

## DRAFT Assessment of the implementation by Albania of the roadmap for visa liberalisation

### BLOCK 1 Document Security

#### *General assessment of block 1:*

Albania has made some progress in the field of travel documents and breeder documents. A tender procedure for the creation of a biometric passport issuing system has been finalised and the introduction of biometric passports is foreseen in January 2009. The electronic civil registry system is operational since 31 October 2008.

However, further efforts are required to achieve the introduction of biometric passports, ensure the integrity of personalisation procedures, establish training programmes for officials dealing with passports and visas and ensure systematic reporting of lost and stolen travel documents to Interpol.

In some areas the country's readiness report does not provide a complete picture of the situation. In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of one or more field missions is planned covering the following policy areas:

- security and issuance procedure for breeder documents, in particular the civil registry system;
- security and issuance procedures for new passports and identification documents.

#### *Detailed comments on block 1 by policy area:*

##### **Passports/travel documents, ID cards and breeder documents (benchmarks 1-5)**

Albania foresees the introduction of biometric passports in January 2009. A tender procedure for the setting up of a biometric passport issuing system has been completed. The personalisation and distribution of documents is to be organised from January 2009 by a private contractor under the supervision of the Albanian authorities. The relevant legal framework is expected to be adopted in December 2008. Its implementation will need to be swift and closely monitored if the target date for the introduction of biometric passports is to be achieved.

Only very general information is provided on the compliance of the new passports with ICAO and EC standards and on the security features of the new passports. The phasing out of old passports is foreseen by June 2011. The relevant laws and administrative measures have yet to be adopted.

The syllabus of the Police Training Academy includes a module on police ethics and corruption. However, there are currently no specific training programmes in place targeting officials dealing with visas and passports.

Albanian authorities have access to the Interpol database on lost and stolen passports. However, out of 57,218 passports reported as lost to the Albanian police since 1 January 2004, only 16 cases have been transmitted to Interpol for international search (2,297 passports were seized and declared

invalid). Since January 2008, systematic reporting to Interpol has been required but no precise data is available.

A civil registry system has been established in cooperation with the OSCE and the Austrian Ministry of the Interior. It became operational on 31 October 2008 when registry offices started issuing printed certificates. The civil registry system will form the basis for the introduction and personalisation of the new biometric passports. Its functioning and security is therefore an essential precondition for the introduction of the new biometric passports and the integrity of their personalisation. Sufficient human and financial resources must be allocated. Albania's report did not provide information on the security of other breeder documents, focusing instead on the security of blank passports.

*Further information is requested on:*

- security features of new passports and their compliance with ICAO and EC standards;
- legal framework and administrative procedure for the personalisation and distribution of new passports;
- legal framework and administrative procedure for the phasing out of old passports;
- future plans to establish specific training programmes targeting officials dealing with visas and passports;
- procedure and statistical data on reporting of lost and stolen passports to Interpol since January 2008;
- procedures and facilities regarding breeder documents, storage facilities, security standards, and issuance procedures, in particular on methods in place for verifying that all personal data entered into relevant databases is authentic;
- the civil registry system, in particular financial and human resources and their ability to ensure the efficient functioning of the system.

## **BLOCK 2 Illegal migration, including readmission**

### *General assessment of block 2:*

Some progress has been made in the area of border management, migration management and asylum. In the area of border management, new laws have been adopted and operational procedures have been developed. Nevertheless, further steps must be taken in several areas. The adoption and implementation of further legislation taking into account EU standards is needed. Border and Migration Police capacities should be strengthened, in particular by investing in equipment and infrastructure. The Total Information Management System (TIMS) is to be fully installed and operational at all Border Crossing Points (BCPs). Albania should continue to improve its sea border surveillance system and strengthen its inter-agency and international cooperation.

The Law on asylum has been revised in view of approximation to EU and international standards and a reception centre is established. The number of asylum seekers is very low with 8 claims since the beginning of 2008. However, an efficient asylum system is not yet in place. Further efforts are required to fulfil the obligations under the 1951 Convention relating to the status of refugees.

In the area of migration management, a new Law on foreigners is set to enter into force and the implementation of the national migration strategy and action plan are continuing. Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies.

In some areas the country's readiness report does not provide a complete picture of the situation, in particular regarding the implementation of policies, results, priorities and timing for their implementation as well as structures and responsibilities. In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of (a) field mission(s) is planned covering the following policy areas:

- border management;
- migration management including asylum.

