

A. Concrete findings from the latest monitoring of the prison and police institutions

There is progress in the implementation of the legal reform related to the prison system. The respective law and rule “On the alternative sentencing and the organization and functioning of testing service”, and the “General Regulation of the Prisons” have been adopted. The Ministry of Justice and the General Prisons Directorate also involved civil society actors in the drafting process. The new legislation has helped the improvement of the organizational structure and the work standards in prisons; however, in spite of all this, the functioning of the Supervisory Commission on the Execution of Prison Sentences remains inefficient. At the same time, an effective interior system for the inspection of the Albanian prisons needs to be established.

In October 2009, the Center for the Reintegration of Minor started to function in Kavaja. The Center provides all the necessary infrastructure for treatment of imprisoned minors according to international standards. The other institutions in Fushë Kruja, Korça and Vlora are functioning normally, although some of them have problems with the quality of construction, such as humidity and the lack of running water. In Durrës, the reconstruction of the hospital for mentally challenged, for which the court has ordered compulsory medical treatment, has finished, but it has not started to work yet, because the Ministry of Health finds the building inadequate for the purpose.

Due to the close cooperation of the respective authorities, the establishment of the sectors for special care was made possible, where imprisoned mentally challenged individuals are treated, as well as users of narcotics. In the prison hospital, persons with limited freedom suffering from a variety of illnesses have traditionally been treated.

The infrastructure conditions of some of the pre-detention institutions, in the old buildings of the police stations and prisons leaves much to be desired. The lack of electricity and 24 hours running water, the old buildings with humidity of some of these institutions affect directly the health of the persons deprived of freedom who are placed there.

Overpopulation remains a problematic issue for the Albanian prison system, in some cases with 30% more than the capacity of the prison. In cases of overpopulation, it remains difficult to guarantee special treatment of specific groups, such as women, ill persons, and detainees in pre-detention centers or prisons.

The treatment of the mentally challenged persons with the court measure “Compulsory medical treatment” remains still an unsolved problem because of the lack of a specialized institution for them. The prosecution continues to send them to receive medical treatment in the prison institutions. Many of the convicted, who are mentally challenged, with a penal decision, stay in the prison hospital creating an artificial overpopulation. Others stay in the different institutions of the pre-detention centers and prisons without any special treatment by specialized psychiatrists. Providing specialized medical treatment remains a problem, while medical examinations of the persons deprived of freedom in the moment they enter the prison institutions are not made regularly. Sexually transmitted diseases and other contagious diseases are a real threat in these closed institutions.

An increased awareness of the personnel of pre-detention and prison institutions can be noticed with regard to a differentiated treatment of minors. However, the implementation of the respective strategy remains a priority, such as programs for the psycho-social treatment of different groups (mentally challenged, narcotics users, persons with sexually transmitted diseases etc).

During the monitoring, no discriminatory behavior because of race or ethnicity has been observed. However, it can be noticed that during the accommodation in the prison facilities of Roma and Egyptian individuals, they face discrimination and refusal from inmates. Also, it can be noticed that in the pre-detention and prison institutions there are only these two groups who take care of the hygiene-sanitary services.

As it is known, in Albania in addition to the three traditional religions (Muslim, Orthodox and Catholic) there are a range of religious sects and other religions. Albanians are known for their religious tolerance and this is evident also in the facilities of the institutions that treat inmates. In the prison, spaces have been created for them, for individual and collective religious practice. In addition, religious authorities are allowed to enter regularly to visit inmates or to hold religious rites in these institutions. There is no special treatment related to the food that is provided by these institutions, but there is flexibility to allow the prisoners to cook for themselves, to take special food from the family members during the fasting period, and also to receive the food according to the specified timetable of the religious rites. There has been no complaint from prisoners in this area.

B. Information from the legal aid

During 2010 and January-April 2011, the Albanian Helsinki Committee has received 202 complaints from persons who are in prison or pre-detention and 38 complaints from persons who have been mistreated by the police:

- 12 complaints for use of violence in prison by the personnel of other detainees;
- 26 complaints for use of violence by the state police;
- 8 complaints for unjust actions from the police;
- 67 complaints for infringement of human rights in pre-detention/prison;
- 17 complaints for not receiving health service and social care in prison;
- 25 complaints for bad conditions in pre-detention and prison
- 30 complaints related to the unjust transfer or the refusal for transfer in another prison.

C. Projects

The Albanian Helsinki Committee has started to implement a project supported by OSI-Budapest which aims to improve the mechanism of requests/complaints in the penitentiary institutions in Albania. The project will be implemented with the help of Dutch experts in this field, in close collaboration with the Ministry of Justice, Ministry of Interior, the General Prisons Directorate and the General Directorate of State Police. The project started on 1 January 2011 and will end on 1 January 2013.