

Similarities and Differences of the Emerging Prison Problems in England and Wales vs. Kosovo: a Sociological and Criminological Perspective

Arben Lubach

MSC. Arben LUBACH

Abstract

Prisons are probably the most debatable institutions within the Criminal Justice System in any given country and as such demand contemporary explanation and understanding. Despite the fact that prisons affect the life of many people, not only of those incarcerated but also of their families and friends, nevertheless they do not receive the necessary attention; instead they remain the most enigmatic and less interesting organizations amongst the Criminal Justice System in general. This paper, by using a literature review approach, looks into some of the most important debates, similarities and differences respectively, about prisons in England and Wales, and Kosovo. Whilst most of the problems both countries face are of similar nature, Kosovo nevertheless faces some additional problems which are not visible in the England and Wales prisons. The paper further examines the causes of these problems in the Kosovo prisons and the involvement of the international community and their efforts in assisting Kosovo in fixing the problems in the field of corrections as part of the Kosovo state-building process. The paper will show that both countries face difficulties with similar problem areas such as overcrowding, running costs, and so on. However, compared to England and Wales, the problems Kosovo prison system is facing are of a more serious and complicated nature which require serious involvement of the Kosovo government and

policy makers as well as the international community which has been present in Kosovo since 1999.

Key Words: Prisons, Criminal Justice System, England and Wales, Kosovo, United Nations, state-building, imprisonment.

1. Introduction

Prisons have emerged as the main constituent of the Criminal Justice System during the last couple of centuries where debates about them, especially whether or not prison works, have been an on-going issue amongst policy makers, academia and students, civil society, as well as the ordinary people. These institutions, which are an ever-increasing subject of contradictions and competing ideologies and practices of the Criminal Justice System, according to Sparks (2007), demand contemporary explanation and understanding. According to some authors one of the primary reasons why there are constant on-going debates and controversies about prisons is due to constant failures of the use of prison in achieving its primary aim; that of reducing the level of reoffending (Cavadino and Dignan 2007; Useem and Morrison 2008), and therefore raising questions whether these institutions have become obsolete (Davis 2003). Paradoxically however, even after all this time there is still no consensus [in England and Wales] on what is the principal purpose of imprisonment (Davies et al 2005, p.364). One would say it is punishment, but even this occurrence according to Sparks (2001) is difficult to define considering the range of practices and penalties which have claimed justification in its name. Even the interpretations of the development of prisons have been the focus of historical controversy (Soothill 2007), with historical records showing strong disagreements on the use of imprisonment and its usefulness (Sparks 2001). Having said that, prison studies is one of the few criminological sub-disciplines that recognises the importance of history in order to better understand current and future dilemmas that prisoners, and all others involved in the prison system are and will face (Jewkes 2007a).

Although most offences do not result in incarceration and all democratic governmental legislations state that this action is to be used as a last resort (Sparks 2001; Williams 2011), prison has such a symbolic centrality that it is usually the first thing that comes to mind when thinking

about punishment (Foucault 1974). Initially prisons, the roots of which begun in the eighth century (see Hirschel and Wakefield 1995, p.162), were, ironically, created as an alternative to physical punishment with the aim to rehabilitate (Davis 2003; Davies et al. 2005). This process of 'humanization' of punishment, albeit, as Foucault (1974) refers to it, was basically taking the life of the patient but preventing him from feeling that, and as such is only a mechanism which, although originally established to punish less it was instead resolute to punish better.

It could be argued that prisons as part of the Criminal Justice System differ in the sense that they are somewhat more mysterious and less interesting to an average citizen due to their nature and the fact that those behind bars are not really the role models they want to look up to and a lot of people feel that those behind bars got what they deserve.

2. Methodology of the research

The main argument why this paper, besides the Kosovo prisons, will look at the English [and Wales] prison system, and at the same time compare the two systems to a certain degree, and not for example the German, French, Norwegian, Dutch or some other prison system is simply because of the amount of the available literature and research carried out with regard to the English prison system. Doing empirical research on prisons in any of the Western European countries is very difficult, costly, and time-consuming, hence the importance of the research already carried out and the information at disposal.

Although some authors argue that England and Wales' prison system itself is facing many problems (see Fitzgerald and Sim 1980, Stamatel and Sung 2010) nevertheless, the English prison system is considered as one of the best and the most scrutinized prison systems worldwide. According to some of the leading experts in this field, the English prison system 'has been one of the driving forces behind many of the international human rights covenants' with regard to prison standards and regulations (Coyle 2005, p.22), as well as one of the leading countries not only in Europe but worldwide concerning prison research (King 2000). Furthermore, one of the most radical reassessment of any prison system in the 20th century (*the Woolf report*¹) was carried out precisely in England and Wales in 1991

¹ <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Woolf%20report.pdf>

(Allison 2005). The recommendations from this report were accepted by the England and Wales Government as providing an agenda for change for the next quarter of a century (Player and Jenkins 1994). Therefore, the English [and Wales] prison system can be considered as a good model and a good benchmark for countries in their state-building process to look up to.

