VARNA FREE UNIVERSITY „CHERNORIZETS HRABAR“
FACULTY OF LAW
DEPARTMENT OF CRIMINAL LAW SCIENCES

KRENAR REXHEP BARDHI

INTERNATIONAL STANDARDS FOR EFFECTIVENESS OF PENITENTIARY SYSTEMS OF BULGARIA AND ALBANIA (CRIMINOLOGICAL AND CRIMINAL LAW ASPECTS)

AUTOREFERAT

of a dissertation for obtaining the educational and scientific degree PhD,
professional field 3.6. “Law”,
PhD program “Criminology”

Scientific supervisors:
Prof. Galina Kovacheva, PhD
Prof. Juliana Mateeva, PhD

Varna
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The dissertation has a volume of 190 pages and includes an introduction, an exposition in three chapters, a conclusion, an appendix and a list of references. The content of each chapter is divided into separate paragraphs. The list of used literature consists of 180 titles and sources in Bulgarian, English, Albanian and internet sources.

The author of the dissertation is a doctoral student in independent training at the Department of Criminal Law Sciences at the Faculty of Law of Varna Free University „Chernorizets Hrabar“.

The dissertation work has been discussed and directed for defense before a scientific jury by the Department of Criminal Law Sciences at the Faculty of Law of Varna Free University „Chernorizets Hrabar“.

The defense of the dissertation work before the scientific jury will take place on 18th November 2026 at 10 a.m. in the meeting hall of Varna Free University „Chernorizets Hrabar“. The materials for defense are available to those interested in the office of the Legal Sciences Department at the Faculty of Law of Varna Free University „Chernorizets Hrabar“.

I. GENERAL DESCRIPTION OF THE DISSERTATION

1. Relevance of the theme

The problem related to the effectiveness of penitentiary systems has acquired particular scientific and practical importance in contemporary criminal policy. Modern penitentiary systems are no longer assessed only through their ability to lawfully execute custodial sentences. They are also assessed according to their capacity to protect human dignity, prevent ill-treatment, reduce recidivism and prepare convicted persons for lawful life after release. This shift gives the subject of the dissertation direct relevance for criminal law, criminology and the practical administration of justice.

The actuality of the research derives from the fact that international standards have transformed the normative meaning of imprisonment. Instruments adopted within the United Nations, the Council of Europe and the European Union have progressively moved the execution of punishment away from a purely custodial and retributive model and toward a model based on legality, proportionality, humane treatment, individualisation, rehabilitation and social reintegration. The Mandela Rules, the European Prison Rules, the Convention against Torture and the case-law of the European Court of Human Rights establish minimum standards that affect every aspect of prison life, including accommodation, healthcare, discipline, contact with the outside world, education, work, preparation for release and access to complaint mechanisms.

For this reason, the effectiveness of a penitentiary system cannot be separated from compliance with international human rights standards. A system that formally respects the law but fails to deliver meaningful rehabilitation remains ineffective from a criminological point of view. Conversely, a system that aims at rehabilitation but does not guarantee minimum human rights safeguards cannot be considered compatible with the rule of law. The dissertation is built precisely on this intersection between legal guarantees and institutional performance.

The topic is especially relevant for the Republic of Bulgaria and the Republic of Albania. Both countries share a post-communist legal and institutional legacy, but their current positions within the European legal order are different. Bulgaria is a Member State of the European Union and is therefore exposed to a binding framework of EU obligations, European monitoring and a more consolidated institutional environment. Albania is a candidate country and remains strongly influenced by accession conditionality, Council of Europe monitoring, international assistance and internal reform processes. This makes the comparison scientifically useful because it allows the dissertation to examine how similar historical challenges are addressed under different degrees of European integration.

The relevance of the study is also practical. In both countries, legislative harmonisation has progressed, but implementation problems remain visible. These problems concern overcrowding, material conditions, staff training, healthcare, mental health services, access to rehabilitation programmes, preparation for release, inter-institutional cooperation and the sustainability of reintegration measures. Such shortcomings are not merely administrative. They directly influence

whether imprisonment becomes a factor of desistance or a factor that reproduces criminal behaviour.

The dissertation gives special attention to Albania because the empirical part of the research is conducted within the Albanian penitentiary context. The perceptions of penitentiary staff provide direct insight into the gap between legal standards and everyday institutional practice. This empirical component strengthens the actuality of the work, because it allows the research to move beyond abstract legal commentary and to assess how the standards operate in the concrete environment of prison administration.

From a criminological perspective, the research is relevant because it treats the penitentiary system as a mechanism of crime prevention. The central question is not only whether prisoners are treated lawfully, but whether the prison regime, staff capacity, institutional organisation and post-release mechanisms are capable of reducing the risk of reoffending. This approach corresponds to modern European penal policy, in which public safety is linked to rehabilitation and reintegration rather than to isolation alone.

Accordingly, the dissertation addresses a problem of continuing importance for scholarship and practice: the need to transform international standards from formal legal commitments into effective institutional mechanisms. This transformation is essential for countries that seek to consolidate the rule of law, strengthen human rights protection and improve the preventive function of punishment.

2. Object and Subject of the Research

The object of the doctoral thesis is the penitentiary systems of the Republic of Albania and the Republic of Bulgaria, examined as legal and institutional mechanisms for the execution of criminal sanctions, the protection of detainees' and prisoners' fundamental rights, and the prevention of reoffending.

The subject of this work is the impact of international legal standards on the normative framework, institutional functioning and practical effectiveness of the penitentiary systems of Albania and Bulgaria. The research focuses on the degree of compliance, implementation gaps and practical mechanisms through which international standards influence the protection of persons deprived of liberty and the crime-preventive role of the penitentiary system.

The subject matter includes both the formal incorporation of international standards into national legislation and the practical conditions that determine whether those standards produce concrete institutional effects. For this reason, the dissertation analyses legislation, institutional structures, monitoring mechanisms, staff roles, rehabilitation measures, prison conditions and reintegration policies.

3. Objective and Tasks of the dissertation

The work's goal is to examine the impact of international standards on the effectiveness of the penitentiary systems of Albania and Bulgaria, with particular emphasis on their role in crime

prevention, rehabilitation and social reintegration, while ensuring respect for the fundamental rights of persons deprived of their liberty.

