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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

**REPORT WITH RECOMMENDATIONS
OF
NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE
CONCERNING
THE VISIT CONDUCTED TO THE CORRECTIONAL CENTRE FOR WOMEN
AND JUVENILES IN LIPJAN**

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Prishtinë, May 24. 2019

INTRODUCTION

Pursuant to Article 135, paragraph 3 of Constitution of the Republic of Kosovo and Article 17 of Law 05/L-019 on Ombudsperson, Ombudsperson's National Preventive Mechanism against Torture (NPMT), on January 23 and 24, 2019 visited the Correctional Centre for Women and Juveniles in Lipjan.

Ombudsperson's National Preventive Mechanism of Torture (henceforth "NPMT"), based on Article 17 of the Law No. 05/L-019 on Ombudsperson, can conduct regular and unannounced visits to all places where people deprived of their liberty are held, including police detention, remand detention, prisons, places where detained foreigners are located as well as psychiatric and social care institutions.

Based on this mandate, NPMT on January 23 and 24, 2019 visited Correctional Centre for Women and Juveniles in Lipjan (hereinafter in the text: CCWJ). Additionally NPMT undertook *Ad Hoc* visits in the CCWJ during this year.

Correctional Centre for Women and Juveniles in Lipjan is a semi-open type institution, the only one in the Republic of Kosovo where are located several categories of prisoners, such as: juveniles with educational measure, convicted juveniles and detained juveniles as well as convicted women, detained women and female juveniles. During the visit, NPMT was notified by the management that the capacity of CCWJ is 138, while during the visit conducted there were totally 77 detainees of all categories.

Purpose of the visit

The purpose of the visit was monitoring of implementation of NPMT recommendations, addressed to the competent authorities through Recommendation Report, published on 20 December 2016.¹

Apart this, during the visit the issue of admission procedures for women and minors were addressed as well as notification of their rights, treatment, accommodation conditions, regime, health care, incidents between prisoners, available activities, contacts with the outside world, procedures of complaint lodging and disciplinary measures that may be imposed under the Law on Execution of Penal Sanctions and the Code No. 03 / L-193 on Juvenile Justice.

Composition of the monitoring team

1. Monitoring team composed from the Head of NPMT, two (2) legal advisers on Torture Prevention, a psychologist- advisor, a doctor-advisor, a social worker- advisor as well as two Council of Europe's experts (in capacity of observers).

Cooperation with the NPMT during the visit

2. During the visit made by NPMT to the Correctional Centre for Women and Juveniles in Lipjan, the personnel of Correctional Service and personnel of Prison's Health Department

¹ Report with Recommendations regarding the visit to the Correctional Centre for Women and Juveniles in Lipjan, published on 20 December 2016, at: <https://www.oik-rks.org/2016/12/21/raporti-i-mkpt-te-iap-nga-vizita-qendres-korrektuese-ne-lipjan-2/>.

provided the monitoring team with full cooperation. The team without any delay had access to all places visited. The team was provided with all necessary information to discharge their duty and the team has been made possible to talk to convicted and detained persons without the presence of correctional officers or other personnel. NMPT, during 2017 and 2018, undertook *Ad Hoc* visits in the CCWJ during this year.

Ill-treatment

3. During the visit conducted to the CCWJ, NPMT interviewed a considerable number of convicted and detained juvenile as well as convicts and detained women. No complaints have been lodged to the NPMT regarding ill-treatment and excessive use of force by the correctional officers of this Centre. Unlike the situation ascertained in Recommendation Report of 2016, the NPMT observed that there is a positive climate of relations and good interactive communication between juveniles and correctional officers.