### *Detailed comments on block 2 by policy area:*

#### **Border management (benchmarks 6-9)**

Albania has made progress in the field of border management. The new Law on state police, the Law on control and monitoring of the state border and the Law on foreigners have been adopted. Several standard operational procedures have been developed and others are in progress.

The Border and Migration Police (BMP) has been organised as a Department of the state police, under the authority of the Director General of the state police. Regional directorates have been established within the BMP and the Office of risk analysis and Sector of investigation are operational. The budget of the BMP is independent and separate from the budget of the state police. In order to implement its mission, 300 additional police employees are expected to be recruited.

Priorities for investment in equipment and infrastructure have been determined. The national system of surveillance of the sea area is close to completion. Based on the Master Plan for investments in

border control infrastructure, construction or upgrading of Border Crossing Points (BCPs) are to be carried out.

An Instruction of the Ministry of Interior on the approval of the procedures on the control and supervision of the state border is foreseen. The Total Information Management System (TIMS) has been installed and is operational at 15 BCPs. Further efforts should be made to prepare the installation of the system at all BCPs.

According to the Law on the coast guard, the operational direction of the coast guard has been transferred to the Maritime Operational Inter-Institutional Centre (MOIC). The effective implementation remains to be assessed.

As regards inter-agency cooperation, a regulation on cooperation between the BMP and the Albanian Customs Service has been approved. A sufficient legal basis for cross-border cooperation activities has been created through existing general bilateral agreements on police cooperation.

International assistance in the field of Integrated Border Management (IBM) is to be coordinated by the Inter-ministerial committee. An Instruction of the Ministry of Interior is foreseen on the setting up and functioning of the Joint regional and central commission for the resolution of incidents at the border and commission for maintaining the border line and signs with neighbouring countries.

The action plan on IBM is to be updated, including information on its outcome, information on the control and monitoring of borders, in particular measures taken to strengthen border control at land borders.

A sector has been created at the Police Academy which ensures the good functioning of BMP employees' training. Annual training programs are being implemented according to schedule. The State Police Code of Ethics has been approved.

Discussions are currently ongoing between the Albanian authorities and FRONTEX on a working arrangement regulating mutual cooperation between FRONTEX and the competent authorities.

*Further information is requested on:*

- time horizons for remaining necessary amendments to legislation taking into account EU standards and in particular the Schengen Borders Code;
- content of the Instruction of the Ministry of Interior on the approval of procedures on the control and supervision of the state border;
- the Border and Migration Police, in particular its human resources and training systems, plans to fill vacancies (in particular further information on the 300 additional border police officers), risk analysis and exchange of information, and anti-corruption measures;
- overall situation at maritime borders, in particular measures undertaken and technical and human resources allocated to the coast guard, operational centre and infrastructure at Durres and Vlora ports;
- planning for the full installation of TIMS and installation and putting in operation of digital police radio system TETRA.

## **Asylum (benchmarks 11, 12)**

The Law on asylum has been revised in view of approximation to EU and international standards. The new Law on asylum was adopted by the Council of Ministers on 10 October 2008, but its parliamentary approval is still pending. Its adoption and implementation are of particular importance. Regarding the provision of adequate infrastructure, in particular in the area of asylum procedures and reception of asylum seekers, basic facilities have been provided, but need upgrading.

Since January 2008, eight persons have requested asylum in Albania and one of them has been granted temporary asylum on humanitarian grounds. Nevertheless, financial and human resources at the Department for citizenship and refugees are not sufficient to fulfil the obligations under the 1951 Convention relating to the status of refugees, particularly for the implementation of the pre-screening system.

*Further information is requested on:*

- the new Law on asylum, timetable for its adoption and implementation;
- plans to upgrade reception facilities;
- length of asylum procedures;
- existence of an independent judicial appeal body;
- application of asylum procedures at reception centres;
- coordination mechanism with the border police;
- provision of financial support and basic socio-economic benefits for asylum applicants (amount of financial support, healthcare rights, number of children who receive education).

## **Migration Management (benchmarks 10, 13-17)**

A new Law on foreigners is set to enter into force on 1 December 2008. The implementation of the law is of particular importance.