The research tasks are:

1) To analyse the international and European standards governing penitentiary systems, with emphasis on both human rights protection and institutional effectiveness.
2) To examine the national penitentiary legislation of the Republic of Albania and the Republic of Bulgaria in light of these standards.
3) To assess the degree of practical implementation of international standards and their impact on rehabilitation, reintegration and crime prevention.
4) To conduct empirical research among prison staff in Albania regarding rehabilitation practices, institutional capacity and recidivism prevention.
5) To identify structural, institutional and managerial shortcomings affecting penitentiary effectiveness.
6) To formulate de lege ferenda and policy recommendations aimed at improving the crime-preventive function of penitentiary systems in accordance with international standards.

The dissertation is based on the assumption that the formal incorporation of international standards is not sufficient by itself. The decisive issue is the quality of implementation, because the same legal standard may have different effects depending on administrative capacity, staff training, resources, infrastructure and institutional accountability.

4. Research Methodology

The main method used is the legal-doctrinal method. It is applied to examine international instruments, national legislation and the legal principles governing the execution of custodial sanctions. Through this method, the dissertation analyses the normative content of international standards and their relationship with the domestic law of Albania and Bulgaria.

In the dissertation are also used the comparative, sociological and documentary methods. The comparative method identifies similarities and differences between the Bulgarian and Albanian penitentiary systems, especially with regard to institutional organisation, European integration, implementation capacity and reform priorities. The comparison is functional rather than merely descriptive: it is used to identify which institutional mechanisms may be relevant for improving the Albanian system.

The sociological method is applied through questionnaires and structured interviews with penitentiary staff in Albania. This method is important because the implementation of prison standards depends significantly on the knowledge, perceptions, working conditions and professional capacity of staff members. Staff are not treated only as executors of orders, but as institutional actors whose daily decisions influence rehabilitation, discipline, security and reintegration.

The documentary method includes the review of governmental documents, ministerial policies, reports of monitoring bodies, academic sources and institutional materials relevant to penitentiary reform. This method supports the legal and empirical analysis by placing national developments in a broader institutional and policy context.

The combination of these methods allows the dissertation to connect three levels of analysis: the normative level of international and national legal rules; the institutional level of prison administration and oversight; and the practical level of implementation within penitentiary facilities. This methodological structure corresponds to the main research hypothesis, namely that discrepancies between standards and practice are caused less by the absence of legal rules and more by institutional limitations, insufficient resources and weak operational capacity.

The guiding assumptions of the research are incorporated into the methodological framework as follows:

1) Although Albania and Bulgaria have formally incorporated the majority of relevant international standards on the treatment of persons deprived of liberty into their national legal frameworks, significant discrepancies persist between normative requirements and actual implementation in penitentiary practice.
2) The level of awareness, training and professional competence of prison staff significantly influences the implementation of international standards within penitentiary institutions.
3) The quality of prison conditions, including material infrastructure, overcrowding, healthcare, sanitation and access to rehabilitation programmes, is directly connected with the institutional capacity of national prison administrations.
4) Bulgaria's status as an EU Member State has resulted in more structured legislative harmonisation and comparatively stronger institutional safeguards than in Albania, but both countries continue to experience implementation difficulties due to shared post-communist legacies and systemic constraints.
5) Improvements in penitentiary compliance require reforms targeting institutional management, staff training, resource allocation and accountability mechanisms, not only formal legislative amendments.

5. Basic concepts

For the purposes of this dissertation, the following concepts are used:

- Crime Prevention: Crime prevention refers to all legal, institutional, social, and administrative measures aimed at reducing the occurrence of crime by addressing its causes, minimizing opportunities for criminal behaviour, and preventing reoffending. Within the context of penitentiary systems, crime prevention extends beyond punishment and includes the implementation of rehabilitation programmes, educational and vocational activities, psychological support, and post-release assistance designed to reduce recidivism and enhance public safety.

- **Rehabilitation of Criminals**: In this dissertation, rehabilitation is understood as the process through which individuals who have committed criminal offences acquire the knowledge, skills, attitudes, and behavioural changes necessary to abandon criminal behaviour and lead law-abiding lives. Rehabilitation is directed at the individual rather than the offence itself; therefore, the term *rehabilitation of criminals* (or more appropriately, *rehabilitation of offenders or convicted persons*) is used instead of *rehabilitation of crime*. In accordance with international standards, rehabilitation constitutes one of the primary objectives of imprisonment and should be pursued through individualized treatment, education, vocational training, healthcare, psychological support, and other correctional interventions.

- **Reintegration of Persons Deprived of Liberty**: Reintegration of persons deprived of liberty refers to the process of preparing individuals for their successful return to society following release from prison. It includes institutional measures undertaken during imprisonment, as well as post-release support aimed at facilitating lawful, independent, and socially responsible living. Reintegration encompasses access to education, employment, housing, healthcare, family support, and community-based services that reduce the risk of reoffending and promote sustainable social inclusion.

- **Social Reintegration**: Social reintegration is the broader process through which formerly deprived-of-liberty persons re-establish their social, economic, family, and community relationships after release. It focuses on restoring their active participation in society as responsible citizens while overcoming barriers such as social exclusion, discrimination, unemployment, and stigmatization. Social reintegration represents both an objective of modern penitentiary systems and a key mechanism for achieving long-term crime prevention and public security.

II. SCOPE AND STRUCTURE OF THE DISSERTATION

The dissertation is structured into an introduction, three chapters, a conclusion and totals 190 pages. The main text contains six tables. The list of references consists of 180 titles and sources, including Bulgarian, foreign, Albanian and internet sources. In addition, there is one appendix containing the questionnaire and empirical research materials.

The introduction presents the actuality of the study, its purpose, tasks, object, subject, research questions, methodology, hypothesis, limitations, scientific novelty and practical significance. The first chapter is dedicated to international standards for guaranteeing the effectiveness of penitentiary systems and protecting the fundamental rights of detainees and persons deprived of liberty. The second chapter examines the penitentiary systems of Bulgaria and Albania. The third chapter presents the empirical research on the effectiveness of the Albanian penitentiary system for crime prevention, together with analytical findings and recommendations.

