

DIGNITY Publication Series on  
Torture and Organised Violence  
STUDY

#10

# CONDITIONS FOR WOMEN IN DETENTION IN ALBANIA

Needs, vulnerabilities and good practices

Jo Baker and DIGNITY

**DIGNITY**  
DANISH  
INSTITUTE  
AGAINST TORTURE



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## Acknowledgements

DIGNITY - Danish Institute Against Torture (hereinafter DIGNITY) would like to extend its sincere thanks to its longstanding cooperating partner in Albania, the Albanian Rehabilitation Centre for Trauma and Torture (ARCT), Albania, for its invaluable support and cooperation in paving the way and assisting in conducting this study, particularly the tireless support of programme manager, Erinda Bllaca. We would also like to thank the valuable contribution from and research of Dr. Edlira Papavangjeli, in her capacity as an independent researcher and a member of the Albanian Helsinki Committee (currently National Manager for Gender Issues at the UNDP office, Tirana) who very kindly acted as an external expert in her review of our section on Albania's national context. Appreciation also goes to the executive director at ARCT, Adrian Kati and its resident psychologist Anisa Asllani, national legal officer at the Organization for Security and Co-operation in Europe (OSCE), Alba Jorganxhi, and Philipp Meissner, Criminal Justice Officer at the United Nations Office on Drugs and Crime (UNODC), as well as all others in the NGO community who informed and assisted our research in Albania.

This study has benefitted greatly from the cooperation of central state institutions and officials. Our thanks go to Albania's General Directorate of Prisons, which gave us access to its detention facilities and permission to interview inmates and prison staff. In the same vein, we wish to thank the prison directors, prison officials and ministerial employees who participated in the study and provided valuable information and shared their assessments of the needs and vulnerabilities of women in detention. It should be acknowledged with gratitude that this study was made possible by the financial support of the Danish Ministry of Foreign Affairs.

Finally, and although this may not come to their attention, we extend our heart-felt thanks to the many women in detention who generously and painfully shared their personal stories and revealed their needs, vulnerabilities and conditions in deprivation of liberty. We hope that with this study, we can increase the attention paid to women in detention by State institutions and other actors engaged in this domain, and hereby help improve the women detainees' daily lives.

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# Executive Summary

***“One day I will leave, but I have no chance. I am done ... A woman who has been in prison.”***

What are the particular needs, issues, risks and vulnerabilities that face imprisoned women across the world? What challenges and promising practices are common in their management? And where do these practices fall in relation to international standards? These questions lie at the heart of DIGNITY’s research into conditions for women in detention in four countries – of which this Albania country study is one part.<sup>1</sup>

The management of women in Albania’s prison system has shown growing consideration for their special needs. Until recently this was not systematic, but reflected in the work of enlightened officials in the prison system, and NGOs. However in 2014 the State made a commendable series of gender-sensitive amendments to the prison law, and transferred all female detainees permanently from a substandard and much-criticised pre-detention facility to the country’s only prison facility for women.

DIGNITY’s visit to this prison in 2013, governed by its former director, revealed good practices. Findings here suggest that when gender-sensitive staff can support female inmates emotionally, reduce trauma and stigma, treat health issues, and connect inmates with their families and special services, then morale will likely be higher, rights better protected, and the chances of rehabilitation greater.

Importantly, DIGNITY found outreach efforts being made by staff to the families of inmates, which responds to the often-greater need and challenge of detained women to contact the outside world, particularly their children. We found preventive healthcare and education that addressed the often-lower levels of health knowledge and access to care in women’s

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<sup>1</sup> DIGNITY’s research among women’s prisons and prison communities in five countries, in 2013 and 2014 – Albania, Guatemala, Jordan, the Philippines and Zambia – has been published as a comparative qualitative study, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014 [http://www.dignityinstitute.org/media/1991156/wid\\_final\\_0814\\_web.pdf](http://www.dignityinstitute.org/media/1991156/wid_final_0814_web.pdf)), and four individual country studies, for Albania, Jordan, the Philippines and Zambia

backgrounds. Other significant findings included willingness by the administration to open the prison to the community outside of its walls in order to help combat the harmful effects of stigma, isolation and abandonment among detainees (as summarized in the section, What Matters Most). Each of these responses addresses an important provision in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), although they were not all implemented systematically or protected as law or policy.<sup>2</sup>

However, the facility faces significant infrastructure and resource challenges, particularly now that it also houses pre-trial detainees, and in this respect it is considered by staff and NGOs to be among the worst in the penal system in certain respects. Hygiene facilities are inadequate, and living quarters are run-down and lack the space, ventilation and heat required by international standards. Although inmates can train and work, they are not equally remunerated, and the very low rates of pay place them and their dependents in a vulnerable position on release. The over-use of pre-trial detention for low-risk offenders, which often stretches to months if not years, is also of serious concern.

Finally, the practice of regularly redistributing or removing prison staff, at all levels, as happened after the 2013 General Election, arbitrarily interrupts relationships, trainings and programmes that have been tailored to a particularly vulnerable population, and may well as a result, do harm. This requires further consideration.

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<sup>2</sup> UN Doc. A/RES/65/229, 16 March 2011, available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

## Recommendations

For Albania to continue drawing closer to full alignment with international standards, key recommendations are that it:

### Law and policy

- Ensure that amendments to national laws and regulations on women in detention are aligned with the Bangkok Rules and reflected in the national budget;
- Ensure that these regulations are adapted to suit the internal policies of all relevant facilities;
- Ensure that staff are provided with the training and resources to implement these measures effectively; and develop and implement sustainable and comprehensive training programmes on gender-sensitive management accordingly, as part of the General Directorate of Prisons' training centre;
- Appoint gender-sensitive managers of women's prisons and pre-trial detention facilities;
- Research the impact of regime change and mass staff re-distribution on the rights and welfare of inmates, particularly special groups, and make amendments so as to ensure compliance with international standards.

### Conditions of detention

- Accommodate women detainees in facilities that meet international standards generally, and can meet standards on women's special needs specifically, by *inter alia*, allowing for an expanded series of programmes, including adequate exercise and visits that allow space, privacy, dignity and physical contact;
- Ensure that the basic items required for human dignity, including sanitary towels, are provided by the State rather than NGOs, in accordance with its State responsibility;
- Establish a system for the employment and equitable remuneration of detainees, taking account of gender-appropriate needs and ensuring that women have equal access and opportunities to all trades and areas of work that they are physically suited for;

- Ensure that the programme of activities and trainings are balanced, comprehensive, address the underlying causes that led to inmates' offences (for those convicted), and assist in strengthening their confidence, economic independence, self-assurance and parenting skills;
- Amend prison regulations to allow for longer and more frequent visits, and strengthen and formalize programmes to maintain contact between detainees and their children, including free phone calls, if necessary;
- Ensure that HIV/AIDs and substance abuse are screened for on arrival, and offer specialized, gender-sensitive support and prevention programmes, with a focus on reducing stigma; and
- Support, fund and train more gender-sensitive welfare officers inside the prison and pre-trial facility for women. These staff can play the most important role for female detainees because they can identify and attend to those who are most vulnerable and marginalized, provide inmates with the personal attention they crave, and can act as a gender-sensitive information point for women who may otherwise be overlooked.

## Selected Abbreviations

ARCT	Albanian Rehabilitation Centre for Trauma and Torture
CAT	UN Committee against Torture
CEDAW	UN Committee on Elimination of Discrimination Against Women
CPT	European Committee for the Prevention of Torture
DIGNITY	DIGNITY – Danish Institute Against Torture
GDP	General Directorate of Prisons of Albania
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NGO	Non-Governmental Organisation
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol to the UN Convention against Torture
SMR	Standard Minimum Rules for the Treatment of Prisoners
SPT	UN Subcommittee on Prevention of Torture
SRT	UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
SRVAW	UN Special Rapporteur on Violence Against Women
UN	United Nations
UNCAT	UN Convention against Torture
UNCED	International Convention for the Protection of All Persons from Enforced Disappearance
UNCEDAW	UN Convention on the Elimination of All Forms of Discrimination Against Women
UNCRC	UN Convention on the Rights of the Child
UNODC	UN Office on Drugs and Crime
WHO	World Health Organisation

## Introduction

While all human beings are vulnerable when deprived of their liberty, certain groups are at particular risk of abuse and other human rights violations. Women in detention constitute one such group. For women, the discrimination that they face in broader society reaches deep into places of detention, such as prisons, which are largely still designed and managed for men, by men. As a minority — although a growing one in many countries — detained women are often overlooked, at the expense of their dignity, wellbeing and their fundamental human rights. As now well established in international law, women's specific needs also require different and sometimes greater attention in order for women to enjoy their rights equally to men. As established in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>3</sup> there are concrete ways in which this must be done.

This study seeks to generate an understanding of the particular needs and vulnerabilities of women in detention in Albania, to identify 'what matters' most to them — where the impact of detention mostly lies — and to document positive and negative practices in relation to international standards.

The study consists of two parts. Part one presents the *context* of prisons and pre-trial detention centres in Albania — including facts and figures, the legal and institutional framework, and recent reforms and developments — with focus on the extent to which women are included or excluded in these. Part two outlines the *research findings* by firstly summarizing the conditions that, according to the detained women interviewed, impact them most. Secondly, it presents the findings on conditions in Albania's prison and former pre-trial detention centre for women, along with the experiences of these conditions by detained women. The section on conditions is divided into the following seven thematic sections, structured around categories identified by the Bangkok Rules: admission and classification, physical and material conditions, safety and security, healthcare, information and complaints, contact with the outside world, and work, education and recreation. All quotes, unless specified, are from women detainees or former detainees.

It is hoped that the findings in this study will provide insight into the needs, vulnerabilities and rights of a long-neglected group in Albania, and impetus for change.

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<sup>3</sup> United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) Un Doc. E/RES/2010/16, 16 March 2011, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

For a more detailed understanding of the gendered issues and forms of discrimination encountered by women in detention across the world, and the related international standards, please refer to the main study: *Women in Detention: Needs, Vulnerabilities and Good Practices* (referred to in this report as Main Study).<sup>4</sup> In this study, published in 2014, DIGNITY uses the same thematic structure to examine and compare the spectrum of experiences of detained women across five countries, including Albania, to better understand the impact that these issues have. Under each theme, the study firstly presents the international human rights standards relative to women in detention. Secondly, it analyses the jurisprudence of four key United Nations Treaty Bodies across six years (2008-13) so as to establish to what extent it reflects the relevant international human rights standards. Thirdly, the lived experiences of the women in detention — including common needs, challenges and rights violations — are explored, theme by theme, and portrayed on the basis of answers to the question 'what matters most', along with negative and positive practices encountered in their management. Finally, the study highlights the most common gaps in protection that women in detention encounter across the world, and gives recommendations for gender sensitive reform.

## Methodology

This country study bases its findings on an observational visit to Albania's only women's prison and only pre-trial detention facility for women in September 2013; on private semi-structured, in-depth interviews among detainees; and on meetings and structured interviews with prison staff, and others working in and around prison communities in the country<sup>5</sup> — 30 persons in total. The desk review was updated in December 2014, and includes a review of national legislation, policy and procedure in relation to the country's international human rights obligations, on the basis of research and reporting from the UN human rights system, NGOs, the national human rights institution, and academics.

Research for this study has applied a mixed-methods approach. Firstly, we have partially applied a *human rights-based methodology* ordinarily used for *detention monitoring*, founded on the standards set by the core international human rights treaties and soft law. A number of these are particularly relevant to the situation of detention for women. These include the norms and standards on non-discrimination, to allow the experiences of

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<sup>4</sup> *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014, [http://www.dignityinstitute.org/media/1991156/wid\\_final\\_0814\\_web.pdf](http://www.dignityinstitute.org/media/1991156/wid_final_0814_web.pdf)

<sup>5</sup> These include human rights organizations and other civil-society organizations, lawyers, social workers and religious figures.



women specifically to be identified and analysed,<sup>6</sup> and UN standards specific to detention. In particular, we have referenced the Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules, or SMRs) of 1957<sup>7</sup>, under revision as the Mandela Rules<sup>8</sup>), and The Bangkok Rules, adopted by the General Assembly in 2010 to address the particular needs and rights of detained women (for more detail on the international legal framework, see Main Study). Secondly, and in parallel, this study builds substantially on *qualitative research* methodologies, with a focus on life stories and narrative interviewing. This is a more immersive and subjective approach, and it provides the opportunity for informants to share their own personal story and experiences, and hereby express what matters most to them.

Each inmate interview session began with semi-structured interviews based on interview guides, to allow the issues and experiences that matter most to the subject to arise naturally. The more structured set of human rights-based questions on prison conditions – drawn from international standards – were woven into the latter half of the interviews.

