

Judiciary and State-Building of Kosovo: Execution of Imprisonment for Women in the Republic of Kosovo

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Abstract

Historically it is known that criminal offenses made by females are in lower level than the criminal offenses made by males. However, regardless of gender, it is important to note that for the perpetrators of criminal offenses have also been created the legal basis, and earlier has been used also the customary law, in order to sanction these criminal offenses. But, the main problem throughout the history of mankind has been that through the execution of these sanctions is the re-socialization of those persons achieved, especially for the females, as well as the issue of the physical aspect of the place, where the females should be held, in special prisons or together with other perpetrators of criminal offenses.

When considering the penitentiary system in Kosovo, especially for the females, who are in one way or another in a position that has committed a crime and punished with sentence in prison, then from the moment of commencement of serving the sentence, they should be sent to a special prison for women in Kosovo, which is also known as the Lipjan Prison, which is located around 15 kilometers from the capital of Kosovo - Pristina.

In this paper, we will try to elaborate the historical aspect of the development of the prison for women during the state-building of Kosovo, then the legal basis on which the sentence is served, and by not forgetting without studying and presenting most of the aspects, which are related to the functioning of the single prison for women during the state-building of the Republic of Kosovo.

Key words: criminal offenses, females, jail sentence, re-socialization.

Introduction

Shearer (1996), on Antipas Ministries, while explaining the tortures made by CIA Batalion 316 in Honduras, quoted one of the torturers, CIA Agent, Jose Barrera, who said that *"They always asked to be killed. Torture is worse than death"*.

We began this paper with this quotation by Jose Barrero, to present in essence the aspect that in contemporary times, prisons are not or should not be considered as places to be tortured, but are places where those who commit a criminal offense are held and are serving the sentence for the committed offense, but at the same time are prepared with different educational programs, for their resocialization and the unhindered return in the societies where they have lived before (Ministry of Justice, 2018). But not always the prisons throughout history have had this purpose, so before we begin to go to the main topic, we want to give some historical and cultural explanations about what the prisons were used and what torture are being done in prisons or correctional centers as we call it today in most of the democratic countries. Even though today there is a tighter control of the correctional centers, the torture and the maltreatment of various forms is almost impossible to be stopped. And this depends on many aspects, ranging from the state system, laws in force, culture, society, etc., which have their impact on serving the punishment for a perpetrator of a criminal offense. This is even more difficult if we are dealing with female perpetrators, when it is well known that discrimination and violation of women's rights has been one of the longest violations of the freedoms and rights recognized by human history, this in some societies continues with the trend of almost the very primitive times - unfortunately for theirs fate.[1] Janey (2013, p.3) states that *"We would like to believe that by discussing what has happened, we will change things. So far, we have a mental illness that needs to be addressed, starting with its roots."*

As said above in this article, different cultural practices and perceptions undoubtedly affect the different meaning of legal provisions and international standards, and often their interpretation comes from the prism of a particular culture, violating the most fundamental rights of a perpetrator of a criminal offense. For example, physical punishment, or the causation of stick or wrist pain as a means of enforcing punishment, is a serious form of mistreatment, and

this is still done without a trial (Daniels, 2004, pp. 20-59), as has happened in many different judicial processes after the Second World War. Also, within the Islamic tradition and Sharia law, such a physical punishment, and even any other form of amputation, are not only admissible, but are legalized by a number of religious courts, which apart from marriage and inheritance, also regulate the other spheres of physical and spiritual life of Muslims. For example, in Nigeria's state of Zamafra, corporal punishment, amputees and the death penalty and death imprisonment are punishable under the 2000 Shari'a Criminal Code. Similarly, in Saudi Arabia, Iran, Libya and Afghanistan, religious courts, based on the principles of the Shari'ah's law, in their decisions have similar views (Qendra Evropiane e Trajnimit dhe Hulumtimit për të Drejtat e Njeriut dhe Demokraci, 2003, p. 79).