3. Prison Overcrowding

One of the major problems currently that all democratic European countries, and beyond, are facing is overpopulation of prisons due to mass imprisonment. It is estimated that 60% of prison systems worldwide are struggling with this phenomenon (*World Prison Brief* cited in Bastick 2010). Continuing rising prison population was the main reason behind the use of transportation of felons to English colonies since its first introduction in 18th century (King 2008) who until the beginning of the second half of the last century had the opportunity to choose between exile or prison, which mainly led to capital punishment (Davies *et al.* 2005; Johnson *et al.* 2008). This massive expansion which has more than doubled in England and Wales between 1995–2010 (Ellis and Lewis 2012), together with living conditions within prisons led to policy reviews into reducing the number of people sent to prison (Davies *et al.* 2005). Notwithstanding, Stern (2006) emphasises how there is no actual world standard for adequate space as official figures that measure overcrowding in prisons reflect each country's own decision as to when the amount of space is not enough. According to Garland (2001) there are two defining features to it: 1) the sheer numbers where mass imprisonment implies a rate of imprisonment and the size of prison population that is markedly above the historical and comparative norm for societies of this type; and, 2) the social concentration of imprisonment's effects ceasing to be the incarceration of individual offenders and becoming the systematic imprisonment of whole groups of the population (pp.1-2). In England and Wales for example the functional operational capacity of a given prison is its maximum safe limit which takes into considerations elements such as control, security and the proper operation of the planned regime which is determined by area managers on the basis of operational judgement and experience (Berman 2012, p.11)

Overcrowding is also the main reason behind a number of other setbacks and problems within prison systems, which, as such makes surviving the life behind bars all the harder (Liebling 2006). Some authors

highlight problems such as lack of safety for those living and working in prisons, suicide, bullying, self-harm and mental health problems amongst inmates, fewer opportunities for rehabilitation etc. (Hirschel and Wakefield 1995; Jewkes 2007b; Scott and Codd 2010). Although imprisonment was used even more in the in the 1940 for example than in the beginning of the 2000, the sentences were much shorter than those today, which according to Morgan (2002) is a big contributing factor in prison overcrowding today. Nevertheless, there are those who maintain that longer prison sentences are a necessity. For example, Ellis and Lewis (2012), argue that such sentences are needed 'to give people the time and opportunity to change their lives' (p.206), rehabilitate respectively. Similarly, according to Liebling (2002), short sentences, especially, are ineffective and irrational and don't contribute to anything let alone reforming and rehabilitating prisoners. Likewise, the public was also able to read in the British media (*Daily Mail* 2011) not very long ago that criminals who spend more time locked away are less likely to reoffend and commit further crimes.

Despite this and the fact that, as Ellis and Lewis (2012) argue, most European countries are in one way or another following a policy of growing the prison population there is a strong likelihood that they are doing because governments believe that prison works. Of course we must bear in mind that when comparing prisons and prison population there are a number of factors that need to be taken into consideration and one needs to know what kind of comparisons make most sense. Another important element according to Davies *et al.* (2005) is the cultural factor; they argue that types of crime, modes as well as the scale of punishment are unlikely to be the same in different countries. Nevertheless, mass imprisonment, as some authors maintain, has become the dominant constituent in social and crime control (Garland 2001; Scott and Codd 2010). Nils Christie, a Norwegian sociologist and criminologist, argues that there is an economic reason behind this. He maintains that crime control through high imprisonment is related to the fact that the elevated use of prison as a control mechanism has become a powerful and influential industry with immense employment rates and financial turnovers (Christie 2000). Prisons and imprisonment are therefore a big industrial and organizational undertaking where based on current developments they will develop even more (Santoro 2003; Davis 2003; King 2008). That said, the use of imprisonment and consequently prison overcrowding, will probably become a routine and an integral part of the European Criminal Justice

System, thus bearing the question whether imprisonment is indeed a penal policy mechanism of social and legal nature or something else. Either way, based on evidence mass incarceration is most probably one phenomenon that will be a part of our society for years to come, and one that according to Jacobson (2005) will not reduce crime or create more public safety.

3.1. Costs

Prison overcrowding is the central reason for high prison costs – the more people in prison the more buildings required to hold them; the more people in prison the more staff necessary to work with them; the more people in prison the higher the bill to rehabilitate them... this list could probably go on for much longer. Despite the evident advantages of prison and imprisonment where offenders are taken off the streets and where the state can work with the offenders in an attempt to rehabilitate them, nonetheless there are other downsides such as the cost of keeping someone in prison, and more importantly the “hidden” offences which are omitted from police crime figures (see Ellis and Lewis 2012, p.138). Ellis and Lewis (2012) maintain that in order to cut prison costs than sentences of up to six months should, as an alternative, be replaced with community orders, instead of futile attempts of rehabilitation within prison during such a short period. This was also evidenced by the media in Britain (see *Daily Mail* 2011) who reported that those receiving community orders indeed reoffend less than those sentenced with imprisonment. Ellis and Lewis (2012) also argue that one of central reasons why rehabilitation for example costs much more than other sentences is that programmes with rehabilitative elements are very expensive and that only around 12% of those undertaking such programmes will actually complete them.

Additionally, from the critical sociology point of view, prison programmes are seen as another social control attempt rather than as an attempt to help, and are usually a lower priority for the prison administrators (Hirschel and Wakefield 1995; Smith and Natalier 2005). Likewise, according to Sparks (2001), even the mildest forms of rehabilitative attempts place inmates under a certain degree of pressure and coercion. The author highlights that inmates are required to do things which they would not generally and voluntarily do; normally under the intimidation of additional harsher penalties should they fail to comply. Similarly, Scott and Codd (2010) argue that the justifications, upon which these programmes are grounded, remain those of opportunities and

responsibilities. Moreover, they are also unreliable as it is precisely programmes of such nature that are often the first elements to be cut when problems with budgets surface (Smith and Natalier 2005).

