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**REPORT OF THE  
OMBUDSPERSON'S NATIONAL PREVENTIVE MECHANISM AGAINST  
TORTURE  
CONCERNING THE VISIT CONDUCTED TO THE EDUCATIONAL-  
CORRECTIONAL CENTRE FOR JUVENILES  
AND CORRECTIONAL CENTRE FOR JUVENILES IN LIPJAN**

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**Prishtinë, 20 July 2022**

Pursuant to Article 135, paragraph 3, of the Constitution of Republic of Kosovo and Article 17 of the Law No. 05/L-019 on Ombudsperson, Ombudsperson's National Preventive Mechanism of Torture visited Educational-Correctional Centre for Juveniles and Correctional Centre for Juveniles in Lipjan.

National Preventive Mechanism of Torture (henceforward in the text: NPMT), based on Article 17 of the Law No. 05/L-019 on Ombudsperson, can conduct regular and unannounced visits to all places where persons deprived of their liberty are held, including police detention, remand detention, prisons, places where foreigners deprived of their liberty are located, whose stay in the Republic of Kosovo contradicts with applicable laws, and who are subject to forced removal from the Republic of Kosovo as well as psychiatric and social care institutions.

Based on its mandate, NPMT on 20 of April 2022 visited the Educational-Correctional Centre for Juveniles in Lipjan (henceforth: ECCJL) and Correctional Centre for Juveniles in Lipjan (hereinafter: CCJL).

ECCJL operates as a semi-open and open establishment for the execution of educational measures and semi-liberty punishments for male and female juveniles. During the visit, the NPMT was informed by the management that the capacity of ECCJL is 36 beds and that at the moment of the visit, 10 juveniles with educational measures are placed in this center.

According to the Juvenile Justice Code (henceforth JJC), The purpose of an educational measure is to contribute to the rehabilitation and re-socialization and proper development of a juvenile offender, by offering protection, assistance and supervision, by providing education and vocational training and by developing his personal responsibility, and thereby to halt recidivist behavior.<sup>1</sup>

While the CCJL is semi-open and closed type center. Convicted juveniles, juveniles with correctional -educational measures and remand juveniles are accommodated in this center.

During the visit conducted to CCJL, NPMT observed that forty-seven (47) juveniles are accommodated there, of which twenty-five (25) juveniles are under correctional- educational measures, accommodated in Ward A, eleven (11) convicted juveniles are accommodated on the first floor of Ward D, and eleven (11) remand juvenile are located on the second floor of Ward D.

## **Purpose**

The purpose of these visits to ECCJL and CCJL was to conduct a general assessment of the respect of human rights of incarcerated juveniles deprived of liberty located in these centers pursuant to Juvenile Justice Code, applicable Laws in the Republic of Kosovo as well as international standards on rights of persons deprived of liberty.

NPMT, in the course of the visits to ECCJL and CCJL, addressed the issue of juveniles admission procedures in the Educational Correctional Institution, their acquaintance with their rights, treatment, accommodation conditions, regime, health care, relations between juvenile prisoners, access to education, vocational training, rehabilitation and reintegration, contacts with the outside world, procedures of complaint submission as well as disciplinary

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<sup>1</sup> Article 22 of the Juvenile Justice Code No. 06/L-006

measures that may be imposed on them under the Law on Execution of Penal Sanctions (henceforward LEPS), Juvenile Justice Code no. 06 / L-006, and the way of their execution.

### **Composition of the monitoring team**

The NPM monitoring team consisted of: Legal Advisor, a Psychologist and a Social Worker.

### **Cooperation of authorities with NPMT during the visit**

During the visit of the NPMP team conducted in ECCJL and CCJL, the staff of the Correctional Service and the staff of the Prisons Health Department (hereinafter: PHD) provided the monitoring team with full cooperation. The team, without delay, had access to all the places it intended to visit. The team was provided with all necessary information to perform the task and discussing with convicted and detained persons, without the presence of correctional officers or health personnel, has been enabled.

