



**REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS**

VISA LIBERALISATION DIALOGUE

Second Readiness Report on the implementation by Albania of the roadmap for visa liberalisation

Tirana, 1 October 2009

Block 1	Illegal migration, including readmission
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Passports/travel documents, ID cards and breeder documents (benchmarks 1-5)

→ **Continued issuance of biometric passports (please specify the number of biometric passports issued)**

The updated statistics in provision process of citizens with biometric passports until **30 September 2009** are:

- Total number of applications is **205 696**
- Total number of delivered biometric passports to police stations is **197 890**
- Total number of issued biometric passports is **147 557**.

→ **measures taken to ensure the security of the passport personalisation centre**

In compliance with the calendar of the concessionary contract, all the required security standards are fulfilled and in particular is accomplished the installation of security & control system at the Personalisation Centre. The system includes three sub-systems:

1. Camera control system (CCTV-Closed-circuit television)
2. Access and security system
3. Windows Intrusion prevention

These systems have been installed and are functional.

→ **measures to ensure systematic verification of applicants' biometric features upon distribution of ID cards/passports**

Neither of identification documents is issued unless the verification of applicant's biometric data is performed according to the type of document, as follows:

1. For the **ID Card**, the verification procedure of applicants' biometric data is performed in compliance with ICAO standards; the respective device reads the contactless chip, where the digital photo, finger prints (2 from the 10 fingerprints taken) are stored and confirms the consistency check with the holder's biometric data;
2. For the **Biometric Passport**, the verification procedure of applicants' matchless biometric data is performed in the Personalisation Centre against AFIS system (Automatic Fingerprint Identification System)

→ **measures to ensure systematic training and general anti-corruption programmes targeting public officials dealing with issuance of breeder documents, ID cards and passports**

In order to ensure effective and complete transparent progress of the citizens provision process with new biometric documents, the following activities are performed:

1. Ongoing trainings organized by the Concessionary Company of respective staff involved in this process;
2. Ongoing trainings organized by Ministry of Interior (General Directory of Civil Status) on the use of the new electronic system: National Civil Registry –NCR system by the employees of Civil Registry Offices, which perform the applicants' data certification, supported and assisted by Ministry of Interior of Austria, EU and OSCE Project "On modernisation of Civil Status Service and Address System";
3. For the acquaintance of the new Biometric Documents by State Institutions that deal with them, explanatory leaflets have been distributed on new biometric documents and their security elements.

The General Directorate of State Police, after the acquaintance with the new biometric documents specimens and respective explanatory leaflets on security technical elements, has organized ongoing trainings of the specialists involved in this process (Border Crossing Points and Customs Service, Services of Organised Crime, Trafficking and Economic Crime, Regional Directories and Police Commissariats).

Regarding *training process*, there have been organised ongoing training courses according to the following specified topics:

1. Fight against corruption, 15 participants;
2. Conduction and Application of Corruption Investigation, 18 participants;
3. Fight against Money Laundering, 25 participants;
4. Corruption issues (Investigation and bringing actions for corruption), 18 participants

Status: Completed

→ **measures taken to ensure direct access of Albanian police stations and border crossing points to the Interpol database on lost and stolen passports**

Order no.1000 of 2nd September 2009 of Director General of State Police, provides for direct access of local and central structures of Department of Crime Investigation, Department of Public Security, Department of Border and Migration and Border Crossing Points to INTERPOL ASF2 system, concerning verification of stolen vehicles, lost/stolen/invalid documents, stolen works of art, identification and apprehension of persons declared internationally wanted.

Since September 2009, the Border Crossing Points have direct access to INTERPOL ASF2 system concerning verification of stolen vehicles, lost/stolen/invalid documents, stolen works of art, identification and apprehension of persons declared internationally wanted.

Following the above-mentioned order of the General Director, direct access to INTERPOL ASF2 has been provided to different functions in Crime Investigation, Public Security and Border and Migration departments, regional police directorates and police commissariats.

→ **measures to ensure that the use of handwritten certificates is abandoned and that data from sources other than the NCR is no longer used**

The National Civil Registry (NCR) does not allow in any case and for no reason the manual issuance of birth certificates. Any old document issued in this manner is not valid.

The NCR automatically keep tracks of all the authorised actions made by the user, including the issuance of birth certificates. In the NCR, only authorized users by the GDCS (General Directory of Civil Status) have access to work according to a defined procedure through personal code and user password.

NCR is the unique source of official information starting from 28th February 2009.

The State Police in cooperation with the Prosecutor's Office has verified and investigated all the cases of violations found out by the private company contracted for the production of electronic identification cards and biometric passports.

During 2009, the Concessionary Company ALEAT SAFRAN GROUP found out 10 cases of multiple applications by the same citizen, but containing different personal data. Through the structure of local government, it submitted the cases to the State Police for verification. Such practices of application were preliminarily investigated and they resulted in violation of documentation. Such violations were addressed to the Prosecutor's Office for criminal prosecution.

The Police takes the statements whenever the Albanian citizens declare lost their identification cards, biometric passports and it conducts an investigation process, and it declares them invalid.

Border management (benchmarks 6-9)

→ implementation of the Law on state border control and surveillance

In order to implement the Law no. 9861 of 24th January 2008 “On State Border Control and Surveillance”, the draft Decision of Council of Ministers “On categorisation, standards and conditions of the Border Crossing Points in the Republic of Albania” has been finished and adopted on 30 September 2009.

Order no. 851 of 3rd August 2008 of Director General of State Police adopted the “Standard Operating Procedures of Border and Migration Police (BMP)” which have been sent for enforcement to the Border and Migration Police stations at local level.

Standard Operating Procedures in BMP determine and unify the conduct and *modus operandi* concerning all the aspects of activity of Border and Migration Police. They unify and harmonise the activity of BMP in the entire territory of the country and approximate it with standards of EU police.

→ adoption of a revised Integrated Border Management (IBM) strategy and development of an Action Plan for its effective implementation; measures taken to better define the territorial responsibilities between BM Directorates and BM Stations, the division of competences in the management of the blue borders

In this regard, there have been held the meetings of the Technical Secretariat, foreseen by the Strategy to be the technical instrument that follows up the attainment of objectives of Integrated Border Management Strategy and its Action Plan. The Technical Secretariat has concentrated its work on the following issues:

- analysing in detail the attainment of objectives of the strategy and the level of performance of their implementation;
- analysing and identifying all the deficiencies of actions taken to attain the objectives;
- preparing concrete proposals for the Inter-Ministerial Committee of IBM Strategy in order to update the dynamics of the action plan.

The draft of the revised IMB Strategy action plan has been finalised and will be adopted within 10 October 2009.

As regards the definition of territorial responsibilities between of Border Management Directorate and Border Management Stations, and the division of competences in the management of the blue border:

- There has been issued the Director General’s Order No. 345 of 23rd April 2008 “On division and security of border lines between Regional Directorates of BMP and among the BMP stations”, which is being implemented in practice;
- Topographical maps according to the specifications of the Order No.345 of 23rd April 2008 of Director General defining the territorial jurisdictions of Regional Border and

Migration Directorates, Commissariats and Stations, have been produced and distributed to all these structures.

→ **measures taken to strengthen inter-agency cooperation between authorities working at the border including information exchange**

Currently, there are several signed administrative acts which regulate the joint activity of Customs Service and Border Police. In order to involve all the agencies operating at the border and within the framework of the implementation of the IBM Strategy' Action Plan, by a joint working group it is prepared the draft of a Joint Regulation on the cooperation among agencies operating in the border. This draft regulation is in the process of approval by the Ministers of Interior, of Finance and of Agriculture. It is expected to be signed within first half of October.

In order to fully implement the agreement between Customs Service and Border Police on the application of *one stop control* principle, the following actions have been taken:

- in cooperation with the Customs Service it is completed the study on all BCPs' actual infrastructure in order to realize standard improvements in compliance with Schengen recommendations;
- it is negotiated, identified and made available the funding from the state budget for the purchase / installation of newly designed BCPs booths which will make possible that both Customs and Police officers work together by sharing the same booth/space according to the above recommendations
- it is planned to realize joint trainings by both agencies in order to inform about and apply in practice the *one stop control* principle in all the BCPs

Status: Underway

Deadline: November 2009.

As regards the exchange of information, cooperation is underway with Directorate of Technology and Information at the State Police to enable the integration of Border Police and Customs Service systems.

In order to enforce Decision of Council of Ministers No. 538 of 2nd August 2006 “On approval in principle of the contract between Council of Ministers of Republic of Albania and American Corporation “Lockheed Martin Global Inc”, on the establishment of Integrated Coastal Surveillance System”, there have been made available 5 licences to obtain access from this system. To this end, there has been prepared the Draft Decision in cooperation with the Ministry of Defence. The Draft Decision specifies its structure and mission.

Status: Underway

Deadline: December 2009

→ **establishment of the Inter-Institutional Maritime Operational Centre (IMOC) with a demonstrated level of resources (please specify its organisational structure and functioning)**

Council of Ministers' Decision regarding the establishment of the Inter-Institutional Maritime Operational Centre (IMOC) has been approved on 30 September 2009¹.

→ **modernisation of infrastructure at BCPs, equipment and IT technology**

There has been finished and it is running smoothly the Joint Border Crossing Point in Murriqan (border with Montenegro). An Austrian police and customs team has organised training for the Albanian and Montenegrin staff (financed/organised by the US Embassy and PAMECA III);

There has commenced the work for the construction of 10 new BCPs of II and III category, according to EU standards with EU financial assistance; works are expected to be completed **within 2009**, with the exemption of the BCP Qafë-Bote, which is expected to be completed during the first quarter of 2010;

There have been completed the procurement procedures and there has been concluded the contract with the winning company on the installation of three systems for the detection of radioactive substances in the three most important Border Crossing Points;

There has been installed the ASYCUDA WORLD system in all the customs branches (there have remained outside the system only some BCP-s of II and III category that are under construction): 99.9 % of the customs statements are processed via the new system;

Work is being carried out for the drafting of Information Technology Strategy that is expected to be adopted within 2009.

As regards modernisation of infrastructure at the BCP, the Total Information Management System (TIMS) has been installed in 21 BCPs and work is being carried out for its installation in the last 5 remaining BCPs: BCP Bashkim, Shishtavec, Orgjost, Sopik, Rips. The installation of TIMS in these BCPs is expected to be completed within October 2009.

Work has been carried out in cooperation with the Directorate of Information Technology concerning the programming of optical readers of biometric passports and there has been planned the budget for their purchase and installation in all BCPs. The purchase of the optical readers is underway.

Status: Underway

Deadline: November 2009

Work is been carried out in cooperation with the Directorate of Information Technology to enable the connection of TIMS system with the system of Biometric passports.

Status: Underway

Deadline: During 2010

Work is been carried out in cooperation with the Directorate of Information Technology to provide all the BCPs with camera surveillance system. ICITAP has completed 5, out of total

¹ Details on organizational structure, functioning, level of resources will be presented shortly.

of 22 BCPs, which are: Rinas, Muriqan, Kapshticë, Kakavijë, Qafë Thanë. 4 (four) other BCPs, Morinë, Kakavijë, Qafë –Botë and Qafë Prush will be equipped with this system.

Status: Underway

Deadline: November 2009.

Work is being carried out in cooperation with the Directorate of Information Technology to develop the vehicle registration recognition CCTV camera system in the BCPs. It is already functioning in 2 BCPs.

Status: Underway

Deadline: 2010

With EU financial assistance, there has started the work foreseen to be completed in the beginning of **2010** concerning the reconstruction of twenty premises of border surveillance.

With state financial assistance, there has started the construction of the workshop for maintenance of vessels and the facilities of training of Marine Border Police.

Status: Underway

Deadline: First Phase, beginning of December 2009

Work is being carried out in cooperation with the Directorate of Information Technology for the construction and functioning of the Joint Operational Room with the State Police Services.

Status: Underway

Deadline: October 2009.

→ **measures taken to strengthen human resources and training**

With regard to measures taken to *strengthen human resources*, by Order of Director General of Police there has been set up a working group within the Directorate General of State Police together with PAMECA Mission and ICITAP programme to study and reallocate human resources within the State Police.

By the end of the study, there will be considered the possibility of police staff transfer to the Border and Migration Police structures. The working group is making the analysis according to the Police structures and by 31 October, it will give its conclusions and respective recommendations concerning the reallocation of human resources.

Status: Underway

Deadline: October 2009.

Also, the General Director of the State Police issued the order No. 1016 dated 08.09.2009 for the regulation of the activity and functioning of the Risk Analysis and Cross Border Crime and Migration in the General Directorate of Albanian State Police and cooperation with other structures.

As regards *training*, the curricula of Border Police is being harmonised with those applied by European Union countries according to the specific topics of border surveillance, specialised techniques and methods of border management and lecturers are being selected.

Status: Underway

Deadline: October 2009.

There has been prepared the detailed annual plan of training with the BMP staff. The plan has been updated reflecting the priorities and needs for training.

In implementation of this training plan, during the period 1 January 2009 - 30 September 2009, 390 trainings have been conducted with the attendance of 1320 police employees.

- The Center of Police Education trained altogether 460 police employees, while another 860 police employees underwent trainings and seminars run by foreign donors: DCAF, FRONTEX, TAIEX, Embassy of USA, of Italy, of Greece, UNCHR, IOM, OSBE;
- With regard to realising the objectives for trainings of the Border Police, we are at the stage of intensive preparations of designing the Border Police Curricula in accordance with those of FRONTEX .
- In the context of cross-border cooperation with the neighbouring countries we are at the closing stages of joint training programmes on joint patrolling and service at BCPs under supervision of OSCE .
- We are in the closing phase of the agreement on joint trainings with the Border Police of Kosova.
- We are successfully continuing the trainings on English language, sponsored by OCSE, whereby so far beneficiaries are 96 police employees, as well as the training for Chiefs of Stations, and Regional Directors under the guidance of DCAF .
- Simultaneously, we are running successful trainings, sponsored by foreign Embassies and international organisations which provide trainings in various areas like: human rights, use of different equipments at BCPs; respect of EU standards at BCPs.

**Table 1: Completed training:
Status: Completed**

During April - September 2009 period, there were organised several training courses for the Border and Migration Police structures. Below you will find detailed information on these training courses:

No	Topic	Organising institution	No of participants	Time Period	Training Objectives
1	Security system in Border Crossing Points (ports, airports, BCPs) in case of traffic flow, the modus operandi of order and security police in these Border Crossing Points, organisational and administrative measures for prevention and management of situations	Department of Border & Migration	18 police employees of Border and Migration Police structures at the local level	18 – 19 May 2009	<ul style="list-style-type: none"> - Familiarity with the security systems in the BCPs - Use of security system devices; - Responsibilities of BMP in the management of different situations created at the BCPs
2.	Familiarity with the legislation on the sea, international conventions, Albanian legislation, legal acts and related bylaws	Department of Border & Migration	20 participants from regional structures	14 – 15 April 2009	<ul style="list-style-type: none"> - Familiarity with the national and international legislation on the blue border; - Fulfilment of obligations in practice; - Definition of responsibilities of BMP structures deriving from this legislation
3.	Marine engines and practical mechanics	Guardia Di Finanza	53 participants from Regional Directorates Vlora, Shkodra, Durrësi, Shengjini, Pogradeci, Saranda, regional structures of BMP	May – June 2009	<ul style="list-style-type: none"> - Practice in the sea and familiarity with the vessels available for use by the Border and Migration Police - Exchange of experience in this regard
4	Human rights and respect for the rights of migrants and returnees in compliance with the Albanian legal framework and international standards. Standard procedures of detection and prevention of trafficking of children and also implementation of conventions and agreements concerning children victims of trafficking	Albanian Helsinki Committee	RDBM Shkodra, Korça, Gjirokastra and Tirana, 20 participants for each region		<ul style="list-style-type: none"> - Familiarity with the domestic and international legislation on human rights; - Familiarity with the international standards of policing focusing on the respect for human rights and elimination of discriminatory actions and behaviour; - Familiarity with the standard procedures of prevention and detection of trafficking of children
5.	Joint Training of BCP Durrës and Customs officers. Knowledge on the control of vehicles, drug test, radioactivity test etc	Department of Border & Migration	BCP Morinë, Kakavijë, Muriqan (12 employees from each Border Police Station).	April – November 2009	<ul style="list-style-type: none"> - Familiarity with the forms and methods of control of vehicles and use of bascule bridges; - Knowledge on drug testing; - Knowledge on radioactivity testing
6.	Method of investigation of criminal act of facilitation of illegal border crossing	Department of Border & Migration	25 participants of regional structures of BMP	15 June 2009	<ul style="list-style-type: none"> - Familiarity with the elements of this crime; - Definition of illegal border crossing; - identification of common element with other crimes

7.	Screening procedure of foreign citizens who apply for residence, or citizenship in our country, border police activity, in particular Migration Sector concerning the collection, administration of documentation and their finalisation procedures	Department of Border & Migration	25 participants of central and regional structures	13 -14 July 2009	<ul style="list-style-type: none"> - Familiarity with the respective legislation; - Definition of responsibilities of BMP as regards the control of foreigners in our country; - cooperation with other structures within the State Police
8.	Strategy and risk analysis of Border and Migration Police and Customs (joint training organised in cooperation with the Directorate General of Customs)	DBM DGC	12 participants of central and regional structures of BMP	15 July 2009	<ul style="list-style-type: none"> - Familiarity with joint strategies; - Familiarity with risk analysis of both structures; - Exchange of common information
9.	Use of border surveillance equipments, devices, familiarity with and manner of use and maintenance, technology advancement in the production of these devices	Department of Border & Migration	25 participants of regional structures of BMP	3 - 4 August 2009	<ul style="list-style-type: none"> - Familiarity with equipments and their use; - Use of technological development in the safeguarding and control of the border - Their use in practice
10.	Recognition and detection of forged travel documents, their types, main security elements distinguishing them from the original ones	Department of Border & Migration	25 participants of regional structures of BMP	28-29 August 2009	<ul style="list-style-type: none"> - Familiarity with the security elements of the travel documentation; - Familiarity with the respective devices used in BMP - Familiarity with their use and functioning
11.	Asylum-seekers and refugees, legislation and also the treatment in case of situations with the asylum-seekers or refugees	Department of Border & Migration	25 participants of central and regional structures of BMP	7-8 September 2009	<ul style="list-style-type: none"> - Familiarity with the respective legislation; - Familiarity with the procedures for handling them; - Assignment of responsibilities of BMP in this regard
12.	Familiarity with the Rules of Discipline concerning issues of code of ethics, communication skills. Understanding the criminal act of abuse of power. Familiarity with the National Anti-Corruption Strategy	Department of Border & Migration	20 participants of regional structures of BMP	17-18 September 2009	<ul style="list-style-type: none"> - Familiarity with and application of the requirements of the rules of discipline; - Fulfilment of the requirements of code of ethics during communication and performance of duty; - Familiarity with the criminal acts committed by police officers during the performance of duty and in particular the constituent elements of abuse of power - Familiarity with and fulfilment of obligations of the National Anti-Corruption Strategy

Border and Migration Police is under the process of reviewing the basic, specialised and advanced training programmes.

