

ESI Analysis Albania

Explanation:

In its 18 May 2009 assessments of progress in roadmap implementation by the five Western Balkan countries, the European Commission used six distinct phrases to describe progress with regard to meeting the requirement in each of the four blocks (document security; illegal migration; public order and security; external relations and fundamental rights). ESI has allocated numbers from 1 to 3, as well as colours (green, yellow, red), to these phrases and applied them to individual requirements:

Commission's assessment per block: "meets the benchmarks" and "generally meets the benchmarks", applied to an individual requirement:

"meets the benchmark" and "generally meets the benchmarks" (1 and colour green)

Commission's assessment per block: "meets a large majority of the benchmarks" and "meets the majority of the benchmarks", applied to an individual requirement:

"meets a large majority of the various aspects of the benchmark" and "meets a majority of the various aspects of the benchmark" (2 and colour yellow)

Commission's assessment per block: "on the right track, but..." and "does not yet fully meet the benchmarks", applied to an individual requirement:

"on the right track, but..." and "does not yet fully meet the benchmark" (3 and colour red)

Sources and abbreviations:

The main source for ESI's evaluation was the 18 May 2009 assessment by the European Commission (the "Commission") of Albania. All sentences below the title "**The Commission**" are direct quotes from the 18 May 2009 assessment; the quotes are otherwise not marked and no quotation marks are used.

On occasion the European Commission's first assessment of Albania's progress from 24 November 2008 has been quoted. These quotes are identified as "**2008 Report**".

Especially in cases where Albania received particularly critical evaluations by the Commission, or where particularly important visa roadmap requirements were examined, the reports of the EU National Experts were considered. Again, all information used from these reports is direct quotes and they are identified as follows: "**EU National Experts**". There is one EU expert report on Albania's performance regarding the requirements from *block 1* of the roadmap, three reports regarding different requirements from *block 2*, three reports regarding the country's performance regarding *block 3* requirements, and one meeting report on *block 4* requirements. While the EU experts examined the state-of-affairs as regards Blocks 1 to 3 on the ground, the Block 4 requirements were discussed in a meeting.

In order to make reading easier, ESI has marked critical remarks by the Commission or by EU National Experts as follows: "[***criticism:***]" Sections where the reports *explicitly* requested further action from BiH are marked as: "**To do**".

ESI has summarised its own evaluation regarding individual requirements under the heading: "**ESI evaluation**".

In the column on the right, we estimate the time it will take to fully implement the requirement, provided the political will and resources are there.

Short-term = until approx. autumn 2009

Mid-term = early 2010

Long-term = mid-2010 and later

No.	Roadmap requirement	Assessments	ESI's mark	Estimated time to implement
I. Requirements related to the correct implementation of the Community Visa Facilitation and Readmission Agreements				
	A. Readmission Agreement: BiH has to take the necessary measures ensuring effective implementation of the Community Readmission Agreement (specific actions to be taken, see roadmap).	<u>The Commission:</u> The readmission agreement with the European Community is being implemented.	1	
	B. Visa Facilitation Agreement: BiH shall closely cooperate with the European Commission to support the EU Member States' implementation of the Visa Facilitation Agreement (specific actions to be taken, see roadmap).	Not evaluated in Commission report.		
II. Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations				
1	BLOCK 1: Document Security Passports/travel documents, ID cards and breeder documents	<u>The Commission:</u> <ul style="list-style-type: none"> • Albania has made good progress towards the fulfilment of the block 1 benchmarks. • A new electronic civil registry system is operational since 31 October 2008, providing a secure centralised database for the issuance of breeder documents such as birth certificates. <u>Significant progress</u> has therefore been made on breeder document security. 	3-	

		<ul style="list-style-type: none"> • A tender for the production, personalisation and distribution of biometric passports has been awarded and the <u>security specifications of ID cards and the foreseen biometric passports are in line with ICAO and EU standards.</u> • The <u>processing of applications for biometric passports has started</u> but no significant number of such passports has been delivered. • To do: Further verification will be necessary once the issuance of biometric passports is in full progress. • To do: In the meantime, <u>further efforts are required to ensure the integrity and security of personalisation and distribution procedures,</u> establish training and anti-corruption programmes for officials dealing with passports and visas and improve access to Interpol’s lost and stolen travel documents database. • It appears that <u>Albania does not yet fully meet all the benchmarks</u> specified under block 1 of the Roadmap. The issuance of biometric passports under a secure personalisation procedure could not be assessed during the period covered by this updated assessment report. 		
1.1	Albania should: issue machine readable biometric travel documents in compliance with ICAO and EU standards; and gradually introduce biometric data, including photo and fingerprints;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • A contract for the production of biometric passports and ID cards has been awarded to a private contractor and <u>the security features meet the relevant ICAO and EU standards.</u> • 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. • [<i>criticism:</i>] 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. • To do: A legal framework and administrative procedure needs to be put in place accordingly. (pg. 2-3). • A section in Block 4 of the Commission Reports further states: “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 	2-	Short to medium term

		<p>passports ready for distribution).”</p> <ul style="list-style-type: none"> • ESI Evaluation: To an extent Albania fulfils roadmap requirements: (1) the documents meet ICAO and EU standards, (2) issuance of ID cards has begun, (3) processing of applications for passports started 25 March; issuance of passports has begun; fully fledged distribution will begin after June elections <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • The new Albanian documents and the respective database service are developed and deployed by international companies and other institutions with which the Albanian Government has special contracts. The secured identification documents are produced and personalized by the Sagem group (www.sagem.com) and the civil registration database is handled by the Austrian Ministry of Interior (Bundesministerium für Inneres – www.bmi.gv.at). • [breeder documents] Only the one-style-printed certificate is produced by an Albanian company, and this document is used for birth, marriage and family certificates. The Safran Group Aleat has a five-year concession for the whole process from enrolment to handover. • [id cards and travel documents] <ul style="list-style-type: none"> • The new biometric travel document has not yet been issued and personalized despite readiness of the physically form of the documents. • The old version of the Albanian passport is still issued and will still be valid until their expiry date but not after the introduction of the new passports. The documents have been in force since 2002. • The latest version of the Albanian ID document is an ID-1 sized card format document which has been in circulation since 12 January 2009. The document is produced and personalized by the Safran Group contractor Sagem Company, as are the passports. • The certificate is an A4 sized landscape format normal office paper document. • The documents – including the passports and the ID cards – are personalized only in one place in Tirana. This place is under the supervision of the contractor Sagem. The documents are personalized by Datacard machines. • Applications for the new ID cards started in January this year but they can only be handed out in Tirana. Application for e-passports is planned for the end of March 2009. • The number of applications received for ID cards is 250 000 and 120 000 documents are 		
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		<p>personalized, but only 25 000 cards had been issued as at 20 March 2009.</p> <ul style="list-style-type: none"> • <i>Conclusion: According to the information received during the mission and the assessment, the security features of the new Albanian passports and ID documents meet EU and ICAO standards.</i> • <i>The issuing procedure is not yet completed and has only started for ID cards, not for passports. (pg 5.)</i> 		
1.2	adopt and implement administrative measures ensuring the integrity and security of the personalisation and distribution process;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. • To do: 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. (pg. 3). • ESI evaluation: Albania's preparedness is low regarding this requirement: (1) Security measures are only partly sufficient at personalisation centre are only sufficient, (2) Delivery of documents needs improvement, (3) Authorities have realised the problem and have endeavoured to remedy them <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • On 12 January 2009, the Albanian authorities accepted the first application for the new electronic ID cards. On 18 February 2009, the process of issuing the new electronic identification cards began in the 11 Boroughs of Tirana. • The issuing process of the new biometric passports has not yet started and therefore it is impossible to make a detailed assessment of the personalization and distribution process of these documents. The integrity and security of the whole personalization and distribution process for both documents will require further investigation of the issuance of the new biometric passports and the overall security of the Personalization centre. • List of important laws and manuals for the issue of personal documents: 	3+	Short- to medium term

