
Prison Overcrowding in Albania

Dr. EVISA KAMBELLARI
Criminal Law Department
Faculty of Law, University of Tirana
Albania

Abstract:

Overcrowding of prisons is a complex problem, which is increasingly becoming a serious concern for many countries. In Albania, over years, the imprisonment rates are getting higher, facing the government with a present challenge regarding the management of the penitentiary system. The actual number of prisoners and detainees in the Albanian penitentiary institutions significantly overcomes the normal capacity of the prison establishments. Prisons overcrowding represents a very serious humanitarian concern, as it automatically generates substandard conditions of detention¹. It affects the fulfillment of detainees' basic needs by placing them in more pressing physical living conditions and compromises the effectiveness of rehabilitation programs on prisoners. In their recent reports, criminal justice stakeholders in Albania have noted the seriousness of the problem and have made appeal on the necessity of applying alternative solutions to custodial measures. The paper makes an outline of the present situation of prisons and remand institutions in Albania, and the main problems facing the prison administration in terms of effective management of penal institutions and respect of prisoners' fundamental rights. It analyses some of the main criminal policy elements that have had special impact on prisons overcrowding as well as problems related to criminal justice system practices. Special emphasis is placed on the necessity to reconsider new approaches in the elaboration of crime preventing and crime controlling mechanisms

¹ United Nations Office on Drugs And Crime (2013). Handbook on strategies to reduce overcrowding in prisons. *Foreword by the International Committee of the Red Cross (ICRC)*, <http://www.unodc.org/>, accessed May 20, 2015.

such as: widest use of alternatives to imprisonment, rationalization of the sentencing policy, implementation of sustainable social policies and extended application of restorative justice in criminal cases.

Key words: prisons, overcrowding, criminal policy, alternatives to sentencing.

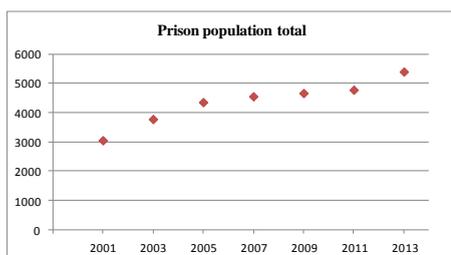
1. Background information

In the Republic of Albania there are 22 penitentiary establishments, which serve as prisons or remand institutions. Actually, the total capacity of these institutions is 4537 persons. Official data show that over years the number of prison population is getting higher and is constantly overcoming the normal capacity of prison facilities. This is posing the prison administration with a real concern in terms of offering accommodation and fulfilling the basic living standards to the influx of prisoners. The figures below show the trend of prisons population in years²:

Table 1.1

Year	2001	2003	2005	2007	2009	2011	2013
Prison population total	3053	3778	4356	4554	4667	4779	5400

Figure 1.1



The data presented in Table 1.1 indicate a growing trend of prison population. However, no comprehensive evaluation has been made in order to identify the main factors associated with the

² The data presented in the table are retrieved from the site of the International Centre for Prison Studies, <http://www.prisonstudies.org/country/albania>, Accessed June 10, 2015.

increasing imprisonment/detention rates. Separated studies show that the problem is related to a complexity of factors varying from criminal policy issues to problems of efficient functioning of the criminal justice system. The figures below give an indication on most recent trends of prison population³:

Table 1.2

Years	Capacity	Adjusted prisoners	Overcrowding	Percentage
January-September 2012	4417	4950	533	12%
October 2012	4537	4950	420	9.1%
January-December 2013	4537	5400	935	20.6%
December 2014	4537	5734	1197	26.4 %

The recent data show more clearly that situation of overcrowding is steadily escalating, which makes it necessary the undertaking of well-studied interventions for preventing other higher entry flows.

2. Impact of overcrowding

In a macro point of view, increase in prison population places an enormous burden on public finances. Every year the government spends hundreds of millions of Euros in order to sustain the normal administration of the penitentiary system. Consequently, overcrowding has also an inevitable social cost due to the use of public funds for prison management rather than to other valuable sources for the community.

