



Prishtina, 26 June 2024

## **Public Statement**

***Today, on June 26, the International Day in Support of Victims of Torture, we appeal for perpetrators with mental disorders to be placed and treated with dignity!***

Today marks the International Day in Support of Victims of Torture, commemorating the entry into force of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 26 June 1987, as one of the main instruments in the fight against torture and its prevention.

This year, The Kosova Rehabilitation Center for Torture Victims (KRCT) marks its 25th anniversary. Throughout this time, KRCT has been and remains the most dedicated organization to victims - survivors of torture, their families, and relatives, helping them in their efforts to cope with pain and seek justice.

On the occasion of the **International Day in Support of Victims of Torture**, KRCT highlights the importance of respecting human rights in places of deprivation of liberty, drawing renewed attention from both the local and international public.

In recent years, KRCT has paid particular attention to the placement and treatment of perpetrators with mental disorders. Their number is continuously increasing, while appropriate institutions for the placement and treatment of perpetrators with mental disorders are lacking. In the absence of specialized institutions for the placement of persons with mental disorders, they are being held in correctional institutions in violation of local legislation and international standards.

In Kosovo, the Institute of Forensic Psychiatry of Kosovo (IFPK) operates with 12 beds for psychiatric examination and 24 beds for the execution of mandatory psychiatric treatment with detention. This institution cannot even come close to meeting the demands for a psychiatric examination of detainees with problems of mental health.

In 2023, the Health Institution for the Treatment of Persons with Special Needs (HITPSN), also known as Pavilion D at the Correctional Center in Dubrava, became operational. It has only 20 beds for the placement of individuals with mental disorders, specifically for those at risk of suicide and those with acute mental disorders.

In Kosovo, there are no separate institutions for the execution of pre-trial detention for persons with mental disorders as defined in Article 509, paragraph 2 of the Criminal

Procedure Code: "Pre-trial detention is held in **a healthcare institution** and may last as long as the accused is dangerous, but not exceeding the deadlines provided for pre-trial detention in Article 187 of this Code."

Currently, pre-trial detainees with mental disorders are placed in almost all correctional institutions in Kosovo, a practice that contradicts international standards. KRCT has identified cases where individuals with mental disorders have been harmed, self-harmed, or died while in detention centers. Although there were court orders for their placement in IFPK, they were sent to detention centers due to the lack of available beds at IFPK.

The European Court of Human Rights (ECHR) emphasizes that states must ensure that the conditions of detention for prisoners, especially those with mental disorders, do not result in difficulties that exceed the inherent hardship of imprisonment. According to Article 3 of the Convention, the ECHR states that *the continuous isolation of a person without supervision and proper medical treatment constitutes inhuman and degrading treatment*, particularly for prisoners with severe mental disorders and suicidal tendencies. Assessing the adequacy of pre-trial detention conditions with the standards of the European Convention on Human Rights and Fundamental Freedoms should take into account vulnerability and the ability to communicate complaints. According to the ECHR, *the state is obliged to take adequate measures, including specialized treatment and appropriate pre-trial detention conditions, for individuals with mental disorders and to transfer them to suitable environments* if necessary. For further information, you can refer to the study of KRCT on "[State obligations regarding the treatment of persons with mental disorders](#)", which presents the legal basis and international standards for the placement and treatment of offenders with mental disorders.

Therefore, on the International Day in Support of Victims of Torture, KRCT urges responsible institutions to consider our appeal and promptly implement the following points:

### **1.Urgent Increase in Capacities of Specialized Institutions**

State institutions should develop policies to expand the capacities of the Forensic Psychiatry Institute. In addition to capacity expansion, there should also be legal regulation of the functioning of this institute. This is deemed critically necessary to mitigate potentially life-threatening delays for offenders with severe mental disorders in correctional institutions and pre-trial detention centers.

Regarding accommodation spaces, state institutions must urgently address the creation of adequate spaces for the treatment of women with mental disorders and minors suspected of or convicted of criminal offenses.

### **2.The placement of persons with mental disorders in correctional institutions/detention centers should be prohibited**

Courts and other state institutions should base decision-making on a human rights-focused approach, harmonizing policies and practices with international standards to protect the

dignity and well-being of individuals with mental health problems in detention. Placement in detention centers should be stopped due to the lack of space in the IFPK.

***The responsible institutions (the Judicial Council of Kosovo, the Prosecution Council of Kosovo, the Ministry of Justice, the Ministry of Health, and other relevant institutions) must urgently take measures to create particular institutions for the placement and treatment of perpetrators with mental disorders.***

It is recommended to design and conduct ongoing training for judges and prosecutors to raise their awareness of offenders with mental disorders and the health and legal risks involved in placing them in institutions without adequate treatment and healthcare environments.

Of particular importance is the training of correctional staff concerning mental health, psychology, suicide prevention, etc. This would directly strengthen the capacity to provide adequate treatment for individuals with mental disorders in places of detention.

### **3. Continuous access to professional health services**

In cases where perpetrators with mental disorders, although contrary to legal requirements, are placed in correctional institutions, they must be provided with continuous supervision and monitoring by health professionals. In correctional institutions, for the most part, perpetrators with mental disorders are offered pharmacological treatment in the absence of other options such as psycho-social treatments, rehabilitation, and occupational therapy. These and other alternative programs must be developed and implemented in correctional institutions and detention centers.