



CPT/Inf (2012) 12

Response

**of the Albanian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Albania**

from 10 to 21 May 2010

The Albanian Government has requested the publication of this response. The report of the CPT on its May 2010 visit to Albania is set out in document CPT/Inf (2012) 11.

Strasbourg, 20 March 2012

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Response of the Ministry of the Interior

Issues related to the General Directorate of the State Police as follows;

1. On the transfer of detained/arrested persons at the Institutions of Criminal Offences Decisions Execution:

Related to the prompt transfer and without delays of detained/arrested persons on who was evaluated and been given the security measure of "arrest in jail" from police commissariats to the penal institution, measures were taken following their prompt transfer.

There are few cases when this persons' category are not promptly transferred after the decision of their "arrest in jail" to the Institutions of Criminal Offences Execution this for the main reason of the Ministry of Justice pre-trial detention centres overloaded. But, it is worth mentioning the fact that due to the cooperation and collaboration of State Police structures at central level with counterparts of the General Directorate of Prisons the state of play in this direction experienced a sharp improvement.

2. On the knowledge and implementation of the Manual on the Rules of Treatment and Custody of the detained/arrested persons to the police premises:

The above-mentioned Manual has been approved and entered into force with the order No. 64 Dated 25.01.2010, of the General Director of State Police.

This manual was published in a printing of 600 copies with the support of OSCE Presence in our country. This manual was distributed to all the police directories, commissariats and stations, as well as it was elaborated by all police personnel.

Rules and procedures contained in this manual were elaborated by all the police personnel that deal with these actions and services directly with detained/arrested persons in the custody cells of the police commissariats as well as their superiors.

3. On the measures taken to prevent and to eliminate ill-treatments of detained/arrested persons by police personnel at police premises:

With the purpose to respect, grant the rights of these persons as well as the prevention/elimination of ill-treatment cases and their physical violence by the State Police central structures, for 2011 have been taken the measures as follows:

- ❖ There have been prepared, approved and submitted for knowledge and implementation to local and central police structures the administrative acts of the General Director of the State Police as:
 - Order No. 64, dated 25.01.2011 "On the approval of the manual of the rules on the treatment and custody of detainees and arrested persons at the police premises.
 - Order No. 506, dated 06.05.2010 "On the document of data on accompanied, arrested/detained persons at local State Police premises".
 - Circular of the General Director of the Police, by no. 3672/2, dated 02.08.2010 "On the knowledge with preliminary conclusions remarks of CPT's visit at local police premises, in May 2010.

- Rogatory letter no. 873, dated 02.08.2010 "On the knowledge and implementation of legal and sub-legal acts' requirements that regulate the use of force and its means by police personnel".

- ❖ There have been planned and carried out inspections at police directorates/commissariats on the respect and grant of legal rights of this category of persons.

Inspections were carried out by the Public Security Department, Standard Professional Directory and inspection structures of Internal Control Service of General Directorate at the Ministry of Interior.

After all the inspections were prepared the reports on the facts finding as well as measures and action to be taken and implemented by central structures of the police to improve the situation, awareness rising on the fulfilment of the obligations in respecting and full granting the detained/arrested persons rights at the police premises.

The Internal Control Service, in the last trimester of 2010 has carried out inspections in the district police directorates of Tirana, Durrës as well as in police commissariats that depends on them.

On the shortcomings and gaps found concerning conditions of detention and treatment in custody cells, the respect and grant of the rights during detainment/arrest, stay and treatment in these premises, their record to the relevant register as well as measures to eliminate shortcomings, by the General Directorate of Police was prepared the circulation no. 490, dated 27.01.2011 " On the observance and granting of constitutional and legal rights of the persons deprived of their liberty, at the State Police premises".

- ❖ Review and re-elaboration of the Manual on the Rules of Treatment and Custody of the detained/arrested persons at the police premises":

In the General Directorate of the State Police, in respect of the People's Advocate, PAMECA III Mission and CPT's recommendations, was set up a working group on the review and re-elaboration of all the rules and procedures provided in this manual on the custody and treatment of the detained/arrested persons.

The review and re-elaboration of this manual consists in the duly and complete determination of the rules and procedures related to:

- The obligations of police personnel on the observance and granting the liberties and rights known by law to this people category in these premises.
- Rules and procedures observed to carry out personal check to the detained/arrested persons before the admission at custody cells, including detailed check.
- Procedures and rules observed in offering and granting medical assistance to these persons.
- Clear specification and determination of the rights of detained/arrested persons as well as particularly for juveniles, persons mentally incompetent, foreigners etc.

- Procedures on the treatment and custody of personal means of detained/arrested persons at these premises.
- Protection measures to be applied by police personnel and assistant staff at custody cells, on the prevention of possible infections.
- Rules on meals providing and mealtime.
- Procedures on medical assistance service providing at these premises, measures taken and actions carried out in case of tortures ascertainment or physical violence before, during and after detainment/arrest, measures in case of infectious patient.
- Placement of custody cell monitoring system and to the external, internal premises monitoring as well as in the questioning rooms(investigation), security rooms for the monitoring , record of all operations, omissions, behaviours and ill-treatments caused by the police personnel to detained/arrested persons.
- Additional measures on the improving living as well as sanitary conditions at these premises.
- Creation of washing facilities to give the possibility of having a shower to the detainees, within these premises.
- Repeal of custody repressive measures of the detained/arrested persons at hospitals (provided in the actual manual) with other measures without violate human rights and liberties.
- Measures taken in case of serious events (extraordinary), as self inflicted injury or suicide of detained/arrested persons, death of a person in these premises, deaths or injuries of detainees by police personnel during the escape's attempt from these premises.
- Review and fulfilment of the police personnel duties who serves at custody cells premises.
- Risks Assessment of the detainees in these premises and measures taken on the prevention of serious incidents, etc.

This draft-project has been completed and it is in the phase of thoughts taken by the structures within the State Police, foreign police missions which assist the State Police as well as other state institutions such as the Ministry of Justice, Prosecutor Office and People's Advocate.

❖ **Implementation of criminal proceedings acts and delivery to the prosecutor office of ill-treatment cases, abuses and rights violations by police personnel:**

For the period January-December 2010, from the Internal Control Service have been submitted to the prosecutor office a total of 17 penal suits, where are evidenced fundamental rights violations during the exercise of their duties, for 24 police officers, of whom 4 leaders of the first level, 20 employees of the first executive level, specified according to the criminal offences in the table No.1:

Table No.1

Criminal offences	No. of suits	No. of employe	According to the level			Conclusion
			Mediu	First	Execu	

		es	m leader level	leader level	tive level	
Arbitrary actions	7	8	-	2	6	3 suits annulled 1 suit not started 3 suits are in process of investigation
Beatings	1	2	-	-	2	2 employees condemned with a fine by court verdict.
Other injuries voluntary committed	6	11	-	2	9	6 suits are in process of investigation
Intimidation	3	3	-	-	3	3 suits annulled
Total	17	24	-	4	20	-

4. On the information and the acknowledgement of detained/arrested persons with their fundamental rights at police premises, and their implementation.

a) Announcement of arrest

Generally the acknowledgement of detained/arrested persons with their rights during the detainment/arrest as well as during their stay at custody cells is done by the judicial police officers who perform the apprehension. The right to contact a family member, relatives or other persons is always realized.

Additionally, at the custody cells are posted written formats with all the rights listed not only in Albanian but also in other foreign languages.

b) The benefit of a lawyer:

This is a right sanctioned by the Constitution, the Penal Procedures Code and other legal and sub-legal acts.

During the daily routine this right is grant to the detained/arrest persons by communicating them the right to be defended and represented by a lawyer (not more than two lawyers). Persons who seek a lawyer are offered to do so by contacting directly the lawyer selected.

When he seeks a lawyer but his financial possibilities are limited an advocate "ex-officio" is appointed by the prosecutor office. When the person seeks to be represented but he doesn't make an exact choice, the judicial police services communicate with the Bar Associations for the appointment of a lawyer on this purpose.

By the local police structures were set all the conditions and the possibilities that the lawyer could meet at any time the person (client) detained/arrested realizing this meeting without the presence of other persons.

There are cases when the arrested / detained person even he has selected and has been met with a lawyer in the moment of arrest / detention, later during his stay in police custody he hasn't been contacted by the lawyer anymore even on his request, but only at the hearing to assess the security measures.

Access to a doctor:

Rules and procedures for carrying out visits / medical examinations by the arrested / detained persons are defined in the Manual on Treatment and Security Rules of the persons on Police Custody "Approved by Order no. 64, dated 25.01.2010, by General Director of State Police.

In this manual has been determined that upon admission to the police custody, the person to whom has been applied the security measure will be subject of a medical check up / visit by the medical practitioner or specialist physicians.

All the prisoners and detainees are subject to this control without exception both those suffering from illness and need medical treatment and those who are healthy and do not require medical treatment.

Currently this is a right of every detained person who shall now be subject to a medical check-up by a doctor prior to his/her placement in a custody cell; no later than 24 hours from the moment of apprehension. This is offered to them by the medical personnel in the Districtual Police Directories but in their absence these detained persons could be sent in the emergency service of regional hospital centers.

After their medical check, the medical personnel filled a medical file by describing the person's health status.

It is a must that one of the documents that accompany the detained/arrested person for the

It is obligatory that one of the documents to accompany the detained / arrested person to ICOE should be the medical file opened by the doctor at the moment of arrest/ detention. For the security measure of "arrest to jail" the person can't be accepted and taken over by ICOE.

We also emphasise that the medical service is offered and guaranteed to these persons' category during their stay in the premises of security cells and any time they claim to the service personnel of having medical need.

c) The right of information

The communication and information on their rights in the moment of the liberty deprivation to the detained or arrested persons is being made in a clear oral way by the juridical police officers, without filing this.

On purpose for the documentation and filing of the actions of information being made by the police officers in regard to their rights, and occasionally the disclaim that this hasn't been done, it is being prepared written form with the rights ruled by law toward these persons in the moment of the detain/arrest and their remain under custody in these facilities.

This document is in a declaration form where the detained /arrested person declares that he has been acknowledged with the fact of information on legal rights and procedure of this phase in police premises. In the end this declarate can be signed by the detained/arrested person. In cases of refusal to sign this fact is filed by the police officers.

The application and the implementation of this form use on the knowledgement of the information on rights will be made soon (within June 2011), in other languages as well.

d) specific issues related to juveniles

In particular, whenever juveniles who are suspected of having committed a criminal offence are apprehended, apart from informing parents or legal representatives immediatly, the juridical police officers take measures to assure the presence of either parent, caretaker or lawyer (a trusted adult) which is mandatory.

At the districtual police directories – since two years has been established and works the psychologist service, which is present during detainment and arrest.

e) the electronic recording of police interviews:

In order to guarantee the rights, prevention of abuse, physical abuse and the violence of arrested / detained by police personnel, verification of such documentation and performed facts as well as to bring them to legal responsibility, the service personnel are preparing studies and projects for establishing the system of security / monitoring cameras:

- the premises of security cells such as corridors, interview / question / investigation rooms at the premises outside of the security cells.
- Chambers of stay associated persons and their corridors.

These systems will monitor and record electronically all the attitudes, behaviors and actions of service personnel toward the arrested / detained in the premises of internal security cells, during the arrest / detention and interrogation by judicial police officers, and attitudes and actions of service personnel with accompanied persons.

f) Filing / recording of the arrest / detention

Pursuant to the order of GDP no. 506, dated 06.05.2010 "On documenting of data for the arrested / detained persons, in local structures of State Police, at every department, police station and local station were opened and put into use the records and books to document and coverage of data:

- a) persons arrested / detained.
- b) for accompanied persons.

The register of the detained / arrested persons reflect data such as generalities, address of residence, physical description, profession, the criminal offense that has been arrested/detained for, the circumstances of criminal offense, time, date and place where arrested / detained, the office or the police station where he has been safeguarded until his surrender to the security cells, who made the arrest / detention, date of release or transfer to ICOE, etc..

While in the list of the persons accompanied are reflected the: generalities, address of residence, physical description (including special characteristics), the reason of the accompaniment, time and date, place or office where he has been accompanied, the police officer who accompanied him/her, details of the person to be informed about the accompanied person, telephone number of the person to be informed, time of information, time and date of release of the person, claims of the accompanied person as well as the signature of the accompanied person.

Pursuant to the GPD, Order No. 506, datë 06.05.2010 "On documenting of data for the arrested / detained persons, in local structures of State Police" is prepared and put in place to Register of Accompanied Persons.