For this reason, to stop these inhumane forms of humiliation of individuals, the torture they can undergo in the correctional facilities has made the international community to move through its institutions in this regard to establish an institutional way of monitoring and controlling prisons across different countries.[2] One of the latest developments is what has been achieved at the 57th Session of the UN General Assembly in New York in 2002, where the Optional Protocol to the UN Convention against Torture and Other Forms of the Cruel, Inhuman and Degrading Punishment of 1984 was adopted (Kombet e Bashkuara, 2002, pp. 346-366). The protocol is designed in that way, that through regular prisons visits by local and international specialized bodies, to prevent the torture and other forms of mistreatment in prisons. Thus, based on the Optional Protocol, an international expert body will be established, namely the Subcommittee of the UN Committee against Torture (United Nations Human Rights – Office of the High Commissioner, 2018). The Protocol also obliges states to establish local visiting bodies. These local and international bodies will visit the prisons regularly and make recommendations for improving the treatment of prisoners and improving the conditions for persons, who are deprived of freedom. Kosovo has also established such state mechanisms, as the Inspectorate of the Ministry of Justice for Inspection in Correctional Services of the Republic of Kosovo (Ministry of Justice, 2018) and based on its legal mandate, this inspectorate has conducted inspection activities to ensure that security measures in the Kosovo Correctional Service, the respect of the rights of prisoners and their re-socialization activities are done in accordance with

the Law on Execution of Criminal Sanctions, the Minimum Standards for Prisoners and the European Prison Rules (Inspektorati i Ministrisë së Drejtësisë për Inspektimin e Punës në Shërbimin Korrektues të Kosovës, 2014, p.1), which has managed to have measurable results and also major challenges, according to the EU Compact Progress Report, EULEX and the Ministry of Justice (EU & EULEX & Ministry of Justice, 2015, pp. 19-21).

The focus on preventing torture and mistreatment in correctional centers is a new development within the UN system of human rights, as existing international bodies can only act when the violation has occurred. The visits of the correctional centers is one of the most effective measures to prevent mistreatment in correctional centers and improve the conditions of these centers. Through Optional Protocol, for the first time in the framework of an international instrument, have been established criteria's and guarantees for effective and preventive visits by established local expert bodies. For this reason, this Protocol is considered a real step towards strengthening domestic and international mechanisms against torture and inhumane and humiliating mistreatments in correctional institutions throughout the world.

However, today it is thought that the preventive measures for preventing mistreatment in the correctional centers are sufficient (though not so), yet they are not fully implemented at the local level. The complete eradication of maltreatment can only become a reality when internationally recognized standards are found in independent implementation and monitoring systems at both local and international levels of all UN member states, including countries such as the Republic of Kosovo, which for political reasons is not yet part of the UN, but have legislation such as the LESP, which according to Prof. Rexhep Gashi, this law will be "a modern law that will respond to modern penitentiary standards and requirements" and at the same time will enable successful "re-education and re-socialization" of convicted persons (Gashi, 2005, pp. 39-40). Moreover, the provision of rehabilitation, legal assistance, compensation, and assistance to victims of mistreatment, inhuman and degrading treatment for reintegration into social life are essential requirements for a fair and equal national order, with which order are characterized the developed countries in Europe and North America, and the Far East, where the rule of law implies subordination of the state apparatus to justice (Fromont, 2009, pp. 12-13).

And, being such, it can be seen that there are three main ways for effective prevention of mistreatment in correctional institutions (Qendra Evropiane e Trajnimit dhe Hulumentimit për të Drejtat e Njeriut dhe Demokraci, 2003, pp. 83-83):

1. Creating an effective legal framework and ensuring its implementation, as well as applying appropriate safeguards to prevent mistreatment - for example, providing fundamental rights guaranteed (right to a lawyer, doctor, judge, etc.) and not applying the detention when no communication is offered.
2. Establish control mechanisms, in particular local mechanisms for regular prisons visits, and provide the possibility for civil organizations to monitor and report independently.
3. Continuous training for police officers, correctional service officers, lawyers, judges, doctors, etc.

