



Imprisonment in Albania

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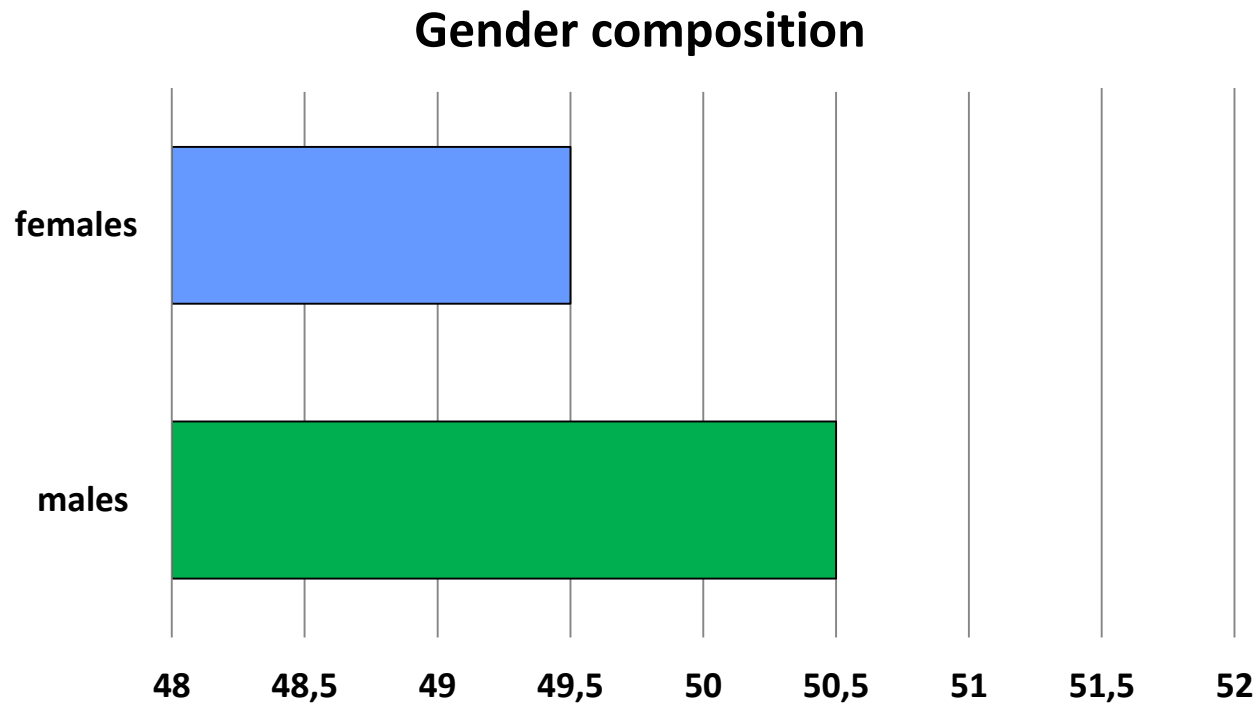
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General country background

Population structure

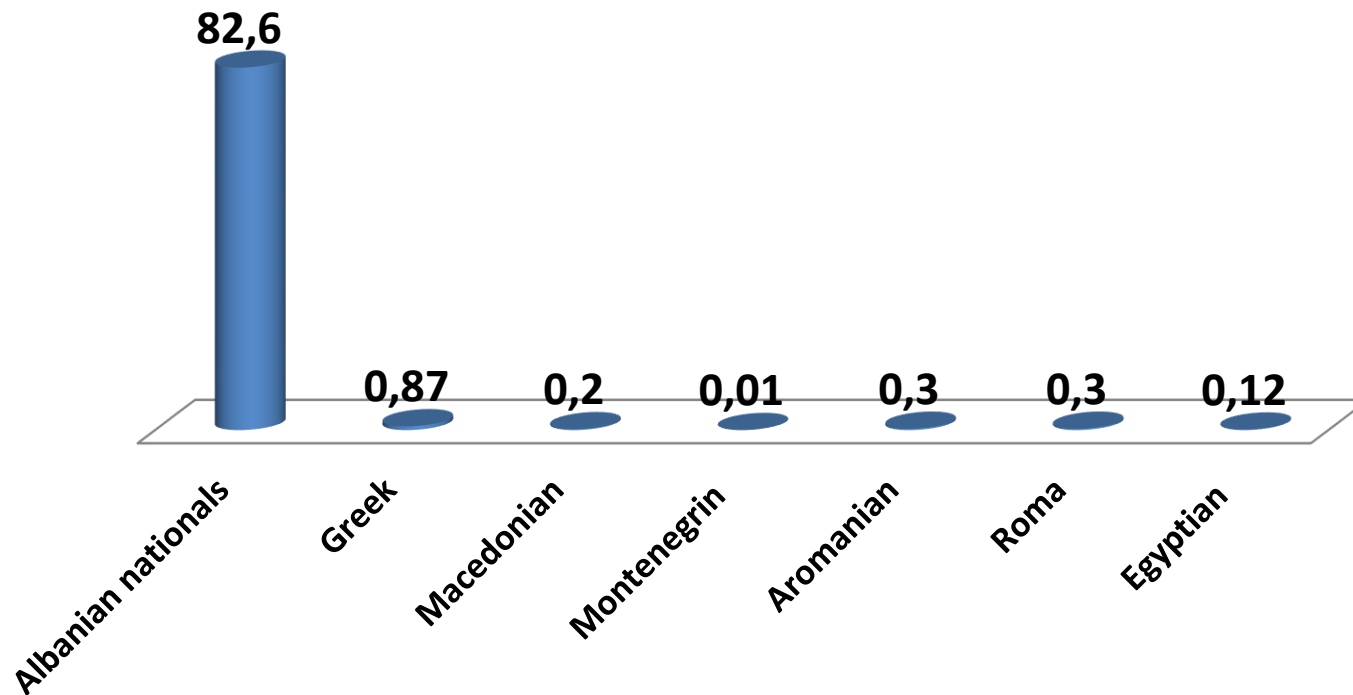
Total population in 2015 is estimated 2,893,005 inhabitants.



