

EVOLUTION OF WORK RULES IN ALBANIAN PRISONS

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Abstract: *This study, through the use of literature and the use of secondary data, highlights some problems that are found during the approximation of legislation in the field of employment and the impact of improving the entire legal framework in the field of rehabilitation of prisoners and mainly young people who are deprived. from freedom as well as Cooperation and interaction of enterprises with institutions for the execution of criminal decisions. In this study through the analysis of the legal framework, study and analysis, we aim to build a logical bridge over the principle that Economic Integration means: "Updated legal framework, security, successful entrepreneurship, rehabilitation and integration of convicts."*

Keywords: *Employment, work, integration, rehabilitation, persons deprived of liberty, prisons.*

1. Introduction

Work in prison raises a question that cannot be answered by counting occupied hours: what position does the person have within the employment relationship, and what remains of that relationship after release? A prison may depend on residents to prepare food, maintain buildings or carry out routine services. Those activities can be useful, but their institutional usefulness does not establish that they provide fair remuneration, recognised skills or realistic opportunities in the labour market. The evolution of work rules must therefore be assessed through both their legal content and their capacity to support a lawful livelihood outside custody.

For Albania, this assessment also belongs within the wider process of European integration. Accession negotiations opened on 19 July 2022, so the discussion has moved beyond the earlier objective of starting negotiations. Article 70 of the Stabilisation and Association Agreement links gradual approximation of legislation with its implementation and enforcement. In the penitentiary field, this distinction matters: a rule recognising a right to work

has limited practical value where suitable jobs, training capacity and effective remedies are unavailable (Council of the European Union, 2022; European Communities and their Member States and Republic of Albania, 2009: art. 70).

The European framework must be identified accurately. European Union accession requirements, the European Convention on Human Rights and Council of Europe recommendations have different legal foundations. The European Prison Rules are a Council of Europe recommendation; they are not an EU directive. They nevertheless provide an important benchmark for penitentiary reform. Compliance with domestic employment legislation and applicable international obligations should be assessed separately from the political and administrative requirements of accession. Treating these sources as interchangeable would obscure both the legal duties involved and the evidence needed to establish implementation.

The central argument of this article is that Albania has developed a more explicit framework for dignified and individually appropriate prison work, but that its rehabilitative value depends on institutional delivery. Legislative change cannot itself demonstrate successful reintegration. The necessary connection runs through available opportunities, lawful conditions, skills that employers recognise and support during the transition out of custody. Cooperation with enterprises can strengthen this connection when it is designed around those requirements.

The article addresses three questions. How have the principal Albanian rules on prison work changed since the late 1990s? How does the resulting framework compare with international standards on choice, remuneration, protection and education? What institutional arrangements would make employment in custody more useful for reintegration, especially for minors and young adults? The analysis first explains its method, then examines the regulatory evolution, the international standards, the monitoring evidence and the implications for implementation.

2. Methodology and conceptual framework

The study combines doctrinal legal analysis with a historical comparison of legislation and a qualitative review of secondary evidence. Its legal corpus consists of the historical consolidated text of Law No. 8328 of 16 April 1998, the Juvenile Criminal Justice Code adopted by Law No. 37/2017, Law No. 81/2020, Council of Ministers Decision No. 602 of 13 October 2021 and the General Prison Regulation approved by Decision No. 209 of 6 April 2022. The historical version consulted for the 1998 statute incorporates amendments through 2009; it is

used as a historical comparator rather than presented as the law currently in force. International instruments and the Stummer judgment provide distinct normative and judicial reference points.

The historical method compares the purpose, beneficiaries and legal safeguards of work across these frameworks. It does not assume that every subsequent enactment introduced an entirely new principle. The doctrinal analysis distinguishes statutory entitlements, administrative procedures, international obligations and recommendations. Published findings from the CPT are used to examine the difference between legal design and implementation.

This is a documentary study, not an original survey or an evaluation of a particular employment programme. It does not estimate the effect of prison work on Albanian reoffending rates. Monitoring reports provide evidence of conditions and administrative performance within their respective mandates, but they cannot establish causation between employment and later criminal behaviour. International research is used to identify plausible mechanisms and methodological problems, without transferring foreign effect sizes to Albania.