Interviews with prisoners were conducted in private. Confidentiality was ensured, and no informants have had their names revealed to authorities or anyone outside the research team. All persons interviewed provided their informed consent. In recognition of the fact, that many prisoners experience psychological crisis and trauma and/or physical and social stress, researchers used an interviewing technique developed for torture survivors to complement the life story approach. This aims to protect inmates from re-activating trauma, whilst at the same time gaining access to potentially painful, yet important information.

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<sup>6</sup> Non-discrimination and equality of rights for women is well established as a fundamental principle of international law, starting with the preamble to the UN Charter, and the basic principle of non-discrimination on grounds of sex is prescribed in several conventions, among them ICCPR Article 3 and ICESCR Article 3. However a full working understanding of discrimination against women has developed in both hard and soft law. Of particular importance is CEDAW, which pioneered the understanding of non-discrimination as any “distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women” of their human rights and fundamental (Art. 1). CEDAW also provides the legal basis for special measures being taken to ensure de facto equality between men and women, including policies and practices that make up for practical disadvantages faced by women prisoners (Art. 4). The same principles are reflected in Principle 5 (2) of the Body of Principles for the Protection of All Persons under any Form of Detention of Imprisonment.

<sup>7</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

<sup>8</sup> The proposed revision of the SMRs (Mandela Rules) were adopted by the UN Commission on Crime Prevention and Criminal Justice (24<sup>th</sup> session, May 2015), E/CN.15/2015/L.6/Rev.1, available at: [http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_24/resolutions/L6\\_Rev1/ECN152015\\_L6Rev1\\_e\\_V1503585.pdf](http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN152015_L6Rev1_e_V1503585.pdf). The final version of the revised SMRs (Mandela Rules) are to be adopted by the UN General Assembly.

In consulting those who work with imprisoned women, which includes NGO staff, prison officers and lawyers, DIGNITY used structured and semi-structured human rights-based interview guides. As noted above, researchers were also able to informally tour and observe most areas of the prison during the visit, but a full monitoring procedure was not followed, and full access was not permitted. We have had no reason to doubt the information provided by the informants. Nevertheless, it has not been possible to exhaustively triangulate the validity and reliability of all information on general conditions of imprisonment, such as availability of food.

### Terminology

The terms ‘prisoner’, ‘detainee’ and ‘inmate’ are used interchangeably to denominate any person who is deprived of his or her liberty, including individual women detained in jails awaiting arraignment, trial or sentencing; and those who have been convicted and are serving a prison sentence. The terms ‘pre-trial detainee’ or ‘remandee’ refer to persons who are detained in custody before and during trial.

# National Context

## Facts and figures

There are approximately 90 women imprisoned in Albania, making up less than 2% of the prison population.<sup>9</sup> This rate has been falling gradually from 3% in 2005, which is attributable largely to amnesties.<sup>10</sup> Of these 90 women, about 30% are in pre-trial detention, which is lower than the 40% average in the country overall.<sup>11</sup>

Prisons and pre-trial detention facilities are managed, organized and controlled by the General Directorate of Prisons (GDP or Directorate), under the Ministry of Justice. Until 2014, and during our visit, women were held in the Ali Demi Prison (known as 325) once sentenced, and in the women's wing of the Jordan Misja High Security Prison (known as 313) before their trials, both of which are in the capital, Tirana. These are two of 22 penitentiary facilities in the country. The women's section of Ali Demi has the capacity for 56 inmates and held 55 inmates at the time of the visit in 2013. Jordan Misja had the capacity for just 19, but held 32. However, in late 2014 (after the research visit by DIGNITY) all female pre-trial detainees were moved from 313 into the 325 prison, permanently. They are accommodated in a separate section that was previously used to imprison men.

During the visit by DIGNITY in late 2013, more than half of the female inmates had been convicted of murder, with the rest spread mostly across fraud, theft, prostitution or exploitation of prostitution.<sup>12</sup>

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<sup>9</sup> According to the UNODC, in May 2014, the total prison population amounted to 5,394 inmates, and included 109 juveniles, 86 women and 112 inmates on forced medical treatment. See UNODC, *Assessment Report: Regime Activities in Institutions for the Execution of Criminal Sentences in Albania*, October 2014

<sup>10</sup> During a 2014 amnesty, 900 detainees and prisoners were released, including 30 women and 20 minors. Focus was placed on those sentenced for minor crimes with less than three years imprisonment as penalty, juveniles imprisoned for petty crimes and older prisoners with short-term convictions. Prisoners with longer sentences benefited from sentence reductions. See Anadolu Agency, *Albania Frees up to 16 Per Cent of Its Prisoners*, 14 April 2014

<sup>11</sup> International Centre for Prison Studies, *World Prison Brief: Albania*, as of October 2013. Accessed December 2014.

<sup>12</sup> Based on the data collected by DIGNITY's NGO partner, ARCT, in 2012-13, approximately 55% of women were convicted for murder, 21% for exploitation of prostitution, 8% for fraud, 7% for theft, 6% for prostitution and 3% for possession of narcotics. ARCT and DIGNITY, *Detained Population with Special Needs in Albania: Needs assessment study*, 2013.

## The status of women in Albania: a snapshot

Albania is party to all core international treaties to protect women's human rights. Noticeably, significant improvements have been made in recent years in areas, such as education – particularly tertiary education – health, and labour force participation.<sup>13</sup> New laws and amendments have been made in various areas, in order for the State to move closer to de jure alignment with UNCEDAW and other important international standards, including laws on domestic violence.<sup>14</sup>

However, substantial structural inequalities remain between men and women, characterised by entrenched, harmful gender norms, the feminization of poverty, and high rates of gender-based violence.<sup>15</sup> These factors are particularly prevalent among poor rural women and women belonging to ethnic and sexual minorities.<sup>16</sup> Albania does not rank highly in the Global Gender Gap Index of the World Economic Forum, being placed number 83 out of 142 countries in 2014.

DIGNITY's partner, The Albanian Rehabilitation Centre for Trauma and Torture (ARCT), has highlighted the role played by inequality in the lives of women in the criminal justice system:

*"Many [women] are in prison as a direct or indirect result of the multiple layers of discrimination and deprivation experienced at the hands of their husbands, family and the community. They show histories of the extreme violence and social isolation, desperation, marginalization; poor level of education, mental health and family disruption/abandonment."<sup>17</sup>*

A recent study by researcher Dr. Edlira Papavangjeli profiled approximately 75% of Albania's imprisoned female population and found a number of important commonalities among the women.<sup>18</sup> These were:

- **A poor economic situation:** 45.5% were unemployed and without economic aid before their imprisonment, while 83% of the 44% who had been employed were working informally, without benefits or social security.
- **Low levels of education:** Around one-third of the women had only completed their first eight years of school and another third had completed less (including 5.5% with no education).
- **Domestic Violence:** The vast majority of interviewed women who had been charged or convicted of premeditated offenses against life reported that their offence was in response to systematic domestic violence.
- **Family responsibilities:** 93.2% of the inmates were mothers and more than 40% were single, widowed or divorced. While a considerable number of children were placed in orphanages, the majority were cared for by their fathers or close family members. The research also reported that most of those who were divorced, were so because of their conviction.

Recent research by ARCT found that the majority of incarcerated women are considered primary carers in their families, and that 35% had sole responsibility.<sup>19</sup> ARCT has also revealed that just under a third of pre-trial women detainees and 22.5% of convicted

<sup>13</sup> World Economic Forum (WEF), Global Gender Gap Report, Geneva, Switzerland 2014, [www3.weforum.org/docs/GGGR14/GGGR\\_CountryProfiles.pdf](http://www3.weforum.org/docs/GGGR14/GGGR_CountryProfiles.pdf)

<sup>14</sup> Law No 23, dated 01.03.2012 "On some addenda and amendments to Law No 7895, dated 27.01.1995 "On the Criminal Code of the Republic of Albania", was amended, largely in response to the 2010 Concluding Observations of the CEDAW Committee, to criminalize violence. This namely pertains to Article 130/a, which sets out the forms of violence, measures and subjects it protects. Amendments included systematic psychological and economic abuse. See also, Gender Alliance for Development Center (GADC) et al. *Shadow Report On The Implementation Of The CEDAW Convention In Albania*, June 2010.

<sup>15</sup> Read more on issues of social exclusion, violence and feminization of poverty in Albania's National Strategy of Gender Equality and Domestic Violence, 2007-2010, and Papavangjeli, Edlira, *Women in detention- Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

<sup>16</sup> For example, Gender Alliance for Development Center (GADC) et al. *Shadow Report On The Implementation Of The CEDAW Convention In Albania*, June 2010, at 94, notes that: "Women in rural areas find themselves in a worse situation of discrimination than those in urban areas... Women are generally not employed and dependent on men financially... There is a lack of services such as kindergartens, nurseries, and health services as well as a tendency among young girls not attend secondary school regularly or drop out of it altogether upon reaching a certain age. Incidence of domestic violence is high, with very low rates of reporting. Women in rural areas are not involved in political and public life."

<sup>17</sup> ARCT, *Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania*, adopted by the Committee at its 108th session, 15 December 2011

<sup>18</sup> Research by Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013.

<sup>19</sup> ARCT and DIGNITY, *Detained Population with Special Needs in Albania: Needs assessment study*, 2013.

women come from Tirana or the surrounding villages, near the location of their detention.<sup>20</sup> For others, their communities are much farther away, requiring visitors to travel a greater distance.

## Legal framework

### International legal framework

Albania has ratified all of the core international human rights treaties, including the Convention on the Elimination of Discrimination Against Women (UNCEDAW), the Convention Against Torture (UNCAT); and the Optional Protocol to the UNCAT (OPCAT), under which Albania has established a National Preventive Mechanism (NPM). The NPM, which is the People's Advocate, has the mandate to conduct regular visits to all places of detention in order to strengthen the protection against torture and other inhuman or degrading treatment or punishment. Albania has also accepted the competence of several UN treaty bodies to consider individual complaints, notably the Human Rights Committee (Optional Protocol to the International Covenant on Civil and Political Rights), the Committee against Torture (declaration pursuant to article 22 of UNCAT) and the Committee on the Elimination of Discrimination against Women (Optional Protocol to CEDAW).

Albania is also a State party to a series of Council of Europe conventions and rules, including the European Convention on Human Rights, the European Convention for the Prevention of Torture, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), and the European Prison Rules.

### National legal framework

The Constitution of Albania provides for a series of fundamental human rights and freedoms, notably freedom from torture, cruel, inhuman or degrading treatment or punishment (article 25) and the right to liberty (Art. 27).<sup>21</sup> The Constitution also sets the conditions under which a person may be deprived of her/his liberty (Art. 27-28), which includes the right to be brought before a judge within 48 hours, and the right to due legal process (Art. 29-34).

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<sup>20</sup> Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013.

<sup>21</sup> Constitution of the Republic of Albania, 21 April 2008, available at: [http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Albania\\_Constitution\\_1998\\_amended\\_2008\\_EN.pdf](http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Albania_Constitution_1998_amended_2008_EN.pdf)

The detention of persons suspected of criminal offences is further governed by Albania's Criminal Procedure Code (CPC, Law no 7905 of 21 March 1995 as amended 2 May 2013),<sup>22</sup> which regulates areas such as the grounds and criteria for issuing remand in custody orders, the maximum length of custody before a court appearance and transfer to a pre-detention facility, along with the right to make complaints, statements and requests. When a person is arrested or detained by the judicial police, this institution shall inform the prosecution office immediately of the place of arrest or detention (Art. 255). Any person who is deprived of her/his liberty must be presented before a judge within 48 hours, as per the Constitution, and the judge shall decide upon pre-trial detention or release. The judge then has a further 48 hours to hold a hearing in order to decide whether the person concerned is to be remanded in custody, made subject to another preventive measure (e.g. bail or house arrest) or released. Persons remanded in custody should be transferred to a pre-trial detention centre or remand prison.

The CPC provides for a different maximum periods of pre-trial detention, depending on the charge and corresponding maximum prison sentence. These range from three months, to three-years.<sup>23</sup> According to the CPC (Art. 253) pre-trial detention should only be used if the suspected crime is punishable with no less than two years of prison, when there are motivated grounds to believe that there is a danger of escape. Only one provision relates to women specifically: no remand in custody order may be issued against a pregnant or suckling woman (Art. 230.2).

Amendments to the Criminal Code in 2008 provided for five alternatives to imprisonment,<sup>24</sup> one of which, on house arrest (Art. 59 a), commendably states that pregnant women or those with children under the age of ten are a group that should benefit from the measure. The same applies to fathers who are sole carers of young children. Implementation is rare, however, as noted in the next section.

