in the investigation premises throughout the Police Commissariats of Korça DPD, where it is missing. Monitoring should start from the entrance of the Police Authority building, aiming at having no moment of detachment up to the place where the person shall stay.
8. Taking measures for the installation of the telephone with a number at the security premises at the Police Commissariat of Korça, so that the detainees/arrested have the possibility to communicate with their family members according to the stipulations made in the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”.
9. Taking measures for the accurate completion of the book for the complaints of the escorted, detained/arrested citizens, by giving special importance to columns reflecting injury signs, name of the official who has made the actions and the place he had been detained.

Gjirokastra LPD and Subordinate Commissariats:

- Gjirokastër Police Commissariat, dated 07.10.2015
- Përmet Police Commissariat, dated 05.10.2015
- Tepelenë Police Commissariat, dated 07.10.2015

The scope of monitoring was the inspection, visit, observation, collection and evaluation of data, actions and practices followed up by police units in compliance with the standards determined in Law No. 108/2014 “*On State Police*”, Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, and taking measures for the fulfillment of its recommendations”, and the verification of implementation of the recommendations made by the Ombudsman through letter No. K4/ I 43-2, dated 13.11.2014 with topic: “*Recommendations on the inspection conducted at the Police Directorate of Berat District and its Subordinate Commissariats*”, relating the conditions provided in these premises and mainly in the escort and security rooms, for which it had been recommended to be constructed or adjusted according to legal standards, and the implementation of law requirements during the escort or detention/arrest of citizens.

Before the visits, the monitoring group consulted the legal basis (codes, laws, decisions of the Council of Ministers, orders and instructions) necessary for the monitoring process. During the visits, in accordance with the inspection methodology, the working group initially held meetings with the directors of institutions, who, in all cases revealed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended.

The working group also inspected the escort and security premises, the offices of the judicial police officers, was presented with all the documentation reflected in the records and the relevant documents, and contacted all the escorted, detained/arrested persons found in place.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures for the installation of the monitoring system with surveillance cameras in the corridors of escort rooms at the Police Commissariat in Tepelena and Police Commissariat in Përmet.
2. Taking immediate measures for the closure and sealing of security rooms, according to procedure, with the minutes held at the Police Commissariat in Përmet.
3. Taking measures for the completion with full responsibility of registers for escorted persons in all their columns at all Commissariats under Gjirokastrë LPD and in conformity with Article 109 of Law no. 108/2014 “On State Police”.
4. Taking measures for opening appropriate toilets according to the requirements of the Order No. 763 dated 27.09.2011 of the General Director of State Police, near escort rooms at the Police Commissariat in Tepelena.
5. Taking measures for opening another escort room in order to enable the settlement of females and minors in separate rooms at the Police Commissariat in Gjirokastrë.
6. Taking measures for the storage of food samples and for the display of daily and monthly menus for the arrested/detained persons in the canteen at the Police Commissariat in Gjirokastrë.

7. Taking measures for the provision of the detainees/arrested with personal hygiene items at the Police Commissariat in Gjirokastër.

Elbasan LPD and Subordinate Commissariats:

- Elbasan Police Commissariat, dated 16.10.2015
- Librazhd Police Commissariat, dated 14.10.2015
- Gramsh Police Commissariat, dated 14.10.2015
- Peqin Police Commissariat, dated 14.10.2015

The scope of monitoring was the inspection, observation, collection and evaluation of data, actions and practices followed up by police units in compliance with the standards determined in Law No. 108/2014 “*On State Police*” and the Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, and the verification of implementation of the recommendations made by the Ombudsman through letter No. K4/ I 13-2, dated 12.08.2014 with topic: “*Recommendations on the inspection conducted at the Police Directorate of Elbasan District and its Subordinate Commissariats*”.

Before the visits, the monitoring group consulted the legal basis (codes, laws, decisions of the Council of Ministers, orders and instructions) necessary for the monitoring process. During the visits, in accordance with the inspection methodology, the working group initially held meetings with the directors of institutions, who, in all cases revealed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended.

The working group also inspected the escort and security premises, the offices of the judicial police officers, was presented with all the documentation reflected in the records and the relevant documents, and contacted all the escorted, detained/arrested persons found in place.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the establishment of appropriate escort, detention/arrest and aeration premises inside the commissariats under Elbasan LPD, dignified and provided with the required refurbishing for accommodation, in conformity with the standards stipulated in Law no. 108/2014 “On State Police” and Manual on “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with Order No. 763 dated 27.09.2011 of the General Director of State Police.
2. Taking measures for the installation of a monitoring system with surveillance cameras in the corridors of escort rooms at the Police Commissariat of Librazhd, Gramsh and Peqin.
3. **Taking measures for the completion with correctness and responsibility of the registers** for escorted/detained/arrested people at the Police Commissariat of Elbasan.

Vlora LPD and Subordinate Commissariats:

- Vlorë Police Commissariat, dated 22.10.2015
- Sarandë Police Commissariat, dated 06.10.2015
- Delvinë Police Commissariat, dated 06.10.2015

In conformity with the inspection procedure, the group of experts authorized by the Ombudsman, at each of the above-mentioned subjects, initially met with the head of the authority in order to communicate the scope of the inspection. It is worth highlighting the fact that the directors of inspected bodies showed cooperation throughout the time that the group was in inspection.

In addition, after receiving the required information for the duty performance, the group of experts had a private meeting with the persons deprived of liberty, inspected the escort and security premises, the offices of judicial police officers, and was introduced with the documentation presented in the respective registers and acts. Taking measures for the completion of reconstruction of new escort premises in Vlora Police Commissariat, construction of new escort premises in Saranda and Delvina Police Commissariats according to the requirements of Law no. 108/2014 “On State Police”, by providing appropriate and dignified premises, equipped with the required refurbishing for accommodation, separately divided for females, males and inors.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the completion of reconstruction of new escort premises in Vlora Police Commissariat, construction of new security premises in Saranda Police Commissariat according to the requirements of Law no. 108/2014 “On State Police”, the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”.
2. Taking measures for the completion and fulfillment with responsibility of the book of persons escorted to Saranda and Delvina Commissariats.
3. Taking measures for the compliance with legal provision of the C.C.P. relating notes in the minutes, giving the time (accurate time) of arrest or detention of citizens, by not initially treating them as escorted.
4. Taking measures for the installation of the monitoring system in escort and security premises, and particularly in the interviewing premises at all Police Commissariats under the Police Directorate of Vlora District.

Fier LPD and Subordinate Commissariats:

- Fier Police Commissariat, dated 10.11.2015
- Lushnje Police Commissariat dated 10.11.2015
- Mallakastër Police Commissariat dated 10.11.2015

Before the visits, the monitoring group collected all the required legal information for the monitoring process (codes, laws, decisions of the Council of Ministers, orders and instructions). Monitoring went through the planning phase of the issues where it would be concentrated, methodology that would be used, real identification of the performance, indicators that have made progress and indicators requiring improvement.

The scope of monitoring was the inspection, visit, observation, collection and evaluation of data, actions and practices followed up by police units in compliance with the standards determined in Law No. 108/2014 “*On State Police*” and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*”, and taking measures for the fulfillment of its recommendations”, and the verification of implementation of the recommendations made by the Ombudsman through letter No. K4/I64-2, dated 26.01.2015 with topic: “*Recommendations on the inspection conducted at the Police Directorate of Fier District and its Subordinate Commissariats*”, relating the conditions provided in these premises and mainly in the escort and security rooms, for which it had been recommended to be constructed or adjusted according to legal standards, and the implementation of law requirements during the escort or detention/arrest of citizens.

From the information collected in place, during the performance of inspection, it resulted that the factual situation was the same as one year ago, with some slight changes, such as: provision with refurbishing of escort premises in Mallakastër and Lushnje. In addition, the implemented recommendation is considered the medical service at the Police Commissariat in Lushnje within 12 hours according to the legal requirements and the recommendation for information on the rights of detained/arrested persons by police. The remaining part of recommendations has not been implemented yet.

In conformity with the inspection methodology, the working group initially held meetings with the directors of these institutions and communicated to them the scope of the visit. The directors of these authorities expressed availability to realize all the requests of the inspection team. **The working group also inspected escort and security premises, offices of judicial police officers and it was introduced with all the documentation given in the relevant registers and acts.**

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures to finish reconstruction and use escorting facilities in Police Commissariats of Mallakastër and Lushnje according to requirements in Law no. 108/2014 “*On State Police*”, and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*” by creating proper

facilities, furnished with necessary equipment for accommodation and separated for females, males and minors.

2. Taking immediate measures for the closure of existing security premises and construction of new premises in Lushnjë Police Commissariat according to the requirements of Law no. 108/2014 “On state Police” and the Manual “*On Rules of Treatment and Security of Detained and Arrested Persons in Security Rooms in Police Units*” .
3. Taking measures for the repair of toilets in the security premises of Fier Commissariat, and the installation of a telephone in the corridors of security premises in Fier Police Commissariat.
4. Taking measures for the improvement of hygiene-sanitary conditions in the premises of escort and detention/arrest at the Police Commissariat Fier.
5. Taking necessary measures to make sure that all detained/arrested persons from the police are fully informed on their fundamental rights from the first moment of deprivation of freedom.
6. Taking measures for the completion and fulfillment with responsibility of the book of persons escorted to Mallakastër, Lushnjë and Fier Commissariats.
7. Taking measures for putting into use, as soon as possible, the book of complaints for escorted/detained/arrested persons at all Police Commissariats under the Local Police Directorate in Fier.
8. Taking measures for the compliance with legal provision of the C.C.P. relating notes in the minutes, giving the time (accurate time) of arrest or detention of citizens.
9. Taking measures for the installation of the monitoring system in escort and security premises in the Police Commissariats of Lushnja and Mallakastra.
10. To be taken the required measures by police authorities on the information of detained/arrested persons for the right of a lawyer, and the real opportunity to contact with a lawyer, before the investigation is made.
11. Taking the required measures so that all escorted/detained/arrested persons by police, contact their family members at the first moment of arrest/detention, and clearly present this fact in the relevant minutes and in the registers of the escorted/detained/arrested persons .

Commissariat No. 3, Tirana – Dated 19.11.2015

The scope of inspection was the collection and evaluation of data on the actions and practices followed up by police units in compliance with the standards set in the law , as well as evaluation of the level of implementation of recommendations of the Ombudsman regarding the construction of escort and security rooms according to legal standards, phasing out of function the rooms that do not meet the necessary criteria, and implementation of law requirements for escort or detention/arrest procedures.

Inspection aimed at the verification of compliance with the standards determined in the law no. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with Order No. 763 dated 27.09.2011 of the Director General of State Police and implementation of the Ombudsman’s recommendations related to the conditions provided in these premises and mainly in escort and security rooms, for which it had been recommended the construction or adjustment according to legal standards.

In conformity with the inspection procedure, initially the experts contacted the head of this commissariat in order to communicate the scope of the inspection. It is worth highlighting the fact that the director showed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended. After receiving the required information for the duty performance, the inspection group visited the escort/detention/arrest premises, and the offices of judicial police officers, and it was introduced with the documentation presented in the respective registers and acts.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the construction or reconstruction of escort/detention/arrest premises at Police Commissariat No. 3 Tirana pursuant to the standards determined in the Law No. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units” aiming at the establishment of proper, dignified premises, and the treatment of citizens in conformity with the standards provided in law.
2. Taking measures for the installation of the monitoring system with cameras in security and escort premises.
3. Taking measures for the arrangement of rooms for citizens to be interrogated by Judicial Police Officers.
4. Taking the required measures by police authorities in order to provide a list of lawyers and to enable the presence of the lawyers selected during the interrogation process.

