



**REPUBLIC OF ALBANIA
MINISTRY OF FOREIGN AFFAIRS**

VISA LIBERALISATION DIALOGUE

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

Additional information

Tirana, 12 January 2009

The dialogue for visa liberalisation was launched on 7 March 2008 during the visit of former Vice President Frattini to Tirana. He brought a strong, positive political message from the European Union, opening a process which aims at achieving the common and shared goal - the free movement of Albanian citizens within the Schengen area.

The roadmap for the visa free dialogue of Albania with the EU was handed over to the Albanian Minister for Foreign Affairs, Mr. Lulzim Basha, in June 2008. It contains clear benchmarks in reaching the necessary reforms to address the requirements for visa free regime of Albanian citizens.

In September 2008, the Albanian government submitted its first readiness report with information regarding the implementation of the necessary reforms related to four blocks of the roadmap.

On 28 November 2008, the European Commission presented a detailed assessment report on the implementation of Albania of the roadmap's benchmarks under each policy area. It also includes a request for further information for some specific issues and an indication of field missions or expert meetings planned at this stage.

The present document provides the additional information as requested by the European Commission evaluation and as agreed during the Senior Level Meeting, held in Brussels on December 17th, 2008.

The Document is accompanied by the following documentation in annex:

- **Annex 1: Statistics on trends in drugs, organised crime, trafficking, economic crime and corruption 2004-2008**
- **Annex 2: Statistics on Money Laundering 2004-2008**
- **Annex 3: Statistics on Corruption Convictions 2004-2008**
- **Statistics on organized crime (excel document)**
- **Cross-cutting Strategy for Prevention, Fight on Corruption and Transparent Governance 2008-2013 (adopted on 3 October 2008)**
- **Evaluation Report on the Implementation of the National Strategy Against Trafficking in Human Beings 2005-2007**
- **Progress Report on the National Strategy "On Improving the Living Conditions of the Roma Community", December 2007**
- **Law on the Protection of Personal Data (No. 9887, date 10 March 2008)**
- **Report on drugs in line with EMCDDA standards**

List of Abbreviations

A-CS	Anti-Corruption Strategy
AO	Application office
BCP	Border Crossing Point
BMP	Border and Migration Police
CMD	Decision of the Council of Ministers
CORIA	Central Office for the Registration of Immovable Assets
CPPD	Centre for Data Processing and Protection
ERLO	Employment Regional and Local Offices
FATF	Financial Action Task Force
GDSP	General Directorate of State Police
GoA	Government of Albania
IBM	Integrated Border Management Strategy
IOM	International Organization for Migration
IWG	Inter-Ministerial Working group
MES	Ministry of Education and Science
MLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
MoI	Ministry of the Interior
MoFA	Ministry of Foreign Affairs
NCR	National Civil Register
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
PC	Personalisation Centre
TIMS	Total Information Management System
UNHCR	UN Refugee Agency

BLOCK 1. Document Security

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

- **Security features of new passports and their compliance with ICAO and EC standards;**

The new Albanian biometric passport will have the data page technology out of polycarbonate. A wide combination of various well known and widely used security elements will be included, such as:

- Guilloches and lines structures;
- Rainbow printing;
- UV printing (visible under ultra violet light)
- OVI printing (Optical Variable Ink);
- Intaglio printing;
- Micro text lines;
- Map of Albania and Europe in micro text;
- Kinegram (in the data base covering partially the photo of passport holder);
- Watermark (in internal pages – visa pages – of passport);
- Security tape within the paper (in internal pages – visa pages – of passport);
- Tangible micro text relief in the data page.

The passport will meet ICAO standards and ICAO recommendations. It will be fully compatible with respective *aquis communautaire*, except EU directives applicable only to EU member states (such as the label “European Union” on the passport cover).

- **Legal framework and administrative procedure for the personalisation and distribution of new passports;**

- Legal structure.

In accordance with the law no 9972, dated 28.07.2008, the Albanian Government has guaranteed granting on concession the production and delivery of the electronic passports to a partnership composed of “Sagem Securité” and “the Albanian-American Enterprise Fund”. Concession services will be carried out by an Albanian company, “Aleat shpk”.

- Administrative procedures for personalising and distributing the new passports.

The administrative process for the production and distribution of the new passports has been organised and will be carried out as follows:

1. Applications by the Albanian citizens for obtaining a new biometric document (passport or ID) will be filed in one of the 400 application offices (AO) at the communes, municipalities and police commissariats throughout the entire territory of Albania. These applications will then be transferred to the Personalisation Centre, in Tirana.
2. Prior to file its application, the applicant should pay, at a post office, the corresponding fee to obtain the new document. Upon payment, the citizen will receive a receipt, which should be presented with the application.

3. Blank documents shall be stored in a safe space, at the Personalisation Centre, in Tirana.
4. The document will be personalised at the unique Personalisation Centre, in Tirana. The process will be carried out by using the laser engrave technology.
5. The transport of personalised passports shall be carried out under strict security circumstances. To this effect, the transport from the Personalisation Centre to the respective office of distribution (the nearest police station) shall be done in escorted bullet proof vehicles.
6. The new document shall be handed to the applicant at the office of distribution (police station) under the same security procedures, as those applied during application. Before delivering the personalised document to the entitled person, a biometrical verification process will be conducted. The finger print saved in the document chip shall match the applicant's fingerprint.

- **Legal framework and administrative procedure for the phasing out of old passports:**

Pursuant to Law No 9972 of 28.07.2008, Article 39(2) "General obligations of the Authority" stipulates that "...upon approval of the law on the Concession for the identity documents, the Authority shall take all measures necessary to ensure the obligation of Albanian citizens to replace their actual passport with a new electronic Passport within two years from the Date of Objective 6 of this Agreement related to ID cards and Objective 7 of this Agreement related to Passports." The concession company is installing the required capacities to provide Albanian citizens, who already have a passport, with a new biometric passport within the two-year time and ensure continuous issuance of new biometric passports according to requests.

The Albanian Government is fully committed to take all necessary measures to guarantee that the new passports replace the existing ones no later than January 2011.

Once the new issuing system of biometric passports is fully in place, a special legal act shall be prepared defining the time frames and modalities in order to put the existing passports out of use.

- **Future plans to establish specific training programmes targeting officials dealing with visas and passports;**

Training is a constant and continuous activity of the State Police and particularly of the Department of Border and Migration. During 2008 it has organised the following training courses:

- Two training courses with 20 participants each (specialists and assistant specialists of control level in border cross-points) with the topic "Recognition of travel documents, forms and ways of forgery".
- Another training course for visa recognition and examinations was organised in Vlora district Police with 16 participants, in cooperation with the US Government
- A training course organized, in cooperation with ICITAP, in Morina BCP (Kukës, North East of Albania) on the identification of travel documents, with 12 participants.

- Training seminars for the recognition of forged documents and visas were organized by DBM (with specialists of the Directorate of Operational Service) in the BCPs in Qafë-Thanë (pogradec), Hani i Hotit (Malësia e Madhe), Kapshticë (Korçë) and Kakavijë (Gjirokastër). A total of 60 police officers have been trained in these activities.
- In the BCP in Muriqan (Shkodër), a training seminar for the identification of travel documents was organised in cooperation with the Directorate General of Customs.

For 2009 the following training courses are planned:

- Three trainings for the identification of travel documents and visas planned in various periods of the year, with the participation of 60 BCP officers. These trainings shall be conducted in cooperation with the Institute of Forensic Police.
- Training on the recognition of the new passport expected to come in circulation, with all BCPs from Concession Company representatives (SAGEM SECURITE).
- Two training courses dealing with the Police Code of Ethics, with 20 participants each.
- Acquaintance with ethical responsibilities of Border and Migration Police officers; general communication skills, human and psychological communication, etc.
- Acquaintance with the Rules of Procedure for discipline and personnel for issues related to violations of the code of ethics and abuse with power and corruptive cases.
- Acquaintance with the National Anti-Corruption Strategy and its Action Plan.
- Acquaintance with criminal legislation on abuse of duty and corruption.

Officials dealing with visas:

In the framework of the: (i) entry into force of the new Law on Foreigners and its pursuant sub-legal acts; (ii) preparation and issuance of the new identity documents (identity cards and biometric passports; (iii) preparation and commissioning of the Visa Center, trainings are planned for the Consular Department staff, set to be focused on the following:

- Introduction to the new identity documents, their security specifications, the verification and issuance procedures through the diplomatic and consular representations of the Republic of Albania;
- Introduction to the legal framework (the said Law, the Decisions by the Council of Ministers and relevant instructions) which comprise the legal basis for the administration of the new identity documents;
- Introduction to the legal framework (The Law on Foreigners, the Decisions by the Council of Ministers and the relevant instructions) that regulate the administration procedures for the visas of entry to the Republic of Albania. The introduction to the rights and obligations for the foreigners staying in Albania, the procedures for the receipt of the documents of residence, according to the stay purposes;
- A specific training on the modes of providing information, the work& communication ethics with citizens;

- Specific training on the prevention, identification and combating the corruptive acts in the system of consular service of the Republic of Albania.

Likewise and in harmony with the concrete needs and possibilities, the following staff training shall take place:

- Preliminary training at the Consular Department for diplomats and other officials appointed to a diplomatic representation before they report to their office;
- Ongoing provision of the diplomatic and consular representations with the legal framework and the pursuant specific instructions;
- Periodic training courses for the staff involved with consular services (In Tirana and at the diplomatic representations abroad)

- **Procedure and statistical data on reporting of lost and stolen passports to Interpol since January 2008;**

An order has been issued by the General Director of State Police, (nr.503, of 02.06.2008) on reporting to the Central National Office, Interpol Tirana, the information related to lost or/and stolen passports. The reporting procedures are set as follows:

- Upon notification of a lost/stolen passport, the District Police Directory proceeds with the change of the status of notified passport at the system of passports issuance, from active status corresponding to a passport in circulation to lost or stolen status, in accordance with the notification of the holder. Once the passport status has been changed, the District Police Directory instantly transfers this information to the Centre for Data Processing and Protection (CPPD), at the General Directorate of State Police (GDSP).
- Upon reception of such information, the CPPD proceeds with registration of the data received and then forwards them to Interpol Albania. This information is periodically transmitted to Interpol General Secretariat IPSG, in Lion, France to include them into ASF2 system.

Through the application of these procedures, the following information has been sent to Interpol General Secretariat and have been included in ASF2 system.

(Period 01 June – 31 December 2008)

Year 2008	Stolen	Invalid	Lost	Filled out	Seized	Out of use	Suspended	Forged	Total
June	19	939	837	56	20	6	0	0	1877
July	37	851	1123	96	3	1	0	1	2112
August	15	1512	901	78	0	6	1	0	2513
September	5	1489	987	71	3	9	0	0	2564
October	11	1182	593	70	0	9	0	0	1865
November	11	943	467	72	0	6	0	10	1509
December	17	574	581	100	1	96	0	13	1382
Total	115	7490	5489	482	27	133	1	24	13 835

- **Procedures and facilities regarding breeder documents, storage facilities, security standards, and issuance procedures, in particular on methods in place for verifying that all personal data entered into relevant databases is authentic;**

Procedures and facilities connected to the held documents, facilities of accumulation, security standards and issue procedures.

As mentioned before, the personalisation of a blank passport shall be carried out in the unique personalisation centre (PC). The PC building (the former military printing house) is subject to very high security measures, as follows:

1. The building is surrounded by a solid fence with barbed wire on top and with permanent police protection outside the fence.
2. The internal space of the building is split up into two different spaces having their own security level. Access to the critical space will be granted only for the authorised personnel, making use of biometrical identification. The critical space is composed of the collection room, the production room and the IT room.
3. The building is provided with a security system structure, including:
 - Entry gate;
 - Camera surveillance;
 - Entry control;
 - Monitoring of alarm control;
 - Movement sensors.

The PC is supplied with the necessary power supply within the required parameters. In particular, special care is taken to ensure that electrical power lines are and function within the required parameters and that continuous electrical power supply is secured feeding it with two different alternative lines (from different sources). The PC is also provided with adequate UPS sets and a diesel generator system. Finally, the PC shall be certified ISO27000.

- Methods in place for the verification, as long as all the registered data are authentic.

This issue shall be dealt with in two levels:

- **Alphabetic related data**

Every application office (AO) where an application will be filed is networked directly to the system of the National Civil Register (NCR). NCR constitutes the reference of the citizen's personal data stored in alphabetic order.

The registering operator receiving the application will access the NCR (key-word –search, such as name, place of birth or personal ID number) and in case the search result is successful, the NCR read-only data of the applicant will be shown and printed. The registering operator cannot modify the NRC data since he/she is provided with read-only access to NCR.

Once the applicant data have successfully been retrieved from the NCR, they will be printed out and if confirmed by the applicant, he/she is invited to sign. The registering operator

(representing the Government) and a representative of the concessionary company will also sign the application at the same time.

This application is ready to receive the biometric data.

- **Biometrical data**

Validity of the biometrical data shall be verified in two phases:

1. The biometric data will be taken at the AO as part of the application form. Automatic checks, ensuring the quality of the biometrical data being taken (finger prints and their description) will be performed;
 2. At the PC, where the completed application has been transferred, the finger prints of the applicant shall be checked again, through AFIS system so as to prevent multiple applications or/and attempts to steal others' identity.
- **The civil registry system, in particular financial and human resources and their ability to ensure the efficient functioning of the system.**

As of July 2008, the human resources of the General Directorate of Civil Registry have increased by 20 new people.

As regards the provision of the necessary financial resources, for the successful implementation of the project "Modernisation of Civil Registry Service", the GoA has provided additional funding:

- 508 million lek, (nearly 4.2 million Euro) for the year 2008,
- 343 million lek, (nearly 1.9 million Euro) for 2009.

Training. The process of training of officials has been particularly taken care of. Operational staff from the General Directorate of Civil Registry has been trained (first phase) in Vienna, Austria, on November 2008. More specific training is foreseen for technical staff, such as:

- Specific training for the products of the new system (IBM), January 2009;
- Training of operational staff, second phase in Vienna, Austria, early 2009.
- Training of personnel of Civil Registry Offices on the new system, with the assistance of AT Project of OSCE. So far, two rounds of training have been conducted and more other rounds of training are planned to be organised during 2009.

BLOCK 2. Illegal migration, including readmission

Border management

- **Time horizons for remaining necessary amendments to legislation taking into account EU standards and in particular the Schengen Borders Code;**

A number of bylaws, in particular those related to implementation of the new Law on Foreigners, are being prepared and are expected to be approved within March 2009:

- CMD “On standardisation of Border Crossing Points (BCPs) in the Republic of Albania”.
- CMD “On entry, transit, stay and control of foreigners in the Republic of Albania”.
- CMD “On approval of model document for foreigners”.
- Joint instruction of MoI and MoFA “On procedures for issue of visas to foreigners”.
- Instruction of MoI “On the control procedures of foreigners in the territory”.
- Instruction of MoI “On the procedures of selecting irregular foreigners”.

- **Content of the Instruction of the Ministry of Interior on the approval of procedures on the control and supervision of the state border;**

All procedures related to this issue are in accordance with Schengen standards:

Border Control

1. Control of persons
 - Minimal control
 - Detailed control
2. Risk analysis and methods of border control.
3. Control on vehicles;
4. Control of railway transport;
5. Control on the sea/water transport vehicles;
6. Controls in air traffic;
7. Procedure of visas and controls;
8. Use of seals of border control;
9. Control in the border on the armed forces;
10. Control on documents;
11. Refusal of visas;
12. Use of equipment for the border control;
13. Use of data base system;
14. Control at the border under specific circumstances;
15. Asylum and humanitarian protection.
16. Security measures at the border.
17. Actions with the persons apprehended while attempting to cross the border illegally and the persons returned by the police of their countries.

Surveillance of State Border

1. Basic organisation of the risk analysis of border surveillance;

2. Banned and detained persons;
3. Cross border smuggling / through the border;
4. Reports of heads of shifts;
5. Handover of shifts;
6. Preparation for taking over the shift and operation management;
7. Cooperation with local police;
8. Cooperation with local community.
9. Organizing the service of supervising the border.
 - a. Take and hand - over the duty from the Shift Head.
 - b. Preparation of services to take over the duty.
10. Delivery of the service
11. Usage of means and equipment of the Border and Migration Police
12. Cooperation:
 - a) Within the service.
 - b) With their agencies.
 - c) Cross-border and international.

- **The Border and Migration Police, in particular its human resources and training systems, plans to fill vacancies (in particular further information on the 300 additional border police officers), risk analysis and exchange of information, and anti-corruption measures;**

An additional personnel of 300 members is planned to be added to the organigramme of the Border and Migration Police by March 2009. The structure of risk analysis has become functional at central level of Border and Migration Police (BMP). Reports of risk analysis for the strategic level and operational level of management have been prepared.

In the framework of anticorruption measures, a phone number where the citizens may address their complaints related to any corruptive, unfair or unlawful act or behaviour by police officers has been posted in all the BCPs. At the same time, in BCPs and at the central and regional institution of BMP, there have been posted portals with information on the rights and obligations of the citizens in connection with the entry, transit, stay and departure from Republic of Albania.

The new approved legislation and new approved practices in the activity of BMP, computerisation of BMP etc, have substantially decreased the level of corruptive opportunities of structures.

- **Overall situation at maritime borders, in particular measures undertaken and technical and human resources allocated to the coast guard, operational centre and infrastructure at Durrës and Vlora ports;**
- Maritime border line of the Republic of Albania:

Albania has a border line of 472 km /316 km maritime border, specifically:

- a. 216 km with Italy
- b. 78 km with Greece.
- c. 22 km with Montenegro.

- Legal basis on maritime water management in the Republic of Albania:
 - a. Law No 9251 of 08.07.2004 “On the Maritime Code in the Republic of Albania”
 - b. Law No 9861 of 24.01.2008 “On the surveillance and control of State border”
 - c. Law No 8875 of 04.04.2002 “On the Coast Guard”
 - d. Law No 8449 of 27.01.1999 “On the Customs Code in the Republic of Albania”
 - e. Law No 8663 of 18.09.2000 “On registration, classification, way of use and control of navigation means with engines under 20 NT of power”.

- Agencies involved in maritime activity:
 - a. Border and Migration Police
 - b. Coast Guard
 - c. Directorate General of Customs
 - d. Port Captain's Office
 - e. Directorate General of Fisheries Policy.

- In support of these structures, Italian Guardia di Finanza operates with 2 maritime units with 30 persons and 3 motorised vehicles.

Set-up of the maritime component of the Border and Migration Police (BMP):

No	Nomination
1.	Border Police Station, Shëngjin
2.	Border Police Station, Durrës
3.	BMP Station, Spille
4.	BMP Station, Divjakë
5.	BMP Station, Hoxharë
6.	BMP Station Triport – Vlorë
7.	BMP Station, Borsh- Vlorë
8.	BMP Station, Sarande
9.	BMP Station, Saranda port
10.	BMP Station, Dhërmi, Vlorë
	Total personnel 203

All these stations are under the administrative, operational and managing authority of the Regional Directorates of Border Policed in Durrës and Vlorë.

Means used by the maritime component of the Border and Migration Police.

No	Type	Items
1.	Speedboat	7
2.	Patrol boat	1
3.	Motor launch	3
4.	Rubber dinghy	7
5.	Workshop/maintenance	1

	Total	18
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Means used by the maritime component of the Border and Migration Police for the surveillance of the maritime area.

a. JRC – 325	10 items;
b. JRC – 2343	8 items;
c. JRC – 1500	1 items;
d. JRC – 5110	2 items;
e. Furuno	2 items.
Total	23 items.

Under IPA 2009, Department of Border and Migration in the State Police is negotiating a project fiche with the EC Delegation in Tirana regarding the strengthening of control capacity in the blue border. This project envisages:

- Integration of the Border and Migration Police in the Maritime Surveillance System.

This system shall be operational in the first quarter of 2009 and shall be under the management of the Ministry of Defense. Following an agreement to be signed by the Ministry of Interior and the Ministry of Defense, the Border and Migration Police shall have full access to the system. Access shall be provided at central level as well as in five operative centres of the Maritime Component of the Border and Migration Police:

- Shëngjin.
- Durrës.
- Vlorë
- Himarë.
- Sarandë.
- Setting-up of a Joint Operations Centre.

These centres shall enable the fusion of assets of all institutions operating in the sea, with the aim to ensure the necessary operative and strategic coordination. A expected Decision by the Council of Ministers will establish an Authority with Civil Status responsible for the coordination of all actors involved.

With the view of improving the situation in the maritime border, the measures planned during 2009 include:

- **Capacity strengthening of the Border and Migration Police.**
 - In the first quarter 2009 the curricula for the maritime component of the Border and Migration Police shall be developed.
 - Planning an allocated budget for these services (8 million ALL for 2009 approved).
 - Planning of the maintenance personnel (5 are in the structure already)
 - Developing a training programme for the maritime component of the Border and Migration Police that includes premises and adequate logistics (Two premises are foreseen: one in Vlora to be constructed during 2009, and one in Durrës to be constructed in the beginning of 2009).

- e. Setting up a maintenance facility that is able to ensure services and maintenance of navigation means (within 2009).

Means to be purchased with IPA 2009 funds:

- a. Speed boat – 10 items
- b. Motor launch – 10 items; envisaged for 2010.
 - a. Planning for investments in surveillance capacities (system access L&M);
 - b. Planning for the purchase of sailing vehicles, construction of the sailing vehicles repair station;
 - c. Setting up of the national joint national centre among the institutions operating at sea;
 - d. Provision of Coastal Guard with 5 sailing vehicles with high engine capacity;
 - e. construction of new terminal at Durres port, financed by Albanian government;
 - f. Provision of the Border and Migration Police and customs services at the port of Durres and Vlora with a scanner for controlling the containers, equipment for identification of living beings hidden in the loads of vehicles through heart beating.
- **Planning for the full installation of TIMS and installation and putting in operation of digital police radio system TETRA.**

TIMS system has been installed in 18 BCPs out of 25 BCPs and in 8 Regional Directorates for the Border and Migration. Within 2009, TIMS installation shall be completed in all BCPs and in the structures of BCPs up to the lowest level of organisation, that of Border and Migration Police station.

TETRA system implementation has not been included in the IPA priorities. Consequently, it remains our objective in the future.

Asylum. (benchmarks 11, 12)

- **The new Law on asylum, timetable for its adoption and implementation;**

The draft law “On some addenda and amendments to the law no 8432, dated 14.12.1998 “On asylum in the Republic of Albania”, is in the process of being adopted by the Parliament. It was approved by the Parliamentary Legal Committee on 02.12.2008. Subsequently, this draft law shall be considered by the Foreign Affairs Committee, National Security Committee and Integration Committee.

- **Plans to upgrade reception facilities;**

Infrastructure facilities are established: A National Centre for Asylum-seekers with a reception capacity of 200 people in Tirana. Also, appropriate reception facilities are arranged in 11 reception centres at the main BCPs, funded under CARDS 2003 project “Selection of asylum-seekers in the Republic of Albania”. These centres are ready for asylum-seekers and can accommodate them until they are transferred to the Reception Centre of Asylum-seekers in Tirana.

- **Length of asylum procedures;**

The procedure for granting the Refugee Status has been extended from 51 days to 71.

- **Existence of an independent judicial appeal body;**

A complaint against the decision of Directorate for Citizenship and Refugees shall be addressed to the Minister who has authority over the Directorate for Citizenship and Refugees, within 15 days from the date of communication of the decision. The Minister shall set up a commission consisting of 3 specialists in the field of asylum. The complaint against this commission shall be done directly with the court within 30 days after the asylum seeker obtains a written decision from this commission.

- **Application of asylum procedures at reception centres;**

Selection of asylum-seekers is done at the border reception offices by the Border and Migration Police, and then asylum-seekers are transferred in the Centre in Babrru, Tirana.

- **Coordination mechanism with the border police;**

The Directorate for Citizenship and Refugees closely cooperates with the Border Police at the moment of the selection procedure. This procedure is carried out by the Border Police, which upon identification of an asylum seeker, shall establish, in close coordination with the Directorate for Citizenship and Refugees, if the candidate should be admitted to the reception centre or issued an order to immediately leave the territory.

The Border and Migration Police is part of the National Reference Mechanism. The mechanism has been set up by the General Director of Police and other members from the Ministry of Social Affairs, Ministry of Foreign Affairs and representative of the civil society. This mechanism has been extended at regional and local level.

- **Provision of financial support and basic socio-economic benefits for asylum applicants (amount of financial support, healthcare rights, number of children who receive education).**

Financial support for asylum seekers is provided from the state budget annually. 21,116 million ALL are allocated each year by the State budget for asylum seekers and refugees.

Donation for this year by UNHCR was only 5 million ALL. In addition, UNHCR through NGOs provided for refugees this year: 17,5 million ALL for their integration and 4,5 million ALL for health care.

During this year education was provided to 19 children of refugees and 3 children of asylum-seekers.

In addition there is funding through annual donations from UNHCR for sheltering the refugees, their integration, health care and education of children.