Status: Underway

Deadline: December 2009.

Directorate General of Customs is working to complete the annual training plan within the Customs Administration and the joint training with Border and Migration Police according to the Joint Training Plan 2009;

Cooperation with the Training Institute of Public Administration is ongoing; it has undertaken the financing of a considerable number of training courses sessions by several lecturers, who are currently employees of the Customs Service;

In cooperation with EU TACTA there have been organised joint seminars with the counterpart Customs Services of the region in order to exchange and benefit mutual experience;

A close and ongoing cooperation has been developed as regards training with the US Embassy. It has funded and organised a series of trainings;

Several joint trainings have been organised with employees of Directorate General of Taxation, Police, Ministry of Defence, Ministry of Environment and Ministry of Health. **504** employees were trained on **54** topics during the period 1st January until 30th July 2009.

→ **implementation of the BMP's anti-corruption programme**

Work has been carried out to fulfil the obligations deriving from the IBM Strategy, concerning the installation of surveillance camera, and conduction of surveys on the level of corruption at the border. These actions have significantly affected the prevention of corruption cases of Border and Migration Police officers.

The draft of the revised IBM Strategy Action Plan has been finished and has been sent for approval. Measures to be taken against corruption have been included in the Action Plan. The revised Action Plan is expected to be approved by 10 October 2009.

Asylum (benchmarks 11, 12)

→ **preparation and adoption of bylaws ensuring the effective access of asylum seekers to the rights foreseen by the Law on Asylum as amended in January 2009**

The following bylaws are under drafting and approval procedure:

1. Bylaws "On the receipt of information from the country of origin".
Status: Underway Deadline: November 2009
2. Draft Decision "On approval and updating of a list of safe third countries".
Status: Underway. Deadline: November 2009
3. Instruction of Minister of Interior on the Functioning of the Directorate of Citizenship and Refugees.
Status: Underway. Deadline: November 2009

→ **clarification of the procedure for appeals against decisions of the Department for Citizenship and Refugees**

An asylum-seeking refusal decision of the Directorate of Citizenship and Refugees may be appealed against directly to the Court (EU recommendation for an independent administrative appeal body). Bringing the case directly to the Court focuses the efforts on the building of capacities to the judicial system as more stable and less flexible to the structural changes.

The National Commission for Refugees has been dismissed because of serious deficiencies in its functioning, which have resulted in the lengthy processing or non-processing of appeals against the decisions of the Directorate for Refugees. Moreover, the Commission had a one-year term, thus putting in question the stability of its members in their position and consequently making difficult the efforts for the training and the building of its capacities.

→ **training and assistance to staff working in the asylum system**

Every year, the Training Institute of Public Administration (TIPA) drafts an Action Plan on the training of the staff of Directorate of Citizenship and Refugees and on several other training courses organised by UNHCR or European Commission.

The following training will take place for the staff of the Directorate of Citizenship and Refugees:

No	Topic	Organising institution	Time period
1.	Programme of development of positions	TIPA	October - November 2009
2.	Project development and management	TIPA	October - November 2009
3.	On the registration of asylum seekers and refugees	UNHCR & DCR	October - November 2009
4.	Rights of refugees to education and health care	UNHCR & DCR	October - November 2009
5.	On the refugee status	European Commission TAIEX	November 2009

Migration Management (benchmarks 10, 13-17)

→ **adoption of an Action Plan for the effective implementation of the Law on Foreigners of December 2008 and its bylaws.**

In cooperation with Ministry of Foreign Affairs and Ministry of Labour, Social Affairs and Equal Opportunities there has been prepared the Action Plan on implementation of law “On foreigners”.

The Action Plan foresees several measures to be taken, such as the measures for the completion of the subordinate legal framework, organisational measures, measures for information technology upgrading and measures for the training of staff.

Moreover, the Action Plan includes several activities, responsible and cooperating institutions, timeline of performance of the activities, and respective costs for their performance.

The drafting of the action plan has been finished and has been sent for signature of the relevant Ministers. It is expected to be signed within the first half of October 2009.

Sub legal acts for the implementation of the Law on Foreigners:

- A joint instruction between MFA, MoI and State Intelligence Service has been issued for the cooperation between structures of these institutions for the issuance of the visas for foreigners.
- In addition to Council of Ministers’ Decision No. 362 dated 01.04.2009, the Council of Ministers approved the decision No. 603 dt. 10. 06 2009 for the definition of the criteria, procedures and the documentation for the entrance, stay and treatment of foreigners in the Republic of Albania.
- The Council of Ministers’ decision No. 470 dated 06.05.2009 for the approval of the specification of the travel document for foreigners.
- The Council of Ministers’ decision No. 469 dated 06.05. 2009 for the definition of the security elements and the approval of the form and model of the residence permit for foreign citizens.
- The Council of Ministers decision No. 493 dated 06.05.2009 for the approval of the form, content and security elements of the visa stamp.

→ **measures taken to further develop use of the TIMS (Total Information Management System) for migration data, in particular to ensure that all relevant ministries have access to the system**

Based on Law no. 9959 of 17th July 2008 “On Foreigners”, Chapter III, Article 99 and Article 100, ICITAP Programme has been asked to include in the priorities of its work the creation of the National Register of Foreigners. The Register will guarantee the collection of complete national data on migration, and the management of these data by all the ministries or institutions tasked by the law to do this. The register is expected to be finished within November 2009.

→ **measures to strengthen the integration of returnees**

During April – October 2009 the following measures were taken concerning the reintegration of Albanian citizens, returned from emigration:

In July 2009, there was completed the publication and distribution of informational and guiding brochures and leaflets for the Albanian emigrants, with a special focus on the category of returned emigrants and their families. These informing materials were distributed at the Border Crossing Point (BCP) Rinas, BCP Durres (Port), BCP Kapshtice, BCP Vlore (Port), BCP Qafe-Bote and BCP Kakavije, and also at the six Regional (REO) and Local Employment Offices (LEO), REO Tirana, REO Durres, REO Korce, REO Vlore, LEO Sarande, REO Gjirokaster, which have set up a Migration Desk to provide information on issues of migration. The informational materials consist of:

- Brochure “Summary of procedures and contacts that are necessary for the reintegration of Albanian migrants returned to Albania”
- Brochure “Rights of migrants- case of Italy and Greece”;
- Brochure “Status of long-term resident in EU”;
- Leaflet “National Employment Service: Services and Contacts”;
- Leaflet “Services provided by the Diplomatic Representations of Republic of Albania to Albanian emigrants abroad”;
- Leaflet “Readmission of Albanian citizens”;
- Manual “On the rights of prisoners”;
- Information on regular migration in several EU countries

The materials aim at facilitating the reintegration of Albanian citizens returned to Albania by informing them on the education system, health care service, employment offices, vocational training centres in Albania and also on the procedures and documentation needed to benefit from the services provided by these offices. Moreover, there is provided information on the readmission procedures for the citizens who have emigrated illegally.

In the above-mentioned Employment Offices, there have been distributed two studies containing recommendations on the return:

- Study Report: “Identification of the areas most affected by emigration and return in Albania: profiling of returnees”;
- Observation: “Identification of existing possibilities for vocational training of migrants returned to Albania: deficiencies and recommendations”;
- Manual “On migration law”

Publication of the materials and their distribution has been made possible through the project “Promotion of implementation of National Strategy on Migration in Albania”, with IOM as the implementing agency and funded by EC.

In June 2009, there was approved the Order of Prime Minister No. 91 of 29th June 2009 “On the establishment of the working group for the conduction of an assessment survey concerning the drafting of draft Decision of Council of Ministers “On definition of measures and respective structures for the promotion and support of reintegration of emigrants in the economic, social and political life of the country through the creation of fiscal facilities and implementation of programmes of development of employment and vocational training through employment”.

Currently, the responsible structures of the Ministry of Labour, Social Affairs and Equal Opportunities are working on:

- Drafting of a study on reintegration, in order to implement the Order of Prime Minister No. 91 of 29th June 2009. This working group consists of representatives from Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO), Ministry of Foreign Affairs (MFA), Ministry of Interior (MI), Ministry of Education and Science (MES), Ministry of Culture, Tourism, Youth and Sports (MCTYS), Ministry of Finance (MF), Ministry of Economy, Trade and Energy (METE) and Ministry of Agriculture, Food and Consumers Protection (MAFCP). This study is foreseen to be completed in **December 2009** and it will serve as the main basis for the drafting of the draft Decision of Council of Ministers on reintegration.
- Completion within February 2010 of the draft Decision of Council of Ministers “On the establishment of the working group for the conduction of an assessment survey concerning the drafting of draft Decision of Council of Ministers “On definition of measures and respective structures for the promotion and support of reintegration of emigrants in the economic, social and political life of the country through the creation of fiscal facilities and implementation of programmes of development of employment and vocational training through employment”
- Ministry of Labour, Social Affairs and Equal Opportunities has requested the International Organisation for Migration, IOM in Tirana, which has cooperated with success so far, to reinforce capacities at central level through the provision of information on the best legal and administrative state practices on issues of reintegration of several countries that originate emigration, where IOM has representation offices.

→ **measures taken to develop a specific methodology and rules on inland detection of illegal immigrants**

In order to improve the work of Border and Migration Police structures, and also cooperation with other structures of State Police concerning the inland detection of illegal immigrants, the General Director of the State Police issued the order No. 1111 on 29.09.2009 on the coordination and cooperation between Border and Migration police structures and other structures of the state police as well as with other structures and actors outside the police for the inland detection of illegal emigrants.

→ **progress of construction of a detention centre for illegal immigrants**

The European Delegation has financed construction of the Closed Centre and the donor is following the procedures for its construction. The construction shall be completed by the end of November 2009.

The Albanian party has prepared the legal basis for the functioning of the Centre. There has been carried out the survey on the financial needs for completion of the Closed Centre with equipment and the necessary logistical materials. The Albanian State Police is taking all measures to equip the center with the necessary logistical equipments, within 2 weeks after the construction is completed.

There have been prepared the Draft Rules of Procedure of the Closed Centre for illegal foreigners in the territory and has been sent for approval by the Council of Ministers. The draft Rules and Procedures is expected to shall be adopted within October 2009.

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

→ **implementation of the inter-sector strategy against organised crime, trafficking and terrorism (resources committed and training provided to the authorities responsible for implementation) including adoption of an action plan for fighting organized crime**

Implementation of Inter-Sector Strategy against Organised Crime, Trafficking and Terrorism is in full compliance with the implementation of the existing strategies that are:

1. National Strategy of Fight Against Drugs 2006-2010;
2. National Strategy of Fight Against Trafficking of Children 2008-2010;
3. National Strategy of Fight Against Trafficking in Human Beings 2008-2010

In order to implement the Inter-Sector Strategy against Organised Crime, Trafficking and Terrorism there is being drafted the Action Plan with respective tasks and deadlines for all the structures involved in the Fight Against Organised Crime.

Status: Underway. Deadline: To be adopted by the Council of Ministers (CoM) by 13 October 2009.

Fulfilment of obligations foreseen by the Action Plan that is being drafted will consist in the pursuance of objectives against organised crime, such as:

On the fight against illegal trafficking:

- fight against trafficking in human beings
- fight against trafficking of arms and ammunitions
- fight against trafficking of motor vehicles
- fight against trafficking of works of art
- fight and prevent the smuggling of persons

On the fight against drugs:

- to create an effective system of risk assessment related with the drug supply, consume and effectiveness of anti-drug activities
- to strengthen and improve actions against trafficking of illegal drugs and precursors as an integral part of fight against organised crime, money laundering and corruption
- to improve interaction and coordination between state and non-state institutions committed in the fight against drugs
- to address the negative consequences on public health and on society caused by the use of drugs, to strengthen cooperation with international organisations and other countries

In the framework of this strategy and the existing action plans and in cooperation with the Training Department, there has been drafted the training plan for the scope of work handled by the Directorate Against Organised Crime.

The training courses presented in the table below provide information on trainings planned for 2009. Other trainings will be added during the year according to the needs or offers made by several donors. The process of analysis of the training needs in 2010 is still ongoing and it will be completed within December 2009.

TRAININGS CONDUCTED FOR THE PERIOD JANUARY-SEPTEMBER 2009

	CODE	TITLE	STARTED ON	COMPLETED ON	PARTICIPANTS	CERTIFIED	BENEFICIARY
1	ADHKOI	Course on treatment of informers	12 Jan. 2009	17 Jan.2009	15	14	Crime Investig. Dept. (CID)
2	ADHIK	Fight against corruption	27 Jan. 2009	28 Jan.2009	18	15	CID
3	ADHMI	Training of police employees on the use of Intelligence Management Systems (MEMEX)	19 Jan. 2009	23 Jan.2009	10	9	CID
4	ADHKEGJ01	Fight against drugs trafficking in Cairo, Egypt	05 Jan. 2009	31 Jan. 2009	25	25	CID
5	ADHKOD	Fight against drugs	10 Febr. 2009	12 Febr. 2009	25	16	CID
6	ADHKOBS	Simulated purchase	23 Febr. 2009	26 Febr. 2006	8	8	CID
7	ADHKBGJ	Development and implementation of corruption investigations	25 Febr. 2009	27 Febr. 2009	20	18	CID)
8	ADHFT	Fight against financing of terrorism	2-Mar-09	5-Mar-09	15	15	CID
9	ADHPPE	Fight against money laundering, Cairo, Egypt	3-Mar-09	31-Mar-09	25	25	CID
10	ADHCK	Training on corruption issues (Investigation and putting charges for corruption)	3-Mar-09	4-Mar-09	1	1	CID
11	ADHTKP	New techniques for finding, fixing, collection and identification of new	7-Apr-09	7-Apr-09	18	16	CID

		traces					
12	ADHMDH	On administration, protection and transmission of data recorded manually and electronically for crime investigations	1-Apr-09	2-Apr-09	22	22	CID
13	ADHAIP2	Intelligence analysis (theoretical part, notion, kinds of intelligence analyses, the process of analysis)	27-Apr-09	30-Apr	20	20	CID
14	ADHTF	Financial investigation	21-Apr-09	23-Apr-09	18	16	CID)
15	ADHSK	Investigation of the crime scene for serious crimes as part of negotiations	2-Apr-09	29-Apr-09	25	25	CID
16	ADHKS1	Management of special operations. G2	27-Apr-09	1-May-09	8	8	CID
17	ADKMHS	Drafting strategies and control	20-May-09	22-May-09	10	8	CID)
18	ADHTVD	Compensation of victims of trafficking	21-May-09	22-May-09	5	5	CID
19	ADHAIP3	Intelligence analysis (theory part 2) drafting of charts, drafting of an analytical report and presentation of analysis results	25-May-09	29-May-09	20	19	CID
20	ADHKOPSH 1	Fixing, collection, preservation and administration of digital and computer evidences. G1	4-May-09	5-May-09	24	18	CID)
21	ADHKOPSH 2	Fixing, collection, preservation and administration of digital and computer evidences. G2	6-May-09	7-May-09	23	19	CID
22	ADHKEP	Information on EUROPOL	6-May-09	8-May-09	22	21	CID
23	ADHKOPSH	Gathering scientific evidence from the computer	15-Jun-09	20-Jun-09	6	6	CID

24	ADHKTV	Secret Service re internal security. Basic course on intelligence and chasing of vehicles	7-Jun-09	19-Jun-09	12	12	CID
25	ADHKHT	Fight against terrorism	8-Jun-09	12-Jun-09	10	10	CID
26	ADHKLOK	Fight against organized crime, Cairo, Egypt	1-Jul-09	30-Jul-09	25	25	CID
27	ADHMI2	Training of police employees on the use of Intelligence Management Systems MEMEX"	27-Jul-09	31-Jul-09	22	18	CID
28	ADHISHM	Investigation of the crime scene in cases of massive explosions	12 Aug. 2009	13 Aug. 2009	12	6	CID
29	ADHMI3	Use of Intelligence management Systems, MEMEX (G1)	31 Aug. 2009	04 Sept. 2009	19	18	CID
30	ADHMI4	Use of Intelligence management Systems MEMEX (G2)	7 Sept. 2009	11 Sept. 2009	22	22	CID
31	ADHMI5	Use of Intelligence management Systems MEMEX (G3)	14 Sept. 2009	16 Sept. 2009	20	18	CID
33	ADHMI6	Use of Intelligence management Systems MEMEX (G4)	17 Sept. 2009	19 Sept. 2009	20	17	CID
34	ADHMI7	Use of Intelligence management Systems MEMEX (G5)	21 Sept. 2009	23 Sept. 2009	21	19	CID
		Total of trainings conducted 34 ; Participants 628; Certified 571;					
TRANINGS TO BE CONDUCTED FOR THE PERIOD October-December 2009							
1	ADHPP	Dealing with a practical case of money laundering, starting from collection of first information to taking the case to court	Nr. _____	2 Nov.	3 Nov.	25	

2	ADHTR	Digital techniques of audio-video recording, processing of digital audio-video materials.	Nr. _____	14 Dec.	15 Dec.	25	
3	ADHIP	Police information, its sources, administration, verification and evaluation in accordance with the Instruction of Mol No.1479 dated 27.07.2007.	Nr. _____	21 Dec.	22 Dec.	25	
4	II ADHDI	Security elements of Identification Documents.	Nr. _____	16 Nov.	17 Nov.	25	
5	ADHPP	International Standards in the fight against money laundering and financing of terrorism	Nr. _____	2 Dec. 2009	3 Dec. 2009	25	
						125	
		Total of trainings to be conducted 5 ; participants planned 125; expected to be certified 125;					

The training capacities consist of instructors/experts of Department of Investigation of Crime and Instructors of Police Training Centre. A considerable part of this training is organised by foreign donors from the countries that have concluded agreements in the area of training with Albania. The training process is organised based on the requests of the Albanian party.

