

# THE ROLE AND IMPACT OF FAMILY VISITS ON PRISONERS

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**Abstract:** This article analyzes the importance of family contacts in maintaining emotional stability of prisoners, their impact on reducing recidivism, and their role in the process of resocialization. Through an analysis of the international and national legal framework, as well as the jurisprudence of the European Court of Human Rights, it is argued that family contacts represent not only a fundamental right but also an effective instrument for rehabilitation. The article also addresses contemporary developments, such as the use of technology during the COVID-19 pandemic, highlighting their impact on the penitentiary system.

**Keywords:** penitentiary system; prisoners; family contact; rehabilitation; ECtHR.

## 1. Introduction

The purpose of executing criminal sanctions in modern systems is not limited solely to the isolation of the individual who has committed a criminal offense, but also includes their rehabilitation and resocialization. Within this framework, the preservation of family ties constitutes an essential component of penitentiary treatment.

Contact with family directly affects prisoners' emotional stability and their preparation for reintegration into society. The absence of such contact often leads to social isolation, psychological deterioration, and an increased risk of deviant behavior within penitentiary institutions.

In this context, this paper aims to analyze the legal and social role of family visits, focusing on international standards, ECtHR practice, and Albanian legislation.

## 2. Methodology

This study adopts a mixed-methods approach, combining doctrinal legal analysis with an empirical component in order to provide a comprehensive examination of the role and impact of family visits on prisoners.

At the theoretical level, the research is grounded in doctrinal and comparative legal analysis. Primary sources include international human rights instruments, notably Article 8 of the European Convention on Human Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), as well as relevant national legislation, particularly Law no 8328 of 16 April 1998 on the Rights and Treatment of Prisoners and Detainees (Republic of Albania). In addition, the jurisprudence of the European Court of Human Rights is systematically analyzed, focusing on key cases that interpret the scope and limitations of the right to family life in the penitentiary context. Secondary sources include criminological and penitentiary literature, which are used to contextualize legal standards within broader theoretical frameworks of rehabilitation and resocialization.

The empirical findings are based on responses collected from 50 prisoners at a penitentiary institution in Durrës. Percentages are presented as approximate ranges reflecting the distribution of responses. The results reveal several important patterns regarding the role of family contact in prisoners' psychological well-being and rehabilitation.

With regard to the frequency of family visits, approximately 60–70% of respondents reported experiencing visits only occasionally or rarely, indicating a significant gap between formal legal guarantees and their practical implementation within the institution.

In terms of perceived importance, over 80% of respondents considered family visits to be very important, confirming that family contact represents a central element in the daily experience of imprisonment.

Regarding emotional impact, around 70–80% of respondents reported that family visits significantly improve their emotional state, suggesting a strong correlation between family contact and psychological stability. Less than 15% indicated minimal or no effect, while reports of negative impact were negligible.

The findings further indicate that family support plays a key role in behavioural regulation. Approximately 65–75% of respondents stated that family contact increases their motivation to comply with institutional rules and participate in rehabilitation programmes.

In relation to reintegration, over 70% of respondents believe that family visits contribute significantly to their preparation for returning to society, highlighting the role of family as a stabilising and motivating factor in the resocialization process.

However, the data also reveal structural deficiencies. Around 60% of respondents expressed dissatisfaction with the conditions of family visits, particularly in relation to limited frequency, inadequate physical conditions, and restricted duration.

Overall, the results demonstrate that while family contact is perceived as highly beneficial and essential for rehabilitation, its practical implementation remains constrained by institutional limitations. This confirms the existence of a gap between legal standards and their effective realization in practice.

Data collected from the questionnaires were analyzed using descriptive statistical methods, allowing for the identification of patterns and correlations between family contact and indicators of psychological well-being and institutional behavior. The findings from the empirical analysis are used to complement and support the doctrinal conclusions.

Ethical considerations were taken into account throughout the research process. Participation in the survey was voluntary, anonymity was guaranteed, and no personally identifiable data were collected. Given the vulnerable status of the participants, particular care was taken to ensure that the research did not interfere with institutional rules or the rights of the prisoners.