Migration Management (benchmarks 10, 13-17)

- **Implementation of the new Law on foreigners;**

The new law “On foreigners” entered into force on 1 December 2008. It replaces the previous law on foreigners as well as all bylaws that are not compatible with the new law.

New bylaws should be prepared and adopted within 4 months from the entry into effect of this new law. As foreseen by the law, existing bylaws are being implemented as long as they are compatible with this law.

Since 01.11.2008, visas at the border shall be granted only in very specific cases foreseen by law, such as:

- a) in emergency circumstances, caused by natural calamity, flooding or accidents;
- b) in the event of death, serious decease, established by respective documents;
- c) in the event of calamity, where due to a technical failure, bad weather or terrorist act risk the crew of ships or aeroplanes shall enter the territory of Republic of Albania;
- d) in the event of foreign seamen, seeking request permit to embark or re-embark, to go back to their country, after the expiry of the labour contract, as well as in the event of changing the crew;
- e) in accordance with the request of Ministry of Foreign Affairs in the event of state interests and international obligations.

- **Implementation of measures 5-38 of the action plan, and sustainability of human and financial resources allocated to implementation of the action plan;**

Measure 5: Implementation of Readmission Agreement.

Activity 1: The Instruction of Minister of Interior no 1085, dated 12.06.2008, “On the procedure being implemented by the State Police for Selection of Foreigners in the territory” has been approved.

Activity 2: Transit Reception Centres at the Border Crossing Points, are at the following locations: Airport of Rinas, BCP Kapshticë, Police Station Devoll, BCP Tre urat Permet, Livadhja Station, BCP Kakavija, Gjirokastër, BCP Port of Durrës, BCP port of Lezhë, and BCP Bllatë Peshkopi. CARDS 2006 project “Integrated Border Management” for the improvement of the infrastructure, provides for the renewal of a number of Border Police Stations within 2009. Renovation projects shall include also reception premises.

Measure 6 is related to preparation and distribution of brochures aiming at voluntary return of emigrants. Information, regarding the status and rights of emigrants, is provided to these brochures, as well as services offered to them by diplomatic and consular missions and emigrants’ associations supported by national and international organizations. For 2009, it is foreseen to allocate special funds not only for producing and publishing of these brochures but also for a comprehensive informative document, in the framework of National Information/Communication Strategy.

Measure 7: Reception of unaccompanied minors (not being part of trafficked victims) returned to the Border Crossing Points.

Activity 1: All legal and institutional mechanisms related to the notification of Border Crossing Points on the reception of the unaccompanied minors have been put in place. They include orders issued by the Director General of State Police as well as procedures foreseen in the protocols of implementation of repatriation agreements. The training of the personnel at the Police Academy with experts of Department for Border and Migration, ICITAP, PAMECA III, as well as foreign experts invited by international organisations such as IOM and UNHCR is being done continuously.

As regards **measure 8**, the activities are partially implemented: contacts are established with the Chamber of Commerce. Our ministry expresses its commitment for setting up a working-group comprising representatives from our Ministry, Employment National Service, Chamber of Commerce, Rural Development Agency for the preparation of joint programmes on employment in Small-scale enterprises.

The establishment of Employment National Service capacities and its local and regional offices constitutes **measure 9**, which is implemented with all its activities. Specific programmes are carried out on training, regarding the return assistance, etc. This measure is at the same time linked with measure 40 as well as its activities.

Measure 11: Ensuring the necessary information and informing the returned persons on the possibilities of their voluntary return to their country – Performed and being followed up as a measure;

Activity 1: The police employees being responsible in the Border Crossing Points and in the Regional Migration Directorates may make available information on the voluntary return. This has been supported also through joint training with IOM.

Activity 2: There have been and are being prepared and distributed to the border crossing points posters and leaflets connected to the voluntary return.

Measure 13: Negotiation and signing of readmission agreements with third countries and related EC assistance. Appropriate actions have been carried out (as outlined during the Readmission Joint Committee, 3/12/2008, Brussels) and other actions are being followed up.

Activity 1: Identification of possible countries of origin and transit with which the readmission agreements have to be concluded.

Activity 2: Preparatory meetings are taking place proposing draft agreements with the countries of origin and transit.

Measure 17: Organization of a media campaign in Italy and Greece. This media campaign is related to promotion and information on:

- (i) migration as a phenomenon at large;
- (ii) identity of Albanians, Albanian history and culture;
- (iii) on the latest political, social and economic developments in the country, as well as the efforts made within the framework of Albania's integration process into the EU.

The implementation of this measure is partially carried out, since an agreement between Ministry of Labor, Ministry of Transport and Public Radio-Television (TVSH) has not yet been implemented and is foreseen to be carried out during 2009. A joint committee will be established with the aim to defining the content of the documentation to be disseminated. This campaign is part of the implementation of National Information/Communication

Strategy. Cooperation with foreign partners is (foreign embassies etc.) being secured on signing a cooperation agreement on this matter, as well as any eventual co-financing.

Specific activities are:

- Drafting and approval of the Agreement between Public Radio-Television (TVSH) and the national television channels of receiving countries for broadcasting this media campaign.
- Realization of a documentary from Public Radio-Television (TVSH) on Albanian migration phenomenon. This documentary should be translated into Greek, Italian and English.
- Realization of some mini-documentaries and the promoting media campaigns on history and culture of the Albanians.

Measure 22: Establishment of Consultative Commissions, in particular with Italy and Greece, through ministries dealing with migration issues. The establishment of these commissions should be based on the existing bodies or by establishing new structures, as appropriate. This measure is partially implemented. The texts of memorandums of understanding have been drafted jointly by Greek-Albanian and Italian-Albanian Consultative Commissions. Relevant commissions have been set-up and are functioning temporary.

Measure 25: establishment and intensification of close contacts between the Albanian emigrants associations and the Greek and Italian associations on the protection of emigrants. The Ministry of Labour has identified these associations and is cooperating with them through specific projects dealing with emigrants' rights. Contacts have been established with these organizations, including by holding annual meetings with them.

Measure 29: Negotiation with Greek authorities on the possibility of reducing the tariffs of residence permit in Greece, based on the *Acquis Communautaire*; and the revision of the possibility of reducing the tariffs regarding documents legalization in the Albanian diplomatic missions in the world. This measure cannot be implemented as the tariffs of residence permits in Greece are not negotiated on the basis of citizenship. Tariffs are the same for all countries and established by law.

Measure 30: Negotiations on signing mutual agreements for social protection of emigrants in receiving countries, with the aim to transferring their social insurances to Albania, is attribute of Social Insurance Institute, which is now a part of the Ministry of Finance. Activities related to this measure: signing and ratification of these agreements with the emigrants receiving countries, such as Italy, Greece, Rumania, etc.

Measure 31: Collection of voluntary contribution for social insurances. The same can be said for this measure. It is an attribute of Social Insurance Institute, now part of the Ministry of Finance.

Measure 38: compilation of chapter on remittances of emigrants in the National Action Plan. The Ministry of Labour, Social Affairs and Equal Opportunities, has been involved in the Project on the remittances and its Implementation Plan, which is adopted. The analysis of the final report is completed as well as the completion of emigrants' remittances.

- **Administrative capacity in the migration field and methods used in collecting and producing statistics on migration flows;**

All the operating structures of Border and Migration Police collect and save data in the TIMS system, in accordance of ready-made and unified forms of State Police. The risk analysis structure at the Directorate General of Border and Migration Police is a specialised structure dealing with the analysing and processing of these data and preparation of periodic reports on the migratory influx. At the same time, the structures at the central and regional level of Migration and Readmission analyse the entire database connected to the statistics of migration.

The Directorate of Migration Policies, Return and Reintegration and Employment Regional and Local Offices (ERLO) are responsible for statistics collection and their processing.

Regarding the collection and migration data processing, the registers on foreigners with residence in Albania, potential emigrants and return Albanian citizens are managed. The registers include rubrics, where there could be found individual general data, family information, education and professional training, work experience, specialization, individual trends, etc.

Registers for emigrants and immigrants. These are official documents established by special orders of the Minister of Labour, Social Affairs and Equal Opportunities.

There is a register for emigrants in every Employment Regional and Local Office, according to their administrative jurisdiction. The general register is in the Ministry of Labour, Social Affairs and Equal Opportunities

The register has three major rubrics:

- i) Candidate emigrants, persons having no employment offers; these offices are continuously provided with information on procedures, rules and legal emigration opportunities in certain European Member states and non-member countries. The aim is to changing these offices into attractive centres for those candidate emigrants, as registration is not obligatory;
- ii) Emigrants having authorization, labour and residence permits to a receiving country. Information for this migration category is more detailed, and contains information on the labour contract, a range of rights and obligations in the receiving country, or an overall insight on this country. Registration and information has substantially two goals: *firstly*, a well-balanced decision to emigrate; *secondly*, prevention of illegal migration, identifying the risks of such an emigration, the status and consequences for an emigrant that is not registered in a receiving country, which are elements of the phenomenon migration management, through preparatory information and which are included, among others, in the mandate and mission of the Directorate of Migration Policies;
- iii) Return emigrants, in spite of the form of return (on voluntary basis, by expulsion order, by special assistance, etc.). The aim is the identification and their reintegration in the domestic labour market through professional trainings, inclusion in the local assistance programmes for setting up small business, accreditation, etc.

The Register is thought to become an integral part of a Future National Register for Emigrants.

Registers for Immigrants have two goals:

- i) Constitute a statistical tableau (type of issued labour permits, such as employers, self-employed, investors, etc.), and the countries of origin;
- ii) in perspective, statistics shall be used to develop national programmes for their integration as foreseen by the new Law on Foreigners.

- **Role of Border and Migration Police in detection of inland illegal immigration other than collection of statistical information and analysis;**

In accordance with the new Law On Foreigners as well as on the new law “On control and surveillance of state border”, the Border and Migration Police carries out its activity in the fight against the illegal migration in the entire territory of Republic of Albania. The investigation structures, set up at central or regional level of Border and Migration Police, shall, as appropriate, investigate independently or in cooperation with other specialised structures of State Police, cases or attempts of illegal migration.

- **Human resources dedicated to the fight against illegal immigration, organised smuggling and trafficking of human beings, division of competences between law enforcement agencies in charge of inland detection, and administrative methodology for detection and investigation of illegal immigration;**

The human resources committed to the fight against the illegal migration are the Sector against Illegal Trafficking at the Headquarters and the Sections against the Illegal Trafficking on the ground, at 12 Regional Directorates of Police, constituent part of the Directorate against Organised Crime. In addition to the tasks these structures have for preventing the trafficking of human beings, illegal migration and smuggling of human beings, they coordinate with Border and Migration Police at Border Crossing Points. A positive step in improving the cooperation and coordination of these structures has been the Order of Police Director General no 871, dated 27.12.2007 “On procedures to be performed for interviewing foreign and Albanian citizens returned from other countries”. This order determines the entire procedures to be followed up by the structures with regard to interviewing the returned citizens, as well as the moment of cooperation and coordination of the border department with the anti-trafficking structures for the identification of victims and eventual victims of trafficking in accordance with the agreement for Setting up the National Reference Mechanism.

This order determines clearly the way of treating the Albanian and foreign citizens of the Inad category, departing categories and holders of border crossing permits being issued by the authorised Albanian authorities, starting from the reception, registration, verification as well as identification of victims or eventual victims of trafficking and later assistance in their reference. The novelty brought about with this order was the recommendation for carrying out the interviewing by the trained female police employees for the performance of this process. At the same time, this order determines the obligation to have the presence of a social worker from the State Social Service or providers of licensed services from the

Ministry of Labour, Social Affairs and Equal chances, signatory to the Agreement for the Setting up of the Reference National Mechanism, thus making possible the identification of victims or eventual victims jointly, and in accordance with the Instruction for defining the victims or eventual victims of trafficking, being part of the agreement.

Another positive step in improving the cooperation among the state structures for preventing and fighting the trafficking of human beings is the Responsible Authority set up in May 2006 upon the Joint Order of the three Ministers, Minister of Interior, Minister of Labour, Social Affairs and Equal Chances, as well as Minister of Foreign Affairs. This authority is a nucleus of persons out of the three agencies involved directly in terms of identification, investigation, reference, protection and assistance against the trafficking victims.

The Border and Migration Department, Department for Investigation into Crimes and Department for Public Law and Order has drafted an action plan “On preventing and fight against trafficking of human beings and identification of victims of trafficking of human beings” approved by the Director General of State Police on 10.06.2008, where the concrete tasks have been foreseen and the cooperation points among the structures for preventing and fighting against trafficking of human beings.

- **Functioning of national referral mechanisms as well as an assessment of the first results achieved;**

On 18.07.2005 the Cooperation Agreement “On Setting up the Referral National Mechanism for Identification and Improved Assistance for Victims of Trafficking of Human Beings”, between the Ministry of Labour, Social Affairs and Equal Chances, represented by the Directorate General of State Social Service, National Reception Centre for Victims of Trafficking, Ministry of Interior, represented by the Directorate General of State Police, Ministry of Foreign Affairs, represented by the Consular Services Department, as well as by some organisations offering services to the trafficking victims. The aim of this agreement is the improvement of inter-institutional coordination for the initial reception, medical and social protection and assistance for the present victims, being presumed or eventual of human trafficking, within and outside Albania.

As measuring indicators for implementing this mechanism, there can be mentioned the increased number of the victims of trafficking which have been identified compared to the previous years. (The statistical data shall be found in the evaluation report for the implementation of the National Strategy against Trafficking of Human Beings 2005 – 2007). Only during 2008, there have been identified and assisted, based on this agreement, some 97 victims exploited within and outside the country, out of whom 30% have accepted to cooperate with justice. It is the first time in Albania that the state institutions and NGOs report the same number of statistics with regard to the number of victims and eventual victims of trafficking assisted and reported by different institutions.

The National Referral Mechanism has turned out to be efficient. Constituent part of this Mechanism is the Authority responsible for the assistance to be provided to the victims of human beings trafficking. Participating in the Responsible Authority are:

1. Police Directorate General
 - a. Department for Border and Migration

- b. Department for investigation of Crimes
- 2. Ministry of Social Affairs and Equal Chances,
 - a. State Social Service;
 - b. National Centre of Linza
- 3. Ministry of Foreign Affairs
 - a. Consular Department
 - b. Embassies
- 4. NGOs
 - a. Vatra – Vlorë
 - b. Other Vision – Elbasan
 - c. Life and Hope – Gjirokastër
 - d. Different but Equal – Tiranë

In the course of this year, there have been identified 96 victims of human beings trafficking (out of all the constituent elements of the National Referral Mechanism).

- **Return policy, in particular on administrative bodies involved in the return procedure and their resources and capacity, conditions in detention facilities, and length of the entry ban;**

Based on the Law “On foreigners”, Directorate of Migration and Readmissions is the administrative authority responsible for granting residence permits, assessing their lawfulness in our territory, issuance of removal orders, accompaniment to the Administrative Centre for the return of non legal foreigners or readmitted.

Directorate of Migration and Readmissions, subordinate to the Department of Border and Migration, consists of two sectors:

- Sector for Readmissions – responsible for coordinating with foreign migration services and operative border police units for the readmission of all Albanian and foreign citizens who are subject of readmission agreements.
- Sector for Migration – responsible for the handling of foreigners in our territory. (issuing residence permits, removal orders). This sector has a personnel of 23 persons dispersed in the territory of Albania as part of the Regional Directorates of Border and Migration Police.

Under EU funding, the building of the Centre for Administrative Detention of Illegal Foreigners shall be operational in March 2009 with a capacity of 100 people (detention facilities). Human resources that shall manage this centre have been trained.

With reference to the foreigners staying illegally in Republic of Albania, the following deportation policy, foreseen in legal and bylaw acts, shall apply:

Exit Order: The local regional authority responsible for border and migration issues the exit order for the foreigners not meeting the conditions of stay in the Republic of Albania. The maximal period, within which the foreigner has to enforce the exit order is as follows:

- a) for the foreigner, to whom the visa has been cancelled or revoked, as well as to whom the stay permit has been granted inappropriately, not more than 10 days from the day

of notification;

b) for the foreigner, to whom the renewal of stay of permit has been rejected or cancelled or revoked, not more than 30 days since the day of notification.

The foreigner having a financial obligation or who shall pay off an investment shall be granted a time period of 3 months since the day of notification.

The exit order shall be communicated to the foreigner in a language he understands, making known to him the complaining procedures, in accordance with Article 71 of this law. The format and contents of the exit order shall be determined upon an order of Minister of Interior.

The foreigner shall be granted the right to file a complaint against the exit order administratively and subsequently to the court.

Voluntary exit: In addition to the Exit Order issue, the Border and Migration Police does not enforce the exit order in case the foreigner declares that he will leave voluntary the territory of the country. The local Border and Migration police gives priority to the enforcement of the voluntary exit enforcement, specifically for the following category of persons:

- a) apprehended foreigner, who has stayed illegally in the territory of the country, but he has not brought about harmful consequences for the public law and order;
- b) unaccompanied minors;
- c) Sick, disabled persons or with limited capabilities;
- d) parents with small children;
- e) victims of trafficking, who want to go back to their place of origin;
- f) asylum seekers, whose request for asylum has been rejected or having withdrawn their request for asylum and they do not have any incomes;
- g) the foreigner being in possession of appropriate documents, but not having the necessary financial means for stay.

The Border and Migration Police, in cooperation with international organisations, carrying out activities and tasks for foreigners, undertakes joint programs for ensuring the financial resources in order to make possible the return of foreigners at this level to the country of origin.

Coercive exit from the Republic of Albania: The coercive exit is an administrative measure, being undertaken by the Border and Migration Police for turning away the foreigner from the Albanian territory, because the person:

- a) has not left the country within the time periods foreseen in the exit order;
- b) has not left the Albanian territory up to 60 days following the expiry of the deadline of stay of visa or the stay period foreseen in this law for the citizens having entered the territory without this visa;
- c) has not sought the renewal of the stay permit following the validity period and the 60 days have passed since the expiry of the validity period;
- d) his asylum has been refused, irrevocably and finally and he has not left the country in accordance with the provisions contained in this law;
- e) has served the sentence pronounced by an Albanian tribunal for a crime committed intentionally, for which the Albanian criminal legislation provides for a minimal

sentence of up to one year imprisonment.

When the foreigner is subject to coercive exit in accordance to this Article, he shall be detained in a closed centre for a time period of up to 6 months with a right of extension of 12 other months according to the provisions contained in this law.

Complaint against the coercive exit order: The foreigner has the right to file a complaint within 5 days against the coercive exit order with the highest police administrative authority, which shall settle the case within 5 days. The foreigner shall be entitled to approach the court of first instance for complaint against the coercive exit within 5 days since the date of response from the highest administrative authority of police. The court shall settle the case within 10 days. Until the decision has been rendered by the first instance court, the foreigner shall be held in the closed centre, under the circumstances of immediate exit.

Expulsion order: The foreigner may be expelled from the territory of Republic of Albania only upon expulsion order issued by the Minister of Interior, as long as he has been declared *persona non grata*, or his request for asylum has been rejected by final judicial decision and when the foreigner has refused to leave voluntarily. Expulsion order is issued by the central authority of the Border and Migration Police, since, due to this, it has not been possible to enforce the coercive exit order.

Complaint against the expulsion order: The foreigner or his family members have the right to file a complaint with the first instance court within 15 days from the date of being informed in writing concerning this expulsion order. The decision of the first instance court may be challenged with the respective appeal court within 5 days, which shall examine the case with priority. In addition to the foreign citizens for whom coercive exit order or expulsion order has been issued, in the closed Centre there shall be accommodated also citizens of third countries being re-admitted by Albania based on the re-admission Agreements and they are expected to be returned to their country of origin.

Complaint against the detention order: The foreigner, against whom a detention order has been issued in a closed centre, has the right to file a complaint with the first instance court for this measure, within 10 days from the notification in writing, for the detention or extension of detention. The first instance court considers the legal basis of the detention measure for the foreigner and decides about keeping him in the closed centre or releasing him. The complaint against the decision of the court shall be done within 10 days from the data of declaring the decision and it shall be examined with priority within 10 days in the respective court of appeal. The entry ban periods are up to 5 years and shall be determined in bylaw acts.

- **Statistics concerning relation between return decisions taken and removals carried out;**

Pursuant to the Law No 9959 of 17.07.2008 “On Foreigners” 95 foreign citizens were obliged to leave the territory of the Republic of Albania. Against there administrative measures, there were 19 complaints (12 administrative complaints and 7 court complaints). 2 judicial decisions out of 7 revoked the execution of the order. In total finally, 93 foreign citizens left the territory of the Republic of Albania.

- *cooperation on readmission with countries of origin and transit of illegal immigration;*

The cooperation on the re-admission with the countries of origin and transit of illegal migrants has so far been based on the separate agreements and protocols signed to this effect, and through the contacts with the points of contact in these countries or diplomatic or consular representations in Albania. A series of draft agreements and implementing protocols with the regional countries on re-admissions have been presented and we are waiting for the reply. For countries not having points of contact or diplomatic or consular representations in Albania, we have worked with IOM Tirana, in the context of the project of IOM Tirana “On voluntary return”, who have made possible ensuring the necessary documentation in addition to other facilities for the return.

BLOCK 3: Public order and security

General/Overall policy on preventing and fighting organized crime and terrorism (benchmarks 18, 28)

- **the strategy (and action plan or the timing of its adoption), the organised crime priorities and the administrative capacity for the implementation (institutional responsibilities, human resources, financing):**

The Strategy against Organised Crime, Trafficking and Terrorism 2008-2013 (by Council of Ministers Decision (CMD) no 1140, dated 30.07.2008) is an umbrella strategy, consisting of five sectorial strategies, specifically:

- National Anti-Drug Strategy 2004-2010 and its action plan.
- Cross-Sector Strategy for the Prevention and Fight against Corruption 2007 – 2013 (Its draft action plan is being finalized).
- National Strategy against Trafficking of Human Beings 2008-2010 and its action plan.
- National Strategy for the Fight against Child Trafficking 2008-2010 and its action plan (this document is a complimentary to the Strategy against Trafficking of Human Beings).
- National Action Plan for the Prevention of Smuggling of Motor Vehicles (This action plan is approved by CoM Decision no. 522, dated 23.04.2008).

The “**National Action Plan for the fight against trafficking of Stolen Vehicles**”, contains specific obligations for all the institutions being responsible for the fight against trafficking of vehicles. Accordingly, a task force with representatives from the Directorate General of Customs, Directorate General of Road Transport, Directorate General of State Police (Directorate against Organised Crime, against Economic and Financial Crime), Department for Border and Migration, Directorate General of Taxation, Directorate of Utilisation of Vehicles, Prosecution Office General, has been set up. Meetings are held every three months for analysing the situation, pointing out eventual problems and trends of this phenomenon.

Monitoring, as constituent part of the Strategy, has been determined based on the law no 9284, dated 30.09.2004, “On preventing and clamping down on organised crime”, which provides for the setting up the advisory committee on the measures against the organised crime at the Council of Ministers.

The budget for the implementation of these strategies is a responsibility of each participating institution. The State Police in the Medium Term Budget Programming for 2008 provides for the allocation of special funds for the activities planned in these strategies.

(in EUR)

Investment project	Draft budget 2009	Planned for 2010	Planned for 2011
	Total	Total	Total
Special means	1,076,113	1,256,518	603,239
Purchase equipment for the Forensic Police	326,316	920,648	261,538
Purchase equipment for the Anti-Crime Police	488,097	335,870	341,700
Purchase office equipm. for Direct. of Analysis	59,271	-	-
Microscope for the Forensic Police	121,457		
Adaptation of AFIS system to AFIS-SAGEM	80,972		

Activities under MTBP 2009-2011 (for the Department of Investigation and against Organised Crime) in EUR

No	Denomination	Planned		
		2009	2010	2011
1	Anti-drugs and anti-trafficking operations	231,903	235,814	232,753
2	Operations against cultivation of narcotics	751,417	789,749	803,028
3	Surveillance operations	1,078,866	1,116,866	1,133,960
4	Amounts of drugs seized and stored	52,939	66,680	67,126
5	Tests of narcotic substances	108,097	104,032	104,138
Total		2,223,223	2,313,142	2,341,004

Main objectives of the fight against organised crime:

- Conduct investigations in order to fully neutralise criminal rings, criminal organisations or criminally structured groups for all types of crime tendencies and forms.
- Combat their partnership as a key feature of criminal structures.
- Identify best experiences of more advanced countries in the fight against organised crime.
- Increase the risks for persons or groups involved in these activities.
- Decrease the supply and destabilise the drugs market by minimising its use.
- Elimination of economic-financial corruption cases and crimes.

- Growing awareness of citizens on the implications of organised crime in the Albanian society and in the destabilisation of our economy.
- Minimisation of human trafficking and other trafficking.
- Ensure prevention of money laundering in Albania.