In this register reflects the information on: the representation by lawyer, interrogation by the representatives from prosecution authority, check ups and medical visits as well as the medical treatment in these premises, the contacts and meetings held by national and foreign NGOs who protect these categories of persons.

Apart from filing of the above data it is being planned the construction of an electronic system/ programm for the record and administration of the data of accompanied, detained and arrested persons.

On this purpose is drafted and approved the Order of General director of State Police no. 206 dated 07.03.2011 "On establishment of the central electronical bank for the registration and administration of the accompanied, detained and arrested persons' data".

Except the above mentioned data in this electronical bank of adata will be reflected the measures and actions taken in regard of the guarantee of the arrested persons' rights during their stay in premises of security cells. This system is expected to be implemented after page design/electronical module for the record of these data.

5) The conditions of the security cells for treatment of the arrested/detained persons:

Actually the State Police keeps, secures and treats the arrested /detained persons in premises of police commisariats: Shkodër, Kukës, Tropojë, Lezhë, Peshkopi, Mat, Elbasan, Durrës, Krujë, Fier, Lushnjë, Korçë, Pogradec, Gjirokastër, Sarandë, Vlorë, Kavajë, at police comisariats nr. 1, 2, 3, 5 of Districtual Police Directory of Tirana as well as in premises of Districtual Police Directory of Tirana.

Most of these facilities are inherited from the former system of dictatorship and does not meet required parameters for the conditions. For improvement of conditions in these facilities are carried out several small investments related to painting, hygiene and cleaning etc.

Since 2008 onwards by budgeted funds were carried out constructions under a medium term planning as well as full reconstructions of facilities for holding and treatment of detained and arrested persons in police stations of Kavajë, Fier, Lezhë, Korçë, Kukës, Gjirokastër, and Police Comisariat no. 5 Districtual Police Directory of Tirana. These facilities were build in accordance with the requirement, rules and standards of the EU developed countries and according to the Convention for Preventing Torture and Inhuman Treatment of EC.

The arrested /detained persons in these facilities have ongoing acces to drinking water, bathing and natural needs at any time, because tools and equipments for having these rights are installed in their staying premises.

In premises from the former system for pre-trial detention the detainees / arrested fulfill their needs three times a day (at meals) and whenever they need.

Relevant projects have been prepared and funding has been scheduled for the reconstruction of security cells' facilities in the Districtual Police Directorate of Tirana and Durres Police Station.

The arrested / detained persons of Districtual Police Directorate of Korca and police stations under its charge have been held in the Police Comisariat of Pogradec as the premises of Korca Districtual Police where under reconstruction. The work at this station is to be completed within June 2011 and the prisoners / detainees will be transferred to new premises of Districtual Police Directorate of Korca.

Disciplinary measures taken on noticed violations

In **2009** the structures of the State Police have identified 10 cases of serious disciplinary violations for illegal use of unreasonable force. For these cases has begun disciplinary performance and has been given disciplinary action.

Measures taken :

- in 5 cases - expel from State Police forces
- in 3 cases - Rank falling for 12 months
- in 2 cases - Suspension of 30 days without payment.

There have been **3 cases** of complain from citizens (which have also been referred to the Prosecutor) concerning ill-treatment by police officers. After the verification procedures on behalf of the Prosecutor Office these cases have been ceased by the latest office. The State Police has not recommended any disciplinary measures about these 3 cases as there hasn't been proved that there was disciplinary violence and a response has been sent to the citizens.

For the period January - December 2010, the structures of the State Police have identified 7 cases of serious disciplinary violations for illegal use of unreasonable force.

For these cases has begun disciplinary performance and has been given disciplinary action. 4 of these cases have been referred to Prosecutor.

The provided measures are:

- 2 cases "expel from the StatePolice"
- 1 case "Rank falling for 12 months"
- A case of "Suspension of 30 days without payment"
- 3 cases "Postpone of the ranking to 12 months"

While there have been 4 cases where citizens have complained for ill-treatment by police, and by our verification it hasn't been proved that there was disciplinary violence and a response has been sent to the relevant persons.

Response of the Ministry of Justice

- **Detailed information on the work of the Probation Service and the training obtained by the Probation Service officers (paragraph 43).**

With the adoption and entry into force of law No.10023, dated 27.11.2008 "On some additions and amendments to Law no. 7895, dated 27.01.1995 "Criminal Code of the Republic of Albania" as amended" and the law No.10024 dated 27.11.2008 "On some amendments and additions in Law No. 8331, dated 21.04.1998 "On execution of criminal decisions", there were improved types of alternative sentences and for the first time it is determined the supervision of the execution of alternative sentences.

With the establishment of Probation Service and the opening of the first local offices, the application of alternative sentences began without delay and there are positive numerical indicators. On 11th May 2009 it was appointed the Director-General of Probation Service and being under the conditions of a total lack of information and tradition, we began efforts to build its foundations and infrastructure. The Probation Service has started its activities with four local offices located in the cities of Shkodra, Tirana, Durres and Fier, which extended their territorial powers in the judicial districts defined in the Order of the Minister of Justice no. 5331/1, dated 06/07/2009, covering the whole territory of the Republic of Albania.

Pursuant to the Order of the Prime Minister No. 140, dated 01.07.2010 "On approval of the organizational structure of the Probation Service", it was made possible the creation of 4 (four) new domestic offices of the Probation Service, located near the Judicial District Courts of Lezha, Elbasan, Korça and Gjirokaster, in order to reduce the workload of existing offices and increase their efficiency. During September 2010, there were provided suitable premises for new local offices, located in Lezha, Korça, Elbasan, Gjirokaster, and it was realized the supply of new local office of Probation Service with the necessary infrastructure and logistics, enabling the normal exercise of their functions. Another important problem that was successfully resolved in application of law was the selection of personnel for these offices as well as the training of the new staff.

Currently, eight local offices located in Tirana, Shkoder, Durres, Fier, Lezha, Gjirokaster, Korça, and Elbasan, extend their territorial powers in the judicial districts set out in the Order of the Minister of Justice no. 7746/1, dated 24.09.2010, covering the whole country. In the coming months it is aimed to open four other new local offices, attached to the district courts near Kukes, Mat, Vlora and Berat.

Currently the number of probation employees is 58, of which 12 employees are part of the General Directorate and 46 belong to the staffing of Local Offices.

The employee of the Probation Service interviews the convicted person, and other persons who are considered of interest, examines the personality of the convicted person, family and social conditions, volatility of the perpetrator, researching and analyzing the available documentation on the convicted person, preparing assessment reports for the court and prosecutors; designs surveillance programs and treatment plans of the convicted person that serve for his reintegration into society; refers the alternative sentences to the convicted person at the specialized NGOs and the Mediation Service under the legal provisions and bylaws stipulated in relevant acts, cooperates with police and prisons, social services of central and local government, etc.

The Probation Service works in community with those who have committed risky crimes at any level performs all the legal procedures for the supervision of the convicted person in the community, during the probation period, sends a report to the prosecutor for violations of conditions of probation period.

In to date work, we have attempted and have managed to achieve the purpose for realizing the institution's role both in terms of public safety, risk assessment of the perpetrator, his supervision, and sustainability, social aid, or care for his reintegration.

The documents drafted by the Probation Service such as Evaluation Reports and Individual Programs for the Treatment of Convicts, reflect the personal data of the convicted person, description and analysis of the criminal offense committed, attitude of the offender in regard to offense committed by him, description and analysis of the offender including his personal life and history that is connected with the offense, analysis and assessment of risk which means the risk of repetition of offenses by the offender, description and analysis of execution of the court decision including, as the case may be, appropriate information in regard to the surveillance program and measures taken to address the criminal needs of the convicted person, behavior and progress made by the convicted person during the execution of the sentence, attitude of the convicted person toward the victim, family status, social circumstances of the convicted person and concrete plans for his social reintegration after his release on condition etc, etc.

The maximum contribution of the Albanian Government and the Ministry of Justice for the functioning of the institution of Probation Service, as a novelty in the Albanian penitentiary system, made possible the solution of one of the most important legal problems, that of execution of alternative sentences in practice, in the execution system of alternative sentences, aiming to convert these sentences into incentives to improve general standards and humanitarian regimes for persons who commit criminal offences with little social risk.

Under the circumstances of a total lack of information and tradition in this area, the efforts to build the foundations and infrastructure of this institution continued. The building of foundations

and establishment of the institution was made possible to be realized only as a result of a great and dedicated work of the probation staff, because of the assistance and full support of the government to allocate the necessary funds for commencement of the activity, and due to the total support given to us by the Ministry of Justice, and through invaluable help and cooperation provided to us by the OSCE Presence in Albania, EURALIUS Mission, UNICEF, etc

Today, we have a Probation Service, that performs functions assigned by law only in a period of 21 months, we have a staff that has received sufficient training to achieve its tasks, we have provided working facilities for almost all local offices, a process that is being improved, we have the necessary technical and material basis that is leading to improvement of working conditions for staff; we have drafted and approved sub-legal acts required by law, we have stable cooperation relationship with the most important international organizations directly involved with the issue of establishment of Probation Service and relevant legislation, such as OSCE, EURALIUS, UNICEF etc..., we have cooperation agreements with local governments, with NGOs specialized in different fields, making possible the implementation of obligations set by the court for alternative sentences imposed, as well as increasing the range of application of these kinds of alternative sentence.

Our relations with OSCE, EURALIUS, UNICEF are very good. Their contribution to establishing and laying the groundwork for our institution in this period was irreplaceable. OSCE and EURALIUS have provided an extraordinary assistance for training of the staff with foreign experts, have helped to create the concepts and principles of management of such an institution, have helped with supply of very important material basis at this stage, when we did not have either computers or office equipment, etc. Specifically, the OSCE printed and distributed to the staff since the early days the indispensable book for the period we are currently running, with the title "Manual for Employees of Probation Service", the only material that serves for the theoretical orientation of our employees.

Likewise in 2010, the OSCE prepared and distributed the book "Manual for application of alternatives to imprisonment" for judges and prosecutors, in connection with application of alternatives to imprisonment under the provisions of the Criminal Code of the Republic of Albania, amended in November 2008. At the same time, this manual also serves to increase the transparency of the Probation Service activity.

In the framework of transparency of the Probation Service activity in December 2010, the first Bulletin of Probation Service was prepared. This bulletin published under the aegis of "Network for execution of alternative sentences" and EU funding, provides a comprehensive introduction of the Probation Service in Albania, its history, mission, legal basis, cooperation, development strategies and objectives etc.. The publication and distribution of this bulletin is important

because it sets out the procedures followed in the work of Probation Service and statistical data as well as helps the convicts and other actors of the criminal justice and other stakeholders, in providing the necessary information about them.

Relations with other institutions.

To achieve the goal, it is necessary that the Probation Service establishes cooperative relations with various institutions. So, as part of the criminal justice system, the Probation Service cannot perform its functions outside a mutual cooperation with the Court, Prosecutor, General Directorate of Prisons, State Police, Local Government, NGOs, etc.

The Probation officers visit the Institutions of Execution of Criminal Decisions (IECD), to conduct interviews with the convicts or defendants that are addressed to the court on request to benefit from alternative sentences. In these conditions, we have carried out our work without any hindrance. Regarding cooperation between General Directorate of Prisons and General Directorate of Probation Service, we stress that this cooperation is realized on the basis of a cooperation agreement at central level, signed by directors of both institutions. There is cooperation at local level in relation to discussion of matters and their problems encountered in the course of the work between local offices and directors of IECD where Local Offices of Probation Service extend their territorial powers.

Regarding the cooperation with the State Police, we emphasize that the cooperation relations during this period have been very good. Now, the Cooperation Agreement was signed with the State Police, "On the security cooperation between the two institutions to accomplish functional tasks". This agreement is very important to the operation of Probation Service, to make possible the implementation of obligations imposed by the court, according to legal provisions, for the convicts with alternative sentences, where an important role is played by the State Police.

We should mention as an achievement the fact that we have already signed the Memoranda of Cooperation with a large number of municipalities and communes, the substance of which is the provision of jobs for persons residing in their community, for whom the court has imposed a alternative measure of public interest work or even for the cases of convicts with other alternative sentences for which the local government is directly interested to guarantee the public safety of the community in order to reintegrate them into the society of the convicted person who is a member of that community and in order to help the convicted person to be reintegrated into the community.