Despite its contributions, the study is subject to certain limitations. The use of a relatively small, non-random sample limits the generalizability of the findings. Additionally, the research is confined to a single penitentiary institution, which may not fully reflect the diversity of practices across the Albanian prison system. These limitations notwithstanding, the combined methodological approach provides a sufficiently robust basis for analyzing both the legal framework and its practical implementation. While the sample is not statistically representative, it provides sufficiently reliable insights into institutional practices and prisoner perceptions within the specific context examined.

### **3. Legal Framework of Family Visits**

The right to maintain contact with family constitutes a well-established standard in international human rights law. It is closely linked to the right to respect for private and family life, guaranteed by Article 8<sup>1</sup> of the European Convention on Human Rights.

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<sup>1</sup> European Convention on Human Rights, art 8.

According to the Mandela Rules, prisoners must be allowed to communicate regularly with their families through visits and other means of communication (United Nations, Mandela Rules, Rule 58)<sup>2</sup>. This standard imposes a positive obligation on states to create real and effective conditions for the exercise of this right.

The jurisprudence of the European Court of Human Rights has developed a clear interpretative line on this issue. In *Messina v. Italy*<sup>3</sup> (No. 2), the Court found that excessive restrictions on family contact constitute interference with Article 8 and must be proportionate to legitimate security aims.

In *Khoroshenko v. Russia*,<sup>4</sup> the Court emphasized that long-term and severe restrictions on family visits, particularly for life prisoners, undermine the essence of the right to family life. States must provide real and progressive opportunities for family contact.

Similarly, in *Dickson v. United Kingdom*,<sup>5</sup> the Court directly linked family life with human dignity and rehabilitation.

At the national level, in The Republic of Albania Law No. 8328/1998 “On the Rights and Treatment of Prisoners and Detainees”<sup>6</sup> guarantees the right to family visits. This law provides that restrictions must be proportionate and based on concrete security needs.

However, in practice, tension often arises between penitentiary security requirements and full respect for family life. This requires continuous balancing between public interests and individual rights.

In this sense in the Albanian context, international standards are partially reflected in institutional practice and independent oversight. Reports from the General Directorate of Prisons<sup>7</sup> indicate efforts to improve conditions for family visits, including investments in dedicated facilities and expansion of communication forms.

Nevertheless, according to reports by the Ombudsman<sup>8</sup>, practical issues persist, including overcrowding, limited visiting spaces, and unequal standards between institutions.

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<sup>2</sup> United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (UNGA Res 70/175, 17 December 2015) r 58.

<sup>3</sup> *Messina v Italy* (No 2) App no 25498/94 (ECtHR, 28 September 2000).

<sup>4</sup> *Khoroshenko v Russia* App no 41418/04 (ECtHR [GC], 30 June 2015).

<sup>5</sup> *Dickson v United Kingdom* App no 44362/04 (ECtHR [GC], 4 December 2007).

<sup>6</sup> Law no 8328 of 16 April 1998 on the Rights and Treatment of Prisoners and Detainees (Republic of Albania).

<sup>7</sup> General Directorate of Prisons (Albania), Annual Report (2022).

<sup>8</sup> Avokati i Popullit (Ombudsman of Albania), Report on the Situation of Penitentiary Institutions (2022).

Recommendations emphasize that unjustified restrictions on family visits may violate Article 8 standards and call for greater harmonization with ECtHR jurisprudence.

Judicially, although Albanian case law remains limited, administrative courts have addressed issues related to detention conditions and fundamental rights, emphasizing the principle of proportionality in restricting rights, including family contacts.

#### **4. Psychological Impact of Family Contact**

Deprivation of liberty constitutes a profound interference with an individual's psychological and social life. In this context, the maintenance of family contact plays a crucial role in preserving emotional stability and mitigating the negative effects of imprisonment. Empirical and criminological research consistently demonstrates that prisoners who maintain regular contact with their families experience lower levels of stress, anxiety, and social isolation, while exhibiting greater emotional resilience.

