

Updated Assessment of the implementation by Albania of the roadmap for visa liberalisation

27 November 2009

DRAFT

In their assessment of the implementation by Albania of the roadmap for visa liberalisation in June 2009, the Commission services concluded that, despite the important progress made, Albania had not yet fully met all the benchmarks specified under the different blocks.

The Commission services have continued to monitor the implementation of the benchmarks by the country while intensifying their cooperation with the Albanian authorities. In this context Albania has provided updated written information on the measures taken between 1 April and 16 November 2009 in view of fulfilment of the outstanding benchmarks. Further assessment and verification through on-site missions will soon be carried out in the areas where this is deemed necessary.

With a view to facilitating the comparison with the previous assessments made by the Commission services in November 2008 and May 2009, the latter have been kept in the present document in open text followed by the updated November 2009 assessment presented in boxes.

BLOCK 1 Document Security

General assessment of block 1:

Further progress has been made towards the fulfilment of the block 1 benchmarks.

Albania first introduced biometric passports in May 2009 and their fully-fledged distribution has begun in June 2009. A significant number (204,595) of biometric passports had been issued as at 13 November 2009. According to the information provided, the security of the passport personalisation centre has been upgraded and applicants' biometric data is verified upon distribution of ID cards/passports. The personalisation and distribution process will soon be further assessed in an on-site expert evaluation mission.

Systematic training has been put in place for personalisation centre staff and employees of the civil registry offices, and additional targeted training, in particular on anti-corruption, is organised for police specialists and officials dealing with passports. Border crossing points, police directorates and police stations have direct access to the Interpol database on lost and stolen passports. Since 28 February 2009, the National Civil Registry (NCR) is the unique source of civil status information and manually issued birth certificates are no longer valid.

Detailed comments on block 1:

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

November 2008 Assessment:

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.

May 2009 Updated Assessment:

A contract for the production of biometric passports and ID cards has been awarded to a private contractor and the security features meet the relevant ICAO and EU standards. Applications for biometric ID cards have been accepted since 12 January 2009 and their issuance began on 18 February 2009 (by 7 May 2009, 550 000 IDs had been produced, out of which 270 000 distributed to citizens). The processing of applications for biometric passports started on 25 March 2009. By 7 May 2009, there were 7294 applications and 4975 passports ready for distribution. The fully-fledged distribution of biometric passports will start after the June elections.

Non-biometric passports issued until the introduction of the new passport are to remain in circulation until the end of their five year validity period. However, it is important to ensure that these are phased out. A legal framework and administrative procedure needs to be put in place accordingly. The personalisation centre is under 24-hour protection by security guards but still lacks other security measures such as video surveillance. Staff work according to a shift system and have clearly designated roles. The distribution of ID cards is currently carried out by a private contractor and in the future the Albanian post will cooperate in the distribution of both ID cards and passports. Further efforts are required to ensure that, upon delivery of ID cards and passports, the biometric features of the applicant are verified. The Albanian authorities have endeavoured to remedy the security gaps in the personalisation centre and the distribution process. A further assessment will be necessary once the personalisation and distribution of biometric passports is in full progress.

Staff responsible for the personalisation of ID cards and passports is carefully selected and trained by the contracting company and bound by its code of conduct. There are currently no systematic training and general anti-corruption programmes in place targeting all public officials dealing with passports and identity documents.

Lost and stolen passports are reported by police stations to the Interpol National Central Bureau (NCB) in Tirana which then automatically transfers data to Interpol every 24 hours (In the second half of 2008, 115 passports were reported stolen, 5489 were reported lost and 7490 were reported invalid to Interpol). Further efforts are required to ensure direct access of all police stations and border crossing points to the Interpol database on lost and stolen passports. The modernised civil registration system is functioning efficiently. The data of all citizens was entered into the NCR and verified. Thereafter the Civil Status Offices (CSOs) throughout the country, which are connected to the NCR, began issuing printed identity certificates, which serve as breeder documents for the issuance of ID cards and passports. The matricular procedure, issuance of certificates, storage and protection within the NCR system are efficient and secure. CSO staff is well trained. It needs to be ensured that the use of handwritten certificates is abandoned and that data from sources other than the NCR is no longer used.

November 2009 Updated Assessment:

The Albanian authorities have further pursued the issuance of biometric passports since their introduction in May 2009. 263,291 applications for the new passport had been received and

204,595 biometric passports had been issued as at 13 November 2009. The Albanian authorities intend to phase out the old non-biometric passports by 2011.

According to the information provided, the passport personalisation centre has been upgraded with previously lacking video surveillance and access control and applicants' biometric data is now systematically verified upon distribution of ID cards/passports. The security and integrity of the personalisation and distribution process is to be verified in the framework of an on-site evaluation mission.

Training for personalisation centre staff is carried out by the concessionary company, while employees of the civil registry offices are trained by the Ministry of Interior (General Directorate of Civil Status), with the support of an international project on modernisation of the civil status and address system. Explanatory leaflets on the new biometric documents and their security features have been provided to relevant public authorities. Moreover, the General Directorate of the State Police carries out targeted training for specialists from the border police, customs service, services fighting organised crime, trafficking and economic crime, police directorates and stations. A series of targeted anti-corruption trainings have also been organised for public officials dealing with passports and further such trainings are programmed.

Border crossing points, police directorates and police stations have direct access to the Interpol database on lost and stolen passports since September 2009, though real-time access at border crossing points has yet to be achieved. All lost and stolen passports and ID cards reported to the police are declared invalid.

Since 28 February 2009, the National Civil Registry (NCR) is the unique source of civil status information and manually issued birth certificates are no longer valid. 10 cases of passport applications by the same citizen with different personal data have been detected; these have been reported to the police and are subject to prosecution.

BLOCK 2 Illegal migration, including readmission

General assessment of block 2:

Further efforts have been made by Albania towards the fulfilment of the benchmarks under block 2.

