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EURALIUS Consolidation of the Justice System in Albania

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No. 81/2020

ON THE RIGHTS AND TREATMENT OF CONVICTS AND DETAINEES

Pursuant to Articles 78 and 83, paragraph 1 of the Constitution, based on the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPBLIC OF ALBANIA

DECIDED:

PART 1
GENERAL PROVISIONS

CHAPTER I

Article 1
Object

The object of this law is to determine the rights and treatment of pre-trial detainees and convicts, the organization of the prison system, as well as the competencies and duties of the competent state bodies.

Article 2
Purpose

This purpose of this law is to guarantee the conditions for the dignified treatment of pre-trial detainees and convicts, the respect for their fundamental rights and freedoms, and the prevention of cruel, inhuman, degrading or degrading behavioror treatment.

Article 3
Definitions

For the purpose of this law, the following terms shall have the following meanings:

1. “Family members” of the pre-trial detainee and convict are the spouse, parents, children, grandparents, siblings, as well as the cohabitant, whose cohabitation has a stable and proven character.

2. “Prisoner” is any person either in pre-trial detention or is convicted by a final court decision, who is placed in a penitentiary institution (PI)

3. "Convicted persons" is any person, Albanian citizen, foreign or stateless, convicted by a final criminal court decision of the Albanian courts or convicted by a court decision issued by foreign courts, which decision has been recognized according to the legislation in force and the sentence is converted by a final decision of Albanian courts.

4. "Juvenile" is any person under the age of 18 who has reached the age of criminal responsibility and against whom a security measure of detention has been imposed, or a final court decision, which expressly provides for the deprivation of liberty in a penitentiary institution.

5. “Penitentiary institutions” are the detention institutions and institutions for the execution of imprisonment sentences.

6. “Open institution” is an institution or section outside the perimeter security fence of the penitentiary institution, wherein the convict serves the sentence with maximum level of supervision and security, without being locked up in the premises of the penitentiary institutions.

7. "Detainee" is any person, Albanian citizen, foreign or stateless, against whom a security measure of detention has been ordered.

8. “Disciplinary measure” is a coercive or prohibitive measure issued against a detainee or a convict in cases of violations provided for by this law.

9. "Special cases" are dangerous situations, which pose a serious threat, which affects or may directly or indirectly affect the life and/or health of the prisoner and that based on reliable data it turns out that it can not to be faced within the normal limits of management and administration of the institution.

10. “Emergency situation” includes, but is not limited to, one of the following situations:

a) natural disaster, which endangers the administration and management of the institution andmay harm the life and health of prisoners;
b) armed attacks from outside the institution;
c) massive or partial uprisings;
ç) attempts or escapes from the institution;
d) the spread of infectious/epidemic diseases;

11. “Torture” is any act by which prisoners are intentionally inflicted severe physical or mental pain or suffering, when such pain or suffering is caused by the staff of the institution or another person acting in fulfilling the official duty or with his encouragement or consent, carried out for one of the purposes provided for in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 4
Scope of application

1. This law shall apply for detainees and persons convicted to imprisonment by a final criminal decision of the Albanian courts, as well as detainees and persons convicted by foreign court decisions pursuant to international agreements ratified by the Republic of Albania and legislation in force.

2. The rules provided for in this law shall apply to all prisoners, Albanian citizens, foreign nationals and stateless persons.

CHAPTER II
BASIC PRINCIPLES

Article 5
Respect for human rights

1. Prisoners shall be treated with dignity and with respect to the fundamental rights pursuant to the legislation in force, as well as international acts binding on the Republic of Albania. In any case, torture, inhuman or degrading treatment or punishment of prisoners shall be prohibited.

2. Prisoners shall be treated equally, without bias and without discrimination on any ground provided by the legislation in force on protection against discrimination.

3. Juvenile prisoners shall be treated with respect for their fundamental rights and freedoms. Treatment shall be based on the best interests of the juvenile, social reintegration, education and prevention of recidivism of criminal offenses by the juvenile, in accordance with the conditions and rules provided for in the Criminal Justice for Children Code.

4. Women prisoners shall be treated with respect to their fundamental rights and freedoms and without discrimination on any ground provided by legislation in force on protection from discrimination, by preventing any act of gender-based violence that results in physical, sexual or psychological harm, suffering or any other form of abuse and ill-treatment, punishable under the legislation in force.

5. Prisoners with mental health disorders shall be guaranteed equal treatment, without discrimination, while respecting their physical integrity and human dignity. Their treatment shall be carried out according to health standards, which apply to the categories of persons with mental health disorders, outside the penitentiary institutions.

6. Prisoners with disabilities shall be guaranteed basic human rights and freedoms, treatment without discrimination of any kind due to disability, by meeting the specific needs for their capacitation and rehabilitation, taking into account the standards ofthe legislation in force on the inclusion and accessibility of people with disabilities.

7. Prisoners foreign nationals or stateless persons shall be treated taking into account their special situation and individual needs. The authorities of the institution shall take positive actions to avoid discrimination and to solve specific problems that these persons face in the penitentiaryinstitutions during transfer and after release.

8. Special measures, which are necessary to be applied for the respect the rights and freedoms of certain groups of prisoners, shall not be considered discrimination within the meaning of this law.

9. In addition to the provisions of this article, prisoners belonging to marginalized categories shall be treated in accordance with the requirements of international human rights standards, taking measures so that their specific needs are taken into account during their stay in the institution and support their reintegration into society.

Article 6

Prevention of violence and treatment of the victim

1. Prisoners who have experienced physical, psychological or sexual violence, before or during their stay in the institution, shall be immediately provided with protection measures, legal support and counseling, in order to rehabilitate them.

2. The staff of the Penitentiary Institutions shall pay special attention to the protection of the highest interest of the juveniles in accordance with the conditions and rules provided by the Criminal Justice for Children Code.

3. The staff of the Penitentiary Institutions shall pay special attention to the protection of the dignity, physical, social, professional, health and psychological needs of the prisoners.

4. In cases of violence, the authorities of the Penitentiary Institutions shall initiate an independent investigation by the competent structures and bodies charged by law, respecting the principle of privacy, protection and personal security.

Article 7

Differentiated legally justified treatment of prisoners

1. Differentiated treatment of prisoners, in accordance with the security conditions of the penitentiary institution, must be legal justified and result to be necessary due to the danger posed by the prisoner and be intended to fulfill the rehabilitative function of the punishment.

2. The detailed rules on the instances and manner of realization of the differentiated legally justified treatment of prisoners shall be determined in this law, the General Regulations of Prisons, and internal regulations of each institution.

Article 8

Individual restriction of the rights of prisoners

1. Prisoners shall enjoy all the rights that have not been restricted through the court decision on their conviction or on imposing a security measure of "detention".

2. The rights of prisoners, under to this law, may be limited to the necessary minimum and only in fulfillment of a lawful purpose in the instances and according to the criteria provided for in this law.

3. Individual restriction of rights under this article may not restrict the right of the prisoner to communicate with his defense counsel and to file complaints in accordance with the provisions of this law.

Article 9

Group restriction of rights

1. The rights of prisoners may be temporarily restricted as a group, by order of the Minister of Justice, to the necessary minimum, in fulfillment of a lawful purpose and only in special cases of:

a) state of emergency, declared by law;
b) emergency situation;
c) state of war;
ç) state of emergency, in accordance with the legislation on civil emergencies;
d) potential risks to the life and health of prisoners;
dh) armed attacks from outside the institution or referral of information aboutcarrying out possible attacks.

2. The order of the Minister of Justice on the group restriction of the rights of prisoners shall determine the type and extent of the rights being restricted and the duration of such restriction. In

any case, the duration of the restriction of rights shall be determined at the extent and as long as it is justified by the circumstances that dictate this restriction and cannot be longer than the duration of the case due to which the restriction is established according to paragraph 1 of this Article.

3. The more detailed rules and procedures on group restriction of rights and the going into state of alert shall be defined in the legislation in force on Prison Police.

4. The group restriction of rights under this article may not infringe the right of prisoners to communicate with their defense counsel and to make complaints in accordance with the provisions of this law.

Article 10

The right to file complaints and requests

1. The prisoner shall, either individually or in groups, have the right to submit requests and appeals concerning the implementation of the legislation in force, the General Regulation of Prisons and the internal regulation of the institutions.
2. Requests and complaints shall be submitted directly to the competent public body to any office or branch thereof, in writing or in any other appropriate form. In case the request and complaint are verbally presented, the penitentiary institution shall keep minutes to record the request or complaint presented.
3. The prisoner when he deems it necessary, may address any state body or non-profit organization inside and outside the country.

4. The staffof the penitentiary institution shall put at the disposal of the prisoner the necessary tools to present the request and complaint.

Article 11

Criminal offenses committed by prisoners

The prisoner, when being investigated and/or tried for another criminal offense during the serving of the sentence, shall continueto stay in the institution where the previous decision is being executed, unless the prosecutor and / or the court decides otherwise.

CHAPTER III
TREATMENT

Article 12

Social rehabilitation and reintegration

1. The treatment of the prisoner aims at his/her rehabilitation for his/her reintegration into family, social and economic life. Preparation for reintegration begins in detention, continues during the serving of the sentence and after the release from the penitentiary institutions.

2. An individual treatment plan shall be development by the penitentiary institutions and is delivered by them or in cooperation with the structures responsible for education services, vocational training, employment and non-profit organizations. The individual treatment plan can be changed to suit the progress made and other circumstances. The prisoner shall be encouraged to cooperate in the implementation of reeducation programs and activities in the institution.

3. Thepenitentiary institutions in cooperation with the Probation Service, structures responsible for social services in local self-government units and non-profit organizations shall developa rehabilitation and close to release-reintegration programs for addressing the special needs of each prisoner.

4. In the case of a juvenile prisoner, the staff of the penitentiary institutions shall provide the juvenile social, educative, and educational, psychological, medical, assistance in accordance with the individual needs and in accordance with his/her age group, gender and personality, with the aim of his/her rehabilitate and reintegrate it into social life.

5. For the purposes of the implementation of paragraph 4 of this article, the staff of the penitentiary institutions for juveniles shall develop a rehabilitation and reintegration program in cooperation with the juvenile, his family and the juvenile protection structures. The rehabilitation and reintegration program for juveniles shall be drafted and notified according to the rules provided in the Criminal Justice for Children Code.

6. For prisoners belonging to national minorities, foreign prisoners or stateless persons, programs that respect their culture shall be prepared, as far as possible. The penitentiary institution shall cooperate with local and international institutions and organizations that work with these categories.

Article 13

Individualization of treatment

1. The treatment of the prisoner shall be carried out in accordance with his/her individual situation and needs.

2. Individualization of treatment shall be done by assessing the individual, psychological, social, gender, age, health status, sexual orientation or gender identity, cultural and economic situation, the environment in which the prisoner lived, risk factors and motivation to be included in the activities organized in the institution.

3. The assessment shall be made at the beginning of the treatment and its results shall be constantly verified during the serving of the sentence, adapting the treatment according to the needs of the prisoner.

Article 14

Individual treatment plan

1. Following the assessment process, an individual treatment plan shall be developed in cooperation with the prisoner. This plan should include a treatment, rehabilitation and reintegration program for each prisoner. For special categories of prisoners, the individual treatment plan shall be drafted taking into account their specific needs.

2. Special attention shall be paid to the psychosocial treatment of juvenile prisoners, young people aged 18 to 21, women, persons with mental health disorders, either existing or acquired during imprisonment, persons with disabilities, persons with different sexual orientation, persons with chronic illness of drug addicted, the elderly, persons sentenced to long-term sentences, persons belonging to national minorities, foreign nationals and stateless persons.

3. For each juvenile prisoner, an individual rehabilitation and reintegration program shall prepared, which takes into account his / her education, psychological assessment, emotional situation, his / her desires and abilities to attend general education and / or vocational education, if possible, outside the pre-trial detention and prison facilities, vocational training according to their interests and talentsand that will help in their employment after leaving the institution. Special and individual education programs shall be organized for juvenile prisoners who have learning difficulties related to disability, as well as for juveniles who have not attended school. The individual treatment plan shall be developed according to the rules provided in the Criminal Justice for Children Code by the multidisciplinary group, which operates at the penitentiary institutions for juveniles and is supervised by the social worker. The juvenile shall be questioned and give his/her consent for the individual treatment plan according to the provisions of the Criminal Justice for Children Code.