Within December 2009 the process of analysis of training needs for 2010 will be completed.

→ **implementation of the UN Convention on transnational organised crime and its protocols via national law**

Implementation of United Nations Convention on transnational organised crime and its two additional protocols are compliant with the current domestic law. With reference to Article 122 of the Constitution, which foresees the prevalence of international acts over internal laws, priority in implementation and enforcement is given to international acts which when ratified, become an integral part of the national law.

However, in this respect, there will be drafted the law on international judicial cooperation which will solve several issues and problems arising in practice, mainly, by the judicial bodies (prosecutor's office and court) as regards the interpretation of provisions of Code of

Criminal Procedure in this area. This draft-law shall be submitted for consideration and approval to the Council of Ministers in October 2009.

→ **measures to strengthen the capacity to investigate and prosecute criminals in the crime areas covered**

The actions undertaken in this respect by the *General Prosecutor's Office*:

- i) Increase of regular control by the Directorate of Investigation; Preparation of a manual on the drafting of a Plan of Investigation and provision of necessary investigative actions;
- ii) Training of prosecutors and police officers on investigation of these criminal acts. The process is ongoing and it is performed based on the needs and requests of the prosecutors themselves;
- iii) Installation of the Case Management System in the Prosecutor's Offices of the country. It will increase transparency, prevent corruption in criminal investigation and prosecution, and it will be a reflection of the work of the Prosecutor's Office in general and each prosecutor in particular. Moreover, it will make possible unification of all data in the area of criminal justice through the Prosecutor's Office, Police and Courts; currently, by order of Prosecutor General there has been set up a working group on the preparation of a proposal to be delivered to the European Commission Delegation before the end of 2009 in order to provide for its financing;
- iv) Development of the regulation which governs the discussions on a unifying position over different issues

Moreover, the General Prosecutor's Office has been involved in a project on **Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans**.

United Nations Office on Drugs and Crime (UNODC) is implementing the project "Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans". The project shall last until December 2010. UNODC is assisted by several partners in implementing this project, such as HEUNI, Transcrime, ICMPD and Regional Anti-corruption Initiative for South-East Europe (RAI). The Project is funded by EU under CARDS 2006 programme.

The overall objective of the project is to strengthen fight against crime and corruption in the Western Balkan Countries, by bringing the existing statistical mechanisms of justice institutions and internal issues in line with the EU *acquis*, the best international standards and practices. Albanian institutions involved in this project, in addition to the Prosecutor's Office, are the Ministry of Interior, State Police, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Labour, Social Affairs and Equal Opportunities and INSTAT.

The Project foresees several activities such as a study and preliminary assessment of the situation in the partner countries including Albania, study visits in partner countries and several training of the staff dealing with statistics in the respective institutions in order to

support the main decision-making staff and to ensure a clear picture of the strengths and weaknesses of the current information and statistical system on crime and criminal justice.

The State Police, Sector of Special Operations, in the framework of Twinning Project with the Government of Great Britain, during May - June 2009, organised two trainings for the employees of this sector dealing with the identification, detection and documentation of the criminal activity. Moreover, in the framework of this project, there was organised a training concerning the use of technical investigation means and techniques. There were trained 21 police officers at national level.

As regards the *legal reform*, the following measures are planned:

- a) Drafting of Draft Law “On some supplements and amendments to law no.8677 of 2nd November 2000 “On organisation and functioning of Judicial Police, amended” which will aim at defining the detailed rules on the relations of the prosecutor’s office and judicial police, and also the definition of rules and procedures of recruitment, promotion and taking of disciplinary measures against the judicial police staff. This initiative is shall be submitted for consideration and adoption to the Council of Ministers by December 2009.
- b) Drafting of draft law “On international judicial cooperation in criminal matters” which will aim at regulating and specifying all legal procedures for guaranteeing international judicial cooperation in the framework of international rogatory letters, extraditions from and to abroad, recognition of foreign criminal decisions, transfer of criminal proceedings, and also transfer of sentenced persons. In the framework of this initiative the working group is completing the first draft that will be submitted for consideration and approval to the Council of Ministers in October 2009.

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

→ **implementation of the existing strategies in the area of preventing and fighting trafficking in human beings (resources committed and training provided)**

In 2008, the year in which the new National Strategy on the Fight against Trafficking in Human Beings 2008-2010 was drafted and approved, until present, was a period full of activities focused mainly on the Prevention and Fight Against Trafficking in Human Beings.

In order to institutionalise these efforts, an **Anti-Trafficking National Task-Force has been established**; a structure that according to the Strategy has the main duty to draft, implement and regularly assess the anti-trafficking measures in the country. This structure performs its activity under the responsibility of the State Committee of Fight against Trafficking in Human Beings and Office of the National Coordinator against Trafficking.

The Task Force consists of all the anti-trafficking actors at technical level, including representatives of state authorities, General Prosecutor’s Office, Regional Anti-Trafficking Committees, Non-Profit Organizations (NPOs), and other actors involved in the prevention and fight against trafficking in human beings. Office of the National Coordinator against Trafficking in Human Beings has been in constant contact with the

members of the Anti-Trafficking Task Force established since December 2008. The second meeting of the Anti-Trafficking Task Force was held on 11th May 2009 with the participation of all the structures responsible of the implementation of the Strategy and other involved actors.

Several issues with regard to the implementation of the Strategy were discussed in this meeting, particularly regarding the reporting of fulfilment of tasks and responsibilities undertaken by all the structures involved, as well as other issues related with the problems and difficulties encountered during the implementation of the Strategy.

During 2009, the Office of the National Coordinator against Trafficking in Human Beings (ONAC) - Anti-Trafficking Unit in cooperation with NPOs and international organisations organised and delivered several trainings to the law enforcement agencies and actors involved in the prevention and fight against trafficking in human beings.

According to the statistics, until the end of the first semester of 2009, 190 police officers of the first management level were trained, who have acquired knowledge on the collection of investigative information. 32 police officers of the Sector of Analysis and Criminal Information were trained aiming at the improvement of analytical skills on criminal information. 1569 police officers of executive level were trained on the gathering of criminal information, 143 of which were new police officers. Such training has been organised by the Sector Against Illegal Trafficking in cooperation with ONAC and ICITAP.

30 trainings have been organised on domestic violence and aspects of trafficking in children and adults. 900 police officers have participated in these trainings organised by the State Police with the support of UNDP.

In the framework of the Technical Assistance and Information Exchange Instrument – European Commission (TAIEX), several trainings were organised with the female staff of Border and Migration Police – BMP (19 female border guards) on the identification of victims of trafficking and improvement of interviewing techniques.

Department of Border and Migration in cooperation with other structures and NPOs has organised training on site in each BMP Station.

The Basic Police School has prepared the standard and updated training curricula, which provide for knowledge on identification and interviewing of victims of crime and gathering of criminal information. Such educational topics are developed in 34 teaching classes. Until April, this curriculum was completed by approximately 1600 police officers.

During the reporting period, State Police in cooperation with the Belgian, British and Austrian Police, has organised 4 trainings for 66 antitrafficking police officers. Issues related with the treatment of victims of illegal trafficking have been discussed in these trainings.

Moreover, ONAC has tried to increase effectiveness of the Anti-Trafficking Regional Committee (ATRC) work and to create Referral Mechanism at regional Level based on the National Referral Mechanism for the Victims of Trafficking (NRM). Regional Committees have been encouraged by the local institutions to draft and implement projects for the vulnerable groups and in particular trafficked persons. Similarly, in order to ensure their most

effective functioning, Office of National Coordinator in cooperation with OSCE and “Gender Alliance for Development” Centre has organised several trainings with the participation of ATRC members, and other local actors who play an active role in the prevention and fight against trafficking in persons.

During December 2008- August 2009 there were organised a total of 12 trainings respectively with ATRC - Elbasan, Lezhë, Shkodër, Tiranë, Durrës, Fier, Berat, Korçë, Kukës, Gjirokastër, Dibër dhe Vlorë. 300 persons participated and were trained (members of technical tables of ATRC and other local actors including civil society)

Another important component of these trainings was the promotion of the new Anti-Trafficking Strategy 2008-2010 focusing mainly on the vision of the strategy for the functioning of ATRC (duties, commitments and responsibilities). Such trainings have served even to raise awareness of the local structures concerning the prevention and fight against trafficking in human beings. Another important objective of these trainings has been to build ATRC capacities and to strengthen cooperation and with the local structures through the establishment and functioning of a communication network at local level.

→ **information on the coordination mechanism between the central and regional police units engaged in preventing and fighting trafficking in human beings (tasks and responsibilities)**

The Regulation of State Police No. 435 approved on 13th May 2008 is the main act on which the coordinated actions between the central and regional police forces dealing with prevention and fight against trafficking in human beings are based. The Regulation defines the duties and responsibilities of the chief of sector and specialists of illegal trafficking.

Sector Against Illegal Trafficking of the Directorate General of State Police supports its activity on the Law “On state police” no. 9749 of 4th June 2007, Code of Criminal Procedure and bylaws issued by Minister of Interior. Moreover, anti-trafficking bodies in the regions are double dependant; by the Police Directorate of the Region (PDR) and by the Directorate Against Organised Crime (Sector Against Illegal Trafficking) at the HD.

The scope of work (criminal acts investigated by each structure of State Police) of all the structures of State Police including fight against trafficking, has been defined by Order no. 895 of 31st December 2007 of Director General of State Police.

Sector Against Illegal Trafficking has the mission to develop and organise the tracking operational activity in order to prevent, detect, search evidence, find the perpetrators of criminal acts foreseen in articles 110/a, 113, 114, 114/a, 114/b, 115, 128/b, 138/a, 141/a, 278/a, 282/a, 298 of Criminal Code and to carry out investigations of criminal proceedings assigned by the Prosecutor’s Office.

Sector Against Illegal Trafficking is responsible for the management and coordination of activities of all dependant sections in order to prevent and strike criminal activity in the area of trafficking in human beings, use of premises for prostitution, exploitation of prostitution, trafficking of vehicles, arms and ammunitions, works of art and facilitation of illegal crossing of state border.

Moreover, this sector carries out administrative, operational, tracking activity and investigates criminal proceedings assigned by the Prosecutor's Office in the entire territory of the Republic of Albania.

Sector Against Illegal Trafficking of the State Police is organised based on the Order of Minister of Interior no. 372 of 8th June 2009 (amended) "On approval of the structure and limit of the organigramme of the State Police". Within the Directorate General of State Police the Sector Against Illegal Trafficking is part of the structure of Department of Crime Investigation and it consists of the Chief of Sector and specialists according to the respective directions. The structure, at local level, is organised in Sections against illegal trafficking of the Directorate of Regional Police and it consists of the Chief of Section against Illegal Trafficking, Specialists and Agents.

Another coordination mechanism among the structures against organised crime at the centre and local level is the MEMEX system that enables the transmission of information from the local level to the Central structure for control and processing.

Standard Operation Procedures foresee cooperation mechanisms between crime investigation structures in the state police.

→ **measures to improve the protection and reintegration of victims of trafficking**

In order to protect and reintegrate victims of trafficking, state institutions in cooperation with other partners mainly centres and NPOs have taken the proper measures to provide all the necessary services (medical, psychological, legal assistance, shelter, employment opportunities etc.) which enable full rehabilitation and reintegration of victims in the community.

During 2008 and the first semester of 2009, serious efforts were made by the state agencies to improve the quality of services for trafficked persons. Such efforts were focused on the consolidation of existing mechanisms and improvement of capacities dealing directly with trafficked persons. Moreover, progress has been made concerning the completion of the legal framework and improvement of respective procedures.

The work during this period was focused on the *improvement and complete functioning of the National Referral Mechanism*, identification of trafficked persons and all the forms of exploitation and their immediate referral to the services of assistance; provision of comprehensive assistance and protection to all the trafficked persons, in compliance with the individual needs independently from their will to cooperate with the authorities; social inclusion of trafficked persons and also provision of special protection to the victims, who appear as witnesses in criminal proceedings.

The National Coordinator Against Trafficking in Human Beings with the support of Anti-Trafficking Unit, even during the period in question, has made ongoing efforts to orient the work of actors involved in the National Referral Mechanism of Victims of Trafficking (NRM). The Office has continuously issued instructions and it has encouraged communication among the members of NRM in order to ensure the due implementation of the Agreement.

Progress has been achieved even with regard to the improvement of effectiveness and work of the Responsible Authority as the main structure that coordinates identification, return, reception, referral, assistance and reintegration of victims and/or potential victims of trafficking. Such Authority has convened regularly and according to the cases, on the coordination of work to assist the victims of trafficking including the case of children exploited in the streets, and transnational cases, over which the counterpart structures have been informed. Many of these meetings have been initiated by ONAC that has continuously assisted this structure including the functioning of the **database on victims of trafficking**, as one of the most important achievements in the fight against trafficking in human beings in particular for the process of identification, referral and protection of victims/potential victims of trafficking.

As regards *cooperation with other countries*, a very important achievement has been the organisation of a meeting with the Greek party, held on the 25-26 of May 2009 in Thessaloniki, Greece with the support of Organisation for Security and Cooperation in Europe (OSCE) and ARSIS, a Greek NPO active in Albania and Greece concerning the assistance to the trafficked children or children in risk of trafficking. The recent ratification by the Greek party of the Agreement with Greece on the Protection and Assistance of Children Victims of Trafficking (ratified by our Assembly on 29th May 2006), paved the road to the work for its strict implementation. This is the first agreement of its kind in the region and it is a very important document as regards prevention, protection and reintegration of our children, victims of trafficking in Greece, as one of the main countries of destination for the exploitation of children for labour and other illegal services. During the meeting important issues were discussed with regard to the implementation of the agreement and functioning of responsible structures for its implementation. Another meeting will follow, which will soon be organised in Albania. The next meeting will deal with the drafting and approval of implementing protocols on special issues foreseen in the agreement.

The structures responsible for the implementation of the agreement have already been identified, and they have appointed the necessary contacts with the Greek counterparts. During August, the first cases referred by the Greek party were treated in the light of this agreement. Immediately after the referral, under the responsibility of ONAC, all the responsible structures were engaged in action and within a very short period of time the identification, reception, escort and accommodation of 3 children suspected to be potential victims of trafficking was made possible. Such cases were considered a success in the implementation of the above-mentioned agreement.

Moreover, there continues to be available to the citizens the toll free National Telephone Line (08001212) concerning anti-trafficking and Telephone Line concerning Domestic Violence. Victims of trafficking, victims of violence may call free of charge via these lines at any time of the day. In case of domestic violence, the victims may call even the non-profit organisations licensed by Ministry of Labour, Social Affairs and Equal Opportunities that provide assistance for this category. These organisations have prepared the respective leaflets to raise awareness of the society on domestic violence.

As regards the awareness rising of the structures, providing services to trafficked persons or persons in risk of trafficking, and the provision of necessary information for services available to these persons and the manner this category of people may benefit from these services, Ministry of Labour, Social Affairs and Equal Opportunities is taking the respective

measures. It has taken concrete measures to build the capacities of local government for the setting up of new social services based on the needs. Currently, there has been set up a structure nearby the State Social Service on the building of capacities of NPO, local government, and professionals engaged in the provision of services.

Public and private service providers apply the Standards for Victims of Trafficking approved in 2007 by Decision of Council of Ministers no. 195 of 11th April 2007. With UNICEF support, a draft-Instruction has been developed on observation of national standards of social care for trafficked persons or persons in risk of trafficking at the reception centres. The draft is being tested by the centres providing services. The Draft-Instruction has been developed to help the social service providers in meeting the National Standards of Service to the trafficked persons or persons in risk of trafficking at the reception centres in Albania. These Instructions and Forms aim at assisting the providers of reception services in the effective observation of standards, encouragement of referrals through the use of unified forms and procedures and also clarifying to the reception service providers and inspectors the indicators that should be used by the inspectors for the monitoring and assessment of observation of standards by the licensed centres. During the period of implementation, public and private service providers will be provided with staff training in order to understand and apply the Instruction to the best possible way.

Ministry of Labour, Social Affairs and Equal Opportunities (MoLSAEO) has established six years ago the Reception Centre of Victims of Trafficking in Tirana and it has regularly financed its functioning aiming at the reception and reintegration of victims of trafficking, national and foreign ones. The Centre is financed every year by the state budget by 18 million Albanian Lek. At the Centre there have been employed 23 qualified persons who provide specific services for accommodation, rehabilitation and integration of victims. The centre has a capacity of 100 places. In 2008, there was allocated 24.5 million lek or 34% more than in 2007. In 2009, there was allocated 26.2 million lek, thus 6.5% more in comparison with 2008.