Material conditions

Material conditions in Wards where juveniles are accommodated

4. NPMT, as stipulated during the visit conducted in 2016, once more finds that renovations are necessary in premises where male juveniles are accommodated. NPMT admitted complaints from juveniles that usually nights are cold, which mostly refers to poor isolation of windows. Further, NPMT observed that the toilets are in very bad condition; there is humidity in some cells and hygienic conditions do not suffice at all. NPMT did not encounter overpopulation in Wards where convicted as well as detained juveniles are accommodated.
5. Law No. 04/L-149 on Execution of Penal Sanctions explicitly determines that a convicted person has a right to accommodation which corresponds to contemporary hygienic conditions and local climatic circumstances.² Furthermore this Law determines that the premises may not be damp and they must have adequate sanitary installations and other devices necessary for personal hygiene.³
6. NPMT observed that juvenile beds lack bedclothes, mattresses are not of good quality and blankets are too thin and old. Article 38 paragraph 3 of the Law No. 04/L-149 on Execution of Penal Sanctions, explicitly stipulates: “*A convicted person shall be provided with a separate bed and sufficient bedding which shall be clean when issued, kept in good order and changed regularly*”. Cells where the juveniles reside, as far as the size and the natural lighting is concerned, abide with standards set by the European Committee on Prevention of Torture (henceforward CPT)⁴ and the Law on Execution of Penal Sanctions.
7. European Prison Rules, adopted by Council of Europe’s Committee of Ministers on January 11, 2006 concerning accommodation, stipulate that the accommodation provided to the detainees, especially sleeping accommodation, must be in a condition that respect human dignity, and as far as is possible, to respect the privacy and meet hygienic and health

² Law No. 04/L-149 on Execution of Penal Sanctions, Article 36, paragraph 1.

³ Law No. 04/L-149 on Execution of Penal Sanctions, Article 36, paragraph 3.

⁴ European Committee on Prevention of Torture, Living space per prisoner in prison establishment, for more visit: <https://rm.coe.int/16806cc449>.

requirements, to have due concern for the climate conditions and in particular the space (square meters), lighting, heating and ventilation.⁵

8. Further, United Nations Rules on Protection of Juveniles Deprived of Liberty, adopted by General Assembly of United Nations Organization on 14 December 1990, at point D, paragraph 31 explicitly determines: “*Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity*”.
9. Additionally, Rule 13 of Mandela Rules, adopted by the General Assembly of UN on 2015, determines as follows: “*All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation*”.⁶ Therefore, NPMT is of the opinion that responsible authorities need to take measures to improve the situation in compliance with local and international standards above given.

Material conditions in the Wards where women are accommodated

10. Accommodation conditions in Wards generally are good and are in accordance with national and international standards. The NPMT did not observe overcrowding in Wards where convicted and detained women are held. The cells have sufficient lighting; the cell size is in compliance with the CPT standards and the Law on Execution of Criminal Sanctions.
11. Further, NPMT during the monitoring conducted at CCWJ also visited the Mothers' Home, which accommodates convicted pregnant women and those with children. The conditions in this house are good and they meet requirements for caring and rising children until the age determined by international standards.^{7,8} According to the Law on Execution of Penal Sanctions a convicted woman who has a child, may care about her child until he or she is eighteen (18) months old.⁹ According to the management, the last detained woman accommodated at Mothers' Home was approximately a year and a half before.

Nutrition

12. The Law on the Execution of Penal Sanctions defines the right of convicted persons on a right to food suitable to him/her in order to maintain good health and strength in three daily meals each day, which must be varied and nutritious. The food provided to a convicted person shall take into account his or her age and health, the nature of his or her work, the

⁵ Council of Europe, Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules 18.1. For more info visit: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>.

⁶ Mandala Rules, see at: https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf.

⁷ United Nations Rules (Bangkok Rules) for the Treatment of Women Prisoners, Rule 3. For more info visit: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

⁸ Standards of European Committee for the Prevention of Torture for Women in Prison, published on January 2018. See at: <https://rm.coe.int/168077ff14>.

⁹ Law No. 04/L-149 on Execution of Penal Sanctions, Article 53 par.1.

season and climatic conditions and, as far as possible, his or her religious and cultural requirements.¹⁰

13. Further, the Law determines that a convicted person who works in heavier duties, a sick person, a pregnant woman or a woman who has borne a child has the right to food ordered by a physician.¹¹ A physician or other expert shall check and advise the director of the correctional facility on the quality of meals before delivery and shall record his or her findings in an appropriate book.¹²
14. During the visit, the NPMT noted that hygiene conditions in the kitchen were at satisfactory level. The kitchen staff as well as convicts engaged with work are provided with sanitary booklets. The NPMT did not receive any complaint from prisoners regarding the quantity and quality of food served.