### **Admission procedures of juveniles in the ECCJL and CCJL**

1. NPMT notes that the admission of juveniles in correctional institutions ECCJL and CCJL, is done in accordance with Article 31 of the LEPS, Domestic Order Act and in accordance with the Administrative Instruction for the Admission of Prisoners.
2. According to LEPS the juvenile, on the occasion of admission to a correctional facility, the convicted person shall be informed in written about the rights and obligations entitled to during the service of sentence.<sup>2</sup>
3. The NPMT, during the visit was informed by juveniles that upon admission they were provided with information on their rights in understandable verbal manner, but not through any written document. Therefore, the NPM encourages the authorities that upon admission, juveniles are provided with a copy of the rules governing the daily life of the institution and a written definition of their rights and obligations in a manner and language understandable to them.
4. Also, the juvenile immediately after admission, undergoes a medical examination by medical staff within 24 hours and a medical file is opened for him/her.<sup>3</sup> Upon admission, the juvenile is interviewed by the social worker, who serves as the case manager as well as by the psychologist, who later draft the Report with the initial social and psychological assessment.

### **Ill-treatment**

5. The NPM team during the visit interviewed a significant number of juveniles in the CCJL and ECCJLL and did not receive any complaints of physical, psychological abuse or excessive use of force by correctional officers. In addition, the NPMT observed that there is a positive climate between juveniles in both correctional facilities and correctional officers.
6. During the visit, the monitoring team also, interviewed the remanded juveniles accommodated in the CCJL, in order to understand more about their treatment by members of the Kosovo Police and the respect for their fundamental rights, from the moment of arrest. All interviewed remand juvenile pointed out that they were treated

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<sup>2</sup> Law on Execution of Penal Sanctions, Article 31 para.2.

<sup>3</sup> Standard Operating Procedures, PHD Document, Procedures of the first time admission in prison- first medical visit.

correctly and professionally by Kosovo Police members and that their basic rights were respected.

7. Also, the NPM in the course of the visit noticed that in ECCJL, all staff were working in civilian clothes, including correctional officers.

#### **Accommodation conditions**

8. During the visit, the NPM team visited all units of the ECCJL facility. There were 5 units in total: 1. Unit A (administration offices, cabinets); 2. Unit B (housing for men first and second floor); 3. Unit B (housing for women first floor) 4. Unit C (gym); 5. Unit D (kitchen).
9. The NPM has noticed that the conditions where male juveniles are accommodated in ECCJL were very good, the rooms were clean and well lighted, beds had sheets and blankets, **apart the mattresses on which juveniles sleep were worn-out and of poor quality**. The rooms where the juveniles stay were large and well lightened, there was a TV placed therein, personal lockers. Each room had toilets which were in order, suitable and had hot water continuously. Also, rooms and toilets which were dedicated to people with special needs met the conditions for this category. **NPMT considers that ECCJL meets all conditions for accommodation of juveniles.**
10. As per accommodation conditions in unit B, the facility dedicated for female juveniles, the NPM noted that the accommodation conditions were very good, rooms provided adequate lighting, each room had toilets, which were in very good condition. During the visit conducted to this center, no female juvenile was accommodated there in the moment. As mentioned in paragraph 1 of this Report, NPMT during the visit interviewed only one female juvenile, located in the Correctional Center for Female, to whom the Institutional Educational Measure has been imposed.
11. The NPM notes that Article 30, paragraph 1 of the Internal Domestic Rules of ECCJL states that "*Juveniles enjoy all the rights guaranteed to male juveniles in the Educational-Correctional Center*". Also Article 30, paragraph 3 stipulates that "*Female juvenile are placed in a special ward of ECCJL, separated from male juveniles and are guarded under the supervision and care of female staff*".
12. The European Committee for the Prevention of Torture also wishes to stress that female juveniles should under no circumstances receive less care, protection, assistance and training than male juveniles, despite the fact that their numbers are much lower and that detention centers are nearly always designed for male inmates. If necessary, additional measures should be taken to ensure equal treatment.<sup>4</sup>
13. Also, the NPM, during the visit to the CCJL, visited wards A and D. In ward D on the second floor were located remand detainees who had sufficient natural and artificial lighting. However, the NPM admitted some complaints from remand juvenile regarding placement of their clothes, as according to them two closets do not suffice for the clothes of three juvenile prisoners. Remand detainees also stated that they can have a bath once a week and there are cases when there is not enough hot water. \

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<sup>4</sup> [CPTInf-2015-1-part-alb.docx.pdf](#)