General country background

Population structure

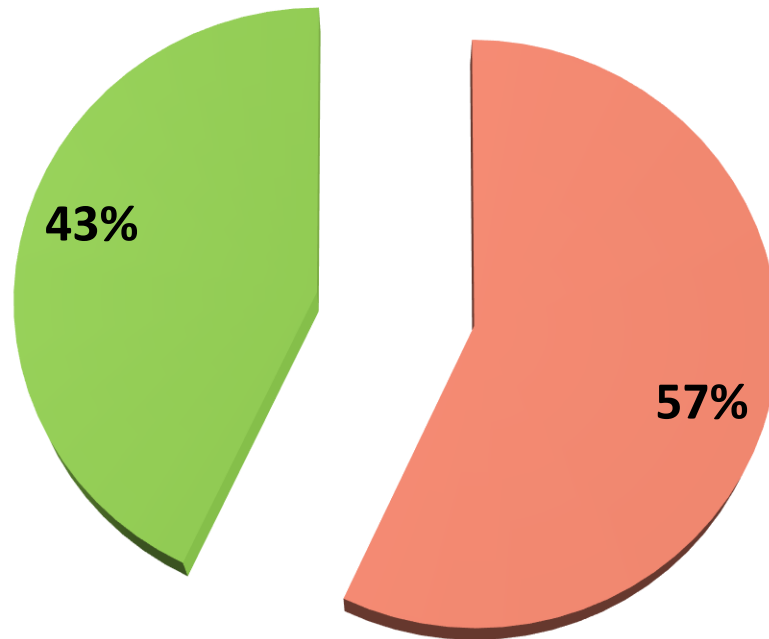
Resident population by ethnic and cultural affiliation



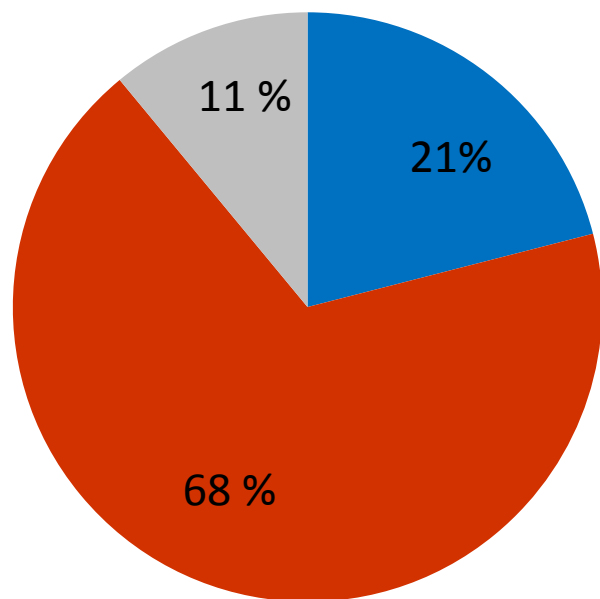
According to the last Census of 2011

Population structure (2015)

■ Urban population ■ Rural population



Age structure (2011)



■ 0-14 years ■ 14-65 years ■ + 65 years

General country background

Economic indicators

- **GDP** for the year 2013 - 1.364.782 million Lekë or **9.730 million Euro**
- GDP per capita amounted 471 mijë lekë or 3.358 Euro
- **Unemployment rate** for the age group 15-64 is 17, 3 %.
- For the **age group 15-29** the unemployment rate is **34,1 %**.
- The total labour force of the country consists in 925,262 persons.