In the area of border management, additional implementing legislation under the Law on State Border Control and Surveillance has been adopted and updates have been made to the Integrated Border Management (IBM) Strategy and Action Plan. Further efforts are needed to ensure their effective implementation. A regulation on inter-agency cooperation entered into force in November 2009 and an Inter-Institutional Maritime Operational Centre (IMOC) is due to become operational in December 2009. Their effectiveness has to be further assessed. Improvements to the infrastructure of border crossing points are ongoing. Additional human resources are being allocated to the Border Police and a more strategic approach to training is being developed. Cooperation with FRONTEX has been strengthened.

Albania's asylum system is largely in line with international and EU standards. Additional bylaws are being put in place for the full implementation of the revised Law on Asylum of 2009. The Albanian authorities should gradually take over responsibilities for tasks currently performed by UNHCR.

In the area of migration management, an Action Plan to implement the 2008 Law on foreigners was adopted in October 2009. A National Register on Foreigners is due to become operational in December 2009. More comprehensive measures for the reintegration of returnees need to be further developed. A bylaw on inter-agency cooperation for inland detection was adopted in September 2009 and construction of a detention centre is expected to be completed in February 2010. Efforts to provide a sustainable migration management structure and improve coordination between relevant administrative bodies should continue.

Detailed comments on block 2:

Border management (benchmarks 6-9)

November 2008 Assessment

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 (IMOC). 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.

May 2009 Updated Assessment:

There is a need to ensure effective implementation of the Law on State Border Control and Surveillance. The National Strategy on Migration does not sufficiently address issues relevant for border management. Therefore it is advisable to update or adopt a new Integrated Border Management (IBM) strategy and develop a comprehensive Action Plan for its implementation.

The BMP has a centralised structure, with 8 Border and Migration Directorates at regional level and 36 Border and Migration Stations at local level with responsibility for border surveillance and border checks. It is necessary to clearly define their territorial responsibility and inland powers.

Law enforcement at sea and blue border surveillance is the responsibility of both the BMP and the coast guard, which pertains to the Ministry of Defence. There is a need to better define the division of competences between the BMP and Coast Guard to avoid duplication and ensure that the BMP has the lead role in blue border management. The Inter-Institutional Maritime Operational Centre should be strengthened to allow full operational coordination of all national authorities involved in border surveillance on the basis of clear working arrangements.

Further efforts are needed to improve inter-agency cooperation between authorities working at the border, and there is in particular a need to strengthen the existing inter-ministerial coordination mechanism. Practical cooperation and information flow between the BMP and Customs at BCPs should also be strengthened on the basis of signed formal agreements.

The BMP has 1400 border police officers. Staffing shortages continue and the distribution of human resources along borders does not adequately target high-risk areas. Recruitment follows the same regulations as for the regular police. Due to a lack of staff engaged in human resources management there is insufficient long-term strategic planning in this field with efforts currently focusing on filling identified vacancies.

Significant efforts have been made to improve training for border police officers and the authorities have demonstrated an awareness of the importance of making progress in this field. All new recruits receive 22 weeks of training, and in addition, in 2008 over 100 specialised and advanced trainings were organised. Basic police training is rather short and should focus more closely on border surveillance and other specialised border management skills.

An anti-corruption programme of the BMP is currently being adopted. Further efforts will be required to ensure its effective implementation.

Further efforts are also required to strengthen risk analysis. The Risk Analysis Unit of the BMP gathers relevant statistical data but does not draw proper operational conclusions for

implementation at regional and local level. Situational awareness of the border police needs strengthening, and data flow from central level to regional and local level does not yet function efficiently.

Border surveillance is managed by the Regional Directorates. At the green border, technical surveillance systems and alarm systems are not in place, and in general equipment for border surveillance is rather obsolete. Further efforts are needed to modernise equipment, prioritise patrols in high-risk areas on the basis of risk analysis, improve situational awareness of commanding officers and raise the number of border police officers available for border surveillance. At Shkodër Lake, surveillance is conducted in a satisfactory manner and available equipment is adequate. At the maritime borders, surveillance systems used by the BMP are in need of modernisation and boats capable of conducting checks in bad weather and in areas remote from the shoreline are lacking.

Infrastructure at BCPs is adequate for performing checks in low season. Current infrastructure at the major maritime border crossing points in Durrës and Vlora are not adequate, and plans to construct new premises during 2009 are in place. Technical equipment is adequate for conducting first-line travel document checks, but there is a need to purchase equipment for second line checks, in particular for the detection of persons hiding in vehicles. Plans exist to install the TETRA radio communication system and it should become operational in 2012. Further efforts are required to improve access to the TIMS system at BCPs and Border and Migration Police stations. Access to databases not included in TIMS such as the central database of the Ministry of Interior on issued travel documents and registered motor vehicles should also be ensured.

Agreements on cross-border cooperation on border management have been finalised with all neighbouring countries and a sufficient legal basis for cross-border cooperation activities exists. Protocols on joint patrols have been signed with the former Yugoslav Republic of Macedonia and Montenegro, and cooperation in border surveillance at the Shkodër Lake is particularly advanced with the latter. A Working Agreement with FRONTEX was signed in February 2009.

November 2009 Updated Assessment:

As part of Albania's ongoing efforts to implement the Law on state border control and surveillance of January 2008, a bylaw on categorisation, standards and conditions of Albanian border crossing points (BCPs) was adopted in September 2009. Further efforts are required to ensure the effective implementation of the Law on state border control and surveillance.

While investigative and risk analysis offices have been implemented across the Border Police, the quality of risk analysis reports needs further improvement. In the framework of cooperation with FRONTEX, trainings on risk analysis understanding and capacity building have taken place.

Amendments to the Integrated Border Management (IBM) Strategy and Action Plan were approved on 14 October 2009, with higher priority being given to the development of anti-corruption measures and their application in practice. Operational and strategic cooperation between the Customs Service and the Border Police has been formulated in writing and awaits full implementation. Priorities in the area of infrastructure and equipment should be

developed in more detail.