Four concepts require separation. Prison work refers to organised occupational activity during deprivation of liberty, including employment for prison administration and employment involving enterprises. Vocational training is structured learning intended to produce occupational competence; it may accompany work but is not equivalent to merely performing a task. Rehabilitation concerns the development of capacities and circumstances that support lawful conduct. Social reintegration concerns the person's participation in community life, including access to work, education, housing and social relationships. Employment is therefore one component of reintegration, rather than a complete measure of it.

The expression persons deprived of liberty is used as the general analytical term. Sentenced persons and persons held on remand are distinguished where their legal status changes the applicable rules. Minors are also distinguished from young adults: protective rules for children cannot be replaced by an undifferentiated category of young prisoners. The terms used in the titles of legislation and international instruments are retained when identifying those sources.

3. The evolution of the Albanian legal framework

3.1. The earlier statutory framework

The historical consolidated version of Law No. 8328 already contained a recognisable rehabilitative approach. Articles 34 – 36 addressed access to work, its organisation and conditions. Work was remunerated and was not characterised as punishment. Working conditions were linked to those in the community, occupational skills and reintegration. Article

35 also recognised work for pension-related service. The later framework should therefore not be described as the first Albanian recognition of paid prison work or of its relationship with pension rights (Republic of Albania, 1998: arts. 34 – 36).

There was, however, a significant difference in how choice was expressed. Article 34 of the historical text listed categories of sentenced persons who could not be compelled to work. By comparison, Article 43(1) of Law No. 81/2020 states the right of a person fit for work to perform dignified work of their choice and expressly prohibits forced work and work imposed as disciplinary punishment. The development is best understood as a clearer formulation of individual choice within a framework that had already recognised remuneration and rehabilitation (Republic of Albania, 1998: art. 34; Republic of Albania, 2020: art. 43(1)).

This comparison also shows why legislative history matters for implementation. If a protection has appeared in successive statutes, a continuing failure to provide it cannot be explained solely by the absence of a new legislative declaration. It may concern finance, administrative responsibility, record keeping or access to enforcement. Regulatory evolution should be examined through the mechanisms that allow a person to exercise a right, as well as through the language in which that right is recognised.

3.2. Law No. 81/2020 and individualised employment

Law No. 81/2020 repealed the earlier statute through Article 92. Its employment provisions connect occupational activity with the preservation and development of skills and preparation for reintegration. Article 43 provides for work through prison administration or private legal entities, inside or outside the institution, and addresses self-employment and reasonable accommodation. It also restricts external employment for persons placed in high-security institutions and distinguishes authorisation for sentenced persons from the prosecutor's decision required for external employment of persons on remand (Republic of Albania, 2020: arts. 43 and 92).

These provisions create different questions for administrative decision making. Assessing whether a person can safely work outside an institution is not the same as assessing which occupation is suitable for them. A security decision may determine the location and supervision of work; an occupational assessment should consider competence, health and the prospect of using the skill after release. Where external employment is unavailable, the need for meaningful activity inside custody remains. The existence of a security restriction does not itself determine the content or quality of internal work.

The law's provisions on education and recognised qualifications reinforce this relationship. Work and training should be organised together where a task can support occupational learning. A job description can identify the actual skills being developed, the supervision provided and the qualifications toward which the activity contributes. Without that connection, repeated performance of a narrow task may produce institutional output while offering little evidence of transferable competence.

3.3. The implementing decisions of 2021 and 2022

Decision No. 602/2021 translates the statutory framework into more detailed arrangements for applications, selection, contracts and working conditions. Its remuneration rules distinguish employment by prison administration, paid at 25 per cent of the national minimum wage under the specified arrangement, from employment by a private legal entity, for which pay cannot fall below the national minimum wage. It also addresses part-time remuneration, payment into a designated account and the use of earnings (Council of Ministers, 2021: chs. II–III, especially ch. III, points 17 – 21).

The distinction between these employment arrangements matters for a comparison with community work. It also calls for precise information to be given before a person accepts a position. The identity of the employer, calculation of remuneration and lawful deductions should be clear in the contract and in subsequent payment records. The statutory entitlement to remuneration should be assessed through what the person receives, how that amount is calculated and whether the associated employment rights are implemented.