14. NPMT observes that Article 38 of the LEPS determines: *“In order to ensure the hygiene of convicted persons and the hygiene of premises, convicted persons shall be provided with sufficient cold and hot water, and appropriate toilet and cleaning articles. Installations and devices for personal hygiene shall assure sufficient privacy and shall be well-maintained and clean ”*<sup>5</sup>
15. While on the first floor of Ward D, convicted juveniles were paced there, who also had sufficient natural and artificial correction in their rooms. But, the convicted juveniles express their concern that the room is a bit narrow space for accommodation of three convicts. Juvenile convicts also express concern that there is not enough inventory in the recreation room, living room lacks furniture and there are no conditions for food preparing.
16. They claimed that they brought a table from another part of the CCJL as there was only a small table. NPMT deems that LEPS stipulates: *“The premises in which a convicted person lives and works must be of sufficient space for each convicted person to have at a minimum eight (8) square meters of space for single cells and four (4) square meters for the convicted persons in joint cells, and an adequate amount of natural and artificial lighting for work and reading, heating and ventilation.”*<sup>6</sup>
17. With regard to the Ward A where juveniles with Educational-Correctional Measures were placed, the NPMT team noticed that the ward was completely renovated, there was enough natural and artificial light in the rooms. In general, the NPMT is of the opinion that this Ward meets all adequate conditions for the accommodation of juveniles with Educational Correctional Measure.

## **Nutrition**

18. Juvenile Justice Code –JJC determines that in the course of Institutional Educational Measure execution as well as juvenile’s imprisonment, the juvenile has the right to adequate food for health protection.<sup>7</sup> The LEPS also defines the right of prisoners to food suitable for him or her to maintain good health and strength in three (3) 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 season and climatic conditions and, as far as possible, his or her religious and cultural requirements.<sup>8</sup>
19. During the visit to ECCJL, the NPMT team admitted some concerns from juveniles regarding poor quality and inadequate food, as well as serving of food at inappropriate times. Juveniles also claimed that they are ready to prepare the dishes for themselves in case they are provided with vegetables and other stuff needed.
20. According to LEPS, 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.<sup>9</sup> On 13 May 2022, the NPMT requested the comments of

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<sup>5</sup> Law No..04/L-149 on Execution of Penal Sanctions, Article 38, paragraph 2.

<sup>6</sup> Law No. 05/L0-129, Article 3 of the Law on Amending and Supplementing of the Law No. 04/L-149 on Execution of Penal Sanctions.

<sup>7</sup> Code No. 06/L-006 Juvenile Justice Code, Article 105 paragraph 1.3.

<sup>8</sup> Law No..04/L-149 on Execution of Penal Sanctions, Article 39, par. 1.

<sup>9</sup> Law No..04/L-149 on Execution of Penal Sanctions, Article 39, par. 3.

the PHD regarding juveniles' concerns in ECCJL, with regard to the quality and quantity of the food served.

21. On 15 May 2022, the PHD informed the NPMT that food that is served to the juveniles in ECCJL is prepared in the kitchen of the Correctional Center for Women. In terms of quantity and quality, it is brought in sufficient amount for juveniles in ECCJL. But, as far as juveniles' request to prepare some food themselves, cannot be realized because the kitchen in ECCJL is not complete and functional for food preparation.
22. NPMT during the visit also received some concerns as well from the staff of ECCJL, with respect to the way of food service in ECCJL. They claimed that they conduct self-service in a part of the kitchen of ECCJL, which was observed by the NPM team. The kitchen at ECCJL was renovated and equipped with modern appliances, but was not functional for food preparation.
23. While during the visit to the CCJL, the NPM team did not admit any complaint from juveniles concerning the food. Juveniles accommodated in the CCJL emphasized that the food served in the center suffices as per quality and quantity.