To clarify the definition of territorial responsibilities between Border Management Directorates, Commissariats and Stations, topographical maps have been provided to all the bodies in question. A joint regulation on inter-agency cooperation in border management between the State Police, Customs Service, Veterinary Service and Phytosanitary Service entered into force in November 2009. Further implementing measures have yet to be adopted. In order to fully implement the existing agreement between Customs Service and Border Police, the 'one stop control' principle is being applied at several BCPs and is due to be extended to all border crossing points. A decision to establish an Inter-Institutional Maritime Operational Centre (IMOC) was approved in September 2009. The IMOC has yet to become operational. Further arrangements on inter-agency cooperation are necessary with regard to the management of maritime borders which involves Harbour Masters, the Sector for Security in Ports and Ships (MoPWTT), the Customs Service and the Coast Guard.

Albania has continued to upgrade infrastructure at BCPs. The Total Information Management System (TIMS) has been installed at 24 BCPs. However, TIMS has yet to be connected to all relevant national databases. Real-time access to Interpol databases has yet to be achieved. Biometric passport readers and equipment for fingerprint verification were due to be installed at all BCPs before the end of November 2009. CCTV has been installed at 7 BCPs and work is ongoing to equip 2 further BCPs. Vehicle-recognition CCTV is functioning at 2 BCPs and is due to be introduced to all BCPs during 2010. A new joint BCP with Montenegro has been completed, and work on the construction of 10 new BCPs is ongoing. The BCP infrastructure at the ports of Vlora and Durres needs further improvement.

Regarding human resources, a working group set up by the State Police has analysed needs and recommended the transfer of 120 police staff to the Border Police; 45 posts have already been allocated and a further 75 are to be allocated by mid-December 2009. It is vital to develop long-term strategic human resource planning for the Border Police. In cooperation with FRONTEX, the Border Police's training curriculum is being revised in line with EU best practices. Between 1 January and 30 September 2009, 390 trainings have been conducted for a total of 1320 police employees. One ethics and anti-corruption training was organised for 20 participants. A more systematic and generalised anti-corruption training should be put in place on the basis of an ethical code, as foreseen by the IBM Action Plan. Other preventive anti-corruption measures include the use of CCTV and surveys on the level of corruption at the border.

Asylum (benchmarks 11, 12)

November 2008 Assessment

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).

May 2009 Updated Assessment:

The Albanian asylum system is fully functional. Amendments to the Law on Asylum were adopted on 26 January 2009 and harmonisation of the legislative framework with European standards is relatively advanced. Preparation and adoption of bylaws required for ensuring the effective access of asylum seekers and persons recognised as in need of international protection to the rights foreseen by the new legislation is currently underway.

The Directorate for Nationality and Refugees (DNR) is responsible for managing the asylum procedure and processing asylum claims. It currently employs five persons and has the capacity to deal adequately with the current low case load (still mainly consisting of ethnic Albanian Kosovars). Staff has received extensive training from UNHCR and international experts, and training is ongoing. Asylum seekers receive a first instance decision within 30 days of their application. In 2008, 13 persons applied for asylum, 8 of whom received refugee status.

Regarding cooperation with the border police, a pre-screening procedure is in effect whereby the Border and Migration Police ascertain whether each foreigner who enters Albania illegally is an asylum seeker, a potential victim of trafficking or an economic migrant. Identified asylum seekers are thereafter transferred to the reception centre in Babrru (outskirts of Tirana). Between 1 April 2004 and 30 June 2006 more than 1,500 police officers and officials were trained on the pre-screening procedure by UNHCR.

The amended Law on Asylum has abolished the National Commission for Refugees (NCR) as a second instance body. The latter had faced a significant backlog in the treatment of applications. The new legal framework now ensures that appeals against decisions of the DNR can be lodged directly before a court, but does not adequately specify the procedure to be followed, or which court is responsible. In practice, appeals are processed by the District of Tirana Court.

Management of the reception centre for asylum seekers in Babrru was taken over by the Albanian authorities from UNHCR in 2004. Following recent renovations, the centre now has

the capacity to accommodate 120 persons in good conditions, although currently only 15 are present. The reception centre currently employs 15 persons who have received adequate training. Asylum seekers are guaranteed access to health care and education, and receive a monthly allowance from UNHCR. It is advisable that the training of staff and assistance activities are taken over by the Albanian authorities from UNHCR.

November 2009 Updated Assessment

To implement the Law on Asylum as amended in January 2009, three bylaws have been drafted (on the receipt of country of origin information, the list of safe third countries and its updating, and the functioning of the Directorate and Citizenship and Refugees) but have yet to be adopted. Further bylaws are under preparation on family reunification for refugees and the provision of healthcare and education to refugees; the latter two should allow Albania to take ownership of the integration of refugees by taking over the tasks currently performed in this area by UNHCR.

The new appeal procedure, whereby the National Commission for Refugees (NCR) is replaced as a second instance by the Courts, is fully functional. It would be necessary to specify in the legislation which is the exact responsible Court, the deadlines for appeal decisions as well as the exact majority required for first instance decisions by the Directorate for Nationality and Refugees.

A number of training courses for staff of the Directorate of Citizenship and Refugees were carried out in October and November 2009 and others are due to be carried out in December 2009, in cooperation with UNHCR and the European Commission. It is advisable that the government take ownership of training of staff and gradually takes over most of these activities from UNHCR.

Migration Management (benchmarks 10, 13-17)

November 2008 Assessment

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.

May 2009 Updated Assessment:

Substantial progress has been made by the Albanian authorities in implementing the Law on Foreigners which entered into force on 1 December 2008. Most provisions of the law are in line with EU standards and it introduces distinctions among different residence permits according to the length of stay. Provisions on carrier's liability are also included in the Law on Foreigners. 13 bylaws, required for the implementation of the new Law on Foreigners, were adopted at the end of April 2009. An Action Plan should also be adopted to ensure quick and effective implementation of the new legal framework.

Regarding the organisational structure for migration management, the Central Directorate of Migration and Readmission within the Department of Border and Migration (DBM HQ) of the Ministry of Interior (MoI) and its 8 Regional Directorates of Border and Migration (RDBMs) are the main responsible authorities. The procedural system for approving applications for residence permits involves checks at two different levels, with final competence on approving applications lying with the Central Directorate.