We can therefore say that each of us, through concrete actions, campaigning, lobbying for ratification of international instruments and their implementation at local level, or writing letters and requests, can participate actively in protection of the rights of prisoners, and in particular the rights of imprisoned females. All of us can contribute to raising awareness and increasing educational activities at home, in the district that we live, or in the regions and even at the country level, with a view to protecting the rights of prisoners. And, last but not least, we can help various victims through correctional institutions, by informing them of how their case can be addressed, or we can support them by helping them report of their cases, as well as taking legal steps against the officers of the correctional service, and these mechanisms almost exist in all democratic countries, as well as in the Republic of Kosovo, such as the Ombudsperson, CDHRF, KRCT, and many other organizations at local and international level.

Correctional Centers for Women - Discrimination against Women

Before we write about the Lipjan women's correctional center, we would first like to present some elements of discrimination during the history of women, and in this regard, discrimination in the correctional institutions and treatment in these institutions themselves, by not forgetting the very developments and the role of women for her rights in human history. It is therefore important to see how women have fought for their most basic rights, to the ones within the penitentiary institutions, which at very early ages seemed to be quite ridiculous.

Females, as a person today, have the it's weight and value, however very controversial around the world for respecting her rights. In today's times, women with more international documents have their rights guaranteed and their disrespect is punishable as any other criminal offense. Women today have the right to education, working, living at their own personal wish, always conform to the existing norms and laws, they can vote and be voted today. The females has for long shown its strength, has left deep traces in world history, and that continues to do so today as well. But women may also be in conflict with the law, and they can not be caress of the law, but it is important that the law should apply equally to them, and above all, the punishment must be within the framework of optimal conditions that must exist in correctional facilities and in no way be subject to any torture or discrimination during serving the sentence.

In the most ancient times of the existence of mankind that this world recognizes and accepts as such, the first differences were made, even though the primitive time of the society, there were also the initial gender differentials, which are based on physical characteristics, which immediately degraded the role of women in the community. At that time life was difficult and the way of survival was quite severe. To survive, they needed food, food had to be provided through hunting, hunting sought strength, and in the name of force there was a male. A male, who after the hunting was receiving the area in the circle of fire, which then provided even greater respect in society, and so the mens began to occupy their seats, leaving the women aside and sidelined. This is because females lacked physical strength, they had birth, unable to provide food for themselves and evrn no possibility for others, and all this made the woman to be left aside (Giddnes, 2006, p. 201).

So this is how the first genesis of female discrimination begins. This is the first step of society versus women's inequality. By this step, at this stage, men felt power, dominant and superior, thus creating a kind of dominance and arrogance over the other race - females. But, to this day, although the world began to change, humanity is developed, many things radically changed, evolution was seen everywhere in the world, the world got another picture, apparently everything went to perfection, but still one thing remained the same "discrimination of the females is still continuing" (French, 1992, p. 163), even the situation worsened for a long time.

Over time, the woman was forced to marry against her wish, she had no right to birth control or abortion, the married woman was considered as the husband's private property, the married woman was obliged to preserve her husband's morale, to stay under the husband's regime and to make children. The only Access she had was the education of the children. In the case of a mistake, she was scolded by her husband and family. She, as a private property of the man who possessed her, dared not to disobey his orders, otherwise she would be subjected to physical violence. And, like that, stayed so for a long time (Smart, 1992, p. 67).

"If by force is understood the physical force, then, of course, the female is weaker than the male. If by force is understood the moral force, then the woman immeasurably stands higher than the male"- says Mahatma Gandhi.