Legal provisions

The system of sanctions is set out in the Penal Code
of the Republic of Albania
(Law no. 7895 dated 27.1.1995)

PRINCIPAL SANCTIONS

Life imprisonment
(serious crimes)

Imprisonment

- a. 5 days-35 years for crimes
- b. 5 days-2 years for criminal contraventions

Fine

SUPPLEMENTARY SANCTIONS

- suspension of the right to hold a public office,
- confiscation of the crime proceeds,
- deprivation of the right to exercise an activity or mastery,
- prohibition from driving,
- prohibition from staying in an administrative unit,
- termination of parental responsibilities et cetera

Sentencing guidelines

- ▶ SG have mainly a general nature.
- ▶ The law provides for some mitigating and aggravating circumstances to be considered by the court when imposing a criminal punishment, which are generally related to the offenders's personality and/or to his behaviour after the commission of the offense.
- ▶ There are no specific **provisions on circumstances that shall be considered for per each particular category of offences.**

Mitigating circumstances

The court might be entitled to apply a lower sentence when:

- ▶ the act was committed for positive moral and social values;
- ▶ under the effect of a psychiatric distress caused by provocation or the unfair acts of the victim or some other person;
- ▶ under the influence of wrong actions or instructions of a superior at work;
- ▶ the offender has demonstrated deep repentance; or has contributed to compensate the damage caused by the criminal act et cetera

Discetionary power-> the court has the right to consider other mitigating circumstances by referring to the offender's personal conditions and other circumstances surrounding the case.

Aggravating circumstances

In this respect, the court evaluates whether:

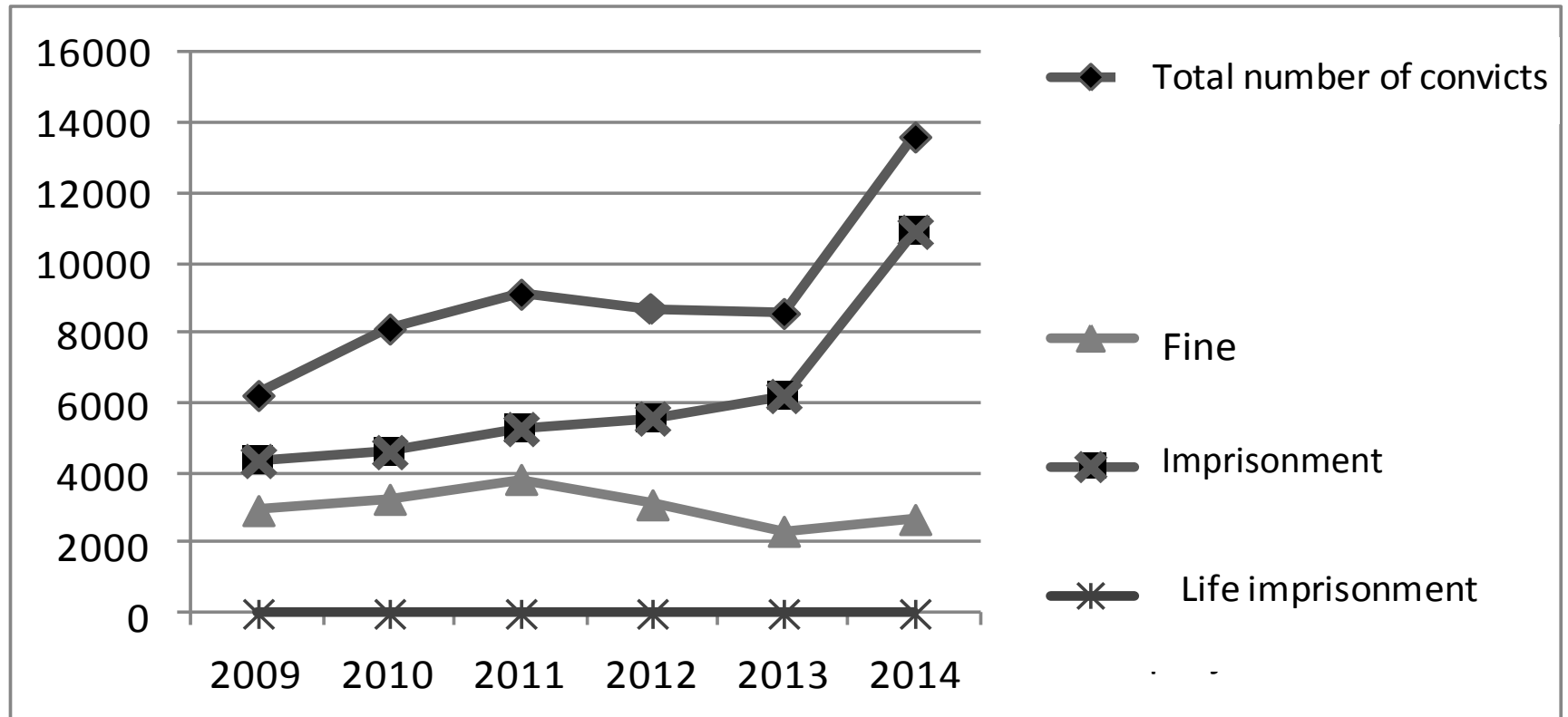
- ▶ the criminal act was based upon weak motives;
- ▶ the CA was committed for the purpose of making responsible or hiding the criminal responsibility of a third person;
- ▶ the offense was committed savagely and ruthlessly;
- ▶ the offender abused his public office or his religious service; the act was committed using weapons, military ammunitions, or dangerous substances;
- ▶ the commission of the offence was based in discriminatory grounds;
- ▶ the offense was committed against children, pregnant women, or other people who, cannot protect themselves;
- ▶ the act was committed with accomplices;
- ▶ whether the offender is a recidivist