4. An individual treatment plan shall be prepared for the young prisoner aged 18 to 21 years, which shall include his/her treatment, rehabilitation and reintegration. This plan shall providebasic compulsory education and/or vocational education, possibly outside of detention and prison premises, and, where appropriate, secondary or higher education. The staff of the institution shall create opportunities for vocational training according to his/her interests and talentsand help in his/her employment after leaving the institution.

5. The evaluation, programming and realization of the treatment shall be done by the staff of the institution in cooperation with the relevant state bodies and institutions.

6. The staff of the penitentiary institutions shall encourage and support the contribution of non-profit organizations and special individuals in the realization of the individual treatment plan.

7. The Ministry of Justice shall support research and evaluation programs regarding the functioning of the prison system, its role in the reintegration of convicted persons into the society.

8. For purposes pursuant to this Article, the Ministry of Justice shall enter into agreements with the Ministry responsible for vocational education and training or with organizations and agencies accredited in the field of protection of the rights and freedoms of prisoners.

9. Detailed rules on the drafting, developing and delivering the individual treatment plan shall be adopted by the Minister of Justice, on the proposal of the General Directorate of Prisons and the General Directorate of Probation Service.

PART II
INSTITUTIONS

CHAPTER I
TYPES OF INSTITUTIONS

Article 15
Penitentiary Institutions

1. Penitentiary institutions, based on the category of subjects against whom criminal decisions are being executed, shall be divided into:

a) institutions for adult convicted persons;
b) institutions for juvenile convicted persons
c) institutions for women;
ç) detention institutions;
d) health care institutions for prisoners;

2. The health care institutions for persons for which the court has decided to implement mandatory medical measures shall be administered by the ministry responsible for health in accordance with the legislation in force on mental health, regarding the provision of services. Security measures for the protection of these institutions shall be provided by the Ministry of Justice.

3. Penitentiary institutions may be divided into sections according to the need of the administration.

4. Penitentiary Institutionsor sections within them, on the basis of security, are categorized as follows:
a) high security institutions;
b) ordinary security institutions;
c) low security institutions;
ç) open institutions.

5. Except for the rules determined by law on the Organization and Functioning of State Administration Bodies, the establishment, classification and closure of penitentiary institutions or special sections in these institutions shall be made by order of the Minister of Justice.

Article 16

High Security Penitentiary Institutions

1. High Security Penitentiary Institutions are the institutions where the following imprisonment sentences are executed:

a) for any criminal offense committed by a structured criminal group, criminal organizations, terrorist organizations and armed gangs, according to the determinations of the Criminal Code;
b) for criminal offenses for which the Criminal Code provides for a life imprisonment sentence;
c) for criminal offenses committed by recidivists, for whom the court has given a sentence of no less than 15 years of imprisonment.
ç) for crimes against life, for which the court has given a sentence of noless than twenty years of imprisonment;
d) for sexual crimes with juveniles, according to the determinations of the Criminal Code.

2. In addition to the above, also sentencesagainst other convicted persons, who in the commission of the criminal offense or during the execution of the sentence have been characterized by attitudes or behaviors that make it impossible for them to stay in prisons of other categories, shall be executed in High Security Penitentiary Institutions.

3. The initial assignment of a convicted person in thehigh security penitentiary institution shall be carried out by the court that has given the imprisonment sentence. In cases when the court has not determined in the decision the category of the penitentiary institution and the convicted person in committing the criminal offense has been characterized by attitudes and behaviors that make it impossible for him/her to stay in ordinary security institutions, at the request of the prosecutor, the court may order that the execution of the conviction decision is carried out in a high security penitentiary institutions. In these cases, the prosecutor shall, immediately and in any case no later than 48 hours from the notification of the court decision, submits the request for the designationof the high security penitentiary institution.

4. Change of the security classification for convicted person serving sentences in high security penitentiary institutions and for convicted persons who during the execution of the sentence have been characterized by attitudes or behaviors that make it impossible for them to stay in institutions of other categories and must be transferred to a high security institution, shall be done by the court based on the request of the convicted person, his defense counsel or prosecutor. The prosecutor shall be activated at the request of the head of the institution. The court shall requirethe Risk Assessment Committee to submit a risk assessment report based on the security risk assessment report, drafted by the penitentiary institution where the convicted person is serving the sentence.

5. During the examination of the case by the court, the convicted person shall stay in the high security penitentiary institution.

6. At high security penitentiary institutions, restrictions on the rights of convicted persons shall be imposed at instances and according to the criteria defined in this law.

Article 17

Special regime at the high security penitentiary institutions

1. In special cases, a special regime may be applied for the exercise of the rights of convicted person at high security penitentiary institutions and detainees who are investigated or tried for criminal offenses provided for in Articles 79, letter " ç ", 79 / a, 79 / b, 230, 230 / a, 230 / b, 230 / c, 230 / ç, 231, 232, 232 / a, 234, 234 / a, 234 / b, 265 / a , 265 / b, 283, paragraph 3, 283 / a, paragraph 3, 284, paragraph 3, 284 / a, 284 / c, paragraph 3, 284 / ç, paragraph 3, 333, 333 / a and 334 of the Criminal Code, committed in the framework of participation in a structured criminal group, criminal organization, armed gang, terrorist organization or for criminal offenses of terrorist purposes.

2. Notwithstanding the provisions of paragraph 1 of this Article, the special regime may also apply to prisoners who are at high risk due to links with members of criminal organizations, terrorist organizations, armed gangs or groups of structured criminal.

3. The decision on the placement of prisoners in the special regime in the high security penitentiary institutions shall be taken by the Minister of Justice on the reasoned request of the Head of the Special Prosecution Office. To make this decision, the Minister of Justice shall be based on consultation with the Minister of Interior, the data / information of the General Director of State Police, the State Intelligence Service, the General Director of Prisons and specialized bodies in the fight against organized crime and terrorism, according to areas of responsibility.

4. The establishment of a special regime for the exercise of rights in the high security penitentiary institutions shall be based only on maintaining order and security and / or preventing communication with the criminal organization to which they belong or with other organizations, referred to in point 1 of this Article, by taking internal and external measures of high security, which are mainly related to the need to prevent:

a) contacts with the criminal organization to which they belong or with other organizations with which they cooperate;
b) possible conflicts with elements of other organizations;
c) interaction with other prisoners who belong to the same organization orother organizations which they cooperate with;
ç) communication or exchange of items between prisoners belonging to different groupings.

5. The special regime for the exercise of rights consists of:

a) allowing a monthly meeting with family members, which is carried out at regular intervals and in certain environments, where the entry of persons or other objects is prohibited and which are subject to audio and video recording. Meeting with persons other than family members, for the convicted persons, shall be allowed upon the proposal of the director of the institution and upon approval of the General Director of Prisons. For detainees, meeting with persons other than family members shall only be allowed upon approval of the prosecutor. The provisions under this letter shall not apply to meetings with defense counsels;
b) allowing the prisoner to have a telephone conversation a month, with a maximum duration of ten minutes, which is recorded. Conducting telephone conversations for the convicted person shall be authorized by a reasoned decision of the General Director of Prisons upon the proposal of the director of the institution, while for detained persons it shall be authorized by a reasoned decision of the prosecutor. The provisions of this letter shall not apply to telephone conversations with the institution of the People's Advocate and with local or foreign organizations operating in the field of human rights;
c) prohibition of the use of monetary values, items and objects, which the prisoner may receive from outside, according to the provisions of the internal regulations of the institution;
ç) control of correspondence, except the correspondence with subjects defined in paragraph 1 of article 51 of this law, or with international organizations, which exercise their activity in the field of protection of human rights;
d) reduction of stay in open air outdoors for up to 2 hours, but not less than 1 hour a day;
dh) exclusion from the representative bodies of prisoners.

The observance of the rights provided for in this paragraph for prisoners placed in the special regime shall be monitored by the People's Advocate.

6. The duration of the special regime for the exercise of rights in the high security prison is one year and may be extended for other periods of one year. The extension of this regime shall be decided when it turns out that there are still conditions that the prisoner maintainsconnections with the criminal organization, the structured criminal group, the armed gang or the terrorist organization. For the extension of this regime, the criminal profile of the prisoner must be taken into account, the role he plays in the criminal organization, the time he has been engaged in this criminal organization, the bringing of new charges against him that were not reviewed before, his behavior in the penitentiary institution and the standard of living of his family members. No later than 30 (thirty) days from the date of completion of each one-year period, the Head of the Special Prosecution Office may propose to the Minister of Justice the extension of this regime.

7. The Minister of Justice, on the basis of the proposal of the Head of the Special Prosecution Office, shall re-evaluates whether the conditions for the continuation of the special regime of exercising the rights against the convicted person or detainee are in place. In cases where the Minister of Justice decides not to approve the extension of the stay in the special regime of exercise of rights, the General Director of Prisons shall orders the sending of the convicted person to the institution where

he was serving his sentence or of the detainee to the detention institution he was staying before placement in the special regime.

8. Against the decision of the Minister of Justice for the placement or extension of the special regime, the prisoner, his defense counsel or the Head of the Special Prosecution Office may file an appeal within 20 days from the moment of notification of the decision.

9. The appeal shall be submitted to the First Instance Court against Corruption and Organized Crime, which is competent to adjudicate the case, in accordance with the provisions of Article 471 of the Code of Criminal Procedure. The adjudication of the case shall not suspend the decision of the Minister of Justice.

10. In cases when the request against the decision of the Minister of Justice is accepted by the court, the Minister of Justice shall decide according to the decision of the court.

Article 18

Ordinary Security Penitentiary Institutions

1. Ordinary Security Penitentiary Institutionsare institutions where the sentences of all convicted persons are executed, with the exception of those placed at high security institutions, low security institutions and open institutions.

2. When in its decision, ordering the imprisonment sentence, the court has not specified the type of institution where the sentence will be executed, the convicted person shall be placed in an ordinary security institution, by preserving the right of the prosecutor according to the provisions of article 16, paragraph 3, of this law.

3. The change of the classification of the security of the convicted persons, whose sentence is being executed at an ordinary security institution, shall be made by the Committee for the Assessment of the Risk of Convicted Persons, except for the cases provided in article 16 of this law.

4. Against the decision of the Committee for the Assessment of the Risk of Convicted Persons, the convicted person, his legal representative or the prosecutor may file an appeal to court within 15 days from the date of notification of the decision. The review of the appeal by the court shall suspend the decision of the Committee for the Assessment of the Risk of Convicted Persons, on the change of security classification for the convicted person.

Article 19

Law Security Penitentiary Institutions

1. Law security Penitentiary Institutions are the institutions where the sentencefor criminal misdemeanors, for criminal offenses committed in negligence and for other criminal offenses which punishment does not exceed five years of imprisonment is executed.

2. The Committee for the Assessment of the Risk of Convicted Persons, shall decide on the transfer of convicted persons from an ordinary security institution to a low security institution at the request of the director of the institution where the decision against the convicted person is being executed, or his legal representative, in cases where the convicted person has served not less than 2/3 of the sentence.

Article 20
Open institution

1. An open institution is an institution or section where sentences are executed against:

a) persons convicted to imprisonment, who have less than six months of imprisonment left to serve, and when the report of the Committee for the Assessment of the Risk of Convicted Persons, evaluates that he/she does not pose a risk to the security of the institution or society;
b) persons convicted to semi-liberty.

2. Transfer to an open institution shall be carried out only for those sentenced to imprisonment whose sentence execution is carried out at a low security institution. This transfer shall be approved by the Committee for the Assessment of the Risk of Convicted Persons, at the request of the director of the institution where the sentence is being executed, of the convicted person or his legal representative.

3. In case the convicted person violates the general regulation of prisons or the internal regulation of the institution, the Committee for the Assessment of the Risk of Convicted Persons, after assessing the circumstances, may decide to return theconvicted person to a low security institution.

Article 21
Detention institutions

Detention institutions are the institutions where individuals against whom the court has imposed a security measure of "detention" are kept.