Albania is proceeding with the implementation of the national migration strategy and its action plan, adopted in May 2005. Since 2007, an EU-funded project (CARDS 2004) implemented by IOM is in place to support the implementation of the National Strategy on Migration. This project includes training programmes on migration legislation for government officials and preparation of a manual on implementation of migration legislation. In May 2008, the Ministry of Labour, Social Affairs and Equal Opportunities established a coordination and monitoring plan for the implementation of the national migration strategy and its action plan; however, an inter-ministerial coordination mechanism has yet to be established.

A Department of migration policy has been established within the Ministry of Labour, Social Affairs and Equal Opportunities, which (along with regional and local labour offices) manages registers of foreigners residing with a work permit (or excluded from a work permit), potential emigrants and returned Albanian citizens. A further register of residence permits for foreigners, returned Albanian citizens and extradition orders for foreigners is managed by the Border and migration department. While the establishment of such registers is welcomed, there is a need to ensure efficient communication and cooperation between different administrations, to ensure that data can be collected for risk analysis and monitoring of third country nationals.

Regarding the fight against illegal immigration, the Border and Migration Police collects statistical data on legal and illegal crossing of border crossing points, cases of immediate expulsion at the border, readmissions, issuance of permits of stay, refusal of permits of stay or refusal of entry into Albania. Insufficient information is provided regarding the role of Border and migration police in the detection of inland illegal immigration other than the collection of statistical information and analysis.

A National Referral Mechanism has been put in place for the victims of human trafficking. A Memorandum of Understanding has been signed among the state and non-governmental structures in this field. Nevertheless, cooperation with victims is insufficient, both identification and protection need to be strengthened.

Rules of carriers' liability were introduced by the Law on foreigners of 1999. The sanctions are to be revised by the new Law on foreigners due to enter into force on 1 December 2008.

The existing law foresees expulsion orders (return decisions) for illegally staying third-country nationals implying a period for voluntary return. In case the returnee does not fulfil his obligation to return voluntarily, measures supporting forced return, including detention, are foreseen. Detention in closed centres can last up to six months with the possibility of extension for another six months in special cases. A first centre with a capacity of 200 persons is under construction.

Refusals of entry are still at a very low level in comparison to other countries of the Western Balkans although they increased from 414 in 2006 to 814 in the year 2007 (+ 120%). The number apprehended remained low (20 in 2007) and the number of removals carried out increased (+ 400 %) though at a very low level in absolute figures from 9 in 2006 to 36 in the year 2007.

The readmission agreement between the European Community and Albania is being implemented and bilateral readmission agreements have been signed or are under negotiation with different neighbouring countries. Albania faces obstacles in carrying out effective and sustainable removals to countries of origin. Besides difficulties to verify the identity of apprehended third-country nationals, the lack of co-operation of the countries of origin creates problems. The main countries of origin have no diplomatic representation in Albania. To overcome some of the difficulties, the Albanian Ministry of Interior is planning to sign bilateral readmission agreements with countries of origin.

*Further information is requested on:*

- implementation of the new Law on foreigners;
- implementation of measures 5-38 of the action plan, and sustainability of human and financial resources allocated to implementation of the action plan;
- administrative capacity in the migration field and methods used in collecting and producing statistics on migration flows;
- role of Border and Migration Police in detection of inland illegal immigration other than collection of statistical information and analysis;
- human resources dedicated to the fight against illegal immigration, organised smuggling and trafficking of human beings, division of competences between law enforcement agencies in charge of inland detection, and administrative methodology for detection and investigation of illegal immigration;
- functioning of national referral mechanisms as well as an assessment of the first results achieved;
- return policy, in particular on administrative bodies involved in the return procedure and their resources and capacity, conditions in detention facilities, and length of the entry ban;

- statistics concerning relation between return decisions taken and removals carried out;
- cooperation on readmission with countries of origin and transit of illegal immigrants.

## **BLOCK 3 Public order and security**

### *General assessment of block 3:*

Overall, Albania is aware of its European and international responsibilities in the different areas related to public order and security. The recent adoption of several key strategic documents, demonstrate the country's political will and commitment to fight the serious problems of organised crime and corruption.