In a situational assessment, prison overcrowding would result in less opportunities to support the prisoner's basic needs

³ The data are retrieved from the 'Work Analysis for the Year 2013' of the Albanian General Directorate of Prisons. www.dpbsh.gov, Accessed June 20, 2015.

as well as their engagement in educational, cultural and recreational activities.

In January 6, 2015 the Albanian Ombudsman released a report, in which it raised the serious concern of overcrowding in prisons and asked to the competent state authorities to take proper measures for handling the problem⁴. Some points of the report presented a very critical situation, that the monitoring group found in several pre-trial/remand institutions. Some of the main violations had to do with spatial conditions and the related implications in the prison life.

The major part of remand institutions had adjusted detainees to double their capacity, and consequently they had to place the detainees in rooms to double their capacity. In one case, the living space in a pre-trial facility was up to 2.2 m² per person, while the minimum standard is 6 m² per person⁵. A considerable number of prisoners were sleeping on mattresses placed on the floor in most of the monitored remand institutions. In another facility, the monitoring group found that in one room of proportions 6x7x2.50m, had been living for several months 21 detainees. Fourteen detainees used to sleep on beds, 5 detainees slept on mattresses placed on the floor, and two others used to sleep on shifts or by sharing the bed with another prisoner.

Overcrowding plays a non-negligible role in amplifying psychological pressure among inmates. Research has shown that it creates competition for limited resources, aggression between inmates and against staff, higher suicide rates, bullying and victimization of vulnerable people⁶.

⁴ Report of the Albanian People's Advocate "*On the situation of overcrowding in penitentiary institutions (IEVP)*", January 6, 2015.

⁵ Commentary to Rule 18 of the *European Prison Rules* indicates that CPT considers 4 square meters as a minimum requirement in shared accommodation and 6 square meters for a prison cell. <http://www.coe.int/t/dghl/standardsetting/prisons/E%20commentary%20to%20the%20EPR.pdf>

⁶ *The Effects of Prison Overcrowding*. John Howard Society of Alberta (1996). <http://www.johnhoward.ab.ca/pub/C42.htm>, accessed June 20, 2015.

Increased stress levels might cause chronic emotional or psychological problems⁷ on convicts, which continue to be present even after their release. The negative psychological effects of imprisonment may also elevate recidivism rates⁸. Ex-convicts rejoin society bearing psychological distress that years of confinement have created, which can be a real obstacle towards their socialization and normal reintegration. Psychological problems, together with other risk factors such as stigma or hopeless employment situation may turn to a dangerous criminal incentive. In addition, overcrowded prisons might become training fields for crime because there are little chances for a proper segregation of convicts. Those punished for minor offences, share the same environment with serious offenders, and are under a notable influence of criminal patterns of thinking and behaving⁹.

A specific problem noted due to high entry flows in certain remand institutions, is that sometimes the detainees have to be transferred to prison facilities, away from their family residence¹⁰, which reduces the chances of frequent visits from outside contacts. Detachment from family ties might negatively influence the rehabilitation of the detainees. Research tend to show that prisoners having an active family interest while in detention have a greater probability of reintegration in society and have a lower recidivism rate¹¹.

Social reintegration seems to be seriously compromised in an overcrowded prison facility. The process of social

⁷ See: Robert.M Freeman, *Correctional Organization and Management. Public Policy Challenges, Behavior, and Structure* (Woburn: Butterworth-Heinemann,1999), 88.

⁸ See: Joan Petersilia and Kevin R. Reitz, *The Oxford Handbook of Sentencing and Corrections* (Oxford: Oxford University Press, 2012), 599.

⁹ See: D.A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Oxon: Routledge, 2015), 435.

¹⁰ Supra note: 'Work Analysis for the Year 2013' of the Albanian General Directorate of Prisons.

¹¹ See: Marion Vacharet, *Private Family Visits in Canada, Between Rehabilitation and Stricter Control: Portrait of a System*, <https://champhenal.revues.org/2322>, accessed May 28, 2015.

reintegration refers to assistance with common activities that contribute to moral, vocational and educational development as well as to addressing the special needs of offenders like psychological conditions, substance addiction, anger management etc¹². In its last observation made in the Albanian penitentiary facilities, the Albanian Ombudsman reported that over-incarceration had led to less physical spaces for the maintenance of common activities. Moreover, facing a larger number of inmates makes prison administration incapable to satisfactorily fulfill the requirements for designing and developing individualized rehabilitation programs according to the specific personality traits of each prisoner. Such limitations related to physical conditions and human resources pose a real challenge for the effective implementation of general and individual rehabilitation programs.