The General Prison Regulation approved by Decision No. 209/2022 supplies the broader institutional framework. Its principles include humane treatment, cooperation with external services and independent oversight, while its provisions for minors link treatment with individual needs and educational development (Council of Ministers, 2022: arts. 2 and 43 – 45). These general arrangements need to be read alongside the specific employment decision. Local procedures should allocate responsibility for delivering work without reducing the rights established by higher-ranking legislation.

The main stages are summarised in Table 1. The comparison identifies continuity as well as change: it does not assume that adoption of a provision proves its effective application.

Table 1

Principal stages in the regulation of prison work

Instrument	Principal employment focus	Significance for the comparison
Law No. 8328/1998 as amended	Remunerated work, community-related conditions and pension-related service	Earlier recognition of rehabilitation and employment protection
Law No. 37/2017	Work linked to education and future employment for minors	Specific protection of schooling and combined daily hours
Law No. 81/2020	Dignified work of the person's choice and individual suitability	Explicit prohibition of forced and disciplinary work
Decision No. 602/2021	Applications, contracts, conditions and remuneration	Procedural delivery and different pay rules by employer
Decision No. 209/2022	Institutional principles and treatment of minors	General framework for implementing the statutory rights

Source: Author's comparison of Republic of Albania (1998; 2017; 2020) and Council of Ministers (2021; 2022).

4. International standards and the meaning of lawful prison work

4.1. Work as part of rehabilitation

The revised European Prison Rules place prison work within a regime directed toward return to the community. Rule 26 addresses useful work, occupational relevance, training, choice within legitimate institutional limits, equitable remuneration and protection. Rule 28.4 also requires that education has no lower status than work and that participation in education does not create financial or other disadvantage. These standards make the relationship between work and learning central to the assessment of a programme (Council of Europe, 2020: rules 26 and 28.4).

The Nelson Mandela Rules provide a corresponding international benchmark. Rules 96 – 103 connect work with fitness, useful activity, vocational preparation, non-afflictive conditions, occupational protection and equitable remuneration. They also envisage time for education and the preservation of part of earnings for release. Rule 116 separately provides that an untried person may be offered work but must not be required to perform it (United Nations General Assembly, 2015: rules 96 – 103 and 116).

These instruments do not make every useful activity a successful rehabilitative intervention. Their requirements suggest a practical distinction between occupying time and preparing for employment. A programme should be able to explain how its daily tasks develop

competence, how achievement is recognised and what connection exists with work outside custody. Production can be part of this process, but a commercial output is not a sufficient measure of the benefit received by the participant.

4.2. Forced labour and cooperation with enterprises

The use of prison labour by enterprises requires particular care. The International Labour Organization distinguishes the narrowly defined exception for compulsory work following a court conviction under Article 2(2)(c) of Convention No. 29 from work for private interests. Public supervision alone does not establish that private employment is voluntary. The ILO's guidance identifies informed consent and conditions approximating a free employment relationship as important safeguards, including remuneration, occupational protection and the ability to withdraw consent (International Labour Organization, n.d.: section on use of prison labour).

For Albanian partnerships, a signed form should therefore be treated as the beginning of the consent process. Before accepting a placement, the person should understand the tasks, hours, pay, deductions, supervision and arrangements for ending participation. Private employment should not be secured by threatening a disciplinary consequence or an adverse assessment for refusal. A confidential opportunity to report pressure would make the voluntary character of the arrangement more credible. These are proposed safeguards for implementation, rather than a finding that coercion has occurred in any identified Albanian partnership.

Consent also depends on access to information that is usable in practice. People with limited literacy, language difficulties or communication disabilities may need an explanation in a different form. Recording that explanation, and giving the participant a copy of the agreed terms, would provide a stronger basis for review than relying on an employer's declaration that the relationship is beneficial. The public authority retains responsibility for ensuring that a commercial agreement serves a lawful penitentiary purpose.