The main law that governs the prison system and lays down the rights of pre-trial detainees and prisoners in Albania is Law No. 8328 on the Rights and Treatment of Prisoners and

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<sup>22</sup> See <http://www.legislationline.org/documents/section/criminal-codes/country/47>

<sup>23</sup> See Art 263 of the CPC. The 3-year limit applies to cases when the accusations are for crimes that carry a sentence of 10 years to life, otherwise there is a 2-year time limit (crimes with a maximum of 10 years) or ten months (for criminal contraventions). Hungarian Helsinki Committee. *Promoting the Reform of Pretrial Detention in CEE-FSU Countries – Introducing Good Practices*, 2011

<sup>24</sup> These include: "Half-freedom"; "conditional sentence"; house arrest; community service; and "conditional release", Articles 58 – 64 of the Albanian Criminal Code, Law No. 10023, dated 27.11.2008. See Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

Pre-trial Detainees of 1998 (Prison Law).<sup>25</sup> It provides for rights and obligations of both prisoners and pre-trial detainees, including the organization of life within the penal institutions, the manner in which penal decisions shall be executed, and the organization of work inside the penal system. Although the original law did not articulate the distinction between pre-trial detainees and convicted prisoners, a 2001 amendment did so. Art. 75 states that the provisions of this law shall be equally implemented to arrested and detained persons, abiding by the restrictions established on them through other laws, but without further elaboration.

The law confirms the overall principle that inmates shall be treated with respect for their dignity as human beings and in accordance with the principle of non-discrimination, while reducing to a minimum the negative impact of incarceration, and ensuring rehabilitation and social reintegration on release. As a measure of accountability, the prison law also provides for independent inspections by the People's Advocate (Albania's Ombudsman Institution and National Preventive Mechanism (NPM),<sup>26</sup> and human rights NGOs with watchdog mandates.

Until mid-2014 the Prison Law and its amendments featured a number of positive gender-specific provisions, but it was far from aligned with the Bangkok Rules. These provisions, which are still in force, include the right to be treated without discrimination, including on the basis of sex (Art. 5). The provisions require that all male and female inmates be separated, and for female inmates to be supervised only by female personnel.<sup>27</sup> Furthermore, they provide particular conditions for pregnant women and breastfeeding mothers, including legal aid, specialist medical care and facilities, relief from work, and the provision of legal aid. The law also decrees that mothers can keep their children with them until the age of three, and it commendably provides for special accommodation and paediatric care, and a care programme dedicated to relations with the detained mothers' family.

Positively, the Prison Law was amended in 2014, and the gender perspective was hereby further strengthened, thanks in part to comprehensive inputs by NGOs (including ARCT), the Ombudsman and the Commissioner on discrimination, with recommendations that

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<sup>25</sup> Others include 'On the organizing and functioning of the Ministry of Justice', 'On the executing of criminal judgements', 'On pardoning' and 'On legal aid'.

<sup>26</sup> The Ombudsman is the national preventive mechanism for the prevention of torture. It carries out inspections and provides recommendations through the Unit for the Prevention of Torture.

<sup>27</sup> See the Law on the Rights and Treatment of Detainees in Pretrial and Prison; and the Council of Minister's Decision 303 25 March 2009 (Amended) on the General Prison Regulations, amended March 2010

were informed by the Bangkok Rules.<sup>28</sup> Actions are currently underway to reflect these changes in the general regulations for prisons, and the national budget.

Among other aspects,<sup>29</sup> the legislative amendments have made tremendous progress towards ensuring that women in detention are treated without discrimination, and without breach of their human rights — largely in line with the Bangkok Rules and UNCEDAW. In particular, they recognise gender-specific health needs, and the disproportionate exposure of women to gender-based violence, during and prior to detention, and the duty of the state to respond adequately.<sup>30</sup> New and amended provisions include:

- The strengthening of the Prison Law's article on non-discrimination (Art. 5), to prevent all acts of gender-based violence (physical, sexual and psychological) and all harm that can be understood as abuse or ill treatment; and to detail the need for treatment, without discrimination, of foreigners and people with mental disorders or disabilities;
- An additional clause (Art 5.1) requiring that all detainees who have experienced physical, sexual or psychological violence, during or before detention, should be offered immediate protection, support and legal assistance for their rehabilitation - giving reference to the specific gender needs of women and juvenile women - and that where evidence of such violence is found in penal institutions, authorities are required to initiate an investigation immediately;
- An amendment to Art. 10-11 on the individualisation of treatment that expands its scope of applicable to include accordance with gender needs (including sexual orientation and gender identity), and which requires each plan to be developed in consultation with the individual detainee;
- A detailed amendment to Art 33 on health care for special categories to include the specific health needs of women in prison and pre-trial detention. This includes the need for a check-up in accordance with women's primary healthcare needs,

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<sup>28</sup> Find the amended law, 40/2014, here (in Albanian): <http://www.dpbsh.gov.al/newweb/?fq=brenda&m=shfaqart&gj=gj1&aid=30> or for analysis, see Papavangjeli, Edlira, *Women in conflict with the law -- The Gender Perspective in the Criminal Justice System*, Monograph, Tirana 2014

<sup>29</sup> The amendments also stipulate the general principles of treatment of persons with mental disorders, detainees and prisoners of foreign nationality, children, persons with disabilities, LGBT, members of ethnic and linguistic minorities, the elderly and people with long-term sentences in the prison system, among others, as well as a specific chapter on the rights and obligations of pre-trial detainees. See GDP of Albania, *Mid-term Prison Strategy, 2014-2017*

<sup>30</sup> Papavangjeli, Edlira. *Women in conflict with the law -- The Gender Perspective in the Criminal Justice System*, Monograph, Tirana 2014.

and to detect and treat STDs, blood-borne diseases, special mental health issues (including PTSD and the risk of suicide and self-mutilation), reproductive health histories, substance addiction, sexual abuse and other forms of violence which women may have experienced before their admission to the institution. This is also tailored to female juveniles, with particular focus on education, prevention (including on issues of gender-based violence) and special healthcare programmes for those who have undergone violence.

The amendments also provide for the strengthening and expanding of the probation service and welfare-related services – including the social welfare department, local government and NGOs in cooperation with the General Directorate of Prisons – to ensure the social rehabilitation and reintegration of all prisoners with a focus on groups with special needs, starting (newly) from the pre-trial detention stage. As our study indicates, this will make disproportionate difference to women, who tend to receive fewer visits compared to men, have less contact with family, and may face greater social stigma. The law now also requires, that trained personnel supervise special groups (Art. 32), and that care units for those with mental health problems be strengthened in line with Albania's recent and progressive Law on Mental Health (April 2012), both of which will have strong impact on women. For women who have minor children, it is now provided that special programmes be developed that foster family relationships (Art. 40).

The 2014 prison law does regrettably not extend its gender-specific protection to providing for the urgent need of women detainees to work, gain skills training and be equitably remunerated for their work, nor the need for adequate recreation and exercise programmes, the implementation of which would require expanded facilities.<sup>31</sup>

## Recent reforms, developments and challenges

While the protection of detainees' rights has improved greatly in Albania over the last two decades, the last 7-8 years have seen accelerated change. Previously, reports had detailed high numbers of political prisoners, harsh living conditions, substandard infrastructure, inadequate medical treatment, and the regular use of abuse and ill treatment in police

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31 Art. 38 however provides for cultural, recreational and sportive activities to be organised to attain and develop the physical, spiritual and psychic skills of pre-trial detainees and prisoners. The 2014 amendments of this article provides that for juveniles a special cultural, sportive and recreational program is developed in close consultation with them.

and pre-trial facilities, prisons and labour camps.<sup>32</sup> However, the collapse of communism in 1991 saw Albania take on a series of structural reforms towards democracy and a free market economy, including a transition to a reform- and human rights-based approach to prison management.<sup>33</sup> This has largely been made possible by the ratification and integration into domestic legislation of the international and regional standards on human rights, along with instruments and institutions established for regular independent oversight.<sup>34</sup>

As noted by the United Nations Office of Drugs and Crime (UNODC), police and prison reform is now an integral part of the European Union (EU) integration agenda of the new Albanian government, particularly since its attainment of membership candidate status in 2014. Of the 12 key priorities set by the European Commission to bring the country into better alignment with the membership criteria, one is to: "Take additional measures to improve treatment of detainees in police stations, pre-trial detention and prisons. Strengthen the judicial follow-up of cases of ill-treatment, and improve the application of recommendations of the Ombudsman in this field".<sup>35</sup> This has been of substantial influence. Various technical assistance projects have given support to these ends, some with a focus on special groups, including women.<sup>36</sup> Developments have also been served by a more engaged civil society, and the creation of institutions like the Office of the People's Advocate, which serves as Albania's National Preventive Mechanism under OPCAT.<sup>37</sup>

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32 United Nations Office of Drugs and Crime (UNODC), *Assessment Report: Regime Activities in Institutions for the Execution of Criminal Sentences in Albania*, October 2014; UN Doc. CCPR/CO/82/ALB, Concluding observations of the Human Rights Committee (2004); or UN Doc. CAT/C/CR/34/ALB, Conclusions and recommendations of the UN Committee against Torture (2005)

33 United Nations Office of Drugs and Crime (UNODC), *Assessment Report: Regime Activities in Institutions for the Execution of Criminal Sentences in Albania*, October 2014

34 Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

35 European Commission, *Commission Opinion on Albania's application for membership of the European Union*, 9 November 2010

36 For example, Consolidation of Law Enforcement Capacities in Albania under the Police Assistance Mission Of the European Community to Albania (PAMECA IV) is an ongoing EU funded technical assistance project supporting the Albanian Ministry of Internal Affairs, Albanian State Police (ASP) and General Prosecutor's Office (GPO) as its direct beneficiaries to increase their organisational, human and financial resources capacities in compliance with EU best practices and Albania's European Partnership commitments. See European Union, *Towards an enhanced respect of human rights for women and children under police custody: European standards for women and children in police custody - Which steps are urgent, which ones are still needed in Albania*, PAMECA IV Perspective, 16 December 2011. Other projects funded by the EU have been implemented by local and international NGOs, such as Albanian Helsinki Committee (AHC), ARCT and Caritas, focusing on infrastructure and health, along with the Open Society Foundation for Albania, which recently awarded the Ali Demi women's prison funding for a programme based around the mental health needs of imprisoned women.

37 European Commission, *Albania 2012 Progress Report*, 10 October 2012

Key areas of progress have included improvements to infrastructure, staff training, the introduction of free health insurance and programmes with rehabilitative aims, as well as strengthened complaint and monitoring mechanisms.<sup>38</sup> However, significant gaps remain. These include enduring inhumane conditions and poor infrastructure,<sup>39</sup> a lack of facilities and care for disabled persons<sup>40</sup> and those with mental health problems,<sup>41</sup> and the lack of resources for prison rehabilitation.<sup>42</sup> Cases of ill treatment and torture, particularly in police custody and pre-trial detention, have been reported, along with a lack of prompt, effective and impartial investigations.<sup>43</sup> Staff of detention facilities and prisons are not categorised as civil servants, and are therefore not subject to or protected by the law 'On the status of civil servants', which allows for frequent changes of administration, political appointments, and challenges to the professionalism of the roles.<sup>44</sup>

The excessive length of pre-trial detention, and the frequency of its use has also been criticised by international human rights bodies, including The UN Committee against Torture (CAT).<sup>45</sup> The average duration of pre-trial detention among women was 22.3 months, according to a 2013 study.<sup>46</sup>

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<sup>38</sup> See for example UN Doc. A/HRC/27/4, Report of the Working Group on the Universal Periodic Review: Albania (2014), which observes that In 2014, the General Directorate of Prisons signed 14 agreements with NGOs to enable them to carry out inspections. A working group had been set up to develop an anti-corruption strategy for the prison system. See also European Commission, *Albania 2011 Progress Report*, 12 October 2011

<sup>39</sup> UN Doc. CCPR/C/ALB/CO/2, Concluding observations of the Human Rights Committee on Albania (2013). Nevertheless, NGOs and donors have worked to fill this gap. i.e. according to one expert, 2010 saw a special care unit for persons with mental health disorders piloted in five prisons, led by the Albanian Helsinki Committee and funded by the EU; during 2014-2015 it was replicated in 6 other prisons.

<sup>40</sup> Ibid.

