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MISIONI I PËRHERSHËM
I REPUBLIKËS SË SHQIPËRISË
PRANË ORGANIZATAVE
NDËRKOMBËTARE
VJENË

PERMANENT MISSION
OF THE REPUBLIC OF ALBANIA
TO THE INTERNATIONAL
ORGANIZATIONS
VIENNA

Nr. Prot. 41

NOTE VERBALE

The Permanent Mission of the Republic of Albania to the International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions of the participating States of the Organization for Security and Cooperation in Europe and to the OSCE Conflict Prevention Centre, and with reference to the Decision 02/09, "Technical Update of the Questionnaire on the Code of Conduct FSC.DEC/2/09", dated 01 April 2009, has the honor to provide the updated information on Albania's OSCE Questionnaire on the Code of Conduct on Politico Military Aspects of Security, valid as of 30 April 2015.

Due to technician reason, this document, sent from the Permanent Mission of the Republic of Albania to the International Organizations on 29th April 2015, did not arrive to the OSCE Conflict Prevention Centre.

The Permanent Mission of the Republic of Albania avails itself of this opportunity to renew to all Permanent Delegations and Missions of the participating States of the Organization for Security and Cooperation in Europe and to the OSCE Conflict Prevention Centre, the assurances of its highest consideration.



Attachment

Vienna, 01st of February, 2016

To:

All Permanent Delegations and Missions to the OSCE
OSCE Conflict Prevention Centre
VIENNA

**Information Exchange on the OSCE Code of Conduct
on Politico-Military Aspects of Security
Republic of Albania
2014**

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Section I: Inter-State elements**1.****Account of measures to prevent and combat terrorism****1.1**

To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

Please see Annex 1.

1.2

What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

The Republic of Albania has adopted the legal framework, on the fight against terrorism, in accordance with the recommendations of “ Council Europe of Framework Decision , on the Fight Against Terrorism”, Luxembourg, 13.06.2002, which requires the defining of the terrorist crimes in line with all Member States, including those group crimes, related to criminal groups.

Criminal Code, adopted by Law no. 7895, dated on 27.01.1995, amended, added provisions and sanctions with the aim to condemn the terrorist acts perpetrators and their supporters. The amendments in the Criminal Code are made:

- Law Nr.98/2014 for the following offenses:
 - a) Participation in military action in a foreign country“article 265/a.
 - b) Organization for participation in military action in a foreign country“article 265/b.
 - c) Call for participation in violent military action in a foreign country. “ article 265/c.
- Law no. 9086, dated on 19.6.2003, “On the law amendment No. 7895, dated 27.01.1995, is added Article 230/a, “Financing of Terrorism”. The financing of terrorism or support in any of its form it is convicted with imprisonment of not less than fifteen years or with life imprisonment and with fine 5 million All to 10 million All (37.862 Euro-75.723 Euro).
- Law no. 9275, dated 16.09.2004, “On amendment on Law no. 7895, dated on 27.01.1995 of Republic of Albania Criminal Code", amended, where it has been amended the article 28, in which there are foreseen the special means of cooperation of the members of criminal organizations and terrorist.
- Law no. 9686, dated on 26.02.2007, “On the law amendment No. 7895, dated on 27.01.1995 “Republic of Albania Criminal code”, amended, there have been made the necessary amendments.

“National Security Strategy of the Republic of Albania”, adopted by Law no. 9322, dated on 25.11.2004, and represents the totality of means and instruments that ensure the protection of citizens, society and the Albanian state from external and internal threats.

“Fight against Organized Crime, Trafficking and Terrorism Intersectoral Strategy, adopted with DCM no. 1140, dated on 30.07.2008, amended, and the Action Plan for the implementation of this strategy.

The National Strategic Document "On Financial Crime Investigation", which was adopted by the Council of Ministers Decision nr.1077, dated 27.10.2009.

Law No. 9258 dated 15.07.2004 “On the measures against financing terrorism”, “On the prevention of money laundering and financing terrorism”. These laws are in conformity with the requests of resolution 1373 (2001) of the UN Security Council. This law is implemented by FIU, meanwhile the administration of accounts and frozen/seized/confiscated assets is done by AASCA.

Law No. 9917, dated 19.05.2008 “On the prevention of money laundering and financing terrorism“, amended, regulates the prevention of money laundering and proceeds derived from criminal offences, foresees rules and procedures of reporting at the responsible structures on the surveillance and implementation of this law as well as their relevant competences.

Law No. 10192, dated 03.12.2009 “On the prevention and combating organized crime and trafficking, through preventive measures against property”, are implemented also for the properties of the persons, on who exist a reasonable suspicion, based on indicia also for participation in terrorist organizations or armed bands.