As soon as moral strength began to be empowered, women raised their voices for the first time. It was this time when they realized they had rights, and as human beings had the right to enjoy them. After a while, came the first fractures of a man order of our societies. For the first time in the bourgeois societies of the eighteenth century, the call of women for rights became powerful. They had many reasons. First, the General Declaration of Human Rights (Gruda, 2010, pp. 22-29) on the basis of the natural law in France and the United States Constitution[3] made to initiated the demands for equal rights for women and this was much better established in the time after the WWII with the Declaration American Rights and Duties (Gruda, 2010, pp. 102-108).

At this time, the woman was "liberated" from work to gain, so she had to create a family and a private home. She was excluded from many economic and political decisions. But this time, women brought awareness to some extent at their aspirations. "The first movement of

women" took place between 1848-1914, where the fierce struggle for political and civic rights broke out when the first feminist movements took place. At this time it was required the right to vote as a primary right of the demands that were being made on that time, which was achieved in different places at different times (Ministry of Justice, 2018). However, it should not be forgotten that the war that has been made to protect the rights of women, which in fact has a long history, must be inspirational to all women of the world! And rightly so, some thinkers and sociologists say that the degree of emancipation of a human society is measured with the degree of emancipation of women (Sadikaj, 2003, p. 126), which constitutes a very important part of society and as such empowerment and emancipation is one of the values of these societies, but also one of the challenges they face, stressing that this empowerment and emancipation must take place in all areas where women can make their contribution (Arbëri, 2016, p. 345).

Therefore it is not discussed today that women's written rights affect their culmination, today they are protected from any form of discrimination or inequality, they are protected by law and has the right to appeal. In all international human rights conventions, women's rights are not excluded, and the prohibition of discrimination due to gender is at the very beginning an essential part of human rights conventions such as the Convention on the Elimination of All Forms Discrimination Against Women and the Declaration on the Elimination of Discrimination Against Women, which preceded this Convention (Gruda, 2010, pp. 244-262). Later this discrimination or violence against women has been attempted to combat with all the measures, one of which is the Protection of Women from Violence under the Recommendations of the Committee of Ministers of the Council of Europe (Konventa e Këshillit të Evropës mbi parandalimin dhe luftimin e dhunës ndaj grave dhe dhunën në familje, 2011) which document had two positive aspects, because on the one hand was considered a convention for the protection of human rights and on the other hand as a convention on criminal law (Rizvanolli-Kusari, 2013, pp. 44-45).

Even in Kosovo, these rights are regulated and protected by the Constitution and the laws that are in accordance with this Constitution. Even a few years earlier, the President of Kosovo was a female. So things have moved in positive aspect, but they are still not very satisfactory. In Kosovo, the Balkans, Europe and in different countries of the world, the right of women has

evolved, today its status marks progress in the community, today the woman is not or can not be considered as an object. These things are documented almost in every constitution, agreement, and convention.

Experiences in different cultures give us another insight, prove the opposite. Even today, cases where women are treated unequally are numerous and every day, everywhere has a violation of women's rights. We see them, hear them, experience their sufferings, and keep the viewer's place (Tysoe, 1992, p. 301), doing nothing. And this is even more, when it comes to imprisoned women, far away from the wider eye and the media.

We discussed the historical aspect of discrimination against women, hoping to argue that females has been consistently discriminated, and therefore the prohibition of this discrimination should be done once and for all. Also, we tried to point out that while mens, who committed various offenses were punished and could be sentenced, women were those who could be punished without any trial and the punishments against them were always rude - such as the death penalty in different ways. Therefore, many countries have also begun creating penitentiary institutions for women, leaving much to be desired as regards to the conditions and the manner of their treatment in these institutions. Thus, many countries began creating correctional institutions only for women and that correctional officials began to appoint women as well, which until recently had been made through male correctional officials.

