

**REPORT ON THE SITUATION OF THE JUVENILE RIGHTS
IN PRE-TRIAL DETENTION AND PRISON INSTITUTIONS
DURING THE PERIOD OF OCTOBER - DECEMBER 2009**

The monitoring missions are held in the framework of the program of the restorative juveniles' justice, financially supported by UNICEF, EC and SIDA. The findings of this report are of the AHC and in no way to be taken to reflect the views of the supportive organizations

ALBANIAN HELSINKI COMMITTEE

Table of Contents

- I. Executive Summary**
- II. Monitoring Purpose, Legal Basis and Methodology**
- III. Situation in Monitored Institutions**
- IV. Some Suggestions for the Improvement of Respect for Juvenile Rights and Treatment**

I. Executive Summary

Albanian Helsinki Committee (AHC), as part of its mission to protect, educate and raise public and state body awareness for a better respect for citizen rights conducted during the period of October - December 2009 a series of monitoring in pre-trial detention and penitentiary institutions where there exist sections in charge of custody and treatment of juvenile offenders such as that of "Jordan Misja" in Tirana, Korçë, Lezha, Vaqarr¹, Durrës and Vlora institutions.

Monitoring was conducted by experienced AHC observers. The purpose of these monitoring rounds was to assess the situation of sentenced juvenile rights or those pending trial. Such monitoring was conducted in view of the standards, rights and rules established in the national and international law. Observers met in person with sentenced juveniles or those pending trial and staff at different management levels in the monitored institutions. Observers were able to access institutions without any problem or delays, therefore we would like to take this opportunity and thank the management of these institutions for facilitating the conduct of these monitoring by making their facilities accessible to us and necessary documentation available. This shows an open approach to the management of these institutions, leaving room for continuous improvement in the Albanian prison system.

Monitoring showed that awareness regarding juvenile treatment is generally higher amidst personnel at the General Directorate of Prisons (GDP) and at the local institutions monitored. The inauguration of the reintegration institution in Kavaja is to be hailed, alongside positive changes in terms of improved infrastructure at institutions where juveniles are held. Juvenile offenders in all of the monitored institutions were accommodated in sections separate from the adults, which witnesses an approach involving special care for this category.

Airing time, as a basic right, was longer for juveniles although appropriate airing areas remain a problem. Sanitation and hygiene in these institutions was generally good, but humidity along with high depreciation of beds, linens and bed covers are problems identified in several of the observed institutions.

The food norm is generally followed and juvenile offenders did not voice complaints about food quality or hygiene and sanitation in food preparation. Considering however the security risks and workload generated for in-house staff by the practice of food supplies brought from families to their relatives in these institutions, AHC suggested that this should be replaced by alternative measures such as a normal operation of the dining facilities and supplying the institution storage site with a wider range of items as well as encouraging families of juveniles to transfer money to the individual accounts of their family members to be used for buying various food items.

Health service delivery was normal in general with differences noted between various institutions. Failure to make juvenile offenders to undergo a medical check-up upon their admission into the institution remains a concern. Dental services remain problematic due to a lack of dental equipment, medicine and quality in the delivery of such services.

Another concerning issue remains the observance of the right to be informed about one's rights at the moment of detention or arrest. Many of the interviewed juveniles in pre-

¹ The Vaqarr prison monitoring was conducted as part of the project "Together for a respectful treatment of the rights of people deprived of their liberty", funded by the European Commission and it is included in this report since this monitoring involves the juvenile offenders section.

trial detention claimed to have not been informed of their rights at the moment of arrest. They claimed to have not been assigned an attorney despite requesting one. Almost all of the interviewed juveniles admitted to have been subject to physical and psychological violence by police and judicial police officers at the moment of their detention/arrest and interrogation and to have been denied all procedural rights sanctioned in the Albanian legislation. Furthermore, prosecution and judiciary bodies have failed to take measures and follow up on cases of alleged violence against juveniles and bring offenders to justice.