<sup>41</sup> UN Doc. A/HRC/27/4, Report of the Working Group on the Universal Periodic Review: Albania (2014)

<sup>42</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Albanian Government on the visit to Albania* (2012), OSCE, *Report on Conditions in Albanian Prisons and Recommendations on Reform*, 2013

<sup>43</sup> Albanian People's Advocate, *Annual Report 2012*; ARCT, ARCT, *Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania* (2012), Amnesty International, *Annual Report: Albania*, 2013; UN Doc. CAT/C/ALB/CO/2, Concluding Observations of the Committee Against Torture on Albania (2012)

<sup>44</sup> Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

<sup>45</sup> UN Doc. CAT/C/ALB/CO/2, Concluding Observations of the Committee Against Torture on Albania (2012), ARCT, *Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania*, adopted by the Committee at its 108th session, 15 December 2011, Amnesty International, *Annual Report: Albania 2013*, 23 May 2013

<sup>46</sup> Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

Furthermore, despite the availability of alternatives to detention in the law, and frequent recommendations by European and international inter-governmental bodies and civil society, detention remains a widely-used measure, including against women.<sup>47</sup> Some analysis of Albania's criminal policy has found it to be overly tough on women offenders, taking little account for their special circumstances.<sup>48</sup> The alternatives to imprisonment are rarely considered by judges, even where the risk that the women pose towards society is classified as low, and among mothers with sole responsibility for children.<sup>49</sup>

Until the 2014 amendment of the Prison Law, detained women had received limited specific attention in policy or programming. For example, while newly built facilities have been allocated to male detainees in recent years, female detainees remain housed in infrastructure that has been found to be inadequate for detention generally, and for detaining women in particular, despite recommendations given by NGOs and the People's Advocate.<sup>50</sup>

During its visit, DIGNITY was informed of plans to build a replacement for Prison 325, which had commendably included consultations with the director (at the time) on a gender-responsive design. Yet local NGOs report that they have seen no signs of

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<sup>47</sup> Papavangjeli, Edlira, *Women in detention - Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013

<sup>48</sup> Ibid. See also Edlira Papavangjeli, *Women in the Conflict with the Law - The Gender Perspective in the Criminal Justice System*, 2014.

<sup>49</sup> Argues Edlira Papavangjeli of the Albanian Helsinki Committee, in *Albania needs a more gender-sensitive justice and penal policy*, 15 January 2015: "The profile of women offenders, their parental and family responsibilities, as well as the negative effects for women in terms of their return to society, should be taken into account in the drafting of a more flexible penal policy in Albania. Such a penal policy should ensure that imprisonment is not the primary measure applied to women, but used only as a last resort when the defendant constitutes a great danger to society. Instead the responsible authorities should effectively use other alternative measures to prison custody. There are only a small number of women under probation in Albania." This has also been called for by the ARCT, with focus on the low risk posed by many female offenders, the greater challenges in social reintegration, and the disadvantage to families and communities, particularly children. See ARCT and DIGNITY, *Detained Population with Special Needs in Albania: Needs assessment study*, 2013, and research conducted with DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014. See also ARCT, *Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania*, adopted by the Committee at its 108th session, 15 December 2011.

<sup>50</sup> The Albanian People's Advocate, *Annual Report 2012*

discussion or progress relating to this since.<sup>51</sup> Other steps, such as the development of the probation service to include an electronic monitoring system (allowing prisoners to serve their sentence in their home) have not given particular attention to women detainees.<sup>52</sup> However, staff at Prison 325 did report that capacity building of the officers there had been a recent priority for the Directorate, and highlighted that for the first time, gynaecological service has been provided within the prison by health care institutions, based on an agreement between the Directorate and the National Health Authority.

The Prison Directorate's Mid-term Strategy 2014 – 2017 and corresponding action plan outline its intention to further enhance respect for human rights in the prison system, with a strong focus on harmonizing legislation, policies and practice with the *acquis communautaire* of the EU, and improving the process of social rehabilitation for inmates, along with employment and remuneration of work.<sup>53</sup> Just two areas detail special attention to the needs of women - the development of new reintegration programmes for women, and trainings for persons working with women (among others groups). These are important contributions, yet the remainder of the strategy is regrettably gender neutral.

At the time of the visit by DIGNITY, NGOs reported that training of prison staff addressed the needs of special groups in the basic and follow-up training, for all staff, but that these still need to systematically and comprehensively include gender-sensitive management, and are largely fuelled and provided by NGOs. Both the prison and pre-trial facility directors at the time had attended trainings by international NGOs and inter-governmental organizations (IGOs), and were familiar with gendered needs and vulnerabilities – although not the Bangkok Rules themselves.

In order to ensure that the legislative reform is translated into practice, it will be important to see that the recent legal amendments are addressed in the national budget, strategy and action plan, and supported with the provision of new facilities, revised staff training, improved cooperation between the prison system and actors relevant to detainees'

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<sup>51</sup> DIGNITY was informed by the former director of 325 that the proposed plan features clusters of accommodation, each with a living section and dining area; a counselling room and a kindergarten; and an outside area for visits by children with a garden. The plan for this prison to be built outside of the capital city was delayed at the time of research, due to protests by NGOs that this would take the women away from integral services and outside support found in Tirana.

<sup>52</sup> European Commission, *Albania 2011 Progress Report*, 12 October 2011

<sup>53</sup> UN Doc. A/HRC/27/4, Report of the Working Group on the Universal Periodic Review: Albania (2014), and United Nations Office of Drugs and Crime (UNODC), *Assessment Report: Regime Activities in Institutions for the Execution of Criminal Sentences in Albania*, October 2014. Other priorities include further consolidation of the prison system and the creation of an independent, impartial and transparent body, improving physical infrastructure and material conditions of the penitentiary institutions; further harmonization of legislation with the EU *acquis*; improving services for the category of persons in conflict with the law. GDP of Albania, *Mid-term Prison System Strategy, 2014-2017*

reintegration into society, and the greater use of non-custodial measures and alternatives to detention, as stated in the Bangkok Rules.

It should also be noted that at Prison 325, the appointment in 2008 of a female director with an educational background in social welfare had led to significant improvements in the handling of women inmates' social, rehabilitative and mental health needs. In fact, many of the good practices reported below, including the building of stronger links with community organizations can be attributed to the gender-sensitive prison management of the former director. However, as part of the regrettable periodic 'redistribution' of staff in the prison system, noted above, the director and most of her staff were replaced shortly after the country's General Elections in 2013. This practice places special programmes and knowledge, training and relationships at risk, unless carefully handled. Further research would be useful into the impact of these transitions on the rights and welfare of detainees, and whether these good practices have been sustained by the new director.<sup>54</sup>

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<sup>54</sup> All references to the director of 325 indicate the director at the time of the prison visit, Irena Celaj.



# Findings

## What matters most?

One aim of this research project was to step outside of the human rights framework momentarily and simply determine which issues tend to impact female detainees in Albania the most, particularly as women.

While these findings are woven into our thematic chapters below on prison conditions, this section gives an overview.

One of the strongest findings from the pre-trial facility and the prison, is the extent to which the women rely on **visits from families**. These were spoken of as a lifeline, connecting them to much-valued emotional support, their children, information about their home lives, and the identities and sense of purpose that many of them hold as women in the traditional structures of their families. Yet visits were also spoken of as a point of challenge, particularly among women who had been stigmatized, or those whose families and friends lived far away from the only woman's prison in the country. Those who had little contact with their children found detention extremely difficult to cope with, and spoke of being consumed with worry, frustration and guilt – particularly during the first phases of pre-trial detention (from which the quotes below were taken). Many of these women keenly felt the distress of isolation from their communities.

*"One woman put it to me once, and I have always remembered it: 'In here we are dead, waiting to become alive again.'"*

*"I go crazy when I think of my children in such conditions, without support, without any aid from the municipality. My eldest son, 15-years-old, is taking care, and people give him money and tomatoes to feed his brothers. When I eat the soup here in prison I feel like crying."*

*"I had no contact with my family for six months in the beginning. I decided that even so, I would live and be strong for my kids. I found courage that I didn't think I had."*

As a result, one of the most valued services for women in the Ali Demi prison is the outreach to families by prison welfare staff, to pursue information about children, arrange visits by foster parents to the prison or by inmates to their children in care homes, or to mediate

with estranged relatives. This contributed, according to inmates and staff, to lower levels of angst, a greater sense of wellbeing and respect (even affection) for staff, and a low frequency of disciplinary problems.

Another finding was the frequent sense of **stigma, shame and abandonment** experienced by such women. Some inmates felt this to be gendered: they feel stigmatized because they are women. In our small research pool, this appeared particularly acute among those who are accused or convicted of violent crimes or crimes related to trafficking. Inmates also reported that, at the time, television shows had begun to film and broadcast sensationalized interpretations of their cases without protecting their identities or sense of dignity. This caused anger and distress in the pre-trial facility, and caused some women to be more reluctant to return to their home communities on release. "Women usually don't go back home after prison," one Directorate staff member informed DIGNITY. "Most don't have the support of their families, or are afraid of stigma or lack of opportunities. They stay in the capital where NGOs can help them to find work, where they can start again." Some of the inmates were also overtly influenced by gender norms, remarking that women are more fragile and in need of more protective treatment in detention, compared to men.

*"The only thing I'm afraid of is the prejudice."*

Staff in both facilities voiced a wish to create stronger, more **consistent and meaningful work programmes and activities** for female inmates, particularly in the resource-constrained pre-trial detention centre, 313. Inmates there linked their acute boredom with depression, and few could muster motivation for poorly resourced sewing or drawing classes, while only a minority were interested in taking general education classes during this time. Inmates in the pre-trial detention centre were found to be sensitive to the stigma of doing such courses, reported feeling patronised by the low grade facilities, and were preoccupied with being released and concerns about their families. It would therefore be important to upgrade the facilities available to women under pre-trial detention, consult the detained women on the programmes offered to help ensure their motivation, and encourage them consistently to participate.

*"Why would I need a certificate here so that when I leave this place I will be ashamed to show it? How can I be proud to show off with a training I received in prison!? No!"<sup>55</sup>*

*"There are limited opportunities; but they are not real courses. I don't engage myself."*

Many inmates, particularly sentenced women who are middle-aged or older, spoke

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<sup>55</sup> This was a misunderstanding on the part of the inmate, since these certificates — in accordance with international standards — do not mention the issuing prison or pre-trial facility.

pragmatically of the difficulties and discrimination that they expected to face on release, and the need for or usefulness of trainings that would help them adequately support themselves and their families.

## Conditions of detention

This section presents our findings on conditions in Albania's prison and detention centre for women during our visit in 2013. Because the pre-trial centre (Jordan Misja, 313) has now been closed for women, we will summarize our findings from the facility in the box below, before detailing the conditions in the only remaining facility for women, Ali Demi (Prison 325), in the rest of the study. It is important to include our findings from 313 because, while the previous physical conditions may no longer apply, the regime under which the women were living, in breach of international standards, may not have improved and must still be scrutinized. The perspectives of the detainees on their conditions are also valuable.

As detailed above, this section has been researched and analysed using mostly qualitative methodologies, framed around international standards for detention, with a particular focus on the Bangkok Rules, and life story and narrative interviewing.

### Conditions during pre-trial detention

Detainees in Albania commonly wait for more than a year for their trial, and DIGNITY met with inmates who had been in remand for as long as four years. At the time of our visit pre-trial detainees were held in an all-women wing of Tirana's Jordan Misja Prison, or '313', which otherwise mostly accommodates men in medium-to-high security conditions. The wing is old, small and not equipped with the space or the facilities for a dignified or humane long-term detention, despite some positive efforts by staff at the time, and the security conditions surrounding the wing were excessive for a group that posed little or no risk. The facility had received criticism from human rights group during the Universal Periodic Review (UPR) of Albania by the UN Human Rights Council for a spectrum of poor conditions.<sup>56</sup> The

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<sup>56</sup> In its alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania, adopted by the Committee at its 108th session (UN Doc. CAT/C/ALB/2 2011), ARCT observed: "The material conditions in Albanian pre-detention facilities where women are held remain appalling: an estimate of 35-40 women (including juvenile female detainees) are held in pre-detention of Jordan Misja High Security Prison, where they face lack of all basic gender-based health care services, poor hygiene and lack of any recreational activities."

decision to remove female inmates from this facility was therefore commendable. To underscore this, we will summarize our findings from the facility here.

Among the few positive aspects, were the low security conditions inside the small compound, including light security procedures;<sup>57</sup> a relaxed regime that allowed inmates move freely for much of the day; and positive, friendly communication between staff and inmates. Indications of degrading and ill treatment were not found, other than one exception,<sup>58</sup> and discipline was largely achieved through mediation, discussion and counselling, with measures governed by a Disciplinary Commission.<sup>59</sup> This indicates effective training and management of the staff, despite capacity challenges, and some elements of gender-sensitivity.<sup>60</sup>

*“With police and educational staff, I get along very well. If there is a conflict between girls, the staff tries to calm them down, or if they see that the situation is aggravating, they intervene and prevent the fight.”*

However the lack of resources and space, and the poor infrastructure of 313 placed it below international standards on space, light, ventilation, and sanitation, and made it wholly inadequate as a place of long term detention.<sup>61</sup> Sanitary towels were not systematically provided by the facility, in breach of Bangkok Rule 5. Sources of particular distress for inmates included the dilapidated condition of the bathroom, the struggle to clean the facility with insufficient equipment, and the dire lack of rehabilitation and training activities, which breached international standards and resulted in a sense of

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<sup>57</sup> In line with international standards, DIGNITY found women to be well separated from male inmates and supervised entirely by female staff in both facilities. Male security guards work at the perimeter of each, and during the visit no concerns were raised during interviews regarding the risk posed by male security or nursing staff, who all appear well chaperoned by female staff.