The list is exhaustive

Regulation of the penitentiary system





- Law no. 8331, dated 21.04.1998 ‘On the execution of criminal sentences’, as amended,
- Law no. 8328, dated 16 April 1998 “On the rights and treatment of detainees”, as amended,
- Law no.10 032, dated 11.12.2008 “On prison police” as amended,
- General Regulation of Prisons (approved by Decision of Council of Ministers no. 303, dated 25 March 2009),
- The internal regulation of each prison.

Sentencing practice (2009-2014)



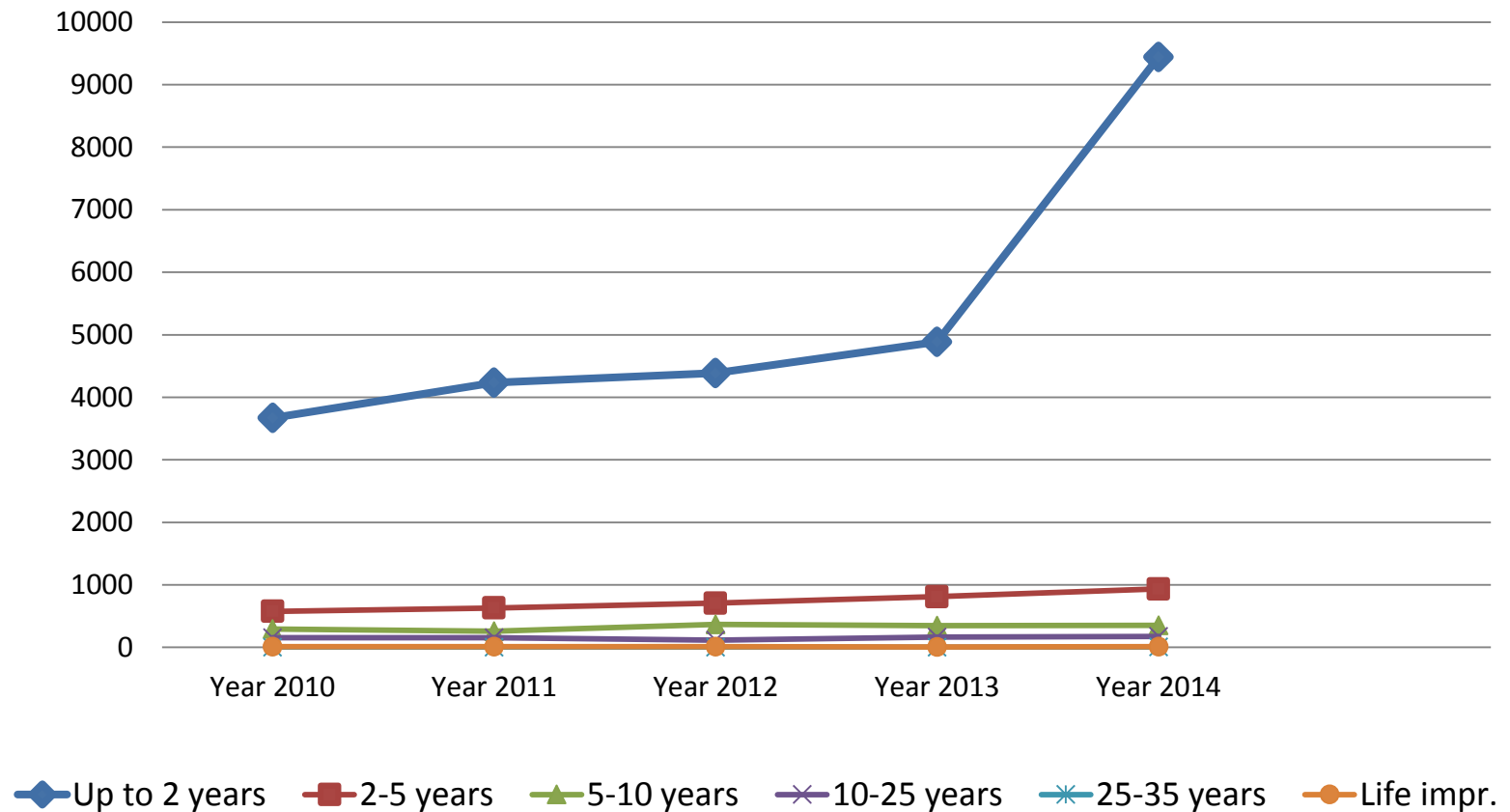
Evolution of imprisonment sentence

Increase in percentage:

-  14% (2011)
-  5.6 % (2012)
-  11% (2013)
-  43 % (2014)

	2010	2011	2012	2013	2014
Imprisonment sentence	4626	5291	5589	6221	10924
Fine	3270	3838	3114	2357	2694
Total number of convicts	7854	9071	8679	8579	13618

Sentencing practice



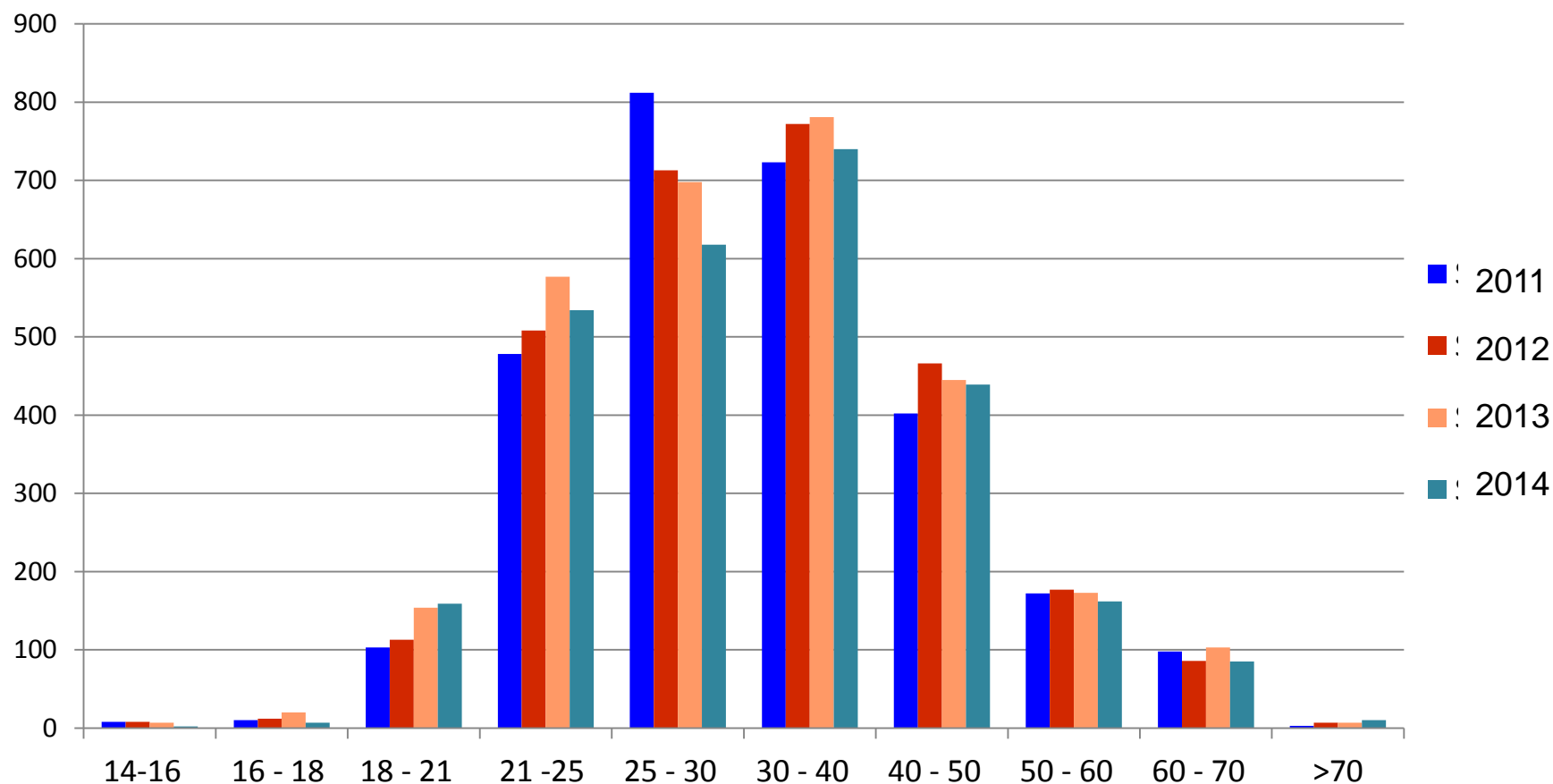
- The trend remains the imprisonment sentence of up to two years.