Building new facilities adds to the cost, something which is taking place in all developed democracies worldwide nowadays (Santoro 2003; Davies *et al.* 2005). For example in England and Wales between 1980 and 1996 a total of 21 new prisons were built and opened, and a large number of existing prisons were refurbished to hold more prisoners (Morgan 2002). Since 1997 the government in England and Wales created additional 20000 places therefore increasing the overall operational capacity by one third, and yet this does not suffice (Scott and Codd 2010). According to the Ministry of Justice (MoJ) it costs an average of £37,163 or £715 a week to keep a prisoner locked (MoJ 2011). However, controversially, according to the National Audit Office the cost of reoffending go as high as around £11 billion per year, or £400 for every household in the UK (*The Telegraph* 2010). That said, whether indeed keeping someone in prison is too expensive and what the reasonable things to do is further put in question considering that in 2011 it was found that around 90% of those sentenced in England and Wales had offended previously (BBC 2012), thus contradicting and proving the opposite with regard to the second objective of the mission statement of the Her Majesties (HM) Prison Service². In addition to the second objective, out of three that can be found in the above mentioned web-page of HM Prison Service, Cavadino and Dignan (2007) argue that even the remaining two objectives, namely holding prisoners securely, and providing safe and well-ordered establishments in which we treat prisoners humanely, decently and lawfully, remain an issue of dispute.

4. Debates on Kosovo Prisons

‘Prisons reflect a regressive form of civilization
that erodes and harms democracy itself’
(*Scott and Codd 2012, p.164*)

Similarly to England and Wales, and the European Union (EU) countries in general, prisons have been and remain a subject of interest in Kosovo, although the controversies surrounding prisons until less than two decades ago were of very much of different nature than those in England

² For more details see the link <http://www.justice.gov.uk/about/hmps>

and Wales and in post war Kosovo. According to *The Economist* (2012) prisons in Kosovo, along with most of Balkans, are 'a big news nowadays'. However, only 15 years ago prisons in Kosovo were places where an inmate was put strictly for harsh punishment and not rehabilitation (Amnesty International 1999; The New York Times 1999; International Crisis Group [ICG] 2000; Human Rights Watch [HRW] 2001).

Few years after the war, in 1999, arguments in the Criminal Justice System as a whole started taking the shape of the same debates as we see in other democratic countries worldwide, albeit slightly different and perhaps more confusing. Aside from common things such as prison overcrowding and prison costs, prison conditions and rehabilitation etc. one thing that makes Kosovo slightly different and perhaps unique in comparison is the current legal framework, where it would not be an understatement to claim that the Kosovo legislation was until not long ago probably the most confusing and exclusive in Europe which was composed of the former Yugoslav legislation, the United Nations (UN) regulations, and the Kosovo state law (see ICG 2010, p. 11). Needless to say, consequences of such a conundrum have left their scars and are very much felt even today, especially when certain parallel legislation such as a number of UN administrative instructions and regulations are still in use. When UN, as the governing authority, was first deployed to Kosovo it began its operations by applying the former Yugoslav law utilizing it in accordance to international human rights standards (Narten 2009). The immediate confusion caused by the Yugoslav legislation which sparked amongst the first debates concerning prisons for example was that the Criminal Code of Yugoslavia highlighted the rehabilitative function of sentencing and penalization, although, as Aitchison (2010), explains as such it did not explain how this was to be realized in practice.

Judiciary in general in Kosovo is deemed as the weakest link within the Kosovo rule of law (ICG 2010; Council of Europe 2012), and is highly dependent on international assistance and support (Cady 2012). Some authors and experts, both Kosovar and international argue that the chaos in the Kosovo Judiciary is primarily the fault of UN's decade long administration of Kosovo, where it continually excluded the Kosovo elite in everyday work and the consequences are therefore felt even today (Pula 2003; Narten 2009; Dijkstra 2011; Kurti 2012), as well as UN's sluggishness in managing and prioritizing establishment of prison infrastructure in Kosovo after the war (EULEX 2009; Bastick 2010). Jones *et al.* (2012) argue

that exclusion of local population, and often of local elite is a characteristic in postconflict countries where the administration of justice is often, if not always, done by the international elite. According to former Kosovo state chief-prosecutor, who was in charge from 2000-2010, covering the whole of UNMIK mandate, United Nations administration in Kosovo (UNMIK) was a world of its own and its staff hardly ever cooperated with his office, regardless of numerous requests made. Instead, for one decade UNMIK did what it pleased and dealt with criminal cases in isolation and secrecy (*Kosova Sot* 2012). The prison system too is no exception and must be (re)established in a manner sensitive to the cultural and social environment (Bastick 2010), with the inclusion of local counterparts.