Main tasks in the Fight Against Organised Crime and Terrorism are:

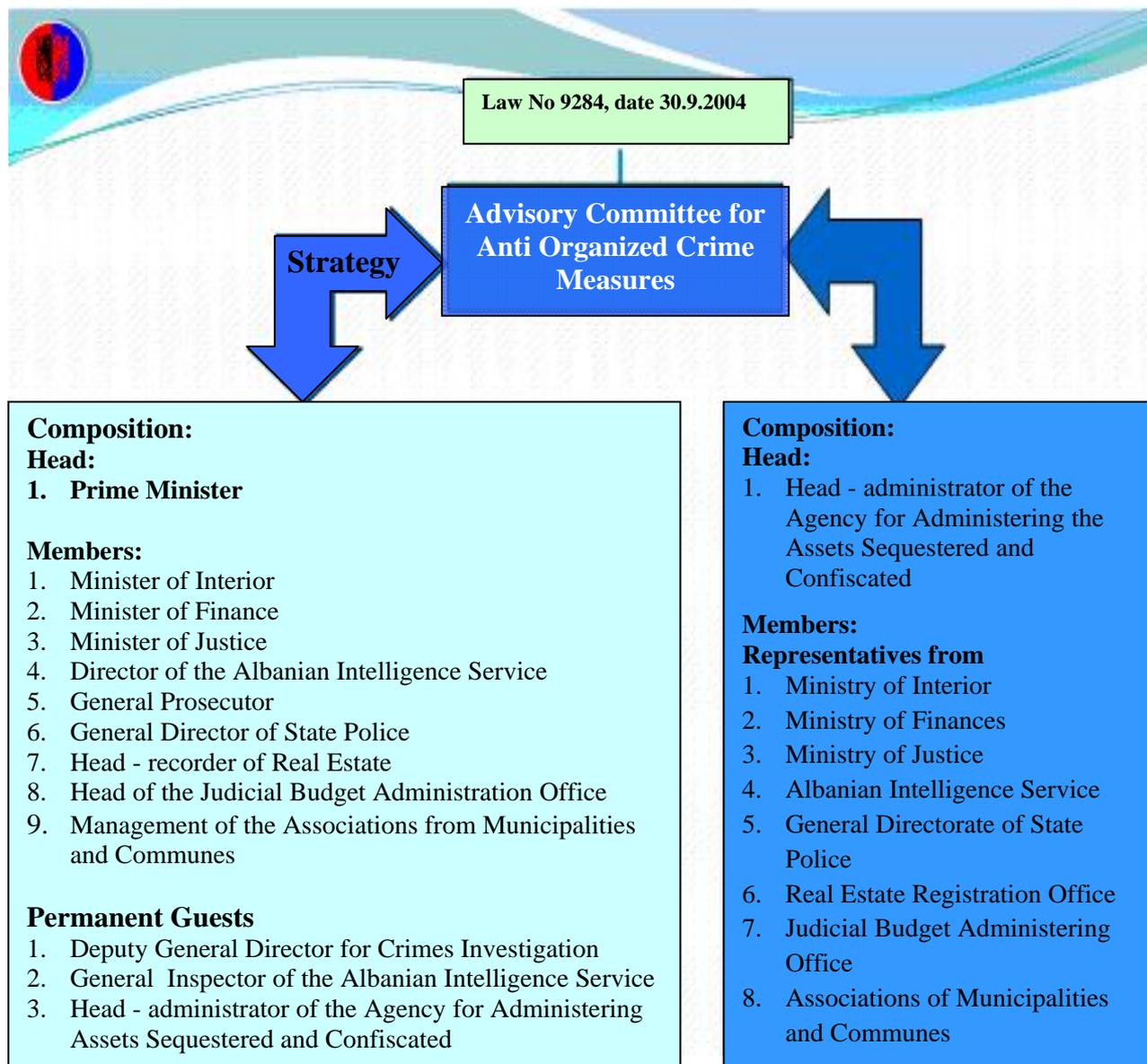
- Organise the work to identify and combat the organised crime, arrest and investigate perpetrators.
- Ministry of Interior shall organise and intensify the activity of the Judicial Police structures in order to ensure continuous information on the tendencies of organised crime, keep it under control, provide proof for the arrest of perpetrators and defend the case with the prosecution to punish them.

Administrative capacity: In implementation to the Law “On the State Police”, a specific State Police structure was established and is operational. The Directorate against Organised Crime is part of the Department for Crime Investigation and is composed of three sectors:

- (i) Sector of the Fight against Narcotics,
- (ii) Sector of the Fight against Illegal Trafficking, and
- (iii) Sector of Special Operations. Structures of the Fight against Organised Crime consist of 250 police officers of various levels of which 62 operate in the central structures and 188 in local structures. In 12 Police Directorates in regions were established sectors against organised crime and their sections. Number of officers in these structures was established based on the dynamics and the specifics of organised crime in each region. Department of Border and Migration contributes with measures to survey and control the border.

- **Organigrammes reflecting the institutional set-up (MOI, judiciary, etc) as regards the fight against organised crime including for each specific policy area (trafficking, economic crime, drugs, anti-corruption);**

**Advisory Committee for Anti Organized Crime Measures
(Composition of the Committee).**

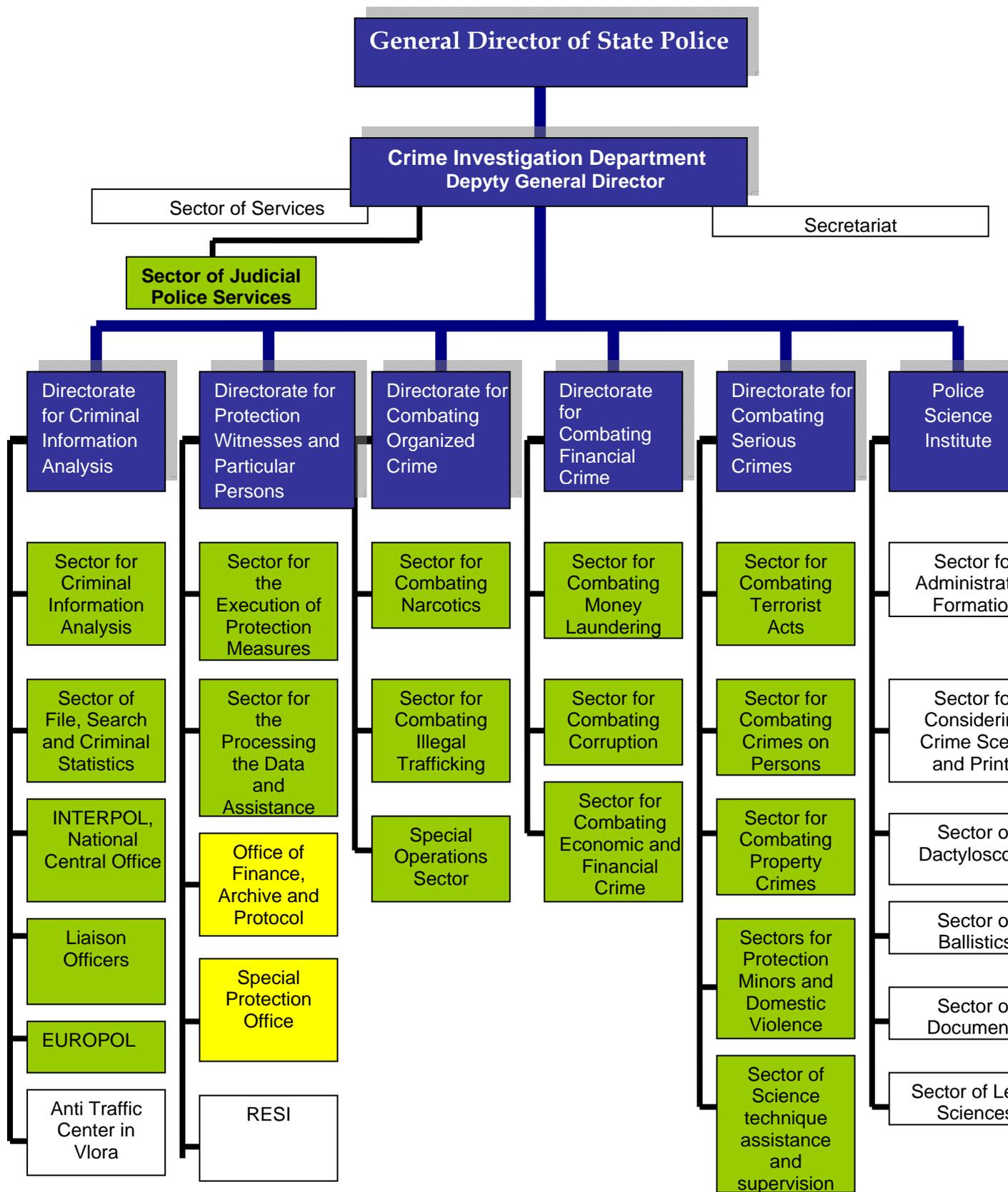


TASKS OF THE ADVISORY COMMITTEE

- Defines General Inter-institutional Policy in the prevention and fight against organised crime.
- Reviews and analyses the reports presented by the Technical Working Group.
- Reviews reports and documents presented by international bodies involved in the prevention of organised crime.
- Discusses important issues raised by the Prime Minister, Prosecution General Office, Minister of Finance, Minister of Interior.
- Evaluates the process of administration of seized and confiscated assets.

The Committee meets not less than every 3 months. During 2008, there have been held 2 meetings of the Advisory Committee

Organigramme of the Department of Crime Investigation in the State Police.



In 2004, at the Ministry of Interior, in addition to the legal changes, there were undertaken structural changes aiming at a more efficient fight against organised crime. A Directorate against Organised Crime which was earlier a sub-directorate, was created. Part of this directorate were also the Sector against Illegal Trafficking, the Sector against the Economic

Crime (which dealt also with the fight against corruption), the Sector against Narcotics and Sector of Criminal Information Analysis. At the same time, in the same year, in the framework of structural improvements, there was set up the Prosecution Office and the Court for Serious Crimes which focused, *inter alia*, into the investigation, proceeding and trying of criminal offences in the field of organised crime.

During 2007, in the context of changes and structural improvements, there was set up the Department for Investigating of Crimes and as constituent part of this is the Directorate against Organised Crime, focusing on all kinds of illegal trafficking and fight against narcotics. The same structural adjustment is applied to the 12 Police Directorates in Regions.

The Prosecution Office, as part of the Strategy, has continued to investigate serious crimes and sent to court criminal organisations and structured groups dealing with trafficking. Confiscation and seizure of proceeds of crime is done pursuant to Law No 9284 of 30.09.2004 “On prevention and fight against organised crime” and since 2005, in the Prosecution Office for Serious Crimes was established the Sector for Seizure and Confiscation of Proceeds of Crime. Two prosecutors were appointed to handle identification, confiscation and seizure of assets belonging to persons involved in serious criminal activity such as trafficking, terrorist acts, criminal organisations etc.

- **Statistics on trends in organised crime for the period 2004-2008¹.**

Statistics of Trafficking 2004 - 11 month period 2008

Criminal Offences	Number	Perpetrators	Arrested	Detained	At large	Wanted
Assisting in illegal crossing of border	626	887	365	178	253	91
Illegal crossing of border	498	872	314	18	536	4
Possessing bars for prostitution	56	93	72	3	17	1
Exploitation of prostitution under aggravating circumstances	82	126	25	43	45	13
Exploitation of prostitution	112	128	57	26	34	11
Trafficking of weapons and ammunition	26	59	51	4	1	3
Trafficking of children	25	32	12	5	9	6
Trafficking of women	173	239	75	72	52	40
Trafficking of motor vehicles	659	661	67	25	552	17
Trafficking of works of art and culture	5	8	6	0	2	0
Trafficking of human beings	36	65	8	24	19	14
Practicing of prostitution	119	137	102	2	33	0
Trafficking of explosives	1	1	0	0	1	0
Total	2418	3308	1154	400	1554	200

¹ See Annex 1 for detailed statistics on organized crime.

Referring to the statistical data from 2004 until November 2008, the situation in the fight against illegal trafficking has improved significantly. Specifically, in 2004 there were **698** cases, in 2005 there were **430** cases, in 2006 there were **424** cases, in 2007 there were **561** cases and in 2008 (11 months) **457** cases. Legal improvements in this direction, continuous training, assistance and recommendations provided by partners and correct implementation of these recommendations, the use of special investigation means, completion of anti-trafficking structures with trained personnel, coordination of work among police structures and other institutions and organisations engaged in providing assistance for victims trafficking, all these led to a decreased number of human trafficking in 2008 and with significant improvement in the identification of potential victims of trafficking, based on the National Reference Mechanism, and as a result led to more victims assisted and more suits and criminal proceedings for the crime of exploitation prostitution and trafficking of women that occurred prior to 2008. The work of anti-trafficking structures has improved the prevention of trafficking phenomena and decreased the number of criminal offences from 561 to 457.

An important instrument in the fight against trafficking phenomena was the approval by the Council of Ministers of the Action Plan “Prevention and combating smuggling of stolen vehicles”. Coordination of State structures with legal obligations under this National Action Plan led to twice as much proceedings for “Smuggling of motor vehicles” compared to previous years. This measure more than identifying smugglers of vehicles in 2008, focused on identifying and sending to the court smugglers of motor vehicles of previous years. The number of identified cases increased and consequently proceedings for trafficking have increased as well, but a thorough analysis of the level of illegal trafficking during 2008, confirms that it has diminished drastically.

In 2004, 7 proceedings for laundering of proceeds of crime.

In 2005, 1 proceedings for laundering of proceeds of crime.

In 2006, 1 proceedings for laundering of proceeds of crime.

In 2007, 3 proceedings for laundering of proceeds of crime.

During 2008 there were 13 cases of laundering of proceeds of crime, 124 cases for unlicensed activity of money exchange, and 4 cases for failure to declare the amount of money in border cross points. 40 persons were arrested *in flagrante*, and 94 investigated in freedom. Structures of the fight against Money Laundering cooperate with border police and customs structures for the prevention of cross-border transportation of cash. Persons who failed to declare cash over 1 000 000 ALL were proceeded criminally for the offence of failure to declare money and valuable items at border cross-points, under Article 179(a) of the Criminal Code.

6 309 037 ALL, 727 899 EUR, 437 413 USD and 4606 m² land were seized for the criminal offence of “cleaning up evidence of criminal offence”, unlicensed money exchange activity and non-declaration of money at border. From September 2007 under a CARDS 2004 project between Albanian FIU and BKA (Germany's Federal Criminal Police Office) began the implementation of the Twinning Project for the fight against money laundering and financial crime. State Police and especially its structures specialized in the fight against money laundering and funding of terrorism, are also beneficiaries under this project.

Policy on preventing and fighting trafficking in human beings

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

Evaluation report:

A copy of the Evaluation Report for Implementing National strategy against Trafficking of Human Beings 2005 – 2007, is attached in annex.

New and previous strategy:

The new National strategy 2008 – 2010 displays a wide range of acts, same as in the previous strategy, encompassing four priority directions, successful investigation and prosecution, protection of victims, prevention and coordination of acts. The new strategy same as the previous strategy requires a good intern-institutional coordination, continuation of functioning of the Anti Traffic Regional Committees, National Mechanism of Referral for the Victims of Trafficking, improvement of the process of instruments of identification of eventual victims of trafficking, unified statistical information, preventive measures as well as boosting the social assistance and protection for victims of trafficking.

- **The priorities, first results of the strategies;**

Priorities:

The new strategy (2008-2010) requires strengthening the responsibility of state actors. The anti-trafficking measures shall concentrate specifically on ensuring a proactive identification process and protection for the victims or eventual victims of trafficking in human beings. The strategy requires strengthening the management of information on the trafficking in human beings, coming up with unified statistical data; the boosting of public awareness for the human trafficking; increase of the number of criminal proceedings and successful trials, and ensuring a fair treatment to the victims of trafficking in the course of criminal proceedings, including protection of witnesses.

Initial results of the strategy:

A considerable work has been done in connection with improving the identification process of victims of trafficking, training the anti-traffic stake holders, as well as functioning of an information base which would serve for monitoring the cases of trafficking and anti-traffic tendencies in the country. Presently, the Office of National Anti-Traffic Coordinator is updating the actors responsible for the National Anti-Traffic Strategy 2008-2010 with the responsibilities and tasks they have been entrusted by this Strategy.

- **The division of responsibilities between the relevant bodies – provide information on training for governmental and non-governmental players;**

Assignment of responsibilities among the respective authorities:

The National Anti-Traffic Strategy 2008-2010 provides for a well defined assignment of responsibilities of actors in the field of trafficking the human beings. The Office of National Coordinator in the Fight against Trafficking of Human Beings ensures the coordination and monitoring of carrying out these tasks and responsibilities.

Training in the field of anti-trafficking:

(1) During 2008, the Office of Coordinator against Trafficking of Human Beings has intensified efforts for training of police officers, as well as providers of social services. During 2008, the School of Magistrates organised a training session with judges and prosecutors connected to the “*Compensation of Victims of Trafficking: Right to compensation, international and comparative law, internal legislation and experience of judiciary, criminal provisions and labour law*”. Participating in the training were 20 judges and prosecutors. Training of this type shall be offered also in 2009.

(2) Approximately, 150 police officers (anti-traffic, border and migration police, policemen with the community) have received training with regard to the way they have to operate within the National Referral Mechanism for the Victims of Trafficking as well as the way how the interviewing has to be conducted with regard to the identification of trafficking victims.

(3) In December and onwards, there shall be provided training to the members of Technical Round Table of 12 Regional Anti-traffic Committees. The number of participants in these training shall in total be 360. In total, 12 training sessions shall take place. The participants in these training sessions shall be employees from the Directorate of Regional Police, Municipality – Centre-Region, Regional Educational Directorates, Regional Employment Directorates, Regional Public Health Directorate, Regional Directorate of State Social Service, Regional Directorate of State Informative Service (Intelligence Service). This training shall be conducted by the Office of National Coordinator against Trafficking of Human Beings with the support of OSCE.

(4) During the period November – December 2008, the Office of National Coordinator for the Fight against Trafficking of Human Beings and IOM are conducting training for the NGOs operating with projects in the field of anti-trafficking, employees of social services out of 12 respective offices, as well as employees of centres offering services for the victims of trafficking. Participants in these trainings receive information connected to the most important aspects for the fight against trafficking. There shall be held 4 training sessions and the number of participants shall be 100.

- **On victim identification and victim assistance activities, including policy measures and assistance activities;**

Identification of victims:

The training and issued instructions, as well as making the database on trafficking victims operational have made possible the improvement of the process of identification of the victims of trafficking. During 2008, there has been increased five times the number of identification since last year. The database for the victims of trafficking is based on the standardised interview with the Agreement for National Referral Mechanism of the Victims of Trafficking. Until October 2008, the data base for the victims of trafficking being operated by the members of the Authority responsible for the victims of trafficking, i.e., persons tasked with the follow up of the cases of trafficking, registered 95 eventual victims of trafficking. The strategy foresees a considerable number of activities referring to the identification and granting of assistance to the victims of trafficking.

There has been approved and is being implemented the Order of Director General of Police no 871, dated 27.12.2007, "On procedures to be performed for interviewing the Albanian and foreign citizens returned from other countries". This order contains clear procedures for interviewing the returned citizens and identification of the victims of trafficking of human beings. Every citizen being returned is interviewed and his data along with the interview shall be entered into the system and monitored online by the Department for Border and Migration. The outcome of the interviewing of returned citizens by the Border and Migration Police for this year is the identification of 21 victims/eventual victims/suspected victims of the trafficking of human beings.

- **Detailed statistics on trends in trafficking in human beings covering 2004-2008, including investigations, indictments, convictions of criminals and number of identified, assisted victims.**

For the period 2005-2007 statistical data are available in the Evaluation Report for the implementation of the National Anti-traffic strategy 2005-2007 in the pages (89-101 in Albanian and 91-101 in English version).

For 2008:

Investigation and criminal prosecution:

The number of cases registered and prosecuted by the Prosecution Office of Serious Crimes for 2008 (January – September 2008) is 18: out of which 12 are cases connected to trafficking of females (Article 114/b Criminal Code) and 6 cases connected to the trafficking of children (Article 128/b of Criminal Code).

Convictions:

For the period January – June 2008, there have been convicted 11 individuals for the criminal offence of trafficking of human beings.

The number of victims of trafficking having received the necessary assistance for the period January – October 2008 is 95.

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

- **The main priorities of the strategy and more details on the next steps as regards the action plan;**

Currently, work is underway on drafting a medium- and long-term national strategy on the prevention of money laundering and financing of terrorism. As the fundamental goal of one of the components included in the Twinning Project, this document is scheduled to be ready in September 2009, - in the same time frame scheduled also for the two – year twinning project with BKA (The German Federal Criminal Police)

- *The legislative framework existing in the area of money-laundering and terrorist financing by providing also reference to the implementation of international conventions and standards;*

On 19/05/2008, the Albanian Parliament enacted the new Law No. 9917 “*On the prevention of money laundering and financing of terrorism*”, which took effect on 10 September 2008. This Law fully complies with international standards; it encompasses the recommendations of international organizations, such as FATF and the Moneyval Committee. FATF (Financial Action Task Force) has issued 40+9 recommendations set to be included during the stages of drafting the new law, which have been also integrated in full.

The new law is complies in full with the EU 3rd Directive.

With regard to the legislative frame, it should be noted that currently, we are at the stage of concluding the draft-instructions for the implementation of the law, as shown below:

A) “*Draft - Instruction by the Minister of Finances on the reporting modes, procedures and standards for the reporting entities*”;

B) “*Draft-Instruction by the Minister of Finances on the reporting modes, procedures and standards for the reporting Notaries, Lawyers and other legal representatives*”.

While referring to these two Draft - Instructions, it should be noted that they have been already forwarded for opinions and comments to the receiving entities, the Banks, Notaries, Lawyers and their supervisory Authorities, the Ministry of Justice, the Chamber of Notaries and the Banking Association. The Ministry of Justice, the Chamber of Notaries and the Bank Association have submitted their own opinions and comments on these two Draft-Instructions in writing; these suggestions are being assessed and taken into consideration. In the appropriate cases, the possibility is being reviewed to include them in the final projects, due to be submitted for the approval of the Minister of Finances.

C) “*Draft – Instruction on the reporting modes, procedures and standards for the Tax Bodies*”;

D) “*Draft – Instruction on the reporting modes, procedures and standards for the Customs’ bodies*”.

The following comments may be made on these two draft-instructions: they shall be forwarded for opinion to the partner institutions - the General TAX Directorate and the General Customs’ Directorate and afterwards, the same procedure would apply as in the case of the above-mentioned Draft-Instructions.

Other bylaw acts are also beng envisaged, setting out detailed rules on the format, mode and procedures for data reporting. They are expected to be:

A) “*Draft - Instruction on the reporting modes, procedures and standards for the Licensing and Suvervisory Authorities*”;

B) “*Draft – Decision of the Council of Ministers on the reporting modes, procedures and standards for the Central Office of the Registration of Immovable Assets*”;

C) “*Draft – Decision of the Council of Ministers on the reporting modes, procedures and standards for the Agency of Legalization, Urbanization and Integration of Informal Areas /Constructions*”.

These bylaw acts shall set detailed rules on the reporting formats, modes and procedures for these bodies. Presently, these sub-legal acts are at their final stage of preparation and compilation. The deadline for their approval is February 2009, as specified in Article 28 of the Law No. 9917, dated 19/05/2008 “*On the Prevention of Money Laundering and Financing of Terrorism*”.

The structure for combating money laundering in the Directorate of State Police has proposed amendments to the existing law for preventing money laundering in order to be in line with the recommendations of FATF. The new law no 9917, dated 19 May 2008 “On preventing money laundering and financing of terrorism” which has entered into effect on 10.09.2008, is in line with the FATF recommendations and Moneyval Committee. The improvements to this law consist in increasing the number of reporting entities to FIU. There is an obligation for banks and reporting entities to report all the cash transactions exceeding the value of 15 000 Euro. The lowering of the mandatory value limit for reporting for the transactions up from 20 000 000 (twenty million) foreseen in the previous law, to 6 000 000 (six million lek) in the present law. There have been specified in the law the way of reporting to the tax, customs, ZVRPP, OJV and functions of supervisory authorities not being entities in the previous law. There has been added to the law the control to the persons politically exposed.

The existing legal framework in the area of fight against financing of terrorism (also related to the administration of assets):

- Law nr.9258, date 15.7. 2004 “On measures against financing of terrorism”
- Law nr. 8865, date 14.3.2002 “On the ratification of international convention for the fight against financing of terrorism”
- Decision of the Council of Ministers (DCM) nr. 140, date 13.2.2008 “ On the administration of immovable assets in the framework of the fight against financing of terrorism”
- **The division of responsibilities between the relevant authorities;**

The new Law “*On the Prevention of Money Laundering and Financing of Terrorism*” clearly stipulates the role of all institutions in this area. Accordingly, Article 2, Point 1 outlines the tasks and responsibilities of the General Directorate of the Prevention of Money Laundering: as the responsible Authority that reports directly to the Minister of Finances. This Directorate serves as the Financial Inteligent Unit for Albania. It operates as a nation-wide center, tasked to collect, analyse and disseminate the data on possible money laundering activities and financing of terrorism to the Law Enforcement Agencies. This Directorate collects and administers reports and information forwarded by the entities and institutions that supervise the implementation of the reported obligations on the part of the entities which are subject to this Law; it makes inspections on the ground, shares information with foreign and counterpart institutions, with the Ministry of Interior, the State Information Service and the law enforcement competent authorities.