Currently we have signed 78 memoranda of cooperation between Probation Service and local government bodies, specifically in 6 District Councils, 27 Municipalities (of which 5

municipality units) and 45 Communes. In the meantime the work and correspondence for signing the memoranda of cooperation with other municipalities and communes continues. With the support of the OSCE Presence in Albania, the General Directorate of Probation Service has developed so far three training seminars on the topic "Alternatives to imprisonment and possibilities of cooperation with local government". These seminars with the participation of the social workers of the local government (district councils, municipalities and communes), with whom the Probation Service has signed memoranda of cooperation, have been developed to enable practical implementation of cooperation agreements that are signed with these units. The training lecturers in these seminars were all employees of the Probation Service.

Relations with NGOs and Mediation Service:

In cases where the court decides to impose to the convicts along with an alternative sentence one of the measures of Article 60 or 63 of the Criminal Code, the supervision of the fulfillment of the measures imposed by the court, is made by the Probation Service and in cases of specific measures in collaboration with external services (organization, agency, institutions ...) which are specialized in providing these services.

1. Pursuant to the Decision of the Council of Ministers no.302, dated 03.25.2009 "On approval of regulation "On organization and functioning of the Probation Service and determination of standards and procedures for supervision of the execution of alternative sentences" and the Order of the Minister of Justice No.6325, dated 07.31.2009 "On approval of the regulation "On cooperation of Probation Service with NGOs and the mediation service", the Probation Service has signed memoranda of cooperation with seven specialized NGOs providing various services, necessary for realization of the reintegration program for prisoners on probation. Specifically, a memorandum of cooperation was signed with the "Center of Legal Services and Integrated Practices", which provides specialized services, especially in working with juveniles, in terms of execution of alternative sentence measures. Also, a memorandum of cooperation was signed with the Foundation "Conflict Resolution and Reconciliation of Disputes" which offers specialized mediation service between the victim and the offender as well as the settlement of conflicts.

As to the foregoing, it is a great achievement that the Probation Service is already rendering possible the establishment of the team to perform the supervision according to the required standards. This team consists of the Probation Service, Prisons, Court, Prosecutor's Office, Police, Local Government, NGO-s etc.

I. Training sessions conducted for the Probation Service by the OSCE Presence and EURALIUS Mission are introduced as follows:

1. PRESENTATION TRAINING ON PROBATION SERVICE

Tirana, 18-23 June 2009

Participants: 20 employees of the Probation Service

Topics:

- What is the probation service? What is its role in other countries? What is the activity of the probation service? What may the probation service achieve in Albania?
- System and process of criminal justice in Albania. Role of probation service employees during different stages of the process. Sentences provided for in the Criminal Code. Role of probation service employees in application of imprisonment sentence alternatives etc.

2. TRAINING FOR SPECIALISTS OF PROBATION SERVICE

Tirana, 22 September- 2 October 2009

(Seminar 1: 22-26 September 2009; Seminar 2: 28 September- 2 October 2009)

Participants: 35 employees of the Probation Service.

Topics:

- What is the Probation Service? Objectives, results and procedures of the Probation Service. Overview on organization of the Probation Service in other countries (Austria, Germany, United Kingdom, USA).
- Legal terminology for the employees of Probation Service.
- Legal basis for the Probation Service in Albania etc.

3. IN-HOUSE TRAINING FOR SPECIALISTS OF PROBATION SERVICE

Tirana and Shkodër 7-11 December, Fier and Durres, 14-18 December 2009.

Participants: the entire personnel of Local Offices

Topics:

- Familiarization of Probation Service specialists with the objective of the training.
- Identification of practical issues in the daily work of Probation Service.
- Initial assessment of the impact of theoretical training.

- Assessment of needs for the training of Probation Service specialists.
- Improvement of active listening, speaking, judgment, critical thinking, communication skills, time management;
- Improvement of skills such as verbal skills and understanding, clarity in speaking, sensitivity to issues.
- Improvement of cooperation with the local court etc.

4. TRAINING FOR PROBATION SERVICE IN ALBANIA ON ISSUE OF SUBSTANCE ABUSE AND WAYS OF PSYCHO-SOCIAL INTERVENTION

Tirana, 27-30 April 2010

Participants: 17 employees of the Probation Service

Topics:

- Overview of the National Antidrug Strategy 2004-2010
- Problematic use of drugs- use for recreational purposes, addiction. Identification of more widely used illicit drugs in Albania.
- Identification of illicit drugs. Ways of administration. Drug effects.
- Treatment and prevention
Risks incurred by drug use- criminality, viruses transmitted via blood, infections and overdose. Interventions to reduce the damage.
- Presentation of the ways of drug treatment etc...

5. TRAINING FOR EMPLOYEES OF PROBATION SERVICE, ORGANIZED BY OSCE

Tirana, 1-5 November 2010

Participants: 21 employees of the Probation Service.

Topics:

- What is the Probation Service? Why is it needed? What may the Probation Service achieve in Albania? International instruments applied to the work of Probation Service.
- Stakeholders of criminal justice and role of Probation Service in criminal justice system. Legal terminology for the employees of Probation Service. Understanding of the most common legal terms in the criminal justice system in Albania.
- Criminology for Probation Service specialists.
-Overview of criminality and criminology.
-Crime theories. Sociological and psychological theories of crime.

6. TRAINING ON MANAGEMENT SKILLS FOR DIRECTORS AND INSPECTORS OF PROBATION SERVICE IN ALBANIA, ORGANIZED BY OSCE

Tirana, 17-18 February 2011

Participants: 16 Probation Service employees.

Topics:

- Another format of presentation.
Art of communication. Why is the two-lane highway theory so important?
- Negotiation analysis. Two psychological traps in negotiation.
Six habits of effective negotiators.
- Self-organization, time, office and life organization.
- Management at time of change.
- Am I an effective manager?
What kind of manager am I?

What are my strong and weak points?
- How are the decisions taken?
- Allocation of cases.

II- Training sessions conducted for the Probation Service on Intermediation Service, organized by the Foundation "Conflict Settlement and Reconciliation of Disputes":

1. TRAINING WORKSHOP- RESTORATIVE JUSTICE AND INTERMEDIATION BETWEEN VICTIMS AND OFFENDERS FOR JUVENILES

Tirana, 15-16 October 2009

Training level: Basic

Participants: 40 employees of the Probation Service

Topics:

- Intermediation service, restorative justice, its notion, principles and philosophy.
Experience of European countries and restorative justice in Albania.
- International instruments on intermediation in criminal matters.
- Legal basis for the enforcement of Restorative Justice and intermediation in Albania.

- Role of the victim and of the accused in the program of Restorative Justice. Advantages of restorative justice, particularly in cases of juveniles.
 - Intermediation service and Probation Service in Albania. Legal aspects and institutional relations.
 - Legal aspects of the referral of cases by the Probation Service to the Intermediation Service: referral procedure, particularly in cases of juveniles, legal time limits, reporting by intermediators, closing of the case etc.
2. TRAINING SEMINAR –RESTORATIVE JUSTICE AND INTERMEDIATION BETWEEN VICTIMS AND OFFENDERS FOR JUVENILES
Tirana, 12-13 April 2010

Training level: Advanced

Participants: 40 employees of the Probation Service

Topics:

- Principles of cooperation between the Probation Service and Intermediation Service on the basis of Regulation "On cooperation of Probation Service with NGO-s and Intermediation Service" dated 31. 07. 2009 and Memorandum of Cooperation between two Services, dated 23. 03. 2010.
 - Instrument of conflict analysis, according to Thomas Kilmann. Ways of response to conflicts; competition, avoidance, adaption, compromise, cooperation.
 - Overview of intermediation in criminal matters, compared to experiences of different countries. Intermediation and other restorative practices.
- Group discussion about cases involving juveniles and young people in conflict with law.
- Practical mechanism of cooperation, treatment of cases referred to by the Probation Service through restorative practices and intermediation:

In the framework of assistance granted by the European Commission for the Reform of Penitentiary System in Albania to the support to be offered to the Ministry of Justice for the implementation of Probation Service according to standards and methodology of the Probation Service, the Twinning Project with the British Probation Service started in January 2011 (Albanian Twinning Project- Probation Service, AL 09 IB JH 01 " Support to Establishment of Probation Service and Alternative Measures to Detention".

This twinning project is based on the following 6 components:

Component 1- Support to the Ministry of Justice for application of national standards for Probation and methodologies of Probation Service.

Component 2: Establishment of an Information Probation System enabling political and managerial decisions taken on the basis of accurate information, informing on developments and objectives and potentially demonstrating the work efficiency of probation service.

Component 3: Design of training strategy, preparation of training program and training of probation personnel.

Component 4- Development of probation services in different regions of Albania.

Component 5- Development and implementation of a strategy of public relations and informing of judges, prosecutors, police, penitentiary service, local authorities and NGO-s in relation to the probation system.

Component 6: Further development of the Permanent Training Penitentiary Center and a permanent personnel training system.

In addition to the above mentioned training sessions, as noted by the components of this project, other training seminars will be conducted with the employees of Probation Service in the framework of the enhancement of job effectiveness and performance

- Statistics on number of prisoners who have benefitted to date from the early release on parole and imprisonment alternatives (as community-oriented sanctions and suspended sentences) (paragraph 43).

The total number of persons sentenced to one of imprisonment sentence alternatives supervised by the Probation Service for the period from 01. 06. 2009 to 10. 03. 2011, is given in the following table:

No	Type of alternative sentences	Local Office of Probation Service, Tirana	Local Office of Probation Service, Durrës	Local Office of Probation Service, Fier	Local Office of Probation Service, Shkodër	Local Office of Probation Service, Lezha	Local Office of Probation Service, Elbasan	Local Office of Probation Service, Korça	Local Office of Probation Service, Gjirokastër	Total
1	Suspension of execution of imprisonment sentence and placement under	936	225	366	355	137	121	120	52	2312

	probation. Article 59 of the Criminal Code									
2	Home custody. Article 59/a of the Criminal Code	11	10	14	11	3	2	11	0	62
3	Release on parole. Article 64 of the Criminal Code	136	31	64	36	13	13	14	10	317
4	Work of public interest. Article 63 of the Criminal Code	185	24	2	4	9	4	27	2	257
5	Semi-liberty. Article 58 of the Criminal Code	0	0	0	0	0	0	0	0	0
	TOTAL	1268	290	446	406	162	140	172	64	2948

Table- Types of alternative sentences imposed by the courts according to Probation Service Local Offices (for the period from 01. 06. 2009 to 10. 03. 2011).

For the period from 01. 06. 2009 to 10. 03. 2011, 349 sentenced persons have left prison and have benefitted from the sentence alternatives "home custody" (article 59/a of the Criminal Code), 32 persons sentenced to imprisonment and "release on parole", 317 imprisoned sentenced persons. These persons are supervised by the Probation Service according to the decisions the courts have rendered against them.

As reported by the table, the Institution of Probation Service has to date supervised 2948 sentenced persons (on average 98 sentenced persons per specialist), enabling to not send in prison 2312 sentenced persons for whom the court has applied " suspension of execution of imprisonment sentence and placement under probation" (article 59 of the Criminal Code). Also,

the court has imposed for 257 sentenced persons “suspension of execution of imprisonment sentence and implementation of a work of public interest” (article 63 of the Criminal Code). For 30 other sentenced persons the Court decided not to send them to prison and apply the sentence of “home custody” (article 59/a of the Criminal Code).

In addition to the supervision process, another statistic reflecting the workload of Probation Service is also the number of evaluation reports compiled in accordance with the requirements of courts and prosecutor’s offices. Thus, for the period from 01. 06. 2009 to 10. 03. 2011, 1210 evaluation reports have been requested from the courts in terms of defendants and sentenced persons and the district prosecutor’s offices have requested 597 evaluation reports for persons under investigation and defendants (on average, 60 evaluation reports per specialist have been produced, according to the requirements of courts and prosecutor’s offices, for defendants and sentenced persons).

Prison establishments

1. Ill-treatment

45. The Committee would like to receive the comments of the authorities on investigation of cases of ill-treatment at the Korca Prison, Prison 313 and Durres Pre-Trial Detention Centre.

Answer

In 2010 there is no documented case of ill-treatment against remand prisoners by the security forces in the Durres penitentiary institution and J.Misja penitentiary institution.

Two cases of ill-treatment resulted at the Korca Prison respectively on the 3rd of March 2010 and 19th of December 2010; both cases are handled with seriousness on our side ending with the expulsion from the Prison Police of the responsible persons who have violated the law and the Regulations.