Substantial progress has been made regarding the monitoring of migration flows. Migration statistics are recorded in the TIMS and plans exist to further upgrade this system. It should in particular be ensured that all ministries with an interest in migration management can access it. The DBM HQ has a specific Risk Analysis Office to monitor migration flows and stocks and shares this information with Eurostat. Data on residence permits is collected by each RDBM and forwarded to DBM HQ daily.

Data collection forms on visa and residence permits have been harmonised in line with EU standards (Regulation 862/2007). Albania produced a national updated Migration Profile in 2008; showing statistics on illegal migration, asylum applications, refusals of entry, refusals of visa applications and removals while a full profile of the immigrant population should be produced.

Regarding integration policy, a more proactive approach is required towards both legally residing immigrants and returnees. Immigrants do not benefit from an integrated system of financial and social support, and no specific measures on integration of foreigners are put in practise.

The Ministry of Labour is responsible for reintegration of returnees and, according to the Law on Emigration (in force since 2006), several measures and programmes are foreseen to satisfy their needs. More efforts should be made to involve competent expertise with a specific knowledge of the reintegration process.

The investigation and detection of organised forms of illegal migration is coordinated by the DBM HQ and its Regional Directorates in cooperation with the general police regional Directorates. A wide network of cooperation at different levels is established. The number of officials involved in RDBMs is not sufficient to efficiently tackle inland illegal migration.

Regarding the methodology of inland detection, no specific legislation or internal rule is available. Inland controls are organised jointly by the border and the general police forces.

Expulsion of illegally residing third country nationals is regulated by the new Law on Foreigners and is broadly in line with European Standards. Three types of removal are regulated in the Law on Foreigners with differing time limits for voluntary departure from the country. The possibility to appeal against removal orders exists. A detention centre is still under construction and illegal migrants are in the meantime accommodated in the high security shelter for trafficked persons, although in a separated building. At the beginning of April 2009, 5 illegal migrants in total were held there.

The collection of data on returns is still manual, while data on refusal of entry is inserted into the TIMS. In total, 105 removals were executed in 2008, 76 of which were voluntary and 29 forced. No expulsion was ordered in 2008 while only 2 were carried out in the first trimester 2009. Also the number of refusals of entry was relatively low in 2008, in total 407 cases.

The Albanian authorities are cooperating effectively on readmission issues with EU Member States.

November 2009 Updated Assessment:

An Action Plan for the implementation of the Law on Foreigners of December 2008 was adopted in October 2009. The Action Plan foresees measures for the completion of the legal and organisational framework, as well as upgrading of information technology and training of staff. A number of bylaws were adopted between April and June 2009 regarding procedures for the admission of foreigners and the format and security elements of visas and residence permits.

To strengthen the monitoring of migration flows, Albania is developing a National Register on Foreigners, which is due to become operational in December 2009. The register aims to provide access to comprehensive migration data to all relevant Ministries.

In order to facilitate the reintegration of returnees, information materials have been provided to Albanians returning to their country on issues such as education, healthcare, employment, vocational training, and on the procedures and documentation needed in this regard. A study on reintegration is being prepared, in view of developing more systematic measures in the course of 2010. An operational approach to reintegration of returnees should be further developed.

To strengthen inland detection of irregular migrants, the General Director of the State Police issued an order on intra-Police and inter-agency cooperation in September 2009. The construction of a detention centre is expected to be completed in February 2010.

BLOCK 3 Public order and security

General assessment of block 3:

Further efforts have been made by Albania towards the fulfilment of the benchmarks under block 3.

The general legal framework for the fight against organised crime and corruption has been enhanced. Strategies and action plans are now in place in all the areas of this block. The alignment of the domestic legal framework with European and international standards is progressing. Some successful cooperation activities of law enforcement bodies in the fight against organised crime can be noted and steps were taken towards better information sharing between law enforcement agencies through the extension of the MEMEX information system on criminal intelligence to regional police units.

Additional efforts need to be made across all policy areas under this block to effectively fight organised crime, corruption and trafficking. The full implementation of the strategy documents and legal framework, including new legislation in the different areas covered, needs to be ensured. Sufficient human and financial resources as well as continuous training need to be provided to the relevant structures. The sustainability of projects and training needs to be ensured through adequate follow-up and the retention of highly trained staff. Further efforts to improve inter-agency cooperation, as well as cooperation with the judiciary and prosecution, are needed. It is now essential that maximal use of the MEMEX system is made to share criminal intelligence between law enforcement agencies. Despite some improvements, the investigative capacity of the police and prosecution needs to be substantially improved and efforts to implement an intelligence-led approach to investigations should be pursued. International cooperation to fight organised crime needs to be reinforced. Even if the alignment of the domestic legal and policy framework with European and international standards is progressing, it needs to be intensified. In the area of protection of personal data, progress has been made in providing staff and basic resources to the Office of the Commissioner for data protection, but further efforts are needed to ensure that proper training is given to the relevant institutions on the legal framework in this area.

Detailed comments on block 3:

General/Overall policy on preventing and fighting organised crime and terrorism (benchmarks 18, 23)

November 2008 Assessment

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.

May 2009 Updated Assessment:

An overall action plan relating to the fight against organised crime still needs to be developed so as to implement the inter-sector strategy against organised crime, trafficking and terrorism, while action plans have been adopted focusing on the areas of the fight against drugs and the trafficking in human beings. Regarding corruption, a cross-cutting action plan has been adopted in January 2009. Furthermore, the necessary financial and human resources, including continuous training, need to be provided to the relevant authorities responsible for the implementation of the umbrella strategy.

The implementation of the UN Convention on Transnational organised crime via national law has been partially accomplished. In practice, the special instruments envisaged by it are rarely used. Further legal and administrative measures need to be taken in order to complete harmonisation with accepted international standards in the area of prevention and fighting of organised crime. Significant efforts still need to be made to reinforce the investigative capacity in the police and the prosecution and to enforce cooperation between law enforcement agencies, the judiciary and the prosecution.