		<ul style="list-style-type: none"> • Law on Travel Documents No 9972, dated 28.07.2008 • Law on Identification Documents • Decision of Council of Ministers qualifies the Personalization centre as an important public object. • [Criticism:] Access to dedicated areas is rather complicated, as many security measures are still missing and staff are not very restricted and can access practically everywhere. • To do: There is a list of the most important security measures missing. Without these security measures in place the Personalization centre cannot be considered to be a secure place for issuing personal documents and passports. At the time of the expert visit this building did not come up to the standards applied in EU Member States. • “As regards the issue of new ID documents, it is important to mention that Albania uses a typical model of a centrally issued new generation of personal documents, and the same provisions will also apply to the new passports. The key element of this system is the centralised personalisation of the new generation of personal documents and how they are distributed.” • “The whole personalisation process is centralised and automated.” • “Each shift consists of some 15 experienced employees trained to work in the Personalisation centre.” • [The personalisation centre is still under construction and security features are thus inadequate:] “Not all security measures concerning the overall infrastructure, organisation, staff and procedures are satisfactorily applied, as stated in the paragraphs above. There has been visibly good progress and serious efforts made to change the current situation, but in the main the security measures applied for the Personalisation centre still do not come up to the standards applied in EU Member States.” • [criticism:] The security measures applied within this building do not come up to the usual standards in place in EU Member States. There are still many security measures missing. The premises are surrounded by a stone wall covered with barbed wire and are under private police surveillance 24 hours a day. This was the only positive point observed regarding the overall security of the personalization centre. • [Concerning the distribution process] “...all the necessary administrative measures are satisfactorily applied Nevertheless, the weaknesses of the security measures applied in the Personalisation centre undermine the overall security of the distribution process, which cannot therefore be considered to be completely reliable.” 		
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		<ul style="list-style-type: none"> • Conclusion: According to the information received during the mission and the assessment, the issue of new biometric passports has not started. This is why the integrity and security of the personalization process is mainly described for the newly issued electronic ID cards. The process for passports will need to be assessed once it has been actually implemented. Not all the security measures intended for the Personalisation centre are satisfactorily applied and thus the system as a whole does not come up to EU standards. (pg. 9). 		
1.3	<p>establish training programmes and adopt ethical codes on anti-corruption targeting the officials of any public authority that deal with visas, passports;</p>	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • <u>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.</u> • [criticism:] There are currently no systematic training and general anti-corruption programmes in place targeting all public officials dealing with passports and identity documents. (pg. 3). • ESI evaluation: Albania’s preparedness with respect to this requirement appears to be very low. (1) Authorities do not seem to realise the importance of specific (‘soft’) anti-corruption measures (drafting of codes, trainings, etc.) to prevent abuse of office. (2) What measures there are in place are not harmonised among the various relevant agencies. (3) on the positive side, staff is carefully selected and are bound by a code of conduct, which however, does not specifically address corruption <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • As regarding Legal and administrative provisions on <u>integrity and anticorruption</u>, there are no such particular or specific provisions. Statistics from the Department of Financial Crime and the Unit against organised crime do not give an accurate overview of the phenomenon of fraud concerning ID and travel documents. • The ‘<u>General Directorate for Civil Registry</u>’ <u>applies rules of professional behaviour</u> to its staff in the 354 offices in Albania, <u>but there are no specific provisions on the fight against corruption</u>. • The only useful data concern the prosecution of corrupt officials involved in certificate issuance or in the data control of registers (2007 = 10; 2008 = 25; 2009 = 9). • <u>According to Albanian officials, administrative and technical measures are permanently applied</u> to reduce the endemic problem of corruption. • Before phasing-out of the old passports, in March 2011, the Albanian authorities have to go on 	3+	Medium term

		<p>fighting against corruption. Concerning judicial means, the <u>prosecutions need to be stepped up</u>. Corrupted agents must be identified.</p> <ul style="list-style-type: none"> Concerning administrative means, the authorities really seem to want to find solutions to the problems. Anti-corruption measures at the different agencies: <u>On corruption, the reaction only concerns repression, not prevention. No real general anticorruption training programme.</u> Each administration trains its own agents. <u>At Department of Financial Crime, some officers attended various training courses in 2006.</u> the Department of Financial Crime (Unit against organised crime) <u>carries out on the job surveillance of the people involved in the different processes</u> by checking the registry database and updating the police's internal database (MEMEX) At the <u>ICS (Internal Control Service)</u>, agents are subjected to tests to establish their level of integrity. According to the ICS manager, <u>the Albanian government has drawn up an anticorruption programme for 2007 – 2014.</u> At the <u>General Directorate of Civil Registry</u>, there is <u>no specific programme.</u> At ALEAT, the body that will be responsible for issuing passports, there is <u>currently no anticorruption training programme</u> as such (though there appears to be an elaborate confidentiality / duty of silence policy in place). 		
1.4	report to Interpol/LASP data base on lost and stolen passports;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> 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). To do: 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. (pg. 3). ESI evaluation: Albania has partly fulfilled this requirement: (1) Lost and stolen passports are reported to Interpol (2) Not all police stations have no direct access yet to the Interpol database, though, strictly speaking, this does not appear to be part of the requirement, (3) due to an ongoing programme by IP Lyon, this deficiency is likely to be remedied soon <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> From June 2008 to February 2009, 16,079 Albanian passports have been uploaded into the INTERPOL 	2+	Mid- to long-term

		<p>ASF database.</p> <ul style="list-style-type: none"> • Taking only the six last months of 2008, i.e. 13 835 documents uploaded, the figures for stolen passports (115, less than 1 %) or for lost passports (5489, about 40%) both amount to fewer than the number of invalid ones (7490, 53 %) introduced into the national, and then the ASF database. • The ASF database is already uploaded automatically from the national LSPD. • To do: The progress that needs to be made concerns the capability of a <u>direct link between IP Lyon and the Albanian police stations or border crossing points</u>, to make their work more efficient on the ground. • “This is the strategic programme of IP Lyon for the Albanian police forces from now until 2010, according to IP Tirana.” • Conclusions: Over the last 3 years, the police services in Albania and Interpol Tirana have done much to improve the process of uploading national and ASF databases on lost and stolen passports. The Albanian authorities consider the process to be fairly consolidated, and it can now be said that the information in the field is available for all EU Member States. • However, the fact of not being able to consult the ASF database for police stations or border crossing points curbs the extent of this progress. (pg. 12). 		
1.5	ensure a high level of security of breeder documents and ID cards and define and implement strict procedures surrounding their issuance.	<p>The Commission:</p> <ul style="list-style-type: none"> • The modernised civil registration system is functioning efficiently. The data of all citizens was entered into the NCR [National Civil Registry] 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. • To do: 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. (pg. 3). <p>• ESI evaluation: Albania has fulfilled this requirement to a relatively large extent: (1) data was verified, (2) the system is functioning efficiently, and documents are being issued, (3) training of staff and security features appear to adequate, (4) the continuing use of handwritten certificates is worrying</p>	2+	Short- to mid-term