The structure of the dissertation follows the logic of the research. First, it establishes the international normative framework. Second, it examines the two national systems and their institutional organisation. Third, it assesses the practical effectiveness of the Albanian system

through empirical findings and formulates reform proposals. This structure allows the work to move from general standards to national implementation and then to concrete conclusions.

III. GENERAL DESCRIPTION OF THE DISSERTATION

First Chapter

"International standards for guaranteeing the effectiveness of penitentiary systems and for protecting the fundamental rights of detainees and persons deprived of their liberty"

The First Chapter consists of three paragraphs. It is dedicated to the international and European legal standards that define the minimum requirements for the treatment of persons deprived of liberty and the operation of modern penitentiary systems. The chapter establishes the theoretical and normative basis of the dissertation. It explains why the effectiveness of a penitentiary system is inseparable from the protection of human dignity, legality, non-discrimination, rehabilitation and preparation for reintegration.

The chapter begins from the premise that the international legal order has gradually developed a dense system of rules concerning detention and imprisonment. These rules emerged after the Second World War and have been strengthened through universal and regional instruments. Their purpose is not limited to the prohibition of torture or the prevention of arbitrary treatment. They also define positive obligations related to prison conditions, access to healthcare, contact with the outside world, education, vocational training, work, staff conduct, individualised treatment and preparation for release.

In the first paragraph "Principles of penitentiary law and systems", the dissertation analyses the core concepts and principles of penitentiary law. Penitentiary law is understood as a set of legal norms regulating public relations arising in the process of enforcing criminal sanctions imposed by courts. The prison is examined as the institutional setting in which the coercive power of the state is exercised over individuals who remain holders of fundamental rights. The paragraph therefore emphasizes that deprivation of liberty does not mean deprivation of dignity, legal protection or social identity.

Special attention is given to the principle of legality. In the penitentiary context, legality requires that all restrictions, disciplinary measures, classifications, transfers and administrative decisions be based on law and applied by competent authorities. Legality protects prisoners against arbitrariness and ensures predictability in the execution of punishment. It also imposes a duty on prison authorities to act within the limits of their competence and in accordance with higher-ranking legal acts.

The paragraph also discusses the presumption of innocence and the distinction between accused persons and convicted prisoners. This distinction is particularly important for pre-trial detention, because persons not finally convicted must be treated according to their legal status. International standards require separation, differentiated treatment and safeguards against excessive restrictions.

The dissertation connects this principle with the right to a fair trial and the broader protection of procedural rights within criminal justice.

The prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment is presented as an absolute principle. In penitentiary systems, this principle has both negative and positive dimensions. The state must abstain from ill-treatment, but it must also organise detention conditions in a way that prevents degrading treatment. Poor material conditions, lack of medical care, excessive overcrowding or abusive disciplinary practices may engage the responsibility of the state even when there is no direct intention to humiliate the prisoner.

The principle of equality and non-discrimination is examined as another foundational standard. Prisoners are a vulnerable group because they depend on the state for nearly all aspects of their daily life. Equal treatment in prison therefore requires not only the formal absence of discrimination but also practical safeguards for groups with specific needs, including juveniles, women, foreign prisoners, persons with disabilities and persons with mental health needs.

The paragraph further analyses the freedom of thought, conscience and religion in prison. The dissertation underlines that imprisonment does not extinguish spiritual autonomy. Prison authorities must ensure reasonable opportunities for prisoners to practice religion, communicate with representatives of religious communities and maintain moral identity, subject only to restrictions necessary for security and order.

Finally, the first paragraph addresses the principle of harmonising prison life with the positive aspects of life outside prison, as well as support before and after release. These principles reflect the rehabilitative function of imprisonment. They require that prison regimes avoid unnecessary institutionalisation and prepare prisoners for social reintegration through education, work, family contact, psychological support and post-release assistance.

In the second paragraph “International sources for the activities of penitentiary systems”, the dissertation examines universal instruments adopted within the framework of the United Nations. The Universal Declaration of Human Rights is presented as the foundational document establishing human dignity, equality and the basic rights that inform later prison standards. Although the Declaration is not a specialized penitentiary instrument, its principles provide the ethical and legal foundation for the treatment of persons deprived of liberty.

The International Covenant on Civil and Political Rights is analysed with particular attention to Article 10, according to which all persons deprived of liberty must be treated with humanity and respect for the inherent dignity of the human person. The Covenant also requires separation of accused and convicted persons and emphasizes that the prison regime should aim at rehabilitation and social reintegration. This provision is central because it connects human rights protection with the preventive and rehabilitative purpose of imprisonment.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is examined as a universal instrument establishing the absolute prohibition of torture and imposing obligations to prevent abuse. The Optional Protocol is discussed as a preventive mechanism based

on regular visits to places of deprivation of liberty by independent international and national bodies. The dissertation shows that prevention is not achieved only through punishment after violations, but through systematic monitoring, institutional transparency and early identification of risks.

The paragraph further analyses the Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules. These rules represent a universally recognised benchmark for prison administration. They regulate accommodation, hygiene, clothing, food, healthcare, discipline, searches, contact with the outside world, staff training and institutional management. Their importance lies in the fact that they translate the abstract principle of human dignity into practical prison standards.

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment is discussed as an instrument applicable to all forms of deprivation of liberty. The Code of Conduct for Law Enforcement Officials is analysed in relation to professional ethics, use of force, respect for human dignity and accountability. The UN Basic Principles for the Treatment of Prisoners are also examined, especially the rule that prisoners retain all human rights except those necessarily limited by imprisonment.

The dissertation also reviews the Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. These instruments are important because juvenile detention must be used only as a measure of last resort and for the shortest appropriate period. The chapter emphasizes that juvenile justice must be oriented toward education, personal development, family contact and reintegration rather than punishment alone.

In the third paragraph “European sources for the activities of penitentiary systems”, the dissertation examines the regional European framework. The European Convention on Human Rights is analysed as the central binding instrument for the protection of prisoners in Europe. Article 3 is of fundamental importance because it prohibits torture and inhuman or degrading treatment. Article 8 is relevant for family life, correspondence and contact with the outside world. Article 6 may apply in disciplinary or procedural contexts, while other provisions protect religion, expression, education and non-discrimination.