November 2009 Updated Assessment:

An action plan on fighting organised crime was adopted by the Council of Ministers in October 2009. It is now essential that the administrative capacity including necessary financial and human resources are allocated for its effective implementation. In the context of the implementation of the inter-sector strategy on organised crime, trafficking and terrorism, a

training plan was drafted for the staff of the Crime Investigation Department of the Police Directorate against organised crime, according to which numerous trainings were conducted in this area. Continuous training also needs to be pursued for the judiciary and prosecution. A law on the protection of witnesses and justice collaborators was adopted in October 2009.

The harmonisation of national legislation with the UN Convention on Transnational organised crime has been completed and its implementation could be facilitated by the adoption of the draft law on jurisdictional relations with foreign authorities in criminal matters, provided that the consistency of the draft law with the Criminal Procedure Code is ensured. The provision of resources for the implementation of the special investigative instruments foreseen by the Convention is to be ensured.

A law to amend the 2000 law on the organisation and functioning of the Judicial Police is being drafted and a working group was set up in the Ministry of Justice, assisted by international organisations, to prepare a study identifying areas to be amended in the existing law. The General Prosecutor's office is working with the Police on the elaboration of protocols of investigation for the Judicial Police and prosecution. The extension of the MEMEX system on criminal intelligence to regional police units constitutes a significant step in improving data exchange. Efforts still need to be made to improve operational cooperation and coordination between law enforcement agencies, the judiciary and the prosecution, as well as to further strengthen the investigative capacity of the police and prosecution.

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

November 2008 Assessment

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.

May 2009 Updated Assessment:

The National strategy on the fight against trafficking in human beings reiterates the roles of the different bodies in this field. There is further need for a clear definition of the exact tasks and responsibilities of the relevant bodies. In particular, the coordination mechanism between the central and regional police units engaged in the fight against trafficking in human beings needs to be clarified.

Implementation of the legal framework in place needs to be ensured and a number of measures remain to be taken in order to implement the Council of Europe Convention on Action against trafficking in human beings, in particular in the area of victim protection.

Significant further efforts are needed to effectively investigate and prosecute criminals in the area of human trafficking. The statistics provided show a small percentage of successful cases handled by the Illicit trafficking sector of the police Directorate against organised crime. More resources need be committed to train and employ the necessary qualified human resources in the different bodies involved both on the local and central levels. Counter-trafficking measures could further be improved by allowing for the use of special investigative measures on the local level. Furthermore, enhancing international cooperation is also needed. Work is underway to sign cooperation protocols in the fight against trafficking in human beings with the former Yugoslav Republic of Macedonia, Montenegro and Kosovo.

A database on victims of trafficking containing information on victims from their identification to reintegration became operational in September 2008. Further improvements are necessary in the protection of victims of trafficking, in particular as regards the reintegration of child victims and the prevention of child labour. A new law is being drafted in order to improve foster care and adoption procedures of trafficked children. Training on the identification and assistance of victims needs to be provided to all actors involved, in particular to NGOs and female border guards.

November 2009 Updated Assessment:

The implementation of the national strategies on the fight against trafficking in human beings and the fight against trafficking of children has continued. Training has been given to police officers working in this area, including to female border guards, and to the regional anti-trafficking committees. The provision of sufficient resources and continuous training needs to be ensured in order to effectively investigate and prosecute criminals in this area.

In the area of the protection and reintegration of victims of trafficking, efforts have been made to improve the functioning of the national victim referral mechanism. A draft Instruction on the observation of national standards of social care for victims of trafficking or persons in risk of trafficking has been developed with the support of UNICEF, and is now being tested in the reception centres that provide these services. A draft law amending the law on social assistance and services, which provides for economic support to victims of trafficking after their treatment in centres, has been submitted to the Council of Ministers. The draft foresees the setting up of 4 private centres providing such services for victims. The implementation of the Council of Europe Convention on Action against trafficking in human beings remains to be ensured as regards the reintegration of child victims of trafficking. A law on the protection of witnesses and justice collaborators was adopted in October 2009.

A cooperation protocol in the fight against trafficking in human beings has been signed with the former Yugoslav Republic of Macedonia. Greece ratified an agreement with Albania on the protection and assistance of children victims of trafficking. Trafficking in human beings remains an issue of particular concern and the provision of sufficient resources and continuous training to fight it needs to be ensured.

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

November 2008 Assessment

A strategy and an action plan on the prevention of money laundering are 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.

May 2009 Updated Assessment:

The strategy and action plan on the prevention of money-laundering remain to be finalised and implemented. Even though the adoption in 2008 of the law on the prevention of money laundering and financing of terrorism has increased the compliance of the Albanian system with international requirements (FATF and Moneyval), it is still not fully in line with European and international standards and a number of bylaws need to be adopted.

The number of suspicious transaction reports sent to the police or prosecution by the FIU has increased. Cases involving large financial transactions or higher level criminal groups remain to be appropriately addressed, while the number of suspicious transaction reports sent to the FIU remains low. In this regard the measures to raise the awareness of the reporting entities of their obligations should continue. The capacity and specialisation of the law enforcement authorities involved in investigating money laundering cases have improved through the creation in 2007 of special police units within the Department for the fight against financial crime and the Joint unit for investigation of economic crime and corruption in the Tirana general prosecutor's office. Problems remain as to prosecuting and adjudicating cases of money laundering.

A law enabling the seizure and confiscation of criminal assets has been adopted in 2004, but the scope of its application is limited by a decision of the Supreme Court since 2007. An Agency for the Administration of Sequestered and Confiscated Assets has been operational since June 2008. There is need to reinforce the capacity of the Agency and to clarify the procedures with regard to the seizure and confiscation of proceeds of crime.

November 2009 Updated Assessment:

A national strategy to fight money laundering and financial crime was drafted with the support of the German Federal Police and consultations on the strategy took place with key stakeholders. The strategy and action plan were adopted by the Council of Ministers in October 2009. It is now essential that the administrative capacity including necessary financial and human resources are committed for their effective implementation.