Commissariat No. 6, Tirana – Dated 19.11.2015

The scope of inspection was the collection and evaluation of data on the actions and practices followed up by police units in compliance with the standards set in the law , as well as evaluation of the level of implementation of recommendations of the Ombudsman regarding the construction of escort and security rooms according to legal standards, phasing out of function the rooms that do not meet the necessary criteria, and implementation of law requirements for escort or detention/arrest procedures.

Inspection aimed at the verification of compliance with the standards determined in the law no. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and

Security of Persons Arrested and Detained in Police Units”, approved with Order No. 763 dated 27.09.2011 of the Director General of State Police and implementation of the Ombudsman’s recommendations related to the conditions provided in these premises and mainly in escort and security rooms, for which it had been recommended the construction or adjustment according to legal standards.

In conformity with the inspection procedure, initially the experts contacted the head of this commissariat in order to communicate the scope of the inspection. It is worth highlighting the fact that the director showed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended. After receiving the required information for the duty performance, the inspection group visited the escort/detention/arrest premises, and the offices of judicial police officers, and it was introduced with the documentation presented in the respective registers and acts.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the construction or reconstruction of escort premises at Police Commissariat No.6 Tirana pursuant to the standards determined in the Law No. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units” aiming at the establishment of proper, dignified premises, provided with the required refurbishing for accommodation, separately divided for females, males and minors.
2. Taking measures for putting into use, as soon as possible, telephone devices.
3. Taking measures for the arrangement of rooms for citizens to be interrogated by Judicial Police Officers.
4. Taking the required measures by police authorities in order to provide a list of lawyers and to enable the presence of the lawyers selected during the interrogation process.

Commissariat No. 1, Tirana – Dated 23.11.2015

The scope of inspection was the collection and evaluation of data on the actions and practices followed up by police units in compliance with the standards set in the law , as well as evaluation of the level of implementation of recommendations of the Ombudsman regarding the construction of escort and security rooms according to legal standards, phasing out of function the rooms that do not meet the necessary criteria, and implementation of law requirements for escort or detention/arrest procedures.

Inspection aimed at the verification of compliance with the standards determined in the law no. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with Order No. 763 dated 27.09.2011 of the Director General of State Police and implementation of the Ombudsman’s recommendations related to the conditions provided in these premises and mainly in escort and

security rooms, for which it had been recommended the construction or adjustment according to legal standards.

In conformity with the inspection procedure, initially the experts contacted the head of this commissariat in order to communicate the scope of the inspection. It is worth highlighting the fact that the director showed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended. After receiving the required information for the duty performance, the inspection group visited the escort/detention/arrest premises, and the offices of judicial police officers, and it was introduced with the documentation presented in the respective registers and acts.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the arrangement of rooms for citizens to be interrogated by Judicial Police Officers at the Police Commissariat no. 1 Tirana pursuant to the standards determined in Law No. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”.
2. Taking the required measures by police authorities in order to provide a list of lawyers and to enable the presence of the lawyers selected during the interrogation process.
3. Taking immediate measures regarding the presence of a doctor within a 24-hour-term, aiming at the treatment of persons at this institution in conformity with the applicable legislation, and mainly the treatment of minors with priority by the LPD health service, in order to avoid undesirable situations.
4. Taking measures for the arrangement of escort rooms for females and minors in conformity with law no. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”.

Commissariat No. 4, Tirana – Dated - 23.11.20115

The scope of inspection was the collection and evaluation of data on the actions and practices followed up by police units in compliance with the standards set in the law , as well as evaluation of the level of implementation of recommendations of the Ombudsman regarding the construction of escort and security rooms according to legal standards, phasing out of function the rooms that do not meet the necessary criteria, and implementation of law requirements for escort or detention/arrest procedures.

Inspection aimed at the verification of compliance with the standards determined in the law no. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units”, approved with Order No. 763 dated 27.09.2011 of the Director General of State Police and implementation of the Ombudsman’s recommendations related to the conditions provided in these premises and mainly in escort and security rooms, for which it had been recommended the construction or adjustment according to legal standards.

In conformity with the inspection procedure, initially the experts contacted the head of this commissariat in order to communicate the scope of the inspection. It is worth highlighting the fact that the director showed cooperation during the time that the group was in inspection, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended. After receiving the required information for the duty performance, the inspection group visited the escort/detention/arrest premises, and the offices of judicial police officers, and it was introduced with the documentation presented in the respective registers and acts.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the construction or reconstruction of escort premises at Police Commissariat No.4 Tirana pursuant to the standards determined in the Law No. 108/2014 “On State Police”, Manual “Standard Rules and Procedures on Treatment and Security of Persons Arrested and Detained in Police Units” aiming at the establishment of proper, dignified premises, provided with the required refurbishing for accommodation, separately divided for females, males and minors.
2. Taking measures for putting into use, as soon as possible, the book for the registration of detained/arrested persons and telephone devices.
3. Taking measures for the arrangement of rooms for citizens to be interrogated by Judicial Police Officers .
4. Taking the required measures by police authorities in order to provide a list of lawyers and to enable the presence of the lawyers selected during the interrogation process.

Recommendation addressed to the Head of the District Prosecutor’s Office of Shkodër, Attorney General, State Police General Director for the initiation of investigations against the police officer A.P., for the criminal offence of “commission of arbitrary actions”, provided for in article 250 of the Criminal Code – Date - 08.08.2015

The complaint of the citizen B.M. is registered with the institution of the People’s Advocate. He claims that on 07.08.2015 he was physically violated by the officer of the District Police Directorate of Shkodër, A.P. According to the citizen B.M., during the period he was in the escort room near the entrance of Shkodër Police Station, was hit in that room in the presence of two other escorted persons, K.P. and G.P. Further, he alleges that he was summoned and gotten out of the escort room and was physically violated and hit in the courtyard of Shkodër police station. The police officer A.P has punched him, causing light cerebral commotion and lesions in the ear area, as a result of which the citizen B.M. from the premises of Shkodër Police Station, at 04.35 hrs on 08.08.2015 was urgently admitted at the Regional Hospital of Shkodër.

Based on the claims of citizen B.M., the physical violence against him by the police officer A.P, was exercised with a view of his punishment as during his escort to Shkodër Police Station, together with the lorry by which woodstuff was transported, as a result of technical default, the lorry bodywork self-loading system was activated throwing in the road some part of the load and causing delay of the escort of persons and lorry to Shkodër Police Station.

On 08. 08. 2015 the employee of our institution met the citizen B.M. who was hospitalized at the surgery ward within the Regional Hospital of Shkodër. During his questioning by minutes,

inter alia, he declared that on 07.08.2015, at around 22:30 – 23:00 hrs the vehicle of Benz reportable lorry type by which woodstuff was transported for the purpose of trade from Cukal mountain, Rrethina commune to the town of Shkodër, was parked near the place referred to as Ura e Mesit. According to the complainant, B.M., the vehicle driver had parked the lorry and had left to buy food in a shop nearby.

At that time two police officers wearing civil uniforms and the road traffic police officer Mr. H.M. approached the stopped lorry and they have requested the car documents and those related to the consignment origin and destination. Only the complainant B.M entered the vehicle cabin because the vehicle driver left for a while to make the above purchases. After a few minutes operating personnel of the Rapid Reaction Brigade, who ordered Mr. B. M to drive the vehicle to Shkodër Police Station, where the vehicle's seizure would take place until the police authorities would be made available the relevant documentation. As reported, B.M. has informed the police officers that he was only a loading-unloading worker and was not the vehicle's driver but they have not taken into account his statements and ordered him to drive the vehicle to Shkodër Police Station.

As B.M. has stated, he was driving the vehicle loaded with woodstuff accompanied by one police officer of the operating personnel. Further, the vehicle driver was not allowed to get into the lorry cabin. Following the confession, the complainant explained that in the place called Hot i Ri the lorry has suffered a technical default, as a result of which the mechanism of automatic self-loading was activities and during the trip some part of the load was thrown in the road. At those moments B.M. has stopped the car and he was immediately handcuffed and arrested by the police officer of operating personnel, who was in the lorry cabin and accompanying him. Subsequently, the group of Rapid Reaction Brigade was informed and other police officers who had left for another police operation. They arrived in the place where lorry had stopped as soon as the police officer accompanying the vehicle has notified them, charging B.M that he was the one that has activated the self-loading mechanism, with a view of preventing police operations. According to B.M, a police officer wearing civilian clothes, has arrived in the place where it had stopped. He identifies him by the name A.P. and claims that he has slapped him on the head and threatened him by words "see you at the Police Station". Subsequently, B.M. together with two other persons, G.P. and K.A., are escorted to the Police Station of Shkodër at around 02.00 hrs on 08.08.2015, where the three of them altogether were housed in the escort room at the entrance of Shkodër Police Station. According to the testimonies of B.M and the escorted person K.A., at around 3.00 hrs on 08.08.2015 the police officer A.P. entered the escort room and punched B.M. about five times on the head in the presence of the escorted persons, offending and swearing on him indecent words. After that A.P. left for about 5 minutes and again returned to the escort room, taking B.M. from the escort room and bringing him to the courtyard of Shkodër Police Station, continuing his physical maltreatment for about 15 minutes, slapping the complainant and punching him on the head, with a view of obtaining by him information about the ownership of woodstuff that was illicitly provided and transported.

According to B.M. testimonies, the police officer H.M. and the head of shift of detention-arrest rooms of Shkodër Police Station have been present during the exercise of physical violence against him in the courtyard of Shkodër Police Station. Immediately after the return to the escort room, based on the testimonies of B.M. and of witnesses K.A., B.M., he has had signs of strikes on the head and arm, and has shown headache and ear hemorrhage. At a point he fainted and afterwards the escorted persons K.P. and G.P. have knocked on the door and persistently sought an ambulance be called and immediate medical treatment of the citizen B.M..

As they confessed, after about one hour, an ambulance with medical personal arrived in the Police Station premises. They have recommended the citizen's immediate hospitalization for specialized treatment at the emergency ward of Shkodër Regional Hospital.

As the employee of our institution, during the meeting he had with the citizen B.M, observed scars on his face and body, by the letter dated 09/08/2015 the legal/forensic doctor of Shkodër Regional Hospital was asked to perform his forensic expertise. On 08.10.2015, the legal/forensic doctor, Dh.T., went to the Regional Hospital of Shkodër to conduct the examination of the citizens B.M., and on the same date, he submitted the results to the investigating group of the People's Advocate.

The Forensic Expert Act No.177, dated 10.08.2015, conducted by a forensic expert of the Forensic Service of Shkodër, Mr. Dh.T. shows that, from the objective examination dated 10/08/2015 of the citizens B.M, and review of clinical card No.2103, it is noted that the citizen was hospitalized at the Regional Hospital of Shkodër on 08.08.2015 by the emergency unit, with the daily emergency card No. 1528 dated 08.08.2015, at around 4:35 with the Diagnosis: ***Contusion capitis et corpori.***

Based on data from the medical card and the medical examination conducted to the person, the forensic expert concluded that:

1. It is observed that the citizen B.M has light cerebral commotion with edema of the left ear lappet without any serious lesions and bone lesion.
2. Injuries are caused by tough items/materials.
3. These injuries fall into the category of injuries that have caused the loss of temporary ability for work up to 9 days.

Based on the evidence obtained by the Sub/ Commissioners of the People's Advocate, the police officers with the initials H.M. and A.P, asked by our side, refused they have mistreated the citizen B.M. Also, H.M said he had not seen B.M. to suffer any ill-treated behavior in the court of Shkodër Police Station by the police officer with the initials A.P.

Negative statements of police officer with the initials A.P, that the citizen B.M. is not violated by him, and also negative statements of the police officers with initials, H.M., that he did not see that B.M. was violated by the police officer with initials A.P, are rejected by the evidence administered during the administrative investigation conducted by our side.