4.1 Prison Overcrowding

As per more 'normal' prison controversies in Kosovo such as overcrowding, which according to Carrabine *et al.* (2009) is predominantly a post-war phenomenon, this occurrence right after the war in 1999 could be located "in the context of dilapidated physical conditions in which prisoners [were] contained, combined with poor sanitation, scarcely edible food, decaying, cramped cells, clothing shortages and brief, inadequate family visits' (*ibid*: 298). It was a reminder of when prisons in England and Wales were first faced with this phenomenon a couple of centuries ago putting everyone involved in the Criminal Justice System at life risk as it was the main reason behind the outbreak of various infectious diseases, taking hundreds of lives due to cramped holding premises and lack of hygiene (Johnson *et al.* 2008). Prison overpopulation in Kosovo remained a concern ever since the war ended, where according to the Kosovo Council for the Defences of Human Rights and Freedoms [KCDHRF] (2008), together with lack of efforts for re-socialization and rehabilitation of inmates, overcrowding was seen as something to be taken very seriously. Likewise, the Kosovo Centre for Rehabilitation of Torture Victims (KRCT), an Non-Governmental Organization involved in the field of prisons in Kosovo, confirmed that overcrowding is present and a matter for concern in Kosovo (Southeast Europe Times [SET] 2011).

Considering that prison overcrowding has been a major problem for some of the most developed economies over recent years, the effects of this phenomenon in Kosovo, which is considered as one of the poorest countries in Europe (Businessinsider 2012; USAID 2014) with around 45% of its people living in poverty, 15% of which are believed to be extremely

poor (Department for International Development [DFID] 2008; USAID 2014), could prove to be devastating and multifold. It could be argued however that prison overcrowding in Kosovo, besides the fact that as Walmsley (2005) highlights the conditions of the correctional buildings in whole of the Central and Eastern Europe have been a problem for a very long time, is also amplified by heavy damages of prison infrastructure during the war in Kosovo (O'Neill 2002) and the reluctance of donors to fund, directly or indirectly, the construction and renovation of prisons right after this period (Bastick 2010), as well as of UN member states to provide prison personnel (Strohmeyer 2001). Ironically UN itself in 2005 in a report on lessons learned and best practices on supporting national prison systems during peacekeeping operations recommended that peace keeping missions should, amongst others, allocate sufficient resources in order to enable the desired outcomes to be achieved (p.6).

4.2 Corruption and Nepotism

Although corruption is probably present even in biggest democratic systems in Europe, Kosovo seems to be more prone to this phenomenon where it remains one of the biggest challenges for Kosovo institutions (see *Reuters 2012*), and where the prison system is no exception. This could also be due to the fact that Kosovo is scrutinized much more by the EU and the international community considering that the EU and its partners have the biggest ever rule of law mission in history in Kosovo (EU 2012). According to Transparency International's (TI) latest corruption perception index Kosovo ranks 110 [out of 175] with a score of 33 out of 100 (TI 2014), whereas last year Kosovo stood at 112th position [out of 183] (TI 2011). In August 2012 the entire administration of Kosovo's biggest and best known prison was sacked due to corruption (*Koha 2012a*). American ambassador to Kosovo in March 2012 openly accused all political parties and institutions of being 'very corrupt' (*Koha Ditore 2012*). According to Kosovo Democratic Institute (KDI), which is TI's partner for Kosovo, lack of results in the fight against this phenomenon is due to the lack of political will of the holders of institutions, lack of independence of the competent institutions, staff recruitment on the basis of nepotism, and weak institutional capacity

which are responsible for combating organized crime and corruption (TI 2012).³

Nepotism and cronyism are additionally reported wide spread phenomenon's within the Kosovo institutions. Whilst Walmsley (2005) reports on how other countries of the Central and Easter Europe, namely Kosovo neighbours, pay special attention in recruiting more quality staff and developing staff training, in Kosovo this does not seem to be the case. According to Southeast Europe Times nepotism [and cronyism] are very much present in Kosovo prisons, where this occurrence among prison staff has led, amongst others, to prisoner escapes mainly due to the fact that guards routinely work in prisons where their relatives [and friends] are inmates (*SET 2011*). Of course, it could also be argued that nepotism and cronyism in Kosovo prisons are related to a phenomenon referred to by King (2008) as 'Jailing' which is one of the three responses the prisoners can establish to cope with life in prison, where this occurrence deals with the prisoner becoming involved in controlling the supply of contraband commodities and services (pp. 43-4). Nevertheless similar observations were also noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) who noticed instances of over-familiarity between staff and prisoners which were an indication of a climate of preferentiality (CPT 2010). Corresponding findings were also reported to the Southeast Europe Times by KRCT in 2011 (*SET 2011*). According to the KCDHRF there is an organized chain of crime within Kosovo prisons composed of both prison staff and privileged prisoners who can supply all sorts of commodities deemed as illegal (*Koha Ditore 2012*).

The current legislation on fighting corruption and nepotism in Kosovo is quite vague. There is no legislation that deals more specifically with fighting corruption and nepotism, but instead these occurrences are indirectly covered by the Law on Civil Service (Article 3) and the Law on Prevention of Conflict of Interest in Discharge of Public Functions (Article 6). The much discussed Anti-Mafia Law anticipated to tackle this matter in more depth is, however, not even in the current Kosovo's Government agenda and it is therefore not certain when it will come to life.

³ To everyone surprise though, there is not a single case of high profile politicians or civil servants that has resigned on such suspicions, although newspapers write on weekly basis on these issues. This has also drawn the attention of the UK Ambassador to Kosovo who declared his disbelief on this matter (*Koha 2012b*).