Regime

15. Lower secondary school and upper secondary school functions in Correctional Centre for Women and Juveniles in Lipjan, within the public education system. When the NPMT team visited the CCWJ, the school was out of function due to the strike at public schools.
16. The right of convicted person in education is determined by Articles 83, 84 and 85 of the Law No. 04/L-149 on Execution of Penal Sanctions. Article 83 of the Law No. 04/L-149 on Execution of Penal Sanctions, explicitly stipulates: “*A convicted person has the right to primary and secondary education which shall be in accordance with the law on primary and secondary school education*”. Further, Article 2 of the same Law determines that Correction Service is responsible for settlement of the infrastructure and location where educational process will take place.
17. While, Article 84 of the Law on Execution of Penal Sanctions determines that through special programs the director of the correctional facility shall allow special arrangements to enable the convicted person to receive primary, secondary, university or any other education. The convicted person shall pay the expenses of such special arrangements.
18. Additionally, Article 119 of the Code No. 03 / L-193 on Juvenile Justice stipulates: “*If there are no lessons of a certain kind or educational level in the educational-correctional institution, a minor shall be permitted to attend lessons outside the educational-correctional institution if such attendance is not harmful to the execution of the educational measure and the decision is justified by the minor’s previous educational progress*”.
19. CPT¹³ standards determine that the juveniles deprived of liberty should be offered a full program of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that program.
20. Article 139 of Juvenile Justice Code stipulates that a minor has the right to spend at least three (3) hours daily in open environment within the institution. NPMT has noted that the

¹⁰ Law No. 04/L-149 on Execution of Penal Sanctions, Article 39 par. 1.

¹¹ Law No. 04/L-149 on Execution of Penal Sanctions, Article 39 par. 2.

¹² Law No. 04/L-149 on Execution of Penal Sanctions, Article 39 par. 3.

¹³ Parts from 9th General CPT Report [CPT/Inf (99) 12], Chapter VI. Juveniles Deprived of Liberty, paragraph 31

juveniles are guaranteed three hours of walking outside. Additionally, on juveniles disposal are different sports activities, EQUIP program as well as occupational work, which during the summer becomes more intensive since the CCWJ is in a possession of a greenhouse, where detained and convicted persons are engaged at work. According to the Director of this Center, currently professional training for hydro installation, electro installation and construction are being provided.

21. NPMT was informed from convicted women that they are enabled to take a walk outside their cells, twice a day, for one hour, which is in accordance with Article 37 of Law on Execution of Penal Sanctions.
22. NPMT observed that women are generally engaged in kitchen and cleaning. As far as their attendance of different courses is concerned, such as tailoring and hairdressing, at the moment there are no women engaged on them. Further, in the course of the visit the NPMT was notified that imprisoned women attend religious services during the week, which are held by responsible official of Islam Unity in Kosovo, who on regular bases comes to the CCWJ.
23. Detainees are usually engaged on specific works for which permission of the competent court is not requested. The NPMT once more encourages the authorities to increase out-of-door engagement for detainees, as far as this is possible. The NPMT considers that as long as the duration of detention is, the regime offered needs to be more active. There is also a library within the CCWJ, which is well equipped with different books and stories.
24. The NPMT noted that various psycho-social programs are available to juveniles, organized by local and international non-governmental organizations. Among them is art therapy as well as theater therapy, and exhibition organized where juveniles' paintings were presented.

Health care

25. Law No. 04/L-149 on Execution of Penal Sanctions, in Article 43 determines that a convicted person has the right to health care free of charge. A convicted person who cannot be offered appropriate medical treatment in the correctional facility shall be sent to a prison hospital, psychiatric institution or another health care institution.¹⁴
26. Medical staff in Correctional Centre for Women and Juveniles Lipjan is comprised of: five (5) general practitioners (doctors), and 11 nurses. From them, apart general practitioners, healthcare unit has a full-time dentist, radiologist, two psychiatrists as well as full-time psychologist. General practitioners are active at work from 08:00 to 16:00. The healthcare services to convicts and detainees can also be provided by public health institutions, according to the needs and recommendations of responsible doctor. The NPMT concludes that the level of medical services provided at the CCWJ remains at a satisfactory level.

