



**Law**

**No. 8328, date 16.04.1998**

**ON THE RIGHTS AND TREATMENT OF THE PRISONERS.**

Pursuant to article 16 of the law no. 7491, date 29. 04. 1991 "On Principle Constitutional Provisions, following the proposal forwarded by Council of Ministers

**PEOPLE'S ASSEMBLY**

**OF**

**THE REPUBLIC OF ALBANIA**

**DECIDED**

**PART I**

**GENERAL PROVISIONS**

**Chapter I**

**SCOPE**

**Article 1**

This law defines the rights and treatment provided for convicts serving penal sentences through imprisonment and tasks of the relevant the competent of competent state bodies.

**Article 2**

All convicts associated with imprisonment sentences bearing the final verdict passed by the Albanian courts of law and the foreign courts of law having observed the respective applicable procedural requirements are subjects to regulations under this law.

**Article 3**

In special instances, as requested by competent relevant body and the order of the Minister of Justice, even individual detained or arrested against whom applicable are the prerequisites of Penal procedure Code as well as this law , provided the latter is not in contravention with the former, could be placed in establishments subjects to this law.

**Article 4**

Imprisonment sentences are served only in specifically designated establishments according to this law. The Minister of Justice can order the formers' temporarily removal to other convenient locations only in cases of state of emergency imposed, jeopardy on account of force major activity, significant construction work being underway as well as in cases the convict's life and health are endangered.

**CHAPTER II**

**FUNDAMENTAL PRINCIPLES**

**Article 5**

Respecting human rights

Serving penal sentences through imprisonment is accomplished by respecting the convict's dignity therefore permeated by human sentiments.

The convicts are treated impartially or indiscriminately on account of their sex, nationality, race, economic and social conditions, political opinions and religious beliefs.

The convicts should be provided such living conditions that could reduce to minimum the negative prejudicing effects of the imprisonment and differences between them and other citizens.

#### **Article 6**

Restricting individual rights

The rights of the individuals sentenced, in conformity with this law, can be restricted or abolished in cases of violating this law or internal rules, only in instances and according to criteria prescribed by this law.

#### **Article 7**

Restricting rights in-group

The rights of the convicts could be restricted and abolished temporarily in-group, upon the order of the Minister of Justice only in cases of state of emergency imposed, force major activity, significant construction work being underway in the establishments as well as the convict's life and health are endangered to the extent and duration determined in the order.

The head of the institution, his deputy in his absence, in cases of state of emergency could impose restrictions prescribed in paragraph 1 of this article, consequently no later than 24 hours should be provided the respective approval issued by the Minister of justice.

#### **Article 8**

Entitlement to requests and complaints

The convicts are entitled to submit individual requests and lodge complaints with the respect to the enforcement of this law and implementation of the internal rules the way defined in this law

As a rule, the requests-complaints should be addressed to the duly competent bodies in conformity with this law, but in the case deemed appropriate, the convict could approach and address any state body or even national or international NGO-s.

It is prohibited to approach the requests-complaints in collective or organized ways.

### **CHAPTER III**

#### **TREATMENT**

#### **Article 9**

Re-educating target

The convicts should be subjects to treatment intending re-education for their integration in social life.

#### **Article 10**

Individualization of treatment

The treatment of the convicts should be organized according to the individualization criteria in conformity with the conditions and characteristics of each individual of each convict.

The individualization is accomplished by verifying the individual needs and taking into account the conditions and the environment the convict has been living, educational or social reasons that have estranged them to develop a normal life.

Observation is organized prior to treatment effected and its outcomes are verified continuously in the course of execution, hence making required adjustments.

#### **Article 11**

Programming and accomplishing treatment

Observation, programming and accomplishing treatment are completed by the prison administration through its staff in collaboration with the structures and respective relevant state institutions.

The contribution of NGO-s and certain individuals is encouraged and supported by prison administrations in the course of implementing their treatment program.

**PART II**  
**INSTITUTIONS**  
**CHAPTER I**  
**TYPES OF INSTITUTIONS**

**Article 12**

Penal Sentences Execution Institutions

The institutions for the execution of imprisonment verdicts are:

- Supreme Security Prison
- Ordinary Prison
- Lower Security Prison
- Special institutes

Establishment, categorization, closeness down of the institutions related to the execution of the imprisonment verdicts are accomplished upon the decision of the Minister of Justice.

**Article 13**

Supreme security Prison

Supreme security Prison is the institution wherein imprisonment verdicts are executed taken against subjects involved in organized crime as well as other individuals who in the course of committing criminal acts or during the period of serving imprisonment have been characterized by attitudes and behaviors making impossible their accommodation in prisons of other categories.

Women and minors could be accommodated in these prisons and in sections of supreme security prisons especially in cases of grave behaviors and actions.

The accommodation of the convicts in supreme security prison unless judicial verdict has been adopted as requested by the prosecutor for this court of law. In case the convict is serving term of imprisonment and in the case judged appropriate for his transfer in supreme security prison, according to the criteria prescribed by this law, the request of the prosecutor is submitted to the court where the institution is situated. The transfer from supreme security prison in other institutions of serving the imprisonment is performed as requested of the convicted himself, near to the court where the institution is located.

In the high security prisons, limitations of the rights of the convicted are decided in cases and according to the criteria prescribed expressly in this law.