Classification of convicts according to the categories of offenses

Percentage of convicted per categories of offenses (%)	2010	2011	2012	2013	2014
Criminal acts against property or in the economic area	54	54	55	52	51
Criminal acts against public order and security	30	31	31	30	30
Criminal acts against morality and family	2	2	2	6	9
Criminal acts against normal administration of justice	4	5	4	3	3.5
Offenses against life	4	4	3	1	3
Offences against health	2	2	2	2	2
Others	4	3	3	6	2

Source: The Statistical Yearbooks of the Ministry of Justice (2010-2014)

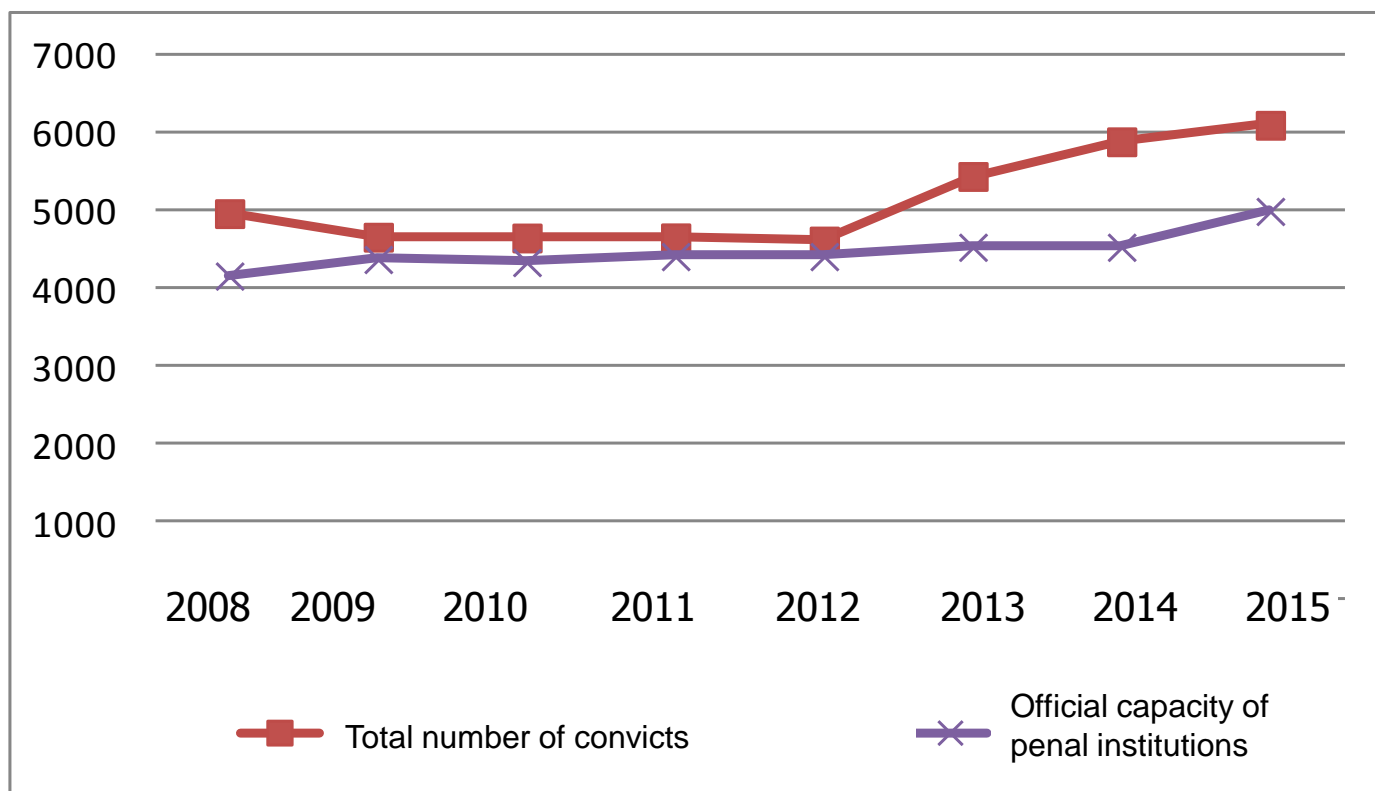
Age structure of convicts (2011-2014)