Article 22
Placement of justice collaborators

1. In the penitentiary institutions special sections shall be created for the placement of prisoners, who enjoy the status of justice collaborators according to the legislation in force on the protection of witnesses and collaborators of justice.

2. The General Directorate of Prisons, in cooperation with the General Directorate of State Police, shall take measures to ensure the life of the prisoners, who enjoys the status of a justice collaborator and for carrying out the individual plan of their treatment.

Article 23

Penitentiary Institutions for women and juveniles

1. Juveniles shall serve their sentences in penitentiary institutions for juveniles and, if not impossible, in separate sections of other institutions, according to the criteria set out in the Criminal Justice for Children Code.

2. The juvenile defendant, against whom the security measure of "detention" is imposed, shall only be placed in the juvenile section in the detention facilities, while the juvenile sentenced to imprisonment shall be placed in a penitentiary institution for juveniles.

3. The juvenile prisoner shall be placed separately from the adult prisoner. It shall be forbidden to place, hold or move a juvenile outside the institution together with an adult prisoner.As an exception to this rule, during the performance of rehabilitation, educational, cultural, sports and other activities of cultural and educational nature, juveniles may stay together, regardless of gender, or together with adults, but in any case in the presence of staff of the institution where the juvenile resides.

4. A juvenile who participates in the activities listed in paragraph 3 of this Article, shall be accompanied and supervised in any case by the staff of the General Directorate of Prisons during the whole time of the development of the respective activity.

5. In order to provide a safe environment for juveniles in the institution / section for them, juveniles shall be divided based on age group, type and importance of the criminal offense, risk of recurrence of the offense, physical and mental development, and other characteristics, taking into account the best interests of the juvenile.

6. Juvenile female prisoners shall be placed separately from male juvenile prisoners.

7. The services in the penitentiary institutions where juveniles are placed must be in accordance with the requirements of respecting the health and dignity of the juvenile and in function of re-socialization, reintegration, rehabilitation and prevention of re-offending or committing another criminal offense, by providing the juveniles care, assistance and supervision. To guarantee the best interests of the juvenile, the relevant institution must have sufficient, specialized and continuously trained personnel.

8. Detained women or girls shall be placed in separate rooms or sections by men. Convicted women or girls shall serve their sentences in penitentiary institutions in accordance with this law.

9. Convicted females shall be allowed to carry their children up to the age of 3 years. The institution shall create the opportunity for the convicted female to live with the child in the special section for women with children. Special nurseries shall also operate for the care and assistance of these children. The decision to remove the child from the mother before the age of 3 can be made by the court in cases when it is dictated by the best interests of the child, based on the request of the other parent, legal guardian or child protection structures.

10. More detailed rules on detention facilities and of execution of prison sentences for juvenile and women or girls prisoners shall be set out in the General Regulation of Prisons.

Article 24

Designated places for the execution of criminal decisions

The execution of criminal decisions shall be carried out only in places specifically designated according to this law. Exceptionally, the Minister of Justice, in cases of emergency, force majeure, of the performance of important works, and when the life and health of the prisoner is endangered, may order that the execution of criminal decisions is carried out temporarily in other appropriate places, in accordance with the conditions provided for in this law.

Article 25

The General Regulation of Prisons and internal regulations of institutions

1. The rules for the organization and functioning of the prison system, the internal discipline and the treatment of prisoners shall be defined in the General Regulation of Prisons, approved by a decision of the Council of Ministers.

2. Each institution shall have its own internal regulations, approved on the basis of the General Regulation of Prisons. The regulation of the institution shall define the organization, internal discipline and detailed rules of the treatment of prisoners in the conditions of the institution.

3. The internal regulation of the penitentiary institution shall be drafted by the Committee set up by the Director of the institution and approved by the General Director of Prisons.

CHAPTER II

PRISON MANAGEMENT BODIES

Article 26

General Directorate of Prisons

1. The General Directorate of Prisons is an institution under the subordination of the Ministry of Justice, which follows up and implements the organization and functioning of the penitentiary system and the treatment of prisoners.

2. The General Director of Prisons shall be appointed, released from duty or dismissed by a decision of the Council of Ministers, upon the proposal of the Minister of Justice.

3. The proposed candidate for Director General of Prisons must meet the following criteria:

a) be an Albanian citizen;
b) to have completed the second cycle of university studies or equivalent degree, according to the legislation in force on higher education in the Republic of Albania;
c) have at least 10 years of work experience, of which at least 5 years in the position ofsenior management level;
ç) to have integrity and a clean moral figure;
d) not to have been convicted of a criminal offense by a final court decision;
dh) no disciplinary measure of dismissal from office was taken against him before or no disciplinary measure is in force against him.

4. The Deputy General Directors of Prisons shall be appointed according to the criteria and procedures determined by the legislation on civil servant and its implementing sub-legal acts.

5. The working relations of the civil servants of the General Directorate of Prisons and of the penitentiary institutions shall be regulated as per the legislation in force on civil servant.

6. Labor relations of the supporting staff in the General Directorate of Prisons and in thepenitentiary institutions shall be regulated according to the provisions of the Labor Code.

7. The General Directorate of Prisons shall continuously informthe public about its activity, so that the role of the prison system in the treatment of prisoners is better understood.

Article 27

Committee for the Assessment of the Risk of Convicted Persons

1. The Committee for the Assessment of the Risk of Convicted Persons, is part of the General Directorate of Prisons and consists of 5 members, namely, one representative of the security service, one representative of the legal sector, one representative of the social affairs sector, one representative of the health service and the specialist of the social care sector, who treats the convicted persons within the institution.

2. 4 members of the Committee, except for the social care sector specialist, shall be appointed by order of the General Director of Prisons and changes once a year.

3. The Committee for the Assessment of the Risk of Convicted Persons, shall decide on the change of the security classification of the convicted person and his transfer from an ordinary security institution to a low security institution and vice versa. The Committee for the Assessment of the Risk

of Convicted Persons shall decideon the transfer of the convicted person from a low security institution to an open institution and vice versa in accordance with Article 20 of this law.

4. The assessment of the dangerousness of the convicted person shall be based on the following criteria:

a) analysis of risk factors and the possibility of repeating the criminal offense;
b) the nature of the criminal offense;
c) the risk of the convicted person to escaping;
ç) the risk of committing another criminal offense by the convicted person and its impact on society;
d) personality, general behavior and behavior analysis with other convicts;
dh) conduct against the victim of a criminal offense;
e) the fact whether or not it is repetitive;
ë) if he is a user or has become addicted to narcotics;
f) if there are mental health disorders and how he / she was treated while serving the sentence;
g) if he has had other benefits during the serving of the sentence;
gj) as well as any other data, which is considered important for management, security andthe order of the institution, and the well-being and security of other convicts.

5. The Committee shall interviewthe convicted person in each case that it reviews a request for a change in his treatment. The findings of the interview with the convict become part of the risk assessment report.

6. The Committee for the Assessment of the Risk of Convicted Persons, shall presents a risk assessment report based on the security risk assessment report, drafted by the penitentiary institution, where the convicted personserves the sentence, whenever the court requests it on the basis of paragraph 4 of Article 16 of this law.

7. The Committee for the Assessment of the Risk of Convicted Persons, shall presents a risk assessment report of the convicted person in accordance with Article 68, point 2, of this law.

8. Special rules for the establishment, organization and functioning of the Committee for the Assessment of the Risk of Convicted Persons, shall be defined in the General Regulation of Prisons.

Article 28
Risk assessment tool

1. The risk assessment tool and rules on its implementation shall be defined in the General Regulation of Prisons.

2. The risk assessment tools shall be separately designed for adult and juvenile prisoners respectively.

3. The risk assessment tools for juvenile prisoners shall be prepared in accordance with the rules set out in the Juvenile Justice Code.
The General Directorate of Prisons shall collect the opinion of the Child Rights Protection Unit of the jurisdiction where the juvenile resides.

Article 29
Penitentiary Institutions

1. Penitentiary institutions are territorial branches of the General Directorate of Prisons, which are responsible for the reception, settling, treatment, rehabilitation and reintegration of prisoners.

2. Penitentiary institutions shall be supervised and represented by the director, who is appointed and dismissed by the Minister of Justice, upon the proposal of the General Director of Prisons.

Article 30
Staff of the institution

1. The staff of the penitentiary institution shall implement the individual treatment plan of the prisoners according to assigned tasks.

2. The staff of the penitentiary institution shall actaccording to the highest professional and ethical-moral standards, taking into account the needs of each convict/detainee/prisoner with the view of his /her rehabilitation and reintegration into society.

3. The staff of the penitentiary institution shall at all time uphold the honor and dignity of profession, behave professionally and humanely, in accordance with the rules of ethics while protecting the rights and freedoms of every prisoner.

4. Staff working in penitentiary institution or sections where prisoners are placed, provided for in paragraph 2 of article 14 of this law, must be specialized in the relevant field.

5. The relevant detention institution or penitentiary institution should have necessary personnel, specialized and continuously trained to guarantee the rights of prisoners, with the view of their reintegration, rehabilitation and prevention of re-offending the criminal offense or commission of another criminal offense by them.

6. At detention and penitentiary institutions for juveniles a multidisciplinary group, consisting of doctors, nurses, psychologists and social workers operates. Sufficient staff of psychologists and social workers, specialized and trained for these ages, shall be employed in these institutions.

7. The penitentiary institution shall ensure the possibility of treatment of the prisoner by the specialist doctor, according to the concrete needs and according to a well-defined control regime.

8. The General Directorate of Prisons takes care to enable special trainings and qualifications in the respective fields.

9. In the employment of the staff of the penitentiary institution, the needs and characteristics of prisoners in the institution, as well as respect for gender equality, shall as far as possible be taken into account, according to the provisions of this law.

Article 31
Prisons Police

1. The Prison Police shall be responsible for:

a) maintaining order and security in the penitentiary institution as well asduring transfers and escorts of prisoners to courts and other institutions;
b) guarding prisoners in public and private health care institutions;
c) ensuring the life and health of prisoners; and
ç) guaranteeing the order and security of the institution in exceptional cases and natural disasters, in accordance with international human rights instruments and applicable law.

2. The organization and functioning of the Prison Police shall be regulated by a special law.

CHAPTER III
LIVING CONDITIONS IN THE INSTITUTION

Article 32
Buildings

1. The buildings of the penitentiary institutions shall be designed, constructed, and reconstructed in order to meet the standards for guaranteeing security, appropriate hygienic-sanitary conditions and to enable the development of joint activities of prisoners, the implementation of the individual plan of their treatment and employment.

2. The detailed rules and criteria for the technical, safety, suitability and accessibility of persons with disabilities conditions, which must be met by the buildings of the penitentiary institutions shall be defined by decision of the Council of Ministers.

Article 33
Living and sleeping premises

1. Premises provided to prisoners and in particular the sleeping premises shall respect human dignity and, as much as possible, privacy, as well as meet the health and hygiene requirements, paying due attention to the conditions of the climate, the necessary space, cubic content of air, lighting, heating and ventilation.

2. When it is not possible to ensure sleep in individual rooms, the placing of a prisoner in the same room shall be made in such a way as to avoid mutual conflicts and negative influences.
For this purpose, the criteria of the age group, the type of criminal offenses committed and the intellectual and psychic characteristics of the prisoners shall be used, and as far as possible also the demands of the prisoners.

3. Each prisoner shall be provided with a separate bed and a suitable sleeping set.

4. In the placement of prisoners, the concrete conditions and possibilities of each penitentiary institution, as well as the conditions and possibilities of prisoners, shall be taken into account but in any case, ensuring the volume of internal space not less than 9 m3 and the living area not less than 4 m² for each prisoner, windows that provide sufficient ventilation and normal natural light to read and work.

5. Artificial light standards must be acceptable, similar to artificial lighting standards, used outside the Penitentiary Institution and in accordance with the technical standards set by the legislation in force.

6. Prisoners shall be provided with electricity necessary for lighting and personal hygiene.

Article 34
Clothing and equipment

1. Each prisonershall be provided with clothing and other individual equipment in sufficient quantities to ensure the fulfillment of normal living requirements and in accordance with the climatic conditions.

2. Prisoners may be authorized by the personnel of the penitentiary institution to wear clothing and personal use items or items that have a special moral or personal value. Detailed rules are set out in the General Regulation of Prisons.