		<p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • In terms of administrative structure, Albania is divided into 12 administrative divisions called Counties, 36 districts and 354 municipalities. At least one Civil Status Office (CSO) is established in each of the 354 municipalities. • The last updates of the fundamental register books which are used date from 1974. Creating a new system of National Register of Civil Status (National Civil Registry / NCR) was one main goal recently. The NCR was developed in three phases: Transfer of the data from the fundamental manual registers in an electronic format, Creation of a Local and Central Network of the NCR, Creation of an online system of the NCR. • Voters' lists are being generated for the first time by the NCR and every local government unit is working on the basis of these data to prepare the Preparatory Voters' List. • The project to implement and run an electronic ID card and electronic passport system was begun in July 2008. [<i>Criticism:</i>] This system is not yet online or operational throughout Albania. • On Citizenship and nationality, law provides for different possibilities for the acquisition of Albanian nationality: birth, naturalization, adoption. • Albanian law allows dual nationality. • <u>All citizens are entered in the NCR, and all persons who are on the register are automatically citizens of Albania.</u> • A unique Personal Identification Number (equal to the social security number / PIN, composed of 10 digits) is assigned to every Albanian and registered in the NCR database. • Certificates (Certificate of Birth, Certificate of Marriage and Certificate of Death) can be issued / directly printed on the form provided on request and handed over to the applicant. • Under the Law on Identification Documents there is an obligation for Albanians aged 16 and over to be in the possession of an identity card. • Breeder and ID documents are issued to vulnerable minorities (in particular Roma) and Diasporas in the same manner as to other people. • At an administrative level (GDCS and CSO) Albania is sophisticated and structured and, from our findings, employees at the CSO are well trained. The matricular procedure, issuance of certificates, storage and protection within the NCR system are in accordance to the European and international standards. The use of handwritten certificates, on the one hand, and the use of data from other sources than the NCR, on the other, one should be forbidden. 		
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2	BLOCK 2: Illegal migration, including readmission	<ul style="list-style-type: none"> • <u>Some progress has been made in the fields of border management, asylum and migration.</u> • In the area of border management, <u>new laws have been adopted and operational procedures have been developed.</u> • To do: An updated integrated border management strategy and action plan are needed and Border and • To do: Migration Police capacities should be further strengthened, including by investing in equipment and infrastructure, and by stepping up the efficient management of resources. • To do: The <u>Total Information Management System (TIMS) is to be fully installed and operational at all Border Crossing Points (BCPs).</u> • To do: Albania should continue to improve its sea border surveillance system and strengthen its inter-agency and international cooperation. • <u>Good progress has been made in the area of asylum.</u> Amendments to the Law on Asylum were adopted in January 2009 and legislative harmonisation with EU standards is now relatively advanced. • The possibility for judicial appeal exists although relevant procedures should be further elaborated in the legal framework. The reception centre for asylum seekers has been renovated and is in very good condition. • In the area of migration management, <u>a new Law on foreigners has entered into force</u> and the implementation of the national migration strategy and action plan are continuing. • To do: Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies. • <u>The readmission agreement with the European Community is being implemented.</u> • <u>It appears that Albania does not yet fully meet all the benchmarks specified in block 2 of the Roadmap.</u> • To do: Further progress remains to be made in particular in the areas of border and migration management. 	3-	
2.1	Border management	An updated integrated border management strategy and action plan are needed and Border and Migration Police capacities should be further strengthened, including by investing in equipment and infrastructure, and by stepping up the efficient management of resources. The Total Information Management System (TIMS) is to be fully installed and operational at all Border		

		Crossing Points (BCPs). Albania should continue to improve its sea border surveillance system and strengthen its inter-agency and international cooperation. (pg. 4).		
2.1.1	<p><u>adopt and implement legislation governing the movement of persons at the external borders, as well as the law on the organisation of the border authorities and their functions</u> in accordance with the updated National Integrated Border Management Strategy (NSIBM); and its Action Plan, adopted in September 2007;</p>	<p>The Commission:</p> <ul style="list-style-type: none"> • To do: There is a need to <u>ensure effective implementation</u> of the Law on State Border Control and Surveillance. • [criticism:] The National Strategy on Migration does not sufficiently address issues relevant for border management. • To do: Therefore it is advisable to <u>update or adopt a new Integrated Border Management (IBM) strategy</u> and <u>develop a comprehensive Action Plan</u> for its implementation. (pg. 6). • The BMP [Border and Migration Police] 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. • To do: It is necessary to clearly define their territorial responsibility and inland powers. (pg. 6). • 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. • To do: 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. • To do: 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. (pg. 6). • To do: 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. • To do: Practical cooperation and information flow between the BMP and Customs at BCPs should also be strengthened on the basis of signed formal agreements. (pg. 6). • To do: Further efforts are also required to strengthen risk analysis. [criticism:] 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. • To do: Situational awareness of the border police needs strengthening, and data flow from 	3	Long term

		<p>central level to regional and local level does not yet function efficiently. (pg. 7).</p> <ul style="list-style-type: none"> • ESI evaluation: the EU National Expert report broadly confirms the Commission’s assessment: Albania’s performance is very weak with regard to the development of an IBM system. In fact, the report identifies a complete misunderstanding with regard to the entire concept of IBM: “National Strategy on Migration and its Action Plan <u>is not addressing issues in line to develop an integrated border management system</u> in Albania, but issues related to emigration and readmission of Albanian citizens.” <p>On the positive side, the expert notes, that the organisation of the BMP meets Schengen requirements.</p>		
2.1.2	take necessary budgetary and other administrative measures ensuring efficient infrastructure, equipments, IT technology at the external borders;	<p>The Commission:</p> <ul style="list-style-type: none"> • Border surveillance is managed by the Regional Directorates. • [<i>criticism:</i>] At the green border, technical surveillance systems and alarm systems are not in place, and in general equipment for border surveillance is rather obsolete. • To do: 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. • To do: 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. (pg. 7). • Infrastructure at BCPs is adequate for performing checks in low season. • [<i>criticism:</i>] Current infrastructure at the major maritime border crossing points in Durres and Vlora are not adequate, and plans to construct new premises during 2009 are in place. • To do: 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. • To do: 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 	3	<p>Long term</p> <p>(the list of “to dos” is just too long, and the activities too complex)</p>

		<p>database of the Ministry of Interior on issued travel documents and registered motor vehicles should also be ensured. (pg. 7).</p> <ul style="list-style-type: none"> • ESI evaluation: Albania's preparedness is bad with regard to this requirement. Technical equipment is insufficient or completely lacking. The EU National Expert report confirms and complements the findings of the Commission 		
2.1.3	<p>establish training programmes and adopt ethical codes on anti-corruption targeting the border guards, customs and other officials involved in the border management;</p>	<p>The Commission:</p> <ul style="list-style-type: none"> • The BMP (Border and Migration Police) has 1400 border police officers. • 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. • To do: Basic police training is rather short and should focus more closely on border surveillance and other specialised border management skills. (pg. 6). • An anti-corruption programme of the BMP is currently being adopted. • To do: Further efforts will be required to ensure its effective implementation. (pg. 6-7). <p>• ESI evaluation: Albania is partly compliant with this requirement: (1) the importance of adequate training has been recognised and progress has been made, (2) curriculum is there but needs improvement, (3) ethical code on anti-corruption appears to be there, (4) commitment to anti-corruption is shown through dismissals and disciplinary measures, (5) An anti-corruption programme [probably meaning the training programme] of the BMP is currently being adopted</p> <p>EU National Expert:</p> <ul style="list-style-type: none"> • Police Training and Qualification system in Albania State Police consists of basic police training, field training, specialized and advanced trainings, mandatory in-service training, re-certifications and promotion training according to levels. • Police Training and Qualification system in Albania State Police consists of basic police training, field training, specialized and advanced trainings, mandatory in-service training, re-certifications and promotion training according to levels. • The specific element of Border Police training is one of the 10 subjects (442 lessons) in basic 	2	Medium- to long-term

		<p>training, including 11 lessons ... This training concentrates mainly on issues needed in border checks.</p> <ul style="list-style-type: none"> • [criticism:] Lessons for border surveillance are in practice lacking. • Other courses at the basic level are Instructor development course for instructors, ... The advanced training consists of the course of the first director level, course of middle director level and specialized and advanced courses. • There are several ideas for upcoming seasons to further develop training. The training of joint patrols with FYROM and Montenegro will be finalized ... <p><u>Evaluation:</u></p> <ul style="list-style-type: none"> • The BMP has made many efforts on training and it's obvious, that <u>the importance of training has been noticed.</u> • [criticism:] However, some <u>basic arrangements need still further development.</u> The length of basic training of police officers seems to be rather short. • [criticism:] Most of the training concentrates in common police subjects ... but <u>the part of specialized training is inadequate.</u> The number of lessons during the <u>basic training can not provide the level of knowledge, which is needed in the field.</u> • The second notable issue is that there is now systematic advanced training management. <p><u>Anti-corruption</u></p> <ul style="list-style-type: none"> • alongside the common anti-corruption program [it is unclear what the expert report precisely means with "common anti-corruption programme"] <u>the BMP has also own anti-corruption program and also the State Police Code of Ethics has been approved.</u> ... • last year 4 police officers were fired and 5 police officers were punished by lowering their ranks. During this year, 7 officers have been left without their salaries for a certain period and some cases are still under examination. • One of the anti-corruption measures is ... [a hotline] a phone number where passengers can address their complaints in case they face up to corruptive, unfair or unlawful act or behaviour by officers at BCPs´. • [criticism:] [However,] Every visited BCP didn't have such information on view. 		
2.1.4	conclude a working arrangement with FRONTEX.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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 	1	