Considerable additional progress is still required across all policy areas in this block however. The implementation of the key strategies constitutes a considerable challenge. Various action plans related to organised crime and corruption still have to be adopted (organised crime action plans per ministry, money laundering action plan) or their implementation has not yet advanced. In terms of human and financial resources as well as training, the capacities of the relevant administrative structures have to be strengthened in order to fight organised crime and corruption more effectively. In the area of protection of personal data, progress has been made with the adoption of a new law and the appointment of a National authority for data protection. Insufficient inter-agency cooperation and operational as well as investigative capacity remain obstacles to effective law enforcement.

The country's readiness report lacks some information in various areas. In particular, details on concrete implementation, priority-setting and timing, structures and responsibilities, operational cooperation and results need to be supplemented. In order to assess the existing and planned measures in more detail, further information is requested (see below the information requested per policy area) and organisation of a law enforcement field mission is planned with a view to covering the following policy area:

- organised crime (including law enforcement co-operation at national, regional and international level, trafficking in human beings, drugs and confiscation of criminal assets) and anti-corruption policy.

### *Detailed comments on block 3 by policy area:*

#### **General/Overall policy on preventing and fighting organised crime and terrorism**

##### **(benchmarks 18, 23)**

The inter-sector strategy for fighting organised crime, trafficking and terrorism was adopted in July 2008 and an action plan against trafficking of stolen vehicles was adopted in April 2008. An inter-ministerial working group, chaired by the Minister of Interior, was established in 2007 to follow-up the implementation of the strategy and to draft action plans for every institution which are not adopted yet at present.

The strategy is ambitious but as it is inter-sectoral, it remains a rather general document. The adoption and implementation of action plans with specific priorities, clear timing and monitoring mechanisms is therefore crucial. Beside the structure at political level (the inter-ministerial working group), there is no information on the administrative structures responsible for the coordination and implementation of the strategy. At this stage, a clear identification of responsibilities, a timeframe and financial framework seems to be missing.

Although the UN Convention on Transnational Organised Crime and its three protocols have been ratified, the implementation via national law is not complete. The investigative capacity at the



police and within the general prosecutor is weak. At present there is a lack of human and technological capacity to engage in longer-term operations aimed at the higher echelons of organised crime. As the statistical data provided only cover the last 6 months, there is insufficient information to assess the trends and evolution of organised crime activities and measures taken against criminals.

*Further information is requested on:*

- the strategy (and action plan or the timing for its adoption), the organised crime priorities and the administrative capacity for the implementation (institutional responsibilities, human resources, financing);
- organigrammes reflecting the institutional set-up (MoI, judiciary etc.) as regards the fight against organised crime including for each specific policy area (trafficking, economic crime, drugs, anti-corruption);
- statistics on trends in organised crime for the period 2004-2008.

### **Policy on preventing and fighting trafficking in human beings (benchmarks 19, 23)**

The strategy of the fight against trafficking of persons (2008-2010) and the national strategy for the fight against trafficking in children and protection of child victims of trafficking (2008-2010) were adopted in July 2008 (as part of the inter-Sector strategy of the fight against organised crime). An action plan is joined to each strategy but it does not contain a detailed budgetary chapter matching the measures planned. The strategies constitute a follow-up to the previously existing policies for 2005-2007.

The general criminal law framework on anti-trafficking has been laid down to a great extent. The Council of Europe Convention on Trafficking of Human Beings has recently entered into force in Albania but needs to be implemented via national measures. A wide range of specific structures responsible for fighting trafficking in human beings are in place but cooperation between them has to be improved. The Office of the national anti-trafficking coordinator held meetings with neighbouring countries in order to enhance regional cooperation. Together with joint operational activities within the region, this has led to certain tangible results in fighting criminal groups.

Some steps have been taken in creating the victim protection regime but implementation is not satisfactory. First of all, the capacity for identification of victims needs be reinforced by targeted training to law enforcement officials and service providers. A database on victims of trafficking is also not yet operational.

The anti-trafficking police units remain poorly trained and are ill-equipped to effectively address human trafficking due to inadequate resources, the influence of corruption, and high turnover of police recruits. More details about planned human and financial capacities and training activities of the responsible bodies in this policy field are needed. Statistics covering the period of the previous policy documents are given but are not sufficiently detailed.

*Further information is requested on:*

- the evaluation report (also provide a copy of the report) on the previous strategy against trafficking in human beings (2005-2007) and the relation between the old and new strategies (main lessons learned etc);
- the priorities, first results of the strategies;

- the division of responsibilities between the relevant bodies ;- provide information on training for governmental and non-governmental players;
- on victim identification and victim assistance activities, including policy measures and assistance activities;
- detailed statistics on trends in trafficking in human beings covering 2004-2008, including investigations, indictments, convictions of criminals and number of identified, assisted victims.