Articles 17, 18 and 19 of the Law 9917 outline and provide the cooperating and reporting role of their partner institutions in fighting money laundering and financing of terrorism. These institutions are shown below:

- The General Customs' Directorate
- The General Tax Directorate
- The Central Office for the Registration of Immovable Assets

The **Customs' Authorities** should report to the responsible authority the declarations related to their goods and Money, beginning with the amount of 1.000.000 (One Million) lek and any report related to the suspicion or information concerning money laundering;

The **Tax bodies** should notify the responsible authority on suspicions and information related to money laundering and financing of terrorism.

The Central Office for the Registration of Immovable Assets is also obliged to report on the benchmarks of compulsory amounts, as well as any information or data related to money laundering or financing of terrorism.

Article 22 of the Law 9917, Letter "e" entitled: "*The duties and functions of the responsible Authority*" stipulates cooperation with the Law Enforcement Bodies - the Prosecution, the Ministry of Interior and the State Information Service.

The cooperation with these institutions is materialized in the following Memoranda formats:

First, the "**Memorandum of Understanding**" 2002, signed among the Ministry of Finances, the General Prosecution, the Ministry of Interior, the State Information Service and the Bank of Albania. This Memorandum specifies clearly the role and duties of each of these institutions in fighting money laundering.

Another step was the signing of the "**Memorandum of Cooperation**" dated 22/05/2007 "*On the establishment of the Joint Unit for the Investigation of Economic Crime and Corruption*". This Memorandum does also define the role and duties of each of the institutions involved in combating financial crime and corruption.

Article 24 of the Law 9917: "The Functions of the Supervisory Authorities", define the role and obligation of the Supervisory Authorities of the reporting subject entities, described in Article 3 of the said Law. These authorities are tasked to supervise, through inspections, the compliance of the activity of the subject entities with the obligations specified in some articles of the Law 9917. Likewise, the same article defines the obligation of these authorities to report to the Responsible Authority (General Directorate for the Prevention of Money Laundering) any information related to money laundering or financing of terrorism.

There are also other duties of the supervisory authorities, as shown below:

- The follow-up of the implementation of the programs on fighting money laundering,
- Adoption of necessary measures to prevent the possession or control of the activity of the entities by improper persons,
- Cooperate and offer assistance in the field of money laundering and financing of terrorism, in compliance with the requirements of the responsible authority.

The Law 9917 also provides for the Agency for the Legalization of Urban Areas. For the first time ever, this Law defines the Agency for the Legalization/Urbanization and Integration of

the Informal Areas and Constructions, as well as the Central Office for the Registration of Immovable Assets, as reporting entities.

Likewise, Article 28, point 2 of the Law 9917 specifies the cooperative role of the High Inspectorate of the Declaration and Inspection of Assets, which twice a year, should provide the responsible authority - The General Directorate for the Prevention of Money Laundering - with the full and updated list of the Politically Exposed Persons (PEP). This List should become available for the reporting entities, so as to enable their enhanced alert vis á vis PEP clients.

Collection, processing, analysis, storage, use, exchange and presentation of data regarding the implementation of the anti-terrorism measures, is conducted by the Directorate General for the Prevention of Money Laundering.

Minister of Finance, Minister of Interior, Prosecutor General, Director of State Intelligence Service and executives of other intelligence services according to their field of activity and responsibilities, define together the rules for notification, collection, exchange and use of data of suspects at large, data and suspicions for financial transactions and other actions intended for funding of terrorism.

Council of Ministers, upon the proposal of the Minister of Finance, decides for the approval, modification and revocation of the proclaimed list of persons against whom measures against terrorism funding are imposed, as well as for issues related to seizure of their funds and assets.

Administration of seized immovable property owned by persons who finance terrorism is a competence of the Agency for the Handling of Seized and Confiscated Assets, once the seize decision is imposed.

The State Police performs, in line with the law on preventing money laundering, preliminary investigations for all the suspected cases for money laundering an information sent by FIU. The police with the competences of the judicial police performs the investigations under the leadership of the prosecution office for the criminal offences of laundering the criminal offence proceeds provided for in Article 287 of the Criminal Code. There is an increasing improvement and fast cooperation among the structures of the fight against money laundering, FIU and Task Force against the financial crime and corruption for investigating the suspected cases for money laundering

The Prosecution Office is part of the structures involved in the exchange of information for the prevention of money laundering and funding of terrorism. It constantly exchanges information with the Directorate General for the Prevention of Money Laundering at the Ministry of Finance.

- **Plans to strengthen the state police structure and the set up of task forces with the General Prosecution office (e.g. staffing, training, budget and equipment) and any other plans for enforced cooperation and increased operational capacities;**

In the Department for Investigating the Crimes (part of the Directorate against Financial Crime), there has been set up the Sector of Fight against Money Laundering functioning

currently with 4 persons. In addition, as mentioned earlier, 12 units have been set up in the Directorates of Police in Regions to deal with the same issues. These specialists being also judicial police officers are being trained continuously for the detection and investigation of criminal offence of money laundering, the proceeds of criminal offences and investigating into the cases reported by FIU. The structures of the fight against money laundering have intensified their work for apprehension, arrest of citizens carrying out currency exchange activities without license in accordance with the law on banks. During 2008 two police operations have been carried out against persons practicing unlicensed currency exchange operations.

In order to increase the efficiency in fighting corruption and economic-financial crime, the Prosecution Office has established a Joint Investigative Unit in cooperation with the Ministry of Interior, Ministry of Finance and the State Intelligence Service. This Investigation Unit consists of 7 prosecutors and 24 judicial police officers. These judicial officers come from the ranks of prosecution, State police, taxation and costumes. Contact points were established to exchange information with the State Intelligence Service, High Inspectorate for the Declaration and Audit of Assets, and Directorate General for Prevention of Money Laundering. This Unit is operational in Tirana since September 2007. Organisation and functioning was supported since the beginning by OPDAT. Given the positive results of this Unit in combating financial crime and corruption, the Prosecution General in cooperation with OPDAT is establishing joint investigative structures also in other 6 prosecution offices which shall handle financial crime and corruption investigations. This project is supported by Millennium Challenge programme, funded by the US State Department.

- **Statistics on trends for the period 2004-2008 on fighting money laundering – including investigations, indictments and convictions – and on actions on confiscation of criminal assets.**

During 2008, there have been pointed out 18 cases for laundering the proceeds of criminal offence, 169 cases for carrying out currency exchange activity without license, and 4 cases of non-disclosing the cash at the border crossing point. There have been arrested red-handed 49 persons, while proceedings have been carried out against 140 persons at large. The structures of the Fight against Money Laundering cooperate with the structures of border police and customs authorities for preventing cash money crossing the border. Where citizens are apprehended at the border amounts of money exceeding 1 000 000 ALL, they have been proceeded against for the criminal offence of non-disclosure of money at the border or precious things with a value foreseen in Article 179/a of the Criminal Code.

For the criminal offences of “cleaning proceeds of criminal offence”, illegal practicing of the currency exchange and failure to disclose the cash at the border, there have been attached 6 309 037 ALL, 727 899 Euro, 437 413 USD and 4606 square meters land. Since September 2007 in the context of the project CARDS 2004 between FIU of Albania and BKA (Federal Criminal Police Office of Germany) there has started the implementation of Twinning Project for the fight against money laundering and financial crimes, beneficiary of which is also the state police and mainly the specialised structures of the fight against laundering of money and financing of terrorism.

Cases referred for further investigation to Police				
2004	2005	2006	2007	January – November 2008
12	10	11	5	38

Cases referred for further investigation to Prosecution					
	2004	2005	2006	2007	January – November 2008
No. total	8	11	3	2	19
Money laundering		4	2	2	14
Financing terrorism		7	1	0	0
Other crimes		0	0	0	5

Note: the data for the year 2004 are not broken down on money laundering, financing of terrorism or other crimes; they are shown in their total instead.

The approximate amount of confiscated assets in the framework of terrorism financing is: 14.000.000 Euro.

The approximate amount of confiscated assets in the framework of fight against organized crime is: 2.000.000 EUR

For detailed statistics on money laundering see Annex 2.

Anti-drug Policy (benchmark 21)

- **Main implemented measures of the strategy and their concrete results:**

The National Strategy against drug trafficking 2004-2010 is multi-sector. The Action Plan for its implementation, has been adopted and is being implemented. With regard to the tasks of State Police in this action plan and in the National Strategy, there have been reached almost all the tasks. Specifically:

1. There have been drafted, approved and being implemented the bylaw acts connected to the fight against narcotic substances for implementing the laws approved in the field of drugs, where we mention:
 - Joint Instruction of Minister of Interior and Minister of Agriculture, Food and Consumers Protection “On controlling and monitoring the entities cultivating the industrial hemp” with the respective numbers 2538/1, dated 14.05.2007 and no 348/3, dated 03.05.2007;
 - Joint instruction of Prosecutor General, Minister of Interior and Minister of Health “On treatment of narcotic and psychotropic substances”, registered respectively with no 469/2, dated 03.04.2008; no 1572/2, dated 03.04.2008; no 1569 dated 17.04.2008 where there have been described the standard procedures followed up

by police and prosecution office since the moment of attachment of narcotic substances up to their safe disposal.

2. There has been set up and is functioning since 2004 a central structure at department level dealing with the Fight against Organised Crime. The Directorate against Organised Crime consists of the Sector against Narcotic Substances, Sector against Illegal Trafficking and Sector of Special Operations.
3. The Department against Organised Crime has been reinforced regarding technical aspects and police personnel. It is worth mentioning the twinning project financed by EU between this Directorate and the United Kingdom police on training the police staff and specialisation of the staff for secret police operations, as well as purchase of new equipment in the context of CARDS program.
4. There has been put in place the operational and financial infrastructure for applying some specific techniques in the fight against drugs, such as operations “under cover”, “infiltrations”, etc.
5. There has been made the continuous training of the specialised structures staff for the fight against drugs through the programs of the Public Order Academy, as well as international organisations or counterpart services offering such services. A considerable assistance in this respect has been provided by PAMECA and ICITAP.
6. There have been drafted and implemented projects for absorbing financing from donors or foreign partners for the fight against drugs, where worth mentioning are the projects implemented by UNODC for training, donation of equipment, setting up controlling premises at the Border Crossing Points, promotion of joint task forces police-custom etc. Another very important project is that financed by United Kingdom and implemented by PAMECA, completed in December 2007 for the construction of a central store room for storing the drugs attached by police. There has been appointed a staff of two persons, tasked with storing the attached drugs, point out the quantities they are storing and in cooperation with the prosecution offices and courts, ensure the disposal. To this effect, in the context of the same project, there was set up a crematorium for the safe disposal of the narcotic substances.
7. There have been implemented the agreements concluded in the policing field and they have been updated through cooperation protocols.
8. There has been exchanged the experience through the contacts of technical groups with the police of foreign countries.
9. There has been further strengthened the border control. There have been boosted the capacities of border police functioning as a separate structure within State Police.
10. During this period, we have continued to meet the remaining obligations pursuant to the Anti – Drug Strategy 2004 – 2010 and the Plan of Action for the implementation of this Strategy. In more concrete terms, the improvement of cooperation among the institutions has continued, as expressed even in the signing of cooperation agreement acts and namely:

- Agreement Act between the Ministry of Public Order, Ministry of Local Government (presently Ministry of Interior) and Ministry of Agriculture and Food (On combating efficiently the phenomenon of cultivating narcotic plants in the Albanian territory” along with the Institutional Action Plan “On organisation of the work for preventing an fight against the phenomenon of cultivating the narcotic plants and putting the perpetrators to justice (April 2004);
- Agreement Act between the Ministry of Public Order, (presently Ministry of Interior) and Ministry of Health “ON strengthening the control measures against precursors and drugs being used in medicine”, along with the Inter-Institutional Action Plan (April 2005). In this regard, work has been going on holding some awareness-raising activities, as meetings with the community, at schools and others. A series of publicity spots have been broadcasted, as well as leaflets and TV broadcasts. The police has continually struck the criminal persons or groups dealing with the drug distribution in the vicinity of school and university territories, with 18 cases recorded during this period. Work in this respect is ongoing.
- Agreement Act “On fight against cultivating narcotic plants” between the Directorate General of State Police at Ministry of Interior and Directorate of Coordination of Control at Ministry of Environment, Forests and Administration of Waters, respectively with no 4586, dated 15.08.2008 and no 3510, dated 15.08.2008. The Agreement is designed to step up cooperation of the structures of these institutions in preventing, detecting and combating the cultivation of narcotic plants in the forests and pastorals owned by the central government.
- Likewise, the process of putting in place standard procedures for the seizure, custody and the destruction of the seized narcotic substances is successfully concluded, associated with the setting up of the necessary infrastructure in support of these procedures:
 - ✚ A new Joint Instruction issued by the General Prosecutor, the Minister of Interior and the Minister of Health has been drafted and adopted on the “ Treatment of narcotic or psychotropic substances” recorded with the document No. 469/2, dated 03.04.2008; no. 1572/2, dated. 03. 04.2008; no. 1569 dated 17.04.2008 respectively; they describe the standard procedures followed by the Police and Prosecution from the moment of seizure of the narcotic substances until their ultimate destruction.
 - ✚ From May 2008 onwards, the central storehouse for the maintenance of the drugs seized by the police has already started its full – fledged operation. It has a staff of 2 persons, tasked with storing the seized drugs, recording the quantities in custody and ensuring, in cooperation with the Prosecution Office and the courts their demolition. To this end, in the framework of the same project, a cremator is built for the ultimate destruction of narcotic substances.

11. There has been made the dismissal from the police ranks of the elements involved in criminal activity and they have been prosecuted criminally.

12. There has been increased considerably the international cooperation and participation in international operations. During 2004 – 2008, there have been undertaken 39 international operations in cooperation with the prosecution office and judicial authorities of other countries such as USA, Germany, Greece, Switzerland etc. Support in exchanging the information and implementing the joint operations has been provided by Interpol, CESI centre in Rumania, as well as contact officers in SECI Centre in Bucharest, Rumania,

Turkey, Italy, Greece and Kosovo, while in Albania the Italian Liaison Office Interforce is operating as well as contact officers and police attachés from Greece, France, Northern Countries, and lately Germany, etc. DEA Office in Rome plays also an active role in exchanging information and for training officers of Albanian police.

Establishment of standard procedures for seizure, storage and elimination of seized narcotic substances was completed successfully, associated with the necessary infrastructure to support these measures.

A central storing facility for drugs seized by police is operational at full capacity since May 2008 thanks to the implementation of a project of 74 000 EUR supported by the United Kingdom. A personnel of 2 people work in this storage facility who are responsible for the seized drugs, the amounts stored and ensure elimination of drugs in cooperation with the prosecution office and court. For this purpose, under the same project a crematorium was build for the safe elimination of narcotics.

- **Details on the procedure on the alignment of information collection with EMCDDA standards:**

The first report on drugs, in line with EMCDDA standards, has been finalized by the Institute of Public Health, in December 2008. The text of the report is attached.

- **Further details in the statistics provided, in particular the number of convictions.**

Following, there are displayed police statistics on anti-drug policy, for the period 2005-2008 (10 month period).

Type	Number of cases	Detected	Quantity	Perpetrators, Amount	Arrested / Detained	At large	Wanted
Heroin	67	67	40 kg 945.1 gr	116	107	3	6
Cocaine	6	6	2 kg 847.8 gr	11	11	0	0
Marijuana/Hashish	118	110	6332 kg 10.4 gr	171	145	5	21
Hashish Oil	2	2	7 litre	2	2	0	0
Cannabis (Cultivation)	458	226	332186 plants	227	31	181	15
Total	651	411		527	296	189	42

Statistical Data Year2005

Type	Number of cases	Detected	Quantity	Perpetrators, Amount	Arrested / Detained	At large	Wanted
Heroin	90	88	120 kg 41.4 gr	169	157	9	3
Methadone	4	4	22.3 gr	4	4	0	0
Cocaine	8	8	3 kg 857.3 gr	23	22	0	1
Marijuana/Hashish	198	177	6754 kg	296	255	17	24

			207.1 gr				
Hashish Oil	1	1	0.95 litre	4	3	0	1
Cannabis (Cultivation)	145	56	74052 plants	56	29	24	3
Poppy (Cultivation)	7	7	580 plants	7	3	3	1
Total	453	341		559	473	53	33

Statistical Data Year 2006

Statistical Data Year 2007

Type	Number of cases	Detected	Quantity	Perpetrators, Amount	Arrested / Detained	At large	Wanted
Heroin	97	97	126 kg 758.7 gr	171	151	8	12
Methadone	1	1	3 tablets	1	1	0	0
Fentanyl	1	1	13 ampoules	2	2	0	0
Cocaine	15	15	12 kg 864.6 gr	19	17	1	1
Marijuana/Hashish	121	110	7100 kg 600.8 gr	199	172	12	15
Cannabis (Cultivation)	271	73	177074 plants	84	44	31	9
Cannabis seed	2	2	1 kg 921.4 gr	3	3	0	0
Poppy (Cultivation)	9	8	874 plants	10	4	5	1
Acetone	0	0	12.5 litre	0	0	0	0
Hydrochloric Acid	1	1	5 litre	1	1	0	0
Ethyl Ether	0	0	10 litre	0	0	0	0
Mixed substances	6	6	1960 kg 992.6 gr	11	11	0	0
Total	524	314		501	406	57	38

Type	Number of cases	Detected	Quantity	Perpetrators, Amount	Arrested / Detained	At large	Wanted
Heroin	97	97	69 kg 46.4 gr	173	154	10	9
Methadone	1	1	85 tablets	2	2	0	0
Cocaine	18	17	3 kg 830 gr	28	27	0	1
Ecstasy	2	2	64 tablets	3	3	0	0
Marijuana/Hashish	158	151	2552 kg 782.4 gr	231	175	47	9
Cannabis seed	0	0	2 kg 423.2 gr	0	0	0	0
Cannabis (Cultivation)	305	70	143986 plants	75	41	17	17
Poppy (Cultivation)	1	1	61 plants	1	0	1	0
Mixed substances (Paracet.+ Cafetine)	1	1	6 kg 531.2 gr	1	1	0	0
Total	583	340		514	403	75	36

Statistical Data Year 2008 (January – October).

Note: The State Police keeps statistics on seizure of drugs and the arrested or denounced persons for breaching the law on drugs. The statistics on the convicted persons are held by Ministry of Justice, see attached Annex 1.

Based on the existing information and on the analysis of cases of drugs seized in our territory but also in our countries, and based on the investigations conducted, the situation is as follows:

Albanian is a country of origin for cannabis and its derivatives (marihuana, hashish, hashish oil) and a transit country for heroin and cocaine.

Despite the decreasing trend, Albania remains a country of origin for cannabis and its derivatives. Cannabis is the only narcotic plant cultivated in Albania. During 1993-2000, cannabis cultivation was extended almost in all the territory of Albania, whereas in recent years cultivation is limited in certain areas such as Vlorë, Gjirokastër, Shkodër and Tropojë. Greece and Italy are the main destinations of marihuana and hashish originating from Albania, but there were cases of trafficking also to the FYROM, Montenegro, Kosovo or other countries of the Western Europe.

Very good results are being achieved against the cultivation of cannabis in the last years. As a result of the preventive measures and coercive ones, areas cultivated with narcotic plants were limited during this period. In these few areas, police conducted broad-based operations and ensured elimination of big amounts of narcotics. This good work is also confirmed by the increase of marihuana prices in the Albanian illegal market from 25-30 EUR per kilogramme during 1999-2003 to 250-300 EUR per kilogramme.

Given its geographic location, in the southern part of the so-called “Balkan route”, Albania is considered a transit country for heroin trade. In spite of increased drugs seized and persons arrested every year, heroin trade remains one of the main problems for the units of law enforcement.

Albanian drug dealers smuggle heroin in close cooperation with their counterparts from Turkey, Macedonia and Kosovo. Heroin is usually purchased in Turkey and is smuggled in Albania by road transport with lorries, buses, cars etc. through the line Turkey-Bulgaria-Macedonia-Albania or Turkey-Bulgaria-Macedonia-Kosovo-Albania. Main countries of destination are Greece and Italy, but smaller amounts are smuggled also in other Western countries. An amount of heroin in growing tendency is kept for Albanian consumption. The price for 1 kilogramme rose from 10 000 EUR in 1998 to 14 000 EUR in 2008.

Cocaine is smuggled in Albania from the United States or Latin American countries traditionally known for cocaine production through couriers or postal packages, and in some cases is transited in small amounts with Greece and Italy as destinations. Statistics of drugs seized in Albania compared to the destination countries Italy and Greece, show that cocaine transited through Albania is not considerable.

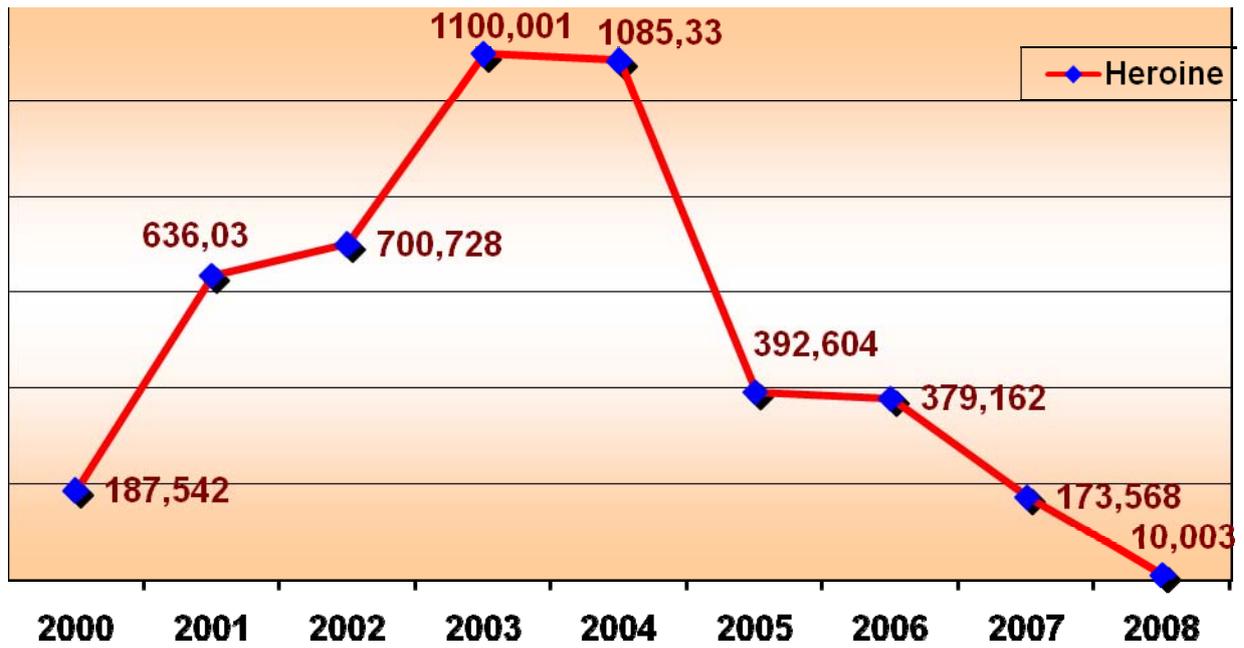
Synthetic drugs still do not constitute a big problem in Albania since they are not massively known by consumers. Drugs generally used in Albania are marihuana, hashish and heroin. Cocaine is far less used due to the high price.

According to our analysis, there is significant reduction of smuggled narcotics with origin or transit in Albania destined for Italy and Greece. This is confirmed by the official statistics received from Italian authorities.