The claims of the complainant that he was physically abused of violence by the police officer with the initials A.P, are proved by the statements of the citizens with the initials, K.A., G.P., D.M, F.R., etc. Also, the physical violence of the citizens B.M., by the police officers of the Police Directorate of District of Shkodër is also proved by two pictures taken in Shkodër Regional Hospital by the experts of the People's Advocate, on dt.08.08.2015, while he was

hospitalized in the surgery unit of Shkodër Regional Hospital, as well as by the medical card of the citizen, B.M, formulated by doctors of emergency unit and surgery unit, on 08.08.2015, and also by the act of forensic expertise, articulated by the forensic expert of the Forensic Service of Shkodër. According to the complainant and some declared persons, the violence against him was made because of vengeance, as he allegedly moved the mechanism of discharging the vehicle/truck causing the delay of police activity and causing risk to police personnel and vehicles following/tracking him from behind.

At the conclusion of the administrative examination and investigation of this case and the documentation administered by us, we concluded that police officer A.P has exercised physical violence against the citizens B.M. at the moment of his arrest and during his stay in the escort room of Shkodër Police Station. The complainant has suffered physical and psychological consequences from this behavior of being violently punched and knocked by the police officer A.P.

The actions of the police officers of the Police Directorate of Shkodër District, with the initials A.P, are contrary to the Article 133 of Law No. 108/2014 "On State Police", and his intention was to punish him because he is not obeyed to their orders, and with his actions or lack of actions, he caused delays in the performance of the police. The complainant is deprived of the fundamental right guaranteed by Article 25 of the Constitution and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, *for not being subject to torture, or cruel, inhuman or degrading treatment and punishment.*

At the conclusion of the review of this case, we concluded that, such action committed by the officer of the Police Directorate of Shkodër District, with initials A.P, contains elements of the criminal offense of "committing arbitrary actions", carried out in complicity as provided by Articles 250 and 25 of the Criminal Code. This offense is committed in the quality of a state function as an employee of the State Police and during the exercise of this duty at the Police Directorate of Shkodër District, through committing of an arbitrary and unlawful action in the detriment of the right of the complainant for protection of his physical integrity guaranteed by normative acts in force. This action is done with the special quality of an individual subject as an employee of the State Police, with direct intentions and full conscience that his act was unlawful and not in line with the normal fulfillment of his duty.

As above, it was recommended:

1. The initiation of criminal prosecution against the citizen A.P, with the duty of the State Police officer, operating personnel of the District Police Directorate of Shkodër for the criminal offence of "*commission of arbitrary actions*", provided for in article 250 of the Criminal Code.

6. Recommendations delivered on the basis of Inspections conducted during 2015 in the Armed Forces

Information on the inspection conducted at the Military Unit No. 1010 Vau i Dejës, Shkodër Dated – 03.06.2015

The inspection visit was conducted in the framework of the plan for periodic monitoring visits of the Ombudsman for the year 2015. In conformity with the inspection procedure, it was initially held a meeting with the Head of the Headquarters of this military unit, who showed cooperation in the fulfillment of the scope in this visit, pursuant to Law No. 8454, dated 04.02.1999 “On the Ombudsman”, as amended.

At the Military Unit No. 1010 Vau i Dejës, Shkodër, the security rooms were closed. According to Law. 8671, dated 26.10.2000 “*On Commanding and Leading Powers and Authorities of AF in RA*”, orders for the measure of “*disciplinary detention*”, given by this Institution, had to be implemented at the Military Police Battalion Sauk (MPPS), Tirana. On the execution of orders and the follow-up of all the procedures pursuant to them, a responsible person of this Institution was in charge. After the issuance of the order on the disciplinary measure, the soldier who had been given this measure, had to appear at the MPPS. In case of refusal, the military police took measures for the escort of the soldier to the premises of the latter.

The Head of the Headquarters of this Institution was informed that no “*disciplinary detention*” measure had been given in the first semester of the year 2015, based on the recommendations made by the Ombudsman. About the verification of the above, the NPM experts administered a photocopy of the disciplinary detention book of this institution.

Military Police Sauk, Tirana - Dated 18.11.2015

The periodic monitoring visit of the Ombudsman’s experts at Military Police Sauk, Tirana for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights, conditions and treatment of military officers, whose “*disciplinary detention*” measure is executed at this institution, and the verification of implementation of the recommendations made by the Ombudsman through letter No. 201500026 Prot. K1/I5-2, dated 17.02.2015, with subject: “*Recommendations on the inspection conducted at the Military Police Battalion Sauk, Tirana*”.

From the information gathered on the spot, while conducting confidential interview with only one person who was found there during this inspection, as well as through verification of documents, objects, equipment and facilities, it resulted that four recommendations had been implemented, the one related to the display of posters with the rights and obligations of military officers with “*disciplinary detention*” measure, the one on the provision of full packages with personal hygiene products, completion with full responsibility of all columns in the registers for disciplinary detention and removal of force means, truncheons and handcuffs from the office of security room responsible. Meanwhile, other recommendations have remained unfulfilled so far.

At Military police, there were security rooms, which served for the execution of “disciplinary detention” measure according to Law no. 13/2015 “On Military Police in the Armed Forces of the Republic of Albania”, and in conformity with Instruction no. 5, dated 22.04.2015, of the Minister of Justice “On the Disciplinary Procedure in the Armed Forces of the Republic of Albania”.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures for the full reconstruction of security rooms at Military Police Sauk, Tirana and their provision with electric bell.
2. Taking measures for the display of posters with the rights and obligations of military officers with “disciplinary detention” measure in premises where they may be accessible to military officers.
3. Taking immediate measures for the installation of the monitoring system with surveillance cameras in the corridor of security rooms.
4. Taking measures for provision of heating in the security rooms.
5. Taking measures for the improvement of conditions in the meeting room with family members according to the standards stipulated by the “*European Convention on Protection of Human Rights and Fundamental Freedoms*” and its additional protocols, ratified by the Republic of Albania with Law No. 8137, dated 31.7.1996.

7. Recommendations delivered on the basis of Inspections conducted during 2014 in Psychiatric Hospitals

Psychiatry Service, UCH, Tirana – Datë 04.03.2015

This was the first periodic visit of NPM at the Psychiatry Service “Mother Teresa” UHC Tirana for the year 2015. In conformity with the monitoring procedure, the inspection team initially asked for a meeting with the head of this service, the meeting was held with the head of the emergency service of the hospital, who was willing to assist to cooperate in fulfilling the purpose of inspection.

During the conversation with the head of emergency, the NPM experts were informed that the coverage area of this in-treatment ward hospital service includes the district of Tirana and Kavaja. The maximal capacity of this hospital service is 89 beds divided into two services: psychiatry service for adults with an official capacity of 74 beds and psychiatry service for children and teenagers with an official capacity of 15 beds.

On the day of inspection, in the premises of the institution, there were 72 persons in the psychiatry service for adults and 5 persons in psychiatry service for children and teenagers .

As per above, at the end of the monitoring report, the following was recommended:

1. To be taken immediate measures by “Mother Teresa” UHC Tiranë for the establishment of an information office in this service, and the installation of orientation signboards in its internal premises.
2. Taking immediate measures for the full reconstruction of the seclusion room by refurbishing it in conformity with the Package of Sub-legal Acts pursuant to the Law No. 44/2012 “On Mental Health”, December 2013, item 4.
3. Taking measures for the reconstruction of the underground floor of the four-storey-building of this hospital with beds and its shift into a comfortable rehabilitation and activities facility for the patients.
4. Taking measures for the establishment of a special ward for persons abusing with narcotic substances, who manifest behavioral and/or psychotic disorders.
5. Taking measures for the supply of this institution with physical restraint means in conformity with the standards provided in the Package of Sub-Legal Acts of the Law No. 44/2012 “On Mental Health”, December 2013, item 1.1.
6. Taking measures for the installation of a monitoring system with surveillance cameras in common premises of this institution, where the privacy of patients is not affected, as a preventive measure of inhuman and degrading treatment of patients and in order to provide a qualitative service in security level in the relations medical personnel – patient, for the specifics of this institution.
7. Taking measures for setting in full function the central heating system.
8. Taking immediate measures for the provision of secrecy registers by the legal directorate of UHC.
9. Taking measures for the provision of special registers for physical restraint, based on Article 27 of the Law on mental health, and for involuntary hospitalizations, as a necessity for a transparent and detailed presentation of the procedures followed for these hospitalizations based on the criteria provided in Article 20 item 2 (a, b and c).
10. To be taken measures by the Ministry of Health for opening daily centers, which would provide a social and rehabilitating care to persons, whose family and/or social support is missing.
11. Taking measures to increase the number of staff at this Institution with nurses, a barber, and a maintenance employee, taking into consideration the specifics of this in-treatment ward mental health service.

Mental Health In-Treatment Ward Service, Shkodër – Dated 02.06.2015

The periodic monitoring visit of the Ombudsman’s experts at the Psychiatric Hospital in Shkodër for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights, conditions and treatment of patients at the institution, and the verification of implementation of the recommendations made by the Ombudsman through letter No. K4/I66-2 Prot., dated 14.01.2014, with topic: “It is hereby recommended the improvement of conditions and treatment of patients at Mental Health In-Treatment Ward Shkodër”.

From the information gathered on the spot, while conducting confidential interviews with persons who were treated at this institution and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that recommendations on; implementation of procedures for involuntary hospitalizations, assignment of a lawyer by DSHP Shkodër at the psychiatric hospital, setting in full function the surveillance system with cameras, storage of food samples in fridge conditions and locked, as well as inclusion of the hospital staff in judicial processes dealing with the removal of capacity of the patients of this institution, had been implemented, meanwhile the other recommendations have remained unfulfilled so far.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures for finding a solution on the treatment of persons with the medical measure “mandatory medication” in conformity with Article 28 of the Law No. 44/2012 “On Mental Health”.
2. Taking immediate measures for the provision of a special room for physical limitation in conformity with Article 27 of the Law No. 44/2012 “On Mental Health”.
3. Taking measures for the supply of this institution with physical limitation means in conformity with the European standards and sub-legal acts of the law on mental health.
4. Taking immediate measures for adding psychiatrists to the staff of this institution.
5. Taking measures for the display of the rights of the patient in all the premises of this institution.
6. To be taken measures by the psycho-social staff for documenting the pace and therapeutical treatments of patients in special psycho-social files, since the space provided in medical cards is insufficient.

“Sadik Dinçi” Psychiatric Hospital, Elbasan - Date 16.10.2015

The periodic monitoring visit of the Ombudsman’s experts at “Sadik Dinçi” Psychiatric Hospital, Elbasan for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights, conditions and treatment of patients at the institution, and the verification of implementation of the recommendations made by the Ombudsman through letter No. 201401340 Prot. K1/I31-2, dated 25.07.2014, with topic: “It is hereby recommended the improvement of conditions and treatment of patients at “Sadik Dinçi” Psychiatric Hospital Elbasan”.

From the information gathered on the spot, while conducting confidential interviews with persons who were treated at this institution and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that only three recommendations had been implemented; one on the inclusion of the psychiatrist with the relevant rights and obligations subject to an efficient service, one on the inclusion of the psycho-social staff in decision-taking for the cases treated at this institution, and the one related to the completion of the consultations’ register according to the items reflected on it. It was also partially realized the recommendation related to humidity in wards, showers and toilets due to the reconstruction with donation, meanwhile all the other recommendations have remained unfulfilled so far.