The case-law of the European Court of Human Rights is treated as a dynamic source of penitentiary standards. Through its judgments, the Court has clarified state obligations regarding overcrowding, healthcare, disciplinary isolation, life sentences, contact with family, effective remedies and protection against ill-treatment. The dissertation underlines that Strasbourg case-law does not merely resolve individual cases; it also produces structural guidance for national prison reforms.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is analysed through the role of the CPT. The CPT’s visits, reports and recommendations have strongly influenced prison standards in Council of Europe member states. The dissertation points out that the CPT model is preventive, cooperative and practical: it examines the real situation inside detention facilities and gives detailed recommendations concerning conditions, treatment, healthcare, discipline and safeguards.

The European Prison Rules are examined as one of the most important soft-law instruments in European penitentiary policy. They articulate principles of normalisation, individualisation, rehabilitation, staff professionalism and preparation for release. The Rules are not legally binding in the same manner as a treaty, but they exert considerable influence through the Council of Europe, the CPT and the ECtHR. The dissertation uses them as a key benchmark for evaluating Albania and Bulgaria.

The chapter also discusses the European Convention on the Supervision of Conditionally Sentenced and Conditionally Released Offenders and the Convention on the Transfer of Sentenced Persons. These instruments show that European penitentiary policy extends beyond prison walls. It includes supervision in the community, conditional release, social rehabilitation and international cooperation. In this sense, the effectiveness of a prison system depends on its connection with probation, social services and post-release support.

The conclusion of the first chapter is that international and European standards form a coherent framework for the humane and effective execution of custodial sanctions. However, they function as minimum standards. Their real impact depends on domestic implementation, institutional capacity, professional staff and sustainable public policies. This conclusion prepares the ground for the comparative analysis in the second chapter.

Second Chapter

“Penitentiary system in the Republic of Bulgaria and Albania”

The Second Chapter consists of two paragraphs. It is dedicated to the national penitentiary systems of the Republic of Bulgaria and the Republic of Albania. The chapter examines the principles, legislation, institutional bodies and relevant practices of each system. Its purpose is to show how international standards are incorporated into domestic law and how national structures influence their implementation.

In the first paragraph “Penitentiary system in the Republic of Bulgaria”, the dissertation examines Bulgarian penitentiary law, the main legal acts governing the execution of sentences and the institutional bodies responsible for the prison system. Bulgaria is analysed as a state whose penitentiary development is shaped by membership in the European Union, obligations under the Council of Europe framework and the case-law of the European Court of Human Rights. This context has produced a more consolidated structure of sentence execution and stronger pressure for compliance with European standards.

The dissertation identifies the principles of Bulgarian penitentiary law, including legality, humanity, individualisation, differentiation of treatment, rehabilitation and social reintegration. These principles demonstrate that the execution of criminal sanctions is not conceived merely as custody, but as an organised process aimed at correction, prevention and preparation for lawful life after release. The analysis shows that Bulgarian law contains a more developed system of individual sentence-execution planning and programmatic work with prisoners.

The chapter examines the Bulgarian Law on the Execution of Sentences and Detention in Custody and the Regulations for its implementation. These instruments regulate the types of penitentiary institutions, prison regimes, rights and obligations of prisoners, disciplinary responsibility, access to healthcare, work, education, social and psychological activities, probation and supervision. The dissertation gives particular attention to provisions relating to rehabilitative programmes and pre-release preparation because they are directly connected with the preventive function of imprisonment.

The institutional analysis covers the Ministry of Justice, the Directorate-General for the Execution of Sentences, courts, prosecutors, councils on the enforcement of sentences, regional penitentiary services and specialized professional bodies. The structure demonstrates the centralized character of the Bulgarian system and the existence of clearer administrative channels for implementing policy and monitoring compliance. The role of courts and prosecutors is discussed in relation to legality, protection of rights and oversight of sentence execution.

The dissertation also discusses Bulgarian best practices relevant for Albania. These include more structured individual treatment planning, clearer legislative regulation of rehabilitation programmes, stronger pre-release preparation, the use of specialized staff, the development of probation and the influence of monitoring mechanisms. These practices do not mean that the Bulgarian system is without problems. The dissertation recognises continuing challenges regarding infrastructure, healthcare, overcrowding and the practical quality of rehabilitation. Nevertheless, the Bulgarian model offers useful comparative elements because it shows how European standards can be translated into institutional mechanisms.

A central point in the Bulgarian analysis is that EU membership and sustained European monitoring have increased pressure for legislative harmonisation and administrative reform. The Bulgarian experience shows that international standards become more effective when supported by institutional continuity, judicial remedies, external monitoring and a structured prison administration. At the same time, the existence of formal structures is not enough if material conditions and staff capacity remain insufficient.

In the second paragraph “Penitentiary system in the Republic of Albania”, the dissertation examines the principles and legislation governing the Albanian penitentiary system, the relationship between Albanian law and international instruments, and the main bodies involved in sentence execution. Albania is analysed as a candidate country undergoing legal and institutional transformation, with a penitentiary system strongly influenced by Council of Europe standards, accession requirements and internal reform needs.

The dissertation presents the constitutional and legislative basis of the Albanian system. It examines the Constitution, the Criminal Code, the Criminal Procedure Code, the law on the execution of criminal decisions, the law on the rights and treatment of prisoners and detainees, subordinate legislation and relevant administrative acts. The analysis shows that Albanian legislation has incorporated many international standards, especially concerning humane treatment,

prohibition of torture, access to healthcare, individual treatment plans, religious freedom, education, work, family contact and complaint mechanisms.

The chapter also analyses the relationship between Albanian legislation and universal and regional instruments. Albania is bound by the ECHR, the Convention against Torture, the ICCPR, the Mandela Rules as a benchmark, the European Prison Rules as a Council of Europe standard and the CPT monitoring system. The dissertation concludes that the main problem of the Albanian system is not the absence of legal references to international standards, but the inconsistency of implementation.