### **Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 20, 23)**

A strategy and an action plan on the prevention of money laundering is being drafted but their adoption is not foreseen before September 2009. Specific legislation creating the framework in this policy area - the law on prevention of money laundering and financing of terrorism of May 2008 - is in place but bylaws are still to be adopted for its proper implementation. The link between this law and the law on measures against financing of terrorism of 2004 is not clear. In addition, further efforts need to be taken on incorporating international standards (FATF recommendations, UN and Council of Europe Conventions) into the national law.

As far as the institutional set-up is concerned, specific structures are in place, including a National committee on the coordination of the fight for prevention of money laundering. The General Directorate for the prevention of money laundering acts as Albania's Financial Intelligence Unit (FIU). Problems such as a high staff turnover however affect its efficiency. Both national and international cooperation requires more focused action. The envisaged strengthening of the state police structure in the area of money laundering and the setting-up of task forces with the General Prosecution office planned for next year are initiatives to this end but the method for effective implementation needs clarification.

*Further information is requested on:*

- the main priorities of the strategy and more details on the next steps as regards the action plan;
- the legislative framework existing in the area of money-laundering and terrorist financing by providing also reference to the implementation of international conventions and standards;
- the division of responsibilities between the relevant authorities;
- plans to strengthen the state police structure and the set up of task forces with the General Prosecution office (e.g. staffing, training, budget and equipment) and any other plans for enforced cooperation and increased operational capacities;
- statistics on trends for the period 2004-2008 on fighting money laundering - including investigations, indictments and convictions - and on actions on confiscation of criminal assets.

### **Anti-drug policy (benchmark 21)**

The national strategy against drug trafficking and a national drug action plan 2004-2010 are in place. Despite Albania's commitment to an active anti-drugs policy, trafficking remains a serious concern. Inter-agency cooperation has improved in recent years. Co-operation agreements were signed between the different responsible bodies and joint task forces were established, including representatives from the Ministry of Interior, border police, tax police, road police and customs. The police are taking an increasingly active role in counter narcotics operations. International

cooperation increased and successful joint international operations have been implemented. Due to successful operations, drug-related prosecutions have increased. Due to the fact that the MEMEX information server is located in the Ministry of Interior, accessibility of drugs information at border crossing points at present is not satisfactory. Work on alignment with EMCDDA standards is ongoing in the context of the 2008 CARDS project.

In order to ensure efficient implementation of the strategy, administrative capacities need to be strengthened, in particular through sufficient qualified personnel in all responsible authorities (customs, police etc.) and continuous training. The operations conducted need to have a more qualitative focus by using special investigative means and with the objective of dismantling organised criminal structures instead of individual arrests.

*Further information is requested on:*

- main implemented measures of the strategy and their concrete results;
- details on the procedure on the alignment of information collection with EMCDDA standards;
- further details in the statistics provided, in particular the number of convictions.

### **Policy on preventing and fighting corruption (benchmarks 22, 23)**

The inter-sector strategy for prevention, fight against corruption and transparent governance adopted on 3 October 2008 is a comprehensive and ambitious policy document. On the prevention side, efforts have been made to reduce corruption in public procurement and property restitution, in particular through simplification of procedures and introduction of electronic systems. The lack of necessary institutional capacities for implementing the anti-corruption strategy as well as coordinating and monitoring the fight against corruption is a weak point of the Albanian system. A stable institutional set-up together with firm monitoring responsibilities is required. A specific action plan spelling out concrete measures and the adequate resources remains to be implemented.

The overall institutional set-up and inter-agency coordination in the fight against corruption remain weak. The police and judiciary became more active in investigating government officials and law enforcement personnel for corruption, according to the report of the Office of the Prosecutor General. Nevertheless, Albania continues to lack the judicial independence for truly unbiased proceedings and many cases are never resolved. All relevant UN and Council of Europe conventions have been ratified though they are not yet fully implemented via national law. Similarly, GRECO recommendations have been only partially implemented.