Ministry of Labour, Social Affairs and Equal Opportunities, in close cooperation with the Office of National Coordinator Against Trafficking in Human Beings and other actors, has prepared the draft law “On some amendments to law no. 9355 “On social assistance and services” amended, which provided for the support to the victims of trafficking with economic aid after treatment in the centres providing services to victims of trafficking. A special article foresees for the support of 4 non-public centres providing services for this category with budgetary funds. The fund disbursement will be done based on cooperation with the local units in the framework of reform of services for decentralisation of services. Concerning this legal initiative, in addition to the study, there have been held several meetings between actors and groups of interest. There is to be mentioned here the meeting organised by ONAC with service providers. The draft law has been send to the Council of Ministers for endorsement.

As regards the **improvement of the legal framework** in this area, the law “On protection of witnesses and justice collaborators” has been prepared. It guarantees the protection of victims of trafficking, if their protection is proposed by the General Prosecutor. The draft law was endorsed by the Council of Ministers in June 2009. There are being followed the procedures for the law to be passed by the Parliament.

Moreover, in 2008 and 2009 *two international agreements have been signed* on the relocation of the persons under protection from the territory of Republic of Albania to the territory of countries signatories of the agreement.

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

→ adoption of a national strategy and action plan on the prevention of money-laundering, including details on the timeframe

The drafting of a National Strategy against money laundering and Action Plan implementing it is being accomplished in the framework of a Twinning Project “*Tackling money laundering and financial crime*” with the Germany's Federal Criminal Police Office (BKA) made possible with the considerable financial support of European Delegation in Tirana.

The General Directorate for the Prevention of Money Laundering (GDPML)- (Albanian-FIU) is the leading institution of Albania in this project including several beneficiary institutions such as: General Prosecutor's Office, State Police, Directorate General of Taxation (DGT), Directorate General of Customs (DGC).

In order to achieve this objective there was set up, since January 2008, a working group consisting of key experts of investigation of financial crime of the above-mentioned beneficiary institutions. The working group has worked intensively in cooperation with the German colleagues of the Germany's Federal Criminal Police Office (BAK). The working group completed in the end of May a draft medium and long-term national strategy “On investigation of financial crime” which has been circulated to several law enforcement agencies and other institutions in order to draw on their expertise.

Until now, there have been received suggestions by several institutions, such as Bank of Albania, High Inspectorate of Declaration and Audit of Assets, State Intelligence Service, General Prosecutor's Office, Ministry of Justice, Directorate General of State Police etc that have been incorporated in this strategic document.

The working group met in Berlin on 17-18 September 2009 with German experts and finalized the drafting process of the National Strategy for the Investigation of Financial Crime. On 29 September 2009, during the closing event of the twinning project with the German Federal Criminal Office the strategy and its action plan, were presented.

The draft strategy has been sent to the Department of Strategy and Donor Coordination in the Council of Ministers, in order to organize a meeting with the donors as well as carry out the necessary procedures regarding its approval. The Draft Strategy will be submitted for approval to the Council of Ministers in October 2009.

→ adoption of further implementing legislation to the Law on the prevention of money laundering and financing of terrorism

In drafting Law no. 9917 “On prevention of money laundering and financing of terrorism” passed by Albanian Parliament in May 2008, there have been taken into consideration the Recommendations of the Financial Action Task Force (FATF) and MONEYVAL Committee

and also partial compliance with Third EU Directive (the Directive is applied only by EUMS).

In order to implement this legislation, there have been adopted and entered into force several bylaws. Four of these bylaws are Instructions of Minister of Finance and they entered into force in February 2009, as follows:

- Instruction of Minister of Finance No. 11 of 5th February 2009 “On reporting methods and procedures of nonfinancial professions”
- Instruction of Minister of Finance No. 12 of 5th February 2009 “On the reporting methods and procedures of the obliged entities pursuant to law no. 9917, may 19th 2008 “on the prevention of money laundering and financing of terrorism ””
- Instruction of Minister of Finance No. 15 of 16th February 2009 “On the prevention of money laundering and fight against the financing of terrorism from the customs authorities”
- Instruction of Minister of Finance No. 16 of 16th February 2009 “On the prevention of money laundering and fight against the financing of terrorism from the tax authorities”

These 4 (four) Instructions are in accordance with the rules of entry into force of legal acts in the Republic of Albania. They were published in the Official Journal no. 14 of 20th February 2009 and entered into force after publication.

Two other bylaws that have been approved and are already in force:

- Instruction of Council of Ministers No. 1 of 1st April 2009 “On the form, methods and procedures of reporting the data of the entities, agency for the legalization, urbanization and integration of informal areas/constructions and the Central Office for the Registration of Immovable Property, regarding the prevention of money laundering and the financing of terrorism ”
- Decision of Council of Ministers No. 343 of 8th April 2009 “On the reporting manner and procedure of **supervisory and/or licensing authorities**”.

These bylaws are in accordance with the rules of entry into force of legal acts in the Republic of Albania. The Instruction of Council of Ministers no. 1 of 1st April 2009 was published in the Official Journal no. 69 of 21st May 2009, and Decision of Council of Ministers no. 343 of 8th April 2009 was published in the Official Journal No. 68 of 20th May 2009. They entered into force after publication.

Such bylaws constitute the framework of complementary legislation to the Albanian law no. 9917 of 19th May 2008 “On prevention of money laundering and financing of terrorism”

→ **implementation of FATF recommendations and Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the proceeds from crime and on the financing of terrorism**

As it was mentioned above, the drafting of law no.9917 of 19th May 2008 “On prevention of money laundering and financing of terrorism” is based on the Recommendations of the Financial Action Task Force (FATF) and MONEYVAL Committee and also partially in accordance with the Third EU Directive.

The law represents the first phase of approximation of Albanian legislation with the European Union law in this area. In fulfilling the commitments deriving from article 7, 70 and 82 of the Stabilisation and Association Agreement, the full approximation with *acquis communautaire* will be possible during the second phase of SAA implementation.

→ **measures taken to raise the awareness of the reporting entities of their obligations (including training)**

The General Directorate for the Prevention of Money Laundering (GDPML) - (Albanian FIU), as the Competent Authority for prevention of money laundering, has taken several measures to be as much as possible active in raising awareness of reporting entities concerning their obligations based on AML/FT Legislation. Such measures consist firstly in the inspection of these entities, in order to control compliance with the law of preventive measures taken by the entities.

These inspections are conducted by inspectors of the Inspection's Division of the Directorate of Inspection and Legislation in the GDPML. Inspections are planned and conducted based on the level of risk presented by different categories of entities. An important help in this regard is given by the Sector of Analysis of the Directorate of Analysis and Information Technology of the GDPML. Based on the findings of this sector, which deals with analysis of transactions reported by the entities, the Sector of Inspection plans and conducts inspections on the locations of the entities.

During the period April - July 2009 there were inspected 53 entities, of which 7 non-banking financial institutions, 13 real estate agencies and 32 construction companies.

During August 2009 there were inspected 15 other entities of which, 4 financial leasing companies, 5 legal firms, 1 construction company, 1 bank and 4 Public Notary Offices.

Another form of raising awareness of reporting entities is the application of administrative measures (fines and proposals for removal of licences) to the entities that fail, fully or partially, to fulfil their legal obligations. During the period April - July 2009, there were imposed 16 administrative measures (fines) against these entities.

Based on the aim of law on AML/FT, the Competent Authority (article 22 of law 9917) organises and participates, together with public and private institutions, in training activities on the prevention of money laundering and financing of terrorism and it organises or participated in public awareness programmes.

With OSCE support and in cooperation with the Central Office of Registration of Immovable Property (CORIP) there was organised in May 2009 a training seminar for the employees of Central Office of Registration of Immovable Property (CORIP) and Local Offices of Registration of Immovable Property (LORIP)

Moreover, in the framework of training activities, in order to raise awareness of law agencies on human resources of GDPML (FIU), in June 2009 there was organised a training seminar with members of the Institute of Chartered Accountants (ICA).

Through the mutual exchange of experiences in the area of financial crime in general and money laundering in particular, the Twinning project *“Tackling money laundering and financial crime”* with the German Federal Criminal Police Office (BKA) was aimed at building not only the capacity of law enforcement agencies in the fight against economic and financial crime, but also the capacity of entities, focusing especially on the second level banks. In this framework, in May 2009, there was organised under the twining project a training activity with Compliance Officers of Second Level Banks and with experts of law enforcement agencies (Police, Prosecutor’s office, and State Information Service). Special individual training based on the needs and requirements has been provided to special and highly important agencies such as the public notaries.

→ **implementation of legislation on confiscation of assets of criminals (including application of the 2004 law enabling seizure and confiscation)**

Structures of investigation of financial crime have conducted, as constituent part of criminal investigation, even investigation on property and assets of officials and their connections aiming at seizure and confiscation.

As a result of the proactive approach by General Directorate for the Prevention of Money Laundering (GDPML) and the timely delivery of information to Law Enforcement Agencies, the value of assets sequestered based on the prosecution’s decision amounts to 2,000,000 EUR. This amount was previously frozen by GDPML based on the law no. 9917 “On prevention of money laundering and financing of terrorism”

On 29 September 2009, a Memorandum of Cooperation has been signed between General Directorate of the State Police and Agency for the Administration of Seized and Confiscated Assets. This cooperation memorandum aims at: supporting, assisting, coordinating and exchanging information on the identification, finding and preservation of the assets, subject of confiscation orders.

During the April - August 2009 there started and there continue to be under investigation 10 criminal proceedings on the criminal act of laundering of proceeds from crime. In this period, investigation of criminal act of money laundering is extended even at regional and international level. In both cases, investigation is going on with counterpart structures of Greek, British and US police.

In general, this process is being carried out on criminal acts that have been committed in the past through the investigation of assets created following the commission of the criminal acts. As regards the cases of crimes committed recently, there is no theoretical and practical possibility to enforce the law. As a conclusion, the process on the already initiated proceedings is running, but in most of the cases, it is limited by the restrictions of the decision of the Supreme Court (2007).

In order to address this problem, there has been taken the initiative to draft a new law on some supplements and amendments to law no. 9284, of 30th September 2004 “On prevention and fight against organised crime”. The new law will contain not only the solution of the situation created by the unified decision of the Supreme Court, but also the solution of several issues identified by the Courts in practice, since 2004.

In this regard, work has started on the drafting of the new law. The draft law has been discussed with EURALIUS mission, that is providing the necessary assistance as well as with OPDAT and PAMECA missions. The Draft Law will be ready for submission to the Council of Ministers within October 2009.

→ **reinforcement of the capacity of the Agency for the Administration of Sequestered and Confiscated Assets and of the General Directorate for the Prevention of money laundering (FIU)**

Reinforcement of the capacity of the Agency for Administration of Sequestered and Confiscated Assets

The Agency for Administration of Sequestered and Confiscated Assets (AASCA) was set up in July 2008. Since the beginning of 2009, it conducted complete control on the sequestered/confiscated assets.

In order to reinforce the capacity of the Agency, there is being drafted the law on organisation and functioning of the AASCA which will be send to the Parliament within 2009. This law in addition to the organisation and functioning of AASCA will add to the scope of work the confiscated assets from criminal offence (Article 36 CC), international sequestration and other assets seized by the law enforcement agencies.

The law foresees the increase of staff of AASCA up to 30 employees, technical capacity of AASCA, salaries and staff training, offices, computerisation of work, vehicles, etc.

Reinforcement of the capacity of Directorate General for the Prevention of Money Laundering (FIU)

DGPML represents the Albanian authority responsible for prevention of ML/FT. In accordance with the definition made by the Egmont Group, DGPML serves as the Albanian financial intelligence unit and it is an institution under Ministry of Finance. Despite its dependency from Minister of Finance, the law no .9917 provides for this Directorate, within its scope of activity, to have the right to determine how to follow and resolve issues on possible money laundering and financing of potential terrorist activities.

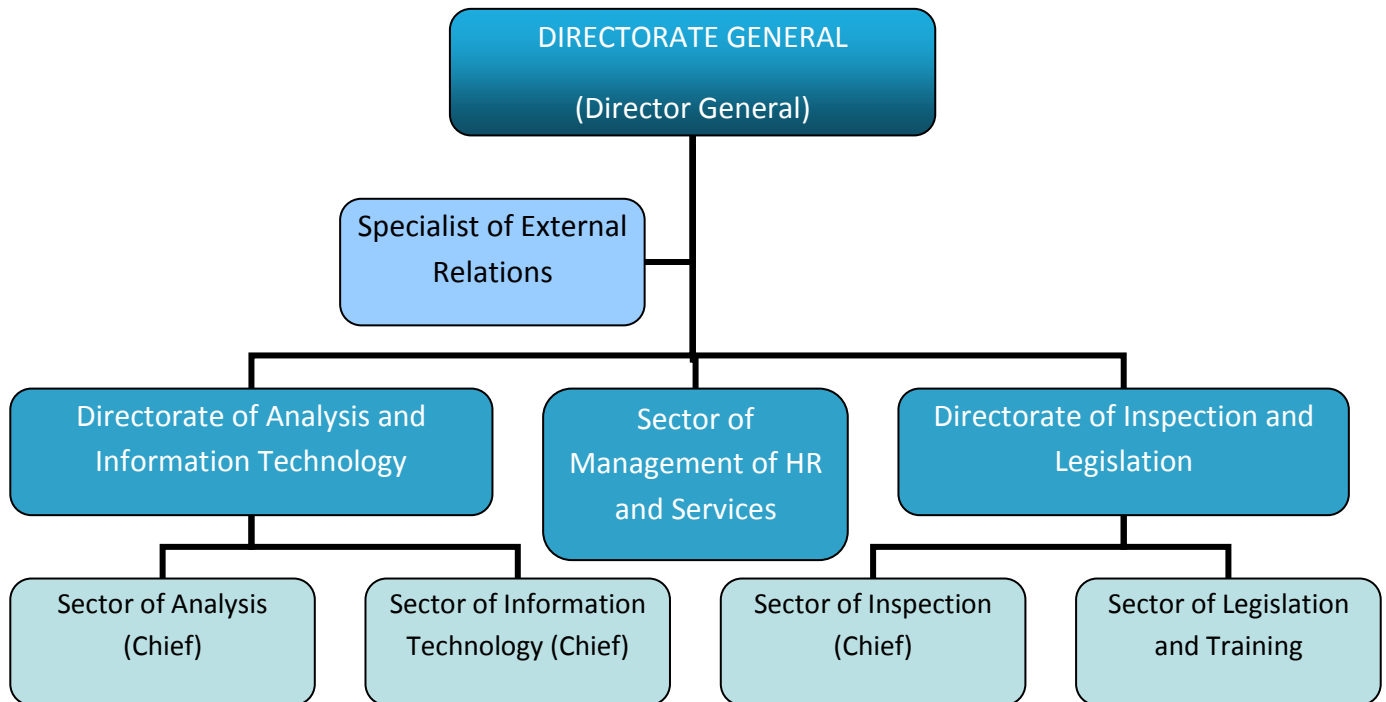
Since the beginning of 2009, DGPML has taken immediate actions for the structural changes and its new organigramme in order to meet the objectives of the government, specific requirements of the timeline of an institution under development, recommendations of international institutions, and also increase of workflow due to increase of number of reports deriving from the new legal requirements.

In the framework of reinforcement of capacities of DGPML (FIU), Decision of Council of Ministers no. 439 of 22nd April 2009 foresaw the increase of number of employees of DGPML with 4 employees, thus from 22 the total number of employees will be 26. In implementing this decision, the Prime Minister Order no. 89 of 23rd June 2009 approved the structure and new organigramme of DGPML.

Prime Minister Order no.89 of 23rd June 2009 made effective the increase of salaries for the position of chiefs of sectors. Similarly, DDPML through the requests made to the Department

of Public Administration and Ministry of Finance has managed to make effective even the addition for the position of IT specialists.

Structure of DGPML is presented as follows:



Total Number of Staff 26

Twinning Project “*Tackling money laundering and financial crime*” with the German Federal Criminal Police Office (BKA) has contributed to the improvement of expertise and professionalism of employees of DGPML, through several trainings organised under this project with the participation of employees of DGPML. Some of the topics of the training seminars attended by DGPML employees have been:

Topic: “Development of measures for intensification of involvement of international trends by participation in working groups/commissions” (cooperation with Egmont Group) organised on 11.06-12.06.2009

Topic: “Enforcement of Third EU Directive in Albania” organised on 8.6.2009

Topic: “Development of measures for intensification of involvement of international trends by participation in working groups/commissions” (cooperation with FATF) organised on 9.6-10.6.2009.

Training of DGPML employees has been developed even beyond the Twinning project. Thus, 4 employees of DGPML attended and were trained in the seminar organised by USAID in

cooperation with High Inspectorate of Declaration and Audit of Assets, on 17-19 June and 22-24 June 2009 on the topic “On investigation of public officials: detection of assets and conflict of interests”.

The commitment of the Albanian party in reinforcement of capacity of DGPML is focused not only on the reinforcement of capacities of human resources, but also technical capacities with the proper information technology equipment.

During this period, Information Technology has been informed about important developments such as the application of the new analytical programme. The application of this programme is accompanied by the following activities.

- a. Training of Staff of Directorate of Analysis and Information Technology on the use and administration of this programme
- b. Installation and configuration of the system in hardware equipments in possession of DGPML
- c. Resolution of all problems raised by DGPML specialists

Analysts have listed and categorised these problems according to priorities and they have been presented to the EU Delegation and to the winning company that undertook to make the adjustments. The phase of operation of this programme is being development in order to increase the quality of financial analysis aiming at prevention of money laundering and financing of terrorism.

