



Mapping Solitary Confinement: Albania country report

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Cite as: Bllanca, E. (2022). Solitary Confinement in Albania. In S. Shalev, *Mapping Solitary Confinement* (online). <https://www.solitaryconfinement.org/mapping-solitary-confinement>

1. Country general Criminal Justice System facts & numbers

Albania has a state-run penitentiary system. Prison and probation services are under the Ministry of Justice as separate institutions of command.

There are 24 prisons (2 prisons are empty due to severely damaged material conditions)

In 2021, the penitentiary system accommodated 5433 persons, out of which 2152 were convicted by final decision, 2918 detainees and 363 persons with compulsory medication. The number of male prisoners was 5349, while the number of female prisoners was 84. There were 18 juveniles in the prison (of which 16 were detainees and 2 had been convicted). There were 116 foreign nationals.

2. Legislative and administrative bases for use of solitary confinement

- Law no. 81/2020 "On the rights and treatment of prisoners and detainees";
- Decision of the Council of Ministers no. 437, dated 20.5.2015 "On the approval of the general regulation of prisons";
- Juvenile Criminal Justice Code.

3. Reasons for use, process, and administrative regulations

a. Solitary confinement as punishment

The placement of prisoners in solitary confinement is done by a decision of the Disciplinary Commission of the Institutions for the Execution of Criminal Decisions (IECD). The Disciplinary Commission consists of 5 members (Prison Director, in the capacity of Chairman, Head of the legal sector, Head of the security sector, Head of the social care sector, and the social care sector specialist who treats the convict.



Before the start of the disciplinary review, the medical staff prepares a medical report stating the health condition of the prisoner against whom disciplinary proceedings have been initiated. The report is made available to the Disciplinary Commission and reviewed by it for the purpose of determining the disciplinary measure. The doctor participates in the meetings of the disciplinary commission without the right to vote and has the right to provide clarifications if this is required by the Disciplinary Commission. The maximum stay of prisoners in solitary confinement is 14 days. The application of the disciplinary measure of exclusion from joint activities (in isolation) is subject to daily medical control. During the implementation of this disciplinary measure, prisoners are guaranteed to have contact with family members at least once and at least one hour in the open air every day if the weather conditions allow. Prisoners also enjoy the right to make phone calls. Isolation rooms respect the minimum standards that apply to the stay of convicts, until the end of the disciplinary measure (no TV, no radio).

b. Solitary confinement as management of prisoners labelled as 'difficult' or 'dangerous'

The prisoner may be placed under the regime of special supervision for a period not exceeding 3 months when: a) he endangers the safety of the staff of the institution, visitors, or when he is in danger of harming himself or others; b) there is a risk of obstructing the activities of other prisoners through violence or threats; c) there is a risk of forcing other prisoners to submit to or benefit from them; d) prevents other prisoners from enforcing the rules individually, or in groups, or incites their violation. The placement of the prisoner in the special supervision regime is done with a reasoned decision of the director of the institution after receiving the evaluation report from the Conviction Risk Assessment Commission. The prosecutor, the Director General of Prisons, the prisoner, and his legal counsel are then immediately notified of the decision. The director of the institution then orders the transfer of the prisoner to the special supervision regime. The prisoner has the right to appeal the order of the director of the institution to the competent court within 10 days from the notification of the order. The special supervision regime is applied in the internal premises of the institution where the prisoner is located. Placement in the special supervision regime is prohibited for juvenile prisoners and women. Restrictions that apply during the special supervision regime may not affect the provisions of this law in terms of hygiene, health service, clothing, food, storage, purchase and receipt of food, or other facilities provided by the regulation of the institution, access to library service, freedom of expression and belief, use of permitted personal belongings, ventilation, meetings with legal counsel, meetings with family members and relatives.

c. Solitary confinement for the prisoner's own protection

The prisoner may be placed under the special supervision regime for a period not longer than 3 months when he endangers the safety of the institution's staff, visitors, or when he risks harming himself or others. Restrictions that apply during the special supervision regime may not violate the provisions of the law in terms of hygiene, health service, clothing, food, storage, purchase and receipt of food or other facilities provided by the regulation of the institution, access to service of



library, freedom of expression and belief, use of permitted personal belongings, ventilation, meetings with legal counsel, meetings with family members and relatives.

d. Solitary confinement pre-trial?

Albania does have one dedicated detention centre for illegal asylum seekers in Kerrec. It is under the authority of the Ministry of Interior, and it is monitored only by People's Advocate (Ombudsperson/ National Preventive Mechanism).

e. Solitary confinement in immigration detention?

Please refer to point A (Solitary confinement as punishment) as there are no differences.

4. Protected populations

Women: Stay in solitary confinement for up to half the time provided in the case of women prisoners. Separate detention does not apply to pregnant prisoners, or who have a child in the care of an institution.

Juveniles: Disciplinary measures, types, and limits of their application to juvenile prisoners are provided in the Juvenile Criminal Justice Code. Special rules for their implementation are provided in the General Regulation of Prisons. For juvenile prisoners, prisoners diagnosed with mental health disorders, prisoners who have had experiences of physical, psychological or sexual abuse, a mitigating disciplinary regime is applied according to their needs.

Persons with disabilities (physical, mental, learning): Prisoners with different abilities, physical, or mental health disorders are not subject to isolation if it affects the deterioration of their condition, based on the medical report drafted.

LBTQI: No specific provisions It is still taboo to declare sexual orientation inside prisons due to discrimination and violence.

5. Statistical data on use of solitary confinement/segregation

In 2021, disciplinary measures were given in 901 cases, with 53 prisoners placed under special supervision.

*Data on length of punishments [in 2021](#)

6. Jurisprudence on solitary confinement

No information has been processed or particular data reported. This is the first time that solitary confinement is extrapolated from usual reporting.

7. Reports on the use of solitary confinement

Reports are provided upon monitoring places of deprivation of liberties. Asking about solitary confinement procedures is not a particular indicator that is used during monitoring, but it is a



combined indicator that Committee for the Prevention of Torture (CPT) visits are used. It could be further emphasized that solitary confinement can turn into inhuman and degrading or even torture. The Ombudsperson as the National Preventive Mechanism is monitoring places of deprivation of liberties. The Institute for Activism and Social Change is also providing recommendations.

8. Good practice?

The only good practice are the legal amendments, whose application would need to be monitored in the future. Law 81/2020 has provided for protective conditions which apply to the Institutions for the Execution of Criminal Decisions in the country.

Some of the relevant provisions include:

i. Disciplinary measures should be the last form of behavioral regulation. Where possible, the institution's staff uses mediation to resolve conflicts between or between prisoners and the institution's staff. ii. Disciplinary measures may not be taken against prisoners for a fact that is not expressly provided as a violation of this law. iii. The disciplinary measure can be given only after the right of the prisoner to be heard and to verify the allegations made by him. iv. Disciplinary measures are determined in accordance with the type and importance of the violation, the attitude of the prisoner towards it, his age, his personality, as well as the physical or psychological condition of the prisoner. v. In the case of juvenile prisoners, the types of disciplinary measures and the limits of their application are provided in accordance with the provisions of the Juvenile Criminal Justice Code. vi. Disciplinary measures are implemented in such a way as to promote the prisoner's sense of responsibility and ability to self-control. vii. Collective punishment, corporal punishment, punishment through confinement in dark rooms and other forms of degrading or humiliating punishment are prohibited.