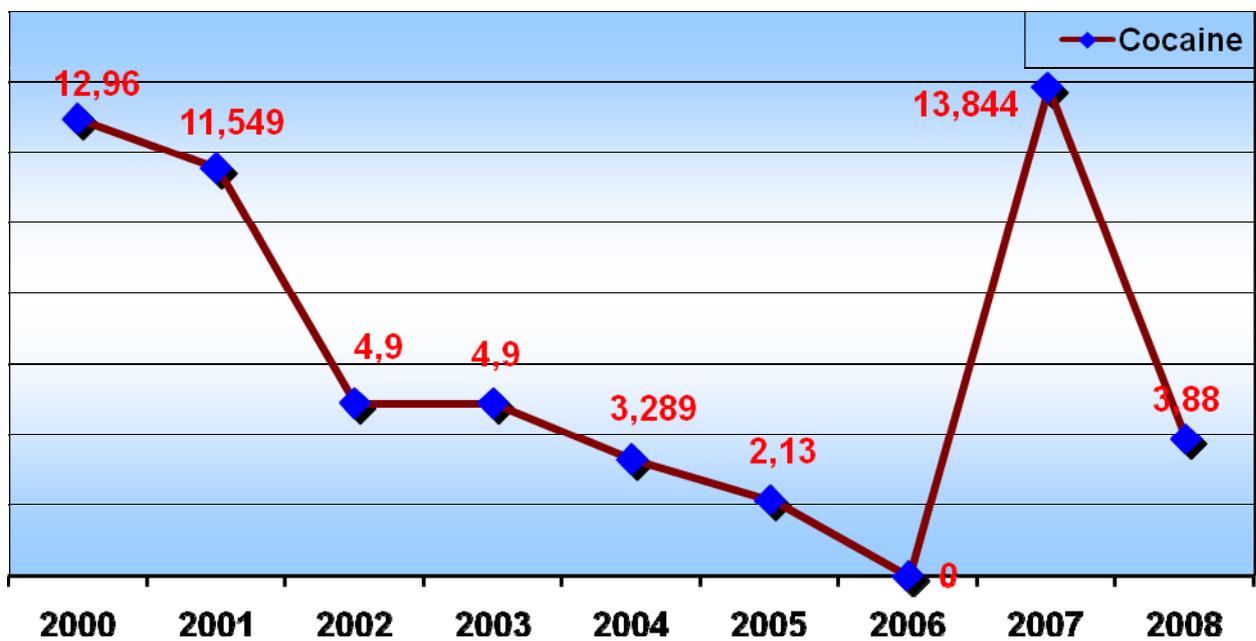
Statistical data according to the Italian authorities:

Type	2004	2005	2006	2007	2008 (9 months)
Heroin	1085 kg 330 gr	392 kg 604 gr	379 kg 162 gr	173 kg 568 gr	10 kg 3 gr
Cocaine	3 kg 289 gr	2 kg 130 gr	0	13 kg 844 gr	3 kg 880 gr
Hashish	0	0	30 kg 800 gr	0	0
Marijuana	801 kg 300 gr	808 kg 322 gr	3043 kg 25 gr	456 kg 517 gr	4 kg

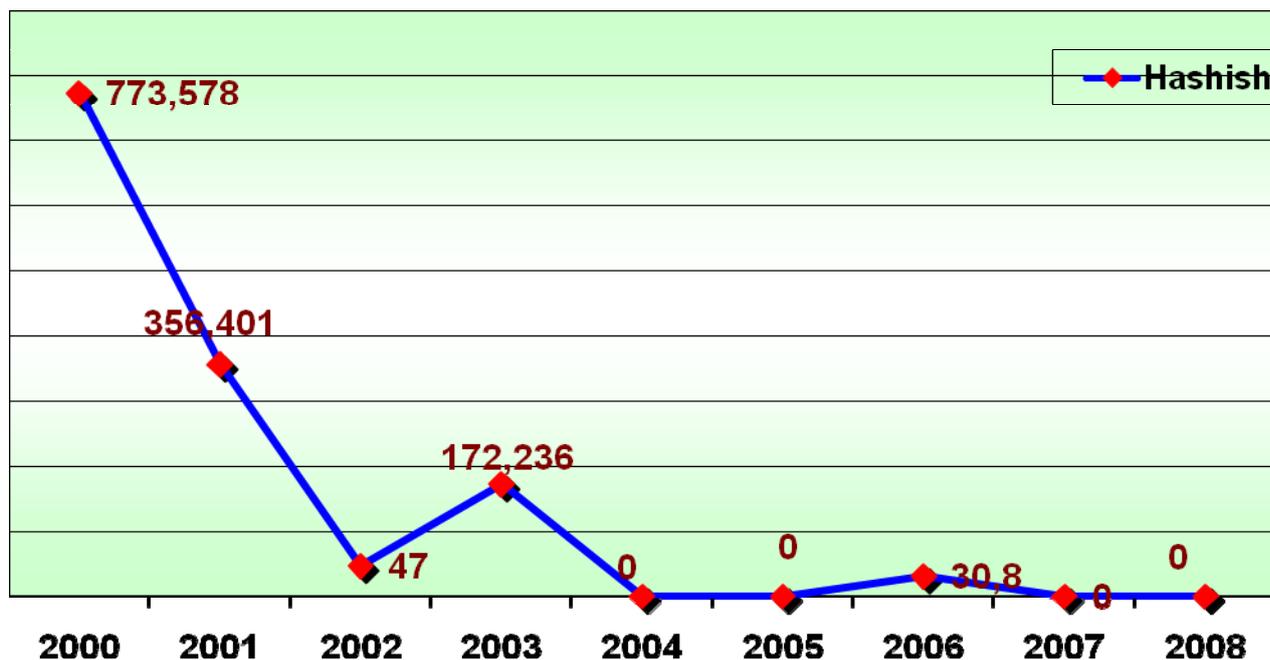
The chart of the heroin seized in Italy and trafficked via Albania



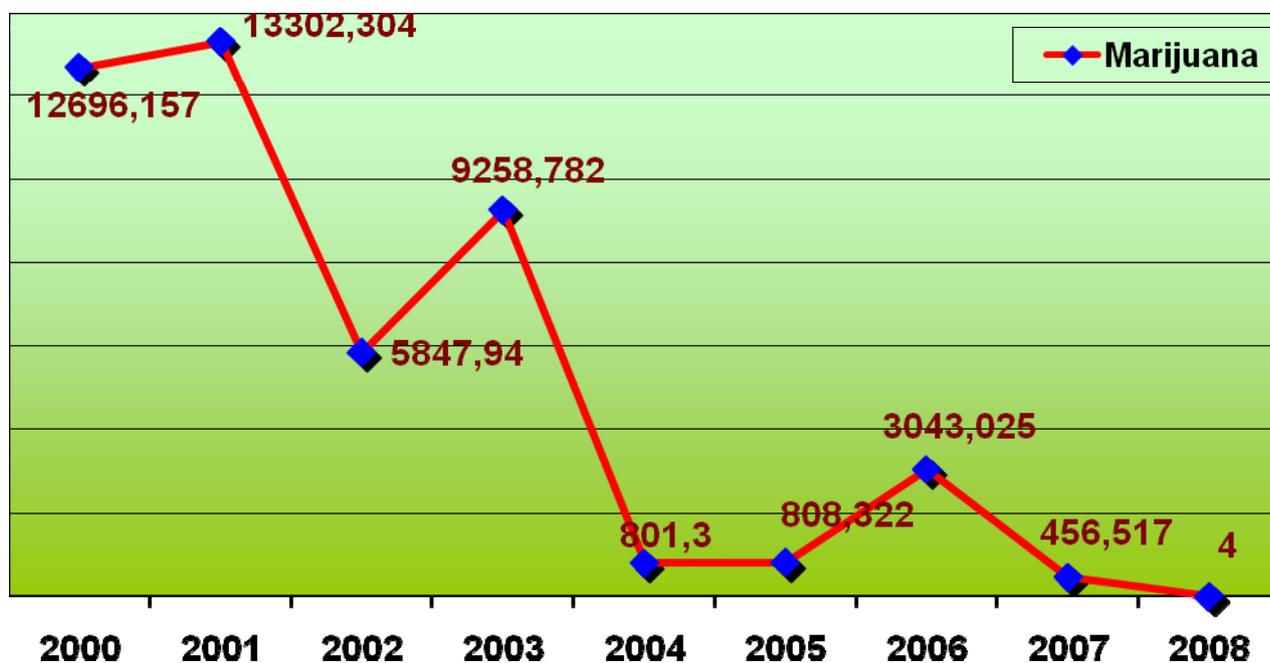
The chart of cocaine seized in Italy which has been trafficked via Albania



The chart of Hashish seized in Italy, trafficked through Albania



The chart of Marijuana seized in Italy and trafficked through Albania:



9 operations were conducted in 2005 with the use of special investigation means.

40 operations were conducted in 2006 with the use of special investigations means and were exposed 39 criminal groups of 137 persons involved in narcotics trade and distribution.

34 operations were conducted in **2007** that led to the exposure of **37** criminal groups with **153** persons involved in narcotics trade and distribution.

31 operations were conducted in the first **10 months of 2008** with the use of special investigation means that led to the exposure of **33** criminal groups of **140** persons involved in narcotics trade and distribution who were proceeded with criminal charges.

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

- **Details on the implementation of the strategy and its unique action plan, measures taken, results achieved so far, priorities for the future with details on timetable, responsible authorities, training, administrative needs;**

Since the beginning of 2007, the Albanian Government has compiled and approved the National Strategy on Prevention, Fight against Corruption and Transparent Governance”, known as Anti-Corruption Strategy (A-CS). According to the general methodology of the National Strategy for Development and Integration where a specific inter-sector component was the Anti-Corruption Strategy, compiled and approved from a Inter-Ministerial Working group (IWG) chaired from the Deputy Prime-Minister. The IWG was composed from participants of every line ministry, represented in the political level from the Deputy Minister. To take part in the IWG were invited as well leading representatives from public finance management agencies and internal control bodies, representatives of independent bodies such as State Audit Control, General Prosecutor Office, High Inspectorate of Declaration of Assets, and High Council of Justice. IWG is assisted from a technical working group composed from public servants /officials from the ministries as well as other involved agencies and a consultancy body composed from representatives of civil society, media and business community.

This strategy served as a guiding document for the line ministries for developing and implementing the Annual Integrated Ministerial Plans (2008), each one including a special chapter dedicated to anti-corruption measures and reforms.

Anti-Corruption Strategy took legal form through the official approval with Council of Ministers Decision no.1561 issued on October 3-d, 2008. This sublegal act gives to the IWG legal responsibility to act as the authority of monitoring of the implementation, approval of the annual working plans as well the revision of the entire strategy. IWG gathers every two months. The Department of the Internal Administrative Control and Anti-Corruption serves as the secretariat of IWG and the Department of Strategies and Foreign Aid Coordination assists those meetings and monitors the implementation of A-CS in the framework of monitoring of NSDI implementation.

The meeting of IWG was held in December 2008. It made a review of draft Annual Working Plans for 2009. The line ministries as well as other involved agencies in the IWG are currently drafting their own plan of measures and activities that will become part of the Annual Action Plan that is expected to be approved shortly.

General Directory of State Police

The fight against corruption has been a priority of the State Police during 2008.

Pursuant to Decision of the Council of Ministers, no.1561, dated 03.10.2008, Albania has adopted the Inter-sectional Strategy on Prevention, Fight against Corruption and Transparent Government, for 2008-2013 period. For its implementation the state police has programmed specific tasks for the time being and the upcoming years.

The Directory of Service and Interior Audit.

-In order to strengthen the capacities of Interior Audit Unit in the Ministry of Interior, it is drafted and adopted Law no.10002, dated 06.10.2008, "For the Service of Interior Audit in the Ministry of Interior".

-It is on the working process, the preparation and adoption of a legal package with Decisions of Council of Ministers, Orders and Instructions of the Interior Minister, as well as the Interior Rule, in implementation of the new law of IAS on structural and organisational changes, the investigation and viewer competences.

-During this period, the Directory of Service and Interior Audit has actively participated in seminars and trainings, organised in and abroad as well, concerning the fight and prevention of corruption.

-Co-funded and on OSCE initiative, it is made possible the organisation of a seminar between the Directory of Service and Interior Audit and the Police Inspectorate of Kosovo, aimed at exchanging experiences in the field of verification activity and preliminary investigation for the detection and striking the criminal proceedings in particular, as well as the inspection of the work carried out by the State Police structures.

-ICS has participated in the investigative role, in the EPAC (European Partnership Against Corruption) 7th and 8th annual conferences, held respectively in Helsinki, Finland, from 12-14, December 2007 and in Manchester, United Kingdom, from 19-21, December 2008. It is an active part of one of the EPAC working group, that of Common Standards of the Anti-Corruption Agencies, participating in the meeting held in Riga, Latvia, on May 6-7, 2008.

In the framework of cooperation with members and non-members of this organisation, ICS has regular on-line contacts over experience exchange and achievements in the fight against corruption.

-Regarding the technical assistance offered by EU institutions and particularly TAIEX, on July 1-2, 2008, it was organised a seminar drawing wide audience, whereto approximately 12 IAS employees participated. The purpose of this seminar was the increase on corruption phenomenon knowledge, presentation of the measures and anti-corruption strategies implemented in different EU countries.

-Under the auspices of the Austrian Federal Bureau for Internal Affairs, in the Austrian Ministry of Interior and co-funded by the Council of Europe, from 10-19 July, 2008, 2 IAS employees were among 60 participants from EU and non-EU countries, attending the 2nd International Anti-Corruption Summer School, held in Altlengbach, Austria. The main aim of the school, on the topic "Practice meets Science" was the inter-disciplinary transfer of knowledge from science to practice, based on the new inter-disciplinary achievements,

tackling the different aspects of corruption phenomenon. Another objective of this school was the exchange of experience among various participating authorities contributing in the fight against fraud and corruption.

Details on measures to strengthen institutional capacity and inter-agency coordination (e.g. mandate, staffing, budgeted, special investigative techniques, databases, information exchange, trainings):

Changes made to the Penal Code, the Code of Penal Procedure on provisions against corruption, as well as the use of special investigative techniques, have enabled the specialised anti-corruption structures to effectively fight against this phenomenon.

There is an evident increase of the striking force against corruption activities and abuse of office. An increasing number of corrupted officials of medium and high level have been detained and sent to justice for prosecution. This is the result of strengthened police investigative measures, the use of special investigative techniques by the specialised structures in the fight against corruption, the cooperation with public prosecutor and Courts, as well as long and coordinated investigations.

Accused officials faced with the evidence have confessed their offences and requested short-term judgment. Courts have sentenced the officials with prison terms and a fine, as well as with additional punishment of non-exercising their activity. In all cases of corruption against officials and persons related to them, investigations have been carried out on their assets, such as real estate and bank accounts. Money and assets gained abusively have been sequestered. With the implementation of the new Law “For the State Police”, the institutional and structural capacities have been reinforced in order to strike financial crime, corruption and money laundering. With the organization of the State Police, the Directorate against Financial Crime has been established as part of the Department for Crime Investigation. This Directorate consists of three units with 13 police officers.

1. Unit against Corruption.
2. Unit against Money Laundering.
3. Unit against Economic and Financial Crimes

This Directorate started its activity on 1st January 2008. New structures against financial crime have been established in 12 District Directorates, with a total of 100 police officers.

The Unit against Corruption has its dependent units in 12 Districts of the Republic of Albania. Within the General Directory of State Police, it is the only responsible body for a unified training of the police structures against corruption and corruption related activities during the conduct of public functions. This unit has the task to coordinate the operational, administrative and investigative activities against corruption and those committed during the conduct of public functions for the whole territory of the country.

A Joint Memorandum for the establishment of the Joint Investigative Unit against Financial Crime and Corruption was signed at Tirana Prosecution Office by the Interior Minister, Minister of Finance, General Prosecutor and the Head of State Informative Service, in May 2007. The Joint Investigative Unit shall investigate penal proceeds in the financial field in general, and Corruption and Money Laundering, in particular. The territorial competence of

this Investigative Unit is Tirana district. It comprises 8 Prosecutors, 10 officers of Judiciary Police from the Interior Ministry, 8 officers of Judiciary Police from the Ministry of Finance, Taxation and Customs Directory and two officers from the State Informative Service. 10 of the best officers of the Directorate against Financial Crime and the Police Directorate of Tirana District are already affiliated to this Investigative Unit. The Directorate co-ordinates its activity with other responsible institutions for the fight against corruption and more precisely:

- General Prosecutor, the Joint Investigative Unit of Corruption at Tirana Prosecution Office
- State Informative Service
- Ministry of Finance, (General Customs and Taxation Directorate, General Directorate for Money Laundering Prevention or (FIU).
- Ministry of Justice (Central Office for Real Estate Registration).
- High Inspectorate of Declaration and Audit of Assets

There is an enhanced professionalism of experts involved in these investigations, also by using special investigative techniques.

- **Further statistics and examples of successful cases and convictions for the period 2004-2008²**

During 2004, the state police has evidenced and referred the initiation of penal proceedings for 54 cases of penal acts while conducting their duty of public employees and 74 suspected authors, 14 of them are arrested and detained; 2 of them for penal acts of passive corruption while conducting public functions.

During 2005 the state police has evidenced and referred the initiation of penal proceedings for 34 cases of penal acts of public employees, for corruption while conducting their duty with 51 suspected authors, 15 are arrested or detained; 8 for penal acts of passive and active corruption, 26 penal acts committed by state and public employees.

During 2006, the state police has evidenced and referred the initiation of penal prosecution for 72 cases of penal acts for corruption, employees holding public function with 126 suspected authors, 29 are arrested or detained; 23 for penal acts of passive and active corruption, 49 penal acts committed by state and public employees.

During 2007, the state police has evidenced and referred the initiation of penal prosecution for 71 cases of penal acts for corruption, employees holding public function, with 164 suspected authors, 40 are arrested or detained; 15 for penal acts of passive and active corruption, 56 penal acts committed by state and public employees.

During 2008, the state police has evidenced and referred the initiation of penal prosecution for 339 cases of penal acts for corruption and crimes, employees holding public functions, with 610 suspected authors, 109 are arrested or detained. Throughout this year, the Directorate against Financial Crime has increased the use of special investigative techniques and has undertaken operational actions, resulting in 40 criminal groups hit, with 198 authors, of

² See Annex 3 on statistics regarding convictions on corruptions charges.

which 158 arrested and detained. There have been detected and sequestered a considerable number of facilities used for forging of documents and illegal products. There were successfully organised and executed 26 police operations.

The Directory of Service and Interior Audit

During 2004, 183 penal denunciations of corruptive acts for 230 police **structures**, 15 high level, 65 medium level and 150 lower level; 32 have been arrested (the case of a group of police officers arrested in Gjirokastra Police Station, for passports falsification).

During 2005, 114 penal denunciations on corruptive acts for 159 police **structures**, 10 high level, 54 medium level and 95 lower level; 26 have been arrested (the case of a group of officers of traffic police in Tirana involved in passive corruption and some of them expelled from the structures of state police.

During 2006, 93 penal denunciations on corruptive acts for 142 police **structures**, 14 high level, 47 medium level and 81 lower level; 44 have been arrested (the cases of detention of police officers for passive corruption and duty abuse at the border crossing point in Qafë-Thanë, Pogradec, Tre-Urat, Përmet and Kapshticë; the case of traffic police officers in Tirana for passive corruption, etc.)

During 2007, 73 penal denunciations on corruptive acts for 101 police **structures**, 3 high level, 45 medium level and 53 lower level; 16 have been arrested (the cases of detention of police officers at the unit of criminal police and traffic police officers in some districts for passive corruption)

During 2008, 75 penal denunciations on corruptive acts for 101 police **structures**, 2 high level, 44 medium level and 55 lower level; 29 have been arrested (the cases of police officers arrested at the border crossing points Tre Urat, Përmet and Tushemisht for passive corruption and duty abuse; the case of traffic police officers arrested for passive corruption, etc).

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

- ***the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters: provide more information on the amendments made to the legislation and on the procedure and practical functioning;***

Albania ratified this Convention by law No 8883 of 18.04.2002, and the 2nd Additional Protocol entered into force in February 2004. Based on Article 122 of the Constitution, the Convention is directly applicable. For its implementation in practice, the necessary amendments to the criminal procedure law and criminal law and other normative acts have been approved.

The 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters is an instrument that has substantially improved international cooperation in criminal matters between the Albanian Prosecution Office and counterpart authorities that have ratified it. As a result of this cooperation, it could be mentioned the controlled handovers, video-conferences and audio-conferences, joint investigation teams etc. However, in the practical procedure there is a tendency to comply with the provisions of the criminal

procedure legislation, which envisage official channels of communication, despite the facilitations provided by the Protocol (for example Article 4, paragraph 1 of the Protocol / Article 505 and 506 of the Criminal Procedure Code, or the cases when the Ministry refuses the notifications acts of the subject due to violation of Article 506 of the Criminal Procedure Code, the lack of a go-ahead decision of the Court, at a time when the 2nd Addition Protocol allows for direct communication and even by postal service).

- **statistics, examples and cases illustrating the period of compliance with requests for legal assistance;**

Execution of rogatory letters: A rogatory letter is executed successfully by Albanian authorities, on average within 3 months, in contrast to Albanian rogatory letters which are executed by foreign authorities sometimes even after a year or several years.

The Republic of Albania is party to the European Convention on Extradition since 1998 and has implemented this convention rigorously. Also, Albania is party to the two additional protocols. It should be mentioned that in November 2007 an additional agreement was signed with Italy on facilitation of extradition procedures and mutual assistance which provided for the extradition of Albanian citizens to Italy. This is fully compatible with EU standards provided by the European Arrest Warrant and establishes facilitated and modern procedures on providing mutual legal assistance. Such an agreement was recently proposed also to the Greek Ministry of Justice. Its eventual text shall be decided at expert and political level for its signature.

In 2006, 70 Albanian citizens were extradited to Albania from different European countries and 5 foreign citizens were extradited from Albania to other countries. In 2007, 82 Albanian citizens were extradited from European countries to Albania and 5 foreigners from Albania to other countries. In 2008, the total number of extraditions is 87, the number of arrests for extradition purposes is 136.

The Albanian judiciary upon the request of the Ministry of Justice, as a central authority, acknowledged and executed dozens of foreign court decisions against Albanian citizens who escaped justice in foreign countries, particularly in Italy and Greece, as Albania is party from 2004 to the European Convention on the International Validity of Criminal Judgments. Also there are in force bilateral agreements between Albania and neighbouring countries such as Macedonia, Turkey and Greece related to mutual acknowledgement and execution of criminal judgements.

Specifically, regional judicial courts from 2005 to October 2007 have reviewed 143 requests on the acknowledgement of foreign criminal judgements. 70% of reviewed requests which were acknowledged include: narcotics trade foreseen by Article 283(a) of the Albanian Criminal Code; production and distribution of narcotics foreseen by Article 283 of the Criminal Code; Exploitation of prostitution foreseen by Article 114 of the Criminal Code; Exploitation of prostitution in aggravating circumstance foreseen by Article 114(a); Theft foreseen by Article 134; Intentional murder foreseen by Article 76; women trafficking foreseen by Article 114; Trafficking of arms and ammunitions foreseen by Article 287(a); Illegally crossing of state border foreseen by Article 297 of the Criminal Code.

30% of cases of foreign criminal judgements that are acknowledged include: production and illegal possession of military weapons and ammunitions, foreseen by Article 278; Trafficking of arms and military ammunitions foreseen by Article 278(a); Forgery of documents, foreseen by Article 186l;

- **statistics, explaining number of and grounds for refusal and legal bases utilized (bilateral, Council of Europe or UN conventions);**

As regards refusal of requests on the part of Albanian authorities there were almost none, whereas foreign authorities refused a small number of requests on the basis of Article 3 of the 2nd Addition Protocol of the European Convention on Extradition. The Republic of Albania has constantly given full guarantees by providing legal and professional argumentation which has led to a considerable decrease of requests refused.

- **overview of relevant training of competent authorities on international judicial cooperation;**

The organization and participation in training activities regarding judicial cooperation with representatives from the Albanian prosecution office and courts, is given due attention. It can be mentioned the participation in regional activities and conferences for an intensified and improved judicial international cooperation, enabled by TAIEX, PROSECO, PACO etc.

However, training of staff in this area is still not sufficient. In this context, the Prosecutor General Office was offered a training cycle by the Guardia di Finanza and training topics are being defined.

- **development of direct contacts between judicial authorities and commitment to networking activities and regional cooperation;**

Contacts of Albanian prosecutors with their counterparts have been frequent and satisfactory, focused on concrete cooperation: rogatory commissions, joint investigative teams etc. It should be mentioned the cooperation with counterpart authorities of Italy, United Kingdom, France, Belgium, Norway, Sweden, Switzerland. At theoretical level, a series of regional activities were organised such as the meetings of Prosecutors under Eurojust, SEEPAG – Albania will hold its next presidency. Furthermore, many bilateral meetings of Prosecutors General at regional level were concluded with the signature of Memoranda of Understanding and Cooperation (Albania – Croatia, Macedonia – Albania, Montenegro – Albania, etc).

Relations with Eurojust: As regards international judicial cooperation with Eurojust, despite the lack of an official contact point, efforts are being done to meet requirements of this European authority in order to conclude and sign an agreement that would enable Albania to participate to this important cooperation authority.

- **use of new means of cooperation, such as videoconferencing, establishment of joint investigative teams, international protection of witnesses;**

Regarding witness protection, the videoconference system was installed in the First Instance Court of Serious Crimes in Tirana with OPDAT support (45000 USD). With US Government funds, two other new videoconference systems were secured, one for the State Police and one for the Prosecution General. These shall ensure distance interviews of witnesses and transformation of audio and video and thus respecting criminal procedure requirements and international acts in this area, especially the Conventions of the Council of Europe.

New communication means under the 2-nd Additional Protocol such as videoconferencing, audio-conference, joint investigative means etc. are successfully used in Albania. For witness protection, we could mention the relevant law No 9205 of 15.03.2004 “On the protection of witnesses and collaborators of justice”.

• responsibilities and human resources of authorities dealing with judicial cooperation.