The right to be informed and to practice religion was generally observed in the institutions monitored by AHC. Bearing in mind the importance of psycho-social programs, individual or group educative and recreational activities have in the treatment of juvenile offenders; AHC during its monitoring placed a stronger emphasis to such programs offered by these institutions. It has to be mentioned that situation changed from institution to institution. Several of the institutions monitored had a complete absence of recreational, sports and entertaining programs. Despite the lack of special facilities, there can be no justification for the failure to organize at least weekly sports activities or other recreational activities for juvenile offenders considering these as an important element in the treatment of such a group in penitentiary institutions. Only juvenile offenders in Korca were offered educational courses pursuant to the agreement signed between the Ministry of Justice and that of Education and Science, as for the rest of the observed institutions, this agreement has yet to be implemented. As part of efforts made to reintegrate juvenile offenders back into the society upon their release, social care sections in penal institutions and other public bodies responsible for the social reintegration of juveniles must do more professional work and take a more individual approach. It is worth mentioning that the social care section staff at the Durres institution raised its voice regarding issues with the readmission of released juveniles by their previous schools. Despite continuous efforts on the part of this institution, this issue has yet to find a solution.

In general, no arbitrary cases of violence against juvenile offenders were identified despite sporadic allegation that have proven difficult to validate. Despite this fact, AHC would like to draw the attention of the senior management of penal institutions and the GDP regarding the need for a close review of these allegations with the aim of preventing cases of violence and ill-treatment of juveniles.

For the most part, institutions observed do not have appropriate visitation facilities where juvenile offenders can meet with their family relatives, or where they can meet in the absence of physical barriers. Considering the crucial importance of family relations for juvenile offenders in penal institutions, strengthening this bond must be given priority.

AHC has provided continuous support and expertise through good practices to a good part of personnel at social care sectors in various penal institutions. Such personnel have in return promised to develop actual training plans for other personnel members at institutions in custody of juvenile offenders. Monitoring showed that such continuous training practices for personnel in uniform have yet to be introduced. Such training will improve the safety climate within these institutions and allow for a better treatment of juvenile offenders.

Further below in this report you may find actual suggestions regarding the situation of rights and treatment of juveniles in conflict with the law.

II. Monitoring Purpose, Legal Basis and Methodology

1. AHC, the first human rights organization established in year 1990, has for its mission the protection, education and raising of awareness among the public and state bodies for a better respect for citizens' rights. Monitoring the respect for arrestees', detainees' and inmates' rights is one of the main areas of monitoring for AHC.
2. During the period of October – December 2009, AHC conducted several monitoring in pre-trial detention and prison institutions with sections in charge of juvenile custody and treatment. The actual institutions monitored are: 'Jordan Misja' pre-trial detention institution in Tiranë, Korça prison, Lezha prison, Vaqarr prison, Durrësi pre-trial institution and Vlora pre-trial institution. Monitoring was part of the project "For a better observance of juvenile's rights in penitentiary institutions" supported by UNICEF, Tirana and funded by SIDA and the European Commission.
3. The purpose of these monitoring was to assess the situation of rights of sentenced juveniles and those awaiting trial in penitentiary institutions.
4. Monitoring took into consideration the standards, rights and regulations enshrined in the Albanian legislation, specifically in the Constitution of the Republic of Albania, the Criminal Procedural Code, the Law no. 9331, dated 21.04.1998, amended upon the law no. 10024, dated 27.11.2009, 'On the Execution of Penal Sentences', the Law no. 9888, dated 10.03.2008, 'On Some Amendments and Additions to the Law no. 8328, dated 16.04.1998, 'On the Rights and Treatment of Sentenced Prisoners, amended, and of the General Prisons Regulation. It also took into consideration recommendations made by the European Committee for the Prevention of Torture for Albania, those made by the Ombudsman and AHC.
5. During monitoring, direct meetings were held with pre-trial and sentenced juveniles, heads of institutions monitored, chiefs and specialists of the Security, Social Care, Legal, and Health sectors. Monitoring was conducted by experienced AHC observers, who are lawyers, medics, psychologists and social workers by profession.
6. This report details the most persistent problems observed throughout these institutions. During the monitoring, AHC observers were able to access institutions without any delays or problems, meet with pre-trial and sentenced juvenile offenders and were able to communicate freely with them, monitor various facilities in these institutions and review relevant documentation, therefore we would like to take this opportunity and thank the management personnel in these institutions for facilitating the conduct of these monitoring and making the necessary documentation available as well as areas accessible. This speaks about an open approach to the management of these institutions which allows for further improvement of the Albanian prison service system.