The harmonisation of the Albanian legal framework according to recommendations of FATF

and Moneyval remains to be verified, in particular as regards the implementing legislation to the Law on the prevention of money laundering and financing of terrorism.

A law to amend the 2004 law on confiscation was drafted and adopted by the Council of Ministers in October. The timing of its adoption by Parliament will depend on the resolution of the current political stalemate. The impact of the 2004 law on fighting economic crime and money laundering has so far been limited. The amending of this law to provide for a legal framework that enables effective seizure and confiscation of illegal proceeds of crime, while also respecting fundamental rights to property and to fair trial, is therefore a welcome step. Once adopted, the provision of necessary financial and human resources for the implementation of the new law need to be ensured, including sufficient training on its provisions to the relevant authorities.

A new law on the organisation and functioning of the Agency for the Administration of Sequestered and Confiscated Assets (AASCA) is being drafted which foresees an increase in its staff and administrative capacity. A Memorandum on cooperation was signed between the State police and AASCA in September 2009. A joint order on the establishment of 6 new Joint Investigative Units (JIUs) for the fight against economic crime and corruption on the regional level was signed in May 2009 and the JIUs are now operational.

Following the approval of the new structure of the FIU by the Prime Minister, its staff has been increased. Training has been given to the FIU through a twinning project with the German Federal Criminal Police and efforts have been made to raise the awareness of reporting entities of their obligations. At the moment 6 out of 16 commercial banks in Albania use online reporting to the FIU. The number of suspicious transaction reports sent to the FIU remains low. Further continuous training for the police and prosecution as well as awareness-raising for reporting institutions needs to be pursued in this area in order to effectively investigate and prosecute cases of money laundering. In June 2009, a sector against Cyber crime was set up in the Directorate against financial crime in the Police and its staff is now being trained on conducting investigations in this area.

Anti-drug policy (benchmark 21)

November 2008 Assessment

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.

May 2009 Updated Assessment:

In order to ensure the efficient implementation of the anti-drug strategy and action plan, administrative capacities need to be further strengthened and continuous training provided to the staff involved in this area.

The standards of collection of information and the exchange of information on drugs-related investigations between the central and regional police units is hampered by the lack of direct access to the MEMEX information system by the regional police units and by the inaccessibility of the system to other law enforcement authorities.

Overall, the use of proactive, intelligence-led law enforcement operations in the fight against narcotics needs to be further strengthened. Inter-agency cooperation must also be significantly improved in order to achieve long term, sustainable results

Increased international cooperation and the total ban on the use of speed boats on the blue borders (introduced in 2005 and expiring at the end of 2009) have helped to control drug trafficking from and to Albania. However, drug trafficking from Albania to neighbouring countries remains a concern. The establishment of a new storage for confiscated drugs in Tirana in May 2008 is a welcome development. The setting up of further similar facilities should be considered at critical border points.

November 2009 Updated Assessment:

The implementation of the strategy and action plan against drug trafficking is ongoing. Trainings have been provided to police and customs officers in this area. An action plan on the prevention and fight against cultivation of narcotic plants was adopted in April 2009 and is being implemented. Some representatives of local government were prosecuted for non-denunciation of crime and abuse of duty in relation to the cultivation of cannabis. Increasing efforts were made to fight cultivation and some successful operations were carried out to seize cannabis sativa.

A significant step towards the wider sharing and use of criminal intelligence was taken with the extension of access to the MEMEX information system to all 12 regional police directorates. Direct access to the system at all BCPs is crucial in order to ensure access to

information on drug seizures. Progress has continued in the use of special investigative means and the amount of drugs seized has increased. Yet drug trafficking remains an issue of serious concern and the provision of sufficient resources and training to fight it needs to be ensured. The impact of the expiry of the total ban on the use of speed boats on the blue borders (May 2009) remains to be assessed.

Some successful joint international operations were carried out to fight drug trafficking. Albania cooperates with the main international and regional institutions in this field. In May 2009 an action plan with the Italian Ministry of Interior was signed on fighting organised crime and drug trafficking. Implementation of EU standards for sharing drugs-related information with the EMCDDA has started via country overviews and information maps, but needs to be pursued towards a structured national drug information system.

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

November 2008 Assessment

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.

May 2009 Updated Assessment:

The integrated anti-corruption action plan for 2009 adopted in January 2009 is a very ambitious document. There is however a risk that the measures outlined are too broad to be realistically implemented within the limited timeframe foreseen and that the action plan will not be supported by the adequate financial and human resources for its implementation.

An inter-ministerial working group for the drafting and implementation of the anti-corruption strategy was set up in 2006. It remains unclear whether the working group can in practice provide the support and coordination needed for the implementation of the strategy. A joint unit for the investigation (JIU) of economic crime and corruption was set up in May 2007 within the Tirana general prosecutor's office, bringing together prosecutors, police officers and tax and customs officials. This positive operational step has contributed to increasing the capacity to investigate corruption crimes. The establishment of 6 similar units in other prosecution offices elsewhere in the country is a positive step that needs to be completed. Similarly, specialised police units have been created to combat corruption and economic crime. The trend towards increasing specialisation in the relevant state institutions is positive.

Internal control systems including anti-corruption activities are being introduced in the public administration and law enforcement but should be strengthened to effectively prevent corruption. For the moment, there is too much reliance on outside services such as the High inspectorate for the Declaration and Audit of Assets or the Prime Minister's Department for Internal Administrative Control and Anti-Corruption (DIACA).

The implementation of GRECO recommendations and UN and Council of Europe Conventions needs to be improved.

November 2009 Updated Assessment:

The implementation of the integrated anti-corruption action plan is ongoing. The training programme of the Magistrates School for 2009-2012 includes training on corruption and economic crime, but more training on these issues is needed for instance in the area of seizure and confiscation of crime proceeds. Training on ethics and corruption has been given to the law enforcement and public administration.

In an effort to increase inter-agency cooperation in this area, a joint order on the establishment of 6 new JIUs for the fight against economic crime and corruption on the regional level was signed in May and the JIUs are now operational. Progress can be noted with the results obtained by the JIU that has been operating in the Tirana general prosecutor's office since 2007. However, the number of convictions in corruption cases remains low.