### **Regime and juveniles' treatment**

24. Concerning the regime for juveniles in the Correctional Center for Juveniles, the NPMT has noted that in addition to daily ventilation, they are offered a comprehensive regime, including education, training in various fields, work, as well as sports and recreational activities. The NPMT was informed by the Social worker that in addition to the routine, juveniles have the Dutch Psychosocial Program TOPs rehabilitation program, a program which provides to juveniles 4 modules: Anger management, social skills, decision-making aspects and mutual assistance, lasting a total of 12 weeks.
25. Also, the Social worker claimed that juveniles have social programs, they conduct group therapy with juveniles twice a week with each category, as well as they have motivational interviews, and that they often undertake free activities with drawing and games in the corner "Rri Shirë- (Relax)" that they have created themselves through a donation.
26. During the visit, the NPM was informed that the CCJL also provides Vocational Training for juveniles in four fields: plumbing, construction, ICT and electrical installers. Juveniles who complete the course at CCJL, are provided with certificates from the Center for Vocational Training.
27. While regarding the education in CCJL in Lipjan, teaching is conducted only for the level of lower secondary education and for the upper one. The school in CCJL functions as a satellite classes of Lower Secondary Education School "Ismail Luma" in Lipjan. Also, the NPM was informed by the Social worker that at the moment there were 3 convicted juveniles attending university studies, two of them in the second year and one in the first year, followed by activities of the Social worker and Education Officer.
28. However, the NPM was informed by CCJL and ECCJL staff that the failure to include in educational process the illiterate juveniles, from grades 1-5, due to the lack of class teachers, represents a challenge. Regarding this issue, the responsible persons in the CCJL, informed us that several times, they have addressed the Directorate of Education in

the Municipality of Lipjan with official documents, but have never received a response from the MED Lipjan.

29. With regard to this, Article 83, paragraph 1, of the LEPS 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.*” The law also states that the competent Ministry for education is responsible for primary and secondary education in the Correctional establishment.
30. NPM notes that the Ministry of Education, Science and Technology with Administrative Instruction (MEST) No. 15/2017 on Planning and Organization of the Teaching Process in Pre-University Education for Persons Deprived of Liberty in Correctional Institutions, in Article 2, paragraph 1, emphasizes the following: “*The planning and organization of the teaching process in correctional institutions is realized for all persons deprived of liberty in level I, II and III of pre-university education*”.<sup>10</sup>
31. During the visit to the CCJL, the NPM admitted concerns from remand detainees that they are locked up in their cells majority of time and do not participate in any activities other than daily walks. While some detainees claimed that they go for a walk only once a day some others claimed that they go for a two times a day. The NPM team shared these concerns to the responsible persons, but they overruled these detainees’ allegations, claiming that they are entitled to three times walk per day.
32. NPMT notes that the JJC in Article 86 defines that “A *juvenile has the right to exercise sufficiently in order to remain healthy and to spend at least three (3) hours daily outside closed premises during free time*”.<sup>11</sup> NPM encourages the responsible authorities of the CCJL to engage juvenile remand detainees in daily activities like other juveniles.
33. **Concerning the regime in the Educational- Correctional Center in Lipjan**, juveniles can move freely in the premises of the establishment as well as they have access and are allowed to attend outdoor facilities for ventilation or sports activities according to the schedule set by the director of ECCJL, activity that lasts at least 3 hours per day.
34. Regime of daily indoors and outdoors activities is regulated by Article 19 of the ECCJL Internal Domestic Order. According to the daily routine, during working days the juveniles wake up at 6:30, while during the weekends the call to be wake up shifts to 8:00.
35. Juveniles have the opportunity to move freely indoors as well as in the common areas of the living room, spaces for sports activities, visit to the ambulance. According to the daily routine, the closing and counting is done at 19:00 in order to keep tranquility in the wards. The lights are turned off at around 22:00, later during the night juveniles’ counting is done again by the official, the TV is turned off at 23:00, while on weekends at 24:00.
36. ECCJL has also a computer box equipped with a computer, a library which is provided with several different titles, novels, a printing cabinet, also equipped with adequate equipment for printing designs on T-shirts, cups; tailoring and hairdressing salon which

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<sup>10</sup><https://masht.rks-gov.net/uploads/2017/12/ua-masht-nr-15-2017-planf-dhe-org-i-proc-arsimor-paraun-per-personat-e-privuar-nga-lira-ne-ins-korrektuese.pdf>

<sup>11</sup> Juvenile Justice Code No. 06/L-006, Article 86 paragraph 1.

are also equipped with adequate working tools. All equipment and tools are donations from various donors such as the German Organization HELP, UNICEF, etc. ECCJL also has a gym which is very modern and complete as well as a fitness room, which is also equipped with all necessary tools.