		<p>exists.</p> <ul style="list-style-type: none"> • 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. (pg. 7). <ul style="list-style-type: none"> • ESI evaluation: requirement fulfilled 		
2.2	Carriers' responsibility			
2.2.1	Albania should: adopt and implement legislation on carriers' responsibility defining sanctions.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • ESI evaluation: Albania has mostly fulfilled this requirement: (1) adequate law has been adopted, (2) the law is already being implemented, (3) an action plan needs to be adopted for more effective implementation 	1-	
2.3	Asylum policy	<p>Good progress has been made in the area of asylum. Amendments to the Law on Asylum were adopted in January 2009 and legislative harmonisation with EU standards is now relatively advanced. The possibility for judicial appeal exists although relevant procedures should be further elaborated in the legal framework. The reception centre for asylum seekers has been renovated and is in very good condition. (pg. 4).</p>		
2.3.1	Albania should: adopt and implement legislation in the area of asylum in line with international standards (1951 Geneva Convention with New York Protocol) and the EU legal framework and standards;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. (pg. 8). • The amended Law on Asylum has abolished the National Commission for Refugees (NCR) as 	1-	

		<p>a second instance body. The latter had faced a significant backlog in the treatment of applications.</p> <ul style="list-style-type: none"> • 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. (pg. 8). • ESI evaluation: Albania almost fulfils all requirements: (1) the asylums system is described as fully functional, (2) appeal to decisions is possible, (3) remaining issues can probably be sorted with relatively little effort <p><u>EU National Expert:</u></p> <ul style="list-style-type: none"> • The provisions in the revised legislation on asylum and international protection are meeting international and EC standards 		
2.3.2	provide adequate infrastructure and strengthen responsible bodies, in particular in the area of asylum procedures and reception of asylum seekers.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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 EU 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. (pg. 8). • 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 EU. (pg. 8). • Management of the reception centre for asylum seekers in Babrru was taken over by the Albanian authorities from EU 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 	1	

		<p>monthly allowance from EU.</p> <ul style="list-style-type: none"> • To do: It is advisable that the training of staff and assistance activities are taken over by the Albanian authorities from UNHCR. (pg. 8-9). • ESI evaluation: Albania appears to be compliant. 		
2.4	Migration management	<p>In the area of migration management, a new Law on foreigners has entered into force and the implementation of the national migration strategy and action plan are continuing. Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies. (pg. 4).</p>		
2.4.1	<p>Albania should: set up and start to apply a mechanism for the monitoring of migration flows, defining a regularly updated migration profile for Albania, with data both on illegal and legal migration, and establishing bodies responsible for collection and analysis of data on migration stocks and flows;</p>	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • <u>Substantial progress has been made</u> by the Albanian authorities in implementing the Law on Foreigners which entered into force on 1 December 2008. <u>Most provisions of the law are in line with EU standards</u> and it introduces distinctions among different residence permits according to the length of stay. (pg. 10-11). • <u>Substantial progress has been made regarding the monitoring of migration flows.</u> Migration statistics are recorded in the TIMS and plans exist to further upgrade this system. • <u>To do:</u> It should in particular be ensured that all ministries with an interest in migration management can access it. • The DBM HQ (Department of Border and Migration) has a <u>specific Risk Analysis Office to monitor migration flows and stocks and shares this information with Eurostat.</u> Data on residence permits is collected by each RDBM and forwarded to DBM HQ daily. (pg. 11). • Data collection forms on visa and residence permits have been harmonised in line with EU standards (Regulation 862/2007). • <u>Albania produced a national updated Migration Profile in 2008;</u> 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. (pg. 11). • ESI evaluation: Albania appears to be mostly compliant: (1) legal provisions are mostly in line with EU standards, (2) Monitoring of migration flows progresses well. (3) migration statistics are being recorded, (4) there is a risk analysis office that shares information with Eurostat. (5) data 	1	

		collection on visa and resident permits are in line with EU standards. (6) a migration profile has been prepared in 2008	
2.4.2	implement the National Migration Strategy and its Action Plan, adopted in May 2005, including sustainable financial and social support;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 2008 report: A new Law on foreigners is set to enter into force on 1 December 2008. The implementation of the law is of particular importance. • 2009 report: 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; • 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. • To do: More efforts should be made to involve competent expertise with a specific knowledge of the reintegration process. KG: To 2.4.2? • To do: however, an inter-ministerial coordination mechanism has yet to be established. • ESI Evaluation: To a significant extent Albania has fulfilled this requirement: (1) Law on Foreigners is in place, (2) the national strategy is being implemented and capacities improved. (3) it is supported by a CARDS programme and IOM, (4) capacities appear to be sufficient including human resources, (5) a coordination and monitoring plan is in place, (6) an inter-ministerial coordination mechanism still necessary, (7) Integration policy of migrants and the reintegration of returnees needs further development <p><u>EU National Expert:</u></p> <ul style="list-style-type: none"> • “The Directorate of Migrations and Readmissions and the 8 RDBMs have Migration Sectors. 	1-

		<p>In total 25 employees can implement migration management activities on a national scale.”</p> <ul style="list-style-type: none"> • “All the conditions for obtaining residence permit or visa are thoroughly checked; more than 2 persons are always involved in procedures about residence permits, probably to avoid misconduct. ... Although the employees have ample knowledge and experience to handle the applications, they sometimes seem to have the attitude that they just have to follow the rules.” • “Many measures of the national action plan on migration are implemented or partially implemented ... It will take more time and effort to implement all the measures in reference to the implementation of the integration policy of migrants and the reintegration of returnees.” 		
2.4.3	define and apply a methodology for inland detection and take measures improving the capacity to investigate cases of organised facilitated illegal migration;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. (pg. 11). • 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. • ESI evaluation: Albania is only partly compliant with regard to this requirement: (1) a system of inland detection is in place, (2) it uses various intelligence source, (3) the scale of the problem is relatively small and mostly concerns individual migrants, (4) Nevertheless, the issue of inland detection has not received adequate attention, neither in terms of human resources, nor in terms of strategy planning <p><u>EU National Expert:</u></p> <ul style="list-style-type: none"> • The scale of illegal 3rd country nationals is very small compared to the real scale of illegal emigration of own nationals. The vast majority of illegal migration cases are committed individually without 3rd party facilitators. • <u>The Sector of Readmission and Return under the DBM HQ supervises investigation activities against illegal migrants.</u> ... The DBM HQ uses its own intelligence sources, the information of the customs office and the national intelligence service to conduct investigations and carry out 	2	Medium term

		<p>checks.</p> <ul style="list-style-type: none"> • [criticism:] <u>No specific legislation or internal rule was available on the method of inland detection.</u> The inland controls are organized jointly between the border and the general police forces. ... • [criticism:] the distribution of Border and Migration Police personnel is focusing numerically on Border Crossing Points, that leaves the migration sectors in most of the regional directorates with 1 or 2 officials only. <u>This number is not sufficient to encounter inland illegal migration even if cooperating with general police regional directorates.</u> • We did not meet general police thus we could not get information on their investigative potentials concerning illegal migration. 		
2.4.4	adopt and implement a law on the admission and stay of third country nationals, defining rights and obligations for the persons concerned (including family members of third country nationals);	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 2008 report: 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. • To do: Regarding integration policy, a more proactive approach is required towards both legally residing immigrants and returnees. • [criticism:] 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. (pg. 11). • 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. <p>• ESI evaluation: To a very significant degree, Albania appears to comply with this requirement: (1) Legal framework is there and is generally deemed sufficient, (2) Minor criticisms only on the law, (3) The law is being implemented, (4) There is no criticism of implementation, (5) Integration policy should be more proactive; however, to put it in context, the number of permanent residents is very low, temporary residents are mostly from the EU and are for work purposes in Albania</p> <p><u>EU National Expert:</u></p>	1-	Short- to mid-term

		<ul style="list-style-type: none"> • “UNHCR plays an important role in the integration of refugees including sustainable financial and social support (bus tickets, medical assistance and so on), also when the refugees have left the reception center in Tirana and have private accommodation (financed by the government). UNHCR is content about the way the government is dealing with the integration of refugees and the cooperation with the Ministries of Foreign Affairs and Interior would be excellent.” • “No specific measures on integration of foreigners are put in place. This fact reflects the situation that most of the migrants are from EU countries or those who are from other 3rd countries reside in Albania mainly for employment/work purposes.” • “The number of permanent residents is very low.” 		
2.4.5	ensure effective expulsion of illegally residing third country nationals from its territory.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • <u>Expulsion of illegally residing third country nationals is regulated by the new Law on Foreigners</u> and is <u>broadly in line with European Standards</u>. 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. (pg. 11). • [<i>criticism:</i>] 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. (pg. 11-12). • “2009 report: The Albanian authorities are cooperating effectively on readmission issues with EU Member States. (pg. 12).“ • 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. (pg. 12). • ESI evaluation: Albania appears to be broadly compliant with (1) legal framework broadly in line with EU standards, (2) detention centre still under construction; alternative accommodation is begin used, (3) as statistics show, expulsions are being carried out 	1-	Medium term