The institutional part examines the Ministry of Justice, the General Directorate of Prisons, penitentiary institutions, prosecutors, courts, the Probation Service, the Ombudsman and non-governmental organisations. The Ministry of Justice and the General Directorate of Prisons are analysed as central administrative actors. Penitentiary institutions are examined as the operational level where the standards are implemented. Prosecutors and courts are considered in relation to legality and judicial control. The Ombudsman and the National Preventive Mechanism are analysed as oversight institutions with a preventive mandate.

The dissertation gives particular importance to the transfer of prison administration from the Ministry of Internal Affairs to the Ministry of Justice. This reform is treated as a significant step toward the civilianisation and human rights orientation of the prison system. Other positive developments include the presence of psychologists and social workers in institutions, individual treatment plans, cooperation agreements with education and labour institutions, and increased involvement of civil society in rehabilitation and reintegration activities.

However, the chapter also identifies persistent weaknesses in the Albanian system. These include infrastructure problems, overcrowding in certain institutions, insufficient staff training, limited access to mental health services, weak rehabilitation programmes, limited employment opportunities for prisoners, dependence on external projects and insufficient coordination after release. These deficiencies reduce the practical effectiveness of the legal framework and limit the preventive value of imprisonment.

The dissertation treats crime prevention through penitentiary activity as a mechanism requiring more than security control. Prevention requires classification, individual assessment, psychological and social support, education, work, family contact, preparation for release and cooperation with probation and local institutions. Where these elements are weak, imprisonment may become criminogenic. The Albanian analysis therefore demonstrates that implementation gaps affect not only prisoners' rights but also public safety.

The comparative conclusion of the second chapter is that Bulgaria and Albania face similar categories of problems, but at different levels of institutional consolidation. Bulgaria has developed more structured mechanisms under the pressure of EU membership and European monitoring. Albania has made important normative and institutional progress but still faces sharper

implementation gaps. The comparative value of the chapter lies in identifying the reforms that Albania can adapt without mechanically copying the Bulgarian model.

Third Chapter

“Research of the effectiveness of the penitentiary system in Albania for crime prevention”

The Third Chapter consists of three paragraphs. It is dedicated to the empirical research conducted on the effectiveness of the Albanian penitentiary system for crime prevention. The chapter presents the framework and results of the research, provides analytical discussion of the findings and formulates recommendations for improving the effectiveness of the system. This chapter is the empirical core of the dissertation.

In the first paragraph “General framework and results of the research”, the dissertation explains the purpose and design of the empirical study. The research focuses on prison staff because staff members are the direct institutional actors responsible for implementing legal standards, maintaining security, supporting rehabilitation and influencing the daily climate of penitentiary facilities. Their perceptions provide valuable evidence concerning the real operation of the system.

The empirical research uses questionnaires and structured interviews. The respondents include staff from key Albanian penitentiary institutions, including institutions with different security profiles and operational characteristics. The research examines professional profiles, working conditions, training, perceptions of rehabilitation programmes, factors increasing criminalisation inside prison, the role of staff in crime prevention, institutional cooperation and reintegration mechanisms.

The findings show that penitentiary staff recognise the importance of rehabilitation but report significant practical obstacles. A substantial part of respondents perceive rehabilitation programmes as insufficiently effective or irregularly implemented. The main obstacles identified include inadequate human resources, insufficient professional training, overcrowding, limited infrastructure, lack of specialised psychological support, weak coordination with probation and social services, and the absence of continuity after release.

The research also shows that staff often understand their role primarily through security and order maintenance. This is understandable given the working environment, but it reveals a structural imbalance. Modern standards require dynamic security, communication skills, risk assessment, conflict management and rehabilitative engagement. Where staff are not trained or supported for these functions, the preventive potential of the prison system remains limited.

The empirical data further indicate that overcrowding and mixed inmate profiles create criminogenic risks. When prisoners with different risk levels and criminal backgrounds are placed together without effective classification and structured daily activities, the prison environment may reinforce criminal learning rather than support desistance. Staff observations therefore confirm that material and organisational conditions directly affect crime prevention.

In the second paragraph “Analytical discussion of findings”, the dissertation interprets the empirical results in light of international standards and criminological theory. The analysis demonstrates that the Albanian penitentiary system possesses preventive potential but that this potential is underutilised due to legal, organisational and institutional constraints. The gap between law and practice is not abstract; it is visible in daily work routines, limited resources, weak programme continuity and insufficient inter-institutional cooperation.

A first analytical conclusion concerns institutional capacity and professional preparedness. Interviewees consistently emphasise that security duties dominate daily operations, leaving limited time and resources for individualized rehabilitative work. This finding shows that the preventive function of imprisonment cannot be implemented only through legal declarations. It requires adequate staffing, specialised training and professional tools.

A second analytical conclusion concerns the continuity of rehabilitation and post-release support. The research shows that certain rehabilitative initiatives exist inside institutions, but their effect is weakened when prisoners return to society without structured follow-up. The immediate post-release period is a high-risk phase for recidivism. If probation services, social welfare institutions, employment services and local authorities do not cooperate effectively, progress achieved during imprisonment may be lost.

A third analytical conclusion concerns overcrowding and the criminogenic prison environment. Overcrowding reduces access to programmes, increases tension, complicates classification and limits meaningful staff-prisoner interaction. The research confirms that overcrowding is not only a material condition issue under human rights law; it is also a criminological factor that affects future offending.

A fourth analytical conclusion concerns the size of institutions and individualisation. Smaller institutions may allow staff to know prisoners better and develop more individualised approaches. However, this advantage is limited when resources, professional tools and mandatory sentence planning mechanisms are absent. The dissertation therefore argues that individualisation must be legally required, administratively supported and professionally implemented.

A fifth analytical conclusion concerns the sustainability of rehabilitation initiatives. International projects and NGO activities have introduced useful practices, but their impact often disappears when external funding ends. This indicates the need to embed successful practices into national regulations, permanent budgets and institutional routines. Reform cannot depend only on temporary projects.

In the third paragraph “Recommendations for improving the effectiveness of the penitentiary system in Albania”, the dissertation formulates de lege ferenda and policy recommendations. These recommendations are based on the combined normative, comparative and empirical analysis. They aim to strengthen the preventive function of the Albanian penitentiary system and align it more closely with international standards.