III. Situation in the monitored institution

7. Generally, there exists a higher level of awareness amongst personnel at the General Directorate of Prisons and monitored local institutions regarding treatment of juvenile. AHC has provided expertise in the treatment of juvenile through two UNICEF-Albania funded projects focused on paying special attention to the treatment of personnel working with juvenile and programs to be implemented with this venerable group in Albanian prisons. Despite the fact that this report focuses on juvenile treatment it is worthwhile mentioning that special attention has been paid to youth aged between 18-21 years old, falling under recently established sections, as ordered by the Minister of Justice. The establishment and functioning of the reintegration institution in Kavaja in October 2009 deserves commendation. This institution meets the required infrastructure standards for a diverse and contemporary custody and treatment of juveniles, through specific individual and group programs.
8. Recognizing the impact that physical infrastructure and conditions in pre-trial detention facilities have for the observance of human rights and on services delivered to them, AHC appreciates positive changes in terms of improved infrastructure in institutions treating juvenile offenders and the special treatment given to this vulnerable group in the Albanian prisons. Throughout all of the monitored institutions, juvenile offenders were kept in sections separate from the adults which speaks about an approach that involves special care provided for this category. It is worthwhile mentioning the physical infrastructure conditions at the pre-trial detention institution in Vlora, which allowed for the proper delivery of services to juveniles. Infrastructure problems however were observed in several other institutions such as that in Korca and Durrës, where the absence of a special airing area for juvenile offenders created issues with the enjoyment of this right. Furthermore, lack of sports facilities in these institutions did not permit the organization of sports activities, something that takes an even greater importance in the case of juvenile offenders.
9. Monitoring showed that pre-trial juvenile offenders were given special treatment in relation to airing time. In the majority of monitored institutions, juvenile offenders spent airing time separate from the adults and/or at different times. Generally, airing time for juvenile was longer compared to that for adults. In some institutions however, such as in Korca, juveniles could possibly come in contact with adults during airing time due to the lack of a separate airing area for them. Furthermore, airing activity was scheduled at the same time for adults and juveniles also. This is a violation of the right to spend airing time separate from the adults. Another problem identified in relation to the airing activity relates to the fact that juveniles were not scheduled for airing time on bad weather days, due to the lack of a protective tent against the rain or wind². Thus, except for the institution in Lezha, where this problem has already been solved, the rest of the institutions have failed in their responsibility to create appropriate conditions for the enjoyment of the right to airing time, violating thus this specific right.

² This problem was evident in almost all of the monitored institutions and was voiced during the interviews conducted with personnel. It was found that the fund required to purchase such tents was above the allowed expenditure limit for the institution. This type of expenditure fell under the budget code of "Investments" covered by the GDP.