Importance of medical examinations of newly-arrived prisoners

27. NPMT repeatedly points out the importance of medical screening of the newly-arrived prisoners, in institutions which constitute access points to the prison system. Such screening is crucial, especially to prevent suicides and spread of transmissible diseases (such as tuberculosis, hepatitis B/C, HIV).

¹⁴ Law No. 04/L-149 on Execution of Penal Sanctions, Article 43, paragraph 2.

28. According to CPT, prison health-care services can also make a significant contribution to the prevention of ill-treatment during the period immediately prior to imprisonment, namely when persons are in the custody of law enforcement agencies, through the systematic and timely recording of injuries and, when appropriate, the provision of information to the relevant authorities.¹⁵
29. Law No. 04/L-149 on Execution of Penal Sanctions and Standard Operating Procedure¹⁶ determine the liability that the newly –arrived convicted person is subject to medical examination within 24 hours, from the moment he/she has been admitted.¹⁷
30. Such obligations are determined also by international acts for protection of rights of convicted persons such as: Mandela Rules¹⁸, European Prison Rules¹⁹ and United Nations Rules for the Protection of Juveniles Deprived of Liberty.²⁰
31. NPMT team has been notified by the management of the CCFJ that newly –arrived prisoners undergo medical examination within 24 hours, from the moment they arrive in the Correctional Centre for Female and Juveniles. These imply a general check-up, according to Standard Operating Procedure of Prisons Health Department. This claim was confirmed by the monitoring team through checking of medical files and interviews with prisoners.
32. During the visit, NPMT interviewed the juvenile L.L. The given case has been initiated for further investigations at the Ombudsperson Institution on January 8, 2019 based on juvenile parents' complaint, for inappropriate medical treatment. The given case has been initiated for further investigations at the Ombudsperson Institution on January 8, 2019, based on complaints submitted by juvenile's parents, regarding the failure to provide appropriate medical treatment to the juvenile. In this regard, the Ombudsperson, upon the visit conducted to the given juvenile by the NPMT and review of his health situation, on January 15, 2019, recommended the PHD that the juvenile is put under permanent surveillance under further decision of health bodies.
33. During this visit, the juvenile was also interviewed by a psychiatrist, the expert of Council of Europe. Based on the interview conducted as well as review of juvenile's documents related to his medical examination, the NPMT recommended immediate placement of the juvenile within appropriate health care institution for further medical treatment, outside the CCWJ.

¹⁵ European Committee for the Prevention of Torture, 26 General Report, paragraph 72, at: <https://rm.coe.int/168070d0c8>.

¹⁶ Standard Operating Procedure of the Prison Health Department (PHDB), adopted by Ministry of Health. For more info visit: <https://msh.rks-gov.net/wp-content/uploads/2013/11/1.-Praktikat-Standard-te-Veprimit-n%C3%AB-DShB.pdf>.

¹⁷ Law No. 04/L-149 on Execution of Penal Sanctions, Article 31.

¹⁸ Mandela Rules, Rule 34. See at: https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf.

¹⁹ Council of Europe, Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, point 42.1, see at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804c221d>.

²⁰ United Nations Rules for the Protection of Juveniles Deprived of Liberty, point 27, at: https://www.ohchr.org/Documents/ProfessionalInterest/res45_113.pdf.

34. On February 11, 2019 the Directory of the CCWJ, through on official e-mail informed the NPMT that the given juvenile, based on Court's order, has been placed for further treatment at the Institute of Kosovo Forensic Psychiatry. NPMT, through this Report salutes the serious approach of CCWJ Directorate and PHD for due and professional commitment as per the case as well as implementation of NPMT recommendation.

Confidentiality of medical services

35. As per the confidentiality of medical services, the NPMT, based on interviews conducted with juveniles, as well as health personnel, finds that these services are provided under conditions that respect the confidentiality, actually are provided without the presence of correctional officers, except in cases where the presence of them is required by the doctor and convicts and detainees medical files are accessible solely for healthcare personnel.

36. Confidentiality of health care services is foreseen with Standard Operating Procedure²¹ adopted by the Ministry of Health, the Law on Execution of Penal Sanctions²², CPT Standards²³ as well as with International acts, such as: Mandela Rules²⁴ and United Nations Rules for the Protection of Juveniles Deprived of Liberty.²⁵

Incidents between the convicts and detainees

37. Unlike the situation ascertained in Recommendation Report published in 2016, the NPMT noted that incidents between prisoners presently are rare.