In more concrete terms, concerning the case of the 3rd of March 2010, after the examination of the case, 5 disciplinary measures were taken; 3 of which "dismissal from duty" against the basic level employees and 2 of which "suspension in duty" for three months against the basic level employees, because they had not acted based on any orders and had thus violated the regulations.

Concerning the case of the 19th of December 2010 which has occurred in the isolation area, after the thorough examination of the case, 6 disciplinary measures were taken "Warning with reprimand" against the basic level employees.

To conclude, we emphasize that on our turn, we as the Police Directorate have taken all the measures against all the cases of unreasonable use of violence and have made the verifications within Septembers, as it was initially planned, but no cases which are not documented after the verification may be investigated, except for some sporadic complaints from the remand prisoners; even the latter complaints have been carefully assessed and handled by us.

46. To sum up, the findings of the 2010 visit indicate that although ill-treatment by staff is not a widespread phenomenon in the prison system, there is a need for constant vigilance in this regard.

The CPT recommends that the management in Prison no 313 and Korca Prison as well as at Durres Pre-Trial Detention Centre regularly remind their staff that all forms of ill-treatment of prisoners are not acceptable and will be the subject of severe sanctions.

Further, **in the course of prison staff training, particular emphasis should be placed on the acquisition and development of inter-personal communication skills, as well as on the handling of problematic situations without applying unnecessary force.**

As regards more particularly special intervention groups, consideration should be given to using secure video recording for all planned interventions by members of such groups. It is also important that such groups display prominent means of identification at all times when in contact with prisoners.

Answer

The management of establishments is continuously provided with information on the administrative and criminal responsibilities deriving from ill-treatment of prisoners by the prison staff. This issue is handled even in the training organised by the training sector and several NGO-s.

Concerning the techniques and handling of management of problematic situations, the training sector applies for the basic level employees a special related module as part of the action plan

As regards the use of means of identification by the special intervention groups, we inform that on the right side of the police uniform, the initials of the name and the full surname of each police officer, including the special intervention groups, are written.

As regards the use of video recording, we inform that the cameras installed in the facilities of the prisoners' regime function regularly for 24hours per day, to record even the intervention by the special intervention groups.

2. Conditions of detention of adult prisoners

a. Material conditions

49. Certain shortcomings were observed by the delegation in these establishments.

- A problem common to all three establishments was the insufficient supply of water. As a result, prisoners had no possibility to take a shower on a regular basis and often resorted to washing themselves with water collected in buckets, after it had been heated through devices that they had made themselves. In this connection, the Albanian authorities indicated in their letter of 17 August 2010 that plans had been drawn up to drill wells and to install boilers in these institutions during the period 2011-2012.

The CPT recommends that these plans be implemented as a matter of priority; in the interim, steps should be taken to alleviate the effects of the existing situation.

Answer

The General Directorate of Prisons has taken the measures to meet the needs of the establishments and provide boilers in those establishments where they had been missing and the establishments had filed a request concerning such boilers. In the future, in case of allocation of funds for equipments, our priority will be the procurement of such equipments in order to have a reserve in the warehouse, in any case.

It is also a matter of concern that only some two years after their entry into service, there were already clear signs of wear and tear in some parts of Fushe Kruja and Korca Prisons (e.g. peeling paint, stained walls etc).

Steps should be taken also in new prison establishments to ensure that regular maintenance works are carried out in order to prevent material conditions from deteriorating.

Answer

A maintenance fund is allocated in the beginning of 2010 for each prison establishment, within the general fund allocated for the prison system.

50. For as long as Prison no 313 remains in service, efforts should be pursued in order that the national standard of at least 4 m2 of living space per prisoner is respected in all cells.

Further, **steps should be taken to improve the state of repair in the unit for female prisoners.**

Answer

The General Directorate of Prisons has taken the measures to ensure an investment fund to repair the building of the existing pre-trial detention centre (the ceilings of the first floor) and the surrounding wall within a perimeter of some 300 linear metres. The investment fund is available and as soon as the project is ready, it will be performed during 2011.

As already indicated, the Albanian authorities were planning to construct a new remand prison in Tirana in the near future, which should then allow Prison No 313 to be closed down. **The CPT would like to receive detailed information on the implementation of this plan.**

Answer

The project for the new construction in the free premises of the remand prison 313 in J.Misja street is being prepared. The project is already under tendering procedures and it is expected to be realised during 2011, while funds for its new construction will be sought during 2012.

51. The CPT recommends that urgent steps be taken to remedy this serious shortcoming. All prison cells should be equipped with a window; any cell where this is not possible for structural reasons should be taken out of service as prisoners' accommodation. Further, the design of cell windows should allow adequate access to natural light (i.e sufficient to read by during the day).

The delegation was told by the prison director that arrangements were being made to secure funding for the renovation of the two other wings of the prison.

The CPT would like to receive up-to-date information on this point.

Answer

Measures are taken to repair and avoid wear and tear in some premises, where this has been an issue of concern.

52. The CPT recommends that the Albanian authorities give a high priority to the implementation of these plans. For as long as the existing premises of Kukës Pre-Trial Detention Centre remain in use, steps should be taken to ensure that the prisoner accommodation and communal sanitary facilities are maintained in an acceptable state of cleanliness and that the cells are appropriately heated during the cold season. Further, the Centre should be fitted with a shower facility which is distinct from the toilet.

Answer

Given the fact that EU will provide for a new construction for this remand centre, the Kukës Pre-Trial Detention Centre on its turn took steps to repair some of the facilities and to adapt them to toilets and showers, with the funds of the establishment itself. The premises of the kitchen are being repaired by the Police Commissariat.

53. With the exception of Kukës Pre-Trial Detention Centre, outdoor exercise yards in the establishments visited had neither a means of rest nor any shelter from inclement weather. **Steps should be taken to remedy this shortcoming.**

Answer

The CPT recommendation will be considered by the General Directorate of prisons. As soon as a fund is re-allocated, we will take measures to adapt the outdoor exercise yards to means of rest and shelter from inclement weather.

54. The CPT welcomes the fact that official standards as regards food in the prison system have been improved in recent years. However, in almost all the establishments visited, prisoners complained that the food provided to them was monotonous, and lacking vegetables and fruit. The delegation itself observed that the daily menu provided to prisoners was repeated every second day, and only occasionally included fresh fruit. **Steps should be taken to review the provision of food to prisoners, in the light of the above remarks.**

Answer

Food is provided based on a daily rate are adopted by joint order of the Ministry of Justice and Ministry of Health. The daily rate is translated into a daily menu. The fresh fruit are given based on a defined quantity and because of the impossibility to divide (fruits) according to the daily defined quantity, they are given once/twice per week in the defined quantity. With the change of seasons, even the daily menus are changed (according to the diversity of fruit and vegetables).

55. In all the establishments visited, prisoners received very few personal hygiene products (toilet paper and soap). Further, prisoners complained that no cleaning materials were provided to them.

Steps should be taken to ensure that all prisoners are regularly provided with adequate quantities of essential personal hygiene products (including toothpaste, toothbrush, shampoo, etc) as well as sufficient materials to clean their cells.

Answer

The cleaning materials are provided according to a daily norm adopted by order of the minister and are defined in this norm, gel detergent for dishes and kitchen utensils, powder detergent and toilet soap. The daily norm is provided regularly because there have been taken all the measures for procurement and on time supply.

b. Regime

58. There were virtually no educational or vocational activities on offer in any of the other establishments visited (Korca, Burrel, Kukes). Apart from daily outdoor exercise, prisoners spent their time watching television, reading and playing board games either in their cells or in common rooms. At Burrel Prison and Prison 313 many prisoners could also play football several times per week.

Answer

In implementing the cooperation agreements with Ministry of Education and ministry of Labour, Social Affairs and Equal Opportunities the commitment for implementation in the entire system of educational process and vocational training will be strengthened in order to ensure the involvement of all the prisoners.

59. The CPT notes that the vast majority of remand prisoners and many sentenced prisoners not to be provided with work or other organised out-of-cell activities (apart from outdoor exercise).

The CPT recommends that the Albanian authorities redouble their efforts to improve the programme of activities offered to prisoners in the establishments visited and, where appropriate, at other prison establishments in Albania.

Answer

The vast majority of prisoners and sentenced prisoners are involved in activities of employment, vocational training, formal and informal education, recreational, while the sports activities are daily. The General Directorate of Prisons will increase efforts to ensure the involvement of prisoners in these activities based on the need, expectations and requirements of prisoners.

60. As regards, more specifically, life-sentenced prisoners at Burrel and Fushe Kruja Prison, the CPT recommends that steps should be taken to ensure that life-sentenced prisoners (as well as long-term prisoners) are provided with opportunities for work and other out-of-cell activities.

Answer.

Generally, the prisoners of this category prefer to be involved in sports activities, and this is enabled through the organisation of daily common sports activities. The General Directorate of Prisons is cooperating with the Ministry of Labour, Social Affairs and Equal Opportunities in order to ensure commitment for the increase of the number of vocational courses, which would consequently result in the increase of the number of prisoners of this category involved in the vocational training process.

The General Directorate of Prisons expresses the good will to increase its commitment in compliance of this CPT recommendation.

The Committee would like to receive detailed information on the possibilities for life-sentenced prisoners to be reclassified to a lower security regime permitting their integration into the mainstream prisoner population.

Answer

The prisoners who are sentenced based on article 31 of law no.7895 of 27th of January 1995 "Criminal Code of the Republic of Albania", amended and article 13, 14, 15 of law no.8328 of 16 April 1998 "On the rights and treatment of sentenced prisoners and remand prisoners", amended, the prisoner sentenced to imprisonment, organised crime subjects and other sentenced prisoners who while committing the criminal act or serving sentence are characterised by the attitude and behaviour which makes impossible their stay in the prisoner of other categories, are accommodated in the high security prison:

1. By decision of the court as the competent authority to set the type of high security or in case of failure of the court to express itself by decision, the definition of the type of security is made by request of the prosecutor addressed to the competent court.
2. Prisoners are accommodated in the ordinary security prison if the court has not expressed in its decision on the type of security.
3. Sentenced prisoners for criminal contravention from negligence and other criminal acts which sentence is less than five years of imprisonment and who have the remaining of 2 years of imprisonment to serve and who have complied with the general prison regulations, upon prisoner's or the institution's request, the General Directorate of Prisons may decide their transfer to a lower security prison.

Based on the above-mentioned legal provision, it results that the court is the competent authority to define the type of security.

Any restrictions on the regime applicable to sentenced prisoners should be based exclusively on security concerns of an appreciable nature assessed on a case-by-case basis by the prison management rather than applied automatically by the courts as part of the sentence.

Answer

The responsible staff in penitentiary institutions in harmony and cooperation with the competent authorities (courts) analyses, in interpreting the legal provisions, the behaviour of sentenced prisoners both in the commission of the criminal act and during the serving of sentence. It analyses the behaviour of all the sentenced prisoners during their serving of sentence. The staff, in order to assess the behaviour of sentenced prisoners, analyses the regret from the sentenced prisoners for the committed criminal act, participation in integrating activities organised in the establishment, the fact whether he is previously sentenced, type of criminal act committed by the prisoner which is not a criminal act under the category of organised crime, disciplinary measures imposed against the sentenced prisoner during the stay in the establishment. All these elements which witness a correct reintegration and correctional behaviour of sentenced prisoners are a complete reflection of the rehabilitation activity performed in order to comply with the rights of prisoners and their treatment in line with international standards.

61. The CPT was surprised to learn that the Council of Ministers approved in March 2010 a number of amendments to the General Prison Regulations (GPR) which inter alia included television sets in the list of prohibited items for remand prisoners.

The CPT would like to receive clarification of this matter.

Answer

With the recent amendments in the Decision of Council of Ministers no.73, of 2nd February 2011 "On some addenda and amendments to Decision of Council of Ministers no. 303 of 25th of March 2009 "On adoption of the General Prisons Regulations", article 17 was amended "Personal things and their keeping" as follows: "The prisoners are not allowed to keep and circulate in the internal premises of the establishment:
g) more than one television and refrigerator in each cell.

3. Conditions of detention of juveniles

64. The CPT would like to receive updated information on the steps taken to increase the quantity of food for the juvenile prisoners in the Kavaja Juvenile Reintegration Centre and clarification as to whether similar action has been taken as regards juveniles held in Prison No 313 and Korca Prison.