4.3. Remuneration and social protection

Social protection requires a separate legal assessment. In *Stummer v. Austria*, the European Court of Human Rights found no violation in the applicant's exclusion from the old-age pension system under the circumstances considered, including under Article 4. The judgment did not establish a general Convention duty to affiliate every working prisoner to a pension scheme. It examined an Austrian arrangement and the European position at that time (European Court of Human Rights, 2011: paras. 101 – 111 and 128 – 133).

The relevance for Albania is the distinction between a Convention minimum and an entitlement recognised by national law. Where domestic legislation gives prison work pension-related recognition, an administration must address that entitlement through the applicable domestic arrangements. The absence of a general obligation derived from the Convention in Stummer cannot remove a right granted by Albanian legislation. Payroll declarations, contribution responsibility and accessible proof of recognised work are consequently central implementation questions.

4.4. Minors and young adults

Children require an educational approach to occupational activity. Article 118 of the Juvenile Criminal Justice Code recognises remunerated work while requiring that it support vocational education and employment after release without obstructing schooling. Work takes place outside study time, and the combined duration of work and education must not exceed eight hours per day. Article 117 addresses education, including the protection of the child's future position through qualifications that do not disclose previous custody (Republic of Albania, 2017: arts. 117 – 118).

For minors, the employer's production schedule should consequently be fitted around the educational plan. A placement is unsuitable if it prevents school attendance or substitutes routine labour for the learning the child needs. Assessment should consider what the child can learn, the support required and whether the placement remains appropriate as schooling progresses. The legal permission to work does not displace the protective conditions attached to that permission.

Young adults also need specific attention, but their position should be described separately. The historical consolidated statute gave particular attention to cultural and vocational development below age 25, whereas Article 45(6) of Law No. 81/2020 extends that attention to persons below 29. This is an expansion of a provision on education and vocational development; it is not a redefinition of every person under 29 as a minor (Republic of Albania, 1998: art. 37; Republic of Albania, 2020: art. 45(6)).

An appropriate programme for a young adult may combine basic literacy or numeracy, practical training and supervised work. Its success depends on matching the next learning step to the person's existing competence. Someone who needs foundational education should not have to choose between education and access to a remunerated activity. Conversely, a participant who already has occupational skills should have opportunities to maintain and document them rather than repeat an unsuitable introductory course.

Continuity is particularly important where an educational programme remains unfinished at release. Before release, the institution should establish what has been completed, which provider can recognise it and where learning can continue. For a minor, that process should also be coordinated with the relevant educational and child-support arrangements. A written record of attendance alone is less useful than a recognised statement of competence and a realistic next step.

5. Rehabilitation and the limits of employment evidence

There are plausible reasons for work to contribute to rehabilitation. It can provide practice in occupational routines, an opportunity to demonstrate competence and contact with lawful employment. Earnings may support immediate needs or preparation for release. These mechanisms explain why employment deserves institutional attention, but their presence and importance must be assessed in each programme. They should not be assumed merely because an activity has been labelled work.

Research also warns against a simple causal claim. Wilson, Gallagher and MacKenzie examined 33 independent evaluations of correctional education, vocational and work programmes. Participants showed lower recidivism, but weaknesses in study design limited attribution of the observed difference to the programmes. Davis and colleagues' later meta-analysis found evidence supporting correctional education and possible employment benefits, while identifying limitations in the employment evidence (Wilson, Gallagher and MacKenzie, 2000; Davis et al., 2013: pp. 59 – 66).

These studies examine interventions and populations outside Albania. Their findings provide a reason to develop and evaluate suitable programmes, rather than an estimate of the effect of Albanian prison employment. Education, vocational training, prison maintenance work and enterprise employment should also be recorded separately. A finding concerning correctional education cannot automatically be applied to any activity performed in custody.

Selection is a central problem in evaluation. A participant may already have stronger skills, greater motivation, fewer health constraints or an earlier prospect of release. Those characteristics may influence both admission to work and later employment. Comparing participants with all nonparticipants could therefore attribute pre-existing differences to the programme. Future Albanian studies should define eligibility, record relevant baseline characteristics and use a credible comparison method where possible.

Employment outcomes and reoffending outcomes also require separate definitions. A first job after release, sustained employment, declared earnings and continuation in education

describe different forms of progress. Rearrest, reconviction and return to custody are different criminal justice measures and depend on a stated follow-up period. Recording these distinctions would allow an evaluation to test whether a programme reaches its occupational aims before making a broader claim about crime prevention.