This period has been dedicated to the raising of awareness of commercial banks of second level on the achievement of *online* reporting. This process has advanced and we think that its extension will have positive impact even on the quicker completion of analysis. It will also result in a real time feedback by DGPML according to problems.

The digital archive has received a priority from the Sector of Information Technology with the support of Activity 2.10 under the Twinning Project with BKA, in order for DGPML, following its reinforcement, to be able to access any document electronically.

Anti-drug policy (benchmark 21)

→ **implementation of the strategy and action plan against drug trafficking (resources allocated and training provided)**

National Anti-drug Strategy 2004-2010 is multi sector strategy. All the tasks of the State Police foreseen in this Action Plan and in the National Strategy have been fulfilled as it has been reported previously. Among the activities that have been performed during the reporting period, there have to be mentioned the following:

Training of police officers engaged in the fight against trafficking of drugs has been ongoing. The following trainings have been organised during the reporting period:

- “Fight against drug trafficking at the Border Crossing Points”, held on 30 March- 3 April 2009 in Kosice, Slovakia, under the LexPRO project of UNODC. Representatives: one border police officer and one customs service officer;
- “Management of special operations” held on 21-25 April 2009 and 27 April-01 May 2009 in Tirana, under the Twinning project with United Kingdom. Representatives: 4 police officers of the structures of fight against drugs;
- “Police- Customs Institutional Cooperation on the fight against drug trafficking” held on 13-15 April 2009 at the Border Crossing Point Kapiten Andreevo in Bulgaria, under UNODC project. Representatives: one border police officer and one customs service officer;
- “Information on EUROPOL activities” held on 6-8 May 2008 in Durrës under the framework of cooperation with EUROPOL. Representatives: 2 police officers of the structures of fight against drugs;
- “Undercover police operations” held on 24 May – 7 June 2009 in Durrës under Twinning Project with United Kingdom. Representatives: 3 police officers of the structures of fight against drugs;
- “Intelligence service on internal security. Course of basic detection and tracking of vehicles” held on 7- 19 June 2009 in Ankara, Turkey, in cooperation with the Turkish Police. Representatives: 2 police officers of the structures of fight against drugs;
- “Fight against organised crime” held on 01-30 July 2009, in Kairo, Egypt under the framework of cooperation between two countries. Representatives: 4 police officers of the structures of fight against drugs.

Several additional training to approximately 32 police officers of structures of fight against drugs have been planned to take place in the remaining period of 2009.

There has been approved and started the enforcement of Order of Director General of State Police no. 380 of 17th April 2009 “On storage, administration and use of narcotics in order to train police dogs”. The order aims at determining clear rules and procedures on the administration and use of narcotics for the training of anti-drug police dogs providing also for their secure annihilation.

There has been drafted and it is being implemented the Action Plan no. 1116 of 3rd April 2009 “On prevention and fight against cultivation of narcotic plants” approved by Minister of Interior. The plan foresees for the phase of raising awareness and the operational phase. In addition to the police structures, in its implementation, there have been involved other structures of local government and stakeholders. Currently, there is being implemented the operational phase. During the reporting period there were found 125 cases of cultivation of cannabis and annihilated 48350 plants. There were criminally prosecuted 22 persons for this criminal activity. Moreover, there were criminally prosecuted even 6 representatives of local government on criminal act of non-denunciation of crime and abuse of duty related with the cultivation of narcotic plants. Compared with the same period of the previous year there is observed a decrease of 50% of cultivated plants. However, work is underway and these figures may change.

The striking against criminal networks of distribution and trafficking of narcotics has continued intensively. During the reporting period (1 April - 31 July 2009) there were achieved the following results:

Table 2: Results of the fight against narcotics (April-July 2009)

Type	Number of cases	Detected	Quantity	Perpetrators	Arrested/de tained	At large	Wanted
Heroine	27	27	51 kg 799.2 gr	43	38	5	0
Methadone	1	1	89.5 gr	1	1	0	0
Cocaine	8	8	87.8 gr	14	14	0	0
Marihuana	71	62	835 kg 866.3 gr	90	73	14	3
Hashish oil	1	1	9.5 ml	1	0	1	0
Cannabis cultivation	125	17	48350 plants	22	16	3	3
Cannabis seed	3	3	1 kg 300.4 gr	3	3	0	0
TOTAL	236	119		174	145	23	6

As it can be seen from the table, during these months, there were found 236 cases of criminal acts involving 174 perpetrators, of which 145 were arrested and 23 were tried at large.

During this period:

- there were struck 10 criminal groups of trafficking and distribution of narcotics, resulting in 44 criminally prosecuted persons;
- there were successfully conducted 6 operations, of which 3 have been carried out by the central structure against narcotics and 3 other operations by the local structures through application of special investigation techniques;
- there were conducted 3 international operations in cooperation with the Prosecutor's Office and judicial authorities of Italy and Germany, resulting in the arrest of 7 persons;
- there were apprehended and arrested 15 wanted persons for drug-related criminal acts

International cooperation has been further strengthened. Detailed information in this respect will be presented below.

→ **measures to improve the access to information on drug seizures and persons involved at BCPs**

Cooperation with border police has intensified in order to implement the Order of Director General of State Police no. 482 of 21st May 2008 "On cooperation of Investigation structures of State Police Departments". Concerning exchange of information, work has been carried out on a case-by-case basis and the results of cooperation have been quite evident. During the reporting period, as a result of cooperation, there have been carried out several operations at the BCP Qafe Thane, Kapshtice and Kakavije resulting in the seizure of considerable amount of narcotics, heroine and marihuana and in the arrest of responsible persons.

Until now, border police structures have been regularly been made available the lists of persons who have criminal records related with trafficking of narcotics or other trafficking.

When the Criminal Information Management System – MEMEX becomes fully functional, border police access will increase.

In the framework of cooperation with other law enforcement institutions, the General Directorate of Customs is regularly informed, by the Directorate against Organised Crime, on every case of drug seizure or new methods and routes of drug trafficking through the BCPs.

→ **enhancing international cooperation (including results achieved)**

International cooperation, during the reporting period, has been strengthened:

Cooperation with international institutions:

- There has been strengthened cooperation with UNODC (United Nations Office on Drugs and Crime). We have send within the deadline the questionnaires on the production and trafficking of drugs
- We have cooperated with UNODC on the implementation of projects ALB/G70 and LexPRO and also other regional projects, through the organisation of joint training as it has already been mentioned above.
- We have cooperated with INCB (International Narcotics Control Board). We have deposited in time the questionnaires concerning the control of precursors.
- We have cooperated with EMCDDA (European Monitoring Centre for Drugs and Drug Addiction) on the drafting of a Report concerning the drugs situation in our country in general in 2008 and a Map of several archives on drug related problems existing in the country. These have been completed and may be found at the EMCDDA.

Regional and wider cooperation including operational cooperation:

- There have been signed several cooperation agreements on the fight against terrorism, organised crime, drug trafficking and other illegal trafficking, which have been described in details under the topic “Strengthening of international cooperation, including cooperation with Europol”;
- On 8th May 2009 there was signed in Rome, Italy the Action Plan between the Department of Public Security of Ministry of Interior of Italy and Directorate General of Albanian State Police “On fight against illegal trafficking of narcotics and organised crime”;
- Cooperation with EUROPOL has been ongoing and several training programmes as already mentioned above have been organised;
- We have cooperated with SECI Centre, in Bucharest Romania on the drafting of the risk analysis of criminal groups in the countries of the region. It has been completed and the final report has been issued;
- In cooperation with SECI Centre and supported by EUROPOL, there has been made possible the implementation of OCTA SEE Project (Risk analysis for south east European countries, members of SECI Centre) and Directorate General of State Police;
- There has continued cooperation with the Italian Police Interforza Liaison Office and liaison officers or security or police attaches of different countries. In implementing annual plans there have been carried out joint trainings (above mentioned) and there

have been donated several equipments. Moreover, there have been initiated and conducted joint operations in the fight against drug trafficking. As it has been mentioned above, there have been conducted 3 joint operations, 2 of which in cooperation with the Italian judicial authorities resulting in the arrest of 2 persons in Italy on drug trafficking, and the most important operation is the one with the German police which resulted in the seizure of 40 kg of heroine at the BCP Kakavija and in arrest of 5 persons.

→ **measures to align with EMCDDA information collection standards**

We have cooperated with EMCDDA (European Monitoring Centre for Drugs and Drug Addiction) on the drafting of a Report concerning the drugs situation in our country in general in 2008 and a Map of several archives on drug related problems existing in the country.

Consequently, in June 2009 Albania completed the National Report on Drugs, in compliance with the requirements of EMCDDA. This report² is prepared in the context of running of our National Drug Information System. National Report on Drugs ["Albania: Country Overview"] has been approved by EMCDDA and it is expected the official publication on the website (<http://www.emcdda.europa.eu>).

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

→ **Implementation of the inter-sector strategy as well as the anti-corruption action plan (resources committed and training provided)**

Inter-sector strategy on prevention, fight against corruption and transparent governance 2008-2013 approved on 3rd October 2008 is being implemented through the drafting of the integrated annual action plans (consolidated Action Plan of 2009) and also through the monitoring of these integrated plans. The monitoring of the Action Plan is being carried out through:

- **Regular meetings of Inter-ministerial group**, at technical and political level (with participation of deputy ministers of all the line ministries).
- **Reporting of respective ministries/institution**, every three, six and 12 months

Department of Internal, Administrative and Anti-Corruption Control at the CoM (Technical Secretariat on implementation of the Anti-Corruption Strategy) during the June - September 2009 period organised meetings with the working groups at technical level (representatives of each ministry reporting on this strategy) in order to draft the 6-month report of implementation of 2009 action plan. The 6 month report has been completed in September 2009.

² See Annex 1, the Country Report.

Concerning the implementation of 2009 Action Plan, there is reported that **the fund/amount allocated under the strategy** and action plans of line ministries is approximately³ **115.577.317EUR** or **15.025.051.266 lek**, of which there have been allocated: **13.819.418.266 lek**, 1.500.000 USD and 8.255.000 EUR. This fund has been allocated to the ministries and their dependent institutions by the state budget and foreign or national donors under several projects of cooperation. The donors have been: EC, USAID, WHO, USA Government, Swiss Government, CARDS, German Government, etc

During the reporting period (intermediate/internal) of 2009, there have been organised a series of **trainings** aiming at two objectives:

1. Ongoing training of staff of reporting and dependent institutions in order to increase the effectiveness of their work, the performance of the work to a high level of responsibility (due diligence) and within the ethical framework. This series of training is being organised aiming at professional qualification. As such we may mentioned the training on familiarity with the new legislation (for instance in the area of taxation: familiarity with the new law on taxation procedures and other bylaws);
2. Training of staff on familiarity with the legislation in force concerning the corruptive acts, law enforcement. The focus of this training has been the law enforcement agency (police and prosecutor's office) and it has been organised by the Magistrates' School, TIPA in cooperation with several donors/projects.

Completed Training:

Magistrates School in the framework of training for the academic year 2008-2009 has developed an extensive training programme for the prosecutors and judges in order to make them familiar with the law in force concerning economic crime, corruption and to fulfil the obligations deriving from the GRECO assessment reports. 79 judges and prosecutors have been trained through this programme in different districts of the country. The topics of the training were the following:

- 22-23 January 2009, seminar on "seizure and confiscation of crime proceeds (assets and property deriving from commission of criminal offences) in implementing law no.9284 of 30th September 2004 "On prevention and striking at organised crime";
- 20-21 May 2008 – seminar on economic crime and organised crime

Magistrates School has prepared the continuous Thematic Training Programme 2009-2012 (approved in the meeting of the Steering Council on 15th July 2009), including the training of judges and prosecutors on the following topics:

³ The term "Approximately" is used because several strategic objectives that are further translated into institutional measures do not require costs (ex. Drafting of a draft law, which is passed by the Assembly. It may result in structural improvements that prevent or fight corruption. As such this measure is reported by the respective institution. This drafting process does not have costs apart from what has been foreseen by the respective institution)

- “criminal offences against the state activity committed by state officials or within the public service. Active and passive corruption from the perspective of the International Convention and our case law”
- “theoretical and practical aspects of economic and financial crime in compliance with International Conventions. Laundering of crime proceeds and criminal offences in commercial companies”;
- “criminal protection of enterprises. Criminal offences related with commercial companies and case-law concerning the criminal liability of legal persons”.

Internal Control Service (ICS) of Ministry of Interior employees have been trained continuously on the investigation of criminal offences of corruption and use of special investigation techniques and means.

- During the April - September 2009, 8 ICS employees participated in 2 seminars organised by the Directorate Against Money Laundering of Ministry of Finance, under CARDS Twinning project Albania 2009 on the topic “Ethics and Corruption”, and “Prevention of corruption within the police”;
- 2-week training on the topic “Investigation of internal control and inspections concerning the compliance with the acts in force”;
- Training of 20 ICS employees on “Investigation of internal control and inspections concerning the compliance with the acts in force” in cooperation with the Centre for Education, Development and Public Security, Vushtri, Kosovo and with assistance of ICITAP mission.

Directorate General of Taxation: Main principles of tax administration have been incorporated in the new law on taxation procedures approved during 2008. In order to ensure due enforcement of the main law on tax administration, there have been organised several trainings with the assistance of USAID and DGT specialists. In this respect, during June- July 2008 in cooperation with USAID there were trained 800 finance specialists and accountants of private companies in Tirana. This training is extended in Durres where there have been trained 500 finance specialists and accountants of private companies.

During July - December 2008 period there was trained the staff of the Directorate of Service and Registration of Taxpayers within the Tax Administration on the declaration and electronic payment of taxation duties.

During July 2008 - June 2009 period there was completed the training of all the employees of Tax Administration, including the new employees, 1.230 employees.

In June 2009, there was organised the training on the topic: “Ethics of taxation employees, prevention of conflict of interest and employment relations in the tax administration”. There were trained 340 employees.

During the first semester of 2009, there were trained 2 932 employees of tax administration (central and regional).

Directorate General of Customs: Concerning the improvement of managerial skills at all levels of Directorate General of Customs, there have been trained 458 persons. The training topics are:

- Ethics in the Customs system
- Operational management
- Familiarity with EU operational plans

In order to raise the awareness of business operators and public on the fight against corruption there have been completed training on ASYCUDA World by the employees of the Directorate of Procedures, under the Technical Department of DGC. There have been organised trainings on *a posteriori* control of economic operators by Tacta Mission, Albania. There is in progress the training of specialists on the reports of Oracle discovery 10, a system that will shorten the control period.

Training Institute of Public Administration: The strategic objective of training has been the training of administration on the principles of transparency, good-governance and anti-corruption. There has been organised training on “Ethical issues and prevention of conflict of interest”, for the central administration. In this respect, there were organised **12 training courses in November 2008** for employees of MES, MH, CORIP; **196 civil servants** participated in this training.

Training will be extended even for the local administration (municipality of Lezha, Shkodra, Berati and Saranda).

State Police during April - August 2009 period focused the activity on the fight against corruption, since this objective was determined in the beginning of the year in the Anti-Corruption Action Plan 2009 implementing the inter-sector strategy on prevention and fight against corruption and transparent governance 2008-2013.

During this period there has been made positive progress of the specialised structures of fight against corruption concerning the striking at corruption, corruption related criminal offences and crimes of officials in duty. A considerable number of officials of different levels are being investigated over violations committed by them during the performance of duty, in general over the criminal offence of abuse of duty and corruptive actions.

There have been strengthened the police tracking measures and there have been used the special investigation techniques by the specialised structures in the fight against corruption, in cooperation with the Prosecutor’s Office and the court in the course of investigation.

Particularity of this period is that during investigation of corruption related criminal offences and crimes of officials in duty, committed in cooperation with the private sector, there has been conducted investigation to make criminally liable even legal entities based on law no.9754 of 14th June 2007, which foresees the kind of punishment against these entities related with the commission of criminal offences.

Concerning all the cases of corruption against officials and persons related to them, there has been conducted investigation over the assets in their possession, such as real estate and bank accounts. There have been seized cash and property accumulated in abuse way.

There has been increased the capacity of Directorate Against Financial Crime and concretely in June 2009 there was set up the Sector against Cyber Crime. Police officers of this sector have been selected and are being trained for the conduction of investigation in this area.

Under the twinning project with BKA (German Federal Criminal Police Office) and based on the training plan of OPDAT, PAMECA, SECI, Police Training Centre on money-laundering and investigation of financial crime and corruption during the April - August period, there were organised 16 activities, such as seminars, activities in working groups, study visits⁴.

MEMEX system has been enriched with criminal information on criminally prosecuted, investigated and sentenced officials on criminal offence of corruption and crimes in duty.

There has been noticed a positive increase of professional level of specialists in investigation of cases with special investigation methods.

State Police during the April - August 2009 period recorded **134** criminal corruption offences and crimes of officials in duty, **242** criminally prosecuted persons, of which only 13 criminal corruption offences resulting in 22 criminally prosecuted persons.

→ **strengthening of inter-agency cooperation, including administrative capacity and resources allocated to the existing Joint Investigative Unit (JIU) and to the 6 new JIUs being established on the regional level**

The Joint Order on the establishment of 6 Joint Investigative Units was signed in May 2009 and it foresees that the Joint Units will become operational in the end of September 2009. These JIUs have started work on 30 September 2009.

There have been defined the work success measurement indicators of JIU, such as the increase of number of investigated cases, cases submitted to the court, number of sentenced persons and increase of the number of denunciations by the citizens against these criminal offences. To this end, there have been issued the statistical indicators of criminal prosecution for 2008 over criminal offences that are under the competence of JIU. Such indicators will be compared in continuity with the indicators that will be send to JIU during their performance.

