



Strehëza për gra dhe vajza të abuzuara

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Network for the implementation of alternative sentence

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Introduction

The implementation of Alternative Sentence in Albania is a step forward in the consolidation of Human Rights, Democracy and Legal State. Since one year of its implementation the collaboration between Probation Service and the Network of Community Services for Offenders has achieved many objectives. The development of main activities as informative seminars, workshops, meetings, presentations, campaigns, the surveillance and treatment of concrete case has been the important focus of this project. This activities have a positive impact in the collaboration of the Network and the Probation Service, in building the appropriate capacities due to the rehabilitation and reintegration of ex-offenders, in the exchange of Network information, in assuring professionalism between parts, in raising the level of public awareness and confidence toward the implementation of Alternative Sentence in the community.



Hotel "Mondial", Tirana

In the framework of the project "Network of Community Services for Alternative Sentence" the partnership associations made possible a presentation in the framework of the agreement of the collaboration memorandum with the Probation Service Office.

This activity was held at Mondial Hotel, in 27 July. In this activity took part representatives from Probation Service Office of central and local Directory in the main cities as Tirana, Durres, Fier, Shkoder and with the participation of partnership associations of the project. In this meeting took part the General Director of the Probation Service Office, Mr. Sefgjini.

In this activity was introduced the Project " Network of Community Services for Alternative Sentence" and all the activities predicted from the Probation Service Office in collaboration with the Executive Director of the association Action Plus Mr. Mucollari. In his presentation Mr. Mucollari emphasized the great importance that has the collaboration of the Probation Service, civic society and community services in the field of the implementation of Alternative Sentence.

In his presentation, Mr. Sefgjini, General Director of the Probation Service Office, spoke for the great importance that has the establishment of this kind of institution and he underlined all the benefits and advantages that this institution offers in the aspect of the rehabilitation and reintegration in the community, he mentioned the reduction of criminal tendencies and for the possible disappearance of crimogenic needs in offenders and diminish the economic costs.





Shkodra

In the framework of "National Network for Alternative Sentence Project" it was developed an informative seminar, in the city of Shkodra, in 26.11.2010, in Europa Hotel. This seminar was held with the participation of Judges, Prosecutors, Psychologists, Lawyers, Attorney at Law, Journalists, Director of Probation Service, Specialist of Probation Service, Executive Director of Aksion +, Executive Director of Refraction Association, Social Workers and Psychologists of partnership associations. In his presentation Mr. Genci Mucollari, Executive Director of Aksion + underlined the high statistics of drug users showed by studies in our country. This crucial issue has affected our families, community and society. He spoke for the commitment of different offences under the influence of drug use. On this purpose he mentioned the great importance that has the collaboration between the Probation Service Institution and the programmes offered by the Partnership Association. Then the seminar continued with the presentation of the Director of Probation Service Shkoder. He emphasized the raised number of offences due to drug use and he mentioned all the benefits provided from the collaboration of Probation Service and partnership Association on this purpose.



Fier

In the framework of the project Network of Community Services for Alternative Sentence, in the city of Fier, in 21/09/2010 the three partner NGOs hold a workshop. The aim of this seminar was in the first place to introduce the participants with the importance of the services provided from the partnership organizations.

This workshop was attended by different representatives from Probation Service Directory, Prosecutors from Fier Court and certainly the members of project staff. In this meeting the most important issues were the Memorandum of Collaboration that is signed with the Probation Service, the various programs of treatment as Methadone treatment, short or long term treatment for the individuals that are in the process of Alternative Sentence.

This meeting continued as agenda indicated and the participants were very active and were very careful in the suggestions, opinions and the appropriate solutions propounded by the prosecutors due to the rehabilitation and integration of the offenders in the community.

Universiteti "Aleks Luarasi", Tirana

In the framework of the project " Network of Community Services for Alternative Sentence' the partnership associations made possible a presentation in the framework of the agreement of the collaboration memorandum with the Probation Service Office. This activity was held at Aleks Luarasi University in 15.11.2010 and was a collaboration between Scientific Research Center of this University and responsible associations of the project. In this activity took part Executive Director of Aksion +, Mr. Genci Mucollari, inspector of Probation Service, Mr. Sajmir Shyti, social worker, Ms. Enkelejda Ngjelina and Ms. Fiona Lalaj, lector of Politics Science Faculty. The main focus of this presentation was the importance and the objectives of the project and the collaboration with the Probation Service.