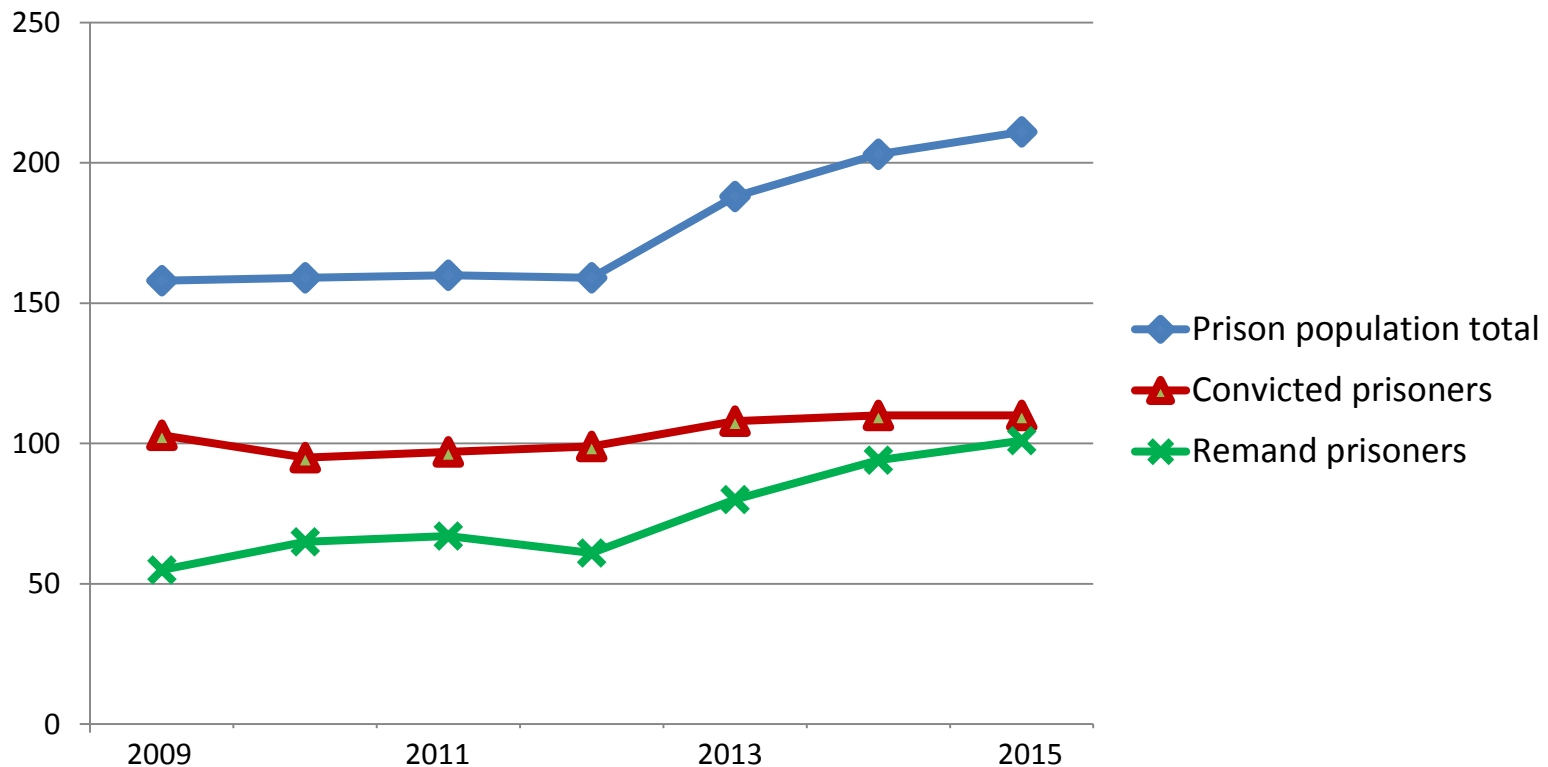
The medium age of convicts is 33 years.