“Sadik Dinçi” Psychiatric Hospital, Elbasan with an official capacity of 310 beds, at the time of the inspection visit accommodated 320 persons, a problem also revealed in the inspection of a year ago with an overcrowding of 10 patients above capacity.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures for the reduction of overcrowding at the hospital and n compliance with personal space, by increasing the number of exits, and the realization of hospitalizations in conformity with the criteria, with reference from QKSHM of the respective districts determined by the legislation in force.
2. Taking immediate measures in order to find a solution for approximately 57 persons with intellectual disabilities, who have been residents of this hospital for years, contrary to the legislation in force.
3. Taking measures for drafting a Memorandum of Understanding between the psychiatric hospital and Local Police Directorates or subordinate commissariats, for the escort of persons with mental health issues by state police in human and dignified conditions, in cases constituting a risk for themselves or the others.
4. Taking immediate measures relating the establishment of a legal sector, as an inherent and functional part of the organization chart of the institution, subject to the protection of rights of the persons under treatment and the institution as well.
5. Taking immediate measures for the operation of physical restraint room and supply of this institution with the relevant means (leather belts, force shirts) required for the implementation of immobilization according to Article 27 of Law 44/2012 “On Mental Health”, for handling special cases (psycho-motor agitation, suicidal or homicidale attempts).
6. Taking measures for finding a solution to abusive cases with narchotic or/and alcoholic substances, which should be treated at the toxicology ward, since this institution does not provide human resources and proper infrastructure to provide medical service for this category of patients.
7. Taking measures for adding nurses and caretakers to the staff of this institution.
8. Taking measures for the reorganization and separation of acute patients from resident patients at this institution, so that the work of the personnel in the respective wards is facilitated.
9. Taking measures for the installation of a monitoring system with surveillance cameras in all the premises of this institution, as one of the most important aspects for the prevention of violent acts against citizens and vice-versa, in protection of human rights and fundamental freedoms.
10. Taking measures for the proportional division of personnel in wards in relation to the number of patients in the ward.
11. Taking measures for the improvement of conditions in the wards, showers and toilets so that a dignified service is provided to people who are treated at this hospital.
12. Taking measures for the enforcement of law on mental health regarding the multidisciplinary team, including the psycho-social staff in decision – taking for all the cases who are treated at this institution, a special focus on the important decisions

of removing the capacity to act and provision of custody for persons who are treated at this hospital.

13. Taking immediate measures for performing routine measurements for the level of Lithiemia and Tegretolemia, as a necessity determined in the medication protocols.
14. Taking immediate measures in setting in full function the ECG device.
15. Provision of the stomatologist's room with dental instruments and materials.

“Ali Mihali” Psychiatric Hospital, Vlora - Date 23.10.2015

The periodic monitoring visit of the Ombudsman's experts at “Ali Mihali” Psychiatric Hospital, Vlora for the year 2015 was conducted in conformity with the monitoring procedure of NPM. The scope of the visit was the collection of information regarding the rights, conditions and treatment of patients at the institution, and the verification of implementation of the recommendations made by the Ombudsman through letter No. 201402312 Prot. K1/I80-2, dated 06.01.2015, with topic: “It is hereby recommended the improvement of conditions and treatment of patients at “Ali Mihali” Psychiatric Hospital Vlorë”.

From the information gathered on the spot, while conducting confidential interviews with persons who were treated at this institution and with the staff of the institution, as well as through verification of documents, objects, equipment and facilities, it resulted that only ten recommendations had been implemented, since this hospital being established as a new hospital with a new building and in conformity with the international standards and the legislation in force has made possible the solution to many problems found a year ago. Meanwhile, other recommendations related to the conditions and treatment of patients who have been residents for years at this institution, have remained unfulfilled so far.

“Ali Mihali” Psychiatric Hospital, Vlora with an official capacity of 160 patients, of whom 110 chronic patients and 50 acute and sub-acute patients. At the time of the inspection visit, the new hospital treated 30 patients, while the part of chronic wards was in full capacity.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking immediate measures in order to find a solution for approximately 40 persons with intellectual disabilities, 9 patients who do not pertain to the coverage area of this hospital, who have been residents for years at this institution contrary to the legislation in force.
2. Taking measures for drafting a Memorandum of Understanding between the psychiatric hospital and Local Police Directorates or subordinate commissariats, for the escort of persons with mental health issues by state police in human and dignified conditions, in cases constituting a risk for themselves or the others.
3. Taking measures for the installation of a monitoring system of surveillance cameras in the chronic wards of this institution, as one of the most important aspects for the

prevention of violent acts against citizens and vice-versa, in the protection of the human rights and fundamental freedoms.

4. Taking immediate measures regarding the pronounced humidity in the old building, the room, showers and toilets and the improvement of the latter.

8. Recommendations delivered based on Inspections performed during 2015 in Centers.

Closed Center for Foreigners, Kareç - Date - 18.03.2015

The Closed Center for Foreigners, Kareç was established with the DCM no. 1083, dated 28.10.2009, pursuant to Article 100 of the Constitution and item 2 of Article 83 of Law no. 9959, dated 17.7.2008 "On Foreigners", with the aim of housing irregular foreigners in the territory of the Republic of Albania, against whom a detention measures has been taken in conformity with the legislation in force.

The Closed Center is a structure subordinate to Migration and Repair Directorate at the Border and Migration Department, at the Directorate General of State Police, at the Ministry of Interior. The Internal Regulation of the Center had been approved with the order of the Director General of State Police.

In the premises of the institution, during the inspection, there were 92 foreign citizens, of whom four female foreign citizens. The official capacity of this center is 125 persons.

In conformity with the monitoring procedure, the inspection team initially had a meeting with the director of the institution, who said he was willing to cooperate in fulfilling the purpose of inspection. During the meeting, the inspection team originally requested information regarding the rights and treatment of persons at the center, as well as about the treatment by the institution of the problems encountered.

As per above, at the end of the monitoring report, the following was recommended:

1. Taking measures to increase staff of the center with one social worker, psychologist, a translator from Arabic language, a lawyer, a security employee and a sanitary employee, aiming at the compliance with the rights of foreigners in the Republic of Albania in conformity with the applicable legislation.
2. Taking immediate measures to anticipate a doctor and a stomatologist in the health sector organizational chart, so that the institution provides full and efficient health services.
3. Taking measures to complete indoor and outdoor recreational premises with relevant equipment for sports activities.

4. Taking measures for provision with televisions and satellite antennas in order to enable information of foreigners with events from their countries and the whole world in languages they understand.
5. Taking measures for the waterproofing of the terrace in order to prevent humidity at the institution.
6. Taking measures for setting into function the cameras of the external perimeter.
7. Taking measures for the provision of the institution's kitchen with a dishwasher and other facilitating materials.
8. Taking measures for the immediate change of doors at seclusion rooms, setting into function security cameras at these premises as soon as possible, implementation of seclusion timeline in conformity with the Regulation for the Closed Center and setting the alarm system at each seclusion room, aiming at the avoidance of undesirable situations.
9. Taking immediate measures to anticipate a doctor and a stomatologist in the health sector organizational chart, so that the institution provides full and efficient health services.

Closed Reception Center for Foreigners, Kareç – Date- 19.03.2015

The People's Advocate Institution, through the National Mechanism for the Prevention of Torture (NMPT) has instituted the administrative investigation regarding the protest of 19 foreign irregular citizens of the Closed Center of Kareç, who have participated in the hunger strike since 19.03.2015, 08.00 hrs.

The staff of People's Advocate has closely monitored the situation and has managed to communicate with the authorities of the institution and with people housed at that center, including those on hunger strike, who seek not to be treated closed at that center but to return to the country wherefrom they have entered the Albanian territory.

The foreign citizens' decision to protest in this manner and form is personal and must be respected by any state administration body, including the Ministry of Health.

The Head of the Closed Reception Center for Irregular migrants in Karec made known that during the strike, the persons suffering health issues were treated at the Regional Hospital of Durres, and they were taken there by the institution's vehicles, due to the absence of an ambulance in the Center and since it was impossible for the Hospital's ambulance to cover the situation for 24 hours in row. We would like to bring to your attention the fact that the medical staff of the Center does not possess the capacities to closely monitor for 24 hours the condition of the persons on strike within the Center's premises.

The normative acts existing in our country do not foresee the right to strike. Thus, the social-judicial relations regulating the hunger strike are not regulated by our legislation and regarding this problem we have suggested the Ministry of Justice to review the option of preparing a draft-law and forwarding it to the Parliament in order to fill the legal vacuum.

Article 21 of the Constitution foresees that the life of a person is protected by law. Thus, our Constitution is clear that the public administration bodies, medical service and police are responsible for the protection of life by law and safeguarding of this constitutional and fundamental right of human beings. One of the most fundamental human rights enshrined by article 25 of the Constitution and article 3 of the European Convention on Human Rights and Fundamental Freedoms provides that none shall be subjected to torture or to degrading treatment

or punishment. Meanwhile, we recall that according to Article 17 of the Constitution, restrictions of human rights and freedoms envisaged in this Constitution can be imposed only by law for the purpose of a public interest or protection of other people rights. The restrictions should be in proportion to the situation dictating it. These restrictions cannot harm the core of the human rights and freedoms and in no case should they overpass the restrictions envisaged by the European Convention on Human Rights and Fundamental Freedoms.

We bring to your attention the fact that regarding the hunger strike, even though there is a legal vacuum in the rights envisaged by the local laws, there have been approved several international and regional acts as following:

- “Declaration on Hunger Strikers (Malta Declaration of year 1991, revised in 1992)”, approved by the 43rd World Medical Assembly held in Malta, November 1991, and revised by the 44th World Medical Assembly held in Marbella of Spain, September 1992, and revised by 57th World Medical Assembly held in Pilanesberg of South Africa, October 2006”. According to Article 1 of this Declaration, *the hunger strikes are often a form of protest by people who lack other ways of making their demands known. In refusing nutrition for a significant period, they usually hope to obtain certain goals by inflicting negative publicity on authorities.* In the guidelines for the management of the hunger strikers the same Declaration foresees that:
 - *Physicians must assess individuals' mental capacity. This involves verifying that an individual intending to fast does not have a mental impairment that would seriously undermine the person's ability to make health care decisions. Individuals with seriously impaired mental capacity cannot be considered to be hunger strikers.*
 - *Physicians should talk to hunger strikers in privacy and out of earshot of all other people, and must respect confidentiality. They should make an examination of the hunger strike at the beginning of the fast and must explain the consequences and medical implications deriving from the strike.*
 - *Physicians need to satisfy themselves that food or treatment refusal is the individual's voluntary choice. Hunger strikers should be protected from coercion. Physicians can often help to achieve this and should be aware that coercion may come from the peer group, the authorities or others, such as family members. Physicians or other health care personnel may not apply undue pressure of any sort on the hunger striker to suspend the strike. Treatment or care of the hunger striker must not be conditional upon suspension of the hunger strike.*
 - *Artificial feeding can be ethically appropriate if competent hunger strikers agree to it. It can also be acceptable if incompetent individuals have left no unpressured advance instructions refusing it.*

- *Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment.*
- The Tokyo Declaration- Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment, approved by the 29th World Medical Assembly held in Tokyo of Japan, October 1975, and revised by the 170th session of the World Medical Assembly Council, held in Divonne-Les-Bains, France, May 2005.
- Recommendation no. R (96) 11 of the Council of Europe Committee of Ministers. Its point 60 foresees the refusal of hunger strikers medical treatment. According to this point of the Recommendation: *“In case of medical treatment refusal, the physician should ask for an written declaration by the side of the patient, in the presence of a witness. The physician should fully inform the patient in relation to the possible benefits from the treatment, possible therapeutic alternatives and should warn him/her of the risks deriving from the medical treatment refusal. In any case, the patient must fully understand his/her situation. If this understanding is hampered by factors such as the language spoken by the patient, the presence of an experienced interpreter should be required”.*

The contents of such acts make it clear that the conditions of the hunger strike are imposed by strikers themselves, but **only physicians can manage the strike**. According to these acts, the hunger strikers are the ones that decide on their own artificial feeding, but forcible feeding is not acceptable. Meanwhile, according to these acts, the hunger strikers must not be hampered to use liquids containing sugar, such as tea, glucose, coffee or water containing trisol. They also hamper threatening acts, physical restraints or other actions performed by physicians or any other state authority that target interruption or suspension of the hunger strike.