5. Ill-treatment and Lack of Transparency

According to Ellis and Lewis (2012) of all Criminal Justice System institutions prisons are the most likely places where we can come across extreme examples of inhumane treatment. Having said that, and regardless of the fact whether prisons are effective or not, it is essential as well as morally expected that prisons today are civilized and provide as better conditions as possible, both physical and psychological, for those incarcerated, but also for those working in these institutions. After all, echoing the words of Naval Morris, prisons are 'microcosm of the social world we inhabit, that how we respond to the suffering of those inside tells us more about ourselves than about them' (*The Guardian* 2003). Ill conditions and surroundings for one will probably reflect on the other party, irrespective of which, therefore for those people working both within and against the prison system, who challenge oppressive daily degradations and the highly influential doctrines of less eligibility and managerialism, we need to offer support and solidarity (*Poulantzas 1978 - cited in Scott and Codd 2010, p.164*). However, inmates are more vulnerable in this view and are more likely to suffer from a range of negative elements such as drug and alcohol abuse, low educational achievements, mental illness etc. (Ellis and Lewis 2012).

In 2008 the KCDHRF reported that "due to the lack of transparency and the bans imposed on human rights there is an impression that the persons deprived of their liberty are constantly ill-treated [in Kosovo prisons] and the conditions they are confined in do not offer them dignified treatment and are not in harmony with European Prison Rules (2008, p.2). Corresponding findings were also reported by the European Commission during a visit to Kosovo prisons and detention centers where they received numerous and consistent allegations of physical ill-treatment and in a number of cases, the medical examination of the persons concerned and/or the consultation of medical files by the delegation revealed injuries which, in the view of the delegation's doctors, were fully consistent with the allegations of authorities' ill-treatment made in detention centres (CPT 2010). Nevertheless, unlike the CPT findings in 2010 KRCT has not found any indications of the use of torture in Kosovo's prisons and detention centres over the course of 2011. Isolated cases of ill-treatment have, however, been reported during interviews with prisoners and detainees (KRCT 2012). This reliability of CPT's findings in this case could be further

debated when taking into consideration the time span of their study. The CPT conducted the research between the 8 and 15 June 2010 and, regardless of how small Kosovo is, less than one week of thorough and detailed research does not suffice for credible and reliable findings. The issue of ill-treatment is a complicated and secretive issue since it's quite difficult to prove. This does not necessarily relate exclusively to countries in transition such as Kosovo, but also modern EU countries. Coyle (2005) argues how even in UK very few members of the public have any real knowledge of what happens after a convicted person enters the prison walls.

6. Conclusions and Recommendations

Century's long evidence and debates have continued to show mixed results of whether or not prison works, with more academics, as also shown above, supporting the claim that prison has failed in its primary task, mainly that responsabilizing or rehabilitating offenders. Nonetheless as long as we have these claims on one side and the likes of BBC, Daily Mail, Telegraph, Koha Ditore, Zeri and other media which are important and far reaching tools on the other side claiming and illustrating the opposite⁴, confusion will continue to thrive starting from the ordinary citizen to policy makers and decision makers. Therefore, having in mind that debates of such nature will most likely remain with us for the foreseeable future the society as a whole, particularly the policy makers, need to go back to the basics - perhaps using benchmarking, SMART (Specific, Measurable, Achievable, Realistic, Time) and SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis to begin with, which can be based on another simple yet imperative element, that of lessons learnt, with the main focus on criminogenic needs. As per 'lessons learnt' historical records are full of those; we certainly have numerous examples of how not to do things, or at least know what did not work!

Tonry and Petersilia (1999) highlight that prisons, as social institutions which affect so many people, should receive much more attention from scholars than they currently do by looking at the old subjects and examining new ones, as well as integrating new ideas and theoretical

⁴ See for example *The Sun* (2011) '£60k jail gym for young riot thugs'. 23 Aug 2011.

The Sun (2011) 'Brutal teens' luxury home: a new £14million "jail" kitted out like a four-star hotel. 21 June 2012.

Daily Mail (2011) 'Huge bill to put up riot jail guards in luxury 4-star hotels'. 3 Dec 2011

perspectives. As a matter of fact, Williams (2011) argues that criminal Justice, which incorporates the correctional system, must be a concern for all at all times. Similarly, Rutherford (2002) maintains that prison reformers must be in contact with their counterparts within the Criminal Justice System especially with their colleagues involved in decision making to tackle the problems these 'chronically failing institution[s]' (Cavadino and Dignan 2007, p.194) are facing. A concern for all at all times should, by all means, include the civil society, namely the public including former prisoners⁵, considering that prisons are quite secret places and, as some authors argue, very few members of the public have any proper knowledge, or the will to learn about what happens after a convicted person enters the prison walls (King 2000; Coyle 2005; Williams 2011).

In the case of Kosovo, these institutions will sink much faster if negative occurrences such as nepotism, cronyism and corruption, but also overcrowding are not tackled as soon as possible. Having its biggest rule of law mission in Kosovo, the EU could solve more than one problem whilst deployed there. Kosovo has served as a test subject for a decade and a half now, mainly for the wrong reasons, and perhaps now it can for a good one. It can easily set a milestone for other countries, not just the current and future broken countries but also for the so called functional countries. According to KDI nepotism is the barrier into fighting corruption because most of those into key posts in Kosovo institutions have been employed by friends and relatives who are not in these positions on merit, thus feel obliged to protect their employers (Zeri 2012). Fighting nepotism for example the EU could minimize corruption and promote social values and European best practices in Kosovo.