In the Ministry of Justice, Directorate of International and Jurisdiction Agreements:

- a) follows and finalises the process of study, negotiation, signature, approval and implementation of the international agreements that are under the competence of the Minister of Justice;
- b) in line with the law and international agreements, follows Minister's competences regarding the development and finalisation of jurisdiction agreements and other procedures of criminal and civil international cooperation.
- c) provides official translation, from Albanian to foreign language and vice versa, of the Albanian legislation, other countries' legislation and of acts of international law.
- d) in cases foreseen by the national law, conventions and broadly-recognised practices, provides the translation of official documents and letters;
- e) provides the official translation service, and the translation of draft laws and normative acts which are officially sent to other countries or to international institutions.

The Directorate of External Jurisdiction Relations in the Ministry of Justice is composed of 10 civil servants who are divided according to the competences in official translators and specialists for extraditions and transfers.

In the Prosecution General Office functions the Directorate of External Jurisdiction Relations consisting of: director, 4 officers of judicial police, 1 law specialist, one translator from English to Albanian and one from Italian to Albanian. This Directorate is responsible for relations with counterpart judicial authorities handling extraditions, international arrest warrants, rogatory letters, transfer of criminal proceedings, transfer of prisoners, recognition of foreign criminal judgements etc. In exercising its activity, it cooperates with the Directorate of External Jurisdiction Relations in the Ministry of Justice, with the Ministry of Interior and mainly with Interpol and district prosecution offices.

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

- **the inter-agency cooperation mechanism (including with the judiciary) in more detail with special attention the mechanism for information exchange (e.g. what kind of databases are used by which law enforcement agency; how other agencies can access the available data; number of liaison officers among the agencies);**

In the framework of inter-institutional cooperation, access was given to law enforcement agencies in TIMS system (Total Information Management System), in the databases contained in this system and according to their relevant needs. Institutions with access to TIMS are: Ministry of Foreign Affairs, Ministry of Labour, Social Affairs and Equal Opportunities; State Social Service, State Intelligence Service, Prosecution General, Prosecution of Serious Crimes as well as district prosecution offices. TIMS data management system resulted helpful in identifying subjects suspected of criminal activity and in informing counterpart authorities on subjects of Albanian citizens under investigation abroad.

Through the National Interpol Office, access was given to the Directorate General of Road Transport Services in the ASF 2 system of Interpol.

Upon Prosecutor General Order, since May 200, a working group was established, composed of 6 members: prosecutor and IT specialists. It has the task of evaluating the existing criminal case management system (“Dosja 2000“) which is not operational, and to present recommendations for its adaptation to procedural changes occurred and to other IT programmes used by the State Police, such as TIMS.

The working group finished the evaluation and presented the recommendations. US OPDAT Mission in Albania has committed to finance the programme updating and its installation in all the prosecution offices in Albania. The programme shall help in improving the quality of prosecution work and cooperation of police-prosecution offices, and shall provide prosecutors with access to various data for their investigation needs.

Prosecution General in cooperation with the International Centre for Migration Policy Development and IOM has started a project “Strengthening of counteractions against trafficking in the South-eastern Europe: management of data and information data collection“.

The project intends to establish two databases containing information on human trafficking, one with legal and judicial information, and the other with data focused on the victim. The databases shall be strictly national use and shall not be exchanged with any foreign institution or other government. Those shall be under national ownership and relevant institutions, the Prosecutor General Office in this case. These databases shall be installed independently of any other database, and shall provide reliable statistical and comparative information on human trafficking.

This project also shall serve as a monitoring instrument for the follow-up and measurement of trends and counter-actions to be taken in the framework of the fight against human trafficking. The Prosecution General appointed a person responsible for the project and the database.

In the State Police, RIMS and MEMEX systems are installed and the normative acts and relevant regulation for their functioning have been prepared.

MEMEX serves to handle criminal data. It is extended from the main server of MEMEX:

- Ministry of Interior – Directorate General of State Police
- Ministry of Interior – Directorate of Tirana Police

- Implementation of the Criminal CARTOTECH in the Memex System; continuing of testing of forms and groups of users
- The network is certified by the Directorate of National Security and Information.

RIMS: RIMS project is financed by the EC Delegation and started in 2005. This project has cost 2 million EUR and the implementing company is the Polish Comarch. The overall objective is to computerise all processes conducted in the State Police related to Supporting Services such as Finance, Logistics and Personnel. There are some difficulties in implementation because the company has not provided the expertise yet and is behind especially with the reports; however, Comarch Company and State Police under constant consultation with PAMECA are fully committed to resolve these problems.

- *more details on "the inter-ministerial group for monitoring and implementing MIK and its action plan": mandate and result of the group, what is the action plan about etc.:*

Coordinating Structure

In order to ensure coordination, support and operation along the entire implementation of the Integrated Border Management Strategy (IBM) and its Action Plan, in August 2007 a coordinating structure has been set up. This coordinating structure is composed of representatives from direct decision-making institutions involved in border management. The Coordinating Structure has a Supervising Committee headed by the Interior Minister, comprising the Deputy Ministers of Interior, Finance, Foreign Affairs, Agriculture, Food and Consumer Protection, European Integration and a representative from the Department of Strategy Coordination and Foreign Assistance at the Council of Ministers. The members of this structure are representatives from Ministries and agencies dealing with border management.

- General Director of ADS (Albanian Diplomatic Service)
- The Director of Border Police and Migration
- Director of the Directory of Animal Plant Protection
- Director of the Directory of Consumer Protection
- Department of Consular Affairs (MFA)
- National Coordinator for Albania and IBM
- Director of Primary Sanitary Care
- Other Institutions as requested

According to the needs of implementing the Action Plan, for each agency involved, the coordinating structure has set up working groups. The structure of working groups and tasks they accomplish are defined by the Supervising Committee.

The main tasks of the coordinating structure are:

- To review the activities carried out in the framework of IBM and Action Plan implementation.
- To analyse the procedures of agencies operating at the border, aiming to initiate the necessary amendments and harmonizing them with EU best practices.
- To assess implementation and decide on measures to be taken;

- To carry out analysis of IBM shortcomings and needs and take decisions regarding the accomplishment of necessary actions stemming from these studies;
- To solve problems regarding border circulation
- To organise joint actions among agencies operating at the border;
- To strengthen the cooperation of agencies operating at the borders with central and local bodies of public administration;

The coordinating structure constantly monitors the implementation of IBM Strategy and Action Plan, regularly reviews the Strategy and the Action Plan and finds precise solutions for the problems identified during the coordination process. The IBM Strategy and Action Plan is reviewed every year and updated whenever necessary.

There have been held two meetings of the coordinating structure. The next meeting will be held in January 2009. It will review the implementation of the Action Plan priorities for 2006-2008 and make recommendations for its updating.

- *the legal framework and current practice on the use of special investigative techniques;*

Pursuant to law Nr. 9187, dated 12.02.2004, additions and changes have been made to the Penal Code, with new articles: 294/a, regarding simulating actions. This article allows the judiciary officers and agents or persons authorized by them, that by prosecutor's authorization undertake simulating actions, and article 294/b "infiltrated police employee (infiltrates)", which stipulates the use of police employee infiltration in the criminal groups, always with Prosecution authorization. Likewise, law Nr. 8750, dated 26.03.2001, « For the prevention and the fight against narcotic substances or psychotrop trafficking, foresees the use of "cover-up police employee" and "infiltrated police employee(infiltrates)", as well as the methods of "simulated purchase" and "controlled delivery, striking the criminal activity of drugs.

In line with this law, it is issued a joint instruction of the General Prosecutor and Minister of Interior, providing detailed rules for cases and the ways of use of secret police operations. Currently, two other legal acts are at the concluding phase: the Instruction of the Interior Minister "For special surveillance police operations and standard procedures throughout their application" as well as the Joint Instruction of Interior Minister and General Prosecutor: "For the management of cover-up or infiltrated police employees", which will regulate the surveying use aspects of the cover-up or infiltrated agents in the police secret operations.

Listening conversations or communications are considered special investigative methods serving as effective means searching proofs for some penal proceedings, mainly in the organised, economic crime and corruption. In the Code of Penal Procedure, Section IV "Listening" from article 221 to 226, are foreseen the limits of listening permission, authorities allowing the listening, the complaint on the decision agreeing on the listening, the listening actions, protection of listening documentation, the use of listening results and cases on forbiddance, the use of these results. The latest changes and additions in these articles are made under law Nr. 9187, dated 12.02.2004.

Article 221 of Code of Penal Procedure "limits of permit" stipulates:

1. The interception of communications or a telephone number by phone, fax, computer, or other kinds of devices, secret interception of conversations with technical devices in private locations, audio and video listening in private locations and the record of receiver or exit phone numbers, is allowed only for the following:
 - a) For intended crimes, for which by law is foreseen punishment with prison terms of not less than seven years;
 - b) For the penal violations of offence and intimidation, carried out through telecommunication devices.
2. The secret photographic, filmic or video listening of persons in public locations and the use of location tracing devices is permitted only when proceeds for intended crimes, foresees punishment with prison term of not less than two years.
3. The listening is ordered against:
 - a) Suspected for committing penal offence ;
 - b) Person suspected of receiving or transmitting communications from the suspected;
 - c) Person participating in transactions with the suspected;
 - d) Person, whose survey can lead to the location of the suspected or the discovery of his identity.
4. The listening result is available for all communications.
5. The preventive listening is regulated under special law. Its results cannot be used as testimony.

Article 222 of Penal Procedure Code “the decision for listening permission”, stipulates:

1. Upon the request of the Prosecutor or accusatory harmed, the court authorises the listening with motivated decision for cases permitted by law, when it is indispensable for the continuation of initiated investigations and when providing sufficient testimony for the confirmation of the accusation. Against the court judgement refusing the request, special complaint can be done. Listening in public locations, record of phone numbers, receiver or exit, as well as the use of tracing devices of location, are authorised by the Prosecutor. When one of the persons that will be listened, is ready to carry out and record the respective action, this is permitted with the prosecutor’s authorization.
2. When there are based reasons to think that the delay can harm the investigation, the prosecutor decides the listening with motivated act and instantly informs the Court within 48 hours from the prosecutor decision, makes the assessment with realistic decision. When the assessment is not done within the deadline, the listening can’t proceed and its results cannot be used.
3. The listening decision demonstrates the accomplishment way and the action duration, which cannot exceed 15 days. Upon prosecutor’s request, this term can be extended by the court whenever necessary, for a period of 20 days, when is proceeded for crimes and 40 days when proceeded for heavy crimes. The court judgement on secret photographic or video listening, or conversation listening in private locations can authorise the officer of judicial police or the qualified specialist to secretly infiltrate in these locations, acting in accordance with the decision. This decision shall be implemented within 15 days.
4. In order to carry out the listening, the prosecutor proceeds himself or through an officer of judicial police.
5. The acts ordering, authorising, assessing or prolonging the listening, the initiation and termination of every listening, are registered in the register held in the prosecutor’s office.

Article 222/a of Code of Penal Procedure “Complaint against the decision that accepts the listening”, stipulates:

1. Against the decision that accepts the listening, the interested party, informed of the listening, lodges complain within 10 days, for the violation of criteria foreseen under article 221 (as described above).
2. The Appeal Court or General Prosecutor checks the complaint, if the authorization is issued by the prosecutor. If the complaint is relevant, the Appeal Court invalidates the act authorising the listening and orders the erase of every material provided by the listening.

Article 223 of Penal Code Procedure “Listening act” stipulates:

1. Listening act can be carried out only through installed devices in fixed locations, authorised and controlled by the district prosecutor. When one of the listening conditions doesn't exist anymore, the officer of judicial police, instantly informs the prosecutor, who orders the cessation of listening and informs the court, if the order is given by the latter.
2. The listening communications are recorded and the actions are registered in the report. The content of the listening communications are transcribed in the report.
3. The reports and records instantly are handed over to the prosecutor and within 5 days from the termination of the actions are deposited to the secretariat together with the acts ordering, authorising, assessing and prolonging the listening. If the deposit may damage the investigation, the court authorises the prosecutor to postpone the deposit till the end of the preliminary investigations.
4. The advocate and the representatives of the parties are directly informed for the deposit in the secretariat and on their right to examine the acts and to listen to the records. The court, after listening to the prosecutor and the advocate, decides upon the ejection of records and reports, and their use is forbidden.
5. The court orders the full transcription of the records that must be presented. The transcription is placed in the judgement fascicle. The advocate can have copy of the transcriptions.

Article 224 of Code of Penal Procedure “Documentation preservation”, stipulates :

1. The reports and the records are preserved by the prosecutor who ordered the listening till the final judgement, except for those whose use is prohibited. But, when this documentation is unnecessary, the interested can plead its liquidation. The court assessing the listening, decides upon this request. The liquidation is carried out under the judge inspection and reports the action.
2. When the prosecutor decides not to file an action, he must inform in written form the court for this decision. The court decides the liquidation of the report and records within its own deadline and informs the listened person. Upon prosecutor request, the announcement may not be done, in cases of risk of life or others health threat, or when an initiated investigation is at risk.

Article 225 of the Code of Penal Procedure “Utilization of listening results in other proceedings”, stipulates:

“The listening results can be used in other proceeding only when they are indispensable for the crime investigation. In these cases, the reports and records are deposited by the other proceeding organ”.

Article 226 of the Code of Penal Procedure “usage cessation”, stipulates:

1. Listening results cannot be used when they are carried out by law permission criterion and when this section provision have not been respected.
2. Conversation or communication listening of those obliged to keep the confidentiality for profession or duty reasons, cannot be used, except for cases when these persons have testified on the same facts or spread them in other ways.
3. The court orders the listening documentation liquidation prohibited to be used, except for the cases when they constitute material testimony.

Preventive listening is regulated by special law, namely by law Nr. 9157, dated 04.12.2003, “For telecommunication listening”. This law defines the procedures that must be prosecuted for telecommunication listening by informative state institutions set up by law for the accomplishment of their duties, as well as the procedures that must be followed by persons charged on listening. In article 5 of this law is stipulated: Listening results provided upon this law, do not count as testimony in a penal process, except for those provided according to the Code of Penal Procedure.

This law capacitates the State Informative Service and all other police services, to request the General Prosecutor’s Office the listening aimed at providing indispensable information for the accomplishment of their legal responsibilities. The request comprises some indispensable elements, including arguments confirming the necessity of the listening and that the required information cannot be provided by other ways. After request investigation, the General Prosecutor or another prosecutor authorised by him on a definite term, issues the authorization for the listening permission. Any delay of listening term is carried out with Prosecutor’s authorization as well.

- **successful cases (especially in the area of fighting financial crimes; trafficking in human beings) where special investigative techniques have been used;**

Fight against drugs:

During **2005**, 9 operations are carried out, applying special investigative techniques. During **2006**, 40 operations were carried out, applying special investigative techniques, 39 criminal groups, including 137 persons for trafficking and narcotic distribution. During **2007**, 34 operations were carried out, applying special investigative techniques, 37 criminal groups for trafficking and narcotic distribution, with 153 persons proceeded penalty. During the **first 10 months 2008**, 31 operations are carried out, applying special investigation techniques, 33 criminal groups for trafficking and narcotic distribution, 140 persons have been proceeded penalty.

Fight against illegal trafficking :

In the framework of striking illegal trafficking criminal activity, as for the period January-November 2008, 29 criminal groups have been hit, by 32 operations: 16 criminal groups for “assistance to illegal state border crossing”: 4 criminal groups for “trafficking of vehicles”: 4 criminal groups for “Weapons and ammunition trafficking”: 4 criminal groups for “Women Exploitation for prostitution”: 1 criminal group for prostitution exercising and keeping premises for prostitution”.

- **steps taken and future measures to improve the use of special investigative techniques;**

Several steps have been taken regarding the legislative, structural and organisational aspect. In the future, the legal framework will be further completed and the respective structures dealing with the fight against organised crime shall be further enhanced.

- **details on all training activities provided for law enforcement personnel.**

The further training of the personnel dealing with the fight against organised crime has continued intensively, as follows:

- Course on “Basic knowledge on surveillance” conducted by SOCA specialists, with police employees of Special Operations Section in the Directory against organised Crime. The training course is conducted in the Police Academy premises and the training of all members of operative unit of the Special Operations Unit.
- Training course for “Cover-up agents“, held in the premises of Summer Residence in Durrës, from 28.09.2008 to 10.10.2008. In this course it is made possible the training of 6 police employees of first level executive members of the Special Operations Unit. Furthermore, during this period it is made possible the training in United Kingdom, as “Cover-up agents“ of 2 police officers, members of Special Operations Unit.
- Training courses on “Knowledge development on surveillance with secret technique“. This training is held by the SOCA agency specialists with specialists of Special Operations Section, in the premises of the General Directory of State Police.
- Training for police officers of the Directory against Organised Crime are constantly organised, in relation to human trafficking, identification of trafficking victims, interviewing techniques, vehicle and ammunition trafficking.
- Several training courses for the personnel dealing with the fight against narcotics in Albania and abroad, have been organised.

Protection of personal data (benchmarks 32, 33)

- **the new Albanian Law on protection of personal data, in particular if it covers automated databases containing personal data in the area of criminal records and state security;**

Article 6(2) of the law stipulates that: “*Processing of personal data for the purpose of prevention and criminal proceedings stemming from criminal offence against public order or any other offence in the criminal area, as well as in the area of national protection and security, shall be done by the official authorities laid down in the law*“. Therefore, the Commissioner's authority covers the areas of criminal records and state security.

- **the law on establishing the "Centre for processing and protection of data" in the Ministry of Interior, to which amendments were made as a result of the adoption of**

the new law on the protection of personal data, and on the supervision of the Centre by the new Commissioner for data protection;

Law Nr. 8792, dated 10.05.2001, “For the establishment of the Centre for processing and protection of data”, has not undergone amendments after the adoption of the new law on the protection of personal data.

The Centre for processing and protection of data is subject to the provisions of the new Law “On the protection of personal data”.

- **progress made in setting up the supervisory authority and on measures taken to make it operational (human and financial resources, training).**

Following the approval of the Commissioner for Data Protection, in October 2008 the Assembly through the Decision No 225 of 13.11.2008 approved the establishment and salary classification for the 30 employees of the Commissioner's Office.

Actually, the financial activity and documented relations with competent bodies have started in a rented office. The preparations for the selection of staff and executives according to the law on civil servants status and the Labour Code, the internal Rules of Procedure, code of ethics, work contracts etc, are underway.

There is a serious commitment by competent bodies to provide the supervisory authority with office premises and equipments to start the activity. The budget for the activities of the institution for 2009 has been allocated.

BLOCK 4 External Relations and Fundamental Rights

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

- **the mechanisms for handling incidents/citizens' complaints in case of discrimination;**

At the General Directorate of State Police, there has been set up and has become operational the Directorate of Professional Standards, which comprises the Unit for Discipline and Complaints. This structure operates under Law No. 9749 dated 04.06.2007 “On the State Police”, Chapter III, as well as under the “Disciplinary Police Regulation”, adopted by the Decision of the Council of Ministers No.786 dated 04.06.2008, which is designed to review and verify the filed complaints and the administrative investigation of disciplinary violations of police officers.

Once a complaint is filed, the Sector of Discipline and Complaints makes all the necessary verifications to prove the claims of the complainee. The verification consists in:

- interviewing the police officer against whom a citizen, or administrative public or state institutions have filed complaints.
- Receipt of the service reports.
- Receipt of statements by police officers who have knowledge on the case.
- Scrutinizing the service registers and escorting the persons.
- Scrutinizing and checking up the entire work documentation of the state police

If the complaint filed by a citizen, a public or state institution is well-founded, then the police officer that has made the violation is informed about the disciplinary process for the violation made. The Head of the structure of the police officer, according to the principle of hierarchy, is recommended to apply the relevant disciplinary measure. The complainee is notified whether his complaint is founded or not. In this notice, no mention is made on the concrete circumstances or measures against the said police officer. If, during the verification of the case, it is noticed that there is a criminal offence, then the Structure of the Internal Service Control at the Ministry of Interior is notified in writing.

There are no cases of citizens' complaints on the account of discrimination registered at the Directorate of Professional Standards - the Unit for Discipline and Complaints. Also, there are no cases of citizens' complaints on discrimination on ethnic basis. This information has been confirmed by the People's Advocate.

The deadline for the review of the complaint is 30 days, as stipulated by Article 9 point 6 of the Regulation of Police Discipline.

- **Legislation/procedures to obtain identity cards;**

The Administrative Process for application and distribution of the ID documents of Albanian citizens is organised as follows:

1. Application requests by Albanian citizens shall be done anywhere in the territory of Albania in the 400 offices in the communes, municipalities and police commissariats. Applications submitted to these offices shall be collected in the Personalization Centre in Tirana.
2. Application fee for an ID document shall be paid in the Post offices which provide the citizen with a receipt which should be shown to the application offices as proof of the payment.
3. Blank Identification documents shall be stored in a safe place in the Personalisation Centre in Tirana.
4. Identification documents shall be personalised in a single centre, in the Personalisation Centre in Tirana with the use of a Laser Engrave technology.
5. Transport of Personalised IDs shall be done under strict security measures. For this purpose, armoured vehicles and an escort shall transport IDs from the Personalisation Centre to the relevant office.
6. The Identity Documents shall be delivered to citizens in any application office (Civil Registry Office or police commissariat) under the same security measures. In addition, the lawful owner of the ID shall be subjected to a biometric verification. The fingerprint stored in the Chip should match the fingerprint of the person.

Ministry of Interior has prepared a draft DCM laying down time frames and coercive measures through state services to ensure that Albanian citizens are provided with IDs within the deadline.

- **Efforts to increase registration of Roma;**

There have been amendments to Law Nr. 8950, dated 10.10.2002, "For Civil Service", aimed at a sensitive reduction of non-registration children phenomenon (the majority being Roma). The amendments are as follows:

- The timeframe for declaration of birth has been extended from 45 to 60 days
- Birth confirmation to the court is not applicable
- The fine compulsory measure is not applicable
- The timely birth registration is rewarded with 5 000 ALL (around 45 euro).

- **Legal arrangements regarding access to identity documents for refugees;**

With regard to refugee documents, the Directory for Citizenship and Refugees requests the assistance of international organizations, mainly UNHCR.

Article 2 and 3 of the Law no 8432, date 14.12.1998, "On Asylum" provides for those requesting asylum and refugee status with access to the necessary identity documents.

- **Statistics on access to documents for refugees (number of refugees who applied/received documents);**

Foreigners who gain the refugee status are provided with a travel document, issued in Geneva with UNCHR assistance.

Currently, there are 70 refugees in the Republic of Albania, with a travel document after filling out the application form.

Under the Law on Asylum, the asylum seekers and refugees are issued with work and residence permits.

Asylum seekers/Refugees who have applied and have been issued with Residence permits - 58 persons

Refugees who have applied and have been issued with Travel Document - 35 persons

Refugees who have applied and have been issued with a working permit - 32 persons

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

- **procedures for investigation of incidents by law enforcement officers;**

In the cases when it is thought that a police officer has committed disciplinary violations, the Section of Discipline and Violations applies the standard procedures adopted by the Decision of the Council of Ministers No. 786 dated 04.06.2008. After the notice of a violation by a police officer, the sector of Discipline and Complaints makes the administrative investigations, pursuing the procedures specified in the Disciplinary Regulation under the following articles:

Article 9 « Registration of disciplinary violations »

1. The claimed disciplinary violation that a police officer has committed may be filed or reported in a written form or orally to each official/superior or police structure by the following persons:

- a) any Albanian, foreign citizen or a stateless person,
- b) the police personnel,
- c) representatives of non-public juridical persons,
- d) institutions of public administration.

2. When a violation is made by a police officer, the violation shall be reported to his superior in writing.

3. When the violations have been made by citizens or institutions outside police structures, they are registered at the Secretariat of the relevant structure against which the complaint is addressed. If the complaint is made orally, the officer registers it in written, by reading it to and requesting the complainee's signature.

4. The complaint is forwarded to the direct superior of the official against whom the violation is claimed.

5. If, after the preliminary verification and review of the complaint, it turns out to be a light violation producing no consequences, the head of the relevant structure may close it through understanding and conciliation among the grieved parties.

6. In cases when the complaints are addressed to the persons mentioned in point 1, letters (a), (c) and (d) of this article, within 30 days after the conclusion of the review of the complaint, the relevant structure notifies the complainee whether his complaint is founded or not. This notice does not mention concrete measures or circumstances concerning the police officer.

Article 24 of this Regulation “verification and review”

1. With the initiation of the disciplinary process, after the person is notified in written, the following actions take place:

a) it is verified whether the official has been acknowledged with the following documents:

- i) The normative acts and any amendment made to them;
- ii) Job description;
- iii) The possible consequences for the official in case of violation.

b) Verification of facts concerning the following:

- i) Interrogation of the receipt of statements from the eye-witnesses, taking notes thereof, the verification of controversial facts;
- ii) Revision of the relevant existing documentation on possible incompatibilities, missing facts, dates or deleted signatures and others;
- iii) Review of the dossier of the officer;
- iv) Communication with the relevant officer to be acquainted with his version of the problem or events;
- v) Reviewing the documents or the verification with the eye-witnesses who might have direct knowledge, if there is any incompatibility between the version of the police officer and that of the witnesses or even the way how the facts are comprehended;
- vi) Implementation of the obligations for a fair and transparent process, under the legislation in force.

c) Verification of the cases and practices of previous disciplinary proceedings:

- i) Disciplinary measures issued against officials committing the same violations;
- ii) The previous cases of failure of punishment through disciplinary measures on the account of lack of knowledge on the rule violated by the officer;
- iii) The presence of aggravating factors or circumstances in issuing the disciplinary measure and the possibility to meet the obligations for the introduction to the rule;
- iv) Reaction of the officers on the measure issued in the past for the same kind of violation.

d) The necessary information is provided on the following:

- i) Whether the advice and instructions given comply with the established criteria and procedures;
- ii) Whether the entire documentation has been filled under the established requirements for the disciplinary process.