Internal control structures in the public administration and law enforcement are being strengthened. A new law on inspection foreseeing the setting up of a central inspection structure within the Ministry of Finance and a law revising the law on internal audit have been drafted. The law on the internal control service of the Ministry of Interior is being implemented. A policy paper on public financial control was adopted including an action plan for 2009-2014 on creating the legal framework on financial management and control. A law on financial management and control for the public sector has been drafted and is being tested.

11 out of 13 GRECO recommendations from the second round of evaluation have been

satisfactorily fulfilled. Following the third evaluation round, 12 further recommendations regarding the transparency of party funding and incrimination in cases of bribery were made and still need to be addressed by Albania.

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

November 2008 Assessment

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 2nd 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 2nd 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.

May 2009 Updated Assessment:

A new specific law on mutual legal assistance is under preparation. An inter-institutional working group has been established within the Ministry of Justice to coordinate its drafting. It is important that the planned law lays out in sufficient detail the measures to be taken in order to enhance coordination at national level and timely response in handling requests for international legal assistance.

As regards the implementation of the 2nd additional Protocol to the European Convention on Mutual Legal Assistance in criminal matters, certain instruments foreseen by the Protocol (e.g. the use of videoconferences for the hearing of witnesses) have been applied in a very limited number of cases. Continuous training to all staff dealing with requests for mutual legal assistance and a sufficient budget, especially to cover translation costs, should be ensured on a sustainable basis in order to deal effectively with the growing number of requests.

A bilateral extradition agreement has been signed with Italy and is under preparation with Greece. Once these agreements enter into force extraditions will be greatly facilitated.

November 2009 Updated Assessment:

A draft law on jurisdictional relations with foreign authorities in criminal matters, including provisions on international mutual legal assistance, was approved by the Council of Ministers in October and is currently being discussed in Parliament. The timing of its adoption by Parliament will depend on the resolution of the current political stalemate. The compatibility of the draft law with the European Convention on Extradition and the European Convention on the Transfer of Proceedings in Criminal Matters needs to be ensured. The new legislation should also be consistent with the Criminal Procedure Code and any overlapping or incoherency should be carefully avoided. It is important that the measures taken in this field improve the efficiency of handling requests for international judicial cooperation in criminal matters. Sufficient training on the provisions of the new law will need to be given to all staff dealing with requests for mutual legal assistance.

In the area of extradition, a draft agreement and a memorandum on cooperation with Belgium are foreseen to be signed in 2009. Ratification of an agreement with Italy and the signature of an agreement with Greece are pending. Cooperation with Eurojust is ongoing and two Eurojust contact points have been nominated in the prosecution.

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

November 2008 Assessment

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 are 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.

May 2009 Updated Assessment:

Further efforts are needed in the area of police reform, especially as regards the recruitment, retention and training of staff, as well as the overall management of the state police.

Significant progress is still to be made to formalise and enforce cooperation with other law enforcement agencies and with the prosecution and judiciary. Difficulties remain as regards cooperation between the organised crime departments on the central and regional levels and the exchange of information between the border police and customs. As regards cooperation with the judiciary, the establishment of joint investigative units (JIU) to 6 regional prosecutor's offices is a welcome development.

The use of special investigative measures in organised crime cases by the Albanian law enforcement authorities is currently restricted to the central police departments. Their operational use has been limited in the past, but appears to be increasing. There is a plan to extend their wider use into further crime areas by modifying the Criminal Procedure Code.

Regular training should be provided to the police officers involved in the use of special investigative measures.

There is limited awareness of the importance of implementing an intelligence-led approach to investigations on a national scale and very scarce use is made of criminal intelligence tools. Awareness of the concept of a National Intelligence Model is extremely limited.

The MEMEX information system for the management of criminal intelligence is directly accessible only to the central police offices. In this view, plans to extend electronic access to the system to all regional police offices by the end of 2009 are welcome and the provision of the necessary financial means, including meeting the relevant training needs, is essential.

November 2009 Updated Assessment:

Some improvements have been made in police organisation and staffing, but more efforts are needed to improve the overall human resources management of the police.

Efforts are being made to formalise cooperation between law enforcement, the judiciary and the prosecution. Cooperation agreements between the police and prosecution, and the police and the state intelligence service, providing for access to the TIMS information system to the two institutions, are foreseen to be signed. A memorandum on cooperation between the state police and the AASCA was signed. On the operational level, some joint analyses were conducted by the police directorate on serious crime with the prosecution. Further efforts are needed to enforce operational cooperation between law enforcement agencies, the judiciary and the prosecution.

Special investigative measures are being used by the law enforcement and prosecution to investigate cases of organised crime and trafficking in all the different crime areas. A significant step towards the wider sharing and use of criminal intelligence was taken with the granting of security certification for the MEMEX information system, which allows access to the system being extended to all 12 regional police directorates. Moreover, the physical location of the MEMEX server was transferred from the Ministry of Interior to the State Police. Training on the use of MEMEX has been provided to the local police structures. It is essential that the operability of access to MEMEX is ensured to all relevant structures and that maximal use of the system is made to share criminal intelligence between law enforcement agencies. Efforts to implement an intelligence-led approach to investigations on the national level are to be pursued.

Agreements on the fight against organised crime have been signed with Spain, the Czech Republic, Bosnia and Herzegovina, Italy, Slovakia and Greece. Liaison officers of the Ministry of Interior to six EU Member States, the US, Turkey, Kosovo, the SECI Centre and EUROPOL are being appointed. A draft regulation and action plan on cooperation with Europol setting out the procedure for the establishment of a National Europol office at the State Police has been sent to Europol. Cooperation with Interpol is ongoing.

Protection of personal data (benchmarks 32, 33)

November 2008 Assessment

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).

May 2009 Updated Assessment:

The new Albanian Law on protection of personal data also applies to automated databases containing personal data in the area of criminal records and state security. Further efforts are needed for its implementation and to ensure effective supervision by the Commissioner for data protection. To this end, it is of utmost importance that adequate financial and human resources are allocated to the supervisory authority.