Studies conducted in the field of criminology confirm that family contact is closely associated with improved institutional behaviour and reduced levels of misconduct. Research on the effects of incarceration and in-prison family contact indicates that sustained interaction with family members contributes to the preservation of social bonds and reduces the likelihood of disciplinary infractions. Similarly, the United Nations Office on Drugs and Crime (UNODC), in its *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders* (2012)<sup>9</sup>, emphasizes that maintaining family ties is a key factor in promoting psychological well-being and facilitating successful reintegration into society.

From a legal perspective, the European Court of Human Rights has underlined that the interruption or severe restriction of family contact may have implications for the psychological integrity of prisoners and may, in certain circumstances, amount to disproportionate interference with their rights under Article 8 of the European Convention on Human Rights. This approach reinforces the understanding that family contact is not merely a social benefit, but an essential component of human dignity and rehabilitation.

A particularly sensitive dimension concerns the impact on prisoners' children. The disruption of parent-child relationships may produce long-term emotional and developmental consequences, extending the effects of imprisonment beyond the individual to the broader family unit. In this

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<sup>9</sup> UNODC, *Introductory Handbook on the Prevention of Recidivism...* (2012).

sense, family contact should be viewed not only as an individual right of the prisoner, but also as a matter of wider social importance.

Monitoring reports in Albania support these findings, indicating that limited access to family contact is associated with increased psychological distress, particularly in high-security regimes. Conversely, institutional data from the General Directorate of Prisons indicate<sup>10</sup> that prisoners who maintain regular family contact tend to demonstrate lower levels of conflict, higher levels of cooperation with prison staff, and greater participation in rehabilitation programmes. These findings further confirm that the positive impact of family contact is not only theoretically grounded but also empirically observable within the Albanian penitentiary context.

Overall, both empirical research and legal standards confirm that family contact plays a fundamental role in maintaining psychological stability and supporting the rehabilitative function of imprisonment. Its restriction, therefore, must be carefully assessed and justified, taking into account not only security concerns but also its broader psychological and social implications.

## **5. Family Role in Rehabilitation**

The family constitutes a determining factor in the rehabilitation process, providing a support structure that fosters motivation for behavioural change. Sustained family contact contributes to strengthening individual responsibility, increasing compliance with institutional rules, and reducing the risk of recidivism. Empirical studies confirm that individuals who maintain strong family ties during imprisonment are significantly less likely to reoffend.<sup>11</sup> In this regard, family relationships function as a form of informal social control, reinforcing pro-social behaviour and facilitating the internalization of norms necessary for successful reintegration after release.

The COVID-19 pandemic represented a critical turning point for penitentiary systems worldwide. Restrictions on physical visits required institutions to adopt alternative forms of communication, most notably video calls. These measures ensured the continuity of family contact, reduced social isolation among prisoners, and introduced new modalities of interaction within penitentiary environments. In this context, the European Committee for the Prevention of Torture (CPT)<sup>12</sup>

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<sup>10</sup> General Directorate of Prisons (Albania), Annual Report (2022).

<sup>11</sup> Travis J and Petersilia J, 'Reentry Reconsidered: A New Look at an Old Question' (2001) 47 *Crime & Delinquency* 291.

<sup>12</sup> 'Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic' (20 March 2020).

recommended that states expand access to alternative means of communication in order to mitigate the negative effects of visitation restrictions. Similarly, international guidance, including that of the United Nations, emphasized that maintaining family contact during periods of crisis is essential not only for safeguarding fundamental rights but also for preserving institutional stability.

However, the implementation of technological solutions also raised a number of concerns, particularly in relation to security and monitoring, unequal access to digital resources, and the absence of direct physical interaction, which remains a crucial element of family relationships. While virtual communication can partially compensate for the lack of physical visits, it cannot fully replace the emotional and psychological benefits associated with in-person contact. This limitation is particularly evident in the context of parent–child relationships, where physical presence plays a significant role in maintaining emotional bonds.