37. The NPM team was informed by the ECCJL staff that spaces dedicated to practice tailoring, hairdressing, printing cabinet are functional but no certified instructors are engaged for the given activities. Juveniles who complete these courses cannot receive certificates for them because they are trained by an uncertified trainer.
38. NPMT was informed that 5 juveniles accommodated in ECCJL, attend classes in high school at the Juvenile Correctional Center. With respect to attending lessons at school, NPMT admitted complaints from juveniles claiming that they are not being provided with the opportunity of attending education in high schools in the community. The NPM notes that according to Article 87 of the JJC, whenever possible, such education shall be provided outside detention facilities, at municipality schools and, in any case, with qualified teachers through integrated programmes in the education system so after release, the juveniles would be able to continue their education without obstacles.<sup>12</sup>
39. Also, according to Article 22, paragraph 2 of the ECCJL Internal Domestic Rules, it is emphasized that the Kosovo Correctional Service (KCS) and ECCJL, take measures to provide compulsory education, further general education and vocational training in public schools, located in the community or geographical proximity accessible to the location of ECCJL, in order to provide quality education, equally as to free juveniles, so that after they are released from detention, the juvenile can continue schooling without any difficulty.
40. Paragraph 4 of this Article states that the Director of ECCJL takes measures to guarantee the registration of juveniles in schools in the community and to provide daily transportation for their daily participation in general education or vocational training programs.
41. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty emphasize that the competent authorities must continually strive to raise public awareness that caring for detained juveniles, and preparing them for their return to society, is a social service of the great importance, and due to this active steps need to be taken to promote open contacts between juveniles and the local community.<sup>13</sup> The NPMT encourages the KCS and ECCJL to take measures to provide education in public schools as provided in the legal acts.
42. NPM, through an official letter addressed on 26 May 2022, has requested from ECCJL Social worker more detailed information concerning treatment and activities of juveniles in this center.
43. On 30 May 2022, NPMT was served with the response from Social worker in which the entire juveniles' activities in the center have been listed. The Social worker claimed that

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<sup>12</sup> Juvenile Justice Code No. 06/L-006, Article 87 paragraph 1.

<sup>13</sup>UN Rules for the Protection of Juveniles Deprived of Liberty. [http://www.unodc.org/pdf/criminal\\_justice/United\\_Nations\\_Rules\\_for\\_the\\_Protection\\_of\\_Juveniles\\_Deprived\\_of\\_their\\_Liberty.pdf](http://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf)



ECCJL has organized and realized a short film called "**Change**" the premiere of which is to be given soon. The film has been initiated within the "**Podium**" workshop and was supported by IPKO Foundation and EULEX. Also during the last year five juveniles participated in an online workshop organized by IPKO Foundation and UNICEF with several other partners which is called UPSHIFT, the purpose of each was to activate young people in social decision making.

44. In addition, the juveniles of ECCJL have presented the idea and then the project for the creation of several recreational corners in Correctional establishments, where they have been declared winners by winning a grant of one thousand (1000) euros. From this Project the juveniles have managed to realize the project "**Art n'These**" by creating bean bag, where over fifty bean bags were sewn which were distributed in Correctional establishments and other Institutions.
45. While during 2022, exactly in March, the juveniles of ECCJL again won a grant within the UPSHIFT workshop, with their project "**Use the bag save the earth**" in order to reduce environmental pollution, creating multi-purpose bags in order to replace plastic bags.
46. This project is in the implementation phase and on 11 and 12 of June the juveniles will participate in the fair **DOKU.TECH** which will be held in Prishtina. Also during April of this year, five juveniles have participated in the PODIUM workshop, organized in the city library in Lipjan by IPKO Foundation and UNICEF, together with several other partners.
47. The purpose of this workshop was to activate young people for advocating for their rights. Juveniles' idea during this workshop was the "Inclusive Education", the project that resulted the winner and won a 500 euro grand. The purpose of this Project is to find partners and lobby for decision -making stakeholders for involvement in the education of juveniles accommodated in the ECCJP. This Project is in the initial stage of implementation. NPM highly appreciates the commitment of the ECCJL staff for organization of all activities for juveniles in order to rehabilitate, socialize and successfully reintegrate them into family and social life.
48. The NPMT was informed by the social worker that during 2021, two Memoranda of Cooperation have been signed: Memorandum of Cooperation with the NGO RI-JETA from Ferizaj, the purpose of each is to provide individual and group counseling for juveniles with special emphasis on drug addicts as well as MEMO of Cooperation with the Department of Social Work, the purpose of each is to provide professional practice for students of this department, provide training by professors for social workers, provide training by KCS trainers for students and joint work by both parties for the purpose of indirect benefit to juveniles and convicts.
49. Also according to the Internal Domestic Rules of ECCJL, it is emphasized that, the case manager, based on the recommendations of the multidisciplinary group, should draft an individual treatment plan for each juvenile within the time frame of 20-30 days from the day of arrival of the juvenile in the Center, by consulting it with the juvenile himself/herself, who must give his/her consent concerning it. The individual treatment plan is signed by the case manager and notified to the director of ECCJL.