November 2009 Updated Assessment:

The Office of the Commissioner for data protection has been provided with a budget and premises to work and the provision of information technology and other equipment is underway. Study visits and trainings have been organised for its staff. The Office of the Commissioner has drafted and approved its internal rules and code of ethics. The handling of complaints by the Office has started and measures have been taken to raise awareness of the law on personal data protection, including the production of a television spot. To ensure the implementation of the law on personal data protection, efforts to provide training and to guarantee the independence of the Office of the Commissioner need to be continued.

BLOCK 4 External Relations and Fundamental Rights

General assessment of block 4:

Albania has made further progress towards meeting the benchmarks set under block 4. The access to travel and identity documents is ensured. The registration of Roma children is still problematic.

The implementation of the National Strategy for improving Roma living conditions continued. An Action Plan for the Roma Inclusion Decade was adopted by the Council of Ministers in October 2009. Sufficient human and financial resources should be allocated for the effective implementation of the National Strategy and the Action Plan. A draft law on anti-discrimination is under discussion in Parliament.

Detailed comments on block 4:

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

November 2008 Assessment

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).

May 2009 Assessment:

Birth certificates from the civil registry are provided by a special number which is also on the ID cards. The government offers pecuniary encouragement to registering a child soon after birth (\$ 50 reward if the registering takes place within 45 days). Birth registration can also be completed after this deadline. However, there are persisting problems of registration mainly within the Roma community.

The process of issuing new ID cards started in January 2009 with some organisational problems. According to official data, 270,000 ID cards had been distributed by 7 May 2009. The fee for the new ID cards was reduced for some groups of the population (students, unemployed, pensioners) and ID cards are given free of charge to the Roma minority. It was also announced that the standard fee would be reduced to 200 Lek for the 700,000 citizens who do not have a passport .

The processing of applications for biometric passports started on 25 March 2009 but no significant number of such passports has been delivered (by 7 May 2009, there were 7294 applications and 4975 passports ready for distribution).

In total there were 97 people with refugee status in Albania.

November 2009 Updated assessment

No further developments can be reported as regards registration within the Roma community. The distribution of ID cards and biometric passports continues. By mid-November, more than 200,000 biometric passports and 1, 75 million of IDs were issued.

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

November 2008 Assessment

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.

May 2009 Assessment:

The Albanian Constitution contains the principle of equality for all citizens before the law and prohibits unfair discrimination. There is no comprehensive legal framework on anti-discrimination in place. A draft "Law on Protection against all forms of discrimination" has not yet been adopted by Parliament. However, the concept of anti-discrimination is mentioned explicitly in several legal acts.

No cases of ethnically motivated incidents by law enforcement officers in the area of free movement or other type of discrimination have been reported. The current rules on filing complaints in cases of discrimination cover measures to be taken against police officers who commit disciplinary violations, as well as the possibility of filing a complaint to the Ombudsman. His office publishes an annual report, which is submitted to the relevant parliamentary commission for discussion; the 2008 report was submitted to the parliamentary commission in April 2009.

The 1998 Law on Albanian citizenship and its subsequent amendments constitute a clear legal framework on citizenship. A list of conditions and documents required for obtaining Albanian citizenship via naturalization was provided as well as the conditions for leaving Albanian citizenship. Ethnic Albanians from Kosovo, Montenegro and the former Yugoslav Republic of Macedonia can acquire Albanian citizenship provided they can prove a minimum of 3 years legal residence without interruption in Albania (even if this residence has occurred in the past) but for other foreigners, the minimum length of stay to obtain Albanian citizenship is 5 years.

Albania has not concluded any bilateral agreements on dual citizenship. Statistics on the number of Albanian citizenships granted, including to Albanians from Kosovo and the former Yugoslav Republic of Macedonia, were provided.

There are 3 official national minorities (Greek, *Macedonian* and Serbian-Montenegrin) and 2 ethno-linguistic minorities (Aromanian and Roma). The education of national minorities has clear rules and school texts are available in minority languages. However, the development of minority policies requires accurate and up-to-date statistics on all minorities. Such data is not available at present.

Strengthening of the resources of the Ministry of Labour is needed to improve monitoring of Roma issues. A regulation of the Ministry of Interior from December 2008 creates a working group for the identification and registration of the unregistered Roma population. Albania became a full member of the Decade of Roma Inclusion 2005–2015 in July 2008. Adoption of the National Action Plan is foreseen for June 2009.

November 2009 updated assessment

A draft law on anti-discrimination prepared by civil society and broadly discussed with international experts is under discussion in Parliament. The adoption of this law requires qualified majority voting, which is difficult under the current boycott of parliament. This draft law has been fully approximated to four EC Directives in the field of anti-discrimination. The draft law plans the appointment of a Commissioner for the protection of equality, following the EU Directives on equal treatment.

The People's Advocate office continued to play an active role in investigating claims of violations of fundamental rights and making recommendations. The institution received a total of 2,862 complaints during the year 2008. Most of the complaints were related to prisons, police and property rights. The Ombudsman's report 2008 has not yet been adopted by the Parliament.

As regards the Roma minority, the implementation of the National Strategy for improving Roma living conditions continued. The Ministry of Labour, Social Affairs and Equal Opportunities focused on the social protection system, the Economic Aid programme and integration of Roma street children. The Ministry of Education and Science increased the number of preparatory classes giving priority to Roma children and strengthened cooperation with the Roma community and NGOs. The Ministry of Health completed registration of the Roma population. However, school access, registration and the vaccination of Roma children remains problematic. Trainings for the Roma community on hygienic and sanitary conditions were developed. In the framework of the National Youth Strategy 2007-2013, the Ministry of Culture focuses on the promotion of Roma youth organisation.

The National Action Plan for the Decade of Roma Inclusion was adopted in October 2009. Education, employment and social protection, housing and infrastructure, health, social inclusion and equal opportunities and cultural heritage are the priority fields of action. Sufficient financial and human resources need to be allocated in order to make its implementation possible.