3. Criminal policy and criminal justice system problems

The growing trend of prison population rates might be primarily associated with some inefficient criminal policy measures and problems in the functioning of the criminal justice system as well. Some of the main influencing factors are related to:

- Increase in the number of remand prisoners
- Lengthy pretrial detention
- Application of more harsh sanctions for minor offences
- Increase in the length of sentences given by the judges
- Increase in the length of imprisonment terms provided by criminal legislation
- Restrictive use of alternatives to imprisonment¹³

¹² United Nations Office on Drugs And Crime, *Custodial and Non-Custodial Measures, Social Reintegration*, (2006),1, <https://www.unodc.org>, accessed June 23, 2015.

¹³ Increase in the number remand prisoners due to frequent use of pre-trial detention measures, application of a harsh sentencing policy, and governmental pressure over judiciary for expanding application of custodial measures for some minor offenses, have been noted as factors contributing to

a. Increase in the number of remand prisoners

The increasing number of pre-trial/remand prisoners is one of the major factors associated with overcrowding. This conclusion can normally be inferred by analysing the official data showing pre-trial imprisonment rates in Albania in the last four years. The figures in Table 3.1 indicate that in December 2014 the number of remand prisoners was more than twice the total capacity of remand institutions.

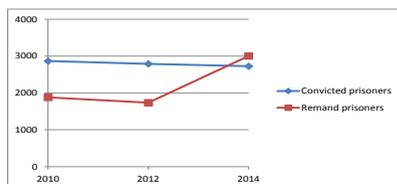
Table 3.1

- a) Institutions for serving sentences
- b) Pre-trial/remand institutions
- c) Other types of institutions (for juveniles, mentally ill etc)

Years	Total Capacity	Of which			Prison population total	Convicted prisoners	Remand prisoners	Percentage of pre-trial population	Pre-trial/remand population rate (per 100,000)
		(a)	(b)	(c)					
December 2010	4417	3038	1044	335	4747	2867	1880	39.6	59
December 2012	4537	3038	1164	335	4527	2792	1735	38.3 %	60
December 2014	4537	3038	1164	335	5734	2727	3007	52.4 %	104

The following graph shows how the remand population rates keep growing in relation to stable entry flows of prisoners in the last two years.

Figure 3.1



overcrowding by the human rights monitoring NGO-s. See : Albanian Helsinki Committee Report *"On the Situation of Respect for Human Rights in Albania during 2014"*. http://ahc.org.al/web/images/publikime/al/SHqip_Raporti_MONITORIMEVE_2014.pdf , 8, 36, accessed June 27, 2015.

The Head of the Albanian National Mechanism for the Prevention of Torture¹⁴ had stated that the reason of such high flows of remand prisoners in 2014 are significantly related to the recent government policies on harsher penalties for electricity theft and breach of road traffic code. She urged the government to rethink its policies, and the justice system not to use pre-trial detention for minor offenses¹⁵.

In December 2014 prisons overcrowding reached a critical level, where the number of detainees overcame the number of convicted prisoners, and the increase of pre-trial population rates was mainly due to the government's pressure to put under custody the authors of certain minor crimes. The number of remand prisoners continues to be high even in 2015. According to the official statistics of May 2015, there are 2748 persons on pre-trial detention facilities, which makes up 49.2 % of the overall prison population. It is noted a slight reduction of remand population's flow, but this can partially be related to the consequent imprisonment of a number of detainees. The same statistics show that the number of convicted persons serving an imprisonment sentence have been increased with up to 102 new prisoners in 2015 (2829 prisoners).

b. Lengthy pre-trial detention in Albania

In 2012 the United Nations Committee against Torture expressed its particular concern about the length of detention up to three years¹⁶ in Albania. Furthermore, the Committee

¹⁴ The Albanian National Mechanism for the Prevention of Torture is a special structure that functions over the framework of the Ombudsman Institution from 2008 and on. Its primary task is to monitor all public institutions, where there is a restrictive regime on personal freedom in order to prevent torture and other violations of human rights in these institutions.