<sup>58</sup> Just one concern was raised by an inmate, on the use of an isolation cell to confine women as a ‘cooling down’ space. According to staff, the door of the cell is left open. Although reports suggested that this measure is used very rarely, the maximum number of days varied in reports, between a few days and 20 days. The latter would certainly breach international standards. However it was unable to verify this at the time. No cases were heard of restraints being used.

<sup>59</sup> A Disciplinary Commission made up of health, welfare and security staff is reportedly convened, and decisions can be appealed by inmates.

<sup>60</sup> This takes into account the differing and arguably greater vulnerabilities and experiences of female pre-trial prisoners, ranging from histories of gender-violence to shame and stigma, and acute separation anxiety from children. See Chapter 1 of the comparative study.

<sup>61</sup> According to international standards the cells should only have detained two inmates, yet they sometimes housed four or more. Dimly-lit and cramped, it consisted only of a small lobby, a common room that doubles as a staff office, a low-lit and dilapidated bathroom, a very small visitors’ room, and a row of small four-person cells along a corridor, along with an approx.. 70sqm open-air garden courtyard.

acute boredom and isolation among the women. While weekly visits of half an hour were permitted, with some flexibility, this was not sufficient for meaningful connection with family and friends over a long period. Visits also took place in small cramped rooms with little privacy or space for children to play.

*“The environment needs improvement for sure. It’s closed off, and you really feel the isolation from the rest of the world.”*

*“What do I do? I walk from the rooms into the yard, I walk from the yard to the bathroom, I walk back to my room. I walk back to the yard. I sit. I smoke. There is nothing to do.”*

Finally, the facility’s performance regarding health care was mixed. Health staff reported capacity challenges, particularly regarding their time, although most medication and treatment was free as in the wider community, in line with the SMRs.<sup>62</sup> Detainees reported being seen without much delay, and were taken to specialist hospitals when needed, including for gynaecological checks, with minimum and dignity-conscious security procedures. However, the latter were only arranged on request. DIGNITY was informed that HIV was not screened for, that there were few provisions for preventive health or health education, or special support for substance abuse. Given that women can be held for months or even years in pre-trial detention and may struggle with their withdrawal there, this was an important gap.

A psychologist was available to female detainees every day, and a psychiatrist visited twice weekly. There was a full-time social worker. They reported dealing mostly with the stress and tension of detainees’ indefinite detention periods, separation anxiety, and fears about the future. The psychologist also addressed recent trauma. Inmates mostly reported feeling supported by staff, and two observed that the woman’s wing was largely conflict-free because of this. However, understaffing indicates that some women did not receive the attention that they need. Sedatives were regularly dispensed along with counselling.

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<sup>62</sup> During the year the Prisons Directorate began enrolling inmates, including those with mental health issues, in a public health insurance program to offer them a full range of basic health services. See US State Department, 2013 Human Rights Report: Albania, 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>

# 1. Admission and classification

**The admissions procedure, if fully implemented, aligns well with international gender-specific standards. However, the classification of inmates and the process to inform them of rules and rights requires further attention.**

## Global perspective

*For many women, the first days are among the most distressing and traumatic of their time in detention. This is particularly so for those from societies in which spheres for women are smaller, and limited to their families and communities. Such women commonly experience a strong sense of helplessness, shock and shame, and fear of the unknown. Research has suggested that suicide and self-harm are a particular risk for women at this time.<sup>63</sup>*

*Given the common backgrounds of women offenders in much of the world as mothers, victims of abuse and substance abusers, their needs on entry to detention and in the planning of their rehabilitation are different and arguably greater to those of men.<sup>64</sup> As the Kyiv Declaration on Women's Health in Prison notes, it is not uncommon for a woman to enter detention — separated from her family and in a state of great anxiety — and on receiving her first health check in a long time, find that she is both pregnant and HIV positive.<sup>65</sup>*

*In order to respect, protect and fulfil the rights of women in detention in accordance with international standards, staff must implement classification methods that address the above mentioned needs and circumstances, and ensure that plans for their rehabilitation are effective, individualised, and allow for their reintegration into society. Staff must be trained and gender-sensitive, and admissions processes must attempt to reduce stress and orient women in ways that they understand. This extends particularly to the use of search procedures, and enabling women to arrange for the care of children left outside, two areas that, research has indicated, cause the most distress.<sup>66</sup>*

<sup>63</sup> UNODC Drug Abuse Treatment Toolkit, *Substance abuse treatment and care for women: Case studies and lessons learned*, United Nations, New York, 2004.

<sup>64</sup> Jenni Gainsborough, Women in prison: international problems and human rights based approaches to reform, *William & Mary Journal of Women and the Law*, vol. 14, No. 2 (2008), pp. 271-304.

<sup>65</sup> United Nations Office on Drugs and Crime & World Health Organisation (UNODC & WHO), *Women's health in prison: Correcting gender inequity in prison health*, 2009.

<sup>66</sup> See Chapter I, Admission and Classification, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

**International standards** on admission and classification of prisoners are found in Art. 10 of the International Covenant on Civil and Political Rights (ICCPR), while standards to combat discrimination against women are found in UN Convention on the Elimination of Discrimination Against Women (UNCEDAW). These legally binding international provisions are further expanded in soft law standards in the SMRs (Rules 8, and 67-69 - Rules 2, 6-11 in the revised SMRs), the Body of Principles (Principles 24-26) and the Bangkok Rules (Rules 35, and 40-41).

Few issues or concerns were raised by inmates or other interviewees on the admissions process at the time of the visit by DIGNITY, and the procedure, if fully implemented, aligns well with the international gender-specific standards on admission screening. Members of a 'Waiting Commission' admissions team, including a psychologist, social worker, medical doctor and security representative, meet individually with the pre-trial or convicted inmate on her arrival to determine her needs. We are told that each then coordinates to create a plan for her welfare and rehabilitation, with particular attention to signs of anxiety, depression and other mental health issues. NGO staff commented that the admissions process is often more thorough for women than men, and enables inmates to share relevant factors in their histories. DIGNITY was informed by staff that the process includes a gynaecological check-up offsite, and screening for signs of abuse according to the Istanbul Protocol. Interviews with inmates on healthcare [see section 4] indicate that follow-ups also do often take place.

The process responds well to the fact that admission is often the most distressing time for women during their time in detention, and to the need to quickly identify gender-related vulnerabilities and needs (e.g. backgrounds of violence, mental disability and substance abuse, as well as parental and other caretaking responsibilities) as called for by the Bangkok Rules. However, while female inmates are supposed to be introduced to the rules in the penal institutions, and to their rights and their obligations, this was not done consistently, and more attention should be given to this by the authorities.

At the time of the visit by DIGNITY, prisoners were separated from pre-trial detainees and juveniles, and those with mental illness were partially segregated in accordance with Bangkok Rule 41d [see Healthcare, section 4], while in prison records, prisoners were classified according to the category of crime. This has reportedly continued, following the transfer of pre-trial detainees to the Ali Demi 325 facility. However, DIGNITY was informed that the current instrument of classification is inadequate as a gender-sensitive tool, and should be modified to take other factors and vulnerabilities into account, as directed by Rule 40 of the Bangkok Rules.

## 2. Physical and material conditions

**Albania offers elements of good practice in the care of pregnant women and mothers with young children, yet poor infrastructure creates a challenging environment for female detainees and staff, and falls short of international standards.**

### Global perspective

*Every detainee will be profoundly affected by their physical environment, from the amount of light that they get, to the quality of the food and cleanliness of cells. Yet, some conditions or deprivations can be more common among particular groups, and can be experienced in different ways, depending on the identity of the prisoner.*

*In 2008, the UN Special Rapporteur on Torture raised the bar for the protection of women by introducing a gender-sensitive interpretation of torture. In the context of detention, he acknowledged that poor hygiene, among other conditions, can have a more adverse impact on women in detention compared to men.<sup>67</sup> Research, including that by DIGNITY, has highlighted the harmful consequences for women in detention, whether the shame of inmates as they struggle to keep themselves clean during menstruation or after giving birth, or the fear, guilt and helplessness felt by mothers when they are unable to keep children who live with them clean and healthy.<sup>68</sup> Such poor conditions can also leave women vulnerable to exploitation and abuse, if, for example, they must barter sexual acts for basic provisions.<sup>69</sup>*

**International standards** relating to detainees' physical and material conditions of detention can be found in the umbrella provision in Art. 10 of the ICCPR, while standards to combat discrimination against women are found in UNCEDAW. This protection is further strengthened by soft law provisions in Rules 9-20 of the SMRs (Rules 12-23 of the revised SMRs), while Bangkok Rule 5 and its Chapter II on rules applicable to special categories of prisoners, now strengthen this protection with gender-sensitive provisions.<sup>70</sup>

At the time of our country visit, Albania's women prison and pre-trial detention facility were among the oldest and worst equipped in the country. Women had (and have still) not benefited from a number of new prisons built in the past six years.

<sup>67</sup> UN doc. A/HRC/73, para 41

<sup>68</sup> DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

*"Women are kept here in old facilities, but we have much better facilities in Albania – so you are seeing the worst part." – GDP official*

The crumbling communist-era military barracks that comprise Prison 325 are a challenging landscape for a women's prison, and they offer little protection against cold and rain. The infrastructure is old, and dormitories do not have sufficient floor space, natural light, heating or ventilation from windows to align with the SMR. The sanitation facilities, while clean, are run-down, cramped and badly insulated.

The staff and the inmates have nevertheless worked to create an environment that is positive, personal and non-institutional in appearance. The whitewashing and landscaping of the large garden compound gives the prison the sense of a small village. The small four-woman cells, referred to as dormitories, open on to the garden compound, and inmates have been permitted to personalize them with self-made bed covers, decorations and small televisions. Some expressed pride in these small spaces, and informed us that inmates often invite each other to their rooms for social visits at weekends. Combined with a low security regime, interviews indicate that these elements allow for a higher morale among inmates, and aid their rehabilitation. The approach also indicates a positive level of awareness and sensitivity among staff towards the inmates' wellbeing – much of the landscaping and refurbishments were implemented by the former director shortly after her appointment to the prison. "Coming to this open place, I could breathe again," one long-term inmate informed DIGNITY, who had previously spent four years in the pre-trial detention facility.

The prison compound also features a pleasant series of common spaces, each warmly decorated, well lit, clean and well maintained. This includes a reading room, with bookshelves, a large group study table and a bank of computers; a simple renovated workshop; a dining room; and a small counseling room.

One notable addition is a modern nursery and clinic wing, which can accommodate a small number of pregnant women and new mothers – both convicted and pre-trial – in a bedroom next to a nursery, with clinic staff close by. This aligns with international standards on light and ventilation, is clean and well maintained, is staffed by qualified personnel and can provide care for infants when not in the care of their mothers. Mothers can use the full prison facility by day, and at night a dividing gate between it and the main compound is locked. Internal regulations were commendably revised in 2010 to allow mothers full-time access to their children.<sup>71</sup> The facility can only accommodate a few women comfortably, and may not fit the needs of all inmates who are permitted

<sup>71</sup> Papavangjeli, Edlira, *Women in conflict with the law -- The Gender Perspective in the Criminal Justice System*, Monograph, Tirana 2014.

to keep their children with them in detention.<sup>72</sup> However it is otherwise a good practice example, in line with SMR 23 on special accommodation for pre-natal and post-natal care, and on the provision of nurseries.

While staff and inmates report that the provisions for women in the prison are largely sufficient, from blankets and clothes to shampoo and detergent, as well as sanitary pads, DIGNITY found that these are partly a result of the prison's close relationship with NGOs, and are not all provided by the prison authority in accordance with its State responsibility.

### Torture and Cruel Inhuman or Degrading Treatment or Punishment

No instances of torture or ill treatment were reported from either of the detention facilities visited during this study, other than one inmate's unverified report of an excessive isolation period in pre-trial detention. However, in the pre-trial facility, consistent reports of unsanitary conditions, a lack of sanitary provisions and difficulties contacting the outside world, in accumulation, may have been considered and investigated in the context of inhuman and degrading treatment.

