



REPUBLIC OF ALBANIA

PEOPLE'S ADVOCATE

**Executive summary of the People's Advocate special report on the activity
of the People's Advocate and the level of implementation of
Recommendation 12 of the Opinion of the European Commission for
Albania**

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-Non official translation-

People's Advocate Office

Blvd.: "Zhan D'Ark" No. 2, Tirana, Albania, Tel./Fax: +355 (4) 2380 313

Web: www.avokatipopullit.gov.al

European Integration has always been and continues to be the most important historical aspiration of the Albanian people. The European Integration of Albania constitutes a common social and political effort, because it is based on the national interest of the country. Albania will eventually achieve the candidate status very soon and this will be an historical event for all Albanians.

The People's Advocate Institution is an independent constitutional institution, focused on the protection and promotion of human rights and fundamental freedoms. Our institution tries to stimulate the Albanian public administration for respecting European standards in order to fulfill all integration criteria established by the European Union.

The 12 recommendations set by the European Commission as part of the annual progress report on Albania, shall be considered as key orientation points for the Albanian public administration. These recommendations, especially those related to human rights represent the most important issues faced by Albania. The 12th recommendation implies the role of the People's Advocate in dealing with important human rights issues, such as: additional measures to improve treatment of detainees in police stations, pre-trial detention and prisons. Strengthen the judicial follow-up of cases of ill-treatment and improve the application of recommendations of the People's Advocate in this field.

The People's Advocate in its role as National Mechanism for Prevention of Torture, Inhuman and Degrading Treatment has continued to carry out an intensive monitoring activity in all law enforcement institutions. This special report aims to highlight all inspections carried out by our institution, in order to clarify the application level of recommendations of the People's Advocate from the public administration, according to the criteria set by the 12th recommendation of the EU. This report is mainly based on all data, facts and documentation administered by our institution and it is addressed to penitentiary, police and health institutions, on the inspections carried out during 2011. Another part of the report is focused on the identification of various ill-treatment cases faced by individuals and complaints of individuals deprived of their freedom.

The People's Advocate institution has made 56 inspections and 85 recommendations. These recommendations are divided upon monitored sections: 36 recommendations for prisons and detention centers, 46 recommendations for state police institutions and 3 recommendations for mental health institutions.

There are **totally 85 recommendations, which contain 395 disciplinary, criminal and administrative measures; 46 recommendations containing 219 measures are addressed to State Police and the Prosecutor Office**, on investigation of ill treatment cases by the police; **36 recommendations containing 165 measures addressed to the Ministry of Justice, General Prison Directorate and to the Ministry of Health**, on the improvement of the penitentiary system; **3 recommendations containing 11 measures**, on improving conditions in psychiatric hospitals.

Our verifications in the field show that out of 395 proposed measures, 166 or 42% have been accepted or fully implemented, 72 measures or 18 % have been partially implemented, 157 measures or 40% haven't been implemented at all.

In the case of prisons and detentions centers, out of 165 proposed measures, 92 of them or 56% have been fully implemented, 32 measures or 20% have been partially implemented and 39 measures or 24% haven't been implemented.

With regard to State Police Institutions out of 219 proposed measures, 68 of them or 31% have been fully implemented, 36 measures or 17% have been partially implemented and 115 measures or 52% haven't been implemented.

In the case of Mental Health Institutions, out of 11 proposed measures, 6 of them or 54% have been fully implemented, 2 measures or 18% have been partially implemented and 3 measures or 28% haven't been implemented.

The failure to implement these measures has been mostly justified by lack of funds, delays and cancellation of tenders, no-knowledge of the law, organizational problems, long procedures on small purchases, lack of employment requests, cancellation of criminal proceedings etc.

Conclusions

Judging by the content of the 85 recommendations as mentioned above, as well as by the controls on their implementation carried out by the People's Advocate, we noted a number of problems that need to be examined and improved with high priority. These problems remain very sensitive, because they directly affect the performance of our public administration in the context of EU integration and respect for human rights and fundamental freedoms:

1. Finding a solution for the resettlement of the mentally ill, who must be recovered outside the premises of law enforcement agencies;
2. The establishment through a by-law on legal standards concerning construction of prisons and health care centers;
3. Improving the standard of living of prisoners and detainees by investing in maintenance, infrastructure and by constructing new facilities;
4. Continuing further improvement of penitentiary services and infrastructure such as: food, cleaning, educational and sport activities, psychosocial programs, health care services, legal services, training of security personnel, placing of cameras, reduction of overcrowding, equal treatment of prisoners, the protection of their personal data, access to court and prosecution bodies, accessibility for disabled persons in joint facilities, sanitary controls, encouraging minors to education, financial treatment, comprehensive security personnel, etc.;
5. Continuation of training and enrichment of curricula of state police courses in order to prevent abusive behavior and no-knowledge of the law;
6. Further standardization of detention premises at the police stations, by aligning them to all standards provided by the legislation;
7. Closure of facilities that do not comply with the minimum legal standards required for the accommodation of persons under police surveillance;
8. Complete and correct administration of all police documentation;

9. Technical assistance through physicians, lawyers, psychologists and the presence of relatives, if the person is a minor;
10. Installation of security cameras in police investigation premises and in commune security areas;
11. All violence cases carried out by state police employees shall be reported to the prosecutor office;
12. The role of State Police on the treatment of individuals, who are detained or arrested without a court ruling, shall be provided by the law;
13. Exact determination of the forms of physical constraint used by the police and the publication of every manual and standard used on these cases;
14. Investigation procedures carried out by police forces on legal violations made by police employees;
15. Elimination of abusive practices during controls and conduction of these controls under a manual based on human dignity;
16. Improvement of conditions of mental hospitals by offering new equipment and improving food quality;
17. Hospitalization of the mentally ill in community centers and observance of mandatory hospitalization procedures.