Universiteti "Wisdom", Tirana

In the framework of the project "Network of Community Services for Alternative Sentence" the partnership associations made possible a presentation in the framework of the agreement of the collaboration memorandum with the Probation Service Office. This activity was held at Wisdom University in Tirana, in 07.12.2010. This was collaboration between Scientific Research Center of

this University and responsible associations of the project. In this activity took part Executive Director of Aksion +, Mr. Genci Mucollari and other collaborators of the project, Mrs Entela Kaleshi, Ms. Enkelejda Ngjelina and Ms. Fiona Lalaj. The main focus of this presentation was the importance and the objectives of the project and the collaboration with the Probation Service.



Durres

In the framework of the project "Network of Community Services for Alternative Sentence" in the city of Durres, in 12.11.10, in Hotel Aragosta, was held an informative seminar by the partner NGO responsible for the implementation of Alternative Sentence Project.

In this seminar was notable the active participation of Judges of Criminal Law, Prosecutors from Durres Court, The Directors of Probation Service of Tirana and Durres, Executive Director of Aksion + and Refraction Association and certainly other representatives from Probation Service and Network Members. As agenda indicated the seminar started with the presentation of Aksion +, Executive Director Mr.

Genci Mucollari. In his presentation he referred to the high statistics of drug users in Albania published from the recent studies on this purpose. He underlined that drug addiction is in the same time a familiar, social and economic problem. The seminar continued with the presentation of the Probation Service Director in Tirana, Mr. Abdyl Spahiu.

He explained in concrete terms the structure and the function of Probation Service Institution, its competences due to the Ministry of Justice, the importance of the Memorandum Collaboration with the responsible Associations and the procedure indicated by the law.

Reducing incarceration

In an attempt to reduce illicit drug markets, many governments rely to some extent upon the incarceration of drug users. As explained in the previous chapters of this guide, the rationale behind the need to maintain, and often increase, police activity and penal sanctions for drug users is the belief that strong law enforcement and widespread incarceration will deter potential users and dealers from becoming involved in the drug market. Incarceration therefore plays an important part in the drug policy of most countries, although its use varies widely from one country to another. Recent years have seen increasing numbers of people arrested for drug-related offences being sent to prison. The steepest rise has been in the USA, where over half of Federal prison inmates are currently kept in custody for a drug charge. Less spectacular rises have also taken place in many other nations all over the world, in Europe, Asia, Africa, Oceania and the Americas. The UN drug control system itself remains ambivalent in its attitude to punitive measures for drug offences. In its 2007 Annual Report, the International Narcotics Control Board devoted a whole chapter to the need for proportionality in sentencing for drug-related offences, but this recommendation was made within an international legal framework that still strongly encourages a penal approach, particularly in the 1988 drug Convention, which compels governments to adopt all necessary measures to establish every drug-related activity as criminal offences under their domestic law (article 3). As governments have introduced increasingly tough laws and penalties to comply with the letter and 'spirit' of these Conventions, concerns have grown that the widespread incarceration of drug users has been expensive, ineffective and has increased health and social problems, while failing to prevent and deter drug use. Moreover, as noted in the above chapter dealing with the international drug control conventions, there is considerable flexibility in the treaty provisions, including the 1988 Trafficking Convention, which (like its predecessors) allows social and health measures to be used in addition to, or instead of, penal measures for drug possession offences.

PROBLEMS ASSOCIATED WITH HIGH RATES OF INCARCERATION:

Financial costs, Overload for the criminal justice system, Limited impact on the reduction of drug use, socio-economic and health consequences.



RECOMMENDATIONS

- 1- Laws and penalties for drug offences need to be reviewed, with the objective of drawing a clear distinction between the different actors and their role in the illicit drug market. Law enforcement interventions and incarceration penalties should be focused on high-level or violent drug offenders, and governments should consider the introduction of depenalisation or decriminalization regimes for low-level and non-violent offenders.
- 2- Diversion mechanisms at arrest need to be introduced, and designed so that cases of low-level drug offenders do not overload and incapacitate criminal justice systems.
- 3- Incarceration penalties should be reduced or removed altogether for low-level drug offenders, who should be diverted instead to more appropriate forms of intervention. These can include administrative penalties for recreational users, or treatment services for drug dependent people. Any criminal procedure that increases the pressure on prison capacity, such as mandatory minimum sentences and pre-trial detention procedures, should only be used for the most serious offenders.
- 4- More generally, a change of focus is needed from treating drug use as a crime to dealing with it as a health problem, and from punishment to treatment for dependent drug users who are not involved in serious or violent crime.