On the other hand, Kosovo does not have a long history of female prisons. Since the beginning of the construction of the first female and juvenile prison in Lipjan, this center has been in operation since 1978. At the time of the former Yugoslavia system, the Lipjan Prison was only started in 1981 to become a a prison for women as well, because until that time it was filled only with juvenilies (Ministry of Justice, 2018). So we can freely say that Lipjan Prison has a relatively short history, compared to other prisons in different countries. And this story would be split into two or possibly three different stages, that from 1981 until 1989, with the fall of communism and the beginning of the former Yugoslavia's collapse, then from 1990 until 1999, when the penitentiary institutions were completely under the control of Serbian rule system at that time and after 1999, when Kosovo begins a new era - that of freedom. It should also be

noted that during the 1998-1999 period, designation of this center has been out of institutional management, so it was used by the paramilitary organization for criminal purposes against the Albanian people of Kosovo (Ministry of Justice, 2018).

In order to function these prisons, Kosovo immediately after the war in 1999 began establishing institutions that would run prisons in Kosovo, including the Lipjan Prison as well. However, after the end of the 1999 war, there was a devastated infrastructure of correctional institutions in Kosovo. Initially, with the support of the international community – UNMIK (United Nations Mission in Kosovo), and later with investments by the Government of Kosovo, these institutions were rebuilt and new institutions were built. The establishment and development of Kosovo Correctional Service Institutions in the post-war period since 1999 has been part of a legal transition that the Republic of Kosovo has undergone during international administration under UN Security Council Resolution 1244. The process of reforming Kosovo Correctional Service Institutions in the post-war period has been one of the areas, where besides the efforts to build a new concept of functioning of the Kosovo Correctional Service Institutions, it was worked and acted on the unification of rules, procedures working with international norms and standards. Now, ten years after the declaration of independence, Kosovo has pledged to pursue its path towards the European Union, which has prompted the Kosovo Correctional Institutions to develop rapidly and in order to meet the international standards for an EU accession and other international structures.

Establishment of the Correctional Center for Women in the Republic of Kosovo

It is understandable that correctional institutions need to exist and as such they should exist for the females as well, so today's democratic states have established the legal basis and on that basis have established correctional institutions for females. Like any other state institution, also the institutions or correctional centers are an integral part of the history of a state as a whole. Correctional Centers are a reality that belongs to any country, regardless of its economic or social-political development (Sufaj, 2000, pp. 2-10). Studies in this area are of particular importance as they relate to the well-being of society, human relations and conflict reduction, so studies in this field include a wide range of interests that are crucial to the genuine and democratic development of a society. They orient the state structures to provide a fair solution to

the problems, based on more reasonable laws, democratic and at the same time as much as human, based on many important documents, both domestic and international, for protection of prisoners' freedoms and rights.

Before the twentieth century, in our country, the detention was only one of the forms of punishment and we can say not the main one. It is known that in our country besides the official Roman criminal law, then Byzantine, Albanian, later Ottoman, Serbian and Greek there was a customary law,[4] which provided punishments under these laws, such as the Ottoman, knowing the five century Ottoman rule in Albanian lands. But this was not very much applied in remote and mountainous areas, which did not accept foreign laws, especially Ottoman one (Gashi, 2012, p. 29), but applied Albanian customary law. The main forms envisioned in Albanian customary law of punishment were: the death penalty, the abolition of the province, the burning of the house, not having the right to work its land, the cutting of trees, the fines in money, etc. and the tougher penalties were especially for women, and especially for loyalty issues.[5] Later, with the commencement of the functioning of the correctional institutions within the various systems, the prison sentence also began to be adapted. For historical reasons of the Albanian people, the exercise of the laws has been a very difficult aspect, when it is known that for almost 100 years they have been directly threatened by their disappearance, in all parts inhabited by Albanians, and especially the part of Kosovo and its surrounding regions (Gruda, 2016, pp. 50-100) inhabited by Albanians. Only after the Second World War began the creation of Correctional Centers in Kosovo, within the former Yugoslavia, but that perpetrators at that time were sent to correctional centers of other parts of the former SFRY, and especially Serbia.