3	BLOCK 3: Public order and security	<ul style="list-style-type: none"> • Some progress has been made by Albania towards the fulfilment of the benchmarks under block 3. • <u>The general legal framework for the fight against organised crime and corruption is in place.</u> • <u>Strategies and action plans in the areas of the fight against drugs, trafficking in human beings and corruption have been adopted.</u> • The <u>alignment of the domestic legal framework with European and international standards is generally underway.</u> • In some areas <u>improvements in inter-agency and international cooperation</u> activities were recorded. • To do: However, <u>considerable additional progress is still required across all policy areas under this block.</u> • To do: The <u>implementation of the key strategies remains a challenge</u> and an overall action plan related to the fight against organised crime as well as an anti-money laundering strategy and action plan still have to be adopted. • To do: Considerable efforts need to be made to implement the existing legal and policy framework. • To do: In this view, <u>further human and financial resources as well as training need to be provided</u> and the capacities of the relevant administrative structures have to be strengthened in order to fight organised crime and corruption more effectively. • [criticism:] <u>Police operations remain reactive and fragmented,</u> and the use of criminal intelligence tools such as MEMEX remains weak. • [criticism:] <u>Insufficient inter-agency cooperation</u> and operational as well as investigative capacity remain obstacles to efficient law enforcement. • To do: <u>International cooperation should be strengthened.</u> Clear statistics are not available, especially relating to the use of special investigative techniques, including the results achieved. • To do: In the area of protection of personal data, progress has been made but <u>adequate human and financial resources remain to be allocated.</u> • <u>Albania has made some progress in the area of public order and security, but it appears that it does not yet fully meet the benchmarks under this block.</u> 	3-	
3.1	Preventing and fighting organised crime, terrorism	The implementation of the key strategies remains a challenge and an overall action plan related to the fight against organised crime as well as an anti-money laundering strategy		

	and corruption	and action plan still have to be adopted. Considerable efforts need to be made to implement the existing legal and policy framework. In this view, further human and financial resources as well as training need to be provided and the capacities of the relevant administrative structures have to be strengthened in order to fight organised crime and corruption more effectively. (pg. 13).		
3.1.1	Albania should: adopt and implement the draft Strategy to fight organised crime (in particular cross-border aspects), by adopting and implementing an action plan including a timeframe, measures to strengthen institutional capacity and inter-agency coordination and sufficient human and financial resources;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. (pg. 14). <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Albania has chosen to elaborate a number of lower level strategies (drugs, human trafficking, corruption) addressing key aspect of the fight against OC, but it did not work out in the same detail and quality and overarching strategy to combat OC as is also required by the roadmap. In general terms, the legal framework is now adequate and in compliance with EU standards, but implementation is lagging behind. Central coordination of efforts also remains problematic. <p><u>EU National Expert:</u></p> <ul style="list-style-type: none"> • <u>According to the expert’s opinion and on the basis of the annual report, the fight against organised crime remains a point of concern in Albania.</u> Nevertheless, during the last years <u>this Country has demonstrated a strong will to fight the phenomena</u>, approving legislative reforms in compliance with European suggestions. • <u>the legal basis ... can be evaluated as positive</u>, considering that Albania has approved ... specific acts (laws, bylaws, orders issued by the Council of Ministers and by Ministers) which are consistent with the EU parameters. • <u>The implementation of laws ... does not appear effective and concrete</u> • The Law no. 9284 dated 30.9.2004 “On preventing and striking organised crime”. This Law, 	3+	Medium- to long-term

		<p>created on the basis of the Italian “anti-mafia” law, ... By means of this Law, applied only for limited cases, assets from illegal activities can be sequestered and confiscated as a preventive measure.</p> <ul style="list-style-type: none"> • According to expert’s opinion the concrete implementation of this Law can have an enormous impact: ... • Unfortunately, on this issue [there is] a lack of implementation of these special measures. >> According to the Public Prosecutors’ Office and the Serious Crime Court, a severe interpretation adopted by the Supreme Court on this subject (decision n.1/2007) has reduced requests and investigations on these cases. • Council of Ministers approved “The Intersector-strategy against organised crime, trafficking and terrorism” • [The inter-sector] strategy contains neither an action plan nor timing on objectives, activities and results. On the contrary, action plans have been laid down on the specific sectors (the anti-drug strategy, a cross-cutting strategy on the fight against corruption, a national plan against trafficking of Human Beings and Children and a National plan for the prevention of the smuggling of motors vehicles). • [Concerning coordination the Advisory Committee for anti-organised crime measures was established] • Precise explanations and concrete data on an effective role played [by the coordinating body is not available and not visible] • [Concerning training and infrastructure:] no serious concerns [in Tirana] ... [but] criticalities have been found in specific sectors of some local regional offices ... [and] at the border police office. • [concerning technical infrastructure and equipment] many concerns were highlighted considering necessities to carry out specific activities and the instruments at their disposal; in particular a shortage of vehicles • Necessities in increasing the budget have been highlighted 		
3.1.2	adopt and implement the draft Strategy to combat trafficking in human beings as well as an action plan indicating timeframes and sufficient human and financial	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • The National strategy on the fight against trafficking in human beings reiterates the roles of the different bodies in this field. • To do: There is further <u>need for a clear definition of the exact tasks and responsibilities of the relevant bodies</u>. 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. (pg. 	3	Long-term

	resources;	<p>15).</p> <ul style="list-style-type: none"> • To do: 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. • To do: 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. • To do: Counter- trafficking measures could further be improved by allowing for the use of special investigative measures on the local level. • To do: 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. (pg. 15-16). • A database on victims of trafficking containing information on victims from their identification to reintegration became operational in September 2008. • To do: 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. (pg. 16). • ESI evaluation: Albania’s preparedness is only very basic with regard to this requirement. The list of “to dos” is very long. 		
3.1.3	adopt and implement a national strategy for the prevention and fighting of money laundering and financing of terrorism, including necessary legislative measures based on an analysis of existing legislation; implement	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • The strategy and action plan on the prevention of money-laundering remain to be finalised and implemented. (pg. 17). • The number of suspicious transaction reports sent to the police or prosecution by the FIU has increased. • To do: Cases involving large financial transactions or higher level criminal groups remain to be appropriately addressed, [<i>criticism:</i>] while the number of suspicious transaction reports sent to the FIU remains low. 	2-	Medium- to long-term

	<p>relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects);</p>	<ul style="list-style-type: none"> • To do: 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. • [Criticism:] Problems remain as to prosecuting and adjudicating cases of money laundering. (pg. 17). • 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. • To do: 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. (pg. 17). • ESI evaluation: in spite of gradual improvements over the years, there appear to be some serious systemic problems with regard to Albania's compliance regarding this requirement. Reporting of Suspicious Transactions by obliged entities (e.g. banks) is still very low, partly as a result of lacking awareness. However, the FIU has submitted more reports for further investigation by the police or prosecution; capacities are generally also improving there, though perpetrators of financial crimes (money-laundering) are still often charged for other offences and there are no attempts to seize their proceeds. As a result a lot remains to be done; 		
3.1.4	<p><u>implement the 2004-2010 National Strategy against Drug Trafficking and National Drug Action Plan; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the</u></p>	<p>The Commission:</p> <ul style="list-style-type: none"> • 2008 Report: • The national strategy against drug trafficking and a national drug action plan 2004-2010 are in place. • Inter-agency cooperation has improved in recent years. • [internal] Co-operation agreements were signed between the different responsible bodies and joint task forces were established • The police are taking an increasingly active role in counter narcotics operations. • International cooperation increased and successful joint international operations have been implemented. 	<p>Based also on the expert report:</p> <p style="text-align: center;">2+</p>	<p>Medium-term</p>