Article 35
Personal and environmental hygiene

1. Prisoners shall be provided with the necessary facilities and equipment to guarantee personal hygiene.

2. Each institution shall provideperiodic services of maintenance and cleaning of premises, clothing, personal equipment, and personal care items. Special attention shall be paid to prisoners with special health needs, as well as the hygiene of women and girls prisoners. Each institution shall providehot water for the personal hygiene of prisoners.

3. Exceptionally, for special hygienic-sanitary reasons, the provision of personal hygiene and personal care may be exercised compulsorily by the staff of thepenitentiary institution upon the request of the medical service and by order of the director of the institution.

4. Detailed rules for hygienic-sanitary standards in thepenitentiary institutions shall be defined in the General Regulation of Prisons.

Article 36

Food

1. Prisoners shall be provided with healthy and adequate food, appropriate for their age, health status, and nature of work, climatic conditions, religious beliefs and special needs.

2. Juvenileprisoner shall be provided with food in accordance with his age, condition and special needs, in accordance with the provisions of the Juvenile Criminal Justice Code.

3. The prisonerwho is employed in heavy work, with chronic diseases, pregnant prisoners and of female prisoners who has given birth shall be provided with food according to the doctor's recommendation.

4. The food provided by the institution must be varied, rich in nutritional values, altered at least once every two weeks and adapted to climatic conditions.

5. Food shall be prepared and given as a rule in designated premisesfor this purpose. With the authorization of the director of the institution, in special cases, prisoners can prepare and consume food individually.

6. Food may be accepted in the penitentiary institutions, which are provided by the prisoners at their own expense in whole or in part, respecting the requirements provided in the internal regulations of the institution.

7. Drinking water should be provided to prisoners on an ongoing basis.

8. The daily food norm shall be determined by a joint guideline of the Minister of Justice and the Minister responsible for health.

Article 37
Fresh airtime

1. Prisoners who do not work outdoors and all other prisoners, during non-working days, shall be entitled to stay for fresh air in open space for at least 2 hours a day, except in the cases provided for in Article 17 of this law.

2. Exceptionally, for special reasons or extraordinary circumstances, this period of time may be reduced, but not less than 1 hour per day and only by reasoned order of the director of the institution.

3. Taking fresh air outdoors shall be done in groups, except for the cases provided in article 17 of this law and in letters “b”, “c” and “ç” of paragraph1 of article 68 of this law.

4. Juvenile prisoners have the right to stay in the air for at least 2 hours and at least 2 times a day, except for time for social-educational activities. Taking fresh air for this category shall be carried out separately from adults and in accordance with the provisions of the Criminal Justice for Children Code.

5. The penitentiary institution shall enable the appropriate infrastructure in cases when the atmospheric conditions are unfavorable for the prisoner to take fresh air.

PART THREE
ADMISSION AND TRAINING OF CONVEICTED PERSONS AND DETAINEES IN THEINSTITUTION

CHAPTER I
ADMISSION

Article 38
Admission in the institution

1. A reception committee shall be set up in each institution to admit the newly arrived prisoners.

2. The reception committee shall informs the prisoner in a language he understands about his rights and obligations, his rights to legal counseling and legal aid guaranteed by the state, on the rules and procedures for filing claims and complaints, on the regulation of the institution. The /prisoner shall have the right to obtain the information in writing.

3. The reception committee consists of one representative of the legal sector, a representative of the social affairs sector, a representative of the health service and a representative of the security service.

4. Foreign prisoners, stateless persons or belonging to national minorities, shall be provided with the necessary information on their rights and obligations in the institution in verbal and written form in a language they understand.

5. Prisoners with speech and hearing disabilities shall be assisted by a sign language interpreter or communication facilitator.

6. Immediately after admission, the director of the institution shall create conditions for foreign prisoners to notify the family, the defense counsel, the legal guardian, the consular representative or the competent organization operating in the field of human rights protection.

7. Foreign nationals who do not have diplomatic or consular representation in the Republic of Albania, persons who enjoy refugee status or stateless persons shall be provided with the conditions of communication with the diplomatic missions of the state that protects their interests or with national or international authoritywhose duty is to protect the interests of these persons.

8. Immediately after admission in the institution, the prisoner shall undergoan examination visit and a medical interview by the doctor of the institution for learning about the physical and psychological health condition, in order to prevent the spread of infectious diseases in the institution, suicides, registration of signs of physical injuries, which were caused outside the institution at the time of the inspection.

9. Admission in the penitentiary institution of juvenile prisoners shall be made in accordance with the rules of medical and psychological control provided in the Code of Criminal Justice for Juveniles.

10. Signs of physical damage, identified during the admission visit, must be recorded in a special register together with explanations about the circumstances caused. If there are data and facts that create a reasonable conviction that a criminal offense has been committed against him, the criminal proceeding bodies shall be notified in accordance with the provisions of the Code of Criminal Procedure.

11. The doctor, if he is required, must provide the newly arrived prisoner with a medical report explaining his health condition. A copy of this report becomes part of the medical file of the newly arrived prisoner and is made available to him.

12. At the moment of admission, an inventory of the personal belongings of the prisoner shall be kept. Items that cannot be carried by them shall be kept in the security box and the prisoner shall sign an inventory for them. The institution shall take the necessary measures to keep and store the items of the prisoners.

13. The Penitentiary institution shall evaluate the individual data of the prisoner on his personality based on the accompanying documentation, the explanations given by him, the data declared in the risk assessment form and the medical report prepared according to the provisions of this article.

14. Based on the data defined in point 13 of this article, the register of the reception committee shall be drafted and the individual treatment plan for the prisoner shall be prepared.

Article 39

Organization of the institutions for the prisoners

1. Special institutions and sections shall be organized according to the needs of individual or group treatment of prisoners.

2. Determination of the number of prisoners in institutions and sections, their settling and activation aims, as far as possible, to favor individualized treatment.

3. Prisoners may participate in special activities organized in the institutions or sections of adifferent category from those where they are assigned, except in cases provided for in Article 17 of this law, or when the prisoner serves his sentence at a high security institution.

4. The placement of a prisoner in a penitentiary institution shall be done taking into account the possibility that he will benefit from a differentiated treatment in the group, in accordance with his requestsand engagement.

5. Prisoners, as a rule, shall be assigned to institutions near the residence of their families, according to the reference legal documentation.

CHAPTER II

DIRECTIONS AND FORMS OF TREATMENT

Article 40

Treatment

1. The social-educational treatment of the prisoner shall takeplace through individual activities and training activities. The treatment shall be carried out by the staff of the institution, which has the appropriate training in the relevant field and professional skills in cooperation with other employees of the institution.

2. Communication with family members and other persons outside the institution shall be encouraged and ensured in accordance with the individual treatment plan and treatment programs, rehabilitation and reintegration, except when special regime is applied under Article 17 of this law.

3. The treatment of the prisoner shall be done by providing the appropriate facilities and means in accordance with his personality and special needs.

Article 41

Health care services

1. Health care services shall be provided during the stay in the institution by the General Directorate of Prisons and are covered by compulsory health care insurance, despite the possible refusal of the prisoner to receive health care.

2. Prisoners shall be included in the category of economically inactive persons, within the meaning of the legislation in force, and shall benefit free of charge from all services provided by the health insurance scheme, according to this law.

3. The General Directorate of Prisons shall provide the conditions, means and personnel for the protection of the health of convicted persons. The organization and realization of health care is done by the administration of the institution in cooperation with the prison hospital center and with the relevant state health bodies.

4. The prisoner shall be subject to the same treatment and health care that is applicable to society in general.

5. The prisoner hasthe right to make medical visits by a doctor and / or to a health care institution within the country, provided that he covers his own medical expenses and any other expenses arising as a result of his choice of doctor. Exceptionally, prisoners in high security penitentiary institutions may benefit from medical visits by a doctor and / or in a health care institution chosen by them only after assessing the risk of the prisoner. The right to make medical visits by a physician and / or to a hospital selected by prisoners shall not apply to prisoners placed under special regime in the high security prison, as provided for in Article 17 of this law, except of cases when the required service is not provided by the health care service in the penitentiary institution and the prison hospital center.

6. Healthcare services shall provide:

a) prevention, diagnosis and treatment of diseases;
b) the supply of medicines and medical equipment in cases of health emergencies when they are not covered by compulsory health care insurance;
c) prophylaxis for diseases, taking special care of infectious and transmit table diseases;
ç) ensuring environmental hygiene and sanitary education of detainees andconvicted persons.

7. Every institution has a health and pharmaceutical service that responds to the needs for the prevention and maintenance of the health of prisoners.

8. A prisoner suspected of or having an infectious disease shall be immediately isolated in special facilities and treated according to the same standards as persons of the same category outside the institution.

9. In the penitentiary institutions for women and girls, there are specialized services in the service of pregnant women and those with breastfeeding children.

10. Medical personnel shall visit every day the sick prisoner, who makes a written or verbal request to the health staff or security personnel in the regime, and periodically checks all other prisoners according to a schedule drawn up by the directorate of the institution.

11. The medical staff shall immediately identify and notify about the diseases that require specialized treatment.

12. For cases of infectious diseases or other diseases, the diagnosis and treatment of which cannot be provided in the conditions of the institution, the prisoner shall be transferred to the prison hospital center and, when necessary, transferred to the University Hospital Center Tirana or in regional hospital institutions under its subordination.

13. Diagnosis and treatment at the University Hospital Center and regional hospital institutions shall be made in accordance with the rules set by the joint guideline of the Minister of Justice and the Minister responsible for health.

14. In case of emergency, when the life of the prisoner is endangered, he shall be transferred for treatment to the prison hospital center or to the regional health care institutions.

15. The state structure responsible for health inspection, as well as any of its subordinate institutions, shall inspect, at least twice a year, the institutionfor the execution of criminal decisions, the hygienic-sanitary condition of the premises and the measures taken by the health service of the institution for prevention of infectious diseases.

16. Health experiments involving prisoners that may cause physical harm, mental disorder or other harm shall be prohibited.

17. The detailed rules on the manner of providing health care services and the functioning of the health insurance scheme for prisoners shall be determined by a joint guideline of the Minister responsible for health and the Minister of Justice.

Article 42

Healthcare services for specific categories

1. The health care service in the penitentiary institution shall be guaranteed to every prisoner without discrimination on any ground provided by the legislation for protection against discrimination.

2. The treatment of persons with mental health disorders shall be ensured in accordance with the provisions of the legislation in force on mental health. The prisoner who is in the penitentiary institutions and who has mental health disorders enjoys the right to special health treatment at specialized health structures for the treatment of mental health diseases or in the prison hospital center, as appropriate.

3. The health treatment of prisonersincludes a complete control to determine the needs of primary health care including, but not limited to:

a) sexually transmitted diseases;
b) congenital blood diseases;
c) mental health care;
ç) posttraumatic disorders;
d) the risk of suicide or self-harm;
dh) history of reproductive health;
e) the presence of drug addiction;
ë) sexual abuse and other forms of violence, which may have occurred before admission in the institution.

4. Juvenile prisoners shall be provided with medical care and treatment in accordance with the Criminal Justice for Children Code.

5. Women and juvenile prisoners shall be provided with specific programs and services in accordance with their age and gender. They shall be informed in a language they understandabout health care, prevention of various diseases, personal hygiene, forms of violence and any kind of abuse. Women and minors who have experienced physical, psychological and sexual violence shall be subjected to health care programs for their treatment and rehabilitation.

6. In the case of women prisoners, the institution provides periodic check-ups by a gynecologist, psychiatrist and periodic check-ups to prevent and diagnose breast cancer and other diseases for women.The penitentiary institutions shall provide the necessary and special conditions for the care and treatment of pregnant women, before and after childbirth. The birth of a child takes place in a health institution outside the prison system. If a child is born while the mother is serving the sentence, this fact is not mentioned in the birth certificate.

7. Prisoners who show signs of drug use, psychotropic substances, and alcohol or show signs of stress shall be subject to the same health and social programs that are implemented outside the institution.

8. Persons carrying infectious diseases, including HIV, shall be treated in accordance with the standards applicable to these categories in hospital institutions.