Within the framework of the creation of correctional facilities in Kosovo at that time, there was also the Correctional Center in Lipjan for juveniles and females. This correctional center is a semi-open institution. This center is the only penitentiary institution in the Republic of Kosovo, which includes several categories of prisoners such as minors with educational measures, juvenile offenders and pre-detained juveniles as well as convicted women, pre-detainees and women juveniles. Condemned juveniles are accommodated in specific facilities or floors, while all women in the absence of space are together, both female and younger women, even though it was one of the European Union's recommendations for many

years, from 2009 onwards (Komisioni i Komunitetit Evropian, 2009-2010, p. 14) to change. But, according to the Director of the Correctional Center in Lipjan, Hestet Loku, it is important that the number of female women in this center has never been big, so it was mostly between 1 and 2 female juveniles, especially this was observed from 2010-2015 (Tribuna Channel TV, 2018), but the overall number is almost always overcrowded, even according to the QKRC research in 2014 there were accommodated up to 6 women in a single room (QKRMT & KRCT, 2014, p. 30). Due to overcrowd in other correctional centers, the Correctional Center in Lipjan has another category of prisoners with short sentences or ending sentences (offenders), but this category is separated from other prisoners (Tribuna Channel TV, 2018). The total capacity of the Correctional Center in Lipjan is 138 seats as well as 6 seats in local or special prison sections. The exterior consists of the object of the administration, while the interior is comprised of residential and accompanying facilities, for example. ambulances, schools, mothers' homes, and more. In addition to the residential facilities, the Correctional Center in Lipjan also has 12 other accompanying facilities. According to some OSCE polls in 2009/2010, the physical conditions in the women's facility were very good, especially lighting, ventilation, furniture, decorations and the general condition, even in this research, the management of this center points out that it deserves to be praised for their efforts to equip the facility for mothers and infants, but also because the ambulance covering both sections of women and juveniles was completely renovated in 2010 (Organizata për Siguri dhe Bashkëpunim në Evropë, 2010, p. 15).

3. The legal basis for the functioning of Lipjan Correctional Center

The 1999 war in Kosovo left many buildings destroyed, including Correctional Institutions in Kosovo, which have been one of the most damaging institutions in terms of infrastructure and all other aspects. In this respect it is worth mentioning that the history of the penitentiary system is an inseparable part of the general history of a state, so the Kosovo institutions do not make any exception (Sadiku, 2010, pp. 10-21) to this aspect. Initially, with the entry of KFOR forces in Kosovo, all institutions: Detention Centers and Correctional Centers,

were under the administration and management of KFOR. They initially provided the physical security of institutions and their management as well.

The Kosovo Correctional Service was established in November 1999 by UNMIK within the framework of the first pillar of justice as a reserved responsibility of the SRSG (Security Representative of the Secretary General) and in support of local staff began work immediately in November 1999. The KCS inherited a state of dysfunctional infrastructure, but it has been consolidated and has become operational very soon by meeting the needs of Kosovo for detention and other sentences. KCS initially opened and has functionalized the Detention Center in Prizren to continue with the consolidation of the infrastructure of Correctional Institutions in: Dubrava, Gjilan, Lipjan, Peja, Mitrovica, and then in all other Centers of Kosovo (Ministry of Justice, 2018).

KCS under international monitoring has continuously recruited local correctional officers to meet the needs of functioning of this service, which under these conditions has faced many challenges, not to overlook the aspects of a subculture of prison work (Kauffman, 1998, pp. 19-25). The Kosovo Correctional Service is built on international criteria and standards, similar to the most advanced correctional systems in Europe, as international staff has brought the best practices from their states. Since its establishment, the KCS is part of the general developments of the circumstances in post-conflict Kosovo, which has undergone various challenges and difficulties throughout the transition phase in Kosovo, the challenges that continue to follow this institution even today (EU & EULEX & Ministry of Justice, 2015, pp. 19-21).