Answer

The food quantity is given on a daily norm adopted by joint order of Minister of Justice and Minister of Health. The daily quantity is divided specifically for the employed, unemployed, juveniles and sick prisoners..

66. The CPT recommends that steps be taken at Korca Prison, Prison no 313 to ensure that juvenile remand prisoners (both male and female) are provided with a wider range of organised activities, in the light of the above remarks.

Answer

In the Korca Prison juveniles are subject to a formal educational process. As regards the vocational training, the General Directorate of Prisons is in the phase of intervention for implementation of this process in both these institutions during 2011, which gives priority to the juveniles. The involvement of juveniles in as many as possible sports, recreational and social activities is a priority of the General Directorate of Prisons in 2011.

68. The CPT invites the Albanian authorities to allow, if necessary through legislative amendments, for flexibility in the transfer of prisoners who reach the age of 18 to an adult institution, in the light of the above remarks.

Answer

In the vast majority of the penitentiary institutions, special sections/facilities are opened for the treatment of this category of prisoners of the 18-21 age group, according to a specific programme for this category, which aims at tailor-made treatment separated from the category of adult prisoners.

4. Health-care services in the prisons visited

69. The CPT calls upon the Albanian authorities to increase nursing staff levels at Prison No 313.

Answer

Concerning the increase of the nursing staff at Prison no 313, we inform that the proposal we have made not only for this prison, but also for other prisons have been sent to the relevant institutions.

70. The CPT recommends that steps be taken to remedy the above-mentioned deficiencies.

Answer

Concerning the medical equipments and specifically the blood pressure meters and stethoscopes we explain that the following investment is made at the following establishments: clinical labs in three prison establishments (Peqin, 313 and Zahari-Kruja), oximeter at six prison establishments (Peqin, Kruja, 313, Prison Hospital, Rogozhina and Korca), EKG apparatus at eight prison establishments (Peqin, 313, Kruja, Korca, Burrel) and dental equipment at two institutions (Kavaja and Lushnja), autoclaves at two institutions (313 and Peqin).

71. The supply of medication was inadequate in most of the establishments visited. As a result, prisoners had to rely on their families for the supply of certain medication.

The Committee would like to receive a list of medicines which are now routinely supplied to all prison establishments.

Answer

Concerning the supply of medication, we will make available the list of medicines supplied with at our prison establishments, as requested by you. You find the list attached to this material.

73. The establishments in Burrel, Durres, Kavaja and Kukës lacked proper dental equipment to provide adequate treatment for prisoners.

The CPT recommends that the Albanian authorities take the necessary measures to remedy this situation.

Answer

Concerning the lack of the dental equipment at Kavaja establishment, we inform that it is already a settled problem. Durres and Burrel establishments are supplied with dental medical materials, whereas Kukës establishment provides for this service outside the institution.

74. As regards the provision of psychiatric care to prisoners, it is a matter of concern that the establishments in Durres, Burrel, Kavaja and Kukes were not visited by a psychiatrist.

The CPT recommends that urgent steps be taken to arrange for regular visits by a psychiatrist to all prisons in Albania. All doctors working in prisons should be trained to identify and manage common psychiatric disorders and to recognize serious disorders requiring specialist care.

Answer

We have made the proposal that not only these, but all the other establishments as well be provided with psychiatrists, even part-time ones. The proposal has not been approved. Psychiatrists are present in the Prison Hospital, Zahari-Kruja and Korca Prison. We have asked the Ministry of Health and our proposal on the provision of psychiatric care in all the establishments which have a psychiatrist is submitted with this institution, but we have not received the answer despite our persistence. Concerning the above-said, we have set up the special care sections/units in both establishments and we have accommodated in them the persons who suffer mental disorders.

75. The CPT has repeatedly emphasised the crucial role of prompt medical screening of newly-arrived prisoners, particularly in pre-trial detention centres. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, of suicide prevention and of the timely recording of any injuries.

In the light of the above, the CPT calls upon the Albanian authorities to take the necessary steps to ensure that all newly-arrived prisoners are subject to a comprehensive medical examination on admission (including screening of transmissible disease) and are provided with information regarding the prevention of transmissible diseases.

Answer

Concerning the failure to perform medical examinations and screening, the problem in this system derives from various objective reasons. However, this is provided now in three prison establishments Peqin, 313 and Kruja-Zahari.

As regards the ISST examination, it is performed, but there is still the problem of timely performance of such examination.

Concerning the reports kept during medical examinations on admission, we guarantee that this issue is on our focus and in our policies, but for objective reasons we could not accomplish this quickly, especially the part related with the medical examination and screening of all newly-arrived prisoners in the prison system.

76. The CPT is also concerned to note that despite the specific recommendation repeatedly made by the Committee, prison doctors were still generally unaware of the legal obligation

resting upon them, by virtue of Sections 281 and 282 of the CCP, to report within 48 hours any allegations or signs of possible ill-treatment to the prosecutor or to the police.

The CPT therefore calls upon the Albanian authorities to ensure that:

- **The record drawn up after a medical examination of a prisoner (both on admission and during imprisonment) contains: (i) an account of statements made by the prisoner which are relevant to the medical examination (including his/her description of his/her state of health and any allegation of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii), indicating the degree of consistency between the allegations made and the objective medical findings (a copy of the conclusions should be made available to the prisoner concerned and, upon request, to his/her lawyer);**
- **All medical staff working in prison establishments are reminded of their obligations under Sections 281 and 282 of the CCP.**

Answer

We are training the medical staff in cooperation with ARCT on the documentation of cases of ill-treatment according to the Istanbul Protocol. Within 2010, the protocol will be applied in the prison system, adapted to the conditions and infrastructure.

The Committee also invites the Albanian authorities to offer special training to prison doctors on the manner in which medical screening of prisoners is to be performed and on the recording of any injuries observed.

Answer

Concerning the rights of sentenced prisoners, trainings are organised in cooperation with the Ombudsman and ARCT, but we will consider even the training on the doctors' obligations under sections 281 and 282 of the CC.

Training of medical staff in cooperation with ARCT will be running even during 2010.

77. The CPT calls upon the Albanian authorities to take immediate steps at Korca Prison and Prison no 313 to ensure that an individual medical file is opened on admission and properly kept for every prisoner. In particular, medical files should contain diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he has undergone.

Answer

The measures are taken to ensure that the medical files of prisoners in Korca and 313 prison establishments are kept on their admission in prison and in continuation, containing detailed information on the medical treatment of the prisoner.

78. Despite the specific recommendations repeatedly made by the CPT in previous visit reports, the principle of medical confidentiality was still not being respected in any of the establishments visited. Indeed, medical examinations/consultations (whether upon a

prisoner's arrival or at a later stage) were usually carried out in the presence of custodial staff.

The CPT calls upon the Albanian authorities to take steps to ensure that medical examinations/consultations of prisoners are conducted out of the hearing and- unless the doctor concerned specifically requests otherwise in a particular case – out of the sight of non-medical staff.

Answer

Concerning confidentiality during the medical examination, from the inspection we conduct during the trainings and the policies that we follow, it seems that this problem is being minimised. However, it is one of the problems that we will consider in 2010.

81. **The CPT would like to know concerning the Burrel Prison whether:**

- **the establishment now has a properly equipped surgery for medical examinations (which is regularly supplied with the necessary material)**
- **a general practitioner now works in the prison on at least a half-time basis;**
- **requests made by prisoners to consult a doctor are promptly met.**

Answer

Concerning the problems encountered in Burrel Prison, we inform once again that this institution has been constantly monitored by us, but the problem is that there is no full-time doctor. It is very difficult, until this moment, to provide this service similarly as in other prison establishments. Despite the contacts we have had with some of the dependent institutions of the Ministry of Health in order to improve medical service, we have not been provided with such service at the required level. There is no separate room to perform the medical examination, because of infrastructure. However, medical examinations and complaints of the persons are considered on time. Nevertheless, there is still a lot to be done for this establishment.

82. During the end-of-visit talks, the delegation was informed by the Minister of Justice that according to a recent agreement with the Ministry of Health, all prisoners would soon be covered by the national health insurance scheme.

The CPT would like to receive detailed information on this issue.

Answer

Concerning the information you seek about the entry of prisoners in the health insurance scheme, we inform that one of our initiatives will have a positive impact on the medical treatment of these persons. If up to now we have to obtain medicines for some diseases of prisoners through the tendering procedures, which is a complex procedure, following our initiative they will be able to obtain through a prescription issued by the doctors of the institution, just like all their colleagues in the medical institutions under the Ministry of Justice. In this way, the medicine will be provided quickly and treatment will be effective. All

prisoners will be provided with the medical examination and screening according to the criteria of the Institute of Health Insurance, which will exhaust the bureaucratic delays in several offices. With the entry into the scheme, it has effect both on qualitative and timely service and on the discipline of medical treatment and safety.

Currently, the draft decision "On inclusion of imprisoned persons and pre-detainees in the category of financially inactive persons" is drafted and is pending to be brought for review and approval to the Council of Ministers.

1. Prison Hospital in Tirana

84. The CPT recommends that the Albanian authorities take measures to install call bells/means of communication in the patients' rooms in the Prison Hospital, absolute priority to be given to the two intensive care rooms.

Answer

Call bells are installed in each cell of the sick prisoners in the Prison Hospital.

Secondly the CPT's delegation found a pile of soiled sheets in the disused toilets on the ground floor of the Hospital, which were apparently used as a temporary holding point prior to the sheets being taken to the laundry at the nearby University Hospital Centre. The CPT recommends that measures be taken to ensure that used sheets are collected and processed in accordance with the rules of hospital hygiene.

Answer

The Prison Hospital has taken the necessary measures in order to proceed in this regard in line with the rules and standards of hospital hygiene.

86. The CPT encourages the Albanian authorities to do away with the closed-door regime in the Prison Hospital and to progressively develop other activities for the patients (both male and female).

Answer

Treatment of the category of persons accommodated in the Prison Hospital is a priority for the General Directorate of Prisons. The extension of the network of activities for these prisoners will be progressively implemented in this institution.

87. The Prison Hospital should benefit from at least two full-time psychiatrists. The CPT recommends that urgent measure be taken to this end.

None of the nurses working at the Prison Hospital has a full-fledged qualification in psychiatry.

The CPT invites the Albanian authorities to consider introducing ongoing training modules on psychiatry at the country's nursing schools.

Answer

Concerning the increase of the staff with a psychiatrist in the Prison Hospital, we inform that we have made the proposal but it has not been considered by the institutions responsible to handle this problem.

Concerning qualification of the nurses in psychiatry we inform that some of them are trained, however a lot is required to be done. Our policy is to train in 2011 most of the staff dealing with this contingent. We will take into consideration your recommendation related with the training in the state nursing schools.

89. The CPT recommends that the dental surgery of the Prison Hospital be either completely refurbished or taken out of service. In the interim, recourse should be had to the services of external dentists.

Answer

Concerning dental service in the Prison Hospital, we inform that such service is being provided by the dental institutions within our system. Our idea is to remove such service and to provide it as it is being provided currently.

91. As concerns the issue of respect for medical confidentiality, the CPT noted with satisfaction that medical files of the patients of the Prison Hospital were kept- and could be assessed only – by the establishment's health-care staff. Psychiatric patients could benefit from confidential interviews with the hospital's psychiatrist. The confidentiality of the interviews on the other hand was not guaranteed in every case. The CPT's delegation observed that in practice the health-care staff- and in particular the nurses- were most often accompanied by custodial staff when visiting patients' rooms.

Reference is made to the recommendation made in paragraph 78 of the report.

Answer

The General Directorate of Prisons will take measures for correct respect for confidentiality even during the medical check-ups in the Prison Hospital.

92. The CPT recommends that the Albanian authorities put an immediate end to the use of metal chains. A specific written instruction to this effect should be distributed to all staff working at the Prison Hospital.

Answer

Concerning the recommendation of putting an end to the use of metal chains on persons suffering mental disorders when they are agitated, we inform that in such cases, there are being used only leather means, such as belts etc

93. The Committee invites the Albanian authorities to remain attentive to strict compliance by the courts with the relevant legislation on legal safeguards offered to patients declared not to be criminally responsible.

Answer

Responsibility of courts.

94. The CPT calls upon the Albanian authorities to take decisive steps to transfer the psychiatric patients declared not to be criminally responsible and subjected to a compulsory treatment with reference to Section 46 paragraph 1 of the CCP to an appropriate care institution.