The Decision No. 44 of Surveillance Council of the Bank of Albania, dated 10.06.2009, “on the approval of the regulation “On the prevention of money laundering and financing terrorism”. Its aim is the prevention of use by the subjects of the law no. 9917, dated 19.05.2008, which are licensed and/or observed by the Bank of Albania for money laundering and/or financing terrorism.

DCM no. 140, dated 13.02.2008, “On the way of management of seized immovable properties, in the framework of the measures against financing terrorism”.

Framework Decision Recommendation of EC Article 5, Condemnations – “Punishment and condemnation measures of terrorists”, or its art. 2, on crime related to terroristic groups.

By the Law no. 9110, dated 24.07.2003 “On the organization and functioning of Serious Crimes Courts”, it was established the Serious Crimes Court and Prosecutor Office for Serious Crimes, which has in its competence also the investigation of criminal offences in the field against terrorism.

Law No. 10173, dated 22.10.2009 “On witness protection and justice collaborators”.

Law No. 9959, dated 17.7.2008 “On foreigners” regulates the entry, stay, employment, treatment and exit regime of foreigners in/from the Republic of Albania.

Law no. 10193, dated 03.12.2009, “On Jurisdictional relations with foreign authorities in criminal matters”.

1. National Security Strategy of the Republic of Albania, approved by law no. 9322, dated 25.11.2004.

2. 1. Military Strategy of the Republic of Albania, approved by law no. 9858, dated 27.12.2007.

3- National Strategy in the fight against terrorism approved by DCM No. 675 dated 06.7.2011 “On the approval of the Strategy in the Fight against Terrorism and its Action Plan”. This Strategy has been approximated with;

- EU Strategy for Combating Terrorism, the Framework Decision 2002/475/JHHA/1.

4. Law No. 9258, dated 15.07.2004 Official Gazette no. 54, dated 11.08.2004, page 3538 “On the measures against financing terrorism”.

5. Law No. 9917 dated 19.05.2008, “On the prevention of money laundering and financing terrorism“, Official Gazette No. 83, dated 10.06.2008. The above mentioned laws (2 and 3) have been approximated with;

- Council Common Position of 27 December 2001 on combating terrorism (OJ L 344 of 28 December 2001, p. 90)
- Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271 of 24 October 2000, p. 4);
- Council Decision 2000/642/JHA concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271 of 24 October 2000, p. 4);
- Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (OJ L 68 of 15 March 2005, p. 49);
- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OL J 332 of 18 December 2007, p. 103).
- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309 of 25 November 2005, p. 15);
- Council Framework Decision (2005/212/JHA) of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68 of 15 March 2005, p. 49);

6. Law No. 9686, dated 26.02.2007 “On some addenda in the Law No. 7895, dated 27.01.1995 “Criminal Code”” Official Gazette no. 27, dated 16.03.2007, page 489. This law has been approximated with:

- Council Common Position of 27 December 2001 on combating terrorism (OJ L 344 of 28 December 2001, p. 90)
- Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164 of 22 June 2002, p. 3);
- Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ L 330 of 9 December 2008, p. 21);
- Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149 of 2 June 2001, p. 1);
- Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182 of 5 July 2001, p. 1);

7. Law no 8642, dated 13.07.2000, “On the ratification of the Convent of Council of Europe in the fight against terrorism”. This Law has been approximated with:

- Council of Europe Convention on the Suppression of Terrorism of 27 January 1977;

8. Law no. 7905, dated 21/03/1995 "Criminal Procedure Code of the Republic of Albania", amended. This law is in conformity with:

- Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164 of 22 June 2002, p. 3);
- Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (OJ L 330 of 9 December 2008, p. 21);
- Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences (OJ L 253 of 29 September 2005, p. 22);
- Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of mutual recognition to confiscation orders (OJ L 328 of 24 November 2006, p. 59);
- Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149 of 2 June 2001, p. 1);
- Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182 of 5 July 2001, p. 1);

9. Law No.9258, dated 15.07.2004 "On measures against Terrorism" Official Gazette no. 54, dated 11.08.2004, page 3538. This law is in accordance with:

- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OL J 332 of 18 December 2007, p. 103).
- Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (OJ L 68 of 15 March 2005, p. 49);

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

War on terrorism directly engages specialized structures of State Police, State Intelligence Service and the Armed Forces.

- Police Forces

The mission of the State Police Antiterrorism Structures is to detect, prevent and fight possible terrorist acts as well as every activity related to terrorist phenomena inside the country. Police intelligence is the main component of antiterrorism structures in the prevention of terrorism. This process includes collection, assessment, analyses and use of information on extremist trends. It is carried out to accomplish national needs for public security as well as in the framework of prevention and detection of criminal offences with terrorist intent. All activities are carried out in line with relevant laws and bylaws.

In the General Directorate of State Police there is a new Directory of Counter Terrorism. The mission of antiterrorism structure is detection, prevention and the combat of potential terrorist acts and any other activities related to terrorist phenomenon.