	drug field;	<ul style="list-style-type: none"> • Due to successful operations, drug-related prosecutions have increased. • 2009 report: • To do: In order to ensure the efficient implementation of the anti-drug strategy and action plan, <u>administrative capacities need to be further strengthened and continuous training provided</u> to the staff involved in this area. (pg. 18). • [<i>criticism:</i>] 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 <u>lack of direct access to the MEMEX information system</u> by the regional police units and by the inaccessibility of the system to other law enforcement authorities. (pg. 18). • To do: Overall, the use of proactive, intelligence-led law enforcement operations in the fight against narcotics needs to be further strengthened. • To do: Inter-agency cooperation must also be significantly improved in order to achieve long term, sustainable results. (pg. 18). • <u>Increased international cooperation</u> 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. • The establishment of a new storage for confiscated drugs in Tirana in May 2008 is a welcome development. • To do: The setting up of further similar facilities should be considered at critical border points. (pg. 18). <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Albania has established key infrastructure and institutions to combat drug trafficking; the quality and know-how of staff appears to be sufficient to good and has achieved some successes in investigating and prosecuting cases; Albania nevertheless needs to further improve coordination between agencies, equipment, significantly improve communication infrastructure and establish adequate facilities for addicts. Nevertheless, the impression is the country is <u>on the right track and can within the foreseeable future comply with roadmap requirements</u>. <p><u>EU National Expert:</u></p> <ul style="list-style-type: none"> • While the <u>investigation and prosecution phase is efficient</u>, • [<i>Criticism:</i>] the <u>medical treatment of the drug users presents infrastructure and coordination</u> 		
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		<p><u>problems.</u></p> <ul style="list-style-type: none"> • The <u>Anti-Drug Sector of the Department against Organized Crime</u> counts on 12 police officers, <u>well qualified and trained.</u> At <u>Regional level, there are also specific Units dedicated to this issue</u> that count on about 170 police officers and agents. This Sector is <u>supported by the Special Operations Sector</u> from a technical point of view (audio video recorder, cameras, surveillance activities, gps and bugs) and in the case of controlled delivery and undercover operations. • <u>In May 2008, a new storage for drugs has been established. It is very well organized and safe:</u> each drug load seized is contained in a plastic bag with a serial number and the relevant photos and information are loaded in a specific database. • To do: increase of personnel and equipment • Sector of the Directorate against Organized Crime has the duty to coordinate the operational activity between regional Units and other structures (Border Police, Custom) • To do: coordination should be strengthened • [<i>criticism:</i>] The police information are collected and inputted in the Memex System, located only in Tirana; [<u>electronic communication and information exchange deficient:</u>] the regional Directorate has to send the paper version to the central Anti-Drug Sector • To do: install Memex System at regional level • <u>From many years, Albanian police has been cooperating with foreign law enforcement agencies in drug matters, achieving good results</u> also through special operations such as controlled deliveries and undercover activities. • [<i>criticism:</i>] On domestic side, <u>one of the main cannabis producing area,</u> the village of Lazarat (Djirocaster region), <u>remains inaccessible for police forces</u> highlighting a serious problem of public order in an so delicate area. • <u>The speed boat moratorium has surely helped to control and to fight the leave of drug load by sea.</u> In fact, <u>many seizures have been carried out in the Albanian harbours</u> while the speed boats were leaving the coast in order to get to Greece or Italy. • [<i>criticism:</i>] <u>This moratorium will finish at the end of this year but nobody has been able to talk about its possible extension</u> or otherwise an effective post-moratorium strategy. 		
3.1.5	implement the 2007-2013 National Anti-Corruption Strategy on preventing and fighting corruption. Adopt and implement an Anti	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 2008 report: • [<i>criticism:</i>] <u>The lack of necessary institutional capacities for implementing the anti-corruption strategy</u> as well as coordinating and monitoring the fight against corruption <u>is a weak point of the</u> 	2	Medium term

	<p>Corruption Action Plan, to include a timeframe, as well as measures to strengthen institutional capacity, inter-agency coordination and sufficient human and financial resources</p>	<p><u>Albanian system.</u></p> <ul style="list-style-type: none"> • To do: A stable institutional set-up together with firm monitoring responsibilities is required. • [<i>criticism:</i>] The <u>overall institutional set-up and inter-agency coordination</u> in the fight against corruption <u>remain weak.</u> • The <u>police and judiciary became more active</u> in investigating government officials and law enforcement personnel for corruption... • [<i>criticism:</i>] <u>Nevertheless, Albania continues to lack the judicial independence for truly unbiased proceedings and many cases are never resolved. [!!!]</u> • 2009 Report: • 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. (pg. 19). • 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 <u>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.</u> This positive operational step has contributed to increasing the capacity to investigate corruption crimes. • The <u>establishment of 6 similar units in other prosecution offices</u> elsewhere in the country is a positive step that needs to be completed. • Similarly, <u>specialised police units have been created to combat corruption and economic crime.</u> The trend towards increasing specialisation in the relevant state institutions is positive. (pg. 19). • Internal control systems including anti-corruption activities are being introduced in the public administration and law enforcement [To do:] but should be strengthened to effectively prevent corruption. • [<i>criticism:</i>] 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 		
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Internal Administrative Control and Anti-Corruption (DIACA). (pg. 19-20).

ESI evaluation:

- Based also on the expert report, Albania's measures in the field of anti-corruption appear to be sound and of a good quality; the trajectory is definitely very positive if the effort can be kept up. The problem is that implementation is at an early stage only; what is very positive (according to the expert report) that also high level cases are being investigated by the Joint Unit for the Investigation of Economic Crime and Corruption.

EU National Expert:

- the anti-corruption strategy... was adopted ... 3 October 2008, which is a legally binding document.... In sum, there seem to be a well developed policy planning and implementation mechanism making [anti-corruption policy] ... a part of the overall reform efforts.
- The implementation mechanism is rather comprehensive. It has on the top of it the Inter-Ministerial Working group (hereinafter – IWG). ... With this Decision it is tasked to specifically monitor the implementation of the anti-corruption strategy, approve the annual action plans and revise the strategy.. ... The IWG is assisted by a technical working group composed of experts from same ministries and public institutions. ... [and] an Advisory Group ...
- The strategy, in terms of its form, includes all the necessary elements, such as priorities and goals, specific objectives, and provisions on its implementation.
- ... **[the strategy] takes a broader perspective what sectoral and systemic reforms are needed in order to improve and modernise the political system, public administration, legislation and the law enforcement institutions** so that the risks and incentives for corruption to occur are reduced. ...
- The implementation of the strategy is at its early stage. ...
- The first and most important step in the implementation of the anti-corruption strategy was the development and adoption by the IWG of the integrated action plan for 2009.
- Meanwhile, certain responsible institutions in the area of fight against corruption and prevention of corruption, ... are not included. ...
- Given the approach taken the action plan is, to some extent, lengthy and could be made more readable and also – realistic (focus just on some priorities).
- [but] The action plan contains the necessary elements, i.e. the objective, specific activity,

		<p>responsible institution, deadline, budgetary resources and measurement indicators.</p> <ul style="list-style-type: none"> • ... There is also common logic and continuity between the anti-corruption strategy and the action plan. • It should be stressed that some measures are already implemented. ... it is too early to see if the action plan as a whole will be efficient or not. • An important challenge will be the willingness of involved institutions to undertake the planned measures, willingness of the Cabinet of Ministers and the Parliament to adopt the foreseen laws and secondary regulation and availability of human and budgetary resources. • There are various inter-institutional cooperation mechanisms put in place over the past years ... Overall, it appeared that the cooperation is functioning ... Overall the division of tasks and competences is clear. • An important measure taken in order to improve the cooperation and coordination in the area of anti-corruption was the <u>setting up of the Joint Unit for the Investigation of Economic Crime and Corruption in the Tirana Prosecution Office</u> • <u>the Unit is functional and increasingly investigates and prosecutes corruption cases of different level of public officials, including high-level.</u> • The High Inspectorate of the Declaration and Audit of Assets is cooperating with the Financial Intelligence Unit, tax service and prosecution service. ... • In terms of monitoring implementation of the anti-corruption strategy, as described above, formally a comprehensive mechanism is created. 		
3.1.6	implement relevant EU and Council of Europe conventions as well as GRECO recommendations and other international standards in the areas listed above and on fight against terrorism.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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. • To do: Further legal and administrative measures need to be taken in order to <u>complete harmonisation with accepted international standards</u> in the area of prevention and fighting of organised crime. • To do: Significant efforts still need to be made to <u>reinforce the investigative capacity in the police and the prosecution and to enforce cooperation between law enforcement agencies, the judiciary and the prosecution.</u> (pg. 14). • To do: Implementation of the legal framework in place needs to be ensured and <u>a number</u> 	3+	Medium- to long-term