*Further information is requested on:*

- details on the implementation of the strategy and its unique action plan, measures taken, result achieved so far, priorities for the future with details on timetable, responsible authorities, training, administrative needs;
- details on measures to strengthen institutional capacity and inter-agency coordination (e.g. mandate, staffing, budget, special investigative techniques, databases, information exchange, trainings);
- further statistics and examples of successful cases and convictions for the period 2004-2008.

## **Judicial co-operation in criminal matters (benchmarks 24 - 26)**

The main European and international conventions in the field of extradition, mutual legal assistance and other forms of legal and judicial cooperation have been ratified. The Ministry of Justice acts as central authority for requests of judicial cooperation

As regards mutual legal assistance, the 2<sup>nd</sup> Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters is in force in the country, and relevant legislation has been amended accordingly. More information is needed on the amendments and on the procedure and practical functioning. The country reported a relatively rapid average period of compliance with requests for legal assistance; however, figures and statistics are lacking.

As regards extradition, Albania signed specific agreements facilitating procedures of extradition (and in general judicial cooperation) with neighboring countries, in the form of bilateral addenda to relevant European Conventions.

The country reports on its experience in recognition of foreign judicial decisions in criminal matters, on the basis of the European Convention on the International Validity of Criminal Judgments and of specific bilateral treaties on the issue.

Preparations are ongoing for the conclusion of a cooperation agreement with Eurojust but a contact point still has to be appointed.

*Further information is requested on:*

- the 2<sup>nd</sup> Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters: provide more information on the amendments made to the legislation and on the procedure and practical functioning;
- statistics, examples and cases illustrating the period of compliance with requests for legal assistance;
- statistics, explaining number of and grounds for refusal and legal bases utilized (bilateral, Council of Europe or UN conventions);
- overview of relevant training of competent authorities on international judicial cooperation;
- development of direct contacts between judicial authorities and commitment to networking activities and regional cooperation;
- use of new means of cooperation, such as videoconferencing, establishment of joint investigative teams, international protection of witnesses;
- responsibilities and human resources of authorities dealing with judicial cooperation.

## **Law enforcement co-operation and operational capacity of law enforcement services (benchmarks 27-31)**

Significant legislative developments (new Law on state police, new Law on the coast guard, new Law on foreigners) have taken place. Although the recently started implementation of the State police law has positive effects on law enforcement, the overall management of police human resources is unsatisfactory. Lack of clarity in the legislation gives rise to confusion of responsibilities and to poor accountability among the relevant bodies. A joint regulation on cooperation between border guards and customs was recently signed but implementation has not yet started. A joint order between the police and customs also exists on a specific area but examples of concrete day-to-day cooperation between these authorities is lacking. Difficulties in co-operation between police and prosecutors at the operational level is still problematic. Standardisation of case

reporting is key to progress but is currently lacking. Similarly, the fight against organised crime is hampered by a lack of effective cooperation between law enforcement bodies and the judiciary.

An increasing number of bilateral protocols with several countries in the region is signed or planned though their implementation is at an early stage. A strategic cooperation agreement with Europol entered into force in 2007; preparations for an operational cooperation agreement are ongoing.

The overall investigative capacity of the law enforcement authorities and the prosecution needs to be strengthened. The police use of criminal intelligence is weakened by the fact that intelligence databases, the MEMEX information servers, are still located at the Ministry of Interior and not at police headquarters.

*Further information is requested on:*

- the inter-agency cooperation mechanism (including with the judiciary) in more detail with special attention the mechanism for information exchange (e.g. what kind of databases are used by which law enforcement agency; how other agencies can access the available data; number of liaison officers among the agencies);
- more details on "the inter-ministerial group for monitoring and implementing MIK and its action plan": mandate and result of the group, what is the action plan about etc.;
- the legal framework and current practice on the use of special investigative techniques;
- successful cases (especially in the area of fighting financial crimes; trafficking in human beings) where special investigative techniques have been used;
- steps taken and future measures to improve the use of special investigative techniques;
- details on all training activities provided for law enforcement personal.

### **Protection of personal data (benchmarks 32, 33)**

The new Albanian Law on protection of personal data entered into force in April 2008. In September 2008, the Commissioner for data protection was appointed by Parliament and the structure for the independent data protection supervisory authority was agreed. The Additional Protocol of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data has been signed, ratified and entered into force. This is one of the requirements for the conclusion of an operational agreement with Europol and Eurojust. The information provided in the report is not very substantial however.