Counter terrorism Directory is organized as follows: Directory of Counter Terrorism with 72 Officers of different ranks was created by Internal affairs Ministry Order Nr. 548/7 date 17.10.2014, In the Gjeneral State Police Directory.

To implement the obligations that derives from the legislations into force in the field of the fight against terrorism, the Directory of Counter Terrorism acts and cooperate with:

- State Informative Service (SIS).
- Prosecution for Serious Crimes.
- Office of the Fight against Terrorism on the Defense Intelligence Agency (DIA), subordinate to the Minister of Defense is another structure that has as its object, the fight against terrorism.
- With the Inter Maritime Operations Centre (IMOC), which provides Albanian management and border control and interaction of state institutions that have liability and interest in the Albanian maritime space.
- General Directorate for Prevention of Money Laundering (GDPML), subordinate to the Minister of Finance.

- ***The Department of Border and Migration of the General Directorate of State Police***

Pursuant to the Law on the State Police (No. 9749, dated 04.06.2007) the Department of Border and Migration in the General Directorate of State Police monitors internally all the border line and Border Crossing Points (BCP) of the Republic of Albania. This department has human and logistic resources, which make possible the monitoring and the control of the green and blue border.

- ***Intelligence Service***

It performs an important role in the fight against terrorism. Although it does not have executive powers the Intelligence Service, through its regional contact points, closely cooperates and exchanges sensitive information on terrorism-related activities with Albania's law enforcement agencies and general prosecutor's office etc.

- ***Albanian Armed Forces***

According to the national legislation of the Republic of Albania, the Armed Forces of the Republic of Albania (AAF) do not have direct responsibility and accountability in preventing and combating terrorism. However, the Military Intelligence Service (MIS) of the AAF performs important support tasks in the prevention of terrorist acts. In particular, the MIS collects, analyses and submits information on activities that relate to terrorism. In compliance with the provisions of Albania's constitution and relevant laws the AAF may assist the State Police in guarding sensitive national institutions within the territory of the country.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:

- ***Financing of terrorism;***

The first measures aimed at fighting the financing of terrorism in Albania were adopted back in 2004 (Law no. 9258, dated 15.7.2004 on the "Measures to fight the Financing of Terrorism). To implement the provisions of this law, the CMDs no. 718 and 767, dated 14.11.2007 on the "List of financers of terrorism" was approved. The law determines the measures against financing of terrorism, competences and cooperation among relevant structures charged with the control and the implementation of these measures. The purpose of this law is to prevent and fight against terrorist subjects and those who facilitate and finance terrorism, confiscating and seizing their funds and assets.

Later on the Parliament of Albania passed Law no. 9917, dated 19.5.2008, "For the Prevention of Money Laundering and the Financing of Terrorism", which laid the ground for the approval of specific bylaws and regulations, especially CMD no. 1077, dated 27 October 2009 on "Approving the National Strategic Document", on "Financial Crime Investigation"

and the Ministry of Finance's Guidance no.15, dated 16.02.2009 on "Preventing Money Laundering and Fight against the Financing of Terrorism in the Customs System".

In order to implement the above-mentioned legislation and to effectively prevent money laundering and the financing of terrorism the GoA has set up the General Directorate for the Prevention of Money Laundering (hereinafter GDPML) at the Ministry of Finance. GDPML was first set up in 2001, and since then has served as the Financial Intelligence Unit of Albania. In line with the existing legislation the GDPML has, *inter alia*, the following mandate:

- To prevent money laundering and fight the financing of terrorism by means of gathering, verifying, assessing and controlling information provided by financial services providers, non-financial services providers and others;
- To prevent money laundering and fight the financing of terrorism by means of suspending or freezing any transaction in order to prevent the transfer or disposal of assets originating from criminal activities;
- Coordinate its activity with other law enforcement and intelligence agencies, such as the Ministry of Interior, General Prosecutor, the Intelligence Service of Albania, as well as other international agencies.

The GoA has also set up a special Inter-Departmental Committee to Coordinate the Fight against Money Laundering and the Financing of Terrorism. The committee is chaired by the Prime Minister and consists of the Ministers of Interior, Treasury, Foreign Affairs, Defence, Justice as well as the General Prosecutor, the President of the National Bank and the Director of the Intelligence Service. The Committee convenes at least once a year and has approved its regulations. It provides strategic guidance to Albania's national policy in the areas of money laundering and financing of terrorism.

In compliance with the EU recommendations, the State Police is continuously strengthening the fight against money laundering and terrorism financing. Interagency cooperation has been consolidated. Currently there are 7 Joint Interagency Investigation Units (Tiranë, Durrës, Vlorë, Fier, Shkodër, Korçë and Gjirokastër), consisting in 30 police officers, and experts of financial crime investigation