In prisons of other categories, upon the order of the Minister of Justice can be established sections of high security prison, in which the above rules are applied.

**Article 14**

Normal security prison

Normal security prisons are the institutions where all the convicted suffer the punishment, with the exception of those of high

security or those physically incapable sick.

The forms of treatment in the normal security prisons are applied without limitations of the high security prison or the specifications of the medical institutions.

The settlement in the normal security prisons is performed by the General Director of prison through the competent organ that execute the court decision, based on the criteria prescribed in this law and on the prison regulation. The transfer in the low security prison is performed upon the order of the prosecutor.

#### **Article 15**

Low security prison

Low security prisons are the institutions of suffering the punishment for penal controversial or criminal acts due to negligence and when the convicted are not repeaters or belong to the normal security prison, to who the suffering of punishment is reduced less than 6 months imprisonment because of their good behavior.

The General Directorate of Prison performs the settlement in the low security prison at the beginning, according to the criteria of this law and prison regulation.

The transfer into a prison of normal regime is performed on the request of the director of prison and the approval of prosecutor.

In the low security prison, priority is given to the execution of the decision of women and minors.

#### **Article 16**

Institutions for the sick and incapable persons

Special Medical Institutions or special sections inside the prisons or in the hospitals outside the system of penitentiary service for the cure of the convicted with illness and mental or psychic disturbance.

Placing the persons in this institutions and sections can be foreseen since the beginning in the decision of sentence or during the execution of condemnation, on the approval of the prosecutor and in emergency cases on the approval of the Director where the convicted is, by informing immediately the prosecutor.

Coming out of these institutions is done on the proposal of the head of the institution and on the proposal of the prosecutor.

Regarding placing, refusal of placing, emerge from or refusal of emerge from the convicted, defender or his tutor are enlisted to appeal in the court within 5 days from the day of its announcement.

All the rights of the convicted in the institutions and sections of curing are respected according to this law, so long as they are applied in the hospital conditions.

The Minister of Justice and the Minister of Health upon a common instruction determine the way of the enforcement of this law inside them.

The convicted whose profession is connected with medical field or other necessities can be placed inside these institutions, upon the order of the prosecutor, when there are no obstacles for them according to this law.

The court in cases defined by Penal Procedure Code performs the placing of the convicted in these institutions. Upon the recommendation of the prison medical service in these institutions, or other medical institutions, and on the request of the prosecutor, the convicted sentenced with imprisonment can be transferred.

Coming out or placing the convicted in the prison is performed by the body that has decided for the execution of the decision in the institute.

#### **Article 17**

Sentenced places for women and minors

The women or the minors regularly suffer their punishment in special institutions used only for them and if impossible in special sectors of other institutions according to the conditions of this law

The mothers are allowed to keep with themselves, the children up to 3 years old. Special kindergartens function for the care and assistant towards these children.

## **Article 18**

### **Internal regulation of institution**

Each institution has its own internal regulation, issued on the basis of the prison regulation which defines the organization, internal discipline and the requirements of treatment in the conditions of the institution.

The internal regulation is prepared by a certain commission, headed by the director of the institution and approved by the Minister of Justice.

## **CHAPTER II**

### **DIRECTION**

## **Article 19**

### **Directing bodies of the prisons**

The General Directorate of Prison is the central organ that organizes, directs, and controls the institutions for the execution of penal decisions and the organisms of assistant activity.

The General Directorate accomplishes its duty based on this law, on general regulation of prison, orders and instructions of the Minister of Justice as well as on all the other sub-legal acts and by-laws which contain rules on them.

The Director of the institution organizes and controls as above the activity inside the respective institution and is responsible for the execution of penal decisions inside it.

## **Article 20**

### **Direction of the structures**

The Directors of the structures of the institutions prescribed in article 11 of this law, organizes and are responsible for the activity in the implementation of the treatment program according to specific field.

## **Article 21**

### **Executive personnel**

The executive personnel accomplish and are responsible for the implementation of the treatment program according to the defined duty.

## **Article 22**

### **Prison Police**

The Prison Police in the General Directorate of Prison depend to the Ministry of Justice that carries out the protection of the institutions outside, supports and guarantees the accomplishment of the activity inside the institution for the enforcement of the Law " On the State Police".

## **CHAPTER III**

### **LIFE CONDITIONS IN THE INSTITUTION**

## **Article 23**

### **Buildings**

The prisons buildings and special institutions, used by the convicted should be built and structured in such way as to fulfill the requirements of a normal life and secure the accomplishment of the activities of the handling program.

The actual buildings are adopted gradually in special separations in order to be used by the groups of convicted in a limited number, while the projects of the new buildings are adopted for useful separations with a capacity of 4 convicted persons, by respecting the necessary cubature.

#### **Article 24**

##### **The environment of staying and sleeping**

The environment, in which the convicted live, should have sufficient space with the necessary natural and artificial lamination, in order to ensure a possible staying, work, and active relief, aired and provided with hygienic services. The hitting of the environment should be ensured in cases of climacteric conditions.

In cases when it is impossible to guarantee sleeping in individual room, the assignment of the convicted in the same room should be performed in such a way, in order to avoid the conflict and negative effects or vice versa. regarding this the