¹⁵ Erebara, Gj. *Albania Ombudsman Slams Jail Overcrowding*. <http://www.balkaninsight.com/> accessed June 10, 2015.

¹⁶ UN Committee against Torture. *"Consideration of reports submitted by States parties under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"*, 26 June 2012 (para. 16).

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f67%2f44&Lang=en

was also concerned at reports that persons who had been detained for long periods and whose rights had not been respected during pretrial detention faced often difficulties in access to justice and seeking redress¹⁷. Problems of lengthy detention have been influenced by both, slow/lengthy investigations and prolonged proceedings before criminal courts. Furthermore, deprivation of liberty is not always seen as a measure of last resort from the prosecution. There is a present concern among human rights monitoring mechanisms that sometimes the issuing of arrest warrants is not justified by an imperative necessity. The Albanian People's Advocate (Ombudsman) stated recently that the arrest warrant should be given only when the legal requirements¹⁸ are fully met and by taking in consideration the reference criteria described in the Supreme Court Case Law¹⁹, which provide that "...The court should validate pre-trial detention measures when there is a reasonable doubt that the defendant escapes the judgment or the execution of the criminal decision, or when there is a danger that he may commit serious crimes or other criminal offences,

¹⁷ *Ibid.*

¹⁸ Pre-trial detention is one of the personal precautionary measures that can be applied over a person who is under investigation for the commission of a criminal offense under the Criminal Procedure Code of the Republic of Albania. The legal conditions for imposing pre-trial detention measures are set out in Articles 228 and 229 of the Code, according to which, The personal precautionary measures shall be imposed only in presence of at least one of the following circumstances: a) there are important causes which threaten the obtaining or the genuineness of evidence, b) the defendant has escaped or the danger that he escapes is evident, c) due to the circumstances of the fact and the defendant's personality there is a danger that he may commit serious crimes or other criminal offences, similar with that he has been proceeded for before. (art. 228 para. 3). In addition, when imposing such measures the court shall consider: 1. that any of them is proper and required by the circumstances; 2. that any measure meets the importance of the fact and the punishment provided by law for that criminal offence; 3. The continuity, recidivism, as well as the mitigating and aggravating circumstances provided by the Criminal Code (art. 229).

¹⁹ Report of the Albanian People's Advocate "*On the situation of overcrowding in penitentiary institutions*", January 6, 2015.

similar with that he has been proceeded for...", as well as "... When imposing personal precautionary measures, the court takes into consideration their adequacy with the nature of security needs invoked by the present case..."²⁰.

c. Applying more harsh sanctions for minor offences

Changes that were made to the Penal Code in 2013 provided that a number of criminal offenses, which could alternatively be sentenced with a fine penalty or an imprisonment term, shall be punishable by imprisonment only²¹. In some cases the harsh sentencing policy seems to not satisfactorily comply with the principle of proportionality of sanction with the seriousness of the criminal conduct, especially, when the given offenses are not committed under aggravated circumstances. i.e. offenses such as extortion, embezzlement, computer fraud, and falsification of documents could be alternatively sentenced with a fine, when they have not caused significant financial loss and the defendant does not pose a high degree of dangerousness²². Sometimes the changes are not harmonized with the existing dispositions causing some unusual sentencing imbalances. Currently, a person found guilty for illegal possession of

²⁰ Ibid.

²¹ The amendments are provided under article 48 of Law No. 144/2013 'On some changes on Law no 7895, dated 27.01.1995 'The Penal Code of the Republic of Albania'.

²² The problem takes a new dimension in relation to the offense of extortion committed in aggravated circumstances (art. 109/b of P.C). According to the actual provision in the Penal Code, when the act of extortion has resulted in the victim's death, the offense will be punishable by life imprisonment. The current provision poses a real challenge to the principle of prohibition of absolutely determined sanctions. Any democratic system of sentencing does not promote this model of sentencing since it does not take into consideration the possible mitigating circumstances applied to the case, and as such might potentially violate individual rights and freedoms.

weapons, might be given the same imprisonment term that can be given to a person found guilty of murder²³.

