



Baroness Hayter
Chair, International Agreements Committee
House of Lords
London
SW1A 0PW

MoJ ref: Sub 94368

04 February 2022

By email: hayterd@parliament.uk

Dear Baroness Hayter,

Albanian Prisoner Transfer Agreement

Thank you for your Committee's Report of the 19th November 2021 which you posted during the Parliamentary scrutiny period allowed for the new Prisoner Transfer Agreement (PTA) with Albania and its accompanying Explanatory Memorandum. In response I believe it will be helpful to acquaint you with the issues around the PTA and then answer the three queries raised by your Committee.

It has long been a part of the Ministry of Justice's policy to use PTAs to enable prisoners to be moved during their prison sentence and continue to serve that sentence in their home country. Albanian Foreign National Offenders (FNOs) make up the largest cohort of FNOs, with 1,462 Albanians in prison in England and Wales (as at 30th December 2021). A new compulsory PTA was signed between my predecessor and the then Albanian Minister of Justice on the 26th July. The Albanian Government ratified the agreement on 16th December 2021. This will be an important agreement in enabling the MoJ and the UK Government to make an impact on the rising numbers of Albanian FNOs in our prisons and help in overall Government efforts to hinder Serious Organised Crime affecting the security and wellbeing of our communities.

In response to the three queries, I can supply the following responses.

Paragraph 12: We call on the Government to set out how it will satisfy itself that Albanian prison conditions are adequate when deciding on prisoner transfers.

Prior to commencing with any PTA, checks are carried out on the prisons and the prison system in the receiving country. This can include information from independent sources such as the US State Department or Human Rights Watch. The Overseas & Security Justice Assistance reports provided by the UK Embassy in Albania have also been considered.

The MoJ also monitors legal challenges made by individuals who are to be extradited by the Home Office. To date, prison conditions in Albania have not been raised as a matter for challenge.

Paragraph 14: We call on the Government to submit an updated EM that includes the total number of Albanian prisoner transfers expected under the Agreement.

Both parties agreed at the time of the signing to not fix exact numbers due to a new Albanian government being formed in the September after the signing of the PTA. It was therefore left as a matter for the new administration to enter into discussions on a target figure for returns.

Paragraph 16: We call on the Government to submit an updated EM that clearly sets out the financial implications of the Agreement, and what funding, if any, the UK Government has agreed to provide to Albania's prison system.

The financial benefits to the prison system of FNO removals are calculated using the overall annual cost per place of a Cat C prisoner (£38,501 in 2019/20) for a prison in England and Wales ([Prison performance statistics 2019 to 2020 - GOV.UK \(www.gov.uk\)](#)). The 1,462 Albanian FNOs therefore cost £56.3m to house annually.

The cost of returning an FNO to Albania is not significant and we will utilise Home Office charter flights where possible. The savings made on the cost of holding Albanian FNOs therefore outweigh the repatriation costs involved. At present, the MoJ is not providing any funding to the Albanian prison system.

Although not raised as a query, paragraph 21 of your report covers the Senedd's Legislation, Justice and Constitution Committee meeting note on the matter of consultation. To clarify the position, consultation on a new PTA is required for any legislative implications that may arise. The Ministry of Justice (MoJ) consulted the Scottish Government and Northern Ireland Executive as they have their own legislation regarding the enforcement of sentences. It also raised the PTA with Her Majesty's Prisons and Probation Service as it jointly covers England and Wales. No concerns were directly raised on the setting up of the PTA. Once ratification is completed, all the administrations will be informed, so that they are aware it has come into force.

I trust that this is helpful in clarifying the various matters raised.

With best wishes,

Yours ever,



TOM PURSGLOVE MP