The Staff of the Correctional Centre for Women and Juveniles

38. The staff of Correctional Centre for Women and Juveniles is comprised of 135 uniformed persons and 25 civilian personnel, of this number, 46 are female. In addition, the Centre has also engaged 2 social workers.

39. During the visit, the NPMT received complaints from correctional personnel regarding the small number of correctional officers. The same concern was exposed by the Directorate of CCWJ. The NPMT also received numerous complaints from the personnel for not supplying them with uniforms and other equipment necessary to accomplish their work.

40. Further, one of most frequent complaints, received by the NPMT from correctional officers, is the issue of calculation of the benefited work experience. NPMT observes that the Article 221 of the Law on Execution of Penal Sanctions stipulates: *“Due to hazard, gravity of work and special working conditions, each twelve (12) months of work by correctional officers, shall be calculated as sixteen (16) months of work experience, and when calculating their salaries an allowance shall be ensured”*.

²¹ Standard Operating Procedure, point 11. See at: <https://msh.rks-gov.net/wp-content/uploads/2013/11/1.-Praktikat-Standar-te-Veprimit-n%C3%AB-DShB.pdf>.

²² Law on Execution of Penal Sanctions, Article 49.

²³ CPT Standards, published in 2018, paragraphs 50 and 51. For more info visit: <https://rm.coe.int/16806ce943>.

²⁴ Mandela Rules, Rule 26, point 2, at: https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf.

²⁵ United Nations Rules for the Protection of Juveniles Deprived of Liberty, point A, Rule 19, at: https://www.ohchr.org/Documents/ProfessionalInterest/res45_113.pdf.

41. As pointed in previous Reports as well²⁶, NPMT re-emphasizes the need that responsible authorities should address with due seriousness all concerns exposed by the staff.

Disciplinary measures

42. According to the applicable legislation, prisoners may be subjected to the following disciplinary sanctions: reprimand, deprivation of an assigned privilege, an order to make restitution, and solitary confinement.²⁷ While remand prisoners may be subjected to the following sanctions: of prohibition or restriction on visits or correspondence, except contacts with defense counsel, the Ombudsperson and diplomatic missions.

43. Article 122, paragraph 1 of the Code No. 03 / L-193 on Juvenile Justice, stipulates that the provisions on the disciplinary procedures and punishments applicable to persons sentenced to imprisonment set forth in the Law on Execution of Penal Sanctions shall apply mutatis mutandis to a minor, subject to a measure of committal to an educational-correctional institution. Further, in Article 122, paragraph 2, is stipulated that: “A *minor may not be subject to solitary confinement as a disciplinary punishment*”. During NPMT visit the team did not find any convict or detained person sanctioned with the disciplinary measure of segregation.

44. NPMT during the visit observed that the juvenile L.L has been secluded due to health reasons.

Contacts with the outside world

45. Legislation at effect²⁸ on cases of convicted person stipulates that a convicted person has an unrestricted right to correspondence (subject to specific exclusions) to receive a visit at least once each month for a minimum of one (1) hour, and at least one visit by his or her child, spouses one in three months a minimum duration of three hours.

46. As far as juveniles is concerned, Article 120 of the Code No. 03 / L-193 on Juvenile Justice stipulates that a minor shall have the right to receive a visit at least once each week for a minimum of one hour by his or her parent, adoptive parent, guardian, spouse, child, adopted child, and other relatives by blood in a direct line or in a collateral line to the fourth degree. A minor shall have the right to receive a visit at least once per month by other persons who will not have a negative influence on execution of the measure.

47. On remand detainee cases, Article 200 of the Kosovo Criminal Procedure Code stipulates that the detained on remand may receive visits “*within the limits of the rules of the detention facility*”, based on pre-trial judge’s permission and under his/her supervision. Further, the Code determines that the correspondence and other visits are subject to the decision of pre-trial judge.

48. As per telephone calls, Article 60 of the Law on Execution of Penal Sanctions determines a convicted person has the right to make telephone calls. NPMT is of the opinion that contacts

²⁶ See Report with Recommendations for the visit conducted to the Correctional Centre in Dubravë, at: <https://www.oik-rks.org/2018/08/30/raport-me-rekomandime-i-mekanizmit-kombetar-per-parandalimin-e-tortures-avokati-i-popullit-lidhur-me-viziten-ne-qendren-korrektuese-ne-dubrave/>.