In the beginning, the legal basis for the work of the Correctional Institutions was UNMIK Regulation 1999/24, which made applicable the Law on Execution of Criminal Sanctions of 1977. Also applicable to the work of the KCS were the rules of the European prisons as well as international standards that were applied directly to Kosovo Correctional Institutions. In 2001, legal infrastructure was complemented[6], by establishing a clearer basis between the PISG and UNMIK, however, the development of the KCS remains under the reserved responsibility of the SRSG, under the division of the PISG, respectively Department of Justice's criminal management. During the period when the KCS was under reserved responsibility, the efforts of

We are starting with the highest legal act of the Republic of Kosovo, i.e the Constitution of the Republic of Kosovo (Constitution of the Republic of Kosovo, Article 21), which in Chapter II - Fundamental Rights and Freedoms states that "Fundamental human rights and freedoms are indivisible, inalienable and are the basis of the legal order of the Republic of Kosovo." Article 21 states that "No one is subjected to torture, punishment or cruel treatment, inhuman or degrading treatment."

Then the Law on Execution of Criminal Sanctions (Ligji për Ekzekutimin e Sanksioneve Penale, 2013, Article 4), which in Article 4 states that "The execution of criminal sanctions aims at the re-socialization and reintegration of the convicted into society and its preparation for life and responsible conduct" [...]. Paragraph 7 states that "convicted persons are not placed in the same part of the institution with pre-detainees", but according to the KRCT 2014 survey, in the women's unit convicted in Lipjan Prison, in the absence of premises pre-detainees are put together with the convicted females, even these categories have contacts during outings in the outside where two pre-detainees charged with a criminal offense share the same room space (QKRMT & KRCT, 2014, pp. 35-36). The Ministry of Justice issues an ordinance regarding the placement of convicted persons of specific age, health category or category that endangers security." Thus, the law itself, as well as the international conventions expressly emphasize that the environments in which the convicts live have to have enough space, with the necessary natural and artificial lighting, to enable work, active and relaxed stay, and equipped with hygienic services. Where climate conditions are required, the heating of the premises must be ensured. When it is not possible to provide accommodation in individual rooms, the appointment of convicted persons in the same room should be done in such a way as to avoid conflicts and mutually negative impacts. For this purpose the age group criteria, the type of criminal offenses committed and the intellectual and psychological characteristics of convicts are used. For each convicted person, a separate bed and a suitable sleeping set are provided. Minimum quotas for the surfaces, volumes, lighting and ventilation of the prisoners' premises are set in the prison regulations, according to the recommendations of the Ministry of Health (Avokati i Popullit, 2008, p. 93).

- Law on the Ombudsperson (Law on the Ombudsperson, 2010). "Officials of the Ombudsperson Institution can at any time and without any notice enter and inspect any place, where persons are deprived of their freedom and other institutions with limited freedom of movement and may be present at meetings and hearings, when such persons are involved.
- Administrative Instruction on Disciplinary Procedures and Measures for Prisoners in Correctional Institutions in the Republic of Kosovo with protocol no. 01-1608I dated 01.12.2009 (Administrative Instruction, 2009).
- Sub-legal acts deriving from the Law on Execution of Criminal Penal Sanctions (Internal Rules of Procedure of the Kosovo Correctional Service, House Rules).
- European Prison Rules (Council of Europe, 2006). It should be noted that these rules do not represent a model system and that, in practice, many European prison services pursue an action that stands higher than many of the standards set out in the rules and that others make efforts and will continue to strive to act in this direction. Whenever there are difficulties or practical problems to be overcome in implementing these rules, the Council of Europe has the mechanism and experience available to assist with advice and results from the experience of different prison administrations within its sphere (Gruda, 2010, pp. 47-75).

These rules have repeatedly emphasized the values of human dignity, the commitment of prison administrations for human and positive treatment, the importance of the role of staff and the effective modern ways of administration. These are set out to provide references, encouragement and guidance ready for those working at all levels of prison administration. The explanatory memorandum accompanying the rules seeks to provide the understanding, acceptance and flexibility needed to achieve the highest realistic level of implementation beyond the core standards:

- Universal Declaration of Human Rights
- European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (Gruda, 2010, pp. 65-83)
- International Covenant on Civil and Political Rights,
- Convention on the Rights of the Child;

- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is also an important document.