10. Hygiene and sanitation conditions was another objective of AHC monitoring. Such conditions were found to be generally good. There were however humidity problems in all of the institutions monitored along with a high depreciation of beds and linens and bed covers. Mattresses, blankets, linens, etc., were overused. Families, who could afford it, provided such items for their juvenile family members in these institutions. Lack of running water 24 hours a day, detergents and other hygiene and cleaning items, are often the problem when it comes to keeping rooms and common areas clean. Walls and the inside of all facilities at the Lezha institution, such as the administration building as well as the pre-trial detention and prison buildings, had humidity and were torn. The same problem was identified at "Jordan Misja" and Korca institutions. Lack of heating for pre-trial and sentenced juveniles and in-house personnel is another problem identified in almost all of these institutions.
11. Food norm was generally followed and juveniles did not complain about food quality or hygiene and sanitation in food preparation. Meals served were generally consumed although juveniles did consume food brought by family relatives as well. Food supplies brought in by family members is a practice followed throughout Albanian prisons creating the premises for security breaches in institutions, and it takes up uniform personnel time with searches. It is suggested that this practice be replaced with alternative measures such as having storage sites within institutions operate normally and supplied with diverse items and encouraging families to deposit money in the accounts of the juveniles to be later used to buy different food items.
12. Health service delivery was generally normal, although the situation changed from institution to institution. Medical records were kept on all juvenile offenders. A special program for people with mental disabilities or substance abusers was developed by the detention institution of Vlora where it was implemented by the medic, the social care specialist and the internal regime specialist. This program aimed at providing differentiated training to vulnerable detainee groups. This initiative is a result of the assistance and expertise provided by AHC in the area of differentiated treatment for vulnerable offenders. Monitoring showed that juveniles held in custody at such institutions do not undergo any medical check-up upon their admission, which remains a distressing fact. Failure to conduct such check-ups makes the prevention and treatment of various pathologies impractical, especially in the case of drug use by juveniles, a phenomenon on the rise especially amongst this age group. The quality of dental services in the monitored institutions remains problematic. Albeit improvements in terms of a full-time dentist assigned to each of the monitored institutions except for that in Vlora, there is still a great absence of dental instruments and medication. Although Vlora institution is provided with dental service equipment, it lacks a dentist, which remains a problem. Often, dental services are limited to tooth pulling and do not involve any other treatment necessary to dental health. Thanks to the intervention of AHC, the institution in Lezha began to keep dental records for juvenile offenders upon their admission.
13. Informing offenders of their rights at the moment of detention or arrest continues to remain a distressing problem. Many of the interviewed juvenile detainees claimed to have not been informed about their rights at the moment of arrest. They were not assigned a defense attorney although having requested one. In June 2009, AHC and

the Ombudsman Office conducted a survey with juveniles brought in from various police commissariats with the aim of identifying cases of ill-treatment and practice of torture³. The findings of this survey are disturbing considering that almost all of the interviewed juvenile admitted to having been subjected to violence by police and judicial police officers at the moment of detention/arrest and interrogation and to having been negated all procedural rights sanctioned by the Albanian legislation. Furthermore, by talking to the juveniles it was found that even when such violence was reported by the juvenile during court hearings or to the case prosecutor, these bodies failed to take any steps to further investigate such cases and hold police officers exerting violence against the juveniles accountable. Considering these very disturbing findings, AHC and the Ombudsman called upon the relevant state authorities to give an end to the use of violence and ill-treatment by police employees and have prosecution and judicial authorities respond to such cases immediately and as soon they are reported.

14. In general, no arbitrary cases of use of violence against juvenile by the in-house staff were found. Sporadic allegations about the use of violence by internal staff were made by one juvenile offender held at "Jordan Misja" pre-detention institution in Tirana and several other juvenile offenders held at the Durres institute, all of which were hard to validate. Despite this fact, AHC calls upon penal institutions and the GDP to review such allegations with the aim of preventing cases of violence and ill-treatment against juveniles.
15. The right to information and practice of religion in the institutions monitored by AHC was generally observed. Monitoring showed that pre-trial and sentenced juvenile offenders were allowed access to information through the print and electronic media, the institution's library, as well as mailed correspondence. Upon their admission to the institution, juvenile offenders were informed of their rights and duties during their stay there.
16. Considering the importance that treatment through psycho-social, group educational and recreational programs and individual treatment has, AHC paid great importance to programs implemented by monitored institutions. It is worth mentioning that the situation changed from institution to institution. A positive example worthy of highlighting is that of Vlora, where a daily structured and diverse program was implemented not only for juvenile offenders but for every detainee categories held there. The institutions of Vlora and Lezha are implementing agreements signed with respective Regional Directorates to enable juvenile offenders held in these institutions attend certified vocational courses. Monitoring showed that libraries were operational although in need of new book supplies for various age groups. All institutions mainly provided English language and computer literacy courses with the exception of Korca, where there were no computer classes offered due to lack of computers. Korca institution did not organize sports and recreational activities for juvenile offenders either likewise Durres institution. Despite the absence of special sports facilities, there