The recommendations include legislative amendments to codify minimum standards for living space, hygiene and healthcare; clearer regulation of disciplinary sanctions and proportionality; effective and independent complaint mechanisms; explicit recognition of ECtHR case-law as an interpretative source for penitentiary authorities; mandatory individual sentence-execution plans; stronger legal regulation of mental health services; and structured preparation for release.

Institutional and policy recommendations include the creation or strengthening of a National Penitentiary Training Academy, regular certification of staff in dynamic security and rehabilitation methods, improved risk assessment tools, better classification of prisoners, expansion of education and work programmes, systematic cooperation with probation services, increased transparency of monitoring findings and sustainable funding for rehabilitation programmes.

The dissertation also identifies Bulgarian practices that may serve as reference points for Albania. These include more structured sentence planning, pre-release preparation, clearer institutional responsibilities and stronger integration between prison administration and probation. The dissertation does not suggest mechanical transplantation. It argues that Albania should adapt relevant practices to its own legal, institutional and financial context.

The third chapter concludes that crime prevention through imprisonment is possible only when the penitentiary system operates as a coordinated rehabilitative institution rather than a closed custodial administration. Staff capacity, infrastructure, programme continuity and post-release cooperation are decisive. Without these elements, international standards remain formal and the preventive function of imprisonment remains weak.

Conclusion

The dissertation concludes that international standards have had a significant normative impact on the penitentiary systems of Albania and Bulgaria. They have shaped legislation, introduced human rights safeguards and established rehabilitation and reintegration as essential objectives of imprisonment. However, their practical effectiveness depends on domestic implementation, institutional capacity and professional practice.

The research confirms that punishment in modern criminal policy should not be understood as retribution alone. It is a legal and institutional tool aimed at prevention, rehabilitation and social reintegration. International instruments such as the European Convention on Human Rights, the Mandela Rules and the European Prison Rules reflect this shift by establishing minimum standards intended to influence offenders' future behavior and reduce recidivism.

The analysis of international and European standards shows that they provide a comprehensive framework regulating detention conditions, treatment of prisoners and institutional safeguards. Nevertheless, these standards do not automatically guarantee effective protection or preventive outcomes. Their effectiveness depends on incorporation into domestic law, consistent interpretation by national authorities and real implementation in prison practice.

The examination of the Albanian penitentiary system reveals a significant discrepancy between formal legal alignment and practical implementation. Albanian legislation largely reflects

international standards, but structural and organisational deficiencies continue to undermine the rehabilitative and preventive function of imprisonment. These deficiencies include infrastructure problems, overcrowding, limited rehabilitation programmes, insufficient mental health services and weak administrative capacity.

The analysis of the Bulgarian penitentiary system indicates a higher degree of institutional consolidation, largely influenced by European Union membership and sustained international monitoring. Bulgaria has developed more structured administrative mechanisms and stronger instruments for sentence planning and pre-release preparation. At the same time, Bulgaria also faces continuing challenges concerning infrastructure, healthcare, overcrowding and the quality of rehabilitation.

The comparative analysis confirms that both Albania and Bulgaria face similar structural challenges despite differences in institutional maturity. In both systems, non-compliance with international standards stems primarily from structural and managerial weaknesses rather than from the complete absence of legal rules. International standards therefore function as guiding frameworks whose effectiveness depends on the interaction between legal norms, resources, staff professionalism and accountability.

The empirical research conducted in Albania confirms that penitentiary staff are central to the implementation of international standards. Their training, working conditions, professional culture and daily discretion strongly influence whether standards are applied in practice. Staff members identify rehabilitation as important but also highlight that insufficient training, overcrowding, limited programmes and weak inter-institutional cooperation reduce the preventive effect of imprisonment.

The dissertation further concludes that the effectiveness of penitentiary systems cannot be assessed solely on the basis of legislative harmonisation. Genuine reform requires a holistic approach that integrates legal regulation with coherent public policies, adequate funding, professional training, reliable oversight and sustainable institutional development. Reform strategies limited to normative amendments remain insufficient unless accompanied by measurable improvements in practice.

The preventive function of the penitentiary system requires the development of evidence-based rehabilitation, individualized treatment planning, adequate mental health services, education, work, family contact, preparation for release and cooperation with probation and local institutions. These elements must operate together. If one element is absent, the continuity of rehabilitation is weakened and the risk of recidivism increases.

In conclusion, the dissertation demonstrates that international standards are necessary but not self-executing. Their real value lies in their transformation into daily institutional practice. For Albania, the priority is to move from formal compliance toward operational effectiveness. For Bulgaria, the priority is to consolidate existing mechanisms and address persistent implementation weaknesses. For both systems, the ultimate measure of effectiveness is whether the prison regime protects human dignity while reducing the risk of reoffending.

Based on the conclusions the following de lege ferenda recommendations are proposed for the Republic of Albania.

A. Legislative Recommendations

- Revision of the legislation on the execution of criminal decisions to explicitly codify minimum standards for living space, hygiene, nutrition and healthcare in line with the Mandela Rules and the European Prison Rules.
- Introduction of clearer rules on the proportionality of disciplinary sanctions and stronger procedural safeguards in disciplinary proceedings.
- Establishment of effective, accessible and independent complaint mechanisms for persons deprived of liberty, with guarantees against retaliation.
- Explicit recognition of the case-law of the European Court of Human Rights as a mandatory interpretative source for penitentiary authorities and domestic oversight bodies.
- Legal regulation of mandatory individual sentence-execution plans based on risk and needs assessment, including periodic review and measurable objectives.
- Stronger legal guarantees for mental health assessment, treatment and transfer to appropriate specialised facilities where necessary.
- Binding regulation of pre-release preparation and post-release referral mechanisms involving prison administration, probation, social welfare, employment services and local authorities.