Apart from these international aforementioned acts in the field of international justice, we also have the so-called "soft legislation", which includes principles, guidelines, standard rules and recommendations, among which the most popular are:

- Minimum Standards for the Treatment of Prisoners, 1977 (Kombet e Bashkuara, 2005, pp. 159-178);
- United Nations Standard Minimum Rules for Juvenile Justice Administration, 1985, known as "PEKIN Rules" (Kombet e Bashkuara, 2002, pp. 450-483);
- United Nations Standard Minimum Standards for Alternative Measures (Non-Prisoners), December 14, 1990, known as the "TOKIOS Rules" (Kombet e Bashkuara, 2002, pp. 424-437);
- European Prison Rules, according to Recommendation no. 2006/2, etc.

4. Conclusion

The Kosovo Correctional Service after 1999, under the supervision and contribution of the international community, marks a significant breakthrough in the humanitarian field of the penitentiary system. This visible progress is argued in the reports of many international and local factors. The international factor helped the Kosovo Correctional Service by renovating all Correctional Centers and Detention Centers by increasing the new capacities for prisoner accommodation by increasing staff capacities with their training at home and abroad by raising technical and security capacities for successful work as much as possible.

During this period of international administration was established the legal infrastructure, sub-legal acts and the standards of practical actions, all based on the most advanced international standards. In accordance with the requirements arising from the legal Infrastructure, the Kosovo

Correctional Service has also established adequate institutions for the security and treatment of prisoners in accordance with the law and international standards.

With the proclamation of Kosovo's independence, new conditions and circumstances are created for the acquisition of full competences in the management of Correctional Institutions in Kosovo. In this context, the amendment of the legal infrastructure regulating the issue of the functioning of the Correctional Institutions is done. In accordance with the legislation, the bylaws and internal rules for the work of the Kosovo Correctional Service are also issued.

Therefore, at the end of this article, we can conclude that in the penitentiary system of the Republic of Kosovo many prisoners' rights have been foreseen and some modern penitentiary requirements are included. This is important and characteristic for the very core of Lipjan / Lipjan Prison as well, where women are also convicted. But the particular thing in this whole process is that the realization of some of these rights in penitentiary practice is not always applicable and that even in this area are some obstacles and difficulties, which hampers itself the proces of re-socialization and re-training of convicted persons during the serving of imprisonment.

The special feature of the penitentiary system in the Republic of Kosovo is the very legal basis for the functioning of these centers as well as the KCS itself, which is the main institution for maintaining order and discipline in the correctional centers. By contrast, prior to 1999, the correctional centers in Kosovo were seen only as centers for torture, not as centers where the resocialization of persons could be achieved and their return to society. And in that way, we can say that Lipjan Prison is a correctional center, which aims at the rehabilitation, re-education and re-socialization of convicted persons, in this case convicted women, who are serving sentences in Lipjan Prison.

For this reason, through this paper, we have also attempted to bring the legal basis of the Correctional Centers in Kosovo, especially of Lipjan, arguing that this legal basis is very advanced in terms of the protection of freedoms and rights and especially in the concrete case of women prisoners.

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Please see also: Jose Barrera, a former battalion torturer interviewed in Toronto, recalls such pleas from prisoners. "They always asked to be killed," he said. "Torture is worse than death.", <http://www.baltimoresun.com/news/maryland/bal-negroponte1a-story.html>, last seen on 21 september, 2018, time: 19:10.

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[1] Many third world countries all around the world, like in Asia, Africa, South America, to this day use prisons as exclusive places for torture of prisoners, even we have had many different cases or different affairs also from the states that are considered the most democratic in the world, such as the US with the Guantanamo Prison and the tortures that have been committed there are considered to be one of the most difficult tortures for prisoners, and may even be compared to medieval and primitivism tortures. Further more, please see the request to close the

