

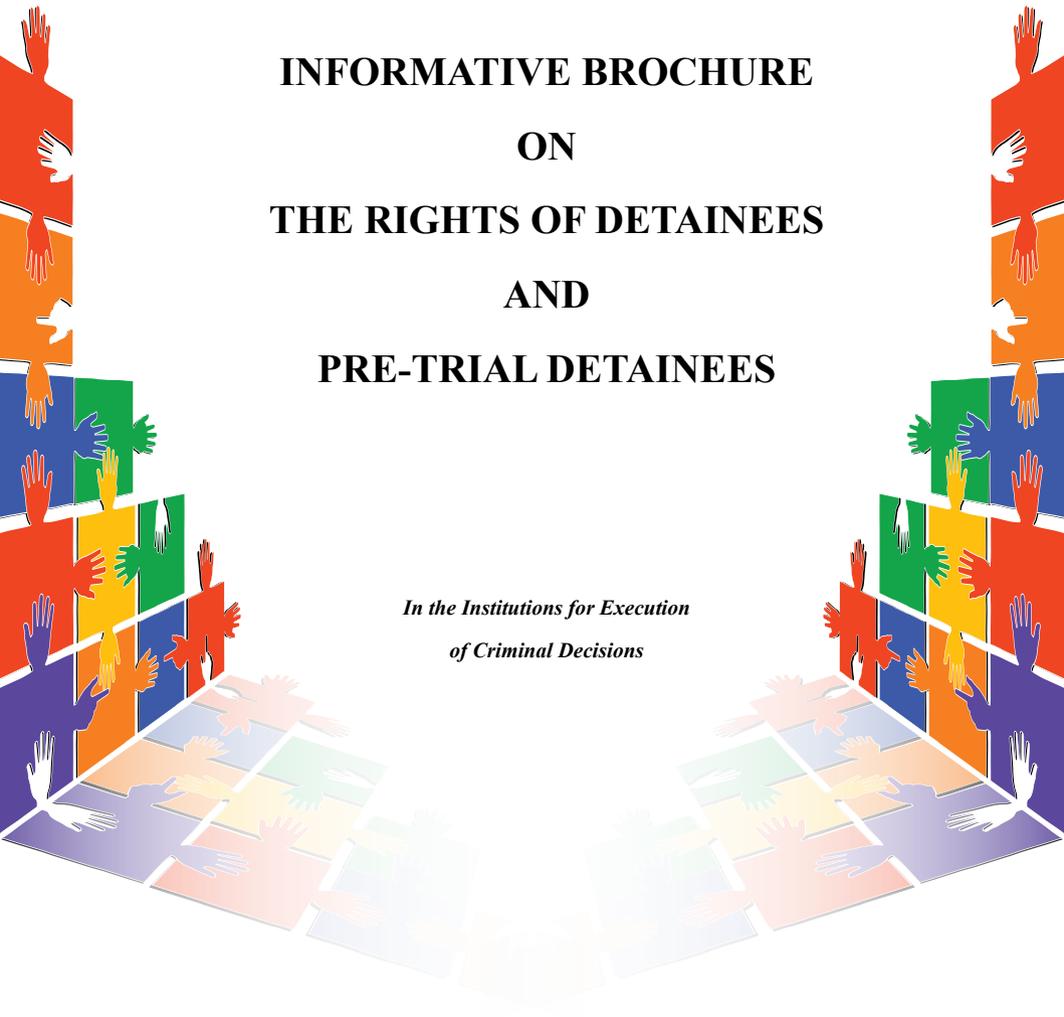


Organization for Security and
Co-operation in Europe
Presence in Albania



INFORMATIVE BROCHURE ON THE RIGHTS OF DETAINEES AND PRE-TRIAL DETAINEES

*In the Institutions for Execution
of Criminal Decisions*



THE RIGHTS OF THE DETAINEE

- You have the right to be treated with dignity, humanity, and free from any discrimination based on gender, nationality, race, economic and social situation, political and religious beliefs or any other grounds.
- If the prisoner does not know how to read or write, the prison personnel should make them aware of their rights by reading the law or the regulation to that prisoner.
- Within 24 hours of your admission to prison, you should be examined by a doctor and a dentist, who will compile your medical records file.
- You should stay in the admission room for no more than 10 days.
- If you are a minor, you should be housed in separate institutions or sections and receive different treatment. There are even separate outdoor areas for minors.
- Convicted female minors are held in separate areas from male minors.
- Convicted women are placed in institutions or sections separate from men and are kept under the supervision and care of female personnel.
- If you are pregnant or have recently given birth, you have the right to be treated in specialized obstetrics and gynaecology centres outside of prison.
- If you are a convicted mother of children under 3 years old, you have the right to keep the children with you. There

are special nurseries with paediatric experts to take care of the babies.