B. Institutional and Policy Recommendations

- Creation or strengthening of a permanent national training structure for penitentiary staff, with curricula covering human rights standards, dynamic security, conflict management, psychological skills, risk assessment and rehabilitation methods.
- Expansion of educational, vocational, work and therapeutic programmes in prisons, with priority for evidence-based interventions connected to criminogenic needs.
- Improvement of prisoner classification and separation according to risk level, legal status, age, vulnerability and rehabilitative needs.
- Increase of professional staff, including psychologists, social workers, psychiatrists and educators, especially in institutions with high-risk populations.
- Institutionalisation of successful NGO and international project practices through permanent regulations, public budgets and administrative protocols.
- Strengthening of cooperation between the General Directorate of Prisons, the Probation Service, local authorities, educational institutions and employment services.
- Regular publication of monitoring findings, statistical data and progress indicators to improve transparency and accountability.

The following steps can be addressed as a result of this research study: development of a national strategy on rehabilitation and reintegration; adoption of measurable indicators for penitentiary effectiveness; systematic training and certification of staff; improvement of prison infrastructure;

expansion of alternatives to detention and electronic monitoring; and creation of a structured transition model from prison to community supervision.

Ultimately, the dissertation defends the position that an effective penitentiary system is one that protects society by respecting human dignity and reducing future criminality. These objectives are not mutually exclusive. Human rights standards are not obstacles to security; they are conditions for a lawful, stable and preventive prison system. This is the principal scientific and practical conclusion of the work.

In relation to Albania, the research confirms that the country has achieved visible progress in legal alignment and institutional reform, but the next stage must be qualitative. The priority should be operational effectiveness: better classification, better staff training, better rehabilitation programmes, better mental health services, better infrastructure and better cooperation after release. The dissertation's recommendations are directed toward this practical stage of reform.

In relation to Bulgaria, the research confirms that stronger institutional structures do not eliminate all problems. European integration and legislative harmonisation have contributed to consolidation, but implementation issues persist. This finding is important because it prevents an oversimplified conclusion that EU membership alone guarantees penitentiary effectiveness. Standards require continuous implementation, resources and monitoring even in more developed institutional environments.

The dissertation also shows that data collection and evaluation remain weak points in penitentiary governance. Without reliable indicators, it is difficult to know whether rehabilitation programmes work, whether staff training changes practice, whether disciplinary measures are proportionate, or whether reintegration policies reduce reoffending. Penitentiary effectiveness should therefore be measured through indicators such as programme participation, completion rates, disciplinary incidents, access to healthcare, individual plan implementation, employment or education after release and recidivism trends.

The role of monitoring bodies is another important conclusion. The CPT, the Ombudsman, the National Preventive Mechanism and other independent actors contribute to the prevention of ill-treatment and the improvement of conditions. However, monitoring is effective only when recommendations are translated into concrete administrative action. The dissertation therefore recommends regular action plans, deadlines, responsible institutions and public reporting on the implementation of monitoring recommendations.

For this reason, the dissertation proposes that Albania should develop a structured transition model from prison to community. Such a model should begin before release, identify the prisoner's risks and needs, prepare documents and referrals, connect the person with probation and social services, and ensure follow-up during the critical first months after release. This model would operationalise the international principle that imprisonment should be organised with a view to reintegration.

The dissertation further emphasizes the importance of post-release continuity. Many prison interventions lose their value if they end at the gate of the institution. Reintegration requires

coordination with probation services, social assistance, employment offices, municipalities, healthcare providers and civil society. The absence of binding cooperation protocols produces fragmentation. A prisoner may complete programmes inside the institution but still face unemployment, homelessness, lack of treatment and social isolation immediately after release. These circumstances increase the risk of recidivism and weaken public safety.

Family contact is also treated as a relevant preventive factor. International standards and criminological research recognise that the maintenance of family ties can reduce the harmful effects of imprisonment and support reintegration. For Albania and Bulgaria, this means that visits, correspondence, telephone communication and other forms of contact should not be treated merely as privileges, but as elements of a lawful and rehabilitative prison regime. Restrictions may be justified for security reasons, but they must remain proportionate and subject to review.

Education and work are identified as essential elements of rehabilitation. Their importance is not symbolic. Educational and vocational activities give prisoners structured time, skills, discipline and a realistic connection with lawful life after release. The dissertation shows that where these activities are limited, the prison environment becomes passive and may reinforce criminal identity. Conversely, where education and work are planned according to individual needs and labour-market realities, they can contribute directly to desistance and reintegration.

The research also confirms the need to strengthen mental health services in prisons. Mental health is not only a healthcare issue; it is also a security, human rights and crime-prevention issue. Prisoners with untreated psychiatric or psychological problems are more vulnerable to abuse, disciplinary conflict and social exclusion. They may also present higher risks after release if appropriate treatment and continuity of care are absent. For this reason, the dissertation recommends specialised assessment, sufficient professional staff, cooperation with health institutions and clear procedures for treatment or transfer where necessary.

The empirical data collected from penitentiary staff confirm that prison officers, social workers, psychologists and administrative personnel are not peripheral actors in penitentiary reform. They are the persons through whom international standards become practice. If staff are overburdened, undertrained or confined to a narrow security role, the legal framework remains largely declaratory. The dissertation therefore treats staff development as a central condition of penitentiary effectiveness. Training must be continuous, practical and linked to the real problems of prison work, including conflict management, communication, mental health awareness, suicide prevention, risk assessment and preparation for reintegration.

The comparative analysis with Bulgaria demonstrates that legal models can provide useful reference points, but they cannot be transferred mechanically. Albania can draw lessons from Bulgarian experience in the fields of individualised sentence planning, pre-release preparation, staff specialisation and structured administrative coordination. However, these elements must be adapted to Albanian legal culture, institutional capacity and available resources. The value of the comparative method lies not in copying another system, but in identifying functional mechanisms that can be realistically integrated into national reform.

Another conclusion concerns the relationship between security and rehabilitation. The dissertation does not treat these two objectives as contradictory. On the contrary, the research shows that long-term institutional security depends on rehabilitative work. A prison regime based only on static control may maintain immediate order, but it does not necessarily reduce the risk of reoffending. Dynamic security, staff-prisoner communication, risk assessment, individualised planning and meaningful activities are more effective because they combine order inside the institution with prevention after release.

The dissertation also underlines that the treatment of persons deprived of liberty is a direct indicator of the quality of the rule of law. Prisoners are placed under the complete authority of the state, and therefore the state bears heightened responsibility for their safety, health, dignity and preparation for return to society. International standards are important precisely because they prevent prison administration from being treated as a closed and discretionary sphere. They impose measurable limits on state power and require transparency, accountability and professional administration.