Furthermore, over years the criminal legislation has become very detailed, including new criminal offenses (i.e. criminal acts in commercial associations), which not always serve to and/or are in line with the very substantial goals of criminal law. Some other infractions like breach of public peace or indecent behavior in public, defamation or insult could respectively be handled administratively or by a civil law suit, instead of being subject to penal sanctions²⁴.

d. Increase in the length of imprisonment terms provided by criminal legislation and/or Increase in the length of sentences given by the judges

Increase in lengths of imprisonment contributes to a higher number of inmates. Research indicates that lengthy imprisonment with stable entry flows would still result in a higher number of inmates²⁵. Among experts there is an opinion that the problem of overcrowding has been partially influenced by prolonged imprisonment sentences that are not always justified by their deterrent function.

The Albanian Parliamentary Commission on the Reform in the Field of Justice, has noted that in the current Penal Code of the Republic of Albania, to certain categories of offences, are provided punishments higher than to murder offenses... It is emphasized that imprisonment ranges shall follow a scientific

²³ The Albanian Parliamentary Commission on the Reform in the Field of Justice, *“Analysis of the Albanian Justice Sector”*, June 2015, 158, <http://shqiptarja.com/>, accessed July 3, 2015.

²⁴ For a similar approach to the matter see: ‘OSCE media freedom representative, on official visit to Denmark, urges for full decriminalization of defamation, blasphemy.’ <http://www.osce.org/fom/108769>, accessed July 1, 2015.

²⁵ *Prison Overcrowding and Prison Population Inflation*: Recommendation No. R (99) 22, Adopted by the Committee of Ministers of the Council of Europe on 30 September 1999 and Report. (Council of Europe Pub., 2000), 41.

methodology and not a current trend of criminalizing a specific criminal conduct²⁶.

The Commission has also expressed the opinion that harsh punishments providing higher minimum terms of imprisonment, in order to not allow application of alternatives to imprisonment by the court, do not always represent an effective solution. Some scholars share the view that prolonged imprisonment terms sometimes lose their primary rehabilitative aim, and might adversely affect the convicts. According to Smith, Coggin and Gendreau²⁷, in general, recidivism rates increase as the length of time served in prison increases.

e. Restrictive use of alternatives to imprisonment

Alternatives to sentencing are very effective tools for making a differentiated treatment of convicts based in their personal characteristics and needs.

In 2008²⁸ in the Albanian Penal Code were introduced a number of new alternatives to sentencing such as half-freedom, probation, stay at home, community service, or suspension of execution of imprisonment sentence and placement under conditional release. The Probation Service is the responsible authority for the effective implementation and for the continuous monitoring of inmates placed under any non-custodial measure. It should be noted that there is an increasing trend in the Albanian courts practice to apply alternatives to imprisonment. However, the half-freedom measure still had not found application. According to the law, the court, might decide upon the modification of the

²⁶ Supra note: "Analysis of the Albanian Justice Sector", 173.

²⁷ Paula Smith, M.A. Claire Goggin, and M.A. Paul Gendreau, *The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences* (2002), file:///C:/Users/pc/Downloads/Smith%20Goggin%20&%20Gendreau%202002.pdf, accessed June 15, 2013.

²⁸ Law no. 10023, dated 27.12.2008 "On some amendments to Law No. 7895, dated 27.1.1995 " The Penal Code of the Republic of Albania ", as amended.

imprisonment sentence in a half –freedom measure based on the need of the sentenced offender to continue professional occupations, vocational training, to attend basic family obligations or with regard to the necessity of medical treatment, provided that, the suspended imprisonment sentence is up to one year. The offender that is subject to such an alternative sentence is under the duty to return to prison upon fulfillment of the respective entitlements and obligations within the terms and conditions laid out by the court. Therefore, the application of such an alternative to imprisonment requires the operation of special prison facilities different from the existing traditional ones, which have been designed for the adjustment of full-time prisoners, and consequently have very restrictive security measures. In addition, the successful application of the half-freedom measure requires the necessary human resources for monitoring how the offender is following up with his educational, professional, familial or medical commitments. Due to lack of institutional framework and limited human resources, this non-custodial measure is still not effective.