## 3. Safety and Security

**Findings on gender-sensitive security measures in the woman's prison offer a good example of welfare-oriented 'dynamic' security in action, with no concerns raised regarding ill treatment.**

### Global perspective

*The SMRs require States to ensure that prisons are secure, safe and well organized. Yet implementation gaps remain, and discrimination and gender norms influence the kinds of abuse and exploitation that detained women face in Jordan and globally.*

<sup>72</sup> UN Doc. CAT/C/ALB/2 Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania, ARCT (2011),

*This ranges from their experience of security measures and discipline, and their sense of insecurity and fear, to their ability to respond, achieve change or justice.<sup>73</sup> Since the structural and discriminatory causes of violence against women can reach into and be magnified in places of detention, it is important to understand and prevent the different types, frequency and impact of this abuse, and to stress the obligations of States to do so.*

*Even where facilities comply with international standards on separating male and female detainees, and successfully prohibit violence, female detainees may still face abusive treatment and attitudes from staff, including degrading search procedures and the arbitrary use of solitary confinement – even in response to self-harm. Measures are required to prevent this, ranging from gender-sensitive admission, complaint and investigation processes, to the training of staff in gender-sensitive communication and security approaches, in line with human rights obligations.*

**International standards** on prisoners' safety and security are found in a range of international human rights treaties, notably the ICCPR, the UN Convention Against Torture (UNCAT), and the Convention on the Rights of the Child (UNCRC). UNCAT provides the main yardstick for the responsibility to protect detainees from gender-based violence, which covers mental, physical and verbal forms perpetrated by States, and also acts of violence by other detainees, if prison officials have failed in their responsibilities to protect. To neglect this responsibility is also a violation of UNCEDAW, as acknowledged by its General Recommendation 19 and reiterated in a raft of soft law documents, such as the UN Declaration on the Elimination of Violence Against Women.<sup>74</sup> This protection is further boosted for detainees by soft law standards in Rules 27-34 of the SMRs (Rules 1 and 36-54 of the revised SMRs) and Rules 22-24, and 31-32 of the Bangkok Rules.

<sup>73</sup> Jo Baker, *Women in Prison: The particular vulnerability and risk of abuse*, Essex Human Rights Centre Blog, 30 September 2014, <https://blogs.essex.ac.uk/hrc/2014/09/30/women-in-prison-the-particular-vulnerability-and-risk-of-abuse/> and Chapter III: Safety and Security, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>74</sup> Article 2 of the latter provides that violence against women shall be understood to encompass, but not be limited to, the physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. In UN Resolution 61/143 of 19 December 2006, entitled Intensification of efforts to eliminate all forms of violence against women, the General Assembly urged States to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention.

In contrast to reports on penal facilities for men,<sup>75</sup> no concerns were raised regarding disciplinary measures or ill treatment at the women's prison, and inmates most commonly spoke warmly of staff management.

*"Even if we do something wrong or unfair, the [staff] can help us understand how it harms us. They advise us, remind us how long we need to be here, and how to live together."*

Although the prison is categorised as 'closed', the security in the facility is low, and search procedures are limited to simple frisking (using light touch across the whole body, outside of clothing) in private and by officers of the same sex, which is in line with international standards. This preserves the dignity of inmates and avoids any "harmful psychological and possible physical impact" as required by Bangkok Rules. No concerns were raised by inmates. Male guards, at the perimeter of the facility, are not permitted contact with inmates, in accordance with the principle of separating the sexes as stipulated in the SMR, and no reports were raised of transgressions. Medical staff were also all female at the time of the visit. These measures considerably reduce any risk of gender-based violence.

A 'dynamic security' approach is reportedly used in the management of inmates, as introduced and applied by the former director.<sup>76</sup> This reportedly works to reduce conflict in the facility by meeting detainees' emotional and psychological needs, and by encouraging responsibility and good behaviour through example. "The concept is that if women inmates are cared for, are occupied, have good contact with the outside community and can develop, they will also be peaceful," explained the prison's former director. Penalties include the loss of remitted days and privileges, such as home leave, but do not include the forfeiting of visits, phone calls or other basic rights and necessities. The disciplinary measures detailed in Art. 53 of the Prison Law apply to both male and female prisoners, yet those that involve the separation or exclusion of detainees for a number of days are reduced in duration (to half) for women, and are prohibited for pregnant women and those with accompanying children.<sup>77</sup> This indicates a strong level of gender-sensitivity, accordance with the Bangkok Rules, and ensures that inmates are not harmed by further isolating them.

<sup>75</sup> See for example, ARCT, *Alternative report to the list of issues to be taken up in connection with the consideration of the second periodic report of Albania*, adopted by the Committee at its 108th session, 15 December 2011, UN Doc. CAT/C/ALB/2; and Conclusions and recommendations of the UN Committee against Torture, Albania, 26 June 2012, UN Doc. CAT/C/ALB/CO/2.

<sup>76</sup> Rather than focusing on procedure, or the physical structure of a prison, dynamic security places emphasis on the role of the prison officer, constructive regimes, intelligence systems, and the importance of good relationships between staff and offenders, as well as the importance of a secure environment.

<sup>77</sup> Papavangjeli, Edlira, *Women in conflict with the law -- The Gender Perspective in the Criminal Justice System*, Monograph, Tirana 2014.

Inmates report that conflict is infrequent, is rarely physical, and usually resolved quickly. No indication was given of stigma or prejudice in the attitudes of staff towards inmates. DIGNITY found that the detainees' human rights in this area are well protected, and their wellbeing is enhanced by the efforts of staff to create a rehabilitative environment. It should be noted that the legal basis for this area has also been strengthened since the 2014 Prison Law amendment on discrimination (Art. 5, as covered in section above on National Context), to prevent all acts of gender-based violence and all harm that can be understood as abuse or ill treatment.

## 4. Healthcare

**Despite resource and capacity challenges, and insufficient provisions in the former Prison Law, staff have provided inmates with gender-sensitive healthcare in most areas. Gaps remain, including systematic HIV screening and treatment, programmes for substance abusers and comprehensive rehabilitation for victims of violence. The 2014 legal amendment will help to address these, if well implemented.**

### Global perspective

*Health is a fundamental human right for all. Yet in most countries, prisoners suffer from poorer health than the general population (particularly mental health diseases and infectious diseases, but likely also non-infectious diseases and cancer),<sup>78</sup> largely due to the poor living conditions and the lack of preventive healthcare in places of detention. And this is especially so for women.*

*Studies have revealed that women have a higher prevalence than men of most diseases, including most mental health diseases, HIV, hepatitis and cancer, and that rates of deliberate self-harm in the year preceding imprisonment,<sup>79</sup> and during prison, is much higher among women than among men.<sup>80</sup> In her 2013 report on pathways to and consequences of detention for women, the UN Special Rapporteur on Violence Against Women also*

<sup>78</sup> The higher prevalence of disease among prisoners is due to living conditions in the prison, including high risk of transmission of infectious diseases (overcrowding, sharing of needles), less access to effective health care, and intake of prisoners who already suffer health problems. See more in Fazel S. Baillargeon J. The health of prisoners. *The Lancet* 2011;377:956-65.

<sup>79</sup> Ibid.

<sup>80</sup> Hawton K, Linsell L et al. Self-harm in prisons in England and Wales: an epidemiological study of prevalence, risk factors, clustering, and subsequent suicide. *The Lancet* 2014; 383:1147-54.

*highlighted the vulnerability of women to psychological distress, substance abuse, personality disorders, histories of abuse and self-harm.<sup>81</sup>*

*International standards have recognized that the different risk factors and backgrounds of women must be responded to with a gender-specific framework for healthcare in order to protect their fundamental human rights.<sup>82</sup> Meanwhile, binding obligations to actively combat gender inequality mean that prison officials must work to improve the level of health knowledge and care histories of women, due to gender barriers in their communities. As recognized in the commentary to the Bangkok Rules, women often arrive at prison with greater primary health-care needs compared to men.*

*It should be noted that the highest indication of depression and the lowest sense of morale have been found by DIGNITY's research to exist in prisons where more authoritarian structures and negative relationships between staff and inmates were reported, and in which women felt stigmatized and isolated from caring relationships. Meanwhile, inmates' morale and sense of identity appeared much better in facilities that connected them with the outside community – from NGOs and spiritual organizations to family members and children – and gave them tools to cope, communicate and prepare for the future.<sup>83</sup>*

**International standards** include the basic principle on the right to health that is found in Art. 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), supplemented by Art. 12 of UNCEDAW. These rights are further expanded in a wide range of soft law standards in SMRs 22-26 (Rules 24-35 and 42 of the revised SMRs) on prison healthcare, and Bangkok Rules 6-18.

As noted in the section on the National Context, a detailed amendment was made to article 33 in the Prison Law on health care for special categories, to include the specific health needs of women in prison and pre-trial detention. This includes the duty to provide a check-up in accordance with women's primary healthcare needs, and to detect and treat Sexually Transmitted Diseases (STD), blood-borne diseases, special mental health issues (including Post Traumatic Stress Disorder or PTSD and the risk of suicide and self-mutilation), reproductive health histories, substance addiction, and sexual abuse and other forms of

<sup>81</sup> Report of the Special Rapporteur on Violence Against Women, Pathways to, conditions and consequences of incarceration, UN Doc. A/68/340, 21 August 2013.

<sup>82</sup> UNODC, *Handbook for Prison Managers and Policymakers on Women and Imprisonment*, United Nations Office on Drugs and Crime, 2008.

<sup>83</sup> DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

violence that women may have experienced before their admission to the institution. This was not in force at the time of the visit by DIGNITY, along with other amendments specified below. However, if well implemented, this comprehensive provision will plug a number of the existing gaps, and strengthen good practices in the prison that were not systematically implemented or protected by law or policy previously.

A positive health scenario for women was indicated in Prison 325, largely because of the holistic, gender-sensitive approach of its medical and welfare staff, and director. Staff capacity was relatively low, with one female chief doctor to cover more than 200 inmates across the male and female prison during office hours, along with a clinician, dentist, social welfare staff and a children's supervisor. However, inmates reported no difficulty in seeking and receiving treatment, and a nurse is on call at night. Access therefore appears to be on a par with that in the outside community, in line with international standards. Furthermore, the medical staff were female, which creates a more encouraging environment for inmates to report issues that they consider embarrassing.

A recently introduced health insurance programme had made a wider range of medicine and treatment free and accessible for inmates in line with outside services, as required by the SMRs.<sup>84</sup> This helps to ensure that those women without access to income are not disadvantaged. No problems were reported with hospital care, which includes the services of a nearby maternity hospital, and visits are largely managed with a level of dignity that is acceptable to inmates. The internal prison regulations in Prison 325 commendably allow monthly visits to a gynaecologist, and increased the frequency of check-ups for pregnant women, in collaboration with the Prison Hospital Centre or closest maternity hospital, as well as providing for two medical visits for each child detained with their mother for vaccination and health records, and regular visits to a nearby paediatric clinic.<sup>85</sup> At the initiative of the prison doctor, the prison had begun to arrange pro bono reproductive and sexual health screenings, including pap smears and mammograms, at the office of a specialist, with the logistical support of an NGO. The doctor explained that she wanted to allow inmates to visit the gynaecologist with an appointment so that they could avoid waiting in the public hospital with a prison escort, which they may find shameful (and may discourage their seeking treatment). The sexual and reproductive health needs of inmates were therefore well met in a manner that safeguards their 'privacy, dignity and confidentiality' as required by Bangkok Rule 10.

<sup>84</sup> During the year the Prisons Directorate began enrolling inmates, including those with mental health issues, in a public health insurance program to offer them a full range of basic health services. See US State Department, *2013 Human Rights Report: Albania*, 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>.

<sup>85</sup> Article 36/6 and 36/7 respectively, of the Internal Regulation of the Ali Demi Prison, Tirana. Papavangjeli, Edlira, *Women in detention- Their reintegration into the society and the gender perspective in the penal policy in Albania*, University of Tirana, Institute of European Studies Doctorate Programme, 2013



DIGNITY was informed that HIV is not screened for by the authorities, and that there is stigma and a lack of information and services for HIV/AIDS in the country generally.<sup>86</sup> Voluntary tests for HIV and other blood-borne diseases were conducted by NGOs at the time of research, yet this is the duty of the State, according to both international and national standards.<sup>87</sup> There was no programme for substance abusers, reportedly because few detained women are impacted by this issue. However, this area is a weakness in the penal system as a whole. During the recent Universal Periodic Review process at the UN Human Rights Council, the UN Country Team raised the need for the State to become more active in the area of harm reduction in prison settings, via financial resources and professional staff, and criticised the implementation of Opioid Substitution Therapy (OST) in prisons, in general.<sup>88</sup> Such work would need to incorporate the specific needs and circumstances of women in its approach, as detailed in Rule 15 of the Bangkok Rules, and its commentary.<sup>89</sup>

The prison doctor had also begun to create and give PowerPoint presentations on relevant health issues, such as breast cancer, blood borne diseases and HIV, noting that the level of knowledge among detainees is very low and the interest is high. This addressed the often lower level of primary health care and knowledge among women, and their differing preventive health needs, as highlighted by the Bangkok Rules (see DIGNITY's comparative study, Chapter IV), although not systematically.