50. The individual treatment plan aims at the rehabilitation and reintegration of the juvenile, by taking into account the psychological assessment, emotional situation, social and family situation, educational level, his desires and opportunities to attend professional courses or to advance in education.
51. According to the Social officials, the individual plan is not completed because the psychologist is usually absent, and according to them, only Social worker, representative of the Probation Service, the Supervisor, the Education officer and the Instructor are present. NPM encourages KCS to engage a psychologist, as part of the multidisciplinary team, in order to complete the multidisciplinary team.
52. NPMT during the visit noticed that the kitchen of ECCJL is renovated and is equipped with modern appliances for food preparation. According to ECCJL supervisor, these appliances are a donation of the German organization HELP in the amount of 20 thousand euros. The purpose of these appliances, in addition to putting in function the kitchen facility within the ECCJL was also the purpose of conducting a number of professional trainings for juveniles in the field of cuisine and hospitality, but so far the project failed to be accomplished due to lack of a professional chef or coach. However, despite the renovation and inventory, the kitchen was out of order.
53. Also, during the visit the NPM, was informed by the staff that most of the juveniles in ECCJL and CCJL are engaged in paid work. However, the challenge remains the inability of Juveniles with Educational Measure of working out of the Educational Correctional Institution.

### **Health care**

54. The European Committee for the Prevention of Torture emphasizes that *“All juveniles should be properly interviewed and examined by a qualified physician or nurse who reports to the physician as soon as possible after their admission to the sentencing center; it is preferable that this be done on the day of arrival. If performed properly, this medical check-up at the time of entry should allow the institution's health care service to identify young people with potential health problems (e.g., drug addiction, sexual abuse, and suicidal tendencies). Identification of these problems at an early stage will facilitate the undertaking of preventive actions, in the framework of the medical-psycho-social care program of the institution.”*<sup>14</sup>
55. NPMT notes that the juvenile immediately upon admission to the CCJL and ECCJL, undergoes a medical examination by medical staff within 24 hours and to open the medical file.<sup>15</sup>
56. The Health Unit in ECCJL consists of a doctor and a full-time nurse, while the psychologist comes to the center once a week. However, if the juveniles need other medical services, they can receive these services in the Health Unit of CCJL. In general, the NPMT considers that the Health Unit in ECCJL, meets the standards and provides appropriate medical services for accommodated of juveniles there.

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<sup>14</sup> [CPTInf-2015-1-part-alb.docx.pdf](#)

<sup>15</sup> Standard Operating Procedure, PHD document of PHD, Procedures of first time admission in Prison- first medical visit.

57. While the Health Unit in CCJL consists of a doctor on a regular basis, 5 nurses (4 + head nurse) on a regular basis, 4 nurses work 24 hour shifts, while the head nurse works from 8:00 to 16:00. There are also services provided by a psychologist who works full time. The state of the infrastructure where medical services are provided as well as medical equipment is available, is acceptable.
58. In respect of the confidentiality of medical services, the NPM, based on interviews conducted with juveniles and health personnel, finds that these services are provided under conditions that respect confidentiality, actually they are provided without the presence of correctional officers, except in cases where their presence is required by the doctor. As per prisoners' medical file they are available only to the medical staff.
59. The NPM team during the visit to ECCJL and CCJL, did not receive complaints from interviewed juvenile concerning the failure to provide health care by prison health units in these Educational Correctional Institutions, according to applicable law<sup>16</sup>.

