



Strehëza për gra
dhe vajza të
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In this issue:

1. Conditional Release Toward International Standards
2. Training with Prison's Staff
3. Training with prof. Icro Maremmani
- 3- Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules

Network for the implementation of alternative sentence

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MAIN ACTIVITIES IN THE FRAMEWORK OF ALTERNATIVE SENTENCE PROJECT

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Conditional Release Toward International Standards

The implementation of the Conditional Release as a form of Alternative Sentence as it was specified in the criminal code was implemented in Albania since 1928.

Regarding the historical chronology, during the communist regime, this kind of Alternative Sentence was conserved too. In this period, its implementation was focused mainly in the offences like public socialist property, public order, health, transport etc.

At that time the imprisonment could obtain the conditional release achieving some criterias as for instance suffering the half of the conviction imposed by the court. →



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The conditional release it wasn't allowed for the convictions less than one year. Taking in consideration the opinion of the specialists of this field in this phase the Alternative Sentence was implemented mostly for political reasons than legal one.

Actually, the legal framework of the conditional release is included in the criminal code and it is predicted by the article 64. The Release on License referrers to the cases that have accomplished part of the conviction and that show great commitment in their education programs, their rehabilitation and reintegration process. It is very important to underline that the court can revoke the conditional release if the offender shows recidivism. The general principles of all types of alternative sentence are focused in the concept of the reduction of recidivism. On this purpose, criminal code imposes several conditions for the subjects to get accomplished during their probation period as, restitution, drug addiction and alcohol treatment in a specialized center, employment and vocational courses, participation in counseling and self-development programs, prohibition of such activities or places. The court can also bind

other criterias referring to different cases and their personal data, age, education, family background, needs, circumstances.

The procedure of obtaining the Alternative Sentence should abide the law. The responsible authorities should start the necessary procedures when the convicted has accomplished the minimum of the sentence as is predicted by the law.

The criterions of the Conditional Release should be clear, understandable and achievable. They should take in consideration the psychological, familiar, social, economic conditions and they should also test the usefulness and of the implemented programs. Finishing, it is crucial to emphasize that the implementation of Alternative Sentence refers to the offenders that doesn't represent danger for the community or public order.

The basic logic of the Alternative Sentence is a second opportunity for the offender to get involved in the community through an appropriate surveillance and effective programs and its progress it is based in the positive results and efforts to get the necessary treatment for the process of rehabilitation and reintegration in the community as the final aim of the implementation of Alternative Sentence.

Training with Prison's Staff

In the framework of the implementation of Alternative Sentence Project in Albania, in 16-17 June was held an informative training with the participation of prisons's staff. The training was held in the city of Durres where took part multidisciplinary representatives as doctors, social workers, lawyers, psychologist.

In this activity were invited lecturers from the University of Tirana, Faculty of Social Sciences, lecturers from the Action + and Refraction Association, The Director of Trainings in the Education Department, of the



General Directory of Prisons. In this training participants were informed about the structure and function of the Probation Service institution and its legal framework.

The Director of Trainings, in the General Directory of Prisons, Mr. Femi Sulaj presented a material regarding the history and the developments of Alternative Sentence in Albania. His presentation was

focused in the conditional release and its development in the framework of international standards. He underlined the general principles, criterias, legal framework and the implementation of the conditional release. During his presentation participants discussed actively referring to concrete cases with Alternative Sentence that are under the surveillance of Probation Service.



Training with prof. Icro Maremmani

In 29 June representatives of National Network of Community Services for the Offenders participated in the training held by Prof. Icro Maremmani. His visit in Tirana was organized as the result of the collaboration of two associations, Action + and Stop Aids.

Mr. Icro Maremmani is Professor in Addiction Medicine, Department of Psychiatry in the University of Pisa he is also well-known as the Coordinator of the World Federation for the Treatment of Opioid Dependence. His agenda predicted to held a Training with Network Members and NGOs staff, socio-health workers, The second day a Workshop with representatives of Ministry of Health, Public Health Institute, Students from Faculty of Medicine and finally the last day an Advocacy Meeting.

The most key issues of his program were as Below:

- Drug addiction: early prevention, treatment, maintenance and rehabilitation;
- Models of treatment programs (psycho-pharmacological approaches);
- Experience from Italy and other European country
- Drug addiction policies
- Models of drug strategies from other countries
- What works best for Albania



In the framework of Alternative Sentence, this event, for the participants was very useful and efficient in both levels theoretical and practical. All the recommendations and conclusions came from the main topics discussed analyzed drug addiction as an illness that cause not only physical problems but as a real threat for all the community in social, economic, order, security and justice problems. In this aspect, Prof. Maremmani emphasized the great effectiveness that has the Methadone Maintenance Therapy in the the subjects that shows criminal tendencies, or recidivism in their rehabilitation and reintegration.

Training with Prison's Staff

→ The activity continued with the presentation of Mrs. Enkelejda Ngjelina. She made clear the importance of Probation Service Institution and explained its legal framework, mentioned the Memorandum of Collaboration between the Probation Service and the Network Associations. Mrs. Entela Kaleshi, as the representative of Refraction Association spoke for the cases that suffer from anger management especially for the subjects with conditional release.

After this presentations the activity continued with the discussions of improving the collaboration in between the Probation Service and prisons, especially in the process of assessment reports for the subjects that



seeks for conditional release.

Finally, the invited Lector from Social Science, Mrs. Marina Ndrio, made possible the explanation of the process of negotiation for obtaining conditional release and the participants analyzed the concrete cases referring this issue.



RECOMMENDATION CM/REC(2010)1 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE COUNCIL OF EUROPE PROBATION RULES

*(Adopted by the Committee of Ministers on 20 January 2010
at the 1075th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
Considering that the aim of the Council of Europe is to achieve a greater unity between its members, in particular through harmonising laws on matters of common interest;

Considering that the aim of probation is to contribute to a fair criminal justice process, as well as to public safety by preventing and reducing the occurrence of offences;

Considering that probation agencies are among the key agencies of justice and that their work has an impact on the reduction of the prison population;

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular concerning the security of citizens;
- Resolution No. 2 (paragraph 19) adopted by the 26th Conference of the European Ministers of Justice (Helsinki, 7-8 April 2005);

Taking into consideration:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);
- the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS No. 51);
- the European Convention on the International Validity of Criminal Judgments (ETS No. 70);
- Recommendation No. R (92) 16 on the European rules on community sanctions and measures;
- Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions or measures;
- Recommendation No. R (99) 19 concerning mediation in penal matters;
- Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation;
- Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures;
- Recommendation Rec(2003)22 on conditional release (parole);
- Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners;
- Recommendation Rec(2006)2 on the European Prison Rules;
- Recommendation Rec(2006)8 on assistance to crime victims; and
- Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.