Answer

Regarding the transfer of the psychiatric patients declared criminally irresponsible and subjects of compulsory medication to an appropriate institution, by DCM 504, dated 13.05.2009, the hospital located in the premises of the pre-detention centre of Durres is transferred under the subordination of the Ministry of Health, but they have not accepted to take it over as the conditions of these building do not meet the standards required for a hospital.

In these circumstances the draft decision "On revocation of Decision no 504, dated 13.05.2009, "On transfer of the administration responsibility of the former KFOR hospital, Durres, from the Ministry of Justice to the Ministry of Health, for treatment of persons under medical measure "compulsory medication in a medical institutions" was submitted for approval to the Council of Ministers and is expected to be approved soon, for the purpose of transferring the former KFOR hospital, Durres to the administration responsibility of the Ministry of Justice to be used by the General Directorate of Prisons for accommodation of sentenced persons with psychic illness.

2. Other issues

a. staff

The committee would like to receive detailed information on the training (initial and ongoing) received by prison officers.

The CPT recommends that custodial staff assigned to work with juveniles at Korca Prison and Prison No 313 as well as at any other prison in Albania, receive specialised training, taking into consideration the above-mentioned remarks.

Answer

Action plan of trainings in 2010

Month	Category of employees	Participants in training	Duration	Type of training
January	Basic level employees	81	11-22/01.2010 25/01/2010-05/02/2010	Two-weeks re-training
February	Basic level employees	37	One month 08/02/2010-05/03/2010	6-weeks training first phase
	Multidisciplinary groups Kavaja prison establishments	13		One week training
March	Basic level employees	25	10/03/2010-20/03/2010	6-weeks training second phase
	Basic level employees	21	10/03/2010-20/03/2010	Two-weeks re-training
April	Basic level employees	31	05.04.2010-30.04.2010	6-weeks training first phase
	Basic level employees	23	05.04.2010-17.04.2010	6-weeks training second phase
	Staff of Kavaja Institute	15	One week	In cooperation with CRCA
	Staff of Tropoja prison	21	Two days	AHC
May	Basic level employees Korça	24	10.05.2010-28.05.2010	6-weeks training first phase
	Middle and high management level employees	15	12.13.14 May	Three days
June	Basic level employees	46	01.06.2010-15.06.2010	6-weeks training second phase
	Basic level employees policies IEVP Vlore	14	17.06.2010-30.06.2010	6-weeks training second phase
	Specific training on mental health. Practitioner+ psychologist	41	24,25,28,30.06.2010	One week training
July	Basic level employees	49	01-29.07.2010	6-weeks training first phase
September	Basic level employees	29	06.09.2010-17.09.2010	6-weeks training second phase
	Management of prisons	21	16.09.2010	Training on management
October	Basic level employees	26	04.10.2010-29.10.2010	6-weeks training first phase
	Middle security level employees	19	18.10.2010-22.10.2010	Basic one week training
	Deputy directors of prisons	17	27.10.2010	One day training
November	Middle security level employees	19	08-12.11.2010	Basic one week training
December	Basic level employees	42	15.11.2010-26.11.2010	6-weeks training second phase
	Staff of the Training Centre	10	13-16.12.2010	Training of trainers
Total		226 training days	617 employees	

The training of middle level security employees which will constitute one of the main objectives of 2011 has already started.

Concerning the training of the staff on issue of treatment of juveniles, trainings have been organised in 2010 in cooperation with NGO, on the training of the staff working with juveniles in Korca, Vlora and Kavaja establishments.

97. At Durres Pre-Trial Detention Centre, some prison officers carrying truncheons in full view of inmates within the detention areas. In contrast, this practice was not observed in any other establishments visited.

The CPT must stress that in the interest of developing positive relations between staff and prisoners, staff members should never carry truncheons visibly inside detention areas. If it is considered necessary for prison officers to carry truncheons, the truncheons should be hidden from view.

Answer

The General Directorate of Prisons has taken the measures to apply the CPT recommendation.

b. discipline

98. The CPT recommends that the Albanian authorities reduce the maximum possible period of confinement in a disciplinary cell as a punishment in respect of juvenile prisoners. Whenever juveniles are subject to such a sanction, they must be guaranteed socio-educational support and appropriate human contact throughout the duration of the measure.

Answer

The disciplinary policy followed with the juveniles favours this category; it means that the disciplinary measure is the last resort for the juvenile remand prisoner/sentenced prisoner in case of violation of the rules. **In case the juveniles are subject to this measure, they are guaranteed social and psychological support and medical assistance and also human contact throughout the duration of the measure.**

99. Some deficiencies were observed by the delegation. Firstly, prisoners facing disciplinary charges did not always receive a copy of these charges. Further, they were not guaranteed the right to call witnesses on their own behalf or to cross-examine evidence against them. Prisoners subjected to a disciplinary sanction were not systematically provided with a copy of disciplinary decisions, but only if they explicitly asked for it.

The CPT recommends that the above-mentioned shortcomings be remedied (if necessary, by amending the relevant legal provisions).

Answer

The General Directorate of Prisons will take gradual steps to fulfil the CPT recommendation.

101. The Committee would like to recall that Section 50 of the GPR limits the placement of a prisoner in a "special rooms" awaiting the meeting of the disciplinary commission to emergency cases – in order to prevent human injury, disorder and unrest – and to extraordinary circumstances. Such preventive measure is taken by the director of the establishment who shall convene the disciplinary commission not later than 48 hours from the moment the offence is committed (Section 52, paragraph 5).

The CPT recommends that measures be taken in all prison establishments to ensure that the above-mentioned provisions of the GPR are strictly complied with.

Answer

The General Directorate of Prisons guarantees the strict enforcement of the respective provisions of the GPR on the procedure of accommodation of the prisoner in the isolation area and the time limits of the disciplinary procedure.

102. The CPT recommends that the role of prison doctors in relation to disciplinary matters be reviewed, in the light of the above remarks. In so doing, regard should be had to the European Prison Rules (in particular Rule 43.2) and the comments made by the Committee in its 15th General Report (see paragraph 3 of the CPT/Inf(2005)17).

Answer

Concerning the doctor-patient relationship, with reference to disciplinary proceedings, the General Directorate of Prisons will take immediate measures to strictly apply article 43.2 of the European Prison Rules.

103. The Committee recommends that the disciplinary cells at Durres Pre-Trial Detention Centre be either enlarged (to at least 6 m²) or taken out of service. Steps should also be taken at Burrel Prison to ensure that the above-mentioned disciplinary cell has adequate lighting (including access to natural light) and ventilation.

Answer

The CPT recommendation will be given priority, depending on the funds to be allocated in continuation.

104. The CPT calls upon the Albanian authorities to ensure that all prisoners subject to the sanction of placement in a disciplinary cell are offered at least one hour of outdoor exercise every day. Steps should be taken at Prison No 313 to ensure that prisoners held in a disciplinary cell enjoy ready access to a proper toilet facility at all times.

e. Contact with the outside world

107. The CPT recommends that the Albanian authorities review the visiting arrangements in all prison establishments in order to ensure that, as a rule, visits take place under decent open conditions (e.g with prisoners and their visitors sitting around a table). Steps should be taken to ensure that prisoners' short-term visits last at least one hour.

Answer

The General Directorate of prisons will consider this recommendation with seriousness and it will always give priority to the security elements during the visits and the infrastructural conditions of the prison establishments.

**Information provided in respect of the request for information
in paragraph 71 of the visit report**

List of medicines of the tender in 2010

No	Denomination	Unit	Quantity
1	Folic acid 5 mg	Tablets	2500
2	Acidum valproicum 500mg	Tablets	2500
3	Adrenaline 0.1%-1 ml	Ampule	250
4	Alfasid 750 mg x 14 tb	Box	300
5	Boric alcohol 2.5%-10 ml	Injection	300
6	Amiodarone 200mg	Tablets	800
7	Amitriptylinum 25mg	Tablets	35000
8	Amlodipinum 10mg	Tablets	25000
9	Amoxicillin 500mg	Caps	40000
10	Ampicillin 1gr	Injection	2500
11	Analgin	Ampule	3000
12	Analgin 500mg	Tablets	8000
13	Aspirin 500 mg	Tablets	19000
14	Atenolol 100 mg	Tablets	70000
15	Azatriil 250mg x 8kaps	Box	2500
16	Bactrim 480mg	Tablets	10000
17	Beclometazon 250mcg	Injection	300

18	Betamethasonum 0.1% 15g	Tube	300
19	Bisalax 5 mg x 30 tb	Box	300
20	Bromexin 8mg	Tablets	15000
21	Bivacin	Tube	150
22	Butilscolamine (dividol) 10 mg	Tablets	25000
23	CaCl ₂ 10% -10 ml	Ampule	4000
24	Calci-glukonat 10%-10 ml	Ampule	400
25	Cephalexinum 500mg	Caps	6000
26	Ceporin 1gr	Injection	3000
27	Cinarizin 25 mg	Tablets	4000
28	Ciprofloxacine 500 mg	Ampule	600
29	Ciprofloxacine 500mg	Tablets	6000
30	Cloramphenicol 250 mg	Caps	500
31	Cloramphenicol otic	Injection	400
32	Codeinum 15mg	Tablets	7000
33	Soludecortin 25 mg	Ampule	500
34	Dexametazon 4 mg	Ampule	1000
35	Diazepam 0.5% - 2 ml	Ampule	11000
36	Diazepam 5mg	Tablets	90000
37	Diclofenac 50mg	Tablets	20000
38	Digoxina 250 mcg	Tablets	3000
39	Diovan 80mg	Tablets	2500
40	Dipiridamol 25 mg	Tablets	7000
41	Dobutamine 250mg/ml	Injection	50
42	Enalapril 20mg	Tablets	40000
43	Euphilline 100 mg	Tablets	15000
44	Euphilline 12% 2 ml	Ampule	3000
45	Ferri sulfat 100mg	Tablets	3000
46	Physiologic NaCl 0.9%	Injection	12000

47	Flixotide 250 mcg/60	Injection	50
48	Fluoderma	Tube	300
49	Foradil 12mcg	Caps	400
50	Fraxiparine 0.6ml	Ampule	300
51	Furosemid 10mg	Ampule	6000
52	Furosemid 40mg	Tablets	10000
53	Gentamicin 80mg	Ampule	4000
54	Glucose 5%	Injection	5000
55	Glucose40%	Ampule	300
56	Haloperidol 2% 10ml	Injection	10000
57	Helipak 20 tab	Box	400
58	Heparin	Ampule	150
59	Histasin 10 mg x 20 tb	Box	400
60	Hydroclorthiazid 25 mg	Tablets	20000
61	Ibuprofen 200mg	Tablets	15000
62	Insulin lente	Injection	250
63	Insulin ordinary	Injection	400
64	Insulin semilente	Injection	100
65	Izosorbit 5 Mononitrate 40mg	Tablets	2000
66	Caffeine	Ampule	100
67	Karbamazepine 200mg	Tablets	40000
68	KCl 7.5% 10cc	Ampule	4500
69	Ketokonazol	Tub	149
70	Koffergamin x 20 tb	Box	700
71	Lanatozidi C 0.02%-2 ml	Ampule	200
72	Legalon 140mg	Tablets	2000
73	Leponex 100 mg	Tablets	1000
74	Lercandipine 10mg	Tablets	1000
75	Lescol 40 mg	Box	100

76	Librium 10 mg	Tablets	50000
77	Lido-adrenalin 50 ml	Injection	300
78	Lithium karbonat 250 mcg	Tablets	2500
79	Loperamid 10 mg	Tablets	20000
80	Lorazepam 2.5mg	Tablets	30000
81	Luminal	Ampule	300
82	Luminal 15 mg	Tablets	4500
83	Magnesium sulfat 25% - 10 ml	Ampule	500
84	Magnesium sulfate 50gr	Package	70
85	Mebhidroline	Tablets	5000
86	Metforminum 500mg	Tablets	40000
87	Metildopa 250mg	Tablets	6000
88	Metoclopramidium 10mg	Tablets	2000
89	Metoprolol 100mg	Tablets	5000
90	Metronidazol	Box	50
91	Metronidazol	Ovul	1000
92	Myco synalar	Tube	700
93	Nafazoline	Injection	1000
94	Natri bicarbonat 8.4%	Ampule	1500
95	Negram 500mg	Tablets	1000
96	Neurobex 30 tb	Box	2000
97	Nifedipine 10 mg	Tablets	45000
98	Nistatin 500000 ui	Tablets	1999
99	Nistatine	Tube	270
100	Nitroglicerine	Tablets	1000
101	Omeprazol 20mg	Tablets	3500
102	Oraceftin 500 mg 14 tb	Box	300
103	Papaverin 50 mg x 40 tb	Box	250
104	Papaverin	Ampule	2000