9. Prisoners with chronic diseasesor elderly shall receive health care services according to the standards that apply to these categories at specialized institutions outside the prison system.

10. The General Directorate of Prisons shall guaranteethe provision of necessary health care services in the penitentiary institutions and, if the provision of these services is impossible to be performed in these institutions, the services shall be enabled in specialized health structures outside the prisonsystem.

11. For the purposes of application of paragraph2 of this article, the Ministry of Justice and the Ministry responsible for health shall sign joint cooperation agreements.

Article 43

Employment

1. A prisoner who is able to work has the right to perform a decentjob and chosen by him. Forced labor or as a form of disciplinary punishment shall be prohibited.

2. Work performed by a prisonershall be remunerated and included in work seniority for retirement purposes.

3. The employment of prisoners is intended to guarantee the acquisition, maintenance and development of work skills and professional knowledge, as well reintegration into society after the completion of the servicing of the sentence.

4. The general description of the work performed by the prisoner should be in accordance with his health condition, knowledge and skills for the job, vocational training, special personality characteristics, as well as his perspective of his reintegration into society.

5. The prisoner shall be employed by the administration of penitentiary institution or by private legal entities inside or outside the penitentiary institution. Employment out of the institution of the prisoner who is places in high security institutions, shall be prohibited. An employment contract entered into with a prisoner must not indicate that he or she is serving a sentence.

6. The staff of the institution shall encourageand creates conditions for the self-employment of the convicts.

7. Prisoners with disabilities may be employed by providing them a reasonable adjustment according to the type of work or by using the work for therapeutic purposes.

8. Employment outside the institution of prisons may be allowed by the General Director of Prisons upon the proposal of the director of the institution in cases when the security needs are not violated and the risk assessment of the convict allows that.

9. The detailed rules for the protection and security of prisoners, who are employed outside the penitentiary institution, shall be defined in the General Regulation of Prisons.

10. A juvenile prisoner may be employed only if such a thing facilitates his vocational education, his employment after release and does not impede his education. The employment of juveniles in light work is carried out in accordance with the rules set out in the Criminal Justice for Children Code.

11. Employment of detainees outside the institution may be allowed only by decision of the prosecutor. In any case, leaving the institution and performing the work shall always be carried out accompanied by the staff of the institution and guarded by the Prison Police.

12. The special rules for the employment of prisoners, the working conditions and its duration are determined by a decision of the Council of Ministers.

Article 44

Remuneration of work

1. A prisoner shall have the right to a monthly remunerationfor his work. The remuneration for each category shall be set at a fair value in proportion to the amount and quality of work performed and the organization of work regulated by a decision of the Council of Ministers.

2. The prisoner shall have the right to freely dispose of forty percent of the income earned from work.

Article 45

Education

1. Education and cultural and professional training shall be done through the organization of educational programs, as well as professional courses, according to the legislation in force on the pre-university education system and the legislation in force for education and vocational training.

2. Prisoners who have not completed the nine-year education shall be provided with conditions for its completion through a special program, approved by the ministry responsible for education.

3. The prisoner has the right to continue secondary and higher education during his stay in the institution, according to the rules provided in the legislation on pre-university education and higher education and scientific research in higher education institutions.

4. As far as possible, the education of prisoners is integrated with the education system and the vocational training system to facilitate the continuation of vocational education and training without difficulty after the completion of the sentence. The education and vocational training of prisoners shall takeplace under the supervision of external educational and vocational training institutions.

5. The General Directorate of Prisons, as well as the penitentiary institutions, shall promote the benefit, recognition and certification of professional qualifications, as well as the performance and facilitation of attending vocational courses using part-time courses.

6. Special attention shall be paid to the cultural and professional training of prisoners under the age of 29.

7. Juvenile and young prisoners shall be provided with compulsory basic education and, where appropriate, secondary or higher education. The organization of educational and training programs for juvenile and young prisoners shall be carried out in accordance with the Criminal Justice for Children Code.

8. Prisoners belonging to national minorities who do not understand or do not speak Albanian, foreign nationals or stateless persons who do not understand the Albanian language, shall be provided with written materials in their own language or in a language they better understand.

9. More detailed rules for the manner of development of vocational education and training shall be determined by a joint guideline of the Minister of Justice and the Minister responsible for vocational education and training.

Article 46
Cultural, recreational and sports activities

1. The organization of cultural, recreational and sports activities should aim at maintaining and developing the physical and mental abilities of prisoners.

2. For juvenile prisoners, a special program of involvement in cultural, creative and sports activities, shall be drafted in cooperation with the juvenile.

3. Prisoners with disabilities shall be provided with rehabilitation, recreational, cultural and sports training programs, which provide a reasonable adaptation.

4. The institution shall cooperate with other institutions, non-profit and religious organizations for the organization of cultural, creative and sports activities, inside and outside the institution.

Article 47
Environment and treatment conditions

1. In penitentiary institutions, depending on the needs of treatment, facilities, suitable and necessary conditions for the development of work, pre-university education and vocational education, leisure, cultural activities and any other joint or individual activities shall be provided.

2. A library with contemporary and periodical publications shall be established at each penitentiary institution. In juvenile institutions, publications and periodicals take into account the needs of juvenile prisoners.

Article 48

Family connections

1. Penitentiary institutions shall pay special attention to maintaining, improving or restoring the prisoner's connections with the family.

2. The prisoner has the right to immediately inform the family members on his admission to the institution or when he is transferred from it. Upon consent of the prisoner, communication can also be made by the staff of the institution.

3. Juvenile prisoners shall be guaranteed contact with family members and the social circle in accordance with the provisions of the Criminal Justice for Children Code.

4. The institution shall immediately notify the family members in the event of death, serious physical or mental illness, serious injury of convict/ prisoner or his transfer to the prison hospital center.

5. The institution shall immediately notify the prisoner when he is informed of the death or serious illness of his family members.

6. Penitentiary institutions shall design an individualized program to favor the connections of the prisoner with the family members depending on the needs of juvenile prisoner and female prisoners with juvenile children.

Article 49

Meetings, visits, correspondence and information

1. A prisoner shall have the right to visit at least four times a month with family members lasting at least 1 (one) hour. When the organization of the institution allows, the prisoner may be authorized to stay with family members beyond the prescribed time limit. The visits shall take place in special facilities under the supervision of the staff of the institution, not of hearing, according to the rules provided in the general regulation of prisons.
In the case of detainees, the prior written consent of the prosecutor shall be obtained.

2. Special rules apply to visits made to women prisoners by their children and more frequent visits shall be enabled.

3. Prisoners shall be entitled to communicate with the media, unless there are reasonable reasons to justify not allowing these contacts related to: maintaining security within the Penitentiary institution, with the integrity of victims, other prisoners or staff of the institution.

4. The General Director of Prisons, based on the motivated request, authorizes the entry of the media in the premises of the penitentiary institution. During the review of the request for authorization, all security aspects provided for in point 3 of this article shall be taken into account. In the case of detainees, the prior written consent of the prosecutor shall be obtained.

5. The penitentiary institution shall enable confidential meetings of prisoners with persons provided for in Article 51 of this law: members of the Committee for the Execution of Criminal Decisions, commissioners established by special law, representatives of the Directorate of Legal Aid guaranteed by the state, representatives of international organizations, representatives of non-profit organizations, either domestic or foreign, acting in the field of human rights, children's rights, women, youth, with whom the General Directorate of Prisons has signed agreements cooperation.

6. In the case of juvenile prisoners, telephone correspondence and meetings with family members shall be carried out in accordance with the rules provided for in the Criminal Justice for Children Code.

7. The staff of the institution shall makeavailable to the prisoner the necessary means for the realization of the correspondence. For prisoners who do not have the financial means, the staff of the institution shall provide credited sim card or provides online meetings from the institution.

8. The institution shall ensurethe creation of appropriate environments for the stay of the convicts with the familymembers. This right shall be enabled without discrimination on the basis of gender and security of the institution, with the exception of the restrictions provided in Article 17 of this law.

9. Prisoners shall be allowed to have telephone conversations with family members, relatives and in special cases with third parties. Telephone conversations take place under the visual supervision of the institution's staff. The director of the institution, by decision of the prosecutor or the court, shall restrict the right of the detainee or convict to telephone conversations.

10. Prisoners are allowed to keep newspapers, magazines and books that are for free sale and to use other means of information.

11. The control of the correspondence of the convict/prisoner shall be made in accordance with the provisions of the Code of Criminal Procedure.

12. Control of correspondence with the People's Advocate, defense councils and competent international organisms competent in the field of human rights shall not be permitted.

13. Exceptionally, for the prisoner to whom the special regime is applied, the rights provided for in this Article shall apply to the extent that they do not conflict with the requirements of Article 17 of this Law.

14. Detailed rules on performing visits, meetings and holding correspondence shall be set out in the general regulation of prisons.

Article 50

The right to faith and the practice of religious rites

1. Prisoners shall have the right to faith and practice rites. The institution shall providespecial facilities to allow the practice of religion and the pursuit of religious belief by prisoners.

2. Convicts shall have the right to meet with representatives of religious communities designated in agreement between the General Directorate of Prisons and legally recognized religious communities and keep books relating to religion or faith.

Article 51

Entry into the institution

1. Penitentiary institutions may be visited without authorization by: the President of the Republic, the President of the Assembly, the Prime Minister, the President of the Constitutional Court, the Deputy Speaker of the Assembly, the Deputy Prime Minister, the Minister of Justice, the President of the High Court, the Prosecutor General, the Head of the Special Prosecution Office, MPs, the Deputy Minister of Justice, the People's Advocate, his commissioners and assistant commissioners, the Commissioner for Protection against Discrimination, the General Director of Prisons and his deputies, the Director of the Prisons Police, the Director and the Inspectors of InternalPrisonControl, members of the commission for the execution of criminal decisions, judges and prosecutors in the exercise of their duties, defense counsels of prisoners, as well as delegated judicial police officers.

2. Persons accompanying the subjects mentioned in paragraph1 of this article, shall not provided with authorization in case of visits to the Penitentiary institutions, but in any case they cannot be more than two.

3. Defense counsels of prisoners may be accompanied only by lawyer candidates who perform the internship with them, according to the provisions of the legislation in force for the profession of lawyer in the Republic of Albania.

4. Representatives of international institutions shall have the right to enter the penitentiary institutions, within the commitments undertaken by the Republic of Albania, during the monitoring visits.

5. Persons authorized in the inspection order issued by the Minister of Justice, shall enjoy the right to enter the penitentiary institutions.

6. Other persons, who are not foreseen in paragraph 1 and 2 of this article, can enter the institution only upon the authorization of the director of the institution.

7. Persons provided for in paragraph 5 of this article, shall have the right to complain to the General Director of Prisons in case of refusal without reasonable cause of authorization by the director of the institution.

8. The rules provided for in this Article shall also apply to representatives of religious communities.

PART FOUR
INSTITUTION REGIME

CHAPTER I
RULES OF CONDUCT, INDEMNITY AND DISCIPLINARY LIABILITY

Article 52
Behavioral norms in the institution

1. The General Regulation of Prisons and the internal regulation of the penitentiary institution shall define rules for the treatment, regime and behavior of prisoners in the institution, in accordance with the provisions of this law, and with the aim of rehabilitation and reintegration of prisoners.

2. The staff of the institution from the moment of admission to the institution, shall inform the prisoner with his rights and duties, the rules of treatment and discipline and the regulation of the penitentiary institution. During the stay in the institution, theprisoner is obliged to respect the rules provided in the internal regulations of the institution.

3. No prisoner may be assigned duties in the services of the services of the penitentiary institution which give him a more favorable position compared to other prisoners.

Article 53
Liability for damages

1. The prisoner must take care of the items made available to him, as well as avoid any damage to the items of others.

2. A prisoner who causes material damage to the staff of the institution or other persons, is obliged to compensate the damage caused.

3. Detailed rules on the manner and criteria of compensation for damage shall be set out in the General Prisons' Regulation.

Article 54

Personal search of the prisoner

1. A prisoner shall be subjected to personal search in any case of entry or exit from the penitentiary institution and in cases where there are reasonable suspicions that he carries prohibited items.

2. The personal search of the prisoner must be in proportion to the need that dictates it performance and is done by respecting his dignity, trust and other characteristics.