In Albania, penitentiary institutions adopted alternative communication methods during the pandemic period, contributing to the preservation of family contact and the reduction of institutional tensions. Monitoring reports indicate<sup>13</sup> that these measures had a stabilizing effect within institutions and established a positive precedent for the integration of technology in maintaining family ties. At the same time, these reports highlight that the effectiveness of such measures depended largely on institutional capacity, including access to technological infrastructure and staff support. In several cases, disparities between institutions were observed, resulting in unequal access to communication tools among prisoners.

Nevertheless, structural challenges persist, including inadequate infrastructure, unequal access among prisoners, and the absence of standardized implementation across institutions. These shortcomings suggest that, although technological solutions represent a valuable complementary tool, they cannot substitute for a consistent and rights-based approach to family contact. In this sense, future reforms should aim not only at expanding digital communication but also at strengthening the conditions for regular, meaningful, and dignified in-person visits, in line with international standards and best practices.

## **6. Case Analysis (Albania)**

### **6.1 Restriction of Family Visits and the Principle of Proportionality**

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<sup>13</sup> Avokati i Popullit (Ombudsman of Albania), Report on the Situation of Penitentiary Institutions (2022).

Although consolidated domestic jurisprudence remains limited, Albanian administrative courts have addressed cases concerning detention conditions and the protection of prisoners' fundamental rights, including the right to family contact. In one such case, a prisoner challenged the imposition of restrictions on family visits justified by internal security considerations. The court acknowledged that penitentiary authorities enjoy a certain margin of discretion in the organization and management of prison regimes. However, it emphasized that any restriction on fundamental rights must comply with the principle of proportionality, requiring that such measures be necessary, justified, and tailored to the specific circumstances of the case.

This approach reflects the general tendency of Albanian administrative jurisprudence to interpret prisoners' rights within the framework of constitutional guarantees and international human rights standards. In this context, the court underlined that generalized or blanket restrictions on family visits, not based on individualized risk assessment, may constitute a disproportionate interference with the right to family life under Article 8 of the European Convention on Human Rights. Such reasoning is consistent with the jurisprudence of the European Court of Human Rights, which requires that a fair balance be struck between the legitimate interests of prison security and the protection of prisoners' fundamental rights. It also aligns with the constitutional principle of proportionality, as developed in the case law of the Constitutional Court of Albania<sup>14</sup>, which requires that limitations on fundamental rights be necessary, appropriate, and not excessive in relation to their legitimate aim.

## **6.2 Conditions of Family Visits and Minimum Standards**

Monitoring reports in Albania consistently identify deficiencies in the conditions under which family visits are conducted. These include inadequate visiting facilities, lack of privacy during meetings, and excessive limitations on the duration and frequency of visits. Such shortcomings raise concerns regarding compliance with both domestic legal standards and international human rights obligations.

In particular, the absence of appropriate physical infrastructure and the failure to ensure a minimum level of privacy may undermine the qualitative dimension of family contact, reducing its effectiveness as a rehabilitative tool. Similarly, restrictive time limitations risk rendering visits

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<sup>14</sup> Constitutional Court of Albania, Decision no 11 of 2007.

merely formal, without allowing for meaningful interaction between prisoners and their family members.

Recommendations issued by oversight bodies, including the Ombudsman, emphasize the need to improve visiting conditions through targeted infrastructural investments, the establishment of standardized procedures, and the revision of time restrictions in line with international standards, including those developed by the European Court of Human Rights and the Nelson Mandela Rules. These measures are essential to ensure that the right to family contact is not only formally recognized but effectively realized in practice.

### **6.3 Critical Assessment of Albanian Practice**

While formal recognition of family contact rights has progressed, challenges remain in implementation.

Key issues include lack of standardization, unjustified administrative restrictions, and insufficient infrastructure.

Further harmonization with ECtHR standards is necessary, particularly regarding proportionality, individualized measures, and dignified conditions.