³ This survey is not conducted as part of this project but as part of the project for "Together for a respectful treatment of the rights of people deprived of their liberty", implemented by AHC and funded by the European Commission. Its findings are included in this report as well since it addresses various issues related to the rights and treatment of juveniles in conflict with the law.

is no justification for not organizing at least weekly sports activities for juveniles, or any other recreational activity. These are an important element to the treatment of this group at penal institutions.

17. There exist an agreement between the Ministry of Justice (MoJ) and the Ministry of Education and Science (MoES) enabling cooperation between the penal institutions and Regional Education Directorates regarding the completion of the mandatory 9-year education for persons subjected to restricted liberty. Until now, this agreement has been implemented only at Korca institution out of all institutions monitored, as for the institutions of Vlora, Lezha, Durres and "Jordan Misja" in Tirana, this agreement has yet to be implemented. In the near future, Vlora institution in cooperation with Vatra Center shall be able to provide to juveniles in these institutions a 1 year education program. Juvenile classes at the institutions of Vlora and Lezha are delivered by the Social Care Sector staff while anti-illiteracy courses at Durres institution are delivered with the assistance of the Catholic Church. Social Care Section staff at this institution raised their concern regarding former juvenile offenders who upon release face difficulties in being readmitted by their previous schools. Despite continuous efforts made by this institution, this issue is pending solution.
18. It is worth mentioning that AHC has provided continuous support and expertise through best practices to a part of the Social Care Section staff at various penal institutions⁴. Local staff trained as trainers have the duty to not only implement knowledge gained through such training courses but also schedule continuous trainings mainly for uniformed personnel working with juvenile offenders as well as for the rest of personnel. Monitoring showed these institutions lack detailed training plans. During this reporting period, AHC monitored one of the training courses delivered by Korca local trainers to uniformed personnel of this institution. It is worth mentioning that this training was held upon the request of AHC with the aim of observing up close the delivery of such type of trainings. These trainings provided to uniformed personnel are a very important contribution to a safe climate for juvenile offenders, creating thus the necessary conditions for the development of juveniles and of their social skills.
19. Duration of visitation remains a concern and according to the interviewed visitation time is short. Juvenile offenders are provided with the opportunity of having additional visits on special cases. Monitored institutions do not have special facilities for family visit, with the exception of "Jordan Misja" institution in Tirana. Another concern voiced by interviewed juveniles is the opportunity to meet with their family members without having physical barriers. This is true for all monitored institutions with the exception of that in Vlora where personnel had created the necessary conditions for juvenile offenders to be able to meet with their family members in the absence of physical barriers. Considering the great importance of family relations for juvenile offenders in penal institutions, strengthening such bonds through family visits without having physical barriers must be viewed with priority.

⁴ Two training sessions were conducted respectively in June 2007 and October 2009 as part of projects supported by Unicef, where Dutch prison experts provided their expertises on important issues pertaining to the special treatment of juvenile offenders. Trainig participants were provided with special training modules in the treatmnet of juvenile offenders and women in penal institutions.