→ **strengthening of internal control systems and anti-corruption activities in the public administration and law enforcement bodies**

As regards the strengthening of internal control, Decision of Council of Ministers no. 640 of 11th June 2009 adopts the Policy Paper of Public Internal Financial Control (PIFC). The document defines clearly the modern task of the structures of managerial responsibility; financial management and control, internal audit and the clear division from other tasks of financial control and inspection. Moreover, the Policy Paper includes the Action Plan on the enforcement of the Policy Paper of PIFC for 2009-2014. The main element of the Action Plan is the creation of a legal framework on financial management and control. In this regard, there have been prepared or are underway the following legal acts:

⁴ See Annex 2 concerning training organized in the framework of fight against corruption and prevention of money laundering.

- **Drafting of law “On Financial Management and Control (FMC) for the Public Sector”.** The Law will address the key areas of PIFC and will clarify the managerial accountability, minimum requirements of internal control, risk assessment and management and monitoring of internal controls. Moreover, the law will define the minimum requirements for corporate governance, which the public institutions need to establish and to put into practice. The application of the Law will be addressed in the FMC Manual. The first draft was completed on 30th June 2009, and it was distributed for comments to the central institutions. It will be tested for a six-month period by the pilot institutions, such as Municipality of Tirana and Ministry of Interior. It is foreseen to be passed by the Assembly of Albania in May 2010.

- **Drafting of the “Financial Management and Control Manual”**, based on the FMC law. The FMC manual will spell out the key requirements of establishing a sound corporate governance environment. This will cover areas such as organisational structures and the distribution of rights and responsibilities among the different stakeholders and participants in the organisation, determine the rules and procedures for making decisions on corporate affairs, including the process through which the organisation’s objectives are set, and provide the means of achieving those objectives and monitoring performance. In addition to the Manual, the CHU/FMC will consider issuing supplementary guidance notes or additional manuals on certain areas, such as risk management. One of the priorities of Albania will be the creation of a system for risk assessment and management that will make the employees aware of the risks and will train them to put these principles in practice.

The first draft was completed in July 2009, and it will be tested for a six-month period, September 2009-February 2010, by the pilot institutions, such as Municipality of Tirana, Ministry of Interior and Ministry of Finance. The Manual is foreseen to be adopted in July 2010, following the adoption of Law on Financial Management and Control. There have already been held meetings to make the institutions familiar with financial management and control; related activities will be ongoing during the testing phase.

- **Drafting of a new law on Inspection**, based on the requirements of European Commission and Law “On Management of Budgetary System in the Republic of Albania”. The aim of the law is to control the regularity of tasks within the competences of the institution, in particular: (i) to find irregularities and to analyse their cause, and also to indicate correction measures to be taken for their elimination or prevention; (ii) to identify the persons responsible for the irregularities and to determine their degree of responsibility; (iii) to present conclusions and recommendations to the high level officials.

The first draft was completed on 30th June 2009 and it was distributed for comments. It is foreseen to be passed by the Parliament in December 2009. In order to enforce this law there will be set up a central structure for inspection within Ministry of Finance to conduct the inspection, within one year from the adoption of the law.

Another element of the system of Public Internal Financial Control, in addition to the Financial Management and Control, is *internal audit*, an independent activity which supports management through the objective assessment of internal control systems and ensures the use

of public funds for the purpose they are allocated. The auditors assess the adaptability of the internal control systems in terms of efficiency, effectiveness and economisation, in order to point out possible weaknesses that may hinder the attainment of objectives of the organisation and consequently they make recommendations on how these systems can be upgraded.

In order to perform a functionally independent internal audit, the general legal and procedural framework is under revision, updating and continuous upgrading process. The following activities have been undertaken to attain this objective:

- **Revision of Law on internal audit** – in order to ensure an effective role of internal auditing, to have it clearly understood and in full compliance with International Standards. Law on internal audit is already being revised. The working group set up by the Minister of Finance in cooperation with the technical assistance of PIFC2 project has prepared the draft law “On some amendments to law on internal audit”, foreseen to be submitted to the Council of Ministers for endorsement in October 2009;
- **Manual of Internal Audit**- a supporting legal framework on enforcement will be drafted in compliance with the provisions of the Law on Internal Audit. Such legal and procedural initiatives create the general context of the functioning of internal audit. To this end, by order of Minister of Finance there has been set up a working group on the drafting of the Manual on Internal Audit supported in its activity by foreign expertise under PIFC2 project. The draft that has been prepared will be tested through 2 pilot auditing aiming at the effective functioning of the Manual in practice, prior to submitting it to the Minister of Finance for endorsement in January 2010.

As regards the strengthening of internal control system within the **law enforcement bodies**, there have been set up and there are operating structures of financial auditing and control **within the State Police**. The structures play a very important role on control of expenditures of the budgetary funds of State Police, aiming at the prevention of corruption and control of their administration.

Sector of Audit within the Directorate General of State Police during this period has focused its work on **the strengthening of internal control of the entities that are object of their work**, in order to prevent, detect abusive phenomena and to make the necessary recommendations to the Management and Leading System.

Priority areas concerning the entities are:

- Procurement of public funds
- Drafting of draft budgets and effective use of budgetary funds
- Planning, creation, and administration of incomes, in particular those deriving from the fines imposed over the road traffic
- Good administration of material values and compliance with the rules of their use

The results of the work of this sector during April - August 2009 are evident in the preparation of documentation for the Internal Control Service concerning the criminal

prosecution of an employee of the PDR Fier, the assignment of **135 tasks** and making of **recommendations** or **56 tasks** and recommendations more than in 2008.

There have been conducted 7 auditing missions in 7 Directorates and Commissariats, resulting in the proposal of 8 disciplinary measures and indemnity measures for **458** employees amounting to 3.022 thousand Lek for 7 audited subjects. During 2008, there were taken measures against **921** employees amounting to 9.059 thousand lek in 7 auditing missions.

Following the adoption of Law no. 10002 of 6th October 2008 “On Internal Control Service of Ministry of Interior”, there has started the work for its implementation, through the introduction of important changes concerning the aspect of legal, functional and structural infrastructure of Internal Control Service (ICS). Therefore, during April - September 2009, there were drafted and adopted several Decisions of Council of Ministers:

- **Decision of Council of Ministers No. 477 of 6th May 2009 “On definition of corresponding positions for the ranks of the investigation staff of the Internal Control Service of Ministry of Interior”**
- **Decision of Council of Ministers No. 478 of 6th May 2009 “On classification of levels, according to the position of inspection and supporting staff of Internal Control Service of Ministry of Interior”**
- **Decision of Council of Ministers No. 637 of 11th June 2009 “On adoption of Staff Regulation of Internal Control Service of Ministry of Interior”**. The Regulation determines clear and unified rules and procedures for an effective and due enforcement of Law on ICS and legislation governing relations between employers and employees, aiming at the development of skilled and effective staff and the realisation of rights of employees during their work with the ICS.
- **Decision of Council of Ministers No. 639 of 11th June 2009 “On definition of conditions and criteria of special control fund to the function of the intelligence activity and criminal procedural activity of Internal Control Service”**
- **Decision of Council of Ministers No. 646 of 11th June 2009 “On approval of Rules of Discipline of Internal Control Service of Ministry of Interior”**. The aim of the Rules is to unify the activity of the structures of ICS employees and to determine the manner of in practice application of principles, norms and requirements in the area of discipline, aiming at the respect for human rights and law enforcement.
- **Decision of Council of Ministers No. 718 of 23rd June 2009 “On salaries of staff of investigation, inspection and supporting services of the Internal Control Service of Ministry of Interior”**

As regards anti-corruption activities, during the reporting period, **8** employees of ICS participated in two seminars organised by the Directorate General Against Money Laundering of Ministry of Finance under CARDS Twinning Project in Albania. The topics of the seminars were “Ethics and Corruption” and “Prevention of Corruption within the Police”.

Moreover, Internal Control Service, through the intelligence activity and preliminary investigation has referred to the Prosecutor’s Office for criminal prosecution during May-August 2009, **15** criminal denunciations against **21** police officers involved in corruptive activity, of which **2** first level leaders and **19** executive level officers.

→ **implementation of the outstanding GRECO recommendations and Council of Europe and UN Conventions**

In respect of evaluation from international organizations, concerning the 2nd round of the evaluation from **GRECO**⁵: 10 out of 13 recommendations' have been fulfilled, 1 has been partially implemented and only 2 of them have been considered as not fully implemented. However, this situation could improve if the Albanian authorities are able to sent complementary or explanatory information until the day that the addendum report is adopted (October 2009).

With regards to the 3d round of the evaluation, two reports were adopted during the 42 plenary meeting in 13-14 of May 2009.

For the purposes of compliance with GRECO recommendations, the **Ministry of Justice** has already started to study and analyze the contents of GRECO recommendations in order to identify where legislative supplements or amendments are needed and how to introduce those changes in the existing legislation. The first draft-law with the proposed changes is expected to be submitted for approval in the Council of Ministers in October-November 2009.

The Central Elections' Commission has been informed about the Evaluation Report on Albania on Transparency of Party Funding and is taking GRECO recommendations under consideration'.

Albania has ratified three Anti-corruption Conventions:

- Criminal Law Convention on corruption
- Civil Law Convention of Council of Europe on corruption
- UN Convention against corruption

Their ratification has progressed with the approval of a legal package against corruption in the Criminal Code. In this regard, there have been added and there are being successfully enforced 11 specific provisions against corruption in the Criminal Code and also in the amendments to the Code of Criminal Procedure concerning additional special investigation techniques.⁶

On the basis of the foregoing, law no. 9275 of 16th September 2004 "On some supplements and amendments to law no. 7895 of 27th January 1995 "Criminal Code of Republic of Albania", has foreseen some new provisions concerning the provision and punishment of criminal acts of corruption such as:

⁵ See Annex 3 regarding GRECO recommendations.

⁶ These amendments were made by 1: Law no 9275, of 16th September 2004 "On some addenda and amendments to law no 7895 of 27th January 1995 Criminal Code of Republic of Albania, amended; 2. Law no. 9276, of 16th September 2004 "On some addenda and amendments to Law no. 7995 of 21st March 1995 Code of Criminal Procedure of Republic of Albania, amended

- 1) Article 164/a - Active corruption in the private sector
- 2) Article 164/b - Passive corruption in the private sector
- 3) Article 244 - Active corruption of persons exercising public functions
- 4) Article 245 - Active corruption of senior state officials and of local elected/representatives
- 5) Article 245/1 - Exercise of unlawful influence on public officials
- 6) Article 248 - Abuse of office
- 7) Article 259 - Passive corruption by public officials
- 8) Article 260 - Passive corruption by Senior State Officials or local elected officials
- 9) Article 312 - Active corruption of witnesses, experts or interpreters
- 10) Article 319 - Active corruption of judges, prosecutors and of other legal experts
- 11) Article 319/a - Passive corruption of judges, prosecutors and other legal experts

Law no. 9178 of 12th February 2004 “On some supplements and amendments to law no. 7905 of 21st March 1995 “Code of Criminal Procedure of Republic of Albania” foresees the introduction of article 294/a “Simulated actions”, including the simulation of a corruptive action”.

During 2008, for purposes of fulfilling the obligations deriving from the above-mentioned international acts, the following acts were adopted:

- *Law no. 1005 of 23rd October 2008 “On a supplement to law no.8510 of 15th July 1999 “On extra-contractual liability of state administration bodies”, which foresees the introduction of a new provision concerning the liability of state administration bodies to damage caused to private legal or natural persons, in the case of commission of corruptive actions.*
- *Law no 10 053 of 29th December 2008 “On a supplement to law no. 7961 of 12th July 1995 “Labour Code of Republic of Albania, amended”, which foresees a new provision concerning the invalidity of acts issued for administrative measures or sanctions imposed as a consequence of a corruptive action.*

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

→ adoption of the law on international mutual legal assistance

A new law is being drafted, aiming at defining clear and transparent rules and procedures on provision of mutual legal assistance in criminal matters. It will contain concrete measures for internal coordination and duly reply to the requests for international assistance. The working group set up for drafting this law has completed the first draft, and the final draft is expected to be submitted to the Council of Ministers for consideration and endorsement in October 2009.

→ training provided to staff dealing with requests for mutual legal assistance

As regards the training of experts dealing with cases of international judicial cooperation, the following developments have taken place:

- training seminar on the judicial cooperation in European Union organised by TAIEX in Brussels, Belgium, in October 2008; 2 experts participated;
- seminar on cooperation for terrorism and organised crime in Central and South-eastern Europe organised by OCSE, in Budapest, Hungary in November 2008; 1 expert participated;
- seminar on the support of the Prosecutors' Network in the South-eastern Europe organised by PROSECO project in Ohrid Macedonia in November 2008; 2 experts participated.

It must be emphasised that the experts of Ministry of Justice, dealing with cases of international judicial cooperation, have participated in several other activities organised at national and international level. They have had the opportunity to exchange experience on their activity in matters of international cooperation, both in legal and practical aspect, with their counterparts in other countries cooperating with them (for instance, Conference on Cyber Crime organised in Strasbourg during March 2009, 1 expert participated)

The experts of Directorate dealing with cases of international judicial cooperation have applied and continue to apply to TAIEX for the organisation and participation in seminars of these matters.

→ **progress on finalising extradition agreements with third countries**

As regards agreements foreseen to be signed in 2009, the following are planned:

- i) Signature of draft agreement between the Republic of Albania and the Kingdom of Belgium "On transfer of convicted persons"; and also
- ii) Signature of memorandum of cooperation between the Ministry of Justice of Republic of Albania and the Ministry of Justice of Kingdom of Belgium.

As regards the draft agreement and draft memorandum with the Kingdom of Belgium, to date, there have been organised bilateral meetings with representatives of Belgium to agree on the modalities and contents of these acts. In the meantime, the Belgium party has submitted the preliminary drafts of both acts to the Ministry of Justice for consideration. Concrete recommendations and suggestions have been forwarded to the Belgium counterparts on issues of the draft agreement and draft memorandum. The Ministry of Justice has expressed its willingness to participate and to provide assistance at experts level on drafting the final agreement "On transfer of convicted persons", and the draft memorandum of cooperation, by suggesting to the Belgium party to consider some of the recommendations and suggestions related to the preliminary drafts of texts, submitted by them. Currently, we are waiting for a reply by the Belgium party.

Additionally, as regards the two agreements with Italy and Greece, we have made utmost efforts and we have completed the necessary procedures (ratification of the agreement with Italy). Currently, we are waiting for a reply by the Italian and Greek counterparts.

With Greece: A preliminary draft has been proposed to the Greek party. It foresees the signature of an additional agreement to the European Convention on Extradition and European Convention on Mutual Judicial Assistance in criminal matters, which aims to

ensure the commitment of the parties for mutual extradition of their citizens. The signature of this agreement is considered very important because the Convention that governs the extradition procedures forbids the mutual extradition of citizens of both our countries. This proposal has been highly appreciated by the Greek party (during the above-mentioned meeting) and we are waiting to receive its comments concerning the legal and technical aspects.

With Italy: In November 2007 the “Supplemental Agreement of the European Convention on Extradition and European Convention on Mutual Judicial Assistance in criminal matters” was signed between Albania and Italy to facilitate their implementation. The purpose of this agreement is the intensification of cooperation between justice authorities of both countries in the fight against organised crime, trafficking, money laundering and criminality in general, as regards serious criminal offences. Both countries mutually commit themselves through this agreement to deliver to one-another the respective citizens, in order to ensure the appearance of criminals in respective judicial proceedings, and also the extradition of citizens who are charged of a criminal offence or who have been found guilty by virtue of a final decision. This agreement is in full compliance with the procedures established between the EU countries through the “European Arrest Warrant”. Currently, this agreement has been ratified by the Albanian state, and we are waiting for the procedures to be followed by the Italian party for its ratification.

→ **progress in cooperation with Eurojust (including contact point in the prosecution)**

As regards cooperation with Eurojust, the signature of the cooperation agreement (with Eurojust) has been planned by the end of 2009.

The contact points dealing with Eurojust are Mr. Kaltër Serreqi (Director of Directorate of External Jurisdictional Relations of the General Prosecutor’s Office) and Mr. Olsion Cela (Director of Prosecutor’s Office for Serious Crimes, Tirana).

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

→ **strengthening of operational cooperation between the law enforcement agencies and with the judiciary, in all the crime areas covered by the roadmap**

Strategy against Organised crime, trafficking and terrorism; Strategy against trafficking in human beings and children, constitute a strategic and normative framework which assigns to the state authorities duties and responsibilities to cooperate in the fight against organised crime. Action Plan of the strategies defines the measures and concrete binding duties for enforcement by all the state structures committed in the fight against organised crime.

- Joint Instruction no. 159 of 26th September 2008 of State Intelligence Service and Ministry of Interior “On interception of telecommunications”;
- Joint Instruction no. 1227/1 of 1st April 2008 of Ministry of Interior and no. 1075/1 of 15 April 2008 of General Prosecutor’s Office “On the functioning of Judicial Police Services in the State Police”;

- National Action Plan on the Fight Against Trafficking of Motor Vehicles, which was approved by Decision of Council of Ministers no. 522 of 23rd April 2008. It binds the state structures such as State Police, Prosecutor's Office, Directorate General of Road Transportation, Directorate General of Customs and Taxation to institutionalise and strengthen cooperation among them in the fight against trafficking of motor vehicles. In order to fulfil the obligations, representatives of the above mentioned structures hold, every three months, a regular meeting on the specifics of the phenomenon of trafficking of motor vehicles and fight against it. The last meeting was held in May 2009.

During April - August 2009, Directorate Against Serious Crimes conducted **6 joint analysis** on criminal cases with the Prosecutor's Office for Serious Crimes and **12 analysis** with the Prosecutor's Offices nearby the District Courts. Similarly, as regards the building of operational capacity of the law enforcement agencies, including exchange of information and standardisation of reported cases, the Directorate has had **10 cases of exchange** of information with the State Intelligence Service.

