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REPUBLIKËS SË SHQIPËRISË
GJENEVË

PERMANENT MISSION OF
THE REPUBLIC OF ALBANIA
GENEVA

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The Permanent Mission of the Republic of Albania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Subcommittee on Prevention of Torture and has the honour to provide attached the relevant information from the Government of the Republic of Albania on the designation and work of the National Preventive Mechanism, pursuant to provisions contained in articles 17 to 23 of the Optional Protocol to the Convention against Torture (OPCAT).

The Permanent Mission of the Republic of Albania to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the Subcommittee on Prevention of Torture the assurances of its highest consideration.



Geneva, 12 January 2009

Attn. Mr. Patrice GILLIBERT
Secretary of the SCP

OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS

GENEVA

NATIONAL PREVENTIVE MECHANISM OF THE REPUBLIC OF ALBANIA

The establishment, competencies, guarantees for functioning and monitoring methods of the National Preventive Mechanism (NPM) of Albania are outlined in Article 36 of Law no. 9888, dated March 10, 2008. The integral text of Article 36 (unofficial translation), relating to the NPM can be found in Annex 1.

Law no. 9888, dated March 10, 2008 introduces amendments and additions to the Law no. 8328 of 16 April 1998 "On the rights and treatment of convicted persons".

The establishment of the National Preventive Mechanism in the Republic of Albania, through the adoption of the above law followed a broad and inclusive consultation process launched by the Albanian Government with representatives from relevant government agencies, the Institution of the People's Advocate and civil society. Those consultations concluded with the understanding in principle that the Institution of the People's Advocate had all the necessary prerequisites in taking over the function of the NPM.

The Albanian NPM comprises 5 human rights experts, and it is incorporated within the Office of the Institution of the People's Advocate.

As regards its functioning in the field, in the period from July-November 2008 the NPM carried out 45 inspections in detention centres, military establishments, psychiatric hospitals, centres for asylum seekers and illegal immigrant. 5 round tables were organised in 2008 with representatives from Ministry of Justice; State Police, Prisons, civil society etc.

The NPM presented in May 2008, through the People's Advocate, a special report on the state of mental health in Albania, while relevant contribution has been provided to the process of improving the General Regulation of Prisons and projection and structuring of new detention centres to be build in the country.

Unofficial translationANNEX 1Article 36

After article 74 (of the law on the rights and treatment of convicted persons), are added the following articles; 74/1, 74/2 and 74/3:

Article 74/1

The National Mechanism for the Prevention of torture, cruel, or degrading treatment or punishment and its competencies.

The People's Advocate, through the National Mechanism for the Prevention of torture, cruel, or degrading treatment or punishment, subsequently the National Mechanism, which acts as a special structure under its authority, monitors the implementation and realisation of this law for the protection of rights of convicted persons.

The National Mechanism has the following competencies:

- a) regularly monitors treatment of individuals deprived of their liberty in places of detention, arrest, or imprisonment, with the objective when necessary, to protect individuals from torture, cruel, or degrading treatment or punishment;
- b) submits recommendations to relevant institutions, aiming at improving the treatment and living conditions of individuals deprived of their liberty and to prevent torture and cruel, or degrading treatment or punishment.

Article 74/2

Guarantees for the functioning of the National Mechanism.

During the exercise of its responsibilities to the National Mechanism is guaranteed:

- a) receiving information concerning the number of individuals deprived of their liberty in the places of deprivation from liberty, number of available places and their location;
- b) receiving full information on the treatment of these individuals, as well as their living conditions;
- c) unimpeded entry in all places where individuals have been deprived of their liberty;
- ç) private interviews with individuals deprived from their liberty, personally, or if necessary through interpreters, as well as with any other individual who can provide the necessary information;
- d) free choice of places it want to visit and individuals to interview.

Article 74/3

Monitoring methods

The National Mechanism conducts its monitoring functions through:

- a) receiving written or oral requests or complaints from convicted or detained persons;
- b) receiving information, complaints, or requests from inmates, or visiting individuals, governmental or non-governmental bodies, which have carried out controls or visited the institution, according to the competencies given by the law, as well as from the legal representative of the inmate, or the detained person;
- c) request for information from the administration of the given institution;
- d) verification of documents, objects, articles or premises connected with convicted or the detained person, within the institution or out of it.

In conducting its monitoring functions the National Mechanism may also use expertise of specialists from relevant fields. In any case, even if breaches and irregularities may be identified during verification process, experts of these mechanism compile minutes of it, which is signed by the Head of Institution, or his/her deputy, retaining the right to express objections.