Source: Statistics of the General Directorate of Prisons

Prison Overcrowding

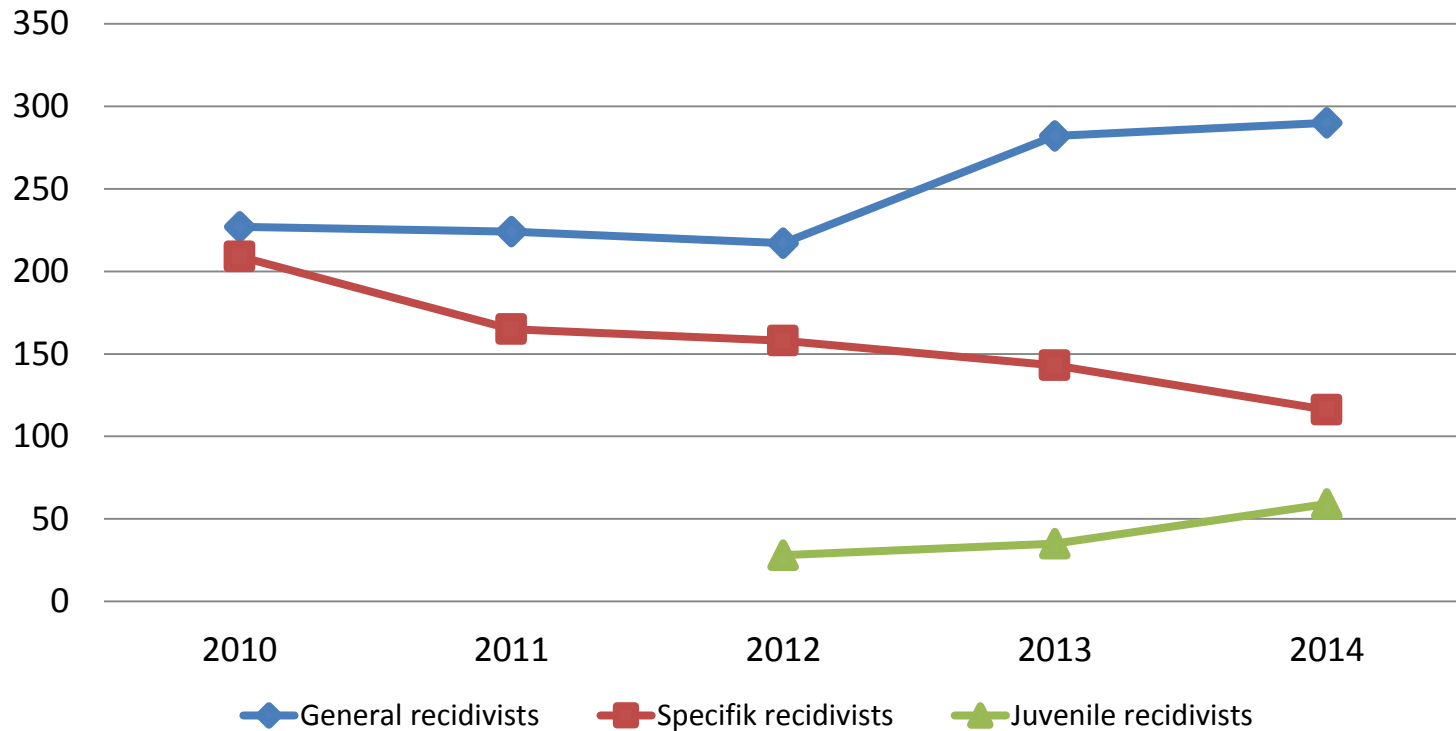


Evolution of prison population per 100, 000 population



The situation of overcrowding is considerably affected by the increase of remand population rate. The data clearly shows how the trend of the total number of prison population and the trend of the number of pre-trial detainees in the course of time follow more or less the same pattern.

Recidivism



- Majority of reoffenders are engaged in theft offences.
- A particular concern of recent years represents the increase of recidivism rates for juveniles.

Major problems in the Albanian Penitentiary System

- ***Prison overcrowding*** (mainly resulting from the increase of remand population rates and the tendency to apply harsher sentences for minor offences (i.e. theft of electricity , breach of road traffic regulations etc).
- Space management and ***physical living conditions*** related problems (unhygienic conditions and often lack of some basic amenities).
- ***Health care*** (notable lack of medicines in prisons, and problems related to the treatment of mentally ill detainees – they are either kept in prison hospitals, or in the prison of Zaharia in Kruja, which constitutes severe violation of their rights).

Prison overcrowding

Some of the main influencing factors are related to:

- Political pressure towards a more punitive policy
- Inappropriate use of the detention on remand measure
- Delays in procedural deadlines
- Delayed or procrastinated investigations
- Procrastination (dragging) of trial proceedings
- The punitive trend in the activity of criminal justice bodies
- Increase of imprisonment terms for a range of criminal offences
- Treatment of persons suffering from mental problems in the penitentiary system
- Low application of some alternatives to imprisonment (*judicial scepticism, lack of open regime prisons*).

Thank you!