The practical implication of the research is that penitentiary reform in Albania should not be understood as a sequence of isolated legislative amendments. The empirical findings show that the main weaknesses appear at the level of implementation: insufficient professional preparation of staff, limited rehabilitative infrastructure, weak inter-institutional continuity and the lack of stable mechanisms for measuring outcomes. For this reason, reform must be planned as an integrated process connecting legislation, budgetary planning, staff policy, monitoring and cooperation with community institutions.

Finally, the dissertation has practical significance for future legislative and institutional work in Albania. It identifies areas where reform can be concrete and measurable: minimum material standards, individual sentence planning, staff training, mental health care, risk classification, complaint mechanisms, monitoring implementation and post-release coordination. These recommendations are not abstract policy statements. They correspond to specific shortcomings identified through comparative analysis and empirical research.

The dissertation therefore supports a policy orientation in which deprivation of liberty is treated as one part of a broader criminal justice continuum. Courts, prison administration, probation, local government, healthcare, education and employment institutions must operate in coordination. Fragmentation between these actors is one of the reasons why rehabilitation remains weak. The proposed reforms aim to create continuity from sentencing, through imprisonment, to supervised return into the community.

The work also contributes to the discussion on the limits of imprisonment as an instrument of crime prevention. Imprisonment may protect society temporarily by incapacitating offenders, but this effect ends at release. Long-term prevention depends on whether the period of imprisonment is used to address criminogenic needs, strengthen lawful behaviour and maintain constructive social ties. Where the prison regime is passive, overcrowded or punitive without rehabilitative content, it may increase rather than reduce future risks.

This integrated understanding is particularly important for legal systems in transition. In such systems, formal legal reform often advances faster than institutional culture and administrative capacity. The dissertation shows that Albania has adopted important legal standards, but the institutional environment still requires consolidation. The same logic applies, although to a different degree, to Bulgaria. The comparison therefore confirms that the decisive issue is not only what the law provides, but how the law is administered, monitored and internalised by professionals working inside the system.

The scientific value of the dissertation also lies in the way it connects international legal standards with criminological effectiveness. Many studies treat these dimensions separately: one line of analysis focuses on rights and legality, while another focuses on recidivism and rehabilitation. This dissertation brings them together. It argues that a penitentiary system can be considered effective only when it satisfies both requirements: it must protect the rights of persons deprived of liberty and must contribute to reducing future offending.

The author's position is that Albania's reform trajectory should be evaluated not only by the adoption of new laws, but by measurable institutional outcomes. The relevant questions are whether prisoners have individual plans, whether programmes are implemented regularly, whether mental health needs are addressed, whether complaints are examined independently, whether staff receive relevant training, whether overcrowding is reduced, and whether released persons are connected with community support. These are the indicators through which international standards become effective.

The recommendations proposed in the dissertation are therefore designed to be realistic. They do not require an immediate transformation of the entire system. They require prioritisation: first, the definition of binding minimum standards; second, the strengthening of staff training and classification; third, the expansion of rehabilitative programmes; fourth, the creation of functional post-release pathways; and fifth, the use of monitoring and data to verify whether reforms produce results. This staged approach is more suitable for institutional systems with limited resources.

The dissertation also stresses that the rights of prisoners should not be perceived as isolated claims against the administration. They are part of institutional quality. Access to healthcare, meaningful activity, complaint mechanisms, family contact and preparation for release reduce tension inside the institution and create conditions for more stable management. In this sense, human rights compliance serves both the prisoner and the administration.

The empirical part further supports the conclusion that professional culture inside prisons must be changed gradually from a predominantly custodial model to a mixed custodial-rehabilitative model. This does not weaken authority inside institutions. It clarifies the professional mission of penitentiary staff. Officers must be able to maintain order, but also to communicate, identify risks, refer prisoners to appropriate services and support individual plans. This dual function is consistent with European standards and with modern criminological approaches to desistance.

IV. DISSERTATION CONTRIBUTIONS

Dissertation work includes the following contributions:

1) The dissertation provides a comprehensive comparative analysis of the impact of international standards on the penitentiary systems of Bulgaria and Albania, combining legal, institutional and criminological perspectives.
2) It clarifies the relationship between formal compliance with international standards and practical effectiveness in the execution of custodial sanctions, showing that legislative harmonisation alone is not sufficient.
3) It develops an integrated analytical framework in which human rights protection, rehabilitation, reintegration and crime prevention are treated as interdependent components of penitentiary effectiveness.
4) It presents empirical findings from the Albanian penitentiary context, based on the perceptions of prison staff regarding rehabilitation, working conditions, institutional capacity and recidivism prevention.
5) It identifies specific implementation gaps in the Albanian system concerning staff training, mental health services, overcrowding, programme continuity, classification and post-release cooperation.
6) It compares Bulgarian institutional practices with Albanian reform needs and identifies elements that may be adapted to strengthen the Albanian penitentiary system.
7) It formulates concrete de lege ferenda recommendations aimed at improving legislation, institutional management, staff professionalism, monitoring and inter-institutional coordination.
8) It contributes to the development of criminological and criminal-law doctrine by treating the penitentiary system as an active mechanism of crime prevention rather than a purely custodial structure.
9) It offers practical value for policymakers, prison administrators, legal practitioners, monitoring bodies and researchers interested in prison reform in South-East Europe.
10) It supports the broader Europeanisation of penitentiary policy in Albania and Bulgaria by connecting international standards with concrete operational reforms.

V. PUBLICATIONS RELATED TO THE DISSERTATION

1) Bardhi, K. (2025). Evolution of work rules in Albanian prisons. E-Journal VFU, 24, 861-874. https://doi.org/10.53606/evfu.24.861-874;

2) Bardhi, K. (2026). The role of work in prison and its impact on the rehabilitation in modern penitentiary systems. E-Journal VFU, 25, 475-489, https://doi.org/10.53606/evfu.25.475-489;

3) Bardhi, K. (2026). The Role and Impact of Family Visits on Prisoners. E-Journal VFU, 25, 463-474. https://doi.org/10.53606/evfu.25.463-474.