6. Cooperation with enterprises and priorities for implementation

6.1. Partnership design and employment quality

Enterprise cooperation should begin with a description of the occupational opportunity. A proposal should explain the work, equipment, supervision, training content and demand for the skill outside custody. The prison authority can then assess whether the arrangement offers a realistic benefit to participants and whether the required safeguards can be delivered. An employer's need for labour is relevant to the feasibility of a placement, but does not by itself establish its rehabilitative purpose.

A partnership agreement should allocate responsibilities for contracts, pay, lawful deductions, occupational risk, accident procedures, training and complaints. It should also define how the public authority will check performance and respond to noncompliance. Commercial confidentiality should not prevent authorised monitoring of working conditions. These proposed terms would turn a general promise of cooperation into obligations that can be examined against records and participant experience.

Selection needs an equally clear procedure. Available positions should be communicated in an accessible form, with criteria explaining occupational suitability and security requirements. Where opportunities are limited, decisions should distinguish ineligibility from placement on a waiting list. A reasoned decision and a route for review would allow the participant to understand the result and permit the institution to identify recurring barriers. Criteria should be applied consistently without disguising discretionary preferences as occupational requirements.

Training and certification should be included where the work develops a recognised skill. Assessment should use standards that an external provider or employer can understand. A qualification has practical value when it records competence rather than merely confirming that the person occupied a position. Certificates and references should support access to future employment while avoiding unnecessary disclosure of custody history. The same concern should inform the handling of participant data by enterprises.

6.2. Continuity after release and measurement

Preparation for release should connect the occupational record with a specific next opportunity. With the person's participation and appropriate data safeguards, the institution should coordinate with employment and training services, relevant local support services and, where applicable, probation. A referral should identify the receiving body, the practical steps required and responsibility for follow-up. An employer willing to consider a released participant can be part of that process, without promising a job that has not been offered.

The system also needs responsibilities that can be followed through. Prison administration should maintain accurate participation and payment records; training providers should document assessed competence; the responsible bodies should resolve contribution and employment-protection arrangements. Where a gap has been identified, an action plan should name the institution responsible, the evidence required to demonstrate completion and a realistic timetable. Issuing another general statement of intent would not establish that the gap has been corrected.

Monitoring should distinguish delivery from outcomes. Applications, waiting times, positions offered, paid hours and completed qualifications measure different stages of delivery. Employment or further education after release describes a subsequent outcome, while reoffending requires its own definition and observation period. Aggregate reporting should explain who is counted and protect personal information. Independent review can then examine both the administrative record and the conditions experienced by participants.

Financial assessment should follow the same logic. The value of a programme cannot be reduced to savings on prison services or the price of goods produced. Assessment should also consider the costs of training, supervision and protection and the quality of the occupational preparation delivered. Claims that a programme pays for itself or reduces future crime should depend on an appropriate evaluation. This keeps economic cooperation connected to its public purpose without dismissing the practical contribution of enterprises.

7. Conclusion

The evolution of Albanian prison work rules shows continuity in the recognition of remuneration, occupational preparation and pension-related rights. Law No. 81/2020 strengthens the formulation of dignified, freely chosen work, and the subsequent implementing decisions give greater procedural detail. The historical comparison therefore supports a qualified account of legal development: several important protections preceded the current statute, while their clearer articulation increases the need for effective delivery.

Published monitoring evidence indicates that access to work and training remains limited. These findings concern implementation and reach; they do not provide an Albanian estimate of the effect on reoffending. Rehabilitation requires work that is accessible, lawfully organised and useful beyond custody, together with education and coordinated support after release. For minors, educational development and the statutory protections of childhood remain decisive.

The contribution of European integration should be assessed through this implementation process. Approximation is meaningful when legal rights can be exercised and their delivery can be verified. Enterprise partnerships should consequently be judged through informed participation, enforceable conditions, recognised learning and a credible connection with future employment. On that basis, prison work can form part of economic and social reintegration without treating employment as a complete explanation of rehabilitation.

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