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
105 Paracetamol 500 mg	Tablets	300000
106 Parcopan 5mg	Tablets	70000
107 Polygynax	Ovul	400
108 Methylprednizolon 20 mg	Ampule	2000
109 Prednison 5mg	Tablets	1000
110 Procto - synalar	Tube	550
111 Prometazin	Ampule	3000
112 Prometazin 25mg	Tablets	4000
113 Propafenon 150 mg	Tablets	1000
114 Propanolol 40 mg	Tablets	5000
115 Propiltouracil 50 mg	Tablets	5000
116 Ranitidin 150	Tablets	13000
117 Dopamin 200 mg	Ampule	100
118 Rison 2 mg x 20 tb	Box	1100
119 Salospir 100	Tablets	25000
120 Sedalgine neo 500mg x20 tab	Box	1000
121 Sintrom 4 mg	Tablets	600
122 Sol NaCl 10%-10ml	Ampule	300
123 Augmentin 625mg	Box	50
124 Spironolacton 25 mg x30 tb	Box	449
125 Sulfat bariumi x 100g	Package	35
126 Tamsudil 0.4 mg x 30 tb	Box	200
127 Tercef 1 gr kuti X 5 fl	Box	300
128 Tetran	Tube	350
129 Timolol 0.5%	Injection	80
130 Tramadol 100mg	Ampule	3500
131 Tramadol 50mg	Caps	6000
132 Verapamil 80mg	Tablets	5000
133 Vit B12 500mg	Ampule	1000

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
134 Vit C	Ampule	1000
135 Vit C 10mg	Tablets	25000
136 Vit K	Ampule	450
137 Vit.B6	Tablets	2500
138 Vogast 30mg (lanzoprazol) x 14 caps.	Box	1500
139 Xanax 0.5mg	Tablets	4000
140 Gel for ECO	Litre	15
141 Butilscolamine	Ampule	3000
142 Psyllogel	Packet	160
143 Diaolgo	Caps	800
144 Phloroglucinol	Tablets	500
145 Incontan 15mg	Tablets	1200
146 Imoper 667 mg (normocol)	Injection	46
147 Lexotamil 3mg	Tablets	1500
148 Canesten puder	Piece	20
149 Baclofen	Tablets	2000
150 Clopidogrel 75 mg	Tablets	230
151 Haloperidol 2% 10ml	Ampule	10000
152 Voltaren	Ampule	1400
153 Apotel	Ampule	150
154 Citalopram	Tablets	400
155 Haldol Depo	Ampule	400
156 Ranital	Ampule	1750
157 Metoclorpramid	Ampule	1000
158 Manitol	Injection	250
159 Rifocine	Injection	30

Number of articles- 159

Value – ALL 22.000.000

No	Denomination	Unit	Quantity	Price	Value
1	Folic Acid 5 mg	Tablets	2500	3.36	8,400
2	Acidum valproicum 500mg	Tablets	2500	46.63	116,564
3	Adrenaline 0.1%-1 ml	Ampule	250	20.50	5,125
4	Alfasid 750 mg x 14 tb	Box	300	1,458.24	437,472
5	Boric alcohol 2.5%-10 ml	Injection	300	84.00	25,200
6	Amiodarone 200mg	Tablets	800	14.45	11,558
7	Amitriptylinum 25mg	Tablets	35000	2.51	87,808
8	Amlodipinum 10mg	Tablets	25000		75,320

				3.01	
9	Amoxicillin 500mg	Caps	40000	14.56	582,400
10	Ampicillin 1gr	Injection	2500	54.89	137,228
11	Analgin	Ampule	3000	25.09	75,264
12	Analgin 500mg	Tablets	8000	1.98	15,859
13	Aspirin 500 mg	Tablets	19000	1.64	31,069
14	Atenolol 100 mg	Tablets	70000	1.70	119,000
15	Azatriil 250mg x 8kaps	Box	2500	560.00	1,400,000
16	Bactrim 480mg	Tablets	10000	1.76	17,584
17	Beclometazon 250mcg	Injection	300	898.00	269,400
18	Betamethasonum 0.1% 15g	Tube	300	92.62	27,787
19	Bisalax 5 mg x 30 tb	Box	300	123.20	36,960
20	Bromexin 8mg	Tablets	15000	4.20	63,000
21	Bivacin	Tube	150	238.49	35,774
22	Butilscopolamine (dividol) 10 mg	Tablets	25000	8.70	217,500
23	CaCcl2 10% -10 ml	Ampule	4000	41.00	164,000
24	Calci-glukonat 10%-10 ml	Ampule	400	39.20	15,680
25	Cephalexinum 500mg	Caps	6000	12.32	73,920
26	Ceporin 1gr	Injection	3000	148.96	446,880

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
27	Cinarizin 25 mg	Tablets 4000 1.68 6,720
28	Ciprofloxacin 500 mg	Ampule 600 179.20 107,520
29	Ciprofloxacin 500mg	Tablets 6000 15.68 94,080
30	Cloramphenicol 250 mg	Caps 500 3.92 1,960
31	Cloramphenicol otic	Injection 400 95.20 38,080
32	Codeinum 15mg	Tablets 7000 7.96 55,742
33	Soludecortin 25 mg	Ampule 500 191.52 95,760
34	Dexametazon 4 mg	Ampule 1000 24.64 24,640
35	Diazepam 0.5% - 2 ml	Ampule 11000 22.00 242,000
36	Diazepam 5mg	Tablets 90000 2.65 238,500
37	Diclofenac 50mg	Tablets 20000 24.64 492,800
38	Digoxina 250 mcg	Tablets 3000 5.00 15,000
39	Diovan 80mg	Tablets 2500 85.55 213,864
40	Dipiridamol 25 mg	Tablets 7000 2.35 16,464
41	Dobutamine 250mg/ml	Injection 50 1,050.00 52,500
42	Enalapril 20mg	Tablets 40000 6.94 277,760
43	Euphillin 100 mg	Tablets 15000 3.20 48,000
44	Euphillin 12% 2 ml	Ampule 3000 27.50 82,500
46	Ferri sulphate 100mg	Tablets 3000 25,500

				8.50	
47	Physiologic NaCl 0.9%	Injection	12000	89.00	1,068,000
48	Flixotide 250 mcg/60	Injection	50	3,584.00	179,200
50	Fluoderma	Tube	300	128.80	38,640
51	Foradil 12mcg	Caps	400	56.00	22,400
52	Fraxiparine 0.6ml	Ampule	300	952.00	285,600
53	Furosemid 10mg	Ampule	6000	27.50	165,000
54	Furosemid 40mg	Tablets	10000	6.50	65,000
55	Gentamicin 80mg	Ampule	4000	18.10	72,400
56	Glucose 5%	Injection	5000	89.60	448,000
57	Glucose 40%	Ampule	300	40.50	12,150
58	Haloperidol 2% 10ml	Injection	10000	84.00	840,000
59	Helipak 20 tab	Box	400	2,576.00	1,030,400
60	Heparine	Ampule	150	257.60	38,640
61	Histasin 10 mg x 20 tb	Box	400	358.40	143,360
62	Hydroclorthiazid 25 mg	Tablets	20000	5.80	116,000
63	Ibuprofen 200mg	Tablets	15000	2.46	36,960
64	Insulin lente	Injection	250	728.00	182,000
65	Insulin ordinary	Injection	400	728.00	291,200

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
66	Insulin semilente	Injection 100 728.00 72,800
67	Izosorbit 5 Mononitrate 40mg	Tablets 2000 14.00 28,000
68	Caffeine	Ampule 100 30.24 3,024
69	Karbamazepine 200mg	Tablets 40000 1.62 64,960
70	KCl 7.5% 10cc	Ampule 4500 42.00 189,000
71	Ketokonazol	Tube 149 492.80 73,427
72	Koffergamin x 20 tb	Box 700 224.00 156,800
73	Lanatozidi C 0.02%-2 ml	Ampule 200 26.43 5,286
74	Legalon 140mg	Tablets 2000 64.96 129,920
75	Leponex 100 mg	Tablets 1000 56.00 56,000
76	Lercandipine 10mg	Tablets 1000 78.90 78,900
77	Lescol 40 mg	Box 100 2,070.00 207,000
78	Librium 10 mg	Tablets 50000 7.62 380,800
79	Lido-adrenalin 50 ml	Injection 300 149.00 44,700
80	Lithium karbonat 250 mcg	Tablets 2500 6.38 15,960
81	Loperamid 10 mg	Tablets 20000 5.04 100,800
82	Lorazepam 2.5mg	Tablets 30000 6.89 206,640
83	Luminal	Ampule 300 39.20 11,760
84	Luminal 15 mg	Tablets 4500 25,200

				5.60	
86	Magnesium sulfat 25% - 10 ml	Ampule	500	44.50	22,250
87	Magnesium sulphate 50gr	Package	70	44.80	3,136
88	Mebhidroline	Tablets	5000	10.08	50,400
89	Metforminum 500mg	Tablets	40000	3.14	125,440
90	Metildopa 250mg	Tablets	6000	10.66	63,974
91	Metoclopramidium 10mg	Tablets	2000	6.50	13,000
92	Metoprolol 100mg	Tablets	5000	12.32	61,600
93	Metronidazol	Box	50	132.16	6,608
94	Metronidazol	Ovul	1000	16.31	16,307
95	Myco synalar	Tube	700	227.36	159,152
96	Nafazoline	Injection	1000	89.60	89,600
97	Natri bicarbonat 8.4%	Ampule	1500	33.04	49,560
98	Negram 500mg	Tablets	1000	10.42	10,416
99	Neurobex 30 tb	Box	2000	155.00	310,000
100	Nifedipine 10 mg	Tablets	45000	1.76	79,128
101	Nistatin 500000 ui	Tablets	1999	8.40	16,792
102	Nistatine	Tube	270	202.72	54,734
103	Nitroglicerine	Tablets	1000	6.40	6,400

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
104	Omeprazol 20mg	Tablets 3500 14.00 49,000
105	Oraceftin 500 mg 14 tb	Box 300 1,881.60 564,480
106	Papaverin 50 mg x 40 tb	Box 250 145.60 36,400
107	Papaverine	Ampule 2000 31.36 62,720
108	Paracetamol 500 mg	Tablets 300000 1.34 403,200
109	Parcopan 5mg	Tablets 70000 5.26 368,480
110	Polygynax	Ovul 400 83.33 33,331
111	Methylprednizolon 20 mg	Ampule 2000 78.40 156,800
112	Prednison 5mg	Tablets 1000 4.50 4,500
113	Procto – synalar	Tube 550 235.20 129,360
114	Prometazin	Ampule 3000 32.00 96,000
115	Prometazin 25mg	Tablets 4000 2.46 9,856
116	Propafenon 150 mg	Tablets 1000 20.16 20,160
117	Propanolol 40 mg	Tablets 5000 1.57 7,840
118	Propiltouracil 50 mg	Tablets 5000 6.90 34,496
119	Ranitidin 150	Tablets 13000 3.40 44,200
120	Dopamin 200 mg	Ampule 100 195.00 19,500
121	Rison 2 mg x 20 tb	Box 1100 448.00 492,800
122	Salospir 100	Tablets 25000

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION			
				6.33	158,200
123	Sedalgine neo 500mg x20 tab	Box	1000	246.40	246,400
124	Sintrom 4 mg	Tablets	600	13.38	8,030
125	Sol NaCl 10%-10ml	Ampule	300	59.36	17,808
126	Augumentin 625mg	Box	50	1,570.00	78,500
127	Spironolacton 25 mg x30 tb	Box	449	245.00	110,005
128	Sulfat bariumi x 100g	Package	35	42.56	1,490
129	Tamsudil 0.4 mg x 30 tb	Box	200	907.20	181,440
130	Tercef 1 gr kuti X 5 fl	Box	300	1,848.00	554,400
131	Tetran	Tube	350	103.04	36,064
132	Timolol 0.5%	Injection	80	106.40	8,512
134	Tramadol 100mg	Ampule	3500	95.20	333,200
135	Tramadol 50mg	Caps	6000	24.64	147,840
136	Verapamil 80mg	Tablets	5000	6.16	30,800
137	Vit B12 500mg	Ampule	1000	34.00	34,000
138	Vit C	Ampule	1000	25.60	25,600
139	Vit C 10mg	Tablets	25000	2.35	58,800
140	Vit K	Ampule	450	30.80	13,860
141	Vit.B6	Tablets	2500	1.98	4,956