4. Controlling crime rates: a socio- economic approach

The problem of prison population growing trend is not related to improper punitive policies only. It should not be ignored that a part of pre-trial/remand population is made up of offenders of a certain social risk, who would inevitably become future prisoners. In this respect, a higher number of remand prisoners might also indicate for a future growing trend of prison population. Given the above, the designation of effective crime preventing policies should be considered as a key factor in controlling prison population rates. This process has to be based in comprehensive evaluations of both, the current crime situation and the relevant risk factors in order to look for proper preventive mechanisms. Surveys made on current convicts show that main factors influencing to criminal behavior have to do with social structure, poor economic

conditions and history of domestic violence. Among these factors seems that the economic conditions are the cause of a large number of crimes. According to the yearly statistics of the Ministry of Justice property offenses continue to remain the crime trend in Albania. The table below shows the percentage of persons convicted for property or economic crimes in relation to the total inmate population over years 2010-2013.

Table 4.1

Percentage of convicted per categories of offenses	2010	2011	2012	2013
Criminal acts against property or in the economic area	53%	54%	55%	38%
Criminal acts against public order and security	30%	31%	31	22
Criminal acts against morality,	----	---	4 %	4%
Criminal acts against normal administration of justice	4%	2%	3	2%
Against health,	---	2%	2 %	2%
Others	13%	11%	5%	32%

The figures in Table 4.1 indicate that economic crime offenders continue to make up the major proportion of prison population. Main causes of property or economic crime are to be seen in relation to the low average living standard, lack of a spatially well-structured economy and high youth-unemployment rates.

In Albania there is a very disproportional economic development among main cities and distant regions. This has resulted from the failure of governmental agencies to promote and sustain a spatially well-structured economy around the country. The main investments and industrial objects have been concentrating in big cities, which has sharpened developmental imbalances between big urban centers and distant areas. Lack of investments and limited local sources to sustain economic development had increased unemployment and had consequently resulted in an aggravated economic situation in those regions.

Disproportional geographical development has been increasingly associated with uncontrolled demographic

movements towards big cities, which have led to a growing gap between demand and supply in the labour market.

Income inequality is another problem that was generated by rapid changes in the cities' social structure. Unemployment and/or income inequality, together with potential personality risk factors, might trigger criminal behaviour²⁹

Statistics on national unemployment situation indicate high unemployment rates, especially for the age group 15-29 years. In table 4.2 can be noted that youth unemployment rates have been steadily increasing.

Table 4.2

Age group	Unemployment rate – Albania ³⁰					
	2010	2011	2012	2013	2014	2015
15-29	22,5	21,9	26,0	27,2	32,5	34,1
15-64	14,2	14,3	13,8	16,4	17,9	17,3

There are indications that high youth unemployment might fuel crime incentives. According to Becker-Ehrlich deterrence model 'being young and unemployed increases the probability of committing crimes'³¹.

The actual composition of prison population in Albania, points out that a quite significant part of inmates are of young age. Thus, according to the 2014 statistics of the prison administration, convicts of age 18<30 made up 43.6% of the total prison population.

In conclusion, it should be noted that in the designation of crime preventive policies, should be properly evaluated the real importance of socio-economic indicators to crime. It is necessary to tackle seriously problems of economic development

²⁹See: Philip Feldman, *The Psychology of Crime: A Social Science Textbook*, (Cambridge: Cambridge University Press, 1993), 253-258.

³⁰ Source of information: Labour Force Surveys 2007-2014, <http://www.instat.gov.al>

³¹ See: Sunčica Vujić, *Econometric studies to the economic and social factors of crime*, (Tinbergen Institute research series, no.454, 2009), 98.

imbalances, unemployment and income inequality in order to reduce criminal motivation.

5. Conclusions and recommendations

In order to design an effective strategy against prison overcrowding it is necessary to reevaluate the current punitive policy and sentencing practices as well as to determine the priority crime control issues.

Persuasive efforts should be taken to narrow the approach of prosecutors and judges towards pre-trial detention measures.