Yes it is complicated and time consuming, and yes one would expect more in these modern times, but obviously this is not happening so it's better to back to basics and start producing positive results using simple means rather than look for more fancier methods which are taking society nowhere. It is difficult to imagine life without prisons, and for as long as imprisonment is viewed as a service (Liebling 2006), we will be reading and writing about prison debates and controversies for years to come.

⁵ For a promising initiative see *Daily Mail* (2012) 'Ex-criminals will become mentors to newly-freed prisoners and offer tips on how to go straight'. 20 November, 2012.

List of References

- Allison, E. (2005). Strangeways here we come. *The Guardian* April 01 2005.
Available at:
<http://www.guardian.co.uk/society/2005/apr/01/prisonsandprobationimmigrationpolicy> [date of last access 20 June, 2015].
- Aitchison, A. (2010) 'Global meets local: International participation in prison reform and restructuring in Bosnia and Herzegovina'. *Criminology and Criminal Justice* 2010 (10): 77. British Society of Criminology.
- Amnesty International (1999) 'Smrekovnica prison - a regime of torture and ill-treatment leaves hundreds unaccounted for'. (AI Index: EUR 70/107/99). Available at:
<http://www.amnesty.org/en/library/asset/EUR70/107/1999/en/3838738b-e04d-11dd-b049-c56b318da40f/eur701071999en.pdf> [date of last access 29 November 2012].
- Bastick, M. (2010) 'The Role of Penal Reform in Security Sector Reform'. Geneva Centre for the Democratic Control of Armed Forces (DCAF). Occasional Paper №18.
- BBC (2012) 'Reoffending rates: More to be done, say MPs'. 10 August, 2012.
Available at
<http://www.bbc.co.uk/news/uk-19303878> [date of last access 18 December 2012].
- BBC (2015) 'UK prisoner voting rights breached, European judges rule'. 10 February 2015 Available at <http://www.bbc.com/news/uk-31356895> [date of last access 19 June 2015].
- Berman, G. (2012) 'Prison population statistics' UK Parliament, House of Commons. available at:
www.parliament.uk/briefing-papers/sn04334.pdf [date of last access 13 December 2012].
- Businessinsider (2012) 'The 20 Most Miserable Countries in the World'. Available at: <http://www.businessinsider.com/20-miserable-countries-2012-5?op=1> [date of last access 12 January 2013].
- Cady, J.C. (2012) 'Establishing the Rule of Law: The U.N. Challenge in Kosovo'. *Focus stratégique* n°34 bis. June 2012.
- Carrabine, E., Iganski, P., Lee, M., Plummer, K., and South, N. (2004) *Criminology, a sociological introduction*. Routledge: London.

- Cavadino, M. and Dignan J. (2007) *The Penal System: an introduction*. 4th Ed. Sage: London.
- Christie, N. (2000) *Crime Control as Industry: Towards Gulags, Western Style?* 3rd. Ed. Routledge: London.
- Council for the Defense of Human Rights and Freedoms (2008) 'Report On The Monitoring Of The Penal Management System In Kosova' 1 April 2008 – 31, December 2008. Pristina.
- Council of Europe (2012) 'Post-war justice and durable peace in the former Yugoslavia'. Issue Paper by the Council of Europe Commissioner for Human Rights. Council of Europe Publishing.
- Coyle, A. (2005) *Understanding prisons: Key issues in policy and practice*. McGraw-Hill: Open University Press.
- CPT (2010) 'Report to the United Nations Interim Administration Mission in Kosovo (UNMIK) on the visit to Kosovo carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)'. 8 to 15 June 2010.
- Daily Mail* (2011) 'So prison DOES work: criminals who spend longer behind bars are less likely to reoffend'. 10 May, 2011. Available at: <http://www.dailymail.co.uk/news/article-1385479/Criminals-spend-longer-bars-likely-reoffend.html> [date of last access 10 October 2012].
- Davies, M., Croall, H. and Tyrer, J. (2005) *Criminal Justice: an introduction to the Criminal Justice System in England and Wales*. 3rd Ed. Pearson: Harlow.
- Davis, A. (2003) *Are Prisons Obsolete?* Seven Stories Press: NY.
- DFID 2008 'Kosovo Factsheet'. February 2008. Available at: www.dfid.gov.uk [date of last access 21 August 2008].
- Dijkstra, H. (2011) 'The Planning and Implementation of the Rule of Law Mission of the European Union in Kosovo', *Journal of Intervention and Statebuilding*, 5 (2); pp. 193-210.
- The Economist* (2012) 'Outs and Ins; the political ramifications of several judicial rulings'. 24 November, 2012. Available at: <http://www.economist.com/news/europe/21567133-political-ramifications-several-judicial-rulings-outs-and-ins> [date of last access 21 November 2012].
- Ellis, T. and Lewis C. (2012) 'Prison Works! Or Prison Works? In T. Ellis and S.P. Savage (Eds.) *Debates in Criminal Justice*. Routledge: Oxon.
- EU (2012) 'EULEX Kosovo'. Common Security and Defense Policy. Available at:

- <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eulex-kosovo> [date of last access 19 October 2012].
- EULEX (2009) 'EULEX Programme Report'. Available at: <http://www.eulex-kosovo.eu/docs/Accountability/EULEX-PROGRAMME-REPORT-July-2009-new.pdf> [date of last access 19 October 2012].
- Fitzgerald, M. and Sim, J. (1980). 'Legitimizing the Prison Crisis: A Critical Review of the May Report'. *The Howard Journal of Criminal Justice*, No. 19: pp. 73–84.
- Foucault, M. (1974) *Discipline and Punish: the birth of prison*. Penguin Books: London.
- Garland, D. Ed. (2001) – *Mass Imprisonment: Social Causes and Consequences*. SAGE: London.
- Green, E. and Ellis, L (2007) 'Decision Making in Criminal Justice' in D. Carson, R. Milne, F. Pakes, K. Shalev, and A. Shawye (Eds.). *Applying Psychology to Criminal Justice*. Wiley: Chichester.
- Hirschel, J. D. and Wakefield, W. (1995) *Criminal Justice in England and the United States*. Greenwood: Westport.
- Human Rights Watch (2001) 'Under Orders: War Crimes in Kosovo'. HRW Publications: New York.
- International Crisis Group (2000) 'Albanians in Serbian Prisons: Kosovo's Unfinished Business'. ICG Balkans Report N° 85. Washington/Pristina, 26 January 2000.
- International Crisis Group (2010) 'The Rule of Law in Independent Kosovo'. Report No. 204; May, 2010.
- Jacobson M. (2005) *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. University Press: New York.
- Jewkes, Y. (2007a) 'Prisons in Perspective' in Y. Jewkes Handbook on Prisons. Willan Publishing: Devon.
- Jewkes, Y. (2007b) 'Understanding the Prison' in Y. Jewkes Handbook on Prisons. Willan Publishing: Devon.
- Johnson, H., Wolfe, N.T. and Jones, M. (2008) *History of Criminal Justice*. 4th Ed. Anderson Publishing.
- Jones, N.A., Parmentier, S. and Weitekamp, E. (2012) 'Dealing with international crimes in post-war Bosnia: a look through the lens of the affected population'. *European Journal of Criminology*. No.9 (553) SAGE.
- King, R.D. (2000) 'Doing research in prisons' in R.D. King and E. Wincup *Doing Research on Crime and Justice*. Oxford University Press: Oxford.

- King, R.D. (2008) 'Prison and Jails' in S.G. Shoham, O. Beck, and M. Kett (Eds.) *International Handbook of Penology and Criminal Justice*. CRC Press: New York.
- Koha (2012a) 'Korrupsioni shkarkon udheheqesit e Dubraves' [Corruption sacks the managers of Dubrava prison]. 31 August, 2012. Available at: http://www.koha.net/index.php/force_download/.../Documents.pdf?page=1,13,113506 [date of last access 12 September 2012].
- Koha Ditore (2012) 'Dell: Spektri politik i Kosovës është i zhytur në korrupsion' [Dell: Kosovo political spectrum engulfed in corruption]. 30 March, 2012. Available at: <http://koha.net/?page=1,13,93620> [date of last access 12 September 2012].
- Koha (2012b) 'Cliff habitet si asnjë zyrtar i përfshirë në korrupsion s'dha dorëheqje' [Cliff astonished how not a single official involved in corruption resigned]. 20 September, 2012. Available at: <http://www.koha.net/?page=1,13,115958> [date of last access 29 September 2012].
- Kosova Sot (2012) 'UNMIK-u asgjësoi dosjet e krimeve politike'. [UNMIK destroyed files of political crimes]. August 13, 2012. [date of last access 29 September 2012].
- KRCT (2012) 'Human Rights Standards in Correctional and Detention Centres in Kosovo. Annual Report, January - December 2011.
- Kurti, A. (2011) 'Kosova in Dependence: from stability of crisis to the crisis of stability'. JISB Interview. *Journal of Intervention and Statebuilding*. 5(1) pp. 89-97.
- Liebling, A. (2002) 'The uses of imprisonment' in S. Rex and M. Tonry (Eds.) *Reform and Punishment: the future of imprisonment*. Willan: Devon.
- Liebling, A. (2006) 'Prisons in transition'. *International Journal of Law and Psychiatry*, No.29 (422-430). Elsevier Pub.
- MoJ (2011) 'National Offender Management Service Annual Report and Accounts 2010-11: Management Information Addendum. Planning and Analysis Group National Offender Management Service Ministry of Justice: London. Available at: <http://www.justice.gov.uk/downloads/statistics/prison-probation/prison-probation-performance-stats/prison-costs-summary-10-11.pdf> [date of last access 10 November 2012].

