

Treatment of mentally disordered perpetrators of criminal offences in the context of abiding by the ECHR

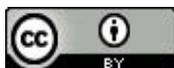
PhD (C.) Etilda Gjonaj
Minister of Justice, Albania

Abstract

The remand and sentenced prisoners shall be treated with dignity while showing respect for their human rights. The mentally disordered, remand and sentenced, prisoners shall be specifically guaranteed an equal, non-discriminatory treatment, while showing respect for their physical integrity and human dignity. Their treatment shall be in line with the health-related standards, being applied even to other categories of of mentally disordered persons. Mental disorders are of different categories: they may totally reduce the capacity to be aware of the relevance of the adopted conduct, thus excluding such person from the criminal liability; they may partially reduce the capacity to be aware of the adopted conduct, thus rendering such person liable for the conduct it has adopted. From this perspective, it is important to determine the way of dealing with these persons, following them committing a criminal offence. This research study aims initially at shedding light on the way of dealing with the mentally disordered, remand or convicted, prisoners, be it for the purposes of re-integration, or for their health-related care, while, on the other hand, showing the way of treating the persons, who, at the moment of committing the criminal offence, were legally insane of being aware of the relevance of their conduct.

Keywords: criminal offence, mentally disordered perpetrator, ECHR, Albania.

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