### **Contacts with the outside world**

60. The legislation in force of the Republic of Kosovo and international acts, considers that contacts with the outside world, especially visits from family or other relatives, are of crucial importance in the context of social rehabilitation of juveniles.
61. The NPM notes that this right is defined in the JJC, which states that: *“A juvenile shall have the right to receive a visit at least once a week for a minimum of one (1) hour by his 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”*<sup>17</sup>
62. Further, according to Article 88 paragraph 2 of the JJC it defined that *“A juvenile 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.”*
63. Regarding telephone calls, Article 105, paragraph 1.9, of the ICCPR stipulates that a minor has the right to make telephone calls. Also such a right for convicts is defined according to the LEPS<sup>18</sup>.
64. NPM during the visit does not accept complaints from minors regarding contact with the outside world, all interviewees stated that they exercise this right according to applicable laws. Except in the case of detainees, these rights are authorized by the competent court. The NPM has not received complaints from minors regarding these rights.

### **Disciplinary measures**

65. Article 90, paragraph 1 of the Juvenile Justice Code stipulates that the provisions on disciplinary proceedings and penalties applicable to persons sentenced to imprisonment provided for in the Law on the Execution of Criminal Sanctions shall apply mutatis mutandis to a juvenile subject to detention on remand. correctional educational institution. Further, in Article 90 paragraph 2, it is expressly stated that: *“A juvenile may not be subject to solitary confinement as a disciplinary punishment”*.

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<sup>16</sup> Law No. 04/L-149 on Execution of Penal Sanctions, Article 43, par. 2.

<sup>17</sup> Juvenile Justice Code No.06/L-006, Article 88 paragraph 1.

<sup>18</sup> Law No. 04/L-149 on Execution of Penal Sanctions, Article 60, par. 1.

66. Article 90, paragraph 3 of the Juvenile Justice Code stipulates that a juvenile may be accommodated in a special unit of the educational-correctional institution as a disciplinary punishment under the following conditions: the period of accommodation in a special unit may not exceed fifteen (15) days, the juvenile shall not be accommodated alone in the special unit, the juvenile shall be entitled to exercise his right to spend at least three (3) hours daily outside closed premises during free time, the juvenile shall have access to textbooks and other books, the juvenile shall be visited by a medical officer and educator once a day and by the director of the educational-correctional institution twice a week.
67. NPM during the visit looked at the report of events - incidents in the CCJL, and noticed that the disciplinary measures imposed on juveniles are: reprimand, isolation and removal of certain benefits. In the report of events and incidents in CCJL are recorded a total of 24 events-incidents from January to May of this year.
68. The disciplinary measures imposed were: six isolation measures, four reprimands, one of loss of privileges, and nine self-inflicted incidents were identified. NPMT looked at the relevant documentation and noticed that the investigation and assessment related to these incidents-incidents was done by the responsible authorities according to the law and sublegal acts.
69. While during the visit of the NPM to the NCEC, it was informed by the responsible persons that there were two incidents in the NCC during the year against which the measure of segregation was imposed.
70. With regard to ECCJL, the initiation of disciplinary proceedings according to the Internal Domestic Rules is allowed only for unacceptable behaviors as defined by the Internal Domestic Rules, and if the methods of individual counseling have not been effective or the conduct is repetitive or with consequences serious.
71. Article 42, paragraph 1 of the Internal Domestic Rules of ECCJL stipulates that disciplinary procedures and disciplinary measures for juveniles are reviewed and decided by the Director of the Institution within 48 hours based on data, information and evidence submitted by the relevant staff. Disciplinary measures are applied according to the principle that disciplinary measure is the last form of behavioral discipline.
72. Article 42, paragraph 2 of the Internal Domestic Rules of ECCJL states that the disciplinary measures that can be imposed on juveniles in ECCJL are: exclusion from special activities, shared for up to 3 days; exclusion from going outside in groups for no more than 5 days; exclusion from all joint activities for up to 10 days.
73. Article 42, paragraph 7 of the Internal Order of the NCEC states that loneliness is prohibited as a disciplinary measure against juveniles. Paragraph 8 of this article states that segregation for disciplinary purposes is imposed only in exceptional cases when other sanctions have not been effective. This separation is set for a defined period of time, which cannot be more than 15 days.
74. The regime during this separation must guarantee the continuation of the educational program, that of vocational training, employment, human contacts, reading materials and

provide at least one hour of outdoor ventilation or individual physical activity every day if weather conditions allow.