- Morgan, R. (2002) 'Imprisonment: a brief history, the contemporary scene, and likely prospects' in M. Maguire, R. Morgan and R. Reiner (Eds.) *The Oxford Handbook of Criminology*. 3rd Ed. Oxford University Press: Oxford.
- Narten, J. (2009) 'Dilemmas of Promoting "Local-Ownership": the case of postwar Kosovo. in R. Paris and T. D. Sisk (eds). *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations*. London: Routledge.
- The New York Times* (1999) 'Stench of Horror Lingers In a Prison in Kosovo'. November 08, 1999. Available at: <http://www.nytimes.com/1999/11/08/world/stench-of-horror-lingers-in-a-prison-in-kosovo.html?pagewanted=all&src=pm> [date of last access 12 September 2012].
- O'Neill, W. G. (2002) *Kosovo: An Unfinished Peace*. Lynne Rienner Publishers.
- Owers, A. (2007) 'Imprisonment in the twenty-first century: a view from the inspectorate' in Jewkes, Y. *Handbook on Prisons*. Willan Publishing: Devon.
- Player, E. and Jenkins, M. (1994). *Prisons After Woolf: Reform Through Riot*. London: Routledge.
- Pula, B. (2003) 'The UN in Kosovo: Administering Democratization?' in F. Bieber and Z. Daskalovski (eds.) *Understanding the War in Kosovo*. London: Frank Cass.
- Reuters* (2012) 'Kosovo condemns YouTube leak of phone taps from EU investigation'. 30 November, 2012. Available at: <http://www.reuters.com/article/2012/11/30/us-kosovo-eu-tapes-idUSBRE8AT0GA20121130> [date of last access 11 December 2012].
- Rutherford, A. (2002) 'Penal Reform and Prison Realities' in D. Whitfield (Ed.) *The State of the Prisons – 200 Years On*. Routledge: London.
- Santoro, E. (2003) 'Crime and Punishment' in R. Bellamy and A. Mason (Eds.) *Political Concepts*. Manchester University Press: Manchester.
- Scott, D. and Codd, H. (2010) *Controversial issues in prisons*. Open University Press: Berkshire.
- Southeast Europe Times* (2011) 'Problems still plague Kosovo's prisons'. Available at: http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/11/22/feature-04 [date of last access 11 December 2012].
- Smith, K. and Natalier, P. (2005) *Understanding Criminal Justice: Sociological Perspectives*. Sage: London.

- Soothill, K. (2007) 'Prison Histories and competing audiences, 1776-1966' in Y. Jewkes *Handbook on Prisons*. Willan Publishing: Devon.
- Sparks, R. (2001) 'Prisons, Punishment and Penalty'. in E. McLaughlin and J. Muncie (Eds.) *Controlling Crime*. London: Sage.
- Sparks, R. (2007) 'The politics of imprisonment' in Y. Jewkes *Handbook on Prisons*. Willan Publishing: Devon.
- Stamatel, J.P. and Sung, H. (2010). *Crime and Punishment in Europe*. Volume 4 of M. F. Aebi.
- Véronique Jaquier, and Graeme R. Newman, (Volume Eds). *Crime and Punishment Around the World*. Santa Barbara: Abc-Clio.
- Stern, V. (2006) *Creating Criminals: Prisons and People in a Market Society*. Zed Books: London.
- Strohmeier, H. (2001) 'Collapse and Reconstruction of a Judicial System: the UNs missions in Kosovo and East Timor'. *The American Journal of International Law*. No. 95 (46) pp. 46-63.
- The Telegraph* (2010) 'Prisoner re-offending costs economy £10bn annually'. 10 March, 2010. Available at:
<http://www.telegraph.co.uk/news/uknews/law-and-order/7405716/Prisoner-re-offending-costs-economy-10bn-annually.html> [date of last access 10 December 2012].
- Tonry, M (2004) 'Pioneering criminologist who changed our approach to prison and probation'. *The Guardian Friday* 9 April 2004. Available at:
<http://www.theguardian.com/news/2004/apr/09/guardianobituaries.prisonsandprobation> [date of last access 13 October 2012].
- Tonry, M. and Petersilia, J. (1999) 'Prison research at the beginning of 21st Century'. *Journal of Crime and Justice*, No. 26. National Institute of Justice.
- Transparency International (2014) 'Corruption Perception Index 2014'. Available at: <https://www.transparency.org/cpi2014/results> [date of last access 21 February 2015].
- Transparency International (2012) 'Kosovo is lagging behind in the fight against corruption'. 13 October 2012. Available at:
http://www.transparency.org/news/pressrelease/20121018_kosovo_is_lagging_behind_in_the_fight_against_corruption [date of last access 5 January 2013].
- United Nations (2005) 'Supporting National Prison Systems: Lessons Learned and Best Practices for Peacekeeping Operations'. *Criminal Law*

and Judicial Advisory Unit Peacekeeping Best Practices Section
December 2005. Available at:

http://unrol.org/files/Prison_Support_Lessons_Learned_and_Best_Practices.pdf

USAID (2014) 'Kosovo: 2014-2018 country development cooperation strategy'. Available at:

https://www.usaid.gov/sites/default/files/documents/1863/CDCS_Kosovo.pdf [date of last access 21 February 2015].

Useem, B. and Morrison-Piehl, A. (2008) *Prison State: The Challenge of Mass Incarceration*. Cambridge University Press.

Walmsley, R. (2005) 'Prisons in Central and Eastern Europe'. The European Institute for Crime Prevention and Control. HEUNI Paper no. 22. Helsinki 2005.

Williams P.J. (2011) *Criminal Justice: Pros and Cons*. iUniverse, Inc.: Bloomington.

Zeri (2012) 'Nepotizmi ka leshuar "rrenje" ne Kosove' [Nepotism deeply rooted in Kosovo]. 4 December, 2012.

