OPINION

by Associate Professor Svetla Margaritova Margaritova-Vuchkova, PhD

Member of the academic jury for the defence of the dissertation entitled:

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

submitted for the award of the educational and scientific degree of "Doctor", in Higher Education Area 3, "Social, Economic and Legal Sciences", Professional Field 3.6, "Law", Doctoral Programme in "Criminology", by

KRENAR REXHEP BARDHI

a doctoral candidate undertaking independent study in the Department of Criminal Law Sciences at the Faculty of Law of Varna Free University "Chernorizets Hrabar"

1. General overview of the doctoral candidate and the procedure

Krenar Bardhi graduated from Albanian University in Tirana, where he first obtained a master's degree in State and Public Administration and subsequently a master's degree in Criminal Law Sciences.

He is currently a practising lawyer and a member of the Durrës Bar Association, and a lecturer at the Faculty of Political and Legal Sciences of "Aleksandër Moisiu" University in Durrës.

By Order No. 148 of 1 March 2023 of the Rector of Varna Free University "Chernorizets Hrabar", Krenar Bardhi was enrolled as a doctoral candidate undertaking independent study in the Department of Legal Sciences at the Faculty of Law, in the Doctoral Programme in "Criminology". Having fulfilled the relevant obligations associated with his doctoral studies, his doctoral enrolment was concluded, with the right to defend his dissertation, by Order No. 230 of 7 April 2026. Throughout his doctoral studies, all requirements of the Act on Development of the Academic Staff in the Republic of Bulgaria, its implementing regulations and the relevant regulations of Varna Free University were complied with.

2. Relevance and significance of the dissertation

The dissertation addresses an exceptionally important and topical issue: how the international standards established in United Nations, Council of Europe and European Union instruments concerning the effectiveness of the penitentiary system are applied in the Republic of Bulgaria and Albania. Its focus extends beyond the incorporation of international instruments into the legislative frameworks of the two countries to their practical implementation in a

manner that both safeguards the rights of persons deprived of liberty and achieves a tangible effect on their re-education and resocialisation, thereby reducing recidivism.

The doctoral candidate consistently advances the view that positive outcomes in the reform and resocialisation of these persons, and in the reduction of recidivism, cannot be expected without genuine efforts and practical measures to uphold their rights, implement a variety of rehabilitation programmes and enhance staff competence.

The relevance of the topic also stems from the comparative legal study of legislation and practice in the Republic of Bulgaria and Albania: countries with similar historical legacies but differing levels of progress in aligning legislation and practices in penitentiary policy. The doctoral candidate identifies a number of positive legislative and practical steps taken by the Republic of Bulgaria that Albania could draw upon, and formulates a series of recommendations for improving the Albanian penitentiary system. This, in turn, further contributes to the relevance of the dissertation.

The scholarly significance of the study also derives from the interdisciplinary approach adopted by the doctoral candidate, which enables him to examine the issues from criminal law, criminological and human rights perspectives.

3. General characteristics and structure of the dissertation

The dissertation comprises an introduction, three chapters (the first and third containing three sections each, and the second containing two), a conclusion, a bibliography and one appendix. It is illustrated with seven tables, rather than nine as stated in the text; Tables 6 and 8 are missing. It also contains four figures. Its total length is 190 pages. The bibliography includes 175 sources in Cyrillic and Latin script, of which 30 are online sources, 48 are international instruments and 40 are Albanian legislative acts. The 124 footnotes accurately reflect the references in the main text.

The introduction establishes the relevance and significance of the topic both globally and specifically in relation to the penitentiary systems of the Republic of Bulgaria and Albania. It defines the object and subject matter of the research and sets out the aim and objectives of the dissertation.

The research methodology is also presented. It comprises the doctrinal legal, comparative, sociological and documentary methods. The use of each method is justified. The description of the sociological method gives the impression that both a questionnaire survey and interviews were employed in the dissertation. However, the subsequent discussion in Chapter Three establishes that only the questionnaire survey method was used and that no interviews were conducted.

Research hypotheses are also formulated. Here, again, I note a discrepancy between the dissertation, which contains three hypotheses, and the dissertation synopsis, which contains five.