Regarding the above-mentioned, it was recommended to:

- Adopt the necessary measures to offer 24 hour medical care for foreigners that are in hunger strike in the premises of the Closed Reception Center for Irregular migrants in Karec.
- Adopt the necessary measures to inform the medical staff of the regional and international acts about the treatment and management of the hunger strike, as defined above.

The National Reception Center for Asylum Seekers in Babrru Tirana – Date 17.09.2015

During 2015 year, a periodical monitoring visit of experts of the People's Advocate Institution at the National Reception Center of Asylum Seekers in Babrru, Tirana, was carried out in accordance with the monitoring procedures of the National Mechanism of Torture Prevention. The target of the visit was gathering information in relation to the rights, conditions and treatment of asylum-seekers in the institution, and verifying the level of implementation of the People's Advocate Recommendations presented at letter no. 201401745 Protocol number

K1/I42-2, dated 19.11.2014, on “Recommendation of the improvement of conditions and treatment of asylum-seekers at the National Reception Center of Asylum-Seekers”.

Out of the information gathered in the field during the conduct of confidential interviews with persons that were treated in the center and with the institution's staff, and verifying documents, objects, equipment and premises, it resulted that only two recommendations were applied: the one on completing the reconstruction of the center's internal premises, and the one related to supplying the persons residing in the center with clothes seasonally and on a group-age basis, while all the other recommendations mentioned in the following letters of this documents were still not implemented.

At the moment of the visit, 27 persons, 20 of whom adults and 7 children, were sheltered at the National Reception Center for Asylum Seekers, which has a capacity of 170 persons. The children were accommodated in the center together with their families, 5 families in total. Their nationality was mainly Afghan, Bulgarian, Armenian, Kosovo, Turkish etc. Regarding the above-mentioned, at the end of the monitoring report it was recommended the following:

- Adoption of measures to add the staff of the institution with one lawyer, a social employee, a psychologist, an educator, a caretaker and also a physician, taking into consideration the fact that when the center operates at full capacity sheltering 170 persons, the need for additional staff is a necessity.
- Adoption of measures to publish the rights and obligations of the beneficiaries of the Center in accordance with the international standards.
- Adoption of measures to draft an agreement with the Ministry of Social Welfare and Youth in order to offer to all interested persons that are sheltered in the National Reception Center for Asylum-Seekers opportunities for professional education at the Professional Education Centers dependent on this Ministry, and opportunities of employment at the Regional Employment Centers dependent on the same Ministry.
- Adoption of measures to treat the persons sheltered in the National Reception Center for Asylum-Seekers with economic assistance, as foreseen by law no. 121/2014 “On Asylum in the Republic of Albania”.
- Adoption of measures to protect this center with DPSH staff in accordance with the Council of Ministers' decision no. 262, dated 23.04.2014.

The National Reception Center of Human Trafficking Victims - Date 25.09.2015

This was the periodical monitoring visit of the People's Advocate officials in the National Reception Center of Human Trafficking Victims for 2015 year. The target of the visit was gathering information in relation to rights, conditions and treatment of victims/possible victims of trafficking in the institution, and verifying the level of implementation of the recommendations the People's Advocate presented in letter no. 201401744, Protocol no. K4/I 41-2, dated 13.11.2014, which: “Recommends improvement of conditions and treatment of victims/possible victims of Trafficking at the National Reception Center of Human Trafficking Victims”.

Out of the information gathered in the field, during the confidential interviews conducted with the persons that were treated in that center and with the staff of the institution, and verifying the documents, objects, equipment and premises, it resulted that only three of our recommendations were implemented: the recommendation related to completion of the personal files of the beneficiaries, the one on supplying the beneficiaries with winter clothes, and the recommendation on putting the washing machines and library computers into operation. Whereas the other recommendations were partly or fully unimplemented.

10 victims/possible victims of human trafficking, including one child, resided in the Center at the moment of our inspection, while 80 beds is the Center's official capacity.

This center was set up by the Council of Ministers' decision no. 589, dated 28.08.2003 "On establishment and operation of the Reception Center of Human Trafficking Victims", which, even though it envisages in its point no. 3 that treated in this center are also clandestine migrants that cross the border of Albania, it does not envisage the functional duties of this institution or services it offers. The Inspection Group notices that on basis of law no. 90/2012, dated 27.09.2012 "On organization and operation of the state administration", the National Reception Center of Human Trafficking Victims, should change the legal basis of its operation, considering the aforesaid remarks:

Regarding the above-mentioned, at the end of the monitoring report the following was recommended:

- Adoption of measures to amend the Council of Ministers' decision no. 589, dated 28.08.2003 "On establishment and operation of the Reception Center of Human Trafficking Victims", on basis of law no. 90/2012, dated 27.09.2012 "On organization and operation of the state administration" in order to foresee the functional duties of this institution and services it offers as well as to define the beneficiaries in compliance with Standard Action Procedures for Identifying and Referring the Victims/Possible Victims of Human Trafficking..
- Adoption of measures to guarantee funds for the complete reconstruction of the internal premises, rooms, common spaces, kitchen, showers and toilets of this institution.
- Adoption of measures to hire a full-time lawyer and a full-time psychologist.
- Adoption of measures to guarantee reconstruction of the central heating system of the institution.
- Adoption of measures to supply beneficiaries of the center with health record books and to include them in the scheme of medicines' reimbursement.
- Adoption of measures to preserve food samples in refrigerating locked cabinets.

9. Recommendations delivered on the basis of inspections conducted during 2015 to the Border Police Directorates and Subordinate Commissariats and Stations

Recommendation sent to the General Border and Migration Director on adoption of immediate measures to complete standards of training conditions at the border crossing points

During 2015 year, the People's Advocate, in the role of National Mechanism of Torture Prevention, in support of article 19/1 of law no. 8454, dated 04.02.1999, "On the People's Advocate", amended, and in close cooperation with the UN Refugee Agency (UNHCR), monitored some border crossing/detention points, which are mainly frequented by illegal foreigners in Albania, and concretely:

Shkoder Border Police Directorate– Date 02.06.2015

This directorate is located within the building of Shkoder Local Police Directorate. It has no premises for detainees. In cases when it is required detention of persons on behalf of border/migration authorities, this directorate takes the detainees to the detention facilities in Shkoder police station. Shkoder Border Police Directorate does not have at its disposal any funds for feeding the detainees. It also has no interpreter for foreign citizens.

Regarding logistical means (TIMS system/fingerprint scanner), this directorate does not possess the necessary materials needed for the process of identification. Out of all border crossing points subordinate to this Directorate, only Hani i Hotit Border and Migration Police Station possesses detention facilities. There are two facilities, one for men, and one for women, in that station. The men detention room surface amounts to 6 square meters and it is 3.5 meters high. Its barred windows enable natural lighting. The room's only furniture is one seat. The steel door is closed by a bolt from the outside (same with the security premises). The room for detained women/minors is large, in good condition and it has accommodating furniture.

There are 4 functional toilets in this station. The existing building is ruined. The health care is not offered in this station, but when there are emergencies, the station cooperates with the Koplík Hospital. Every detention is recorded on the book of the daily activity.

Kapshtice Border Police Station– Date 30.09.2015

This Border Police Station is part and subordinate to the General Border Directorate of Korca County. The station operates at the border crossing point of Kapshtica and Kapshtica Police Station, 2 kilometers away from the border crossing point, and it has its own building. Besides the passport check points and the relevant staff at the border crossing point, there were two offices in the main building of this crossing point that were equipped with information technology (TIMS system) and staff specialized in identification and proceeding of problematic cases emerging at the passport check points when citizens cross the border to the Albanian territory.

Regarding the identified cases that were consulted with the TIMS system by the side of the Border Police staff as regards citizens with problems of documents, persons wanted by police, persons that had illegally crossed the border, had been deported or had left war countries seeking for a refugee status, there were taken measures of their transportation to the aforesaid police station for other proceedings. This police station had two interviewing rooms equipped with information technology (TIMS system) and specialized interviewing staff. There were also two detention rooms (one for men and the other for women and minors). The detention rooms were equipped with stuff needed for a 10-hour detention (as foreseen by the law). During this

time, there were performed the appropriate actions and the detainees were released or taken to relevant police stations or institutions. At the time of inspection, there were three persons deported from the Greek state and they were being interviewed. The rooms and hallways of the Police Station lacked posters indicating the rights of the detainees or information of the right to seek the asylum-seeker/refugee status.

Nevertheless, the interviewing staff possessed forms for refugee status seeking and according to the staff, these forms, along with right instructions, were put at the disposal of all the interested persons. The inspecting group was informed that during the recent weeks there were no cases of non-Albanian citizens that had crossed the state border to seek the asylum-seeker/refugee status.

The border police station at Tre Urat (Three Bridges) – Permet border crossing point –
Date 06.10.2015

The reception premises at this border point were too restricted due to the fact that most of the persons detained in that border crossing point are of INAD category (individuals declared not acceptable to enter the neighboring country) or persons that were forcibly returned from the Greek territory. Both categories are clearly and correctly reflected on the relevant records. The INAD category individuals are allowed to continue their travel to the Greek territory after they complete the documentation required by the Greek side. The deported persons are interviewed at the border crossing point premises, which are appropriate only for a very temporary stay. Beside rare cases such as when a citizen may result to be wanted by the law enforcement agencies, in all other cases, citizens are allowed to return to their domiciles in the Albanian territory.

26 border and migration police officers and agents work in shifts at this border crossing point, and they cover the territory of the border crossing point and the surrounding border green area.

A copy of the instruction given by the Directorate of the Border and Migration Police Department on these categories was shared with the interviewing team. According to it, the persons that were deported only once from the Greek territory were allowed to travel to that territory legally. Those restricted reception premises in the border crossing point serve only for the persons that are declared wanted or deported, but not for more than 10 hours. Afterwards, those individuals were taken to the police station that declared them wanted and in this case they were taken to Gjirokaster Regional Directorate of Border and Migration Police.

Regarding citizens of “third countries”, thus neither Albanian citizens nor EU citizens, only two Syrian citizens were detained during year 2015 and they were immediately taken to Gjirokaster Regional Directorate of Border and Migration Police. As in other cases, according to the information given by the interviewing official, if these persons were not immediately sent back to the Greek territory, they were taken to the Closed Reception Center for Irregular migrants in Karec, Durres.

Out of the examination of the records, it resulted they were correct and clearly reflected information of INAD category individuals and of the deported persons as well. The same assessment is valid for the record that reflects the temporary exit of materials used from the green border patrol, for the record reflecting shift instructions, and the record of taking and handing over the shift to the shift supervisor. Another record in good and correct condition was the one reflecting the entry and departure of citizens that used vehicles registered in Albania (it was used in cases when TIMS system was out of function).

For 2015 year, ten Syrian citizens were recorded in the register of citizens caught at border, which records citizens that attempt to illegally cross the border. February 18 2015 was

the date when seven of them entered the border and three of them were detained on March 12 2015. According to the official we got in touch with, they were all sent to the Regional Directorate of Gjirokaster. The register did not contain information whether these citizens had sought asylum during the time of detention and stay in the border crossing point of Tre Urat, Permet.

The detention area was made up by one room with a surface of 4 square meters and standard dimension windows of 1 x 1 meters, enforced with bars, and furnished with two sofas of standard market dimensions. The toilet facilities comprised one space with three toilets, one shower equipment out of function and two sinks in function.

The transportation of the detained persons and the persons accompanying them was organized at least up to Permet.

The reception conditions are expected to be in function of the possible migratory fluxes, as long as Tre Urat border crossing point may be targeted and crossable.

The main request of the staff is related to the possibility of having accommodating premises at least in Çarçova, which is considered the most reachable area from the border crossing point, and to the possibility of having vehicles for organizing the transportation of the detained but also the staff of Tre Urat Border Crossing Point.