3. Searches may be exercised only by persons of the same genderwith the convict, in the presence of not less than two employees, in order to avoid the possibility of visual contact by personnel of the opposite sex.

4. The search of women and girls prisoners shall be carried out only by the staff of the same sex, trained with appropriate search methods, in accordance with the procedures set out in the general prisons regulation.

5. The search of juvenile prisoner shall be carried out in accordance with the rules provided in the Criminal Code of Juvenile Justice.

6. In any case, the intimate search of the prisoner by the employee of the Prison Police shall be prohibited. Intimate search shall only be performed by the doctor of the institution, with the authorization of the director of the institution only when there is a reasonable suspicion that the person being checked may have hidden prohibited items. Intimate search shall be made in accordance with the rules and according to the procedure provided in the general regulation of prisons.

Article 55

Search of room premises

The search of the premises and rooms where the prisoners stay shall be performed by the specialized staff in the presence of the prisoner, except when his presence poses a risk to the physical safety of the employees of the General Directorate of Prisons.

Article 56

Personal search of visitors and staff

Personal search shall be applied to subjectsthat have the status of visitors and to the staff of the penitentiary institution, according to the rules and procedures provided in the General Regulation of Prisons.

Article 57

Escorting of the prisoner

1. The movements of prisoners outside the institution are made as far as possible within a short time and in any case escorted by the staff of the Prison Police, according to the rules set out in the General Regulation of Prisons.

2. The escort of women and juvenile prisoners shall be carried out by the staff of the same sex, while the escort of sick prisoners shall be carried out in the presence of the medical staff.

3. Proper care shall be taken during the movement to expose the prisoner as little as possible to the public, taking appropriate protective measures to ensure the protection of his identity and conditions, which do not infringe his dignity or worsen his physicalcondition.

4. The use of handcuffs or other coercive devices shall be mandatory in group movements. The means of coercion used during the movement of prisoners must be in proportion to the level of danger and the purpose for which they are used.

Article 58
Requests and complaint

1. A prisoner shall be entitled to address a request or complaint to the staff of the institution, the General Directorate of Prisons, the Minister of Justice, the Ombudsman, international organizations, non-profit organizations, either domestic or foreign, the prosecutor or the court of the place of execution of the criminal decision, as well as persons who according to article 51 of this law have the right to visit the institution.

2. The request shall be submitted in writing or, exceptionally, verbally. The complaint submitted verbally and addressed to the staff of the institution, if requested by the prisoner, shall be recorded in minutes.

3. The prisoner shall be informed of the possibility of meetings with the director of the institution or the personnel responsible for matters of his interest or which constitute a concern.

4. The staff of the institution shall help the prisoner to maintain contact with the outside world and shall make available to him the necessary means for the preparation of the request or complaint.

5. Authorized personnel shall organize periodic meetings with prisoners, in order to create opportunities for the submission of requests or complaints. The rules and procedures on frequency, timing of meetings and the way they are conducted shall be determined by order of the General Director of Prisons.

6. The request or complaint, after being registered in a special register, shall be submitted to the director of the institution, who shall assignthe relevant employee for its handling and responding to the prisoner.

7. Based on the complaint submitted by the prisoner, the head of the institution may request the initiation of an inspection procedure or file a criminal report when he finds that there are elements of a criminal offense.

8. Each institution shall maintain and update a register of requests or complaints of prisoners in written and electronic form. The format and content of the register, as well as the procedure for providing a response shall be defined in the general Prisons' regulation.

Article 59

Deadlines for reviewing a complaint and a request

1. The competent bodies, shall according to this law, review the complaint and the request as soon as possible, but not later than 14 days from the submission, except when this law provides for special deadlines for their review.

2. Against the decision given according to paragraph 1 of this article, or in the case when the competent bodies do not express themselves with a decision, the prisoner shall be entitled to make an administrative complain to the General Directorate of Prisons within 30 days from receiving the notification. Against the decision of the General Directorate of Prisons, the prisoner has the right to address the competent court according to the provisions of article 80 of this law.

3. The prisoner has the right to submit requests and complaints to the Commission for the Execution of Criminal Decisions. The rules, procedures and deadlines for reviewing requests and complainsby the Commission for the Execution of Criminal Decisions shall be determined in accordance with the legislation in force on the execution of criminal decisions.

Article 60

Rules of Discipline

1. Rules of Discipline shall apply in a way to stimulate the prisoner's sense of responsibility and self-control. They are designed to suit his gender, age, physical, mental and psychological condition.

2. For juvenile prisoners, prisoners diagnosed with mental health disorders, prisoners who have had experienced physical, psychological or sexual abuse, a mitigating disciplinary regime shall be applied in accordance with their needs.

3. The rules of the mitigating disciplinary regime and the procedures for its implementation shall be defined in the General Regulation of Prisons.

Article 61

Rules of application of disciplinary measures

1. Disciplinary measures should be the final form of behavior correction. In cases where it is possible, the staff of the institution shall use mediation to resolve conflicts between convicts themselves, or the prisoners and the staff of the institution.

2. Disciplinary measures may not be imposed prisoners for a fact that is not expressly provided for as a violation of this law.

3. The disciplinary measure may be given only after the prisoner's right to be heard has been respected and after verification of the claims submitted by him.

4. Disciplinary measures shall be determined in accordance with the type and importance of the violation, the attitude of the prisoner towards it, his age, personality, as well as the physical or psychological condition of the convict/prisoner.

5. In the case of juvenile prisoners, the types of disciplinary measures and the limits of their application shall be given in accordance with the provisions of the Criminal Justice for Children Code.

6. Disciplinary measures shall be applied in such a way as to promote a sense of responsibility and the ability of the prisoner to exercise self-control.

7. Collective punishments, corporal punishment, punishment by placing in dark rooms and other forms of degrading or degrading punishment shall be prohibited.

Article 62

Classification of disciplinary violations

1. Disciplinary violations are classified into:
   a) minor violations;
   b) serious violations;
   c) very serious violations.

2. Minor disciplinary violations are:
   a) negligence in performing personal cleaning of the room or common areas;
   b) disease simulation.

3. Serious disciplinary violations are:
   a) the use of inappropriate and insulting words towards other convict/prisoners or the staff of the institution;
   b) performing actions or acts for profit purpose;
   c) failure to implement the orders of the personnel of the institution or unjustified delay in their implementation

4. Very serious disciplinary violations are:

a) organization, participation and promotion of activities that violate security measures in the penitentiary institution;
b) violent opposition of the employees of penitentiary institution;
c) exercising physical or mental violence against other prisoners;
ç) preparation and attempt to leave the penitentiary institution or during the escort of the convicts /prisoner;
d) misappropriation or intentional damage to the property of the penitentiaryinstitution or of other prisoners;
dh) verbal violence or aggressive behavior towards other prisoners;
e) carrying, use and circulation of prohibited items, when it is not a criminal offense;
ë) use of narcotics and alcoholic beverages;
f) violation of the deadline for returning to the penitentiary institution after the permit, without proven objective reasons.

5. Disciplinary proceedings may not be instituted against prisoners in cases where their conduct, actions or omissions do not constitute disciplinary violations.

Article 63
Preventive measures

1. The director of the penitentiary institution may order the separation of the prisoner only for very serious disciplinary violations, according to the provisions of Article 62 of this law, placing him in the desegregation facilities until the meeting of the disciplinary committee. These facilities must comply with the minimum standards applicable to the stay of prisoners.

2. The preventive measure aims to guarantee security in the penitentiary institution and the prevention of injuries or consequences that may come from the behavior or actions of the prisoner.

3. Preventive measures shall be imposed without discrimination and must be proportionate to the situation and the level of risk.

Article 64
Disciplinary measures

1. The following measures shall apply to disciplinary violations:
a) individual counseling;
b) exclusion from joint activities for up to 10 days;
c) exclusion from group taking of fresh air for up to 10 days;
ç) exemption from joint activities for up to 14 days.

2. Punishment of prisoners twice for the same violation for which the competent disciplinary body has previously issued a decision shall be prohibited.

3. A prisoner against whom a disciplinary measure has been imposed, in accordance with letters "b" and "ç" of point 1 of this article, shall be placed in disaggregation rooms, which shall comply with the minimum standards applicable to the saying of convicts, until the end of the disciplinary measure duration.

4. The measures provided for in letters "b", "c" and "ç" of paragraph1 shall be granted for up to half of the time foreseen, in the cases of women convicts/prisoners. Only the disciplinary measure provided in letter "a" of paragraph 1 of this article shall be applied to female prisoners who are pregnant or who have a child under care in the institution.

5. Disciplinary measures, provided for in letters "b" and "ç" of paragraph 1 of this article, may be not imposed on prisoners with different physical abilities or mental health disorders if they affect the deterioration of their condition, based on the medical report drafted in accordance with Article 65, paragraph 4, of this law.

6. Disciplinary measures of exclusion from joint activities, provided in letters "b" and "ç" of paragraph 1 of this article, cannot be implemented without having a preliminary report issued by the doctor, which confirms the physical and mental condition of the prisoners.

7. The implementation of the disciplinary measure of exclusion from joint activities is subject to daily medical control. When applying this disciplinary measure, contact with family members should be guaranteed at least once and at least one hour of fresh air each day if atmospheric conditions allow.

8. Disciplinary measures, types and limits of their application to juvenile convicts/prisoners shall be provided for in the Criminal Justice for Children Code. The special rules for their implementation shall be provided in the General Regulation of Prisons.

9. Disciplinary measures shall be administered in the personal file of the convict.

Article 65

Competent body for imposing disciplinary measures

1. The disciplinary measure of individual counseling shall be given by the director of the institution.

2. The disciplinary measures provided by letters "b", "c", "ç" of article 64 of this law shall be decided by the disciplinary committee. The disciplinary committee consists of 5 members as follows:

a) the director of the institution, in the capacity of the chairman;
b) the head of the legal sector;
c) the head of the security sector;
ç) the head of the social care sector; and
d) the specialist of the social care sector who treats the convict.

3. The disciplinary committee shall be established and operate based on the order of the director of the institution, who convenes the disciplinary committeeno later than 48 hours from the moment of finding the violation.

4. Before the commencement of the disciplinary review, the doctor shall prepares a medical report stating the health condition of the prisoner against whom the disciplinary procedure has been initiated. The report shall be made available to the disciplinary committee and shall be reviewed by him for the purpose of determining the disciplinary measure. The medical doctor shall participatein the meetings of the disciplinary committee without the right to vote and has the right to give explanations if this is required by the disciplinary committee.

Article 66

Procedure for issuing disciplinary measures

1. The disciplinary committee shall take a decision on imposing of a disciplinary measure after having previously heard the prisoner against whom the disciplinary proceedings has been initiated.

2. The institution shall take measures to notify the commencement of disciplinary proceedings. The notification of the interested person or his refusal to appear before the disciplinary committee shall be confirmed against the signature of the interested party and, in cases of his objection, by the signature of two other persons from the staff of the institution, who are not involved in the event which served as the cause for initiating disciplinary proceedings.

3. A prisoner against whom disciplinary proceedings have been instituted shall be entitled to:

a) be informed immediately in a clear and understandable language to him on the facts, violations and disciplinary measures that may be imposed;
b) be heard and given sufficient time and facilities to file claimsand evidence in his defense;
c) be assisted by a defense counsel when he so requests;
ç) request the summoning and hearing of witnesses; and
d) receive free assistance of a translator when he does not understand or speak the Albanian language.

4. A prisoner with a speech and hearing disability shall be assisted by a sign language interpreter or communication facilitator.

5. The procedure for imposing disciplinary measures on a juvenile prisoners shall be carried out in accordance with the Criminal Justice for Children Code. Special rules regarding disciplinary measures for juveniles and relevant authorities shall be defined in the General Regulation of Prisons

6. A reasoned decision of the disciplinary committee on adopting a disciplinary measure shall be taken within 20 days from the finding of the violation and shall be notified to the prisoner.

Article 67

Appeal of disciplinary measures

1. A prisoner shall be entitled to appeal a disciplinary measure before the Disciplinary Measures Appeals Committee at the General Directorate of Prisons, within 15 days from the written notification of the decision to impose a disciplinary measure.