		<p><u>of measures remain to be taken in order to implement the Council of Europe Convention on Action against trafficking in human beings</u>, in particular in the area of victim protection. (pg. 15-16).</p> <ul style="list-style-type: none"> • To do: Even though the adoption in 2008 of the law on the <u>prevention of money laundering and financing of terrorism</u> has increased the compliance of the Albanian system with international requirements (FATF and Moneyval), it is <u>still not fully in line with European and international standards and a number of bylaws need to be adopted</u>. (pg. 17). • To do: The <u>implementation of GRECO recommendations and UN and Council of Europe Conventions</u> in preventing and fighting corruption needs to be improved. (pg. 21). <p>ESI evaluation:</p> <ul style="list-style-type: none"> • Albania is only partially compliant in the above areas. Initial steps have been taken, but a lot needs to be done in terms of adopting by laws, and progressing to full implementation of adopted international conventions. 		
3.2	Judicial co-operation in criminal matters	Police operations remain reactive and fragmented, and the use of criminal intelligence tools such as MEMEX remains weak. (pg. 13).		
3.2.1	Albania should: implement international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions);	<p>The Commission:</p> <ul style="list-style-type: none"> • A <u>new specific law</u> on mutual legal assistance in <u>under preparation</u>. • An <u>inter-institutional working group</u> has been established within the Ministry of Justice to <u>coordinate its drafting</u>. • To do: 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. (pg. 21) • As regards the implementation of the 2nd additional Protocol to the European Convention on <u>Mutual Legal Assistance in criminal matters</u>, <u>certain instruments</u> foreseen by the Protocol (e.g. the use of videoconferences for the hearing of witnesses) <u>have been applied in a very limited number of cases</u>. • To do: <u>Continuous training to all staff</u> dealing with requests for mutual legal assistance and a sufficient budget, especially to cover translation costs, <u>should be ensured on a sustainable basis</u> in order to deal effectively with the growing number of requests. (pg. 21). <p>ESI evaluation:</p>	3+	Long-term

		<ul style="list-style-type: none"> • Still a lot do... Albania is only at the beginning... 		
3.2.2	take measures aimed at improving the efficiency of judicial co-operation in criminal matters of judges and prosecutors with the EU Member States and with countries in the region;	<p>The Commission:</p> <ul style="list-style-type: none"> • As regards mutual legal assistance of 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. • To do: 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; [<i>criticism:</i>] however, figures and statistics are lacking. (pg. 20). • 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. (pg. 20). • 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. (pg. 20). • 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. (pg. 21). • ESI evaluation: it appears that Albania is mostly compliant, though figures are lacking to conclusively confirm this positive overall evaluation. 	1-	
3.2.3	develop working relations with Eurojust mainly through the Eurojust contact point.	<p>The Commission:</p> <ul style="list-style-type: none"> • Preparations are ongoing for the conclusion of a cooperation agreement with Eurojust but a contact point still has to be appointed. (November Assessment, pg. 20 in updated version). • From Eurojust website: contact point appointed • ESI evaluation: cannot be fully evaluated 	1	
3.3	Law enforcement co-operation	Insufficient inter-agency cooperation and operational as well as investigative capacity remain obstacles to efficient law enforcement. International cooperation should be strengthened. Clear statistics are not available, especially relating to the use of special investigative techniques, including the results achieved. (pg. 13).		
3.3.1	take necessary steps to ensure	The Commission:	3+	Medium- to long-

	<p>efficiency of law enforcement co-operation among relevant national agencies, especially border guards, police, customs officers, as well as cooperation with the judicial authorities;</p>	<ul style="list-style-type: none"> • 2008 report: 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, • 2009 report: [<i>criticism:</i>] Significant progress is still to be made to formalise and enforce cooperation with other law enforcement agencies and with the prosecution and judiciary. • [<i>criticism:</i>] 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. (pg. 22). • To do: 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. (pg. 22). • ESI evaluation: some recent progress is evident. However, cooperation and coordination is insufficient throughout the system. It has to be formalised and improved. 		term
3.3.2.	<p>improve exchange of information between national agencies by establishing appropriate and effective coordination mechanisms;</p>	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • The MEMEX information system for the management of criminal intelligence remains located in the Ministry of the Interior and 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 • To do: the provision of the necessary financial means, including meeting the relevant training needs, is essential. • ESI evaluation: compliance might be expected towards the end of the year. Then it remains to be seen how efficient the system will be used. 	2+	Short- to medium
3.3.3	<p>reinforce regional law enforcement co-operation and implement bilateral and</p>	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • An increasing number of bilateral protocols with several countries in the region is signed or 	1-	Medium term

	multilateral operational cooperation agreements, including by sharing on time relevant information with competent law enforcement authorities of EU Member States;	planned though their implementation is at an early stage. (November Assessment, pg. 21 in updated version). <ul style="list-style-type: none"> • ESI evaluation: Albania appears to be on the right track. Full compliance is likely in the foreseeable future. 		
3.3.4	improve the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • [<i>Criticism:</i>] 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. • To do: Regular training should be provided to the police officers involved in the use of special investigative measures. (pg. 22). • [<i>criticism:</i>] 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. (pg. 22). • ESI evaluation: there is a still a lot to do, but the trajectory appears to be positive. 	2-	Medium- to long term
3.3.5	take the necessary steps to prepare for the conclusion of an operational cooperation agreement with Europol with special emphasis on data protection provisions.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • A strategic cooperation agreement with Europol entered into force in 2007; preparations for an operational cooperation agreement are ongoing. (November Assessment, pg. 21 in updated version). 	1-	
3.4	Data protection	In the area of protection of personal data, progress has been made but adequate human and financial resources remain to be allocated. (pg. 13).		
3.4.1	implement the Personal Data Protection Law, adopted in March 2008 on the protection	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • 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 	2-	Medium-term

	<p>of personal data and implement its provisions including setting-up of an independent data protection supervisory authority with sufficient financial and human resources;</p>	<p>structure for the independent data protection supervisory authority was agreed. (November Assessment, pg. 23 in updated version).</p> <ul style="list-style-type: none"> • 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. • To do: Further efforts are needed for its implementation and to ensure effective supervision by the Commissioner for data protection. • To do: To this end, it is of utmost importance that adequate financial and human resources are allocated to the supervisory authority. (pg. 23). • ESI evaluation: the trajectory is clearly positive, though improvement is slow, given that the relevant law was adopted already April 2008. If implementation is speeded, compliance is likely within the medium-term. However, Albania appears to be quite slow in making progress in implementation. 		
3.4.2	<p><u>sign, ratify and implement relevant international conventions</u>, such as the Additional protocol of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data.</p>	<p>The Commission:</p> <ul style="list-style-type: none"> • 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. • ESI evaluation: Albania appears to be compliant; 	1	