75. Similarly, the CTP emphasizes that: *“Any form of isolation of juveniles is a measure that can compromise their physical and/or mental well-being and should therefore be applied only as a means of last resort. In the CPT’s view, solitary confinement as a disciplinary measure should only be imposed for very short periods and under no circumstances for more than three days. Whenever juveniles are subject to such a measure, they should be provided with socio-educational support and appropriate human contact. A member of the health-care staff should visit the juvenile immediately after placement and thereafter on a regular basis, at least once per day, and provide him/her with prompt medical assistance and treatment..”*<sup>19</sup>

### **Complaint submission procedure**

76. European Committee on Torture Prevention points out that: *“Effective complaints and inspection procedures are basic safeguards against ill-treatment in all places of detention, including detention centers for juveniles. Juveniles (as well as their parents or legal representatives) should have avenues of complaint open to them within the establishments’ administrative system and should be entitled to address complaints – on a confidential basis – to an independent authority. Complaints procedures should be simple, effective and child-friendly, particularly regarding the language used. Juveniles (as well as their parents or legal representatives) should be entitled to seek legal advice about complaints and to benefit from free legal assistance when the interests of justice so require..”*<sup>20</sup>

77. According to the legislation in force, the procedure for submitting complaints of juveniles according to JJC is defined as follows *“The provisions in the Law on Execution of Penal Sanctions on the submission of complaints and petitions by convicted persons sentenced to imprisonment shall apply mutatis mutandis to the submission of complaints and petitions by juveniles, subject to the educational-correctional or committal to a special health care facility.”*<sup>21</sup>

78. Article 91 of the Law on the Execution of Criminal Sanctions defines in detail the procedure according to which detainees and convicts may address a complaint or petition to the director of a certain institution of the Kosovo Correctional Service. The procedure also includes deadlines for the director to respond and the possibility for the complaint to be directed to another authority, which in the present case is the General Directorate of Correctional Services and the Minister of Justice.<sup>22</sup>

79. The NPM has noticed that at the disposal of the accommodated in the Educational Correctional Center and the Correctional Center for Juvenile in Lipjan, there are

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<sup>19</sup> [CPTInf-2015-1-part-alb.docx.pdf](#)

<sup>20</sup> [CPTInf-2015-1-part-alb.docx.pdf](#)

<sup>21</sup> Juvenile Justice Code No.06/L-006, Article 95.

<sup>22</sup> 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.

complaint boxes placed by the Kosovo Correctional Service and complaint boxes placed by the Ombudsperson Institution.

80. The complaint boxes set up by the Institution of the Ombudsperson can be opened solely by the staff of this institution, which provides the complainants with confidentiality in filing a complaint. Also, the accommodated can file a complaint to the Ombudsperson through the free telephone line (information on the telephone line is located in the complaints box), regular mail which according to the Law on Execution of Penal Sanctions is not subject to control in case it is addressed to the Ombudsperson of Kosovo, as well as through their family members. Complaints of juvenile are also admitted during NPM visits to these juvenile institutions.
81. The NPM team does not admit any complaint from juveniles regarding their rights, guaranteed by applicable laws and international standards.
82. Based on NPMT findings and conclusions during the visit conducted to the ECCJL and CCJL, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo and Article 17, paragraph 7, of Law 05 / L-019 on Ombudsperson, the Ombudsperson

## **RECOMMENDS**

### **The Ministry of Justice:**

- **To put in function unit B, housing for women in Educational Correctional Centre for Juveniles in Lipjan.**
- **To make functional the kitchen in Educational Correctional Centre for Juveniles in Lipjan.**
- **To engage adequate certified trainers for all vocational trainings, with regard to workshops that run in the Educational Correctional Centre for Juveniles in Lipjan.**
- **To provide juveniles in the Educational Correctional Centre for Juveniles in Lipjan with quality mattresses.**
- **Engagement of juveniles at work out of Correctional Establishments to be regulate by legal acts.**
- **To renovate the daily recreation room for convicts at the Correctional Centre for Juveniles in Lipjan.**

### **The Ministry of Education, Science, Technology and Innovation:**

- **To organize the teaching process for the first (I) level of education for juveniles, as well as to enable them <sup>23</sup> teaching process at other levels in the schools of the respective municipality, according to the Administrative Instruction (MEST) No. 15/2017.**

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<sup>23</sup> Juveniles with Institutional Educational Measure, who have been assessed by the multidisciplinary team and do not pose a risk to the community.

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 ... 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,

Naim Qelaj  
Ombudsperson