2. The Appeals Committee shall decide to uphold, repeal or remand the decision for of the disciplinary committee within 14 days of receiving the appeal. The Appeals Committee shall notify the prisoner on its decision in writing.

3. Against the decision of the appeals committee, the prisoner has the right to appeal to the competent court within 15 days from the written notification of the decision.

4. The disciplinary measure shall begin its effect from the moment the Disciplinary Committee takes a decision. The disciplinary measures, provided for in letters "b" and "ç" of point 1 of article 64 of this law, start the effects from the moment of implementation.

5. Disciplinary measures shall be recorded in the register of disciplinary measures, in the psychosocial file and in the personal file of the prisoner immediately after the decision is issued by the disciplinary committee. In the case when the appeal committee or the court by a final decision has decided to accept the appeal of the prisoner and to repeal the disciplinary measure, the disciplinary measure shall be considered as not given and this fact is reflected in the register of disciplinary measures, in the psychosocial file and in the personal file of the prisoner.

6. Disciplinary measures shall be considered as not given in case of non-repetition and when from the date of their issuance the following periods have passed:

a) 6 months for the disciplinary measure provided in letter “a” of paragraph 1 of article 64 of this law;
b) 1 year for the disciplinary measures provided in letters "b", "c", and "ç" of paragraph 1 ofArticle 64 of this law.

7. Detailed rules for the composition, organization and functioning of the appeals committee shall be defined in the General Regulation of Prisons.

Article 68

Special supervision regime

1. A prisoner may be placed under special supervision for a period not exceeding 3 months when:
a) he endangers the safety of the staff of the institution, visitors, or when there is a risk that he harms himself or others;
b) there is a risk that he obstructs the activity of other prisoners through violence or threats;

c) there is a risk that he forces other prisoners to submit to him or takes advantage of them;
ç) he prevents other prisoners from regularly applying the rules individually or in groups or promotes their violation.

2. The placement of the prisoner under the special supervision regime shall be made by means of a reasoned decision of the director of the institution after receiving the evaluation report from the Committee for Assessment of the Risk of Convicts. The decision shall be immediately notified to the prosecutor, the General Director of Prisons, the prisoner and his defense counsel.

3. After taking the decision according to paragraph 2 of this article, the director of the institution shall order the transfer of the prisoner to the special supervision regime. The prisoner shall have 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.

4. The special supervision regime shall be applied in the internal premises of the institution where the prisoner is located.

5. Placement in special supervision regime of juvenile and women prisoners shall be prohibited.

Article 69
Organization of special supervision regime

1. The special supervision regime may limit, as far as necessary, and in fulfillment of a lawful purpose, certain rights provided for in this law only for the purpose of:

a) maintaining order and security in the penitentiary institution;
b) the exercise of the rights of other prisoners.

2. Restrictions applied during the special supervision regime may not prejudice the provisions of this law with regard to hygiene, health care, clothing, food, storage, purchase and receipt of food or other facilities provided for by the institution's regulations; access to library service, freedom of expression and belief, use of permitted personal items, fresh air, meetings with defense counsel, meetings with family members and relatives.

Article 70
Use of physical force and coercive means

1. The use of physical force against a prisoner is not allowed, unless it is necessary for self-defense, to stop violent acts, physical attack on another prisoner, attempts to leave the institution, self-harm, or in case of active or passive resistance to a lawful order. Force is used as a last resort and should not have a punitive character.

2. The amount of force used must be at the minimum possible and used in the shortest possible time.

3. The prisoner, after the use of force, must undergo examination and medical treatment. In all cases of use of force, the employee of the institution, who for any reason has used physical force against the prisoner, must immediately notify in writing the director of the institution through a report, which gives the reasons, facts and circumstances that have dictated the need to use force, to what extent and by what means the force has been exercised, as well as whether or not it has caused physical injury to the prisoner or to the prison staff.

4. Means of physical coercion may be used to avoid attempts to leave the institution, violence against the staff of the institution, of other prisoners, damage to objects, as well as to guarantee the health of the prisoner himself. The use of means of physical coercionas a means of punishment shall be prohibited.

5. The staff, who deals directly with prisoners, shall be trained in advance before taking over the assignment on techniques that enable the minimum use of force.

6. The use of means of physical coercion shall be carried out in an escalating manner, in proportion to the situation and the level of risk and must be limited in time. The use of means of physical coercion, for a period longer than 48 hours, shall be made with the approval of the prosecutor.

7. During physical coercion, the prisoner must be under the constant control of the health service.

8. In the case of convicted juveniles, the force and means of physical coercion shall be used only in accordance with the exceptional cases and limits set out in the Criminal Justice for Children Code. Force and other means of coercion may not be used in any case for the pregnant juvenile, unless she intends to self -harm.

Article 71

Types and nature of force and means of coercion

1. The use of meansof force and those of coercion, which are considered weapons, or narcotics in the sense of the Criminal Code shall be prohibited.

2. In any case, the use of force for purposes of torture, inhuman or degrading treatment or punishment shall be prohibited. The use of means of coercion should not exceed the restrictions set out in the European Convention on Human Rights.

3. Service employees within the institution must not carry weapons, except in cases provided for in the legislation in force on the Prison Police.

4. Detailed rules on the types, ways, nature, techniques of use of force and means of coercion, as well as the rules and measures of their use with preventive function and in accordance with the individuality of the prisoners shall be defined in the General Regulation of Prisons.

CHAPTER II
LEAVES, BONUSES AND CHANGE OF CIVIL STATUS

Article 72
Bonus leave

1. Convicted persons who respect the rules of discipline, the internal regulations of the institution, are motivated to participate in rehabilitation and reintegration programs, and do not pose a social danger, shall be entitled to obtain bonus leave, but no more than 20 days a year. For juvenile convicts, the duration of the total bonus leave shall be determined in accordance with the Criminal Juvenile for Children Code.

2. Bonus leave shall be granted in case of fulfillment of the following conditions:

a) convicted persons up to 3 years in prison, after having served not less than 1/4 of the sentence;
b) convicted persons from 3 to 10 years of imprisonment, after having served not less than 1/2 of the sentence;
c) convicted persons over 10 years of imprisonment, after having left to serve less than 5 years of imprisonment.

3. The bonus leave in the high security institutions shall be given only by order of the Minister of Justice, or, upon his authorization, by the General Director of Prisons.

4. The bonus leave in ordinary and low security institutions shall be given by order of the director of the institution.

5. Within 7 days from the receipt of the request for leave, the responsible body shall decide on whether to approve or rejectthe request, based on the annual planning and evaluation reports for the fulfillment of the conditions provided for in paragraphs 1 and 2 of this article.

6. Against the decision to refuse the bonus leave, the convict in the ordinary or low security institutions or his legal representative may file an appeal within 5 days to the Minister of Justice, according to the rules provided in the Code of Administrative Procedures. An appeal may be lodged with the competent court against the decision of the Minister of Justice. Against the decision to refuse the bonus leave, the convict in the high security institutions or his legal representative may file an appeal to the competent court within 5 days from receiving notification.

7. Procedures on authorizing of bonus leave shall be determined by guideline of the Minister of Justice.

Article 73

Special leave

1. The prisoner shall be entitled to obtain special leave in case of serious illness, which endangers the lives of his family members, certified by a medical report, or of important family events, such as death, birth or marriage, as well as in cases the convict undergoes an exams himself. This period shall be included in the time of serving the sentence.

2. The special leave for the convict shall be given by the director of the institution, while for the detainee it shall be given by the director of the institution, upon prior consent of the prosecutor.

3. Special leave shall be granted for a duration of up to 48 hours. The special leave may be extended at the request of the prisoner for another 24 hours only for cases of serious illnesses, which are confirmed by the relevant documentation. The extension of the leave shall be approved in accordance with paragraph2 of this article.

4. Against the decision of the director of the institution for the refusal of the special leave, an appeal can be made to the competent court within 5 days from receiving the notification on the refusal decision.

5. The decision for granting the special permit shall be immediately notified to the structures of the State Police, of the jurisdiction of the place where the prisoner will stay.

6. The rules and procedures for reviewing the application for a special leave and the accompanying documentation shall be defined in the General Regulation of Prisons.

Article 74

Obligations during the leave and liability for violations

1. The prisoner shall be obliged to respect the duration of the leave, spend it at the obligatory place of staying, to respect the established obligations and restrictions and to notify the institution of any imposed deviation.

2. In case of non-compliance with the rules set out in paragraph 1 of this article, the director of the penitentiary institution shall decide to terminate the leave and submits a criminal report when he finds that there are elements of the criminal offense of the leaving of the prisoner away from the place of staying, according to the provisions of the Criminal Code.

Article 75

Reduction of the sentence

1. The convicted person who applies the internal rules of the penitentiary institution and has a good behavior by showing active and positive participation in rehabilitation and reintegration activities while serving his sentence, based on the evaluation report, prepared by the institution, can benefit from a reduction of the sentence up to 90 days in each year of serving the sentence. In the high security penitentiary institutions the reduction of the sentence shall be made for up to 45 days a year.

2. The reduction of the sentence for the convicts who meet the criteria of this article, shall start not earlier than 12 months from the beginning of the serving of the imprisonment sentence, pursuant to the final criminal court decision.

3. A sentence reduction may not be granted before at least 12 months from the reduction benefited has passed.

4. For giving this special bonus, the attitude of the convicted person from the previous reduction or during the last 12 months shall be evaluated.

5. Reduction of the sentence shall be done by a court decision, based on the request of the convicted person, or his representative, or the director of the institution.

6. Detailed rules on the criteria, procedure and format of the evaluation report, according to paragraph 1 of this article, shall be determined by order of the Minister of Justice, on the proposal of the General Director of Prisons.

Article 76

Changes in the civil status

1. The penitentiary institution shall record in a special register the facts of births, marriages or deaths that occurred in the institution.

2. The director of the institution shall immediately informthe competent bodies to make the relevant notes in the national civil registry, according to the legislation in force on civil status.

3. In case of death of a the prisoner, the institution shall take measures to carry out legal procedures related to the verification of the case, the cause of death, the performance of procedural investigative actions, as well as other actions to clarify and document the fact of death.

4. The director of the institution shall immediately informthe prosecution office, the court, family members and the General Directorate of Prisons about the death of the prisoner.

5. The personal belongings and the monetary means of the prisoner shall be handed over to the family members according to the respective procedures and documentation.

6. In case the prisoner is not taken by his family members or relatives, the staff of the institution shall take care of his burial in the public cemetery, covering the necessary costs and making the appropriate note in the basic [civil] register. The Ministry responsible for Foreign Affairs shall be notified on the death of a foreign national or a stateless person and of his or her placement in a public cemetery.

7. The Ministry of Justice, the Ministry responsible for civil status and the Ministry responsible for foreign affairs shall sign cooperation agreements for the implementation of this article

Article 77
Prisoners' monetary means

1. A prisoner may not hold monetary means during his stay in the penitentiary institution.

2. If the prisoner at the time of arrival at the institution possesses monetary means, they shall be placed in a bank account opened on his name, unless he decides otherwise.

3. The detailed rules for the amounts of monetary means which the prisoner freely disposes and the amount he deposits in the savings account shall be defined in the General Prisons Regulation.

CHAPTER III
TRANSFERS AND RELEASE

Article 78
Transfer rules

1. The transfer of aprisoner is done for the following reasons:
   a) when order and security in the institution are violated;
   b) when the life or health of the prisoner is endangered by others;
   c) when there is overcrowding in the institution;
   ç) for the needs of investigation and trial;
   d) for health and family reasons;
   dh) due to the implementation of the vocational training program;
   e) pursuant to the order of execution of the prosecution office for final court decisions.

2. The transfer of a prisoner is made by order of the General Director General of Prisons, based on the request of the prisoner or members of his family, the prosecutor of the case or the director of the institution.

3. In case of refusal of the transfer request, the prisoner shall be notified in writing. Against the decision of refusal, the prisoner shall have the right to file an appeal to the Minister of Justice within 15 days from receiving information.

4. Transfers create, as far as possible, the possibility for prisoners to serve their sentences as close as possible to the residence of their family members.

5. The transfer of a foreign prisoner shall take into account, as far as possible, family, linguistic, cultural, social and economic relations and the conditions of prisons in the State where he will serve his sentence, before a final decision is made, with the view facilitating his reintegration and respect for his rights.