### Mental healthcare

*"Being here is different for everyone, men and women. But because women leave their children and often their family, I think it's more difficult. They need more education and psychological support here. They need to talk. I try not to only be a doctor that treats diseases." – Prison doctor*

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<sup>86</sup> Services to prevent mother-to-child transmission of HIV/AIDS (MTCT) had not been integrated in the health system, for example. The submission by the UN Country Team in Albania to the Universal Periodic Review for Albania – 19th Session, May/June 2014, makes a series of recommendations about HIV related treatment and education gaps in wider society.

<sup>87</sup> The UNCT report notes that an Order of Ministers (Nr.113, dated 17.02.2011) developed by the Ministry of Health and the Ministry of Education formally stresses the principle of social integration for people living with HIV/AIDS and is focused on awareness raising, counselling and support measures to be implemented in education, social residential and treatment facilities and institutions, including prisons. See the submission by the UN Country Team in Albania to the Universal Periodic Review for Albania – 19th Session, May/June 2014.

<sup>88</sup> Ibid.

<sup>89</sup> As noted by the Bangkok Rules Commentary – and expanded on by the UNODC – such programmes must identify and respond to the gendered impacts of substance abuse, cover different grounds, and benefit from different approaches, whether forms of psychosocial support or therapy self-help groups and workshops, or treatment for mental illness and abuse.

Healthcare staff in and outside of the prison directorate agreed that women detainees need more regular psychosocial support than men, along with an environment that encourages social bonding, activity and self-improvement. They consider women detainees to be at high risk of depression and low self-esteem, particularly those who have been dislocated from more traditional backgrounds, and those who have survived gender-based violence. We were informed that these risks are identified during the admissions screening process. A new amendment on the individualisation of treatment will also be applicable in this regard.<sup>90</sup>

In Prison 325, the Waiting Commission system allows strong and effective follow up attention. This includes medication, individual counseling, social support, vocational support and group work, although staff report being overstretched. For victims of violence, particular attention is placed on psychosocial assistance. We were told that a plan is sometimes written for groups of women, while support group sessions have also been arranged for groups, such as those who cannot meet with their children, or who want to stop smoking. The prison director demonstrated comprehensive attention to, and an understanding of gender-specific health issues. "Compared to men, women's pasts are more significant to their experience in prison," she said. "They may have lived with domestic violence, they may not have ever been employed. It's important to respond to these."

These measures indicated some alignment with the 'individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes' required by the Bangkok Rules to an extent, though this was not adequately systematic, or protected by law or policy at the time, and required more staffing. They also did not, at the time, provide comprehensive rehabilitation in connection with gender-based violence. However the amendment of the Prison Law in 2014 introduced a strong legal foundation for the rehabilitation of survivors of violence (including physical, sexual or psychological violence), taking into account the specific needs of women. If translated into action, this will sit in accordance with the need to take prior victimization into account, as detailed in the Commentary to Bangkok Rule 15.

A special care unit programme for mentally ill women had recently been piloted in the prison at the time of research. Designed by a local NGO, it placed such detainees in separate accommodation in the main compound, in sight of the general activity but with lockable gates. The programme protected the rights of both the mentally ill and other inmates by housing them separately and providing the former with more specialized attention and care, but also ensuring that they can participate in group or social activities when monitored closely by staff, rather than being isolated. The law, as amended in 2014, requires that trained personnel supervise special groups, and that care units for those with

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<sup>90</sup> An amendment to Art. 10 of Albania's Prison Law expands its applicable grounds to include accordance with gender needs, and requires each plan to be developed in consultation with the individual detainee.

mental health problems be strengthened in line with Albania's recent and progressive Law on Mental Health, adopted in April 2012.

*"If I feel 'off' the officer might explain to other inmates that I need space. That's why it runs smoothly here."*

*"You can heal here."*

Overall, the open and personal nature of the prison environment, the flexibility of the prison regime and the care given by staff appeared to positively influence the mental welfare, healing and rehabilitation of the detainees at the time of research. Interviews indicated depression to be less prevalent among convicted inmates, compared to long term detainees in the former pre-trial facility. "They are often depressed for a while at first but as time goes by they get more involved, and they change," noted the former director, reporting that incidents of self-harm have decreased each year.<sup>91</sup>

Meanwhile, social welfare staff work actively to mediate between and connect women with estranged families or other sources of support; conjugal visits with husbands were commendably allowed; and the programme of activities had been extended by the director into the afternoons, to help keep women engaged. "The psycho-social staff are present in everyday life, and they treat us like friends," reported one detainee.

## Special Groups

The scope of this study did not allow research into the experiences of particular groups of women, or forms of intersectional discrimination. However, we note that the following groups of women were commonly highlighted as being particularly vulnerable, during interviews, and encourage further research and consideration.

**Roma women** made up approximately 10% of female inmates at the time of research, according to prison staff, with the majority charged with economic crimes. While no exclusion or discrimination was reported during our research (and our research did not pursue this issue), interviews suggested that Roma women, who often lead transitional lives, can have a harder time keeping in contact with relatives, have low levels of literacy and education, and little access to economic support, which will intensify many of the challenges above and require extra measures, particularly access to information and contact to the outside world.

<sup>91</sup> The director reported, on average, four incidents in the past few years, compared to 8-10 previously.

Although not within the scope of this study, DIGNITY was concerned to find that **juveniles** were integrated with pre-trial women inmates, contrary to the ICCPR art 10(2)b and SMR 8 (d), which prescribes that accused juveniles and young prisoners, respectively, shall be kept separate from adults. During the visit by DIGNITY, one minor appeared to receive little special care, attention or support, and lacked the means to locate her family, or contact them regularly.

Finally, research indicated that **mothers who are serving long sentences** with no or limited contact with their children and families, suffer acutely, and are at risk of severe emotional and psychological problems. This is a particularly common situation among those who have killed, and is exacerbated by the fact that many have suffered sustained violence and victimization.

## 5. Information and complaints

**Various positive practices help to reduce gendered barriers to information and complaints among women, particularly regarding the welfare and circumstances of children, but few are reportedly protected by policy.**

### Global perspective

*Barriers to information or complaint can block the full spectrum of rights. Therefore, while this area is often given little attention in penal policy, it is important to recognize such barriers from a gender perspective, and the ways in which these may exacerbate and create gender-based harm and disadvantage. Although women face many vulnerabilities in prison, some differently to men, the latest research by DIGNITY suggests that they may be less likely to complain, make requests or challenge authority compared to men, particularly if they have a history of domestic abuse or sexual violence, are from a minority group, or are keen to protect children accompanying them - or if the channels of complaint and request are not within reach.<sup>92</sup> Furthermore, gender-based violence is considered grossly under-reported in broader society because of gendered biases and barriers, and this can be mirrored in places of detention.*

<sup>92</sup> See Chapter V: Information and Complaints, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014, [http://www.dignityinstitute.org/media/1991156/wid\\_final\\_0814\\_web.pdf](http://www.dignityinstitute.org/media/1991156/wid_final_0814_web.pdf)

*DIGNITY's findings also show that information on complaints procedures, the prison regime and its rules may need to be delivered differently to be fully grasped by different groups, due to cultural norms. Some women, particularly in countries where they may receive lower levels of formal education compared to men, are less likely to check their understanding, ask questions and pursue information for the reasons given above, or due to their acute anxiety during the admissions period.*

*There are also areas that disproportionately impact women and may not receive adequate attention, such as information on the welfare and custody of children outside of detention. Measures are therefore required to encourage information flow between staff and inmates. Welfare officers in detention, in particular, can be supported and trained to act as personal bridges between female inmates and service providers,<sup>93</sup> and close many of the protection gaps highlighted above.*

**International standards** on the right to complain of torture and other ill treatment, have your complaint investigated promptly, and to be protected from reprisals, are found in Arts. 12-13 of UNCAT. Standards to combat discrimination against women are found in UNCEDAW. This legally binding international protection is further boosted by soft law standards on information to and complaints by prisoners in Rules 35-36 and 55 of the SMRs (Rules 54-57 and 71 of revised SMRs) and Rules 25 and 31 of the Bangkok Rules. However, when assessing the needs above regarding information against the protection afforded by international legal standards, DIGNITY has found that the latter need to be further developed in order to adequately protect women.

Given the low levels of education and income opportunity, exposure to gender-based violence, and the gender norms and discrimination that exist in Albanian society,<sup>94</sup> it is indicated that the barriers detailed above do exist in the country.<sup>95</sup>

<sup>93</sup> Ibid., and Jo Baker, *Women in prison: Information vacuums, harms and human rights*, 22nd September 2014, <http://www.penalreform.org/blog/women-prison-information-vacuums-harms-human-rights/>

<sup>94</sup> Refer to Facts and Figures

<sup>95</sup> The NGO, ARCT, has noted for example, that the majority of women who are detained in Albania do not have the economic means to hire a lawyer and are very often illiterate and/or unaware of their legal rights. ARCT and DIGNITY, *Detained Population with Special Needs in Albania: Needs assessment study, 2013*. As noted by a shadow report to CEDAW from a coalition of Albania-based NGOs in 2006: "Women held in pre-trial have no information on their procedural rights at the moment of apprehension or arrest. Their educational background, lack of communication with family in the early moments of investigation and the fact of not having an attorney are some of the factors that lead to their un-awareness of their rights." Albanian Coalition for the Preparation of Alternative Reports (ACPAR), *CEDAW Shadow Report on situation of women and girls in the Republic of Albania*, 2007. Gender-based violence is also reported as pervasive in the country. UN Doc. A/HRC/WG.6/19/ALB/3, Summary of Stakeholder information, Consideration of the second periodic report of Albania, (2014).

However, the small population of female detainees in Albania and the emphasis on personal attention and welfare appeared to have reduced these barriers in detention at the time of DIGNITY's visit in 2013. Most of the inmates interviewed in both facilities reported feeling supported and free to speak with staff, although some were of the opinion that staff were overstretched, which discouraged them from asking questions. DIGNITY encountered just a few cases in pre-trial detention in which women had knowledge gaps about basic rights or health options, for example, although the interview sample was relatively small.<sup>96</sup>

Two best practices stood out in this area. Firstly, DIGNITY found that social welfare staff, particularly in Prison 325, try to provide a reliable avenue of information to women's families and children. As noted below [see Section 6, Contact with the Outside World] this extends to care-home conditions and foster carers, which allows inmates to feel agency as mothers, and helps to protect their right to a family life. Secondly, prior to the closure of 313, joint activities between the pre-trial centre and the prison on special occasions, such as International Women's Day, acted as a conduit for information, allowing pre-trial women to familiarize themselves with the prison and other inmates and know what to expect, should they be convicted. However, these were internal decisions taken by the prison management at the time. If written into regulation and policy, this would ensure their systematic implementation, and that the practice continues despite any future changes in staffing, or the creation of additional detention facilities.

As with all prisons in Albania, both facilities featured a locked mailbox that prisoners can use to send direct complaints and requests to the director. Inmates in the pre-trial facility reportedly used this avenue regularly to call the male director to their wing. This process appeared to be less formal in the more open environment of the prison, although formal complaints had been filed in recent months.<sup>97</sup> According to procedure, when a serious complaint is filed in prison, an investigation commission is formed from social, legal and security staff in the facility, and if the complaint is found to be credible it will be addressed by the central prison administration, the judicial authority or other proper authorities through approved channels, as required by Rule 35 of the SMRs. Inmates can also privately call local human rights organizations, but only if they can afford the pre-paid phone card charges (which it should be noted, is likely to be more common among detained men than women).<sup>98</sup> This was not raised as an area of particular concern during interviews.

<sup>96</sup> This was of particular concern regarding a Roma minor who appeared to be in her early to mid-teens, was detained among adults in the 313 pre-trial facility, and appeared confused about her options, her status and her rights.

<sup>97</sup> For example, we are told by one NGO staff member that a formal complaint was filed by inmates regarding the activities of a fellow mentally ill inmate.

<sup>98</sup> It should be recognised that women in detention, as found in DIGNITY's multi-country study, commonly have less access to funds of their own, less economic support from visitors, and lower access to income generating activities. This impacts a range of rights, including, as seen here, the ability to complain.

Although not enacted at the time of DIGNITY's visit, the 2014 amendment of the Prison Law (Art 5.1) has since strengthened legal protection for women in this area, as detailed above, with authorities required to immediately investigate allegations of gender-based violence in penal institutions, and provide protection, support, legal assistance and rehabilitation.