The investigation capacities have been reinforced, including the **use of special investigation techniques in 18 cases**.

A memorandum of Cooperation has been signed between the Albanian State Police and the Agency for the Administration of the Sequestered and Confiscated Assets. The memorandum provides for information exchange regarding the sequestration and confiscation of assets, identification of these assets and support on the ground.

Cooperation agreements between Albanian State Police and General Prosecutor's Office and, Albanian State Police and State Intelligent Service, have been drafted, and are expected to be signed in early October. The agreements provide for the access of the two institutions in the TIMS. The agreements also provide for the protection of personal data.

→ **strengthening of international cooperation, including cooperation with Europol**

In order to strengthen international cooperation, the level of operational cooperation has been increased, with the signature and undergoing of several protocol-agreements and memoranda of understanding, such as:

In the area of international cooperation, cooperation with FRONTEX has strengthened.

This cooperation is being developed in the following areas:

- FRONTEX is assisting Border Police concerning the understanding and building of capacities of Risk Analysis. In this respect, trainings have been organised in Warsaw, the HD of FRONTEX.
- We are cooperating with FRONTEX under "Saturn" project at the border with Greece. In this operation Albanian border police officers are participating as observers. Their participation is made possible due to cooperation with FRONTEX.

- We are working with FRONTEX on the training and curricula of Border Police. In this respect, the Contact Point between the two organisations has been appointed.

Concerning regional cooperation:

- In May 2009, there was inaugurated and made operational the Joint Border Crossing Point Murriqan-Sukobin between Albania and Montenegro
- The joint patrolling between Albanian and Montenegrin border police officers is operational, and the same is running with Albanian and Macedonian border police officers.

Concerning readmission:

- The Readmission Protocol with Croatia, Italy and Readmission Agreement and Protocol with Bosnia Herzegovina have been signed;
- The Council of Ministers has endorsed the Readmission Protocol with France, expected to be signed soon.
- The final version of the Readmission Protocol with Slovakia has been agreed upon. It is expected to be signed.
- An agreement concerning the final issues of the Readmission Protocol with Slovenia has to be reached and to be signed in the near future.
- Approved by Decision of Council of Ministers, **the Agreement** on cooperation in the fight against crime **between Republic of Albania and Kingdom of Spain**, signed on **20th May 2009**, and sent to Parliament for ratification. It is to be ratified by the parliament.
- Approved by Decision of Council of Ministers, **the Agreement** on cooperation in the fight against crime **between Republic of Albania and Government of Czech Republic**, signed on **27th April 2009** and send to the Parliament for ratification. It is to be ratified by the parliament.
- Approved by Decision of Council of Ministers, **the Readmission Agreement between Republic of Albania and Council of Ministers of Bosnia and Herzegovina** signed on **25th March 2009** and send to the Parliament for ratification. It is to be ratified by the parliament
- Approved by **Decision of Council of Ministers, the Agreement** on the fight against crime, terrorism and drug trafficking **between Republic of Albania and Council of Ministers of Bosnia and Herzegovina** signed on **25th March 2009** and send to the Parliament for ratification. It is to be ratified by the parliament
- On 8th May 2009 the **Action Plan between the Department of Public Security of Ministry of Interior of Italy** and Directorate General of Albanian State Police “On the fight against illegal trafficking of narcotics and organised crime” was signed in Rome-Italy.
- There Protocol “**On performance of common activities of border checks at JBCP Muriqan-Sukobinë**” between the Council of Ministers of Republic of Albania and the Government of Montenegro has been signed. The signing of this Protocol has ensured the operation according to standards based on the principle “*one stop control*”, not only between the agencies of one country, but also the agencies of the two countries at the JBCP, thus simplifying the procedures of border checks at this

JBCP and reducing considerably the time period of checking on persons and vehicles. It will be ratified by the parliament.

- The **Agreement** on the mutual protection of classified information **between the Council of Ministers of Republic of Albania and Government of Republic of Slovakia** has been signed and it has been sent to the Parliament for ratification.
- In May 2009 the **draft Protocol implementing the Agreement** “On cooperation between Hellenic Ministry of Interior and Albanian Ministry of Interior on issues under their competence” **between the Government of Hellenic Republic and Government of Republic of Albania** was drafted. It is expected to be signed in the near future. The aim of this agreement is to strengthen fight against illegal activities concerning arms, including biological, chemical and radiological weapons, ammunitions, explosives, nuclear and radioactive substances and also poisonous substances, fight against illegal migration and network of organised crime involved in the trafficking of illegal immigrants;
- There has been approved the “**Protocol implementing the Readmission Agreement Albania-EC with Hungary**”. The signing of this protocol will facilitate the readmission procedure between the authorities of Albania and Hungary, already approved by Council of Ministers. It will be signed in the near future.
- Approved by the Council of Ministers, the **Readmission Agreement and Protocol with Kosovo**. The signing of this agreement and protocol will ensure the return of citizens of both countries and citizens of third countries who have crossed illegally the borders of the countries, as a condition of the free movement of citizens of the two countries. Moreover, it will unify the readmission procedures. It will be signed in the near future.
- Negotiated and ready for signature the **Readmission Agreement and its Protocol with Montenegro**. The signing of this agreement and protocol will ensure the return of citizens of both countries and citizens of third countries who have crossed illegally the borders of the countries, as a condition of the free movement of citizens of the two countries. Moreover, it will unify the readmission procedures.
- Approved by the CoM, “**Agreement of cross-border police cooperation**” with **Kosovo**. The signing of this agreement will enable cross-border police cooperation with Kosovo on all matters according to EU requirements in the IBM for the Western Balkan Countries. Following the signing of the agreement, both countries will sign a technical protocol to implement all types and forms of cooperation to the service of integrated border management.
- The **Readmission Agreement with Moldova** has been prepared. The final version has been sent to the Moldovian party by the MFA. So far, we have not received a reply.
- In order to implement the Police Convention, sample joint operational agreements are being drafted, and were discussed among the countries of the region in the meeting held on the 26-28 September in Bosnia-Herzegovina.
- The Memorandum of Understanding between Austrian Federal Ministry of Interior and Ministry of Interior of Republic of Albania on the strengthening of cooperation in internal security matters, has been prepared and is expected to be signed.
- The Memorandum of Understanding between Austrian Federal Ministry of Interior, Ministry of Interior of Republic of Romania, Ministry of Interior of Slovenia and Ministry of Interior of Republic of Albania, Montenegro and Serbia on the establishment of the International Law Enforcement Coordination Unit (ILECU) has

been signed on 9 September in Brdo pri Kranju, Slovenia.

- In the extraordinary session of the SECI Joint Cooperation Committee there has been approved the text of the Convention of South East Europe Law Enforcement Centre (SELEC)
- There has been prepared the Readmission Protocol with Malta and it has been send for opinion within the institution and to the line ministries. It has been approved in principle and it will be signed in the near future.
- There has been prepared the Readmission Protocol with the Czech Republic and the draft of the protocol has been proposed to the Czech party by MFA
- There has been prepared the agreement with Montenegro on the repair and maintenance of borderlines. The last issues have been negotiated and there are being followed the procedures for approval.

In order to strengthen international cooperation in the fight against trafficking in human beings, Ministry of Interior, National Coordinator Against Trafficking in Human Beings have organised meetings with the representatives of Republic of Kosovo and Greece on the signing of protocols of cooperation in this area.

Based on the request of Director General of Police addressed to the Greek police authorities, cooperation has been established, on the transmission of information by the Greek police concerning the identity and border crossing point of return, length of time for minors and females. This will enable the structures of the Border Police and Anti-Trafficking to interview them and to take the necessary procedural actions. This cooperation started in 2008 and it is running smoothly.

Cooperation with the Liaison Officers of counterpart police accredited in the diplomatic seats in Tirana, Italian Police Service Interforza, Security Service of American Embassy etc is very useful. Cooperation activities have covered and continue to cover police operations such as the three joint operations underway on the fight against illegal trafficking.

Through the EUROPOL Contact Point at the Directorate of Analysis of Criminal Information, information is exchanged continuously on several criminal phenomena related with Fight Against Organised Crime.

In order to expand, deepen and intensify international cooperation with other countries, in implementing Decision of Council of Ministers no. 933 of 2nd July 2008 and Decision of Council of Ministers no 215 of 11th February 2009, have been appointed and are under process of appointment the liaison officers of Ministry of Interior to the United States of America, Great Britain, Belgium, Italy, Greece, France, Germany, Turkey, Kosovo, SECI (Romania) and EUROPOL. Meanwhile, the liaison officers in Kosovo, Belgium, Turkey, Great Britain have been appointed and representation with liaison officers has been expanded, by 3 officers in Italy, 2 in Greece. The selection process for the liaison officers in USA, Germany and France is in process.

In order to enforce and strengthen international cooperation, Order no.253 of 28th April 2009 of Minister of Interior, provides for the coverage of more than one country by liaison officers in some countries. Concretely, the liaison officer in Pristina, Kosovo will cover Serbia, Montenegro and Macedonia. The liaison officer in Brussels- Belgium will cover Luxembourg. The liaison officer in Great Britain will cover Ireland. The liaison officer in

EUROPOL will represent the Ministry of Interior of Republic of Albania and Kingdom of Netherlands. Liaison Officer in Turkey will cover Bulgaria and Egypt. It is expected the appointment of liaison officers in USA, Germany and France.

Cooperation with EUROPOL

Concerning cooperation with EUROPOL, the Government of Republic of Albania by Decision no. 933 of 2nd July 2008 has decided to represent the Ministry of Interior (State Police) with a Liaison Officer in EUROPOL. The Liaison Agreement between Ministry of Interior of Republic of Albania and EUROPOL entered into force on the 26th of February 2009

Decision no. 483 of 6th May 2009 of Council of Ministers of Republic of Albania approves in principle the Agreement, by exchange of notes, between Republic of Albania and Kingdom of Netherlands on privileges and immunities of the Liaison Officer. This agreement was signed by the parties, in Hague, on 20th July 2009. The liaison officer in EUROPOL is expected to be appointed, following the completion of accreditation procedures.

The Draft Regulation “On cooperation with EUROPOL” is complete, determining the rules and criteria for the establishment of the National EUROPOL office at the General Directorate of Police, as a way of cooperation between the law enforcement agencies in Albania and EUROPOL. The Draft Regulation and the Action Plan were translated and sent to the EUROPOL headquarters in Hague, Netherlands, on 27th August 2009. The Albanian party is waiting for the suggestions and proposals by EUROPOL for the signing of this Action Plan between the parties. Fulfilment of obligations undertaken in the Action Plan would lead to the opening of negotiations on the operational agreement of cooperation with EUROPOL.

Intensive cooperation with the counterpart structures in the framework of Interpol has continued. During this period, **143 citizens have been declared wanted internationally, 70 persons have been arrested to be extradited to our country, 3 persons have been arrested to be extradited to other countries. The extradition to our country of 64 wanted persons has been completed, and 4 persons have been extradited to other countries. 3** citizens have been transferred to other countries.

There is in place a very good cooperation and intensive exchange of information with the General Secretariat of INTERPOL and counterpart National Central Offices. NCO Interpol Tirana has achieved the best results since the adherence of Albania to INTERPOL.

Cooperation with the SECI Centre is highly appreciated both by the central authorities in Bucharest and by the member and observer countries. Albania is represented in the SECI centre with one liaison officer. Approval and adoption of SELEC Convention will give a new impetus to relations with our international partners, both party to the Convention or operational partners.

→ **use of special investigative techniques and training for their use**

In order to implement the international cooperation agreements and to apply the above-mentioned normative acts, the effectiveness of structures against organised crime has

increased at the central and local level. The result for April- August 2009 period has been the following:

Statistical Data for the period 01.04.2009 – 31.07.2009

Criminal offences	Identified	Perpetrators	Arrested	At large	Wanted	Detained
Facilitation of illegal border crossing	18	22	13	2	2	5
Use of premises for prostitution	2	3	3			
Exploitation of prostitution, aggravating circumstances	3	4		1	1	2
Exploitation of prostitution	5	6	5	1		
Trafficking of motor vehicles	49	49	4	44		1
Trafficking of females	2	4	1	3		
Trafficking in persons	2	4		4		
Prostitution	12	16	15	1		
TOTAL	93	108	41	56	3	8

Concerning the Fight Against Illegal Trafficking there have been organised:

Following the application of special investigation methods during April-August 2009, 4 criminal groups carrying out illegal trafficking activities have been attacked, resulting in 14 arrested persons. More explicitly:

- 3 criminal groups on “Exploitation of prostitution, use of premises for prostitution and prostitution”
- 1 criminal group on “Facilitation of illegal border crossing”

The above-mentioned operations against the criminal groups have been conducted by the local structures against illegal trafficking in full coordination with the central structures against organised crime.

The wanted persons apprehended by the structures against illegal trafficking for the period in question are:

Criminal offence	Detained
Facilitation of illegal border crossing	7
Exploitation of prostitution, aggravating circumstances	6
Exploitation of prostitution	1
Trafficking of motor vehicles	3
Trafficking of females	4
TOTAL	21

Meanwhile, in order to fulfil the obligations of the Action Plan “On the Fight against Trafficking of Stolen Vehicles”, in cooperation with other institutions participating in this

plan, 90 trafficked vehicles from different countries of Europe have been identified, mainly during the procedures of equipment with target plates by the General Directorate of Road Transportation Services. The police have performed all the necessary related legal procedures.

Concerning Fight Against Drugs:

During the reporting period, 6 operations have been organised through the use of special investigation techniques:

- 3 operations by the central structures;
- 3 operations by the local structures;
- 3 international operations in cooperation with the prosecutor's office and judicial authorities of Italy and Germany, resulting in arrest of 7 persons

During this period, 10 criminal groups of trafficking and distribution of narcotics have been attacked, resulting in 44 criminally prosecuted persons;

Trainings:

“On simulated purchase” organised in May 2009 under the twinning project with Great Britain Police. **8** police officers, from the central and local structures against organised crime, participated. The objectives of this training were:

- To gain knowledge on undercover agents;
- To know the cases of use of undercover agents;
- To know the procedure of application

“Compensation of victims of trafficking” organised at the Magistrates School on 21-22 May 2009. **5** participants from the central and local structures were certified. The objectives of this training were:

- To become familiar with and to fulfil the obligations deriving from the National Strategy Against Trafficking in Human beings;
- To become familiar with the advanced experiences on compensation of victims of trafficking;

“Fight against terrorism” organised by the Turkish police on 7-19 June 2009. **20** police officers from the central and local structures participated. The objectives of this training were:

- To become familiar with the legal basis and administrative aspect of fight against terrorism
- To become familiar with international terrorism- comparing examples
- To become familiar with terrorist organisations and their modus operandi

“Fight against organised crime” held in Egypt on 1-30 July 2009. **25** police officers from the central and local structures participated. The objectives of this training were

- To become familiar with the forms and methods against organised crime;
- To exchange experience and introduce the most advanced experience in this area;
- To understand the connection of organised crime and other criminal activities;
- To become familiar with the joint initiatives in the fight against this phenomenon;
- To understand the responsibilities of the institution fulfilling the obligations of the strategy

The following trainings have been conducted during September 2009:

- **“Personal data protection in the use of information system”**, on 3-4 September 2009 at the Police Training Centre. 6 specialists of the local and central structures against organised crime, participated.
- **“Prevention of acts of terrorism”**, on 7-18 September, at the Police Training Center, with the support of the American Embassy in Tirana. 24 specialists of local and central structures of Department of Crime Investigation participated.
- **“On police management based on the strategy and other documents of State Police”**, on 15-16 September 2009. 6 specialists of the local and central structures against organised crime participated.
- **“Investigation techniques in the fight against drugs”**, on 20-25 September 2009 at the Police Training Centre with the support of the French government. 25 specialists of local and central structures against drugs participated.
- **“On the use of information system for the management of criminal intelligence MEMEX”** on 31.08-30.09 September 2009 at the Police Training Centre. 11 specialists of the local and central structures against organised crime participated.
- **“Attributes of judicial police in the state police from the perspective of the joint order of Minister of Interior and General Prosecutor’s Office “On the functioning of Judicial Police Services in the State Police” and Order of Minister of Interior “On organisation of Judicial Police Services in the state police”** on 28-29.09.2009 at the Police Training Centre. 4 specialists of central and local structures against organised crime participated.

→ **improved information exchange and in particular extension of direct access to the MEMEX information system to the relevant bodies**

Concerning the full implementation of **information system for the management of criminal intelligence MEMEX**, we are in the phase of testing the system at the local structures of State Police. Until 30th September 2009 142 employees of local structures on crime investigation have been trained, as users of IBM Strategy MEMEX. The file with the respective documents for the certification of the network that will transmit data for this system has been sent to the Directorate of Provision of Classified Information in the Government, since it is the Legal Authority for this certification.

On the implementation of MEMEX, so far the functioning of the system has been tested and was found to be technically operational in all Regional Police Directorates. 142 users of the system have been trained. All security measures have been applied, and the DPCI experts have started inspections on the ground, which will be followed by the security certification of the DATACOM. It is expected to finish within November 2009. With the certification of DATACOM, the MEMEX will be operational for use by the regional structures and transmission of the criminal information from all regional structures will start.

MEMEX is operational in Tirana Regional Police Directorate and General Directorate of State Police. Access has been given to Border and Migration central Police Structures.

Concerning the building of training capacities in the State Police for the period April - 11 September 2009, there have been organised **89** trainings and **2723** police officers of different levels have been trained.