In the framework of drafting preliminary emergency measures in case of a high presence of citizens needing international protection and humanitarian assistance at border, Çarçova would be the best place to accommodate them before sending them to other centers or returning them to the Greek territory.

Border police station at Kakavije Border Crossing point – Date 07.10.2015

This border crossing point is part and subordinate to the Regional Border and Migration Directorate of Gjirokaster County. At the border crossing point, besides the passport check points and relevant staff, there were two offices equipped with information technology (TIMS system) and a staff specialized in identifying and proceeding the cases of problematic citizens entering the Albanian territory through the passport check points. The station used to operate at Kakavije border crossing point.

The reception facilities at this border crossing point were located on the hill close to this border crossing point, which is reachable via a 100 meters long tunnel. According to the officials we got in touch with, there was also a road enabling the travel by vehicles to the top of the hill, where there is located the building of the Special Operational Group.

However, this tunnel is the one used for persons detained at that point and for those who are brought as detained and apprehended in the green border.

The monitoring group was introduced to the work done and practices followed up to that point in case of problems with different categories. One of the most worrying categories was the one of persons declared as admissible or inadmissible in the Greek territory due to the insufficiency of financial means, insufficiency reported by the Greek party based on the disputable reasoning that according to the Schengen area rules, one should have with him/her or available an amount guaranteeing 50 Euro daily expenses, which for the 90 permissible days of residence, amounts to 4500 Euro.

Registers of detainees were verified. The record of persons belonging to category INAD found that there was ambiguity in the notes at the columns that marked the residence and passport number. It was recommended to resolve this problem promptly.

The persons identified and looked up in the system TIMS by the Border Police, i.e. persons who have encountered problems with their documentation, persons wanted by the police,

persons who have crossed the border illegally, deported or persons fleeing from war sites in search of the refugee status, were sent to the foregoing reception premise. There were two interviewing rooms in this premise or otherwise small reception center, equipped with the required information technology (TIMS) and specialized interviewing personnel. There were also two escorting rooms (one for men and one for women and minors). There were eight beds and two divisions in the premise that had the biggest number of persons. For the majority of persons food was distributed and consumed there.

The monitoring group was introduced with two premises that were used for isolation of detainees or persons who caused trouble during their stay in this reception area. The windows in all the premises mentioned above were of standard market size and with railings outside.

Escort rooms were equipped with minimum furnishings for a stay of up to 10 hours, under law. During this time there were generally carried out all the necessary actions and persons were left free or taken to relevant police stations or institutions. There was not any person being interviewed or even temporarily housed in the center, at the time of inspection. There was not any poster in the rooms and corridors of the police station at the border crossing point with information concerning the right to seek the refugee status. However, the interviewing staff was provided with forms regarding the requesting of the refugee status, and according to them they were made available to all the concerned together with the necessary explanations. These forms were completed as part of the selection procedure which aims at categorizing the persons non-Albanian citizens detained by the police, economic migrants who accept to return voluntarily to their country and request the assistance of IOM for this purpose, persons trafficked or at risk of being trafficked as well as asylum seekers. When at the border crossing point or at the green border were found non-Albanian citizens who did not meet the conditions for entry or stay in the Albanian territory, they were interviewed by specialists of the Regional Directorate of Gjirokastër and then were taken to the Reception Centre for Asylum-Seekers in Babrru, Tiranë, or to the National Detention Centre for Irregular Migrants Karreç, Durrës.

The inspection team was informed that in recent weeks there were no cases of non-Albanian persons, who had crossed the stated border near that border crossing point in search of the refugee status.

Kukës Border Police Directorate – Dated 20.10.2015

This directorate has no escort premises inside it. In cases when it is required the escort of on behalf of (border/migration), this directorate delegates their escort to the escort remises at Kukës Commissariat. This Directorate does not possess a budget item about the food of persons escorted on its behalf.

Relating logistics means (TIMS system/Scanner for prints), this directorate, for identification cases, did not possess the required materials. From all border points under this directorate, only Morinë and Bllatë Border and Migration Police Stations have escort premises.

At Bllatë Station there are 2 premises, one for males and one for females/minors. Escort rooms are 7 meters square, 3 meters high, provided with windows enabling natural light, with bars and there is only one chair. Doors are made of steel. Registration of escorted persons is made on the book of daily activity.

At Morinë Station, there is 1 escort area, with denominations and rights displayed. With a space of 4 meters square, with a steel door, and no windows (identical to security rooms). The existing building is excessively amortized. There are toilets, but they are in inappropriate situations. Registration of escorted persons is made on the register for entrances-exits of Albanian citizens and Albanian means. It is not provided emergency medical taking into account that this station has an excessive daily and seasonal flow. In addition, there is no budget item for food.

As per above, the following was recommended:

1. Taking immediate measures to maintain and update a list of translators for the main languages of the irregular foreigners coming to each border crossing point.
2. Taking immediate measures for the preparation, distribution, use and display of interviewing forms for foreigners in the language they understand in visible and easily accessible environments at any border crossing points.
3. Taking immediate measures for the preparation and distribution of information materials with the rights and liabilities of each of the categories of irregular foreigners resulting from interviewing / selection in languages they understand at any point where irregular foreigners are escorted and held detained.
4. Taking immediate measures that TIMS system is continuously functional and reflects all the categories of irregular foreigners resulting from interviewing.
5. Taking measures to establish functional and well-maintained reception premises, according to the standards, ranging from remote border crossing points where there is a larger potential passing of irregular foreigners. In these premises, there should be provided food and potable water, as well as the required health care, particularly for the cases when the groups of detainees are greater than a border crossing point can usually process.

Recommendation to the Prime Minister of Albania, Minister of Internal Affairs and Director of State Police on taking immediate and necessary measures for handling existing and future flows of migrants and refugees in Albania in accordance with national and international instruments. - Dated 30.03.2016

The issue of handling the crisis of refugees and migrants in Europe today is a matter of human rights and it should encompass in a comprehensive manner the state policies of the host or transit countries, as well as those countries that are likely to be affected by this unprecedented crisis in the vast space of the Mediterranean. This crisis which requires a global response and interaction presents complex challenges in both immediate current context, and in the long-term plan.

Understanding the trend that states have to view the issue from the aspect of security, values and guidelines for overcoming the challenges posed must be solidarity, partnership and sharing of responsibilities for the management of the crisis and guaranteeing the rights of refugees, asylum-seekers and irregular migrants. These principles today have a critical importance for dealing with

the crisis in several related areas: to guarantee the basic rights of immigrants and the management of the humanitarian crisis, to ease the migration flows and fight against human trafficking, as well as integration of immigrants into the new host societies that would welcome them or their integration after their repatriation to their countries of origin.

Humanitarian handling of refugees and migrants is an obligation for each country, the same as the recognition of the rights pertaining to them under the Universal Declaration of Human Rights, the Convention of 1951 relating the Status of Refugees and its Additional Protocol of 1967 and the Council of Directives of the European Union no. 95 of the year 2011 and no. 32 and 33 of the year 2013. Our country cannot be avoided by these obligations, modify, suspend or postpone them, but should rather handle them as even more necessary in times of crisis.

Values and principles of solidarity, human rights and fundamental freedoms cannot represent only “discourse exercises”, but they should be guiding our reflection and vision in facing the migration crisis. We must realize that there are the serious violations of human rights in countries and regions involved in armed conflict and plagued by poverty that push hundreds of thousands, millions of people, to feed the massive migration flows. Measures undertaken by states that are incompatible with European standards of human rights, not only are detrimental to social cohesion, but they are actually ineffective and counter-productive for crisis management. It is really required a “paradigmatic” change in relation to migration give an end to the “race” of European countries to return migrants and to raise walls, wire netting and other barriers.

In connection with the existing and expecting flows of migrants and refugees, a present and unquestionable phenomenon in today's Europe, Albania remains in a state that is still unprepared properly. While ideas for the development of potential host, registration and assistance centers for transit passing are numerous, no specific steps have been taken to have such reception facilities. Given the need for cooperation with international organizations specialized in this field, greater transparency is required in this regard in order to allow the general public and society to be well-informed, which will bring simultaneously the reduction of any xenophobic opinions. The spirit of solidarity and standards of human rights should be in the focus of commitments of the political leadership and joint action. There is not excessive to say that, a wider interaction should be ensured with civil society and international non-governmental organizations in the field of human rights. These partners have valuable expertise and the instruments of action mechanisms that are necessary for a wider geographic and demographic impact.

While a large number of people is continuously seen attempting to cross the territory of several European Union countries by any means, being more welcome in these places, the Albanian asylum authorities do not follow the same rhythm and meaning with these developments. Individuals caught illegally passing the border in order to come or to leave Albania, even though they are clearly part of these flows, even though seeking protection from the Republic of Albania and are clearly in terms of benefitting such defense, are denied completely or postponed endlessly the entering into asylum procedures. This leaves them completely uncovered at the risk of court decisions that do not take into consideration their need for protection and their specific position as refugees, which ultimately leads to return to the countries they came from and the violation of the “non-refoulement” principle.

This panorama appears while in a regional context and beyond of the crisis, it remains a rather great concern the profilization of refugees based on the nationality and failure to guarantee the right of access to asylum procedures, without discrimination. This concern also involves the fact

that failure to comply with international legislation has significantly affected vulnerable groups, part of the migratory flows, including children, women, the elderly, victims of torture, persons with disabilities, LGBTI, etc. The entire process should guarantee human dignity and basic rights, avoiding the return to countries where their safety is not guaranteed.

In the context of deep social crisis and armed conflicts, the Ombudsman Institution as a guarantor and promoter of human rights and fundamental freedoms, which represent the soles of the values and principles of democracy, rule of law and good governance, plays an important role in conformity with the standards of foreigners in Albania. For this purpose, the Ombudsman Institution in the role of the National Mechanism for Prevention of Torture and in close cooperation with the Agency of the United Nations for Refugees in Tirana (UNHCR), has monitored continuously the Reception Center of Irregular Foreigners in Albania and Asylum Seekers Centre, border crossing points, and has seen closely the points which are deemed possible to build reception or assistance camps for the transit of persons in need of international protection.

From inspections at reception and detention centers mentioned above, it is observed that their capacity in space and in financial and human resources is insufficient, not only for cases of massive inflows, but also for cases of gradual increase in the number of asylum seekers or irregular migrants in a short time.

Furthermore, from the inspections at border crossing points, as well as the possible points – reception or assistance camps for the transit passing of migrants, also confirmed by sources of the Border Police, it was observed that there are many challenges to be overcome - even in an emergency context, so that they are perceived as functional centers not only for the short-term registration and assistance to persons in need, but also as residential centers which would enable a longer stay of persons in need of international protection in them.

From the explanations and predictions made by officers of the Border Police, from information obtained through the media and information from other countries, it is clear that a great number of people enter every day in Greece and from there they depart in order to pass through the Western Balkan countries – potentially including Albania, to certain countries of the European Union. In most cases, they are clearly people in need of international protection and they should be handled as refugees, whether they want to stay in a certain place or not. Consequently, it is necessary to have a regional and European understanding about the humanitarian handling of more than 4 million refugees from that country. We emphasize that their intention to move towards some countries of the EU should not prejudice the handling that should be provided, especially deeming the urgent need for humanitarian aid, but it is precisely this purpose that should be determining the way of designing and building reception or profilizing centers, according to each case.

Taking into account that:

1. Albania finds it impossible to build within a short time residential camps where it is assumed that persons in need of international protection will be able to live for a long time.
2. International assistance for this purpose would take time to be effective;

3. This assistance and everything else is an important interdependent degree with the constant tendency of these people to go to certain EU countries; and that
4. Other countries in the region have been limited so far to provide assistance only for the transit of such persons to the territory of the EU.

it is necessary that the Republic of Albania to take the necessary measures for the reception and handling of persons in need of international protection, that appear on the borders, or caught within its territory.