*Further information is requested on:*

- the new Albanian Law on protection of personal data, in particular if it covers automated databases containing personal data in the area of criminal records and state security;
- the law on establishing the "Centre for processing and protection of data" in the Ministry of Interior, to which amendments were made as a result of the adoption of the new law on the protection of personal data, and on the supervision of the Centre by the new Commissioner for data protection;
- progress made in setting up the supervisory authority and on measures taken to make it operational (human and financial resources, training).

## **BLOCK 4 External Relations and Fundamental Rights**

### ***General assessment of block 4:***

The legal framework for ensuring free movement and access to documents in Albanian appears to be in place. Practical efforts are made to ensure access to documents for some specific groups but problems in this area still remain, in particular for Roma.

Provisions on the protection of minorities are in place as well as specific institutional structures. The progress with the implementation of the Roma strategy is however limited. The absence of specific anti-discrimination legislation makes enforcement of anti-discrimination difficult in practice.

The country's readiness report does not provide a complete picture of the situation. In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of a specific meeting on block 4 is planned.

### ***Detailed comments on block 4 per policy area:***

#### **Freedom of movement and identity documents (benchmarks 34 – 36)**

The Albanian constitution contains the principle of equality for all citizens before the law and prohibits unfair discrimination. At the same time it allows positive discrimination in the form of specific measures, treatment or support to individuals, categories of individuals or groups where this is legitimate. It is not clear however, how complaints in case of discrimination are dealt with.

As regards access to travel and identity documents, the 2000 Law on provision of Albanian citizens with travel passports as well as an instruction of the Minister of Public Order of 2002, detail the procedures and conditions for obtaining a passport. A birth certificate is one of the documents required to obtain a passport. No details are provided on the current process to obtain identity documents. The new electronic civil registry system, operational since 31 October 2008, is to serve as the basis for the issuance of both identity cards and passports from January 2009.

Mobile (police) stations are operational to provide passports to specific groups such as rural inhabitants, Roma, disabled people and prisoners. Efforts are being made to increase the registration of Roma, a precondition for ensuring access to travel and identity documents for Roma, but this remains a problematic issue. Refugees are entitled to apply and obtain a travel document on the basis of the asylum law of 1998. No information is provided on their access to identity documents.

*Further information is requested on:*

- the mechanisms for handling incidents/citizens' complaints in case of discrimination;
- legislation/procedures to obtain identity cards;
- efforts to increase registration of Roma;
- legal arrangements regarding access to identity documents for refugees;
- statistics on access to documents for refugees (number of refugees who applied/received documents).

### **Citizens' rights including protection of minorities (benchmark 37 – 41)**

Besides constitutional anti-discrimination provisions, there are references to anti-discrimination in several laws (such as the Criminal code, Law on police, Electoral code, etc) and positive discrimination is provided for in certain cases. A general anti-discrimination law is not in place.

Conditions for acquiring citizenship are specified in the 1998 Law on Albanian citizenship (amended in 1999) and described in detail in the report (through birth, naturalisation, adoption).

Albania reports that there are no cases of ethnically motivated incidents by law enforcement officers in the area of free movement and no information is given on ombudsperson/NGO reports. Procedures for investigation of possible incidents are not described.

Albania has constitutional guarantees and legislation to protect minorities but no information is given on the different provisions in place, except for a reference to the Roma strategy. At national level, an institutional framework is established to ensure protection of minorities, including a State committee and a Sector for minorities in the Ministry of Foreign Affairs. Structures at local level are not mentioned. The National plan for the implementation of the Stabilisation and Association Agreement is referred to as the policy document determining the priorities and objectives in the field of minority rights. The one priority mentioned is the strengthening of the dialogue with representatives of minorities.

In 2006, the national strategy on improvement of the living conditions of the Roma community was adopted and an action plan for the Roma decade is currently being prepared. A sector for monitoring the strategy is in place and is expected to be upgraded. However, in general human and budgetary resources allocated to this policy are insufficient and limited progress is being made.

*Further information is requested on:*

- procedures for investigation of incidents by law enforcement officers;
- constitutional and other legal provisions in place on the protection of minorities;
- activities related to other minority groups than Roma;
- the finalised progress report of the Roma strategy and the results achieved;
- the action plan for the Roma decade (timing, priorities, budget);
- (future) staffing of the sector for monitoring the strategy and budget allocated to the policy on Roma.