IV. Some suggestions for the prison system for a better respect for juvenile rights and treatment

1. Appreciating improved physical conditions at institutions in custody of juvenile offenders, where these offenders are already accommodated in new buildings, AHC considers the lack of running water, 24 hours a day, and the absence of heating in several institutions along with the humidity levels inside facilities as very important factors to be considered. These problems prevent well-functioning of a penal institution. AHC suggests that measures should be taken in this respect with the view that good infrastructure conditions make the premise for proper treatment of juvenile offenders and appropriate work conditions for personnel in these institutions.
2. Considering the scheduling of airing activity in the institutions monitored, it is advisable that this activity be scheduled at different times for juveniles and adults, especially in the institution of Korca. It is also advisable that appropriate conditions be created for this activity to take place in open areas with some type of protection against rainy weather.
3. Appreciating the implementation of food norms by institutions monitored, AHC suggests that GDP look into the possibility of giving an end to the practice of meals and food supplies be brought to juvenile offenders by family members and offering instead by juvenile offenders the possibility to purchase various food items at the stores inside the institutions with money sent to them by their family members through their individual accounts.
4. Appreciating positive steps taken with respect to improved health services in institutions monitored, AHC would like to emphasize once again the need to take appropriate measure for the conduct of a medical examination of juvenile offenders upon their admission to the institution.
5. More attention must be paid to dental services as a problem identified and raised on several occasions during AHC monitoring. The absence of the dentist or lack of dental equipment results in non-delivered services and consequently failure to fulfill the duty of providing required dental services in these institutions.
6. Considering the importance that the establishment and strengthening of family relations between juvenile offenders and their family relatives has, managers of penal institutions should be encouraged to create the opportunity and necessary facilities to allow for family visits in warm facilities and without having physical barriers.
7. Changing the behavior of juvenile offenders and their integration are two of the primary goals of all penal institutions in custody of juvenile offenders. Considering the acute need for programs to fulfill the abovementioned goals at the monitored institutions, AHC suggests that managers of these institutions and especially social care personnel begin planning and implementing different activities aimed at correcting unacceptable social behaviors of juvenile offenders and work towards an

individual sentence plan for each one of them which will result in their social reintegration upon release.

8. With the establishment and functioning of the Probation Service, AHC suggests that GDP and local institutions develop joint work programs to prepare juvenile offenders for their release and social reintegration. AHC suggests that parents of juvenile offenders be included in these reintegration programs.
9. Physical and psychological violence must be prevented. Aside from increasing efficiency of control and punishment in the case of ill-treatment, it is recommended that better daily programs should be developed to reduce stress and ease tension and breach of rules. Furthermore, in relation to admission into institution, it is mandatory to conduct a physical check and identify possible signs of violence and hear to allegations of use of violence.
10. Appreciating the efforts of GDP to provide education as part of the 9-year mandatory education in some pilot institutions, AHC suggests that this service be extended to all of the penal institutions.
11. The role of uniformed police in the internal regimes is crucial to the creation of the appropriate environment allowing for personal growth of juvenile offenders. Considering this role of such police, AHC suggests that the GDP together with trainers at local institutions develop continuous professional training programs for uniformed personnel to address various important issues relating to humane treatment of juvenile.

Some Suggestions for Prosecution, Judiciary, State Police and other public body authorities

12. Considering the distressing situation regarding the moment of arrest and detention of juveniles, police managers and heads of prosecution offices are called upon to take measures and ensure their employees fulfill their duty to inform juvenile offenders of their rights and obligations at the moment of detention or arrest, refrain from exercising physical and psychological violence during interrogation sessions and observe the legal obligation of having the legal attorney, a psychologist a parent or custodian of the juvenile offender present at all times during interrogation.
13. Despite recent positive developments in relation to alternative sentences for juvenile offenders, AHC suggests that the best interest of the child should be taken into consideration when deciding on a security measures against them. Observations show that the security measure of "arrest in custody pending trial" is not always used a means of last resort against juveniles in conflict with the law.
14. Reintegration of juvenile offenders in the free society is a responsibility of all criminal justice bodies and other public bodies especially of local bodies such as Regional Education Directorates, Regional Employment Offices, Local Government Bodies, Local Probation Service Offices, etc., therefore better cooperation is required between

penal institutions and other bodies in order to achieve better results in the reduction of juvenile recidivism and for their social rehabilitation.