2. Prior to issuing the disciplinary measure, the following elements are also examined:

- a) Job/service assessment which are defined under the job description, the will displayed by the officer to perform his duties and improve the results, the sort of the faults noted, if there have been such, as well as the assistance provided to improve himself;
- b) The identified behaviours and the circumstances to be considered in these cases.

3. If during the disciplinary process, there are sufficient facts and evidence to prove the violation made and if the police officer is subject to criminal investigation, the disciplinary process maybe suspended by the Directorate of Professional Standards. In this case, the disciplinary process resumes within 5 working days from the decision of the Internal Inspection Service, the Prosecution or the Court, if there are new facts after the period of the interruption and if not more than 10 months have passed from the initiation of the disciplinary process.

Article 25 “The disciplinary process for the police officer concerning the security measure applied on him”

1. The procedures of disciplinary process for the police officer, who is subject to the security measure “House arrest” or “ Prison arrest” are identical with the stipulations of Article 24 of this Regulation, except for point 1, leter(b) iv of this Article. In these cases, when it is impossible to contact the police officer, the verification and review of the violation is made with the participation of a representative assigned by the Police Tradeunion.
2. The procedures of disciplinary process for the police officer subject to the security measure “provisional hospitalization in a psychiatric hospital” are identical with the stipulations provided in Article 24 of this Regulation, except for point 1, letter (b) iv of this Article. In these cases, the verification and examination of the violation is made with the participation of a representative assigned by the Police Tradeunion.

Article 26 “On responsibilities for the verification and examination of disciplinary violations”

1. For the light disciplinary violations, the verification and examination specified in Article 24 of the said Regulation is made by the direct superior of the police officer, within 30 days from the violation occurred.
2. The serious disciplinary violations, when detected by the officer’s superior, are instantly reported, according to the hierarchy line to the Directorate of Professional Standards at the General Directorate of State Police, notifying the police officer immediately in writing on the initiation of the disciplinary process.
3. When the complaints for disciplinary violation of the police personnel are referred directly to the Directorate of Professional Standards, under Article 9 of the said Regulation, if the reported violation is serious, the Directorate of Professional Standards carries out all actions defined in Article 24 of this Regulation, notifying simultaneously the person concerned on the initiation of the disciplinary process. If the violation proves to be a light one, it is forwarded for further competent review to the head of the structure, which the officer belongs to.

Article 27 “The Documentation of Disciplinary Process”

1. At the end of the verification and examination of the violation, in compliance with Article 24 of this Regulation, with regard to the light disciplinary violations, the direct superior or the chief of the structure prepares the following:
 - a) the final report;

- b) The decision for the disciplinary measure.
2. For the serious disciplinary violations, the Directorate of Professional Standards prepares the final report and the recommendation for issuing the disciplinary measure, which it forwards immediately to the head of unit, under whose competence falls the said the disciplinary measure. In these cases, the relevant head of unit takes the decision to issue the disciplinary measure.
3. The final report contains:
- a) the violation made;
 - b) The relevant article of that regulation or the violated norm;
 - c) The documents where the fact/evidence are basen on;
 - d) The conclusion.
4. The decision for the disciplinary measure contains the following:
- a) the event where the measure issued is based on, including: the date, hour, venue and circumstances related to the event;
 - b) the violated rule or norm, defining the relevant article of the Regulation;
 - c) if it is deemed reasonable, the actions to be performed by the police officer punished for his improvement;
 - d) the previous similiar cases of violations and the disciplinary measures taken;
 - e) a list and a copy of all documents supporting the measure issued;
 - f) the right of the police officer punished to file a complain and the deadline;
 - g) signature and the date when the police officer was notified on the disciplinary measure. This signature does not imply the admission of the violation or the measure issued.
5. The recommendation for the disciplinary measure contains the following:
- a) The violation made;
 - b) The relevant article of this Regulation or the violated norm;
 - c) The documents where the facts/evidence are based on;
 - d) The proposed disciplinary measure.

Article 28 “The procedures for the issuance of disciplinary measures”

1. At the end of the verification and examination of the disciplinary violation, the following actions take place:
- a) For light disciplinary violations, the direct superior or the head of the relevant structure takes the decision to issue the disciplinary measure in line with Article 30 of this Regulation,
 - b) For serious disciplinary violations, the Directorate of Professional Standards recommends to the relevant principal, under Article 30 of this Regulation to issue the disciplinary measure for the police officer who has committed the said disciplinary violation.
2. In the cases of point 1/b of this Article, when during the verification and examination of the violation it turns out that the officer has not made any disciplinary violation, the Director of Professional Standards notifies in writing the police officer and the Principal of the relevant structure for the conclusion of the disciplinary process.
3. When the claimed violation has been tendentiously alleged by the superior or on any other

account, not related to the performance of one's duties and the implementation of normative acts, then the principal of the relevant structure or the Director of Professional Standards proposes to the General Director of the State Police the issuance of the disciplinary measure for the superior who has reported the violation.

4. In cases when the violation contains elements of a criminal offence, the case is referred for further review to the structures of the Internal Inspection Service through the head of the relevant structure. The Directorate of Professional Standards has the same obligation, if during the verification and examination it identifies elements of a criminal offence.

Article 29 “Communication of the Measure”

1. The decision to issue the disciplinary measure should be communicated in written form within three working days from the day of the decision to the police officer in person. This communication is made by the direct superior or the person authorized by the Principal, who communicates to the officer the reasons for the measure and the improvements they expect from him. The superior and the punished police officer put their signatures and dates on the notice of the said measure.

2. The police officer, punished with a disciplinary measure is provided with an original copy of the decision for the disciplinary measure, as well as a copy of the final report or other supportive documents, if they have not been provided earlier.

3. A copy of the decision for the disciplinary measure, signed by the punished police officer is administered in the relevant personnel structure; the latter, after the expiry of the deadline for the complaint, or the conclusion of all complaint procedures, files it in the personnel file of the said officer. If after the complaint procedures the given measure is cancelled, the relevant documentation of the disciplinary process is archived.

4. When the punished officer refuses to sign about his knowledge on the disciplinary measure given, the officer that communicates the measure in the presence of the person or another representative of the police tradeunion, notes “signature refused”.

Article 30 “The powers for issuing the disciplinary measures” are defined as follows:

1. The functions entitled to issue disciplinary measures are shown below:

- a) The General Directorate of State Police for the disciplinary measure “Expulsion from the Police” for the police officers with the rank “Lieutenant Inspector”, “Prime Inspector up to “First Leader”, for the officers of the General Directorate of State Police with the rank “Inspector” and the measure “Dismissal from the job” for the officers of support services.
- b) The Heads of local Police Departments, the Regional Border and Migration Police Departments and the heads of the autonomous structures, for the disciplinary measure “Expulsion from the police” for the police officers with the rank “Inspector”.
- c) The General Director of the Police for the disciplinary measure “Downgrading not more than a rank for a period up to 12 months”, for the officer with the rank “Prime Inspector” up to “First Leader”. The disciplinary measure “Downgrading not more than one rank for up to 12 months does not apply for the police officers with the rank “Inspector”.

- d) The Heads of Departments, directorates of Police in the local Police Departments in the districts, the regional border and migration police departments and the autonomous structures for the disciplinary measure “Suspension without payment from 5 to 30 days” and postponement of the deadline for rank promotion, from 1 month up to one year” as well as the measure “Downgrading to a lower duty” for the officers of support services. They exercise this right only for the officers in their structures.
- e) The Heads of Departments at the Departments of the General Directorate of State Police, local police departments, the regional border and migration police departments, the autonomous structures and the police commissariats within their structures the disciplinary measure: “Fine by reducing the officer’s salary equivalent to 5 working days” for the police officers.
- f) Each district superior, starting from the rank of “Commisar” for the disciplinary measure “Remark” or “Remark” with warning for dismissal from work” for the police officer.

2. All disciplinary measures defined in letters (b), (d), (e) and (f) to this Article can be issued also by the General Director of the Police.

3. For the expulsion of police officers with the rank of “ Inspector” the opinion of the central personnel structures should be sought in advance regarding the legal compliance and the General Director should be informed.

4. If the authority that has the competence to issue disciplinary measure is an officer of support services, the authority for issuing such a disciplinary measure shall be transferred to a higher superior with a police rank.

- **constitutional and other legal provisions in place on the protection of minorities;**

I. Constitutional and legal acts for the protection of minorities

The present legal framework guarantees the observation and protection of rights of minorities:

The Constitution of the Republic of Albania sanctions the universal principles of human rights and “pluralism, national identity and national heritage, religious co-existence, as well as co-existence and understanding of Albanians with minorities”.

Article 15 of the Constitution provides for:

1. The fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order.
2. The organs of public power, in fulfilment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

Article 16

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for juridical persons as long as they comply with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 17

1. The limitation of the rights and freedoms provided for in this Constitution may be established only by law for a public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it.

2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

Article 18 of the Constitution provides for:

1. All are equal before the law.

2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist.

Article 20 of the Constitution provides for:

1. Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms.

2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity.

Article 23 provides for:

1. The right to information is guaranteed.

2. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.

3. Everybody is given the possibility to follow the meetings of collectively elected organs.

Article 24 provides for:

1. Freedom of conscience and of religion is guaranteed.

2. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.

3. No one may be compelled or prohibited to take part or not in a religious community or in religious practices or to make his beliefs or faith public.

Article 25 stipulates that No one may be subjected to cruel, inhuman or degrading torture, punishment or treatment.

Article 27

1. No one's liberty may be taken away except in the cases and according to the procedures provided by law.

2. Freedom of a person may not be limited, except in the following cases:

a. when he is punished with imprisonment by a competent court;

b. for failure to comply with the lawful orders of the court or with an obligation set by law;

- c. when there are reasonable suspicions that he has committed a criminal offense or to prevent the commission by him of a criminal offense or his escape after its commission;
 - d. for the supervision of a minor for purposes of education or for escorting him to a competent organ;
 - e. when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society;
 - f. for illegal entry at state borders or in cases of deportation or extradition.
3. No one may be deprived of liberty just because he is not in a condition to fulfil a contractual obligation.

Article 28 provides for:

- 1. Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights.
- 2. The person whose liberty has been taken away, according to article 27, paragraph 2, subparagraph c), must be sent within 48 hours before a judge, who shall decide upon his pre-trial detention or release not later than 48 hours from the moment he receives the documents for review.
- 3. A person in pre-trial detention has the right to appeal the judge's decision. He has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.
- 4. In all other cases, the person whose liberty is taken away extra-judicially may address a judge at anytime, who shall decide within 48 hours regarding the legality of this action.
- 5. Every person whose liberty was taken away pursuant to article 27, has the right to humane treatment and respect for his dignity.

Article 31 provides for:

During a criminal proceeding, everyone has the right:

- a. -- to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;
- b. -- to have the time and sufficient facilities to prepare his defense;
- c. -- to have the assistance without payment of a translator, when he does not speak or understand the Albanian language;
- d. -- to be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be assured of free defense when he does not have sufficient means;
- e. -- to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.

Article 41

- 1. The right of private property is guaranteed.
- 2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.
- 3. The law may provide for expropriations or limitations in the exercise of a property right only for public interests.
- 4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.
- 5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

Article 42

1. The freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process.
2. Everyone, to protect his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law.

Article 43

Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.

Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an unlawful act, action or failure to act of the state organs.

I. Constitutional and legal acts for the protection of minorities

Observation and protection of the rights of minorities is guaranteed in the Constitution and present legislation. The legislation on minorities is subject to constant upgrading and harmonization, similarly to the general legal framework in Albania.

The present legal framework guaranteeing the observation and protection of rights of minorities:

The Constitution of the Republic of Albania sanctions the universal principles of human rights and “pluralism, national identity and national heritage, religious co-existence, as well as the co-existence and understanding of Albanians with minorities”, and considers them the basis of the Albanian state.

Article 15 of the Constitution provides for:

1. The fundamental human rights and freedoms are indivisible, unalterable, and inviolable and stand at the basis of the entire judicial order.
2. The public institutions, in fulfilment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

Article 16

1. The fundamental rights and freedoms and the duties envisaged for the Albanian citizens in this Constitution are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of specific rights and freedoms to Albanian citizenship.
2. The fundamental rights and freedoms and the duties envisaged in this Constitution are also binding for legal persons providing they are compatible with the general purposes of these persons and with the essence of these rights, freedoms and duties.

Article 17

1. Limitations of the rights and freedoms envisaged in this Constitution may be established only by law on a public interest or on the protection of the rights of others. Limitation shall be proportional to the situation that has dictated it.

2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

Article 18 of the Constitution provides for:

1. All are equal before the law.
2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.
3. No one may be discriminated against for reasons mentioned in paragraph 2 without a reasonable and objective justification.

Article 20 of the Constitution provides for:

1. Persons who belong to national minorities equally exercise before the law the human rights and freedoms.
2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as to unite in organizations and societies for the protection of their interests and identity.

Article 23 provides for:

1. The right to information is guaranteed.
2. Everyone has the right, in compliance with law, to get information about the activity of state institutions, as well as of persons who exercise state functions.
3. Everybody is given the opportunity to follow the meetings of collectively elected institutions.

Article 24 provides for:

1. Freedom of conscience and of religion is guaranteed.
2. Everyone is free to choose or change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.
3. No one may be compelled or prohibited to take part or not in a religious community or in religious practices or to make his beliefs or faith public.

Article 25 foresees that No one may be subjected to cruel, inhuman or degrading torture, punishment or treatment.

Article 27

1. No one's liberty may be taken away except in the cases and according to the procedures provided by law.
2. Freedom of a person may not be limited, except in the following cases:
 - a. -- when he is punished with imprisonment by a competent court;
 - b. -- for failure to comply with the lawful orders of the court or with an obligation set by law;
 - c. -- when there is reasonable suspicion that s/he has committed a criminal offense or to prevent the commission by her/him of a criminal offense or his escape after its commission;
 - d. -- for the supervision of a minor for purposes of education or for escorting him to a competent organ;
 - e. -- when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society;
 - f. -- for illegal entry at state borders or in cases of deportation or extradition.

3. No one may be deprived of liberty just because s/he is not in a condition to fulfil a contractual obligation.

Article 28 provides for:

1. Everyone whose liberty has been taken away has the right to be notified immediately, in a language that s/he understands, of the reasons for this measure, as well as the accusation made against her/him. The person whose liberty has been taken away shall be informed that s/he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and shall also be given the possibility to realize her/his rights.

2. The person whose liberty has been taken away, according to article 27, paragraph 2, subparagraph c), must be sent within 48 hours before a judge, who shall decide upon her/his pre-trial detention or release not later than 48 hours from the moment s/he receives the documents for review.

3. A person in pre-trial detention has the right to appeal the judge's decision. S/He has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.

4. In all other cases, the person whose liberty is taken away extra-judicially may address a judge at anytime, who shall decide within 48 hours regarding the legality of this action.

5. Every person whose liberty was taken away pursuant to article 27, has the right to humane treatment and respect for his dignity.

Article 31:

During a criminal proceeding, everyone has the right:

a. -- to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;

b. -- to have the time and sufficient facilities to prepare his defence;

c. -- to have the assistance without payment of a translator, when he does not speak or understand the Albanian language;

d. -- to be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be assured of free defence when he does not have sufficient means;

e. -- to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.

Article 41

1. The right of private property is guaranteed.

2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.

3. The law may provide for expropriations or limitations in the exercise of a property right only for public interests.

4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.

5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

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Article 43

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Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an unlawful act, action or failure to act of the state institutions.

Article 45 (paragraphs 1, 4)

1. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected.

4. The vote is personal, equal, free and secret.

Article 46

1. Everyone has the right to organize collectively for any lawful purpose.

2. The registration of organizations or societies in court is done according to the procedure provided by law.

3. Organizations or societies that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

1. Freedom of peaceful meetings and without arms, as well the participation in them is guaranteed.

2. Peaceful meetings in squares and places of public passage are held in conformity with the law.

Article 48

Everyone, by himself or together with others, may direct requests, complaints or comments to the public organs, which are obliged to answer in the time periods and conditions set by law.

Article 57

1. Everyone has the right to education.

2. Mandatory school education is determined by law.

3. General high school public education is open for all.

4. Professional high school education and higher education can be conditioned only on criteria of abilities.

5. Mandatory education and general high school education in public schools are free.

6. Pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of law.

7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 60 (paragraphs 1, 2)

1. The People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.

2. The People's Advocate is independent in the exercise of his duties.

The criminal Code of Republic of Albania (approved by law no 7895, dated 27.01.1995) with the following amendments.

The elimination of each form of prejudice or discrimination towards minorities and, protection of members of minorities living in Albania, as well as denunciation of the discriminating acts against them (a series of provisions punish “violation of equality of citizens”, “incitement of racial, national or religious hatred or conflicts”, “crime of genocide”, etc.) are elements of an essential importance in this Code.

Article 6 of the law no 9686, dated 26.02.2007 “On some addenda and amendments to the Criminal Code of RA” (amended). This law added up another aggravating circumstance to the Article 50 of the Criminal Code “aggravating circumstance” and concretely: “commission of the offence driven by motives connected to the gender, race, religion, nationality, language, political, religious or social convictions”, a circumstance which aggravates the punishment.

Code of Administrative Procedures of Republic of Albania” (approved by law no 8485, dated 12.05.1999). This Code stipulates that in the relations with the private persons, the public administration is oriented by the principle of equality in the sense that no one can be privileged or discriminated against, on the basis of gender, race, religion, ethnicity, language, political, religious or philosophical convictions, economic, educational, social situation or parental affiliation.

At the same time the law no 9686, dated 26.02.2007 “On some changes to the law no 7895, dated 27.01.1995 “Criminal Code of RA, as amended”, (Article 6), foresees: “Provision as a separate offence in the Criminal Code of crimes for racial motives or other discriminating motives, and consideration as an aggravating circumstance of the discrimination motive, as a motive for the commission of the crime”.

Code of Criminal Procedure of RA (approved by law no 7905, dated 21.03.1995, as amended). The Code of Criminal Procedure (Article 8/2) foresees that in all the phases of judicial proceeding “Persons not knowing Albanian, use their own language with an interpreter; they shall be entitled to speak and be informed about the evidence and acts, as well as conduct of proceedings”, Article 98/2, with regard to the compilation of acts of criminal procedure, foresees that “The person not speaking the Albanian language shall be interrogated in the mother tongue and the minutes shall be taken in this language. The procedural acts shall be translated and they shall be made available upon request”. The right to testify in one’s own language is recognised even to a witness in the process. The right to use one’s language or to have the acts compiled in the respective mother tongue shall be recognised by the persons not knowing the Albanian language even in the civil judicial proceedings.

Code of Civil Procedure of Republic of Albania, (approved by the law no 8116, date 29.03.1996). This Code provides for the use of the mother tongue for the persons not knowing Albanian during the entire phase of adjudication and to be informed about the evidence and the entire conduct of proceedings through a translator.

In order to guarantee the rights of persons not knowing Albanian in the criminal and civil judicial proceedings, the Albanian legislation provides for detailed rules with regard to free translation. The translator is employed even if the judge, prosecutor or judicial police officer knows the language which should be subject to translation. The legislation provides also for the obligation of the translator to be accurate and to preserve the confidentiality of the case; Also for cases of incapacity and inability to carrying out the task, expulsion, resignation or

replacement of the translator, deadlines for written translations, as well as the compulsory appearance of the translator before the court, in case of non-appearance without justified reasons, bringing upon him criminal and civil legal responsibility, same as the expert.

The Labour Code of RA (approved by law no 7961, date 12.07.1995, with the respective amendments). The Labour Code sanctions the fundamental rights based on the international labour standards (Specific Conventions in the field of labour) and Constitution of RA, such as prohibition of forced labour, prohibition of discrimination, right to labour unions and collective gatherings. This Code determines the prohibition of every type of discrimination in the fields of employment and profession. Discrimination means any distinction, exception or preference based on race, colour, sex, age, religion, political convictions, national origin, social origin, family connection, physical or mental defects affecting the right of the individual to be equal for employment and treatment.

The law no 7952, dated 21.06.1995 "On pre university educational system", amended by law no 8387, dated 30.07.1998, "On some changes to the law no 7952, dated 21.06.1995 "On pre university educational system". According to this law, the persons belonging to national minorities shall be given the opportunity to learn and be taught the mother tongue, learn the history and culture within the framework of education curricula and syllabus.

The education of national minorities includes three schooling levels, same as Albanians, pre-schooling, 9-year education and secondary. The pupils belonging to the minorities, along with the education in the official language shall be taught also in their mother tongue in accordance with the teaching plan for these schools and curricula approved by the Ministry of Education and Science. Ministry of Education and Science has determined the rapport of classes to be taught in Albanian and the language of minority. These rappers are not different for different minorities, but are unified. Thus in the levels I-IV, 82% of the classes are taught in the minority language and 18% in Albanian. In the levels V-VIII, 63% of the classes are held in the minority language and 37% in Albanian. At the same time, the introduction of the 9-year mandatory education dictated also the curricula of level IX to be held in 60% in minority language and 40% in Albanian.

Minority schools have in use three text categories:

- a) school texts printed in the minority language, with the classes carried in this language;
- b) texts printed in Albanian and classes are carried in Albanian;
- c) texts printed in Albanian, with subsequent translation into the minority language and classes are carried in the minority language.

The school texts of category a) are those of the minority language, minority history and minority geography. These texts (history and geography) prepared in the minority language have nothing in common with the texts being held at the same level for Albanian pupils.

In the framework of preparing and improving the curricula, the Ministry of Education has been in continuous dialogue with the representatives of minorities, allied to reforming the curricula. Also the new teaching syllabuses have been drafted in cooperation with specialists of education belonging to minorities. At the same time, the teaching curricula have been drafted by working groups with the mandatory presence of representative of minorities.

With reference to the recommendations specified in paragraph 159, the Ministry of Education and Science (MES) has taken the following measures:

- has entirely liberalised the process of texts drafting;
- ensured the option of drafting alternative texts;
- ensured that teachers are free to select the text they want to work with;
- has allowed for the participation of foreign printing houses in competing for text printings.

Law no 8145, dated 11.9.1996, “On the right to rally”. This law guarantees the right to public rallies for all the citizens, without any difference due to sex, race, colour, language, conviction, ethnic group, economic and financial, educational and social situation, political convictions, parental affiliation or any other personal circumstance.

Law no Nr.8239, dated 3.9.1997, “On an amendment to the law no 7756, dated 11.10.1993 “On press”. The persons belonging to minorities, same as all Albanian citizens are entitled to establish their own media in their mother tongue.

Law no 8410, dated 30.09.1998 “On Public and Private Radio and TV in Republic of Albania”. This law guarantees access to the minorities in their mother tongue, in the written and electronic media.

Law no 8580, dated 17.02.2000 “On Political Parties”. It guarantees their constitutional rights, to the effect of participation of minorities in the public life.

The Albanian legislation guarantees the normal conduct of elections, as well as participation of minorities in the electoral process.

Law no 9029, dated 13.03.2003, “On some addenda to the law no 8950, dated 10.10.202, “On civil status”. Based on this law, the changing of nationality shall be done by judicial decision. At the same time, no 9929, dated 09.06.2008 “On some changes and addenda to the law no 8950, dated 10.10.202, “On civil status”.

Law no 9929, dated 09.06.2008, “On some addenda to the law no 8950, dated 10.10.202, “On civil status”. This law aims at regulating the organisation and functioning of the civil registry service in the Republic of Albania. This law favours the registration of citizens who have not been registered over the years, within 15 September 2008, against a parental reward. This law, has changed Article 34 “Declaration of birth” to an added Article 34/1 “Registration of birth”. In Article 34, point 4, 5 of this law, determines that if the registration of births has been declared within 60 days from the birth within Albania and, 90 days from the birth outside of Albania, mother gets a reward of 5 000 (five thousand) ALL.

Law no 8549, dated 11.11.1999 “Status of Civil Employee”. This law determines that admission in the civil service shall be upon competition based on merit and compatible with legal requirements and, that the civil service has been based and acts based on principles of professionalism, independence and integrity, political impartiality and transparency etc.

Law no 8454, dated 04.02.1999 “On People’s Advocate” amended by law no 9398, dated 12.05.2005. Law no 9398, dated 12.05.2005 “On some addenda and changes to the law no 8454, dated 04.02.1999 “On People’s Advocate” has increased and strengthened the competences of the People’s Advocate in protection of the fundamental rights and freedoms in Albania, including the rights of minorities.