## 6. Contact with the outside world

**Commendable efforts have been made to breach the gap between detainees and the world outside of detention, although these could be better protected and regulated as policy. Good practice areas include family outreach and mediation, home leave and conjugal visits.**

### Global perspective

*Visitors and outside contact are vital to the morale and rehabilitation of inmates generally, while also often helping to prepare them for release, and supplying extra food, medicine or other provisions. This can be of particular value to women because of their identities and responsibilities as primary care-givers and family members, and the greater likelihood that they are not economically independent.<sup>99</sup>*

*Research by DIGNITY has indicated that most mothers in detention have an intense emotional and psychological need to stay closely involved with their children, which is experienced differently to most men, and which significantly impacts women's health and wellbeing in prison. This of course impacts children, families and communities too. Meanwhile, since women tend to rely more heavily on outside support to meet their basic needs – which are often not met by the State – receiving no or few visits hold a range of implications for their rights. DIGNITY's research suggest that those women who are most vulnerable to abuse or exploitation in prison are often those who do not have support on the outside, and are in need of basic provisions.<sup>100</sup> Women therefore experience particular violations of their human rights as a consequence of limited contact with the outside world.*

<sup>99</sup> Bangkok Rules, Commentary to Rule 23; and UN doc. A/68/340, Report of the Special Rapporteur on violence against women, its causes and consequences, para 52.

<sup>100</sup> See Chapter VI: Contact with the Outside World, in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

*Yet, there are gendered barriers to outside contact that prison authorities are obliged to help overcome or compensate for. DIGNITY has found that the greater stigma surrounding women and criminality in many societies may result in fewer visits from friends and relatives, which may prevent visits from their children. In countries where women-only facilities are centralized, relatives of detainees may need to travel a great distance from their homes to visit. Yet when women are detained in facilities throughout a country, closer to their homes, they are often housed in makeshift wings that are attached to facilities for men – and visiting and communications facilities for them may be worse, and considered inadequate for children.<sup>101</sup>*

**International standards** on prisoners' right to family life and to maintain contact with the outside world include Art 17.2 (d) of the International Convention for the Protection of All Persons Against Enforced Disappearance (UNCED), Arts 17 of the ICCPR, and Art 10.1 of the ICESCR, while standards to combat discrimination against women are found in UNCEDAW. These provisions are supplemented by the Rules 37 -39 of the SMRs (Rules 58-63 and 68-70 of revised SMRs), Principles 15 & 20 of the Body of Principles, and the Bangkok Rules 26 – 28. The importance of prisoners' connection to the outside world and family relationships more generally has also been recognized in international law. Under the ICESCR, the family must be given the widest possible protection and assistance, particularly while it is responsible for the care of dependent children. Maintaining family ties during the imprisonment is recognized as an important, positive factor contributing to social reintegration upon release.<sup>102</sup>

As covered in the section What Matters, this issue ranked high among inmates' challenges and concerns in Albania, particularly among the many who are mothers. This is often due to distance. As noted in Facts and Figures, women can only be detained long term in Tirana, yet the majority are from communities based far outside of the capital. Their relatives must therefore travel farther and spend more time and money to do so, particularly those from the remote north of the country. On arrival it may also take a day or two to arrange permission for the visit, requiring an overnight stay. This is especially difficult and discouraging for those who are bringing small children to visit. The authorities must therefore consider the construction of appropriate facilities in multiple locations, in order to better align with the Bangkok Rules and SMRs on imprisonment reasonably close to home.

<sup>101</sup> Jo Baker, Women in Prison: The Particular Importance of Contact With the Outside World, Oxford Human Rights Hub, November 2014, <http://ohrh.law.ox.ac.uk/women-in-prison-the-particular-importance-of-contact-with-the-outside-world/>

<sup>102</sup> See Article 17(2)(d) of the International Covenant on the Protection of All Persons from Enforced Disappearance. This was preceded by Article 10(1) of the ICESCR, on the importance of maintaining family relationships in general.

Rejection and stigma are also a great risk for imprisoned women in Albania, partly due to gender norms. Interviews suggested this to be particularly the case for those accused of the murder or assault of family members (often connected to issues of domestic violence) or involvement in trafficking. The NGO, ARCT, informed DIGNITY that while some women may still be granted legal custody of their children if they have killed their husbands, they may feel forced to give up *de facto* custody due to fear of reprisals, and may be denied contact with them in practice.<sup>103</sup>

Prisoners and detainees can receive visits up to four visits per month for half an hour by law, including from their children. In practice, the duration is commendably flexible for women, and detainees know of and make use of the application process for extra visits, which draws closer to the requirement by the Bangkok Rule 28 that visits be actively encouraged by staff. This is also in accordance with the 'regular intervals' required by the SMRs. However, overall, the time allowance is not sufficient when considering the needs expressed by women for family contact, particularly among those who must travel a long distance. More space and staff capacity is required to allow for longer and more regular visits, including overnight accommodation, if no other facilities are built in other locations.

Due to the available infrastructure, visits take place in cramped conditions. The small visitors room offers little privacy or space for children to play in, although attempts have been made to decorate it brightly. This should be improved to better encourage visits. Women meet in the same small visiting room with their lawyers, and at the time of research were - allowed to arrange to meet male relatives detained in the men's wing of the same facility (since re-purposed as the pre-trial section for women). It is not clear whether this extends to relatives in other facilities, further away.

In Prison 325 inmates report feeling much less isolated than in the pre-trial facility, even those with long sentences. This is largely due to measures that align well with the Bangkok Rules. Best practices here include allowing conjugal visits,<sup>104</sup> and home leave towards the end of sentences, during which inmates can acclimatize to and prepare for life in the outside world, including relationships, job opportunities, child care and housing.<sup>105</sup> Other

<sup>103</sup> The traditional practice of Gjakmarrja or Hakmarrja in Albania is a social obligation to commit murder by a family or individual as a matter of honour, in response to murder or perceived moral humiliation. The practice has revived in some traditional, conservative parts of the country (many in the north) since the collapse of communism. See USSD, *2013 Human Rights Report: Albania*, 2014

<sup>104</sup> Four hours are permitted once a month, with contraception provided. Before 2005 only men were allowed conjugal visits.

<sup>105</sup> Women in their final years of sentence are also allowed to accrue up to five days of leave, four times in a year.

outside visits can be permitted for special events, such as funerals, emergencies and medical treatment. "The only thing I am afraid of is the prejudice," said one inmate, with two years of a long sentence remaining. "But going on leave has prepared us to confront the outside world. I feel almost free already."

The staff of Prison 325 also demonstrated commendable initiative in their efforts to contact and mediate with inmates' family members, and liaise with carers of inmates' children. "The psychologists have done a lot to help me communicate with my children," said one woman who had killed her husband and experienced trouble in establishing contact with her children. "They've met my children, brought information to me." In some cases, women have been permitted to visit their children in their care or foster homes to monitor their conditions. This is a positive practice that can help to alleviate the anxiety of mothers, and allow them to maintain some kind of care role. It would be better protected as a right in law or policy.

At the time of DIGNITY's visit the prison was notably well connected to NGOs, which ran programmes ranging from art and craft, to karaoke. During her tenure the former director had actively worked to create better access to the outside for inmates, and better access to inmates, for those outside. The location of the prison in the capital city, rather than a remote area, assisted this process.

## 7. Work, education and recreation

**Despite poor infrastructure and limited resources, an active series of programmes, chores and activities keep inmates busy, largely due to the involvement of NGOs and community members. However, core trainings and employment should be provided and regulated by the authorities to ensure that they are balanced and comprehensive, while strengthening detainees' confidence and economic independence. Remuneration and exercise facilities constitute particularly urgent gaps.**

### Global perspective

*Every inmate needs purpose and stimulation to stay healthy, and to cope with the monotony and distress of prison life. Many prisons are accordingly strengthening their programmes for work and education, as required by their human rights commitments and rehabilitation goals. Yet these may not be equally accessible or suited to women, whether because of safety concerns, the capacity of the prison, or bias and gender blindness among staff. This can lead to harmful and discriminatory consequences for female inmates. Research*

by DIGNITY has revealed that this is a priority issue for many women in detention, and a key gap in practice.<sup>106</sup>

Women detainees are often provided with fewer, poorer and less varied programmes than male detainees.<sup>107</sup> This may have harmful implications for female prisoners' health and material needs in prison, as well as their rehabilitation and preparedness for release. In many cases female inmates are in even greater need of income or skills training because of the caretaking responsibilities, stigma, abandonment and financial difficulties and dependence that they commonly face as women on release. DIGNITY's research has also found that certain groups of women, such as foreign migrants, pre-trial detainees, and mothers who have children with them in prison may be further barred from activities and opportunities. In order to protect the rights of women in detention and prevent discrimination, it is the duty of prison authorities to design and deliver programmes that have women, and different groups of women, in mind.

**International standards** on the right to work, education, recreation and protection from forced labour can be found in Arts 6, 11, 13 and 15 of the ICESCR, Art 8 of the ICCPR, and Arts 10, 11 and 13 of UNCEDAW. This legally binding international protection is further boosted by soft law standards relating specifically to prisoners in Rules 71 to 78 of the SMRs (Rule 4, 64-66, 96-103 and 104-105 of revised SMRs), and Bangkok Rules 37 and 42.

Much has been achieved within the restrictive infrastructure of Prison 325, and the buildings house a large bright workroom for tailoring and trainings, and a dining room and large kitchen that allows inmates to prepare and cook their own food. A large library and study area, decorated in the style of a family dining room, offers books, DVDs and desktop computers. There is a busy programme of trainings, and along with responsibilities and

<sup>106</sup> See Chapter VII: Work, Education and Recreation in DIGNITY, *Women in Detention: Needs, Vulnerabilities and Good Practices*, DIGNITY Publication Series on Torture and Organised Violence No. 7, by Jo Baker, Therese Rytter and DIGNITY, 2014.

<sup>107</sup> For example, there may not be the staffing or expertise to allow separate classes for a female minority or to transport women to and from mixed classes; or there may also be a prevailing belief that teaching women is less important, or that only specific (often low income) tasks such as tailoring are appropriate. Women may have lower access to the recreational spaces or facilities offered to men. For example, in the European Committee for the Prevention of Torture's 2010 and 2008 concerning Malta, the UK and Ireland the committee points out among other issues that women prisoners are still offered a limited selection of work activities compared to the male prisoners (paras 16, 29, 51). In its reports from 2009 concerning Austria (para 83) and Hungary (para 67) the CPT finds that female prisoners are offered less out-of-cell time. See also the report of the UN Special Rapporteur on Violence Against Women, Pathways to, conditions and consequences of incarceration for women, UN Doc. A/68/340, 21 August 2013, paras 67-68.

chores held Monday to Friday, in line with international provisions, women report feeling generally empowered and active. "I'll use it all," said one long term inmate, of the trainings she had received, largely via NGOs and community members. "I'm not afraid of the outside world because I know many things from the hygiene course, kitchen work, and training on working with children and special needs people."

Inmates spoke positively about the work regimes and chores, which include gardening, assisting in the kitchen, and cleaning. "Being employed as a kitchen assistant here makes everything bearable," said one. "I feel away from my problems." Pregnant women, women with children, and women with mental health problems are all actively included in activities, in alignment with Bangkok Rule 42.

*"It changes everything to be able to work. I work in the kitchen now, and it means that I can be busy and not feel the time that goes by."*

However, there is an urgent need for income among the women. The inmates receive just LEK 100 (1 Euro) per month -- the rate offered to all inmates at the time of research. Many women engage in informal handicraft work, and with the informal help of staff and NGOs, detainees can make a small income through sales outside of the prison. Yet, this does not fulfil the State responsibility to ensure a system of equitable remuneration, and staff members acknowledge that this is too little to be of much use to the inmates.<sup>108</sup> Many women therefore face heightened anxiety on release because they have not been able to save enough to support themselves (and any children) while they search for work and housing.

There are no exercise facilities or programmes in the prison, and the recreational space nearby is only for the use of male detainees. Although no inmates complained about this, it breaches of international standards. Opportunities and facilities for exercise, along with encouragement to do so, are important to protect and ensure inmates' health and welfare.

<sup>108</sup> The OSCE raises concerns on this issue, noting that proposed secondary legislation providing for a comprehensive framework regulating the work performed by prisoners would require a table setting out standard remuneration of prisoners and the allocation of funds for such remuneration. OSCE, *Report on Conditions in Albanian Prisons and Recommendations for Reform*, 2013

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DIGNITY Publication Series on Torture and Organised Violence No. 10  
© Jo Baker and DIGNITY – Danish Institute Against Torture  
[www.dignityinstitute.org](http://www.dignityinstitute.org)

Layout: Eckardt ApS  
Printed in Denmark 2015 by Sangill Grafisk

ISBN 978 87 9087 876 4 (print)  
ISBN 978 87 9087 877 1 (web)

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