

Contextualizing Torture in Closed Institutions

Authors : Erinda Bllaca Ndroqi

Abstract : The dilemma with which the monitoring professionals are facing in today's reality is whether to accept that prisons all over the world constitute a place where not all rights are respected (ethical approach), or widen the scope of monitoring by prioritizing the special needs of people deprived of their liberties (human right approach), despite the context and the level of improved prison condition, staff profiling, more services oriented towards rehabilitation instead of punishment. Such dilemma becomes a concern if taking into consideration the fact that prisoners, due to their powerlessness and 'their lives at the hand of the state', are constantly under the threat of abuse of power and neglect, which in the Albanian case, has never been classified as torture. Scientific research in twenty-four (24) Albanian prisons shows that for some rights, prisoners belonging to 'vulnerable groups' such as mental illness, HIV positive status, sexual orientation, and terminal illness remain quite challenged and do not ensure that their basic rights are being met by the current criminal justice system (despite recommendations set forwards to prison authorities by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)). The research orients more discussion about policy and strategic recommendations that would need a thorough assessment of the impact of rehabilitation in special categories of prisoners, including recidivists.

Keywords : prisons, rehabilitation, torture, vulnerability

Conference Title : ICHRIHL 2021 : International Conference on Human Rights and International Humanitarian Law

Conference Location : Istanbul, Türkiye

Conference Dates : May 06-07, 2021