Humanitarian handling of refugees and migrants is an obligation for each country, as it is the recognition of the rights pertaining to them by the aforementioned acts.

As per above, the following was recommended:

1. The Government of the Republic of Albania should continue to promote regional initiatives to enable coordination of treatment and providing assistance to the Western Balkans. The migration crisis, which the countries of the region are dealing with, have deep roots and require political decisions, but also a deeply human approach by all stakeholders and implementers, based on respect for human rights. Regional cooperation among different countries should be encouraged deeming with interest not only the quota for each country, but also the respect for the refugee status, as well as coordination in the recording, handling and providing of long-term solutions for refugees. The best solution is only the solution of issues in their source; therefore the Albanian government should see this solution with priority and dedicate to it all the appropriate means..
2. The Government of the Republic of Albania should enable first of all, the recognition of these persons before the law by providing them with the necessary basic documentation for a range of administrative processes related to their status on its territory, but that is a precondition to enable a functional separation of humanitarian aid.
3. The Government of the Republic of Albania should declare, in accordance with the Law “On the Asylum in the Republic of Albania”, the recognition of temporary protection due to the massive influx for persons coming from countries with a common and globally recognized persecution background, which determines the likelihood that persons are in terms of the need for international protection. It is not reasonable that standard procedures for status determination be followed individually for them, as well as for any incomer from any other countries.
4. In case of establishment of reception or transit camps – where for all the factors mentioned above it is clear that, the establishment of centers for temporary profilization and for the allowance of free movement to other countries may actually be the solution, to be strictly implemented the best international standards in this field.
5. The Bodies of Justice and State Police should diligently treat the phenomenon of people caught trying to leave the Albanian territory with false documents, sensitive to their needs for international protection, since these persons may be refugees. This view point should aim to determine their position in the context of migration flows and separation from treatment such as other cases of the use of false documents. Treatment as in the latter case, not only exacerbates the humanitarian situation of the people, but also increases

public spending of the Republic of Albania, which is obliged to keep them detained in closed/detention centers or institutions for the execution of criminal decisions.

6. To be strengthened with material base and translation services the teams performing the respective administrative procedures for illegal foreigners at the border, or at the regional border directorates in order to ensure the opportunity that, every foreigner who is found illegally in the Albanian territory, clearly understand his rights and state clearly whether he is seeking asylum in the Republic of Albania. In such a case, to be ensured immediate connection with the asylum authorities of the Republic of Albania.
7. The persons who are given a removal order to be executed by them voluntarily, to be left available the deadline set by law for this purpose, not being forced to leave the territory they entered from irregularly.
8. To enable full and independent monitoring and supervision of the application of the selection procedure, as well as the reception or humanitarian assistance conditions at transit centers, from civil society, or by separate bodies of executive power, such as UNHCR , IOM, etc.

Annex 1

Activity of NPM on migratory problems 2015

In order to follow up the measures and policies undertaken for immigration issues, the return of Albanian citizens after the most recent migration in the countries of Europe and measures taken for their reintegration, as well as the measures taken and asylum procedures for potential asylum seekers, coming from other countries that are current war zones to our country, has performed the following activities:

1. The voluntary and involuntary repatriation processes of Albanian citizens from Schengen zone countries have been monitored.

| NO. | INSPECTED INSTITUTION | PURPOSE OF INSPECTION | DATE OF INSPECTION |
|------------|-----------------------------------|---|---------------------------|
| 1. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 29.01.2015 |
| 2. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 24.03.2015 |
| 3. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 28.05.2015 |
| 4. | Border Police Commissariat, Rinas | Monitoring of repatriation operations (voluntary) | 04.09.2015 |
| 5. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 15.09.2015 |
| 6. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 16.09.2015 |
| 7. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 01.10.2015 |
| 8. | Border Police Commissariat, Rinas | Monitoring of repatriation operations | 14.10.2015 |

In this context, NPM has participated in the proceedings of the accompaniment on the plane of two repatriation operations of illegal immigrants from the Schengen area with the aim monitoring procedures of departure from the territory of EU member states and Schengen area countries of Albanian citizens, for whom a decision on repatriation has been given, and monitoring of compliance with the Charter of Fundamental Rights, and the Constitution of the Republic of Albania, which ensure respect for the human dignity of all persons participating in the repatriation program.

2. Monitoring was carried out in the centers where irregular foreigners and asylum seekers/refugees are treated in the territory of Albania and border crossing points and the relevant recommendations were prepared and delivered.

| NO. | INSPECTED INSTITUTION | PURPOSE OF INSPECTION | DATE OF INSPECTION |
|-----|--|-----------------------|--------------------|
| 1. | Center closed for Foreigners, Kareç | Monitoring Visit | 18.03.2015 |
| 2. | Center closed for Foreigners, Kareç | Investigation | 19.03.2015 |
| 3. | Center closed for Foreigners, Kareç | Investigation | 20.03.2015 |
| 4. | Center closed for Foreigners, Kareç | Investigation | 24.03.2015 |
| 5. | Border Police Directorate Durrës | Monitoring Visit | 28.05.2015 |
| 6. | Border Police Directorate Han i Hotit, Shkodër | Monitoring Visit | 02.06.2015 |
| 7. | Center closed for Foreigners, Kareç | Monitoring Visit | 17.09.2015 |
| 8. | National Reception Center for Victims of Trafficking, Linzë. | Monitoring Visit | 25.09.2015 |
| 9. | Border Police Directorate Korçë (Kapshticë) | Monitoring Visit | 30.09.2015 |
| 10. | Border Crossing Point “Tre urat” | Monitoring Visit | 06.10.2015 |
| 11. | Border Crossing Point “Qafë Botë” | Monitoring Visit | 06.10.2015 |
| 12. | Border Crossing Point “Kakavijë” | Monitoring Visit | 07.10.2015 |
| 13. | Regional Border Directorate Gjirokastër | Monitoring Visit | 07.10.2015 |
| 14. | Border Police Directorate Kukës | Monitoring Visit | 20.10.2015 |
| 15. | Border Police Directorate Dibër | Monitoring Visit | 20.10.2015 |
| 16. | Border Police Directorate Vlorë | Monitoring Visit | 23.10.2015 |
| 17. | Police Commissariat Rinas | Monitoring Visit | 10.12.2015 |

1. Contacts were held with UNHCR representatives, diplomatic missions in Albania, as well as other international organizations operating in Albania in the field of human rights, with a view to updating information and coordinating action plans.
- Ongoing meetings of the Ombudsman and NPM, with foreign bodies/representations.
 - Work was performed with UNHCR to design leaflets on the rights of asylum seekers and refugees.
2. Work was performed on informing institutions and public on the level of handling citizens, the categories mentioned above, in an official way through the publication of

recommendations and annual reports, as well as through printed media and audio-visual media.

- Delivery of specific recommendations (i.e., on the hunger strike of foreigners in the Closed Center Kareç);
 - Recommendations at the end of visits;
 - Annual Report of the Ombudsman, year 2014;
 - Special Report of the NPM 2014;
 - Press Conference on the Special Report of the NPM 2014;
 - Publications of recommendations in the Ombudsman's Journal;
 - Television Program with the participation of the General Director of Migration Mr. Merepeza, the representative of the Parliamentary Commission for human rights, Ms. Vasilika Hysi, and UNHCR Commissioner, Mr. Hortenc Balla.
3. It was addressed the issue of health services at the centers during the Workshop organized on 29-30 June 2015, by the Ombudsperson Institution, through NPM, with representatives of the health group of South East Europe Network Mechanisms in Albania, as well as the Directorate of Migration and Border, etc.
 4. A cross-sectoral working group was set up in order to follow the development and design of materials for institutional attitudes.
 5. An official letter was delivered on 08 September 2015, to the President of the European Commission, on the migration crisis by the President of the Association of Mediterranean Ombudsmen, (AOM) Mr. Igli Totozani.
 6. The Ombudsman Institution, in the role of the National Mechanism for Prevention of Torture (NPM) and with support of the project "*Support of Denmark to the Albanian people - Closer to local communities, civil society and media (2012-2015)*" on 29th and 30th October 2015, developed a two-day activity with the theme: "The handling of asylum seekers, refugees and migrants returning to Eastern Europe - Discussions about common concerns and monitoring standards." The main purpose of this event was that together with representatives of National Mechanisms for the Prevention of Torture, various international organizations and Albanian state authorities, to discuss the common challenges of monitoring the standards of handling irregular migrants and refugees in South-East European countries and further, in the region. Experts from national machineries from countries Austria, Bosnia-Herzegovina, France, Hungary, Kosovo, Croatia, Montenegro, Macedonia, Serbia, Slovenia, Albania, representatives of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT), the Sub-Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment (SPT), the Association for the Prevention of Torture (APT), European Agency for the Management of Operational Cooperation of External Borders of the Member States of the European Union (Frontex), the Agency of the United Nations for Refugees (UNHCR), Presence in Albania of the Organization for Security and Cooperation in Europe (OSCE), and the Directorate General of State Police, Border and Migration in Albania.

8.1 The activity of the first day entitled “The challenge, concerns, and the need for common monitoring standards of South-East Europe mechanisms in the context of migration” was drafted in the form of Workshop in order to enable Mechanisms to discuss in three working groups, respectively on:

- The conditions and handling of detainees:
 - o The essential difference between monitoring prisons and detention centers where the immigrants are found;
 - o The importance of developing a comprehensive set of specific detention standards and monitoring strategies;
 - o Legal assistance;
 - o Health services;
 - o People in vulnerable situations or with special needs;
 - Victims of trafficking;
 - Children and the elderly; etc.
 - o Material conditions;
 - o Security and Order.

- The practice of monitoring repatriation operations:
 - o Monitoring the process of returning migrants by land, sea and air;
 - o Challenges in unified approach in conformity with standards during monitoring.
 - o Best practices in monitoring return operations;

- Monitoring Methodology:
 - o Establishment of monitoring benchmarks;

At the end of the Workshop, based on the discussions made about the best monitoring practices, it was concluded on a common approach to the main concerns encountered during the work of Mechanisms on site, in fulfillment of their mission.

8.2. The second day activity entitled “Towards common standards for monitoring the handling of asylum seekers, refugees and illegal immigrants in South East Europe”, was developed in the form of the Conference, and it was led by the Albanian Ombudsman. Discussions were held on:

- Albanian Approach to migration crisis;
- Results of Workshop mechanisms on common concerns and unified monitoring standards;
- The Guidelines of the Council of Europe on handling migrants and asylum seekers;
- The Role of Mechanisms in the crisis of refugees and irregular migrants;
- Monitoring of detention sites deprived of liberty, where irregular migrants are held and handled;
- Link between irregular migration flows and protection of refugees;
- Importance of a cross-dimensional approach to the issue of migration;

- Role of mechanisms in handling migrants and refugees in Europe, in detention centers, in closed centers or accommodation in collective camps.
- Assistance and need for independent external monitoring.