PERKTHIM ZYRTAR	TRADUCTION OFFICIELLE	OFFICIAL TRANSLATION
142	Vogast 30mg (lanzoprazol) x 14 caps.	Box 1500 784.00 1,176,000
143	Xanax 0.5mg	Tablets 4000 10.30 41,216
144	Xhel per eco	Litre 15 672.50 10,088
145	Butilscopolamine	Ampule 3000 119.84 359,520
146	Psylogel	Packet 160 56.00 8,960
147	Diaolgo	Caps 800 16.13 12,902
148	Pholoroglucinol	Tablets 500 15.68 7,840
149	Incontan 15mg	Tablets 1200 31.36 37,632
150	Imoper 667 mg (normocol)	Injection 46 784.00 36,064
151	Lexotamil 3mg	Tablets 1500 7.84 11,760
152	Canesten puder	Piece 20 621.00 12,420
153	Baclofen	Tablets 2000 44.80 89,600
154	Clopidogrel 75 mg	Tablets 230 302.40 69,552
155	Haloperidol 2% 10ml	Ampule 10000 32.00 320,000
156	Voltaren	Ampule 1400 50.00 70,000
157	Apotel	Ampule 150 300.00 45,000
158	Citalopram	Tablets 400 36.50 14,600
159	Haldol Depo	Ampule 400 460.00 184,000
160	Ranital	Ampule 1750

PERKTHIM ZYRTAR		TRADUCTION OFFICIELLE		OFFICIAL TRANSLATION	
				75.00	131,250
161	Metoclorpramid	Ampule	1000	25.50	25,500
162	Manitol	Injection	250	260.00	65,000
163	Rifocine	Injection	30	1,250.00	37,500
	Total				22,000,000

Response of the Ministry of Health

Psychiatric/social welfare establishment

Preliminary remarks

Comments

The Albanian authorities are encouraged to pursue their efforts to increase the number of supported homes and community mental-health centers (paragraph 109).

According to the Order of the Minister of Health no.141, of March 8, 2010, based on the law of "Mental Health", nr.8092, of March 21, 1996 and pursuant to Policy Document no.116, of March 25, 2003, and Action Plan no.226, of May 13, 2005 "On the development of mental health services in Albania," the working group was established to review the Mental Health Strategy. One of the most important activities is to pursue the efforts to increase the number of supported homes and community mental-health centers in function and key strategic goals, such as:

Decentralization/regionalism of services and de-institutionalization of the long-term psychiatric patients.

Shkodra Psychiatric Hospital

Recommendations

The Albanian authorities to implement as speedily as possible the plan to reconstruct the entire hospital, including the psychiatric ward, in Shkodra (paragraph 114)

Ministry of Health has allocated a fund of about \$ 810 000, for building a new facility that will serve as a mental hospital, with capacity of 40 acute beds, which under the contract expected to be completed in October this year(2011).

Based on the recommendations that have emerged from consultations with the World Health Organization concerning the standards that should provide a facility that is built for this purpose, the acute Psychiatric Hospital, is designed such that it meets these standards, finally solving the problems that come from current psychiatric ward part of the Regional Hospital of Shkodra.

Rooms in the new hospital are foreseen to accommodate one or two patients by providing decent conditions, offering a more personalized environment. There are projected entertainment facilities, meeting rooms

between patients and their families, cooking room where patients can be included in this activity, large green yard for organizing various activities, modern toilets.

With this facility finally will be solved the problems of heating and cooling of, more facilities for persons with physical disabilities (special door locks, separate toilets for these patients, etc).

The pharmacy of the new facility will also meet the contemporary standards regarding to equipments, storage/warehousing of drugs,etc.

As it was explained above, the reconstruction of the Regional Hospital of Shkodra, with the support of the Council of Europe Development Bank, will not include facilities for psychiatric patients.

Pending the reconstruction of the psychiatric ward, measures to be taken to repair the sanitary facilities, improve the heating and provide a more personalized environment for patients (paragraph 114)

Currently, no intervention in the form of investment are projected for the psychiatric ward for the above mentioned reasons (transfer to the new Psychiatric Hospital in October 2011), meanwhile the good maintenance of the existing facilities will not be missing until that moment.

Steps to be taken as matter of urgency to ensure that the hospital is always supplied with adequate range and sufficient quantities of medicines (paragraph 119)

Supply of medications to the need of the Psychiatric Hospital of Shkodra, is no longer a problem because of the impasse resolutions of several changes made in the process of tendering. Due to this reason, since August 2010 and in the future, will not have problems with the supply of medications.

Immediate measures to be taken to equip the hospital's pharmacy with a refrigerator (paragraph 119)

For the short time that psychiatric ward will be part of the regional hospital, is going to use the refrigerator of the regional hospital's pharmacy.

By transferring the psychiatric hospital in the new facility, which meets international standards, all the above mentioned problems (problems with equipment, with pharmacy or the sanitary service, etc) will fully be solved.

The Albanian authorities to review the practice of administering sedatives by means of intramuscular injections for very long periods, in the light of the remarks in paragraph 120 (paragraph 120)

Upon the order of the Minister of Health, no. 153 of March 17, 2010, initiated the drafting process of clinical protocols and guidelines from the specialists of all the departments, part of Tirana University Hospital Center, and the University Psychiatric Clinic is charged for drafting the mental health protocols and guidelines. The above mentioned issues will find reference (intramuscular injection for a long period of sedatives, means and way of use) in these documents.

In the mean time a group of experts (specialists from Ministry of Health, psychiatrists from Tirana Psychiatric Clinic, experts from WHO), will evaluate the treatment practice of the inpatient services, where special focus will have the practice of administrating sedatives for a long period by intramuscular injection.

Furthermore, Ministry of Health is committed to provide the other alternatives (the appropriate oral medications), in order that the intramuscular injection of sedatives for a long period, will not be applied as a consequence of the lack of these alternatives.

Measures to be taken to insure adequate somatic care is provided to patients hospitalized in psychiatric ward (upon admission and during their stay in hospital) (paragraph 121)

Ministry of Health has planned a laboratory unit in the new Psychiatric Hospital, also an adequate specialized staff that will operate in this service, by facilitating in this way the continuous somatic care.

Immediate measures to be taken in the psychiatric ward to ensure that adequate care is provided to patients with physical impairments, in the light of the remarks in paragraph 122 (paragraph 122)

In the psychiatric ward of Shkodra are currently available tools (waterproof matters) need for patients with physical impairments (incontinent patient).As regard to the patients with reduced mobility, the

new Psychiatric Hospital will offer all the needed equipments and other facilitating living conditions (wheelchair, special door-locks, toilets for them, etc).

Urgent measures to be taken at the hospital to review the use of chemical restraint and to elaborate, in the light of remarks in paragraph 123 and 124, a comprehensive, clearly defined restraint policy (paragraph 124)

A specific register for the use of means of restraint to be introduced in the psychiatric ward of the hospital (paragraph 124)

As regards to the above mentioned issues, such as chemical restraint, the criteria that must be met for making this decision, not as the first alternative, a specific register for the use of means of restraint, also other items that are related to physical restraint, are being addressed in the new mental health law (regulations and sub-laws), aiming the implementation of this new law.

The Albanian authorities to take efficient steps to ensure that the 1996 mental health act is effectively implemented in the psychiatric ward of the hospital (as well as, where appropriate, in other psychiatric wards/hospitals in the country) (paragraph 125)

Regarding to Mental Health Law no. 8092 of March 21, 1996, upon the order of the Minister of Health no.340 of June 3,2010, has been established an inter-institutional working group on "Some addenda and changes in the Mental health law no. 8092 of March 21, 1996".

This working group has started its intensive work on drafting a new draft-law, no more as an amendment of the old one, due to the great percentage of the articles to be amended, which came from the difficulties of its implementation related to the content and drafting of the sub-laws pursuant to this law, the important evolution of the Albanian legislation throughout these years and approximation to the EU directives.

In this context ministry of Health organized a meeting on "Drafting a new Mental Health Law", with the support of the TAIEX (Technical Assistance Information Exchange Instrument, DG Enlargement EU) on 6 to 8 December, 2010. In this meeting participated representatives from the working group, mental health services in/outpatient, Primary health care,

World Health Organization (which is offering a special and continuous support in the mental health field), the line ministries and other institutions involved with the mental health issues. The recommendations emerged from this successful meeting are being reflected through the drafting process of the new mental health law, which has been planned to be approved by the parliament within August 2011.

Furthermore, during the drafting process of this law will be fully taken into account the relevant standards of the CPT (see paragraph 51 to 57 of CPT/Inf (98)12)

The management of the psychiatric ward of the hospital to notify to the competent local court all patients currently held in the hospital without their consent. Moreover, the High Council of Justice should deliver a firm remainder to the judges concerned to effectively apply the relevant provisions of the mental health act (paragraph 125)

The Ministry of Health ensures that all psychiatric wards/hospitals (specifically the psychiatric ward of Shkodra) will notify to the competent local court where the psychiatric institution is placed, all patients currently held in the hospital without their consent, within the terms stipulated by the mental health law of 1996. This problem has been introduced to the Minister of Justice by an official letter signed by the Minister of Health.

The Albanian authorities to take steps - including of a legislative nature - to distinguish clearly between the procedure for the involuntary placement in a psychiatric institution and the procedure for the involuntary psychiatric treatment, in the light of the remark in paragraphs 127 and 128, and to introduce appropriate safeguards in the legislation governing involuntary psychiatric treatment (paragraph 128)

Steps to be taken at Shkodra Psychiatric Hospital, as well as in all other psychiatric establishments in Albania, to ensure that, whenever consent to the treatment is given by a patient upon admission, the patient concerned is continuously kept informed of the treatment applied to him/her and placed in a position to withdraw his/her consent at any time (paragraph 128).

The above mentioned issues are being addressed to the new mental health law, sub-laws and regulations, aiming the correct implementation of the law.

Requests for information

A detailed plan for the reconstruction of the psychiatric ward of the hospital as well as a timetable for the full implementation of that plan (paragraph 114)

As above mentioned the Ministry of Health on its own founts is constructing a new Psychiatric Hospital, with a capacity of forty beds, in line with international standards. This construction is planned to be ended by October 2011.

Supported homes at Elbasan and at the Shkodra Psychiatric Hospital

Comments

The remarks made in paragraph 125 apply equally to all supported homes in Albania (paragraph 130).

These issues are also being addressed to the new Mental Health Law, sub-laws and regulations.

**Response of the Ministry of Labour,
Social Affairs and Equal Opportunities**

Paragraph 130

In response to this point where the beneficiaries should enjoy the right to be free is to emphasize the signing of the legal procedure of establishing the institution, explain:

Under the Law Nr. 8652 dated 31.07.2000 "On organization and the operation of local government", and end the process of decentralization of local government units have new roles and functions in managing social care institutions. Underlying the process of decentralization of aid and social care services lies the principle that while beneficiaries and their needs, born and developed at the local level and responsibilities, budgets and services will be the responsibility of local municipalities / communes, with the support of the Ministry of Labor, Social Affairs and Equal Opportunities.

Ministry of Labor Social Affairs and Equal Opportunities in the implementation of Law no. 9355, dated. 10.03.2005 "On Social Assistance and Services" as amended, has adopted:

- DCM Nr. 209 dated 14.04.2006 "On the definition of criteria and documentation necessary for admission of persons in residential institutions, public and private social care" where the main criterion is the expression of free will through requests to nearby residential social care institutions , and Instruction 1934 dated 18.10.2007 "On the procedures of resettlement of persons in residential social care institutions, public and private" where beneficiaries are placed in social care institutions with a court decision IPA vulnerable groups.
- DCM nr. 512, dated. 31.05.2006 "On the performance of servo control, payments for people with disabilities and social services" and Instruction no. 2632, dt.29.12.2006 for the inspection of social services where instruments are strengthened monitoring and inspection services provided in social care institutions and non-public by the SSS.
- DCM. Nr. 822 dated 06.12,2006 "On Standards of care services for persons with disabilities in residential and day care centers" Instruction no. 1780 dated 27.08.2010 "On the implementation of standards of social care services for persons with disabilities in residential and day care centers," which has increased the quality of services against this target group.