4	BLOCK 4: External Relations and fundamental rights	<ul style="list-style-type: none"> Albania has made <u>good progress towards meeting the benchmarks</u> set under block 4, but some problems remain. ^ The <u>basic legal framework for ensuring free movement and access to documents in Albanian is in place</u>. Practical efforts have been made to ensure access to documents for some specific groups but problems in this area still remain, in particular as regards the Roma community. Provisions on the protection of minorities are in place as well as specific institutional structures. [criticism:] The <u>progress with the implementation of the Roma strategy is limited</u>, as it continues to lack adequate budgetary means, and the monitoring unit within the Ministry of Labour, Social Affairs and Equal Opportunities is understaffed. Furthermore, there is a new draft Action Plan for the Roma Decade that should be adopted in June 2009. To do: ... <u>a specific law on anti-discrimination remains to be adopted</u> by Parliament. There are no registered cases of discrimination and no reported cases. <u>Further efforts are necessary to fight discrimination on all grounds</u>, including on sexual orientation. <u>It appears that Albania is on the right track to meet the benchmarks</u> under this block. Additional efforts should be concentrated on protection of minorities and fight against discrimination. 	3+	
4.1	Freedom of movement of nationals of Albania			
4.1.1	Albania should: ensure that freedom of movement of citizens of Albania is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion,	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> “The basic legal framework for ensuring free movement and access to documents in Albanian is in place. 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. 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. ESI evaluation: To a large extent Albania fulfils the requirements: (1) constitutional and legal provisions are adequate, (2) positive discrimination is possible (3) complaints on discrimination can be filed to 	1-	

	membership of a national minority, property, birth, disability, age or sexual orientation.	<p>Ombudsman or through specific channels to police regarding police discrimination, (4) no cases have been reported so far</p> <p><u>Expert meeting on Block 4 compliance:</u></p> <ul style="list-style-type: none"> • “Regarding the mechanism of complaints, current rules cover measures to take against police employees who committed disciplinary violations, as well as complaints possibilities to the People's Advocate office (ombudsman) which was established in 1999 as an independent body. The Ombudsman publishes an annual report and submits it to the Parliament for discussion. No statistics on anti-discrimination of the complaints treated by the Ombudsman was provided.” • “In terms of implementation, there is virtually no record of discrimination instances in Albania.” • “It is likely that the lack of data on anti-discrimination cases is due to a lack of awareness of their rights by the citizens and other persons concerned.” 		
4.2	Conditions and procedures for the issue of identity documents			
4.2.1	Albania should: ensure full and effective access to travel and identity documents for all citizens of Albania including women, children, people with disabilities, people belonging to minorities and other vulnerable groups;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • “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. ... • 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.” <p>• ESI evaluation: Albania has taken a number of steps to issue ID and travel documents: (1) ID cards are free of charge for Roma; reduced rates apply for other disadvantaged population segments, (2) There are efforts to register the Roma population , (3) mobile teams provide documents for specific groups</p>	1-	

4.2.2	ensure full and effective access to identity documents for IDPs and refugees.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • In total there were 97 people with refugee status in Albania. (pg. 25). • 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.(2008 Report). • ESI evaluation: cannot be fully evaluated as information is lacking on refugees’ access to ID documents <p><u>Government readiness report:</u></p> <ul style="list-style-type: none"> • “According to our legislation, all the refugees shall be provided with a Travel Document. There have been no cases of refusal.” 		
4.3	Citizens’ rights including protection of minorities	<p>Provisions on the protection of minorities are in place as well as specific institutional structures. The progress with the implementation of the Roma strategy is limited, as it continues to lack adequate budgetary means, and the monitoring unit within the Ministry of Labour, Social Affairs and Equal Opportunities is understaffed. Furthermore, there is a new draft Action Plan for the Roma Decade that should be adopted in June 2009. (pg. 24).</p>		
4.3.1	Albania should: adopt and enforce legislation to ensure effective protection against discrimination;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • “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 antidiscrimination 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. (pg. 26). • ESI evaluation: Albania is half-way through implementation: (1) constitutional provisions are adequate, (2) discrimination is addressed in a number of legal acts (e.g. Family code, Criminal code, Labour code, Code of Administrative procedures, Code of Criminal procedure, Code of Civil Procedure, Law on pre-university educational system, Law on Political parties, Law on People's Advocate, Law on Press etc.), (3) a comprehensive law on discrimination is not yet in 	2	Medium- to long-term

		<p>place, though a draft has entered parliamentary procedure.</p> <p><u>Expert meeting on Block 4 compliance:</u></p> <ul style="list-style-type: none"> • “To complete this gap, a draft "Law on Protection against all forms of discrimination in the Republic of Albania", submitted by a non-governmental organisation, has entered the parliamentary procedure. This text provides a definition of terms and measures to take in a case of discrimination and reportedly is covering all grounds of discrimination. The government signalled its support, in principle, to this text and its readiness to work constructively in the next period towards its adoption by the Parliament. The Commission proposed assistance in reviewing the draft, if necessary.” 		
4.3.2	specify conditions and circumstances for acquisition of Albanian citizenship;	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • “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.” <p>• ESI evaluation: With the exception of bilateral agreements, Albania appears to have complied with requirements: (1) the framework is clear, (2) conditions and circumstances for obtaining Albania citizenship are clarified, (3) it is not clear whether signing of bilateral agreements on dual citizenship is necessary requirement for roadmap completion; any way, this is usually quite a lengthy process</p>	1-	With the exception of bilateral agreements, Albania appears to have complied with requirements
4.3.3	ensure investigation of ethnically motivated incidents by law enforcement officers	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • No cases of ethnically motivated incidents by law enforcement officers in the area of free movement or other type of discrimination have been reported. (pg. 26). 	1-	

	<p>in the area of freedom of movement, including cases targeting members of minorities;</p>	<ul style="list-style-type: none"> • ESI evaluation: this sounds quite positive; but it is unclear whether people simply don't report such issue <p>Expert meeting on Block 4 compliance:</p> <ul style="list-style-type: none"> • “According to the current official statistics, minorities represent 1.4% of the population of the country.” 		
4.3.4	<p>ensure that constitutional provisions on protection of minorities are observed;</p>	<p>The Commission:</p> <ul style="list-style-type: none"> • “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 <i>National plan for the implementation of the Stabilisation and Association Agreement</i> 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” (2008 Report). • ESI evaluation: Albania's ethnic and linguistic minorities are relatively small. Albania appears to comply to a large extent, though it is difficult to precisely determine its degree of compliance: (1) Albania reports to the Council of Europe regarding progress on Framework Convention for the protection of national minorities, (2) there is a main responsible body for compliance: the MoFA (as it is responsible for implementation of the Association Agreement for with the EU). (3) further ministries are also involved. (4) coordination needs to be improved <p>Expert meeting on Block 4 compliance:</p> <ul style="list-style-type: none"> • “There is a wide set of legislation, from the Constitution to the Labour Code, dealing with the protection of minorities. Albania acceded to the Framework Convention for the protection of national minorities in 2000. Reports on its implementation are submitted to the Council of Europe. Institutions involved in minority protection include the Ministry of Labour, Social Affairs and Equal Opportunities, the State Committee for minorities (in the Prime Minister's office) and Ministry of Foreign Affairs (Unit for Human rights, minorities and reporting). Each body has its own budget for the minority issue, whereas there is a need to improve their coordination.” 	1-	

		<ul style="list-style-type: none"> • “The Ministry of Foreign Affairs is responsible for fulfilling National Plan for implementing the Stabilisation and Association Agreement. Among others it organizes conferences, meetings, round tables and seminars with the representatives of minority associations.” 		
4.3.5	implement relevant policies regarding minorities, including Roma.	<p><u>The Commission:</u></p> <ul style="list-style-type: none"> • “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. • [criticism:] However, the development of minority policies requires accurate and up-to-date statistics on all minorities. Such data is not available at present. (pg. 27). • [criticism:] Strengthening of the resources of the Ministry of Labour is needed to improve monitoring of Roma issues. • [The general assessment section of the Commission report reinforces this points:] The progress with the implementation of the Roma strategy is limited, as it continues to lack adequate budgetary means, and the monitoring unit within the Ministry of Labour, Social Affairs and Equal Opportunities is understaffed. • 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.” • ESI Evaluation: To an extent, Albania has fulfilled requirements: (1) the legal framework is sufficient, (2) measures have been undertaken regarding minorities, e.g. in the field of education, (3) efforts are ongoing to register all Roma, (4) Roma National Action Plan will only be adopted in June 2009, (5) statistics remain unreliable, (6) budgetary means for implementation of measures and human resources remain insufficient <p><u>Expert meeting on Block 4 compliance:</u></p> <ul style="list-style-type: none"> • “The Roma population in Albania is estimated at around 60 000. Strengthening of the resources of the Ministry of Labour is needed to improve monitoring of Roma issues. Lack of complete data for the Roma further complicates the government efforts. • Albania became a member of the Decade of Roma Inclusion 2005 - 2015, however its Action plan 	2	Medium term

		<p>has not been adopted yet. This Action plan will help updating the National Roma Strategy. Albania has a limited refugee population (70).</p> <ul style="list-style-type: none">• The Commission pointed out at the importance of sufficient budget for the implementation of the action plan for Roma integration. Statistics on Roma need to be improved.		
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