- Your room should have adequate ventilation, normal natural light to read and work, and electrical power for lighting and personal hygiene needs.
- Bedding and clothes are individually provided in accordance with climatic conditions and your needs, and they should be provided to you by the prison personnel.
- Time outdoors is provided every day, including official holidays, for no less than two hours, in the designated area.
- Besides the food that you are provided in the institution, you can receive food from your family 4 times per month (up to 5 kg of food, 3 kg of fruits, juices stored in open and transparent containers) or you may buy the same amount from the prison shop. Cigarettes are not included in the weight of the food.
- You have the right to be educated, to obtain vocational education, and to undertake cultural activities and sports.
- You have the right to paid work and to have your work counted for the purposes of old-age pension. You may not be forced to work when you are retired, have a Group I or II disability, are pregnant, or have a health condition that prevents you from working.
- If you work, you have the right to be provided extra food in the afternoon, per a doctor's recommendation, in accordance with the work performed.
- You have the right to exercise your religious beliefs in special areas.

- You have the right to request alternative food due to your conscience or religious beliefs, in accordance with religious rules and the practical capacities of the institution.
- You are entitled to free-of-charge necessary medical care, without being discriminated against, and to an equal standard of medical care as is available in the community.
- If you need a medical examination, you must submit a request to the relevant medical personnel.
- If you are sick, the institution will provide a special diet in accordance with the doctor's recommendations.
- If you have mental health problems, you have the right to receive specialized treatment.
- If you have been diagnosed with HIV/AIDS, you have the right to keep such information confidential, to work and take part in social activities without being discriminated against.
- If you have been diagnosed as HIV positive, you should not be isolated due to this fact.
- You have the right to meet or contact your family and other people in specially designated places. The personnel can visually monitor your meeting but they do not have the right to listen to your conversations.
- You have the right to personally meet with your lawyers, or contact them via phone calls, and you must be allowed sufficient time and full privacy for this purpose.
- You have the right to privacy of correspondence and the right to telephone communications with your relatives, 8 times per month. However, to exercise this right you have to

declare the phone number that you will call. If you lack the financial means, you are entitled to 5 minutes of phone calls per month free of charge.

- You have the right to submit requests and complaints regarding the enforcement of your legal rights. They can be submitted verbally or in writing in a closed envelope to: the director of the institution, inspectors, the General Director of Prisons and the Minister of Justice, the court where the decision is being executed, the district prosecutor, the People's Advocate and to any state body or non-governmental organization, domestic and international.
- In case of disciplinary violations, you can be punished only after your claims have been heard and verified.
- You are entitled to good conduct leave of up to 20 days and special leave of up to 30 days per year. Minors are entitled to good conduct leave of up to 45 days per year.
- After your release from prison, you have the right to take with you all of your personal belongings and money deposited in your account, in accordance with the report signed by you and by the authorized prison personnel.

THE DUTIES OF THE DETAINEE

- To cooperate regarding the procedures of identification and medical examination during admission to the institution, or during verification by the personnel.
- To keep your room and other common areas clean and tidy.

- To take care of your personal hygiene.
- To not have in your possession or distribute prohibited items, including items that disrupt public order, endanger the life and health of other detainees or prison personnel, or items that might hamper investigations.
- To establish normal relationships with other detainees and prison personnel.
- To fully comply with the orders of the prison personnel.
- To indemnify any material loss that you may cause to the institution's property or other detainees.
- To respect the dignity of others around you.
- To immediately inform the director of the institution when there is a threat to security or life, or a breach of the rules.
- If you are a detained minor, you have to fulfil the requirements regarding your education and professional and cultural training through school.
- To respect the requirements of any special supervision regime that applies to you.
- To respect the agreed-upon duration and location of the leave granted to you.
- To respect all given rules and inform the institution if you are forced to breach any of the rules.

THE RIGHTS OF PRE-TRIAL DETAINEE

You are entitled to the rights of detainees and have to fulfil the same obligations. Additionally, you have also the following rights:

- The right to be presumed innocent, to not testify against yourself or your family, and the right to plead 'not guilty'.
- To be informed promptly, in a language which you understand, of the reasons for your arrest, the charge against you and the right to not make any statements, if you choose to do so.
- To be informed of your right to be represented by a lawyer.
- To be allowed to communicate freely and in a private area with your lawyer, or to be provided free legal assistance if you do not have sufficient means.
- To appear before a judge within 48 hours. The judge shall decide within 48 hours from the moment she or he receives your file either to remand you on custody or release you. Additionally, you have the right to appeal the decision of the judge.
- To be heard before sentencing in a fair and public hearing, within a reasonable time, by a competent, independent and impartial court of law.

THE PEOPLE'S ADVOCATE

The People's Advocate, acting as *National Preventive Mechanism against Torture*, has the right to oversee the enforcement of the *Law on the rights and treatment of detainees and pre-trial detainees*. In implementing the *Optional Protocol to the Convention against Torture (OPCAT)*, the People's Advocate can monitor, through

regular visits, your treatment in prisons or remand institutions, with the aim of preventing torture or inhumane and degrading treatment, and to strengthen the protection of your rights. The People's Advocate submits its findings in reports and recommendations addressed to the relevant body, with the aim of respecting and improving the standards of your treatment. If you believe that your rights have been violated, you can file a complaint against the police, prisons, secret service or the justice system. Your complaints will be dealt with by a Special Section of the People's Advocate within the deadlines determined by law.

Contacts

- ❖ Telephone numbers:
 - a) 0800 1111 - free of charge during working hours, 8:00 - 16:00, Monday - Friday
 - b) 068 90 34 648 - this number is reachable 24 hours, any day of the week.

- ❖ Address:
Avokati i Popullit, Blv. "Zhan D'Ark", No. 2, Tirana

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