Annex 2

**TABLE OF INSPECTIONS PERFORMED BY NP, DURING 2015
BASED ON THE ANNUAL PLAN OF INSPECTIONS**

| NO. | INSPECTED INSTITUTION | SCOPE OF INSPECTION | INSPECTION DATE |
|-----|---|---------------------------------------|-----------------|
| 1. | Commisariat of Border Police, Rinas | Monitoring of repatriation operations | 29.01.2015 |
| 2. | I.E.C.D. Vaqar | Monitoring Visit | 24.02.2015 |
| 3. | Psychiatry Service at UHC "Mother Teresa" | Monitoring Visit | 04.03.2015 |
| 4. | Closed Center for Foreigners, Kareç | Monitoring Visit | 18.03.2015 |
| 5. | Closed Center for Foreigners, Kareç | Investigation | 19.03.2015 |
| 6. | Closed Center for Foreigners, Kareç | Investigation | 20.03.2015 |
| 7. | Closed Center for Foreigners, Kareç | Investigation | 24.03.2015 |
| 8. | Commisariat of Border Police, Rinas | Monitoring of repatriation operations | 24.03.2015 |
| 9. | Institute of Minors Kavaja | Monitoring Visit | 26.03.2015 |
| 10. | I.E.C.D. Durrës | Monitoring Visit | 09.04.2015 |
| 11. | I.E.C.D. " Mine Peza" (302) | Monitoring Visit | 21.04.2015 |
| 12. | I.E.C.D. Zahari, Kruja | Monitoring Visit | 04.05.2015 |
| 13. | I.E.C.D. Drenovë, Korça | Monitoring Visit | 07.05.2015 |
| 14. | I.E.C.D. " Ali Demi" (325), Tirana | Monitoring Visit | 15.05.2015 |
| 15. | I.E.C.D. Peqin | Monitoring Visit | 27.05.2015 |
| 16. | Commisariat of Border Police, Rinas | Monitoring of repatriation operations | 28.05.2015 |
| 17. | Directorate of Local Police Durrës | Monitoring Visit | 28.05.2015 |
| 18. | Police Commisariat Durrës | Monitoring Visit | 28.05.2015 |
| 19. | Police Commisariat Shijak | Monitoring Visit | 28.05.2015 |
| 20. | Directorate of Border Police Durrës | Monitoring Visit | 28.05.2015 |
| 21. | Police Commisariat Krujë | Monitoring Visit | 29.05.2015 |
| 22. | Directorate of Local Police Shkodër | Monitoring Visit | 02.06.2015 |
| 23. | Police Commisariat Shkodër | Monitoring Visit | 02.06.2015 |
| 24. | Police Commisariat Malësi e Madhe | Monitoring Visit | 02.06.2015 |
| 25. | Directorate of Border Police Han i Hotit, | Monitoring Visit | 02.06.2015 |
| 26. | Psychiatric Hospital Shkodër | Monitoring Visit | 02.06.2015 |
| 27. | Police Commisariat Pukë | Monitoring Visit | 03.06.2015 |
| 28. | Military Unit 1010 Vau i Dejës Shkodër | Monitoring Visit | 03.06.2015 |
| 29. | Police Commisariat Mirditë | Monitoring Visit | 10.06.2015 |
| 30. | I.E.C.D Shën Koll Lezhë | Monitoring Visit | 11.06.2015 |
| 31. | Directorate of Local Police Lezhë | Monitoring Visit | 12.06.2015 |
| 32. | Police Commisariat Lezhë | Monitoring Visit | 12.06.2015 |
| 33. | Police Commisariat Laç | Monitoring Visit | 12.06.2015 |
| 34. | Directorate of Local Police Dibër | Monitoring Visit | 15.06.2015 |
| 35. | Police Commisariat Peshkopi | Monitoring Visit | 15.06.2015 |
| 36. | Police Commisariat Burrel | Monitoring Visit | 15.06.2015 |
| 37. | Police Commisariat Bulqizë | Monitoring Visit | 15.06.2015 |
| 38. | I.E.C.D. Kukës | Monitoring Visit | 16.06.2015 |
| 39. | I.E.C.D. Tropoja | Monitoring Visit | 17.06.2015 |
| 40. | Directorate of Local Police Kukës | Monitoring Visit | 17.06.2015 |
| 41. | Police Commisariat Kukës | Monitoring Visit | 17.06.2015 |
| 42. | Police Commisariat Has | Monitoring Visit | 17.06.2015 |

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|-----|--|---------------------------------------|------------|
| 43. | Police Commisariat Tropoja | Monitoring Visit | 18.06.2015 |
| 44. | I.E.C.D. "Mine Peza", Tirana | Monitoring of Electoral Process | 21.06.2015 |
| 45. | Special Health Institution of Prisons, Tirana | Monitoring of Electoral Process | 21.06.2015 |
| 46. | I.E.C.D. "Ali Demi", Tirana | Monitoring of Electoral Process | 21.06.2015 |
| 47. | I.E.C.D. Durrës | Monitoring of Electoral Process | 21.06.2015 |
| 48. | I.E.C.D. Rrogozhina | Monitoring of Electoral Process | 21.06.2015 |
| 49. | I.E.C.D. Peqin | Monitoring of Electoral Process | 21.06.2015 |
| 50. | I.E.C.D. Elbasan | Monitoring of Electoral Process | 21.06.2015 |
| 51. | Police Commisariat No. 2, Tirana | Investigation | 30.06.2015 |
| 52. | Police Commisariat No. 2, Tirana | Investigation | 01.07.2015 |
| 53. | I.E.C.D. Peqin | Investigation | 08.07.2015 |
| 54. | I.E.C.D. "Shën Koll", Lezha | Investigation | 13.07.2015 |
| 55. | I.E.C.D. Fier | Investigation | 16.07.2015 |
| 56. | I.E.C.D. "Mine Peza", Tirana | Investigation | 21.07.2015 |
| 57. | I.E.C.D. "Mine Peza", Tirana | Investigation | 22.07.2015 |
| 58. | I.E.C.D. "Mine Peza", Tirana | Investigation | 24.07.2015 |
| 59. | I.E.C.D. "Shën Koll", Lezhë | Investigation | 27.07.2015 |
| 60. | I.E.C.D. Zahari, Krujë | Investigation | 30.07.2015 |
| 61. | Police Commisariat Shkodër | Investigation | 08.08.2015 |
| 62. | I.E.C.D. Drenovë, Korçë | Investigation | 12.08.2015 |
| 63. | Police Commisariat Pogradec | Investigation | 17.08.2015 |
| 64. | Police Commisariat No. 5, Tirana | Investigation | 25.08.2015 |
| 65. | Police Commisariat Kuçovë | Monitoring Visit | 02.09.2015 |
| 66. | Police Commisariat Çorovodë | Monitoring Visit | 02.09.2015 |
| 67. | Directorate of Local Police Berat | Monitoring Visit | 02.09.2015 |
| 68. | Police Commisariat Berat | Monitoring Visit | 03.09.2015 |
| 69. | I.E.C.D. Berat | Monitoring Visit | 03.09.2015 |
| 70. | Commissariat of Border Police, Rinas | Monitoring of repatriation operations | 04.09.2015 |
| 71. | Commissariat of Border Police, Rinas | Monitoring of repatriation operations | 15.09.2015 |
| 72. | Commissariat of Border Police, Rinas | Monitoring of repatriation operations | 16.09.2015 |
| 73. | Center of Asylum Seekers, Babrru | Monitoring Visit | 17.09.2015 |
| 74. | Closed Center for Foreigners, Kareç | Monitoring Visit | 17.09.2015 |
| 75. | National Reception Center for Victims of | Monitoring Visit | 25.09.2015 |
| 76. | I.E.C.D Burrel | Monitoring Visit | 28.09.2015 |
| 77. | Directorate of Border Police Korçë (Kapshticë) | Monitoring Visit | 30.09.2015 |
| 78. | Police Commisariat Devoll | Monitoring Visit | 30.09.2015 |
| 79. | Police Commisariat Ersekë | Monitoring Visit | 30.09.2015 |
| 80. | Directorate of Local Police Korçë | Monitoring Visit | 01.10.2015 |
| 81. | Police Commisariat Korçë | Monitoring Visit | 01.10.2015 |
| 82. | Police Commisariat Pogradec | Monitoring Visit | 01.10.2015 |
| 83. | I.E.C.D Tepelenë | Monitoring Visit | 05.10.2015 |
| 84. | Police Commisariat Përmet | Monitoring Visit | 05.10.2015 |
| 85. | "Tre urat" Border Crossing Point | Monitoring Visit | 06.10.2015 |
| 86. | I.E.C.D Sarandë | Monitoring Visit | 06.10.2015 |
| 87. | Police Commisariat Sarandë | Monitoring Visit | 06.10.2015 |
| 88. | Police Commisariat Delvinë | Monitoring Visit | 06.10.2015 |
| 89. | "Qafë Botë" Border Crossing Point | Monitoring Visit | 06.10.2015 |
| 90. | Directorate of Local Police Gjirokastrë | Monitoring Visit | 07.10.2015 |
| 91. | Police Commisariat Gjirokastrë | Monitoring Visit | 07.10.2015 |
| 92. | Regional Border Directorate Gjirokastrë | Monitoring Visit | 07.10.2015 |
| 93. | Police Commisariat Tepelenë | Monitoring Visit | 07.10.2015 |
| 94. | I.E.C.D Fier | Monitoring Visit | 09.10.2015 |
| 95. | Police Commisariat Peqin | Monitoring Visit | 14.10.2015 |

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|------|--------------------------------------|---------------------------------------|---------------|
| 96. | Police Commisariat Gramsh | Monitoring Visit | 14.10.2015 |
| 97. | Police Commisariat Librazhd | Monitoring Visit | 14.10.2015 |
| 98. | Commissariat of Border Police, Rinas | Monitoring of repatriation operations | 14.10.2015 |
| 99. | IECD Elbasan | Monitoring Visit | 15.10.2015 |
| 100. | Psychiatric Hospital Elbasan | Monitoring Visit | 16.10.2015 |
| 101. | Directorate of Local Police Elbasan | Monitoring Visit | 16.10.2015 |
| 102. | Police Commisariat Elbasan | Monitoring Visit | 16.10.2015 |
| 103. | I.E.C.D. Rogozhinë | Monitoring Visit | 21.10.2015 |
| 104. | Directorate of Border Police Kukës | Monitoring Visit | 20.10.2015 |
| 105. | Directorate of Border Police Dibër | Monitoring Visit | 20.10.2015 |
| 106. | I.E.C.D Vlorë | Monitoring Visit | 22.10.2015 |
| 107. | Directorate of Local Police Vlorë | Monitoring Visit | 22.10.2015 |
| 108. | Police Commisariat Vlorë | Monitoring Visit | 22.10.2015 |
| 109. | Psychiatric Hospital Vlorë | Monitoring Visit | 23.10.2015 |
| 110. | Directorate of Border Police Vlorë | Monitoring Visit | 23.10.2015 |
| 111. | Directorate of Local Police Tiranë | Investigation | 02,03.11.2015 |
| 112. | Directorate of Local Police Fier | Monitoring Visit | 10.11.2015 |
| 113. | Police Commisariat Fier | Monitoring Visit | 10.11.2015 |
| 114. | Police Commisariat Lushnje | Monitoring Visit | 10.11.2015 |
| 115. | Police Commisariat Mallakastër | Monitoring Visit | 10.11.2015 |
| 116. | IECD Kosovë- Lushnje | Monitoring Visit | 11.11.2015 |
| 117. | Military Police Sauk, Tirana | Monitoring Visit | 18.11.2015 |
| 118. | Police Commisariat No3, Tirana | Monitoring Visit | 19.11.2015 |
| 119. | Police Commisariat No.5, Tirana | Monitoring Visit | 19.11.2015 |
| 120. | Police Commisariat No.1, Tirana | Monitoring Visit | 23.11.2015 |
| 121. | Police Commisariat No.4, Tirana | Monitoring Visit | 23.11.2015 |
| 122. | Police Commisariat No.2, Tirana | Monitoring Visit | 24.11.2015 |
| 123. | IVSHB Tirana | Monitoring Visit | 25.11.2015 |
| 124. | IECD "Ali Demi" (325) | Investigation | 07.12.2015 |
| 125. | Police Commisariat No.5, Tirana | Investigation | 10.12.2015 |
| 126. | Police Commisariat No.6, Tirana | Investigation | 10.12.2015 |
| 127. | Police Commisariat Rinas | Monitoring Visit | 10.12.2015 |
| 128. | IECD Berat | Monitoring Visit | 14.12.2015 |
| 129. | IECD "Jordan Misja" | Monitoring Visit | 15.12.2015 |
| 130. | IECD Fushë-Krujë | Monitoring Visit | 28.12.2015 |