Protection of personal data (benchmarks 32, 33)

→ Progress in the implementation of the Personal Data Protection law, strengthening of the administrative capacity of the Commissioner including allocated resources

Following approval of Law no. 9887 of 10th March 2008 “On personal data protection”, the appointment of the Commissioner by Decision no.211 of 11th September 2008 and the approval of the structure of the Office of the Commissioner by Decision no. 225 of 13th November 2008, several activities related to the enforcement of the law and the setting up and functioning of the Supervisory Authority, Commissioner for Personal Data protection, have been carried out.

The steps taken from April-December 2009 are the following:

1. Measures concerning the enforcement of law on personal data protection

With regards to the implementation of the law on personal data protection, the Office of the Commissioner has drafted and approved its Internal Rules and Code of Ethics. The rules determine explicitly the tasks and responsibilities of each employee of the Office of the Commissioner.

The Council of Ministers approved on 2 September 2009, the Decision “on specification of countries that have a adequate level of personal data protection. This Decision is an obligation deriving from Article 8 of law no. 9887 of 10th March 2008 “On personal data protection”.

In compliance with article 21 of law no.9887, dated 10 March 2008 “on personal data protection”, the Office of the Commissioner has drafted the Council of Ministers’ decision “on exemptions from notification” which will be sent to Council of Ministers for approval.

In order to make easily understandable the law no.9887 of 10th March 2008 “On personal data protection”, the Office of the Commissioner has drafted a commentary “Familiarity with the law on personal data protection” which has been sent to the main controllers in the Republic of Albania.

The Office of Commissioner on the 8-9 July organised a seminar in Shkodra with the topic “Familiarity with the law and supervisory authorities for the protection of personal data by the public Controllers and Processor authorities”. Employees of Prefecture and other public institutions participated in this seminar. In the framework of publication, establishment of the institution, protection of personal data and awareness of controllers with the tasks and responsibilities for enforcement of law, the Office of Commissioner continuously provides for the organisation of several seminars with private and public controllers.

Office of the Commissioner has started to handle the complaints of personal data subjects. In this framework, there has been conducted an administrative verification at the Directorate of Social Insurances and Civil Registry Office. Following the handling of these complaints and the conducting of proper verification, the Office of Commissioner has presented its respective legal position.

In compliance with the legal requirements, the opening of physical and electronic registers for granting authorisation and registration of controllers has been planned.

In order to implement the law on personal data protection, Cooperation has started with different Controllers for drafting their Codes of Ethics. In this framework, the first cooperation started with National Council of Radio and Television in order to give qualified assistance concerning the Code of Ethics of Journalists.

In September 2009, in cooperation with CoE expert who assists the Office of the Commissioner, based on the experience gained in the Czech Republic, Portugal and Croatia, the registration form and its explanatory guideline for data controllers were approved.

In order to publish the establishment of the supervisory institution of the Commissioner for Personal Data Protection, OSCE has prepared the procedure for producing a television spot during September - November 2009.

OSCE and Office of Commissioner are cooperating for the preparation of an internal information network (intranet).

In order to raise public awareness, the Office of Commissioner has prepared leaflets that serve as a practical and easy way to get to know the law on personal data protection and the establishment of the independent supervisory authority for the personal data protection.

The CoE Expert assisted Office of the Commissioner during the May 2009 - October 2009. He is the former Commissioner of the Czech Republic, and under his advice there have been organised several seminars and the Office has been advised on the handling of practical cases for enforcement of the law.

2. Measures to build the administrative capacities of Commissioner

All the directors of the Directorates of the Office and most of the employees have been assigned to duty. Recruitment is made following a structure approved by the Parliament the Republic of Albania based on the law on civil servants, the special chapters for Independent Institutions and Labour Code. Directors of Directorates have drafted the action plans of the

respective directorates, which have been approved by the Commissioner. Currently the Office of Commissioner is running with full capacity.

From 2-4 September 2009, in Strasbourg (France), was held the 25th meeting of the “Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data” (T-PD) of the Council of Europe. During this meeting, the Office of the Commissioner received its accreditation and the Albanian Commissioner for Personal Data Protection participated as a member with the right of vote. This representation at the Consultative Committee will contribute to the increasing of the efficiency of the Office with regard to the performance of duties and the fulfillment of legal requirements and would contribute directly as to the issues handled by the Council of Europe in the field of personal data protection.

Study visits in other counterpart institutions have been organised and continue to be organised for the training of employees of the Office of the Commissioner. In this context, on 15-20 June 2009 a study visit was organised at the Croatia Personal Data Protection Agency. On 17-19, August 2009 a study visit at the Office of Commissioner of Czech Republic was also organised.

3. Allocation of funds

The Budget approved for the Office of the Commissioner in 2009 is 51 000 000 ALL.

Ongoing cooperation with the government was materialised by the provision with offices based on Decision of Council of Ministers no. 217 of 2nd February 2009 “On granting for use to the Commissioner for Personal data Protection a part of the building of Former Ministry of Transport and Telecommunications”. The Office of the Commissioner has currently its premises of work.

To ensure the running of the office, the procurement procedure for information technology equipments amounting to 1 835 676 All has been completed. Also, the procurement procedure for the furnishing of the offices amounting to 1 291 000 All, has been completed.

Authority of the Commissioner for Personal Data Protection has intensively committed itself to strictly apply the requirements of the Law on personal data protection, giving an essential contribution to the fulfilment of the aims, objectives and strategies of our country in respect for human rights in compliance with international standards and aiming at the integration into the European Union.

Citizens' rights including protection of minorities

→ the adoption of the Anti-discrimination law

The draft law on Anti-discrimination has been prepared by members of the Civil society and will be sent to the Parliament for adoption within October 2009.

→ the adoption and measures taken to implement the National Strategy for improving Roma Living Standards and the Roma National Action Plan as part of the Roma Decade

In implementing the National Strategy "On improvement of living conditions of Roma Minority" there have been identified the following measures:

Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO) reports that during 2009 there have been registered with the Employment Offices, 2637 Roma job-seekers. They may benefit from the active and passive employment programmes, may be provided with incomes and other services of awareness on employment, orientation and counselling on vocational training, provided by the employees of the areas populated by Roma people.

Directorate of Social Services Policies dealing mainly with social protection, during 2009, focused on the implementation of a system of social protection and standards, through the fight against social exclusion and discrimination. In concrete terms:

- A contemporary legislation on the social protection system is being implemented;
- The Economic Aid programme (EA) has been fully reformed;
- The Sector-Strategy of Social Protection and its Action Plan are being implemented.

One of the main objectives of the Social Protection Strategy is the reduction of poverty, welfare of minorities, improvement of living conditions, education of Roma community, provision of social-health services, improvement of accommodation and environment where the minorities are living etc.

In order to administer the EA scheme, the documentation used for identification of poor families that will be covered by the EA scheme has been improved and simplified; reduction of the number of families and increase of budgetary funds (unlike the previous practices) has influenced the increase of the average amount of EA per family.

In order *to guarantee social inclusion*, improvements to the law no.9355 "On social assistance and services" have been prepared. Improvements are related to the expansion of the beneficiaries, provision of social inclusion and non-discrimination of some individuals and groups in need; creation of the guardianship service in family as an alternative service for children in need, including Roma children; favouring of some excluded groups which do not benefit from the current EA scheme, despite the economic and social difficulties, etc.

One of the tasks of MLSAEO is to gather information on the Roma NPOs, their location, the focus of their orientation etc. Directorate of Social Policies has a list of active Roma NPOs. It cooperates and supports them on several activities to the interest of Roma community. Some of these NPO have been licensed.

Based on law 9355 the licensing process of political and private entities that provide care services to the categories in need, such as Roma people, children, women etc, is continuing.

NPOs have a new status to apply and obtain funds by the donors and local government; Services provided by licensed NPOs are more guaranteed and qualitative due to their selection; NPOs are partners with the government and participants in the drafting of legislation, strategies, and formulation of policies;

Concerning *integration of Roma street children* in the normal life, policies and programme for eradication of child labour have been followed:

The National Steering Committee “On eradication of child labour” (set up in November 2001) as the highest structure at policymaking level, has approved the implementation of the Project “Child Labour Monitoring System in Albania”; the second phase of the project started in November 2008 and it has been expanded in 5 main regions. This second phase will consolidate the model created during the first phase with a special focus on street children who are the most vulnerable category affected by this phenomenon, and it will extend the project to Tirana, Korca, Berat, Elbasan and Shkoder, where the phenomenon of child labour is an issue of great concern.

This project, as a cooperation of all the stakeholders at local level, has aimed at:

- Institutionalising the monitoring of child labour through the creation and functioning of Local Action Committees with high level representatives of all local institutions, groups of interest and NPO related with the child labour, and also Multidisciplinary Monitoring Groups that work directly on site, for the identification and monitoring of children who work and children in risk of working;
- Integrating children who work and in risk of working through their referral to services according to the actions of Local Actions Committee and long term monitoring by Multi-Disciplinary Groups.
- Raising overall awareness on issue of employment and policies and programmes to be implemented for minimising and eradicating this phenomenon

Memorandum of Understanding between Ministry of Labour, Social Affairs and Equal Opportunities and International Labour Organisation (ILO) which was re-signed for another five year term will serve to the strengthening of cooperation even in the future, concerning the ongoing support given by IPEC programme in Albania over the achievement of results of the National Programme for Eradication of Child Labour in Albania”.

In the *social area*, work is being carried out to informing the Roma community on their legal rights to benefit economic aid or other cash payments. In implementing law no. 9355 of 10th March 2005, Roma community is being informed by the social administrators in municipalities/communes. Social administrators have the obligation to give information and assistance in the completion of documentation for economic aid (EA), to identify the needs of

population for services, etc. Amendments that are being made to law no. 9355 favour Roma families consisting of many family members. Attention is paid to the secondary legislation to guarantee non-discrimination of Roma and Egyptian community etc concerning the benefit of economic aid, their inclusion in public social services and services provided by NPOs.

In 2009, work is being carried out in order to provide budget for all the objectives deriving from the strategy of social protection of children, PAK, Roma population and to ensure better coordination with donors in order to make a better use of funds in supporting the priority sectors of social inclusion.

In order to implement the National Strategy “On improvement of living conditions of Roma minority”, Ministry of Education and Science (MES) and dependent institutions have taken measures for the needs of Roma community in the *area of education*. Ministry of Education and Science is based on the following strategic documents:

- Law no 7952 of 21 June 1995 “On undergraduate education system”
- Strategy of Undergraduate Education 2004-2015
- Strategy “On improvement of living conditions of Roma minority”
- Project “Quality and equality in education” (QEE)

Among the measures taken by MES and dependent institutions to address the needs of Roma community in the area of education, can be mentioned:

- MES has continued the work based on the Instruction no.6 of 29th March 2006 “On enrolment in schools of Roma pupils who have not been provided with a birth certificate”;
- MES has followed the work based on Order No. 410 of 8th November 2006 “On identification of situations and measures to be taken for the fight against illiteracy”;
- MES has send for implementation to all the Regional Education Directorates (RED) and Education Offices (EO) the strategy “On improvement of living conditions of Roma community” and Instruction no. 32 of 28th August 2008 of Minister of Education and Science, which calls for the reduction of number of pupils that tend to abandon school, since the greatest number of abandonment of school consists by Roma children;
- MES has included it in the Action Plan as one of the main objectives of basic education schools in this academic year. Seen from this perspective, dependent institutions have been asked to send to the MES, Directorate of Curricula and Monitoring-Assessment, twice per year (in the end of each term), information on the implementation of this strategy;
- Project “Quality and Equality in Education” supported by the World Bank and other donors constitutes one of the strategic priorities of MES because it harmonises the objectives of the government for a qualitative education;
- In order to implement the National Strategy “On improvement of living conditions of Roma community” in cooperation with UNICEF and “Save the Children” there has been completed the study for the identification of the situation of education of Roma people in our country, collection of statistical data, in order to return them to decision-making, identification of positive experience towards education of Roma children and measures to be taken for the improvement of the education quality;

- Through the psychological service in the undergraduate education system, in order to improve service and to extend it further in schools, there has been guaranteed the possibility to provide the psychological service to all the pupils in particular Roma pupils. We emphasise that this service already covers all great schools of compulsory education and secondary education in the whole country and in particular all the schools where there are social problems;
- MES plans every year the training of teachers who work with the Roma community, where priority is given to the promotion of new methodologies and familiarity with culture and tradition of this community;
- MES has approved a series of projects in cooperation with non-profit organisations in the entire country, to operate in the area of education of Roma pupils;
- In the framework of the opening of preparatory classes, as one of the main objectives of the Undergraduate Education Strategy, RED/EO have been oriented to make the selection of schools near the Roma community

Concerning the objectives foreseen in 2009, MES has completed several measures to increase the quality of education of Roma pupils, such as:

- Increase of number of preparatory classes in the whole country, giving priority to Roma children;
- Reconstruction of schools and kindergartens in the whole country and support for the opening of new kindergartens nearby the Roma community;
- Planning of all activities of strategy “On improvement of living conditions of Roma community” in its budget for 2009;
- Amendment of point 5, Article 6, Chapter II of normative provision “Pupils (Class V-VII) included in the compulsory education”, whose residence is located 5km away from the school, who is treated in the state campuses, in order to shorten to 2km the distance for the pupils of mountainous areas and to reduce the Roma community problems;
- Increase of cooperation with the Roma community and associations;
- Pursuance of implementation of Roma strategy and increase of financing to implement it;
- Efforts to achieve the greatest absorption in school of Roma pupils

As regards *culture*, based on the national strategy “On improvement of living conditions of Roma community”, Ministry of Tourism, Culture, Youth and Sports (MTCYS) has financially supported all the activities that have had as the main objective the promotion and integration of Roma minority in the Albanian society:

Considering integration of Roma youth in the Albanian youth, as one of the most important steps for the change of discriminating mentality and for the creation of an unprejudiced society, MTCYS has devoted to this issue a considerable focus in the National Youth Strategy 2007-2013.

Through this Strategy, MTCYS presents national integrating youth policies that will reconsider and assess the situation of Albanian youth, including the youth of all existing minorities in Albania. Main policies foreseen in this strategy provide for the creation of certain conditions to promote the activities of Roma youth organisations, to find alternatives

of Roma youth employment and their participation in debates and discussion in the steering and decision-making bodies of youth organisations.

The policy followed by MTCYS during the drafting of the annual draft budget on the attainment of objectives has been based on the principle of non-discrimination. Applications for the support of projects are open to all, without discrimination based on nationality, gender or religion. During the evaluation of Draft-Proposals, MTCYS gives priority to projects that promote the protection of different cultural values, cultural inheritance and creation of conditions for the development of cultural diversity in Albania. In this aspect, Roma minority and cultural activities that aim at protecting and promoting this culture have always been supported by the MTCYS.

As regards *health care*, all the structures of Ministry of Health at national level have completed the registration of the Roma population by identifying not only the adult group, but in particular the group of minors who should be included in the compulsory vaccination scheme. Moreover, the health condition of pregnant women is being attended.

In the Consultation Clinic for Children, children from 0-6 years are attended as regards their growth, nurturing and the vaccination, which is documented in the dossiers of each health centre of respective doctor. Basic vaccination is made and continues to be made to the vast majority of Roma children. However, there are still problems because Roma community do not stay for a long period in their houses and the health staff is bound to visit them frequently to vaccinate their children. Vaccination of Roma children continues to remain a problem even for the group of Roma population that migrates.

In the Consultation Clinic for Women, pregnant women without any discrimination, including the Roma women are attended. The medical staff provides information as regards family planning. Family planning centres distribute free-of-charge contraceptive methods.

Ministry of Health in cooperation with the Public Health Institute and with the support of donors, USAID, UNFPA, UNICEF, American Red Cross and Albanian Red Cross, have conducted several activities related with the problems of reproduction health and in particular the awareness of Roma population on the importance of the use of modern contraceptive methods.

Moreover, Ministry of Health through several NPOs has developed training with participants of Roma community to raise their awareness on the improvement of hygienic-sanitary conditions of the residence, environment and surroundings.

Public Health Institute in the framework of National Programme of HIV/AIDS/IST on the prevention of HIV/AIDS infection in the Republic of Albania has performed several specific activities for the Roma minority as follows:

- Training of Roma organisations operating in the area of HIV/AIDS in order to reinforce their capacities to work with professionalism;
- Training for the medical staff nearby the residence places of Roma minorities
- Centres of Consultation and Voluntary Testing (CCVT) have been established in 10 prefectures near the Directorates of Public Health (Tirana, Durrës, Lezha, Shkodra, Fier, Vlora, Gjirokastra, Korca, Berati Elbasani). CCVT provide services for the

population in general and, vulnerable groups in particular (such as drugs addicts, sex employees, and trafficked females, Roma people, teenagers, emigrants etc). Services provided by these centres are free of charge to everyone.

Adoption of the Action Plan for the Roma Decade

In implementing the Order of Prime Minister No. 37 of 9th March 2009 “On the setting up of Inter-ministerial working group to follow and implement the national strategy “On improvement of living conditions of Roma minority” based even on Decision of Council of Ministers no. 437 of 8th April 2008 “On membership of Council of Ministers of Republic of Albania in the Declaration “Decade of Roma inclusion”, the second meeting of the Inter-ministerial group was organised on 20th August 2009. The meeting was called to discuss on the final comments for this Action Plan prior to endorsement by the Council of Ministers.

The steps taken in relation to this process have been:

- The final draft contains indicators, source of data, responsible authorities, monitoring and budget.
- Comments that have been received by the line ministries on the final draft have been incorporated in the final draft according to the decision of the Inter-ministerial group.
- Roma organisation have sent some recommendations, discussed by the Inter-Ministerial Group on 20 August.
- Ministries have been asked to include the budget of the strategy and Action Plan of the Decade in their draft medium-term budget.

The Technical Secretariat is about to submit the final draft Action Plan to the Council of Ministers, to be approved within October 2009.