Law no 9749, dated 04.06.2007 “On State Police”. This law guarantees the protection and observation of human rights by the employees of the State Police in the course of performing their tasks in accordance with the effective legislation and the bylaw acts.

Standing Rules of Discipline of State Police (Decision of Council of Ministers no 786, dated 4.6.2008). The standing rules provide for the disciplinary measures taken against the police employees committing disciplinary violations. Police officers shall abide by the obligations and norms of conduct, as well as “treat equally the persons and carry out the duty without discrimination on the grounds of gender, race, colour, language, conviction, ethnic group, political, religious, philosophical convictions, sexual orientation, economic, educational, social or parental situation.

In the context of the fight against trafficking of human beings, new or changed criminal offences have been added to the Criminal Code, in line with the provisions of the different ratified conventions.

Article 110/a of the Criminal Code titled “Trafficking of persons” provides for “punishment of recruitment, transport, transfer, hiding or reception of persons through:

- a) threat, or use of force or other coercive forms;
- b) taking hostage, deception, abuse with duty, or benefit from social, physical or psychical situation;
- c) giving or accepting payments or benefits to get the approval of the person controlling another person to the effect of exploitation of prostitution of others;
- d) other forms of sexual exploitation, forced labour or services, slavery or similar forms to slavery, making use of or transplanting the organs, as well as other forms of exploitation.

The trafficking of persons, resulting in death, shall be sentenced to no less than 20 years or imprisonment, as well as to a fine 7 – 10 million ALL”.

Law no 9642, dated 20.11.2006, on ratification by Albanian Parliament of Council of European Convention “On measures against trafficking of human beings”

Law no 9859, dated 21.01.2008, “On some addenda and changes to the law no 7895, dated 27.01.1995, “Criminal Code of Republic of Albania” (with the respective changes).

The added articles are:

- a) Article 124/b, “Maltreatment of minors”, which among others, punishes the exploitation of children through forced labour, begging and other forced services;
- b) addendum of one paragraph in Article 117 “Pornography” dealing with pornography with minors;
- c) addendum to article 128/b, “Trafficking of minors”, where not only recruitment, hiding or reception of minors, but also sale of minors is penalised by law.

Law no 8328 dated 16.04.1998 “On rights and treatment of prisoners and those in pre-trial detention centres”, amended by law no 9888, dated 10.03.2008. This law determines that the treatment of prisoners is not to be based on partiality or discrimination on the grounds of sex, nationality, race, economic and social situation, political convictions and religious belief.

CMD no 396, dated 22.8.1994 “On 8-year education in the mother tongue of persons of minorities.

This decision aims at creating the necessary conditions for the expression, preservation and development of education and lingual, cultural identity of persons belonging to the minorities.

CMD no 502, dated 5.8.1996 “On an addendum to the CMD no 396, dated 22.08.1994 “On 8 year education in the mother tongue for minority persons”.

This CMD seeks for implementing functional school units in the mother tongue at the eight year school (presently 9 year school) based on the requirements, according to the respective criteria.

The National Strategy for Pre-University Development 2004 – 2015, approved by CMD no 538, dated 12.08.2004. Education to all the strata of the Albanian society is ensured. At the same time, in the field of education a series of other bylaw acts, such as decisions, instructions, orders etc, have been approved. They determine the criteria of opening and functioning of the private units of schooling for minorities, as well as the ratio of the use of the mother tongue to the Albanian language, teaching syllabuses etc.

- CMD no 404, dated 01.07.1998 “On functioning of the private 9 year and secondary school, "Arsakeio" in Tirana.
- CMD no 868, dated 30.09.2004 “On functioning of the non-public educational pre-university institution for the 9 year school “Omiros”.
- CMD no 127, dated 11.03.2004 “On setting up the State Committee for the Minorities”.
- CMD no 266, dated 05.05.2006, On opening the pre-university private educational institution, 9 year school “Omiros”, in Himara, which is going to provide teaching even in Greek.
- CMD no 633, dated 18.09.2003 “On approval of the National strategy “On improvement of living conditions of Roma community”
- CMD no 127, dated 11.03.2004 “On setting up the state committee for the minorities“
- CMD no 437, dated 8.04.2008 “On accession of CM of RA to the declaration „Decade of Roma“, to improve their economic situation. Women belonging to this minority are entitled to the program for promoting employment.
- CMD no 632 dated 18.9.2003 "On the program for promoting employment of unemployed women”, issued on implementing the law no 7995/20.9.1995 “On promoting employment”, where the employers employing women shall be financially supported, specifically for such categories as: Roma women, women above 35 years old; divorced women with social problems, violated women with limited abilities. Whereas the Order no 394, dated 23.02.2004 of Minister of Labour and Social Affairs “On fees of professional training system”, shall determine that the registration fees for the categories: Roma community, trafficked and violated women, shall be free of charge for the professional courses of professional training offered by the Public Centres of Professional training. These courses aim at the training and professional improvement of these target groups for females creating possibilities in the present labour market.

II. Activities for minorities

In the National Plan for the Implementation of Stabilization and Association Agreement (NPISAA), there have been foreseen a series of activities which shall be implemented by the Unit of Minorities at the Ministry of Foreign Affairs, which aim at strengthening the dialogue

with representatives of minorities, as well as commitments of our country in the field of the minorities.

For implementing the National Plan for Implementing the Stabilisation and Association Agreement, during 2008 the Unit for Human rights, Minorities and Reporting carried out the following activities:

- Topic based meetings to the effect of inciting and strengthening the dialogue with the representatives of minorities in Albania.
- Meetings with representatives of minority associations on the review and improvement of school texts for 2008-2009.
- In order to facilitate the information of minorities on the contents of “Second Opinion” of the Advisory Committee of Framework Convention for minorities, MoFA has translated the texts into Greek, Macedonian Serbian, Vllah, while for the representatives of the lingual ethnic group Roma this document shall be in Albanian.
- MFA is organizing a meeting within January 2009 with representatives of minorities with regard to the Second Opinion of Advisory Committee of Framework Convention on minorities, on the Second Report on Minorities submitted by Albania, where in this meeting the MoFA shall submit to the minorities the Second Opinion translated into their own language.

For 2009 in NPISAA there have been foreseen:

- Round table with the participation of minority associations, on the improvement of the legal framework on the rights of minorities;
- Seminar with the leaders of associations representing the minorities in our country on the Regional and Minority Language Charta.
- The organisation of a round table with representatives of minority associations, associations acting in the field of minority rights and state institutions, in the context of the second cycle of reporting to the Council of Europe on implementing the Framework Convention on protection of national minorities.
- ***the finalised progress report of the Roma strategy and the results achieved;***

The first detailed Final Progress Report on the National Roma Strategy was published last year and it includes the period following the compilation of this strategy - 2003-2007. The realization and its publication in Albanian and in English became possible thanks to the UNDP; it has been distributed to all institutions concerned³.

As far as the measures, initiatives and activities for 2008 are concerned and in harmony with the commitments of European Partnership, the Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO) has kept on working to improve the social protection system and standards, prevent social exclusion and discrimination and safeguard the human rights of the

³ Text of the first progress report: <http://europeandcis.undp.org/poverty/mdghdpm/show/B950ECDA-F203-1EE9-BDF2EE0A4D242D7A>

Roma Minority, through the implementation of the National Strategy “For the Improvement of the Living Conditions of Roma Community”

The following legal initiatives have been unveiled during this time period:

1. The accession of the Council of Ministers of the Republic of Albania to the Declaration “The Decade of Roma Inclusion”, through the Decision of the Council of Ministers (DCM) No. 437, Dated 08/04/2008;
2. Draft- DCM “On the Approval of the Action Plan for the Decade of Roma Inclusion”, projected to be realized in January 2009;
3. Compiling the Draft - Law “On Some Amendments and Additions to the Law No. 8950, dated 10.10.2002 “ On the Civil Status” which was in place in June 2008
4. Adoption of the Draft - DCM "On Setting Up a Special Fund for the Financial Support to the Projects for the Development of the National and Cultural Identity of National Minorities”; this initiative would fully comply to the Frame Convention for the Protection of National Minorities”

During the year 2008, the Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO) has focused its work on the following areas:

- Promotion of contacts and cooperation with the ROMA NGO’s network, in the context of the institutionalization of relations, coordination of their work and cooperation on capacity enhancement, offering incentives and services and raising the awareness for the negative phenomena.
- Preparations to draft the Plan of Action for the “Decade of Roma Inclusion”;
- Preparation, dissemination and processing of questionnaires for 9 Prefectures, designed to bring to evidence the living conditions of Roma minority;
- Implementation of the UNDP Project to assist the vulnerable communities and support the implementation of the Roma Strategy.
- Organization of a National Conference, on the occasion of the World Roma Day, on 8th of April;
- Raise Public Awareness and introduce legislation on the right of Roma families to benefit from the Economic Aid and Assistance Programs;
- Increase the daily earnings of the families through the economic aid with 2 USD dollars per each person;
- Evaluation and elaboration of statistical data related to the indicators of monitoring social protection programs;
- Monitor the new community – based social services, due to be delivered in the framework of the World Bank Project - “Distribution of Social Services”.

- **the action plan for the Roma decade (timing, priorities, budget);**

Albania has become full member to the Declaration of Roma Inclusion decade pursuant to the Decision of the Council of Ministers No. 437 dated 08/04/2008. With regard to Albania’s obligations, as part of this Initiative, and after going through all membership procedures, the MLSAEO is working now on drafting the Action Plan for the “Decade of Roma Inclusion 2005-2015. This Action Plan is being drafted in cooperation with a UNDP – hired expert and the final draft will be discussed during a workshop on 17 December. This work-shop will be attended by experts of line ministries and other actors concerned, who would contribute to drafting a concrete and detailed plan, with an approximate cost estimation, in order to ensure

its financing through the state budget or different donors. The final Draft of this Action Plan will reflect all suggestions and recommendations made by the line ministries; then, it will be submitted for approval to the Council of Ministers within January, so that it could be ready in the upcoming meeting of the Steering Committee of the “Decade of Roma Inclusion” due to be held in Belgrade, on February 2009. In order to raise the donors awareness on making their own contribution for the fulfillment of the Action Plan of this Decade for the period 2009-2015, OSCE will organize, on 19 December 2008, a National Conference with the attendance of International Organizations and various donors present in Albania; this Conference will as well introduce the Plan of Action, making also possible the presentation of a clear overview on intervention needs at different areas, in line with the existing problematics and in order to avoid the overlappings, so that the proper funding is allocated to this end.

- **(future) staffing of the sector for monitoring the strategy and budget allocated to the policy on Roma.**

The Monitoring Sector on Roma Strategy at the State Social Service has changed into a Technical Secretariat, to the Directorate of Monitoring the Sectorial Strategies at the MLSAEO; it has two experts. The potential additional staff to this Secretariat would ensure an ever better performance in monitoring the implementation of the Roma National Strategy and the Plan of Action of the “Decade of Roma Inclusion”.

Regarding the budget allocation for Roma policies, the Action Plan of the “Decade of Roma Inclusion” would define in detail the goals, arrangements, activities and costs for their implementation; in addition consultations with experts of the ministries responsible for the implementation of the National Roma Strategy will be held consequitively.

Annex 1

- **Statistics on trends in drugs, organised crime, trafficking, economic crime, and corruption for the period 2004-2008**

FOR 2004

ARTICLES	Criminal Offence	TRIALED IN TOTAL
283	Manufacture and sale of illicit narcotic	37
283/a1,a2	Trafficking of narcotic substances	63
283/a3	Trafficking of narcotic substances	5
283/b	Facilitating drug consume	0
284	Cultivation of narcotics plants	47
284/a	Organization and directing a criminal organization	4
284/b	Assistance on criminal investigation	0
284/c	Manufacture and fabrication of narcotic and psychotropic plants	0
284/ç	Manufacture, trade and illegal consume of precursors	0
285	Possession, manufacture and transport of chemical substances	2
285/a	Offering of premises for drug abuse	0
285/b	Throwing or abandon of syringes	0
286	Inducement for drug abuse	0
286/a	Illicit use of high technology	0
287	Remove of criminal offence evidences	0
287/a	Opening of anonymous bank accounts	2

FOR 2005

ARTICLES	Denomination of Criminal Offence	JUDGED IN TOTAL
283	Manufacture and sale of illicit narcotic	95
283/a1,a2	Trafficking of narcotic substances	25
283/a3	Trafficking of narcotic substances	0
283/b	Facilitating drug consume	0
284	Cultivation of narcotics plants	68
284/a	Organization and directing a criminal organization	0
284/b	Assistance on criminal investigation	0
284/c	Manufacture and fabrication of narcotic and psychotropic plants	1
284/ç	Manufacture, trade and illegal consume of precursors	0
285	Possession, manufacture and transport of chemical substances	0
285/a	Offering of premises for drug abuse	0
285/b	Throwing or abandon of syringes	0
286	Inducement for drug abuse	1
286/a	Illicit use of high technology	0
287	Remove of criminal offence evidences	1
287/a	Opening of anonymous bank accounts	1

FOR 2006

ARTICLES	Denomination of Criminal Offence	JUDGED IN TOTAL
283	Manufacture and sale of illicit narcotic	135
283/a1,a2	Trafficking of narcotic substances	22
283/a3	Trafficking of narcotic substances	1
283/b	Facilitating drug consume	1
284	Cultivation of narcotics plants	175
284/a	Organization and directing a criminal organization	0
284/b	Assistance on criminal investigation	0
284/c	Manufacture and fabrication of narcotic and psychotropic plants	0
284/ç	Manufacture, trade and illegal consume of precursors	0
285	Possession, manufacture and transport of chemical substances	0
285/a	Offering of premises for drug abuse	0
285/b	Throwing or abandon of syringes	0
286	Inducement for drug abuse	0
286/a	Illicit use of high technology	0
287	Remove of criminal offence evidences	1
287/a	Opening of anonymous bank accounts	1

FOR 2007

ARTICLES	Denomination of Criminal Offence	JUDGED IN TOTAL
283	Manufacture and sale of illicit narcotic	147
283/a1,a2	Trafficking of narcotic substances	38
283/a3	Trafficking of narcotic substances	3
283/b	Facilitating drug consume	0
284	Cultivation of narcotics plants	60
284/a	Organization and directing a criminal organization	2
284/b	Assistance on criminal investigation	0
284/c	Manufacture and fabrication of narcotic and psychotropic plants	0
284/ç	Manufacture, trade and illegal consume of precursors	0
285	Possession, manufacture and transport of chemical substances	1
285/a	Offering of premises for drug abuse	0
285/b	Throwing or abandon of syringes	0
286	Inducement for drug abuse	0
286/a	Illicit use of high technology	0
287	Remove of criminal offence evidences	3
287/a	Opening of anonymous bank accounts	1
287/b	Manufacture and sale of illicit narcotic	0

Article 287/b is amended with law no. 9686, date 26.02.2007, article 25 (Look at the Criminal Code April 2007)

FOR THE FIRST HALF OF YEAR 2008

ARTICLES	Denomination of Criminal Offence	JUDGED IN TOTAL
283	Manufacture and sale of illicit narcotic	98
283/a1,a2	Trafficking of narcotic substances	12
283/a3	Trafficking of narcotic substances	1
283/b	Facilitating drug consume	3
284	Cultivation of narcotics plants	30
284/a	Organization and directing a criminal organization	0
284/b	Assistance on criminal investigation	0
284/c	Manufacture and fabrication of narcotic and psychotropic plants	0
284/ç	Manufacture, trade and illegal consume of precursors	0
285	Possession, manufacture and transport of chemical substances	1
285/a	Offering of premises for drug abuse	0
285/b	Throwing or abandon of syringes	0
286	Inducement for drug abuse	0
286/a	Illicit use of high technology	0
287	Remove of criminal offence evidences	2
287/a	Opening of anonymous bank accounts	0
287/b	Manufacture and sale of illicit narcotic	0

Source: Ministry of Justice - Article 287/b is amended with law no. 9686, date 26.02.2007, article 25 (Look at the Criminal Code April 2007)

Statistics on organized crime trends for 2004-2008

Criminal Offences	Number	Perpetrators	Arrested	Detained	Under investigation	Wanted
Assisting in illegal crossing of border	115	168	63	44	15	46
Illegal crossing of border	288	537	281	6	246	4
Possessing bars for prostitution	5	5	4	-	1	-
Trafficking of works of art and culture	-	-	-	-	-	-
Exploitation of prostitution under aggravating circumstances	9	21	7	9	1	4
Exploitation of prostitution	33	33	15	15	1	2
Trafficking of weapons and ammunition	4	8	5	1	-	2
Trafficking of children	8	10	4	2	-	4
Trafficking of females	82	131	29	61	5	36
Trafficking of motor vehicles	115	109	6	6	96	1
Trafficking of human beings	26	53	8	24	8	13
Practicing of prostitution	13	20	17	1	2	-
Total	698	1095	439	169	375	112

Year 2004

Criminal Offences	Number	Perpetrators	Arrested	Detained	Under investigation	Wanted
Assisting in illegal crossing of border	123	249	142	-	92	15
Illegal crossing of border	104	185	20	-	165	-
Possessing bars for prostitution	5	5	5	-	-	-
Trafficking of works of art and culture	-	-	-	-	-	-
Exploitation of prostitution under aggravating circumstances	19	22	16	-	2	4
Exploitation of prostitution	11	19	9	-	10	-
Trafficking of weapons and ammunition	2	12	11	-	-	1
Trafficking of children	10	16	4	-	11	1
Trafficking of females	30	49	14	-	18	17
Trafficking of motor vehicles	112	115	15	-	100	-
Trafficking of human beings	-	-	-	-	-	-
Practicing of prostitution	14	16	14	-	2	-
Total	430	688	250	-	400	38

2005

2006

Criminal Offences	Number	Perpetrators	Arrested	Detained	Under investigation	Wanted
Assisting in illegal crossing of border	122	157	106	-	33	18
Illegal crossing of border	67	110	13	-	97	-
Possessing bars for prostitution	6	7	3	-	4	-
Trafficking of works of art and culture	1	4	4	-	-	-
Exploitation of prostitution under aggravating circumstances	23	28	13	-	11	4
Exploitation of prostitution	9	11	6	-	2	3
Trafficking of weapons and ammunition	9	19	18	-	1	-
Trafficking of children	2	4	3	-	1	1
Trafficking of females	25	28	12	-	7	9
Trafficking of motor vehicles	133	140	23	-	114	3
Trafficking of human beings	-	-	-	-	-	-
Practicing of prostitution	27	32	19	-	13	-
Total	424	540	220	-	283	38

Criminal Offences	Number	Perpetrators	Arrested	Detained	Under investigation	Wanted
Assisting in illegal crossing of border	177	215	141	15	41	16
Illegal crossing of border	93	148	16		129	
Possessing bars for prostitution	11	26	22	1	3	
Trafficking of works of art and culture	1	1			1	
Exploitation of prostitution under aggravating circumstances	24	30	7	3	17	3
Exploitation of prostitution	43	55	25	3	26	1
Trafficking of weapons and ammunition	8	13	11		1	1
Trafficking of children	7	7	5	1	1	
Trafficking of females	13	13	2	1	9	1
Trafficking of motor vehicles	135	138	8	1	127	1
Trafficking of human beings	2	3			2	1
Practicing of prostitution	45	48	34	1	13	
Total	561	697	271	26	370	24

2007

01.01.2008 - 30.11.2008

Criminal Offences	Number	Perpetrators	Arrested	Under investigation	Wanted	Detained
Assisting in illegal crossing of border	90	150	87	24	9	30
Possessing bars for prostitution	8	6	3	2	1	0
Exploitation of prostitution under aggravating circumstances	12	23	2	4	4	13
Exploitation of prostitution	15	15	10	1	1	3
Trafficking of weapons and ammunition	9	27	27	0	0	0
Trafficking of females	22	16	1	10	3	2
Trafficking of motor vehicles	268	257	20	218	13	6
Practicing of prostitution	28	33	27	6	0	0
Trafficking of children	5	7	2	3	2	0
Total	457	534	179	268	33	54

Source: Ministry of Interior

Annex 2

Money Laundering

Statistics related to the trends for the years 2004-2008 of the fight against Money laundering

Year 2004

Nr.	Criminal Offences	Recorded	Detected	Perpetrators	Suspected perpetrators		
					Arrested/detention	Under investigation in a free state	In search
1	Theft of assets	20	20	31	11	20	
2	Deceits, articles (143-149)	109	108	126	32	93	1
3	Forgery of stocks 183-185	27	24	31	17	14	
4	Total of forgery	852	852	929	401	527	1
5	Crimes in the customs' field(172-179)	163	151	224	124	98	2
6	Criminal offences, Trading companies	3	3	3		3	
7	Crimes in the area of taxes and duties 9180-182)	66	66	71	10	61	
8	Criminal Offences by state administration officials	54	54	74	14	60	
9	Money Laundering 287 – 287/a)	7	7	10	3	7	
10	Lottery games and others	24	24	25		25	
11	Others	14	14	14	5	9	
	T O T A L	1339	1323	1538	617	917	4

Year 2005

Nr	Criminal Offences	Recorded criminal offences	Settled criminal offences	Total of the perpetrators of criminal offences	Arrested	Investigated in a free state	Departed from the place of the offence
1	Money laundering, financing of terrorist	0	0	0	0	0	0
2	Corruption	8	8	11	5	6	0
3	Crim. Offences against the state and justice	26	26	40	5	35	0
4	Unauthorized conduct of lottery games	0	0	0	0	0	0
5	Crimes in the customs' fields	122	120	171	110	55	6
6	Forgery of stocks and currencies	33	30	43	26	15	2
7	Deceits	93	90	97	34	58	5
8	Crim. Ofences in the field of taxes and duties	33	33	31	9	22	0
9	Crim. Offences in trading companies	1	1	1	0	1	0
10	Crim. Offences in the bankruptcy field	1	1	1	0	1	0
11	Thefts of assets	6	5	10	3	7	0
12	Forgery of documents	718	718	833	412	417	4
13	T o t a l	1041	1032	1238	604	617	17

Yer 2006

Nr	Criminal Offences	Recorded kriminal offences	Detected kriminal offences	Total of the perpetrators of criminal offences	Arrested	Investigated in a free state	Departed from the place of the offence
1	Money laundering and financing of terrorism	1	1	1	0	1	0
2	Corruption	23	23	34	12	22	0
3	Crim. Offences against the state and justice	49	48	92	17	73	2
4	Unauthorized conduct of lottery games	0	0	0	0	0	0
5	Crimes in the customs' fields	159	141	194	110	74	10
6	Forgery of stocks and currencies	49	46	62	38	24	0
7	Deceits	162	146	162	29	130	3
8	Crim. Offences in the field of taxes and duties	16	16	23	0	23	0
9	Crim. Offences in trading companies	0	0	0	0	0	0
10	Crim. Offences in the bankruptcy field	3	3	3	0	3	0
11	Thefts of assets	22	21	44	13	30	1
12	Forgery of documents	724	715	851	252	596	3
13	T o t a l	1285	1232	1558	504	1032	22

Year 2007

Nr	Criminal Offences	Crimina Offences recorded	Criminal Offences detected	Perpetrat in total of crim. Offenc.	Arrested from them	Investigated in a free state	Departed from the place of the offence
1	Money laundering and financing of terrorism	3	3	5	0	5	0
2	Corruption	19	19	51	29	22	0
3	Crim. Offences against the state and justice	88	86	162	23	139	0
4	Unauthorized conduct of lottery games	15	15	16	0	16	0
5	Crimes in the customs' field	168	153	212	109	95	8
6	Forgery of currencies and stocks	40	32	38	21	17	0
7	Deceits	242	178	209	31	175	3
8	Crim. Offences in the field of tax/customs	164	164	185	20	165	0
9	Crim. Offences in trading companies	21	21	22	0	22	0
10	Crim . Offences in bankruptcy field	0	0	0	0	0	0
11	Thefts of assets	27	21	33	13	20	0
12	Forgery of documents	770	760	877	215	653	3
13	Total	1548	1435	1783	459	1321	14

Year 2008

Nr	Criminal Offences	Crimina Offences recorded	Criminal Offences detected	Perpetrat in total of crim. Offenc.	Arrested from them	Investig ated in a freee state	Departed from the place of the offence
1	Money laundering and financing of terrorism	190	190	191	49	140	2
2	Corruption	66	66	146	65	81	0
3	Crim. Offences against the state and justice	88	86	162	23	139	0
4	Unauthorized conduct of lottery games	108	108	108	0	16	0
5	Crimes in the customs' field	181	170	194	77	117	
6	Forgery of currencies and stocks	239	236	63	38	25	0
7	Deceits	423	401	452	38	397	1
8	Crim. Offences in the field of tax/customs	164	164	185		108	0
9	Crim. Offences in trading companies	1	1	1	0	1	0
10	Crim . Offences in bankruptcy field	1	1	1	0	1	0
11	Thefts of assets	27	21	33	13	20	10
12	Forgery of documents	780	770	891	125	765	10
13	Total	2530	2478	2606	463	2113	30

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