Chapter One examines international standards for ensuring the effectiveness of penitentiary systems and protecting the fundamental rights of detainees and persons deprived of liberty. It also presents the underlying principles (§ 1), which are fundamental to respecting the rights of persons deprived of liberty and achieving the principal purposes of punishment as currently understood. The doctoral candidate covers the relevant international instruments of the United Nations (§ 2), the Council of Europe and the European Union (§ 3), emphasising their principal provisions relevant to the topic under examination. Of particular interest is the inclusion of the case-law of the European Court of Human Rights as a de facto normative source that establishes minimum standards for the treatment of persons deprived of liberty and directly influences national legislation, administrative practice and institutional reform (p. 51). I fully endorse this understanding. The doctoral candidate highlights the significance of the Court's pilot judgment in *Neshkov and Others v. Bulgaria* (2015) and its substantial role in the subsequent changes to legislation and practice in Bulgaria. The dissertation also analyses judgments of the European Court of Human Rights against Albania in this context, identifying similar problems and establishing minimum penitentiary standards (pp. 51–52).

By way of criticism, I consider that some of the stated principles underlying penitentiary policy are, in fact, distinct rights and should therefore not be included in this part of the discussion. These include the right to a fair trial, regulated in detail by Article 6 of the European Convention on Human Rights, and the right to freedom of thought and religion, proclaimed in Article 9 of the same Convention. In addition, the discussion is overly descriptive in places.

Chapter Two analyses the penitentiary systems of the Republic of Bulgaria and Albania. The first section presents the legislative framework and the institutions involved in the execution of custodial sentences in the Republic of Bulgaria. The analysis merits a positive assessment, as it is objective and does not refrain from critically examining certain inconsistencies and existing shortcomings in legislation and, above all, in practice. On this basis, the doctoral candidate concludes that Albania's penitentiary system could draw on Bulgaria's experience in undertaking targeted legislative and operational reforms intended to increase transparency, reduce systemic corruption and improve rehabilitation outcomes for persons deprived of liberty. Specific recommendations to this effect are formulated (§ 1, item 4).

The second section presents the legislative framework and organisational structure of the institutions involved in Albania's penitentiary system. The analysis of these bodies and their activities is accompanied by a number of recommendations and comparisons with Bulgarian penitentiary practice and legislation. The doctoral candidate makes specific proposals for adopting the corresponding arrangements in the Albanian penitentiary system as well, with particular attention devoted to Articles 157–158 of the Execution of Punishments and Pre-Trial Detention Act. Particular emphasis is placed on the relationship between international instruments and their incorporation into Albanian legislation and practice (§ 2, item 3). The doctoral candidate's analysis shows that Albanian legislation demonstrates a high degree of formal compliance with the universal and regional international instruments governing the penitentiary system, but that the criminological effectiveness of this compliance is limited in

practical terms (p. 86). The dissertation makes a successful attempt to present the mechanism of crime prevention through activities within the penitentiary system. Here, the doctoral candidate sets out his views on improving legislation and practice. He concludes that the success of this mechanism depends on the effective implementation of statutory provisions, the professional capacity of penitentiary staff and continuity between imprisonment and post-release support (§ 2, item 5).

By way of criticism, I would note that the discussion in this chapter could be more concise and better structured. For example, a number of recommendations for drawing on Bulgarian legislation and practice in Albania are included in the subsection presenting the Albanian penitentiary system (§ 2, item 4.3), although their proper place would be at the end of the section.

Chapter Three presents the results of the empirical study conducted among staff in penitentiary establishments and formulates legislative, policy and organisational recommendations and measures to enhance the effectiveness of the penitentiary system in preventing crime.

The first section presents the general framework and results of the study conducted in 2025. It involved 40 staff members from prisons in Tirana, Durrës, Peqin and Krujë, who completed a questionnaire prepared by the doctoral candidate. The questionnaire contained 15 questions divided into six groups: the respondents' professional profiles; working conditions and training; rehabilitation and recidivism prevention programmes; factors contributing to criminalisation within prisons; the role of staff in preventing recidivism; and institutional cooperation and reintegration. I consider that the sample cannot be representative, given the limited number of respondents, although the dissertation provides no statistical data on the total number of penitentiary staff in the country. In this respect, the results obtained are, in my view, primarily illustrative and may corroborate findings from other studies and reports.

In the second section, the empirical findings are analysed in the light of international standards and criminological theory. The significant problems are highlighted, which the doctoral candidate attributes to legal, organisational and institutional constraints.

The principal factors affecting the effectiveness of the penitentiary system in Albania are identified: insufficient professional capacity and training; a lack of continuity in the rehabilitation process following release; overcrowding and the criminogenic nature of the prison environment; and a lack of sustainability in rehabilitation practices (pp. 137–141).

The third section formulates recommendations for improving Albania's penitentiary system. Particular attention is devoted to proposals for legislative amendments. These amount more to general directions, since they do not specify which legal instruments should be amended or what provisions should be introduced. This section also analyses, with some repetition, good practices that could be drawn from Bulgaria's penitentiary system, such as introducing a statutory minimum living-space standard, introducing electronic monitoring as a means of

reducing the use of pre-trial detention, incorporating rehabilitation programmes, providing systematic staff training, and others.

By way of criticism, this section contains excessive repetition of the corresponding analysis of legislation and practice in Chapter Two. Moreover, the title of item 3, "Best Practices and Improvements in Albania", is hardly accurate, given that the discussion primarily analyses weaknesses in the system and proposes changes.

The conclusion sets out the principal findings of the research.

4. Assessment of the scholarly results and contributions of the dissertation

The dissertation makes a number of theoretical and applied scholarly contributions that enrich scholarly knowledge and practice in the field under study. The most significant are as follows:

4.1. Theoretical contributions:

- The dissertation contributes to the wider application of an interdisciplinary approach to studying the effectiveness of the penitentiary system.
- Human rights issues are identified as a significant factor in the effective resocialisation of persons deprived of liberty and the prevention of recidivism.
- The penitentiary system is presented as an active participant in the process of reform and resocialisation of persons deprived of liberty, rather than merely a place where sentences are served.

4.2. Applied scholarly and practical contributions:

- The comparative analysis of legislation and practice in the Republic of Bulgaria and Albania contributes to improving Albania's penitentiary system.
- The empirical study identifies the principal problems in penitentiary establishments that constrain the processes of resocialisation and reintegration of persons deprived of liberty and do not contribute to reducing recidivism.
- The proposed directions for changes to legislation and practice could facilitate the positive development of penal policy in Albania.

5. Critical observations and recommendations

In addition to the observations set out in item 3 of this opinion, I would also like to note the following:

Although the study focuses on the effectiveness of the penitentiary system and also examines its criminological aspects, it presents no statistical data on the extent of recidivism in Albania, including penitentiary recidivism. Such data probably exist, and reducing recidivism is one of the grounds advanced for the relevance of the study itself. Information is also lacking on the

number of staff in the penitentiary system and on whether any studies have examined the adequacy of staffing levels in relation to the number of persons deprived of liberty.

In addition to the observations concerning the empirical study, I would like to point out that some of the information presented in tabular form contains no numerical data whatsoever, specifically in Tables 4 and 5. Other tables use formulations such as "predominant response" and "most frequent response" (Tables 1–3). I consider this unprofessional and inconsistent with sociological standards, particularly given the small number of respondents.

The analysis of legislation and, in particular, practice in the Republic of Bulgaria presented in Chapter Two is partly repeated in Chapter Three. The content of this section could probably have been more concise had the doctoral candidate followed the consolidated data presented in Table 9 at the very end of this part, examining good practices in Bulgaria alongside proposals for legislative amendments and institutional and organisational measures in Albania.

The recommendations for legislative amendments should be more specific and identify the legal instrument proposed for amendment. This would also enhance their practical value.

6. Opinion on the presence or absence of plagiarism

The dissertation was checked for plagiarism using a specialised methodology, and the relevant document confirming that it constitutes original scholarly research has been submitted. I have no grounds to question the objectivity or impartiality of that document. The doctoral candidate has also submitted a written declaration to the same effect.

7. Dissertation synopsis

Although there is no expressly stated requirement concerning the length of the dissertation synopsis, I consider that its 47 pages amount to almost twice the approximately 30-page standard accepted in practice, and that the doctoral candidate could have reduced its length. I note a discrepancy between the synopsis and the dissertation regarding the methods used in the empirical research: the dissertation uses only the questionnaire survey method, whereas the synopsis refers to "questionnaires and structured interviews". Overall, the general research findings and recommendations are accurately reflected, although they could have been presented more concisely instead of reproducing the dissertation's content in full.

8. Publications

There are three publications on the topic of the dissertation in the electronic journal of Varna Free University, as stated in the dissertation synopsis. The requirement concerning the minimum number of publications has therefore been met.

9. Conclusion

Notwithstanding the critical observations made above, I consider that the study has sufficient merit to warrant a positive assessment. The dissertation entitled **"International Standards for the Effectiveness of Penitentiary Systems in Bulgaria and Albania (Criminological and Criminal Law Aspects)"** meets the requirements of Article 6, paragraph 3 of the Act on Development of the Academic Staff in the Republic of Bulgaria, its implementing regulations and the relevant regulations of Varna Free University. I recommend that the esteemed academic jury award **Krenar Rexhep Bardhi** the educational and scientific degree of "Doctor" in the professional field of "Law", specialising in "Criminology".

Member of the academic jury:

Associate Professor Svetla Margaritova-Vuchkova, PhD

Sofia, 1 November 2026

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