## **7. Empirical Findings (Questionnaire Analysis)**

A structured questionnaire was administered to a sample of 50 prisoners in a penitentiary institution in Durrës. The results are presented as indicative percentages reflecting the distribution of responses and are intended to identify general trends within the institution.

With regard to the frequency of family visits, approximately 60–70% of respondents reported that visits occur only occasionally or rarely. This finding suggests a significant discrepancy between the legal framework, which formally guarantees the right to family contact, and its practical implementation within the penitentiary system.

In terms of perceived importance, over 80% of respondents indicated that family visits are very important, confirming that family contact constitutes a central element in the daily experience of imprisonment and plays a key role in maintaining psychological stability.

Regarding emotional impact, around 70–80% of respondents reported that family visits significantly improve their emotional state, while less than 15% indicated minimal or no effect.

These findings demonstrate a strong correlation between family contact and the reduction of stress and anxiety among prisoners.

The results further show that approximately 65–75% of respondents believe that family support increases their motivation to comply with institutional rules and to participate in rehabilitation programmes. This indicates that family contact functions as an important behavioural regulator within the penitentiary environment.

In relation to reintegration, more than 70% of respondents consider that family visits contribute significantly to their preparation for returning to society, highlighting the role of family ties as a stabilizing factor in the resocialization process.

However, the findings also reveal structural shortcomings. Around 60% of respondents expressed dissatisfaction with the conditions under which family visits are conducted, particularly with regard to limited frequency, inadequate physical conditions, and restricted duration of visits. These perceptions point to systemic deficiencies that reduce the effectiveness of family contact as a rehabilitative tool.

Overall, the empirical data confirm the existence of a clear gap between legal standards and their effective realization in practice. While family contact is widely recognized by prisoners as essential for emotional well-being and rehabilitation, institutional limitations continue to hinder its full implementation.

## **8. Conclusion**

This study demonstrates that family visits constitute a fundamental component of modern penitentiary systems, serving not only as a basic human right but also as an essential instrument for rehabilitation and social reintegration. The analysis of international standards, particularly Article 8 of the European Convention on Human Rights and Rule 58 of the Nelson Mandela Rules, confirms that states are under a positive obligation to ensure effective and meaningful opportunities for prisoners to maintain family contact.

The jurisprudence of the European Court of Human Rights further reinforces this position, establishing that restrictions on family contact must be proportionate, justified, and compatible with the broader objectives of human dignity and rehabilitation. Excessive or prolonged limitations may undermine the essence of the right to family life and hinder the reintegration process.

The empirical findings of this study support these legal conclusions. The data indicate that approximately 60–70% of respondents experience limited or irregular access to family visits, while over 80% consider such contact to be highly important. Furthermore, around 70–80% report a positive emotional impact from family visits, and a majority associate family support with improved behaviour and increased motivation for reintegration. These findings highlight a clear discrepancy between the normative framework and its practical implementation.

In the Albanian context, although the legal framework formally guarantees the right to family contact, its realization remains constrained by structural and administrative challenges. Issues such as overcrowding, inadequate visiting facilities, and inconsistent institutional practices continue to limit the effectiveness of this right. Monitoring reports and empirical evidence suggest that these deficiencies may negatively affect both the psychological well-being of prisoners and the overall rehabilitative function of the penitentiary system.

In light of these findings, it is necessary to strengthen the practical implementation of existing legal standards through targeted reforms. These should include improving infrastructure for family visits, ensuring more regular and accessible contact, and expanding the use of alternative communication methods, such as video calls, while maintaining adequate safeguards. At the same time, institutional policies should be aligned more closely with ECtHR standards, particularly with regard to proportionality and individualized assessment of restrictions.

Ultimately, the effective protection of family contact rights should be understood as a central element of a humane and functional penitentiary system. Enhancing such contact not only safeguards fundamental rights but also contributes directly to reducing recidivism and promoting successful reintegration into society. In this sense, family visits represent a critical bridge between incarceration and social inclusion, the strengthening of which should remain a priority within the Albanian penitentiary system.

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