6. The prisoner shall, before the transfer, undergoa personal search and a check by the medical doctor, who verifies his physical and psychological condition.

7. The relevant procedural body, the prosecution and / or the court shall be notified of the transfer of detainees.

8. A juvenile prisoner may be transferred to another juvenile institution if such a measure is necessary for his safety or for the safety of other juveniles. The transfer of the juvenile prisoner shall be immediately notified to the parent or legal guardian. In the case of a juvenile convict who reaches adulthood two months before his or her release, the competent authorities must consider, on a case-by-case basis, his non-transfer to the penitentiary institution for adults.

9. The prisoner shall be transferred together with his personal belongings, personal file and psychosocial file.

10. The rules and procedures for submitting the request for transfer, the procedure for its review and the execution of the transfer shall be determined in the general regulation of prisons.

Article 79
Release

1. The release of a convict shall be made when the execution of the sentence decision is completed or, according to the law, by a decision of the competent body. The staff of the institution performs the actions based on the written order of the director of the institution.

2. The released persons who donot have sufficient financial means, shall, by order of the director of the institution, be provided with the necessary assistance for covering the transport costs to their place of residence at the amount and according to the criteria defined in the General regulation of prisons.

3. In order to support the process of reintegration of the released person in cases when it turns out that he will face difficulties after leaving the institution, the relevant local self-government unit of his residence shall be notified to enable further assistance.

4. For a juvenile convict, the prior notification of his parents or legal guardian is mandatory. Support after the release of juveniles, in order to reintegrate them into society, shall be made according to the provisions of the Juvenile Criminal Justice Code.

5. For women convicts woman, before being released from the penitentiary institution, a rehabilitation plan shall be determined according to their specific needs, which is followed up by the responsible local structure of the social service at the dwelling or residence of the convict.

6. The court that issued the decision, the prosecutor who ordered the execution of the decision, the ministry responsible for public order and security and the State Police shall be immediately notified of the release of the convict and in special cases in advance. Concerning foreign citizens, the Ministry responsible for Foreign Affairs shall be notified through the Ministry of Justice.

7. The penitentiary institution shall provide the released person with a certificate in which the duration of the sentence, the reductions and benefits due to the law shall be specified, as well as the duration of the type of work performed in the institution.

8. Upon the request of the released person, the institution may issue a certificate with data on the professional training acquired during the serving of the sentence, as well as on his stay and behavior within the institution.

PART FIVE
REVIEW OF APPEALS AND ROLE OF THE PEOPLE'S AVOCATE

Article 80
Competent court

An appeal may be lodged against the decision of the penitentiary institution or of the Director General of Prisons before the court of the place of execution of the criminal decision, in accordance with the provisions of the Code of Criminal Procedure.

Article 81
National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment and its Competencies

1. The National Mechanism for the Prevention of Torture, cruel, inhuman or degrading Treatment or Punishment, hereinafter referred to as the National Mechanism, established in accordance with the legislation on the Ombudsman, shall overseethe implementation of this law on the protection of prisoners' rights.

2. In order to implement this law, the national mechanism exercises the following competencies:

a) regularly monitors the treatment of individuals deprived of their liberty in custody and detention facilities, and penitentiary institutions, in order to strengthen, when necessary,

the protection of individuals from torture, cruel, inhuman or degrading treatment or punishment;

(b) make recommendations to the relevant authorities in order to improve the treatment and conditions of individuals deprived of their liberty and to prevent torture, cruel, inhuman or degrading treatment or punishment.

Article 82

Guarantees in the activities of the national mechanism

The following shall be guaranteed to the national mechanism during the exercise of its duty:

a) obtaining of any information on the number of individuals deprived of their liberty in the places of deprivation of liberty, as well as the number of places and location;
b) obtaining all information on the treatment of these individuals, as well as conditions of detention;
c) access to all documentation kept and administered by the institution in line with the functions performed by it, according to the legislation in force;
ç) free access to all places and premises of where the freedom of the individual is deprived, without prior notice. In order to realize this right, the national mechanism may use such devices as: camera, equipment for measuring ambient temperature and humidity, for measuring internal space volume and surfaces of living rooms, specific appliances for recording complaints;
d) conducting private interviews, without witnesses, with individuals who have been deprived of their liberty, in person or with an interpreter when necessary, as well as with any other individual who may provide the necessary information;
dh) free choice of places it seeks to visit and of individuals it seeks to interview.

Article 83

Forms of supervision

1. Supervision of the national mechanism is realized through:
a) acceptance of requests or complaints by the prisoners, or by their legal representatives and organizations which exercise this right, after prior consent has been given by the prisoner;
b) obtaining information, complaints or requests of prisoners, or from individuals who have the status of visitors, or state bodies, or non-profit organizations, which have checked or visited the institution according to the competence recognized by law, as well as from the defense counsel the prisoners;
c) requesting information from the staff of the institution;
ç) verification of documents, objects, equipment or premises related to the prisoner, inside and outside the institution.

2. For the realization of the supervision process, the national mechanism may also take specialists in the respective fields. In any case and, regardless of whether violations and irregularities are found

during the verification, the specialists of this mechanism shall keep minutes, which is signed by the director of the institution or the person in charge of it, with the right to reflect observations.

Article 84

Personal data protection and the right to information

1. The storage and processing of personal data of prisoners by the General Directorate of Prisons and the penitentiary institutions shall be done in accordance with the legislation in force on personal data protection.

2. The provision of information to the public and media shall be made in accordance with the rules, procedure and restrictions provided for in the legislation in force on the right to information.

3. Penitentiary Institutions must, in their public notifications, respect the principle of the presumption of innocence, the principle of non-discrimination, professional ethics and the dignity of prisoners, especially juveniles.

4. The detailed rules on the nature and type of information made available to the media and the public, and the authority responsible for providing it, shall be defied with in the General Regulation of Prisons.

Article 85

Inspection by state institutions

1. The Ministry of Justice, the Internal Control Service in penitentiary system and the General Directorate of Prisons are the competent state bodies for conducting inspections at penitentiary institutions.

2. The authorized persons, by order of the Minister of Justice or the General Director of Prisons, shall enjoy the right to inspect the penitentiary institutions and to make verifications with a general or thematic scope.

3. For the purposes of the implementation of this law, the object of the inspection are the assessment of the observance of the provisions of this law regarding the rights and treatment of prisoners, as well as the concrete issues defined in the inspection order.

4. Upon completion of the inspection, the persons authorized to carry out the inspections shall prepare recommendations, as appropriate, for the Minister of Justice, the Director General of Prisons, or the Director of the institution to take the necessary measures for the violations found.

5. Detailed rules for conducting inspections in the penitentiary institutions, rights and duties of inspectors and inspected entities are defined in the legislation in force on the internal control service and complaints in the penitentiary system.

Article 86
Independent monitoring

The General Directorate of Prisons and penitentiary institutions shall create the necessary conditions for conducting independent monitoring by international organizations or agencies and by state institutions, which enjoy the right to visit institutions and monitor the conditions of detention and treatment of prisoners.

PART SIX
TREATMENT OF PRE –TRIAL DETAINEES

Article 87
Treatment and placement of detainees

1. Detainees shall enjoy all the rights enjoyed by persons convicted to imprisonment.

2. Detainees shall be treated with dignity and humanism. In respect of the principle of presumption of innocence, no detainee may be treated as a convicted person or as a person who may be convicted in the future.

3. Within the regime of the institution, detainees shall be subject to the rules provided for in the general regulation of prisons and in the internal regulations of the penitentiary institution.

4. In any case, the detainees shall be held in separate sections from the section of those convicted to imprisonment.

5. Juveniledetainees shall be placed only in the juvenile section of the detention facilities separately from adult detainees. Juvenile female detainees shall be placed separately from male juvenile detainees and held only under the supervision and care of staff of the same sex.

6. Female detainees shall be placed in separate rooms or sections from men and only kept under the supervision and care of staff of the same sex.

Article 88
Admission of detainees to the institution and release

1. The admission of pre-trial detainees shall be carried out in accordance with the rules provided in Article 38 of this Law and is accompanied by the following documentation:

a) the decision of the court for imposing the security measure of “detention”;
b) the minutes of the apprehension or arrest on the spot;
c) the minutes of the personal search;
ç) medical control document;

d) identification form with two photos and fingerprints;
dh) personal certificate and identification document, and in their absence, identification document prepared by the State Police.

2. The release of detainees shall be made only by a decision of the court or prosecution office. In cases when the released detainee has no possibility of housing r transport to his family, the director of the institution in cooperation with the local self-government units, as well as other organizations shall enable his settling and transportation.

3. In case of objective impossibility to leave the institution after release, the detainee, shall, at his request, be provided with accommodation in the institution, in a suitable environment for living, until theobjective obstacle for his departure had ended.

4. The head of the institution shall cooperate with local self-government bodies of the person's residence to enable his housing in one of the programs provided by the legislation in force on social housing or orients him for the procedures he can follow.

Article 89
Rights of detainees

1. Detainees, who are in detention facilities or detention sections, shall enjoy the rights defined in articles 5, 6, 7, 8, 9, 10, 12, 13, 14, 32-50, 5867 of this law, as well as all the rights provided for in this section of the law.

2. Detainees shall be allowed to immediately inform their family of their arrest and whereabouts. They shall be provided all necessary conditions to meet with their family members, unless this hinders or is not in the interest of conducting the investigation and trial. Foreign pre-trial detainees shall be allowed to inform the consular or diplomatic mission of their country. In case the detainee is a stateless person or a refugee, he shall be allowed to notify an international organization.

3. The director of the detention institution shall restrict the right of the detainee to receive visits, correspondence or telephone conversations, when it is necessary, for the performance of criminal procedural actions ordered by the relevant proceeding body.
4. In no case may detainees be forced to work. If detainees choose to work, they shall be subject to the same working conditions as those foreseen for those convicted to imprisonment.

Article 90
Legal aid

1. Detainees shall be informed in any case on their right to receive legal aid guaranteed by the state, if the defense is mandatory or when they do not have the financial means to have a defense counsel, in accordance with the legislation in force on legal aid guaranteed by state.

2. The premises where detainees are held shall provide the opportunity for them to meet privately and communicate with the defense counsel and to have sufficient time and facilities to prepare the defense throughout the trial.

3. Juvenile detainees shall be guaranteed legal and psychological aid, as well as the exercise of all rights provided for in the Code of Criminal Procedure and the Criminal Justice for Children Code.

PART SEVEN
FINAL PROVISIONS

Article 91
Sub-legal acts

1. The Council of Ministers shall be responsible to adopt the general regulation of prisons, within six months from the entry into force of this law.

2. The Council of Ministers shall be responsible to issue adopt the sub-legal acts pursuant to Articles 32, paragraph 2, 43, paragraph 12, and 44, paragraph 1, of this law, within six months from the entry into force of this law.

3. The Minister of Justice shall be responsible to issue orders and guidelines pursuant to this law, within six months from the entry into force of this law, unless a different deadline is provided in this law.

4. The Minister of Justice and the Minister responsible for health shall be responsible to issue sub-legal acts pursuant to Articles 36, paragraph 8, 41, paragraph 13 and 17 of this law, within three months from the entry into force of this law.

5. The Minister of Justice and the Minister responsible for vocational education and vocational shall be responsible to issue the sub-legal act pursuant to Article 45, paragraph 9 of this Law, within three months from the entry into force of this law.

6. The General Director of Prisons shall be responsible to adopt the internal regulations of each penitentiary institution, within three months from the entry into force of the General Regulation of Prisons.

Article 92
Repeals

1. Law no. 8328, dated 16.4.1998, "On the rights and treatment of persons convicted to imprisonment and detainees", as amended, shall be repealed.

2. Sub-legal acts adopted pursuant to Law No. 8328, dated 16.4.1998, "On the Rights and Treatment of Persons Convicted to Imprisonment and Detainees", as amended, shall remain in force until the adoption of the new sub-legal acts, insofar as they do not conflict with the provisions of this law.

Article 93

Entry into force

This law shall enterinto force 15 days after its publication in the Official Gazette.

SPEAKER

Gramoz RUÇI

Adopted on 25.6.2020