²⁷ Paragraphs from 101 up to 113 of the Law No. 04/L-149 on Execution of Penal Sanctions .

²⁸ Law No. 04/L-149 on Execution of Penal Sanctions, Articles 62-65.

with outside world, with the main emphases visits done by family members or any other close persons are of crucial importance in context of social rehabilitation of the convicted person. NPMT did not receive any complaint by the convicts related to these rights.

Admission procedures

49. All newly-arrived prisoners at the Correctional Centre for Women and Juveniles in Lipjan are required to undergo an admission procedure which lasts between seven and 28 days. During this procedure, the convicted person is kept admission Ward and after this period, is sent to appropriate Ward, dependently from the conviction or correctional -educational measure imposed.
50. NPMT has observed that the CCWJ keeps detail information for each detainee or prisoner, in which every single detail for the convicted person is registered.

Procedure for filing complaints

51. CPT standards emphasize the importance of an effective complaint filing system and consider it as a fundamental safeguard against ill-treatment in prisons and detention centers.²⁹ Further, the right of the imprisoned person to file a complaint is foreseen also with Mandela Rules³⁰ as well as with United Nations Rules for the Protection of Juveniles Deprived of Liberty.³¹
52. Article 91 of the Law on Execution of Penal Sanctions provides for a detailed procedure by which detainees and prisoners may address complaints or requests to the Director of a specific Kosovo Correctional Service establishment. The procedure includes deadlines for responses by the Director, and the possibility to refer a complaint under certain circumstances to a higher authority, in particular the General Directory of the Correctional Service and the Minister of Justice.³²
53. NPMT observed that complaint boxes available for the accommodated persons in Correctional Centre for Women and Juveniles in Lipjan are placed from Kosovo Correctional Service and the complaint boxes placed by Ombudsperson Institution as well as those by PHD. Complaint boxes placed by Ombudsperson Institution may be opened only by the personnel of this institution, which provides confidentiality for complainants in filing complaints. Additionally, those accommodated in the CCWJ can also file a complaint with the Ombudsperson through a free-of-charge telephone line (telephone line information is located in the box and complaints), regular post, which according to the Law on Execution of Penal Sanctions is not subject to control, if addressed to the Kosovo Ombudsperson, as well as through their family members.
54. The NPMT noted that the Directorate of the Correctional Center for Women and Juveniles in Lipjan provides the adequate opportunity to file complaints and requests, reviews them and

²⁹ CPT Standards, see: <https://rm.coe.int/16807bc668>.

³⁰ Mandela Rules, Rule 56.

³¹ United Nations Rules for the Protection of Juveniles Deprived of Liberty, Point 75.

³² Article 91, paragraph 4 of the Law No. 04/L-149 on Execution of Penal Sanctions, stipulates: The director of the correctional facility will respond in the appeal filed in a time period of fifteen (15) days, whereas the Head Office of the Correctional Service in a time period of thirty (30) days. In a written appeal a response in the written form will be issued.

provides with response the convicts and detainees at the center. Moreover, on their disposal is also the complaint box set up by PHD, where complainants may file complaints about provision of medical services. The NPMT did not receive complaints from prisoners regarding the right to file a complaint.

Based on findings and outcomes achieved during the visit, in compliance with Article 135 paragraph 3 of the Constitution of the Republic of Kosovo, and Article 16 paragraph 4 of Law No. 05 / L019 on Ombudsperson, the Ombudsperson recommends to the :

Ministry of Justice:

- **To improve accommodation conditions in Wards where detained juveniles are held as well in other Wards where such reconstructions are needed.**
- **To enforce relevant provision of the Law on Execution of Penal Sanctions as per the benefited work experience (see paragraph 40 of this Report).**

In compliance with Article 132, paragraph 3, of the Constitution of Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”*) and Article 28 of the Law No.05/L-019 on Ombudsperson, (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”*), You are kindly asked to inform us on steps to be undertaken regarding this issue.

Warmly submitted,

Hilmi Jashari

Ombudsperson