The Committee of Ministers of CE, in its Recommendation No. R(99) 2, has noted that ‘Imposing pretrial detention should be seen as a measure of last resort , in particular when the seriousness of the crime would make any other measure clearly inadequate³². Indeed, incorrect application of such requirement is not related to any problem in the formulation of legal provisions, but is a question of proper understanding by criminal justice officials of the real circumstances that make necessary application of pre-trial detention and of their will to decide on its use only in extreme cases. In this respect, is of great relevance to ensure adequate training for law enforcement and other personnel on the use of pretrial detention in order to avoid situations of human right violations due to improper application of legal dispositions.

It is of crucial importance for the government to review and rationalize the sentencing policy. International instruments recommend for the decriminalization of certain types of offenses or their reclassification in less serious offenses so that they do not attract penalties entailing deprivation of

³² See: Recommendation No. R (99) 2 of the The Committee of Ministers of Council of Europe *concerning prison overcrowding and prison population inflation*(para 1), <http://pjp-eu.coe.int/>, accessed July 1, 2015.

freedom³³. It is an evidence-based assumption that where governments adopt a punitive approach to crime, failing to address the underlying factors that lead to criminal behaviour, prisons population structure is made up of more members of the most vulnerable groups of society and a much smaller number of dangerous and violent offenders³⁴.

Moreover, should be considered the possibility of lowering the minimum sentencing term for a range of offenses in order to allow the suspension of execution of imprisonment sentence and application of alternatives to sentencing.

Special attention must also be paid to the rationalization of the maximum sentencing terms. In this respect, it is needed a comprehensive evaluation of the structure of offenses provided in the criminal legislation in order to make assessments on the proportionality between criminal sanction and the related criminal behaviour. It should also be considered the negative impact that lengthy imprisonment can have on the evolution of the prison population and its role in increasing probabilities of subsequent offending.

Reclassification of offenses and lowering of minimum and maximum imprisonment terms for a certain range of offenses, would consequently contribute to the reduction of duration of pre-trial detention (which length is proportional to the imprisonment terms of offenses), and as such, would improve the situation in remand institutions.

Serious institutional and operational measures should be made for sustaining the reintegration of ex-convicts in society in order to reduce recidivism rates. Due to years of isolation, ex-convicts are more likely to experience distress in re-establishing contacts with the outside world and feeling comfortable within society. In addition, stigmatization,

³³ Supra note: Recommendation No. R(99) 2, (para 4).

³⁴ United Nations Office on Drugs And Crime (2013). *Custodial and Non-Custodial Measures: The Prison System*, p, 1, http://www.unodc.org/documents/justice-and-prisonreform/cjat_eng/1_Prison_%20System.pdf, accessed June 30, 2015.

pessimistic employment perspectives and lower income might increase stress levels and be a strong drive to reoffending.

More efforts should be done on the designation of the institutional supervising framework of half-freedom alternative to sentencing so as to expand the application of this measure to a certain category of low risk offenders. Half-freedom measure would also be an efficient solution for the rehabilitation of juvenile offenders who are orphans, or have a history of exposure to patterns of violent behaviour in their families. To this category of juvenile offenders can not be applied the stay at home alternative to sentencing, and in case of lack of effective mechanisms for placing them under a half-freedom regime, the court might decide for imprisonment as the only alternative left.

In order to increase the implementation of community sanctions it is of crucial importance to establish an effective monitoring infrastructure. This would give judges and prosecutors confidence in their effectiveness and raise their predisposition on application of such alternatives to short terms of imprisonment³⁵. For ensuring a stable employment environment for those convicts sanctioned with community service it is also necessary to establish an enhanced cooperation framework between the Probation Service and public and private agencies.

Last, but not least, policymakers should seriously reconsider the role of restorative justice in criminal cases¹, and the impact that it can have on the management of problems of prison population. It is time to think on shifting the focus of criminal justice system from some less harmful criminal behaviours and let a certain range of community and/or personal conflicts be resolved by mediation practices.

³⁵ Recommendation No. R(99) 2 of the The Committee of Ministers of Council of Europe *'concerning prison overcrowding and prison population inflation'*, (para. 22), <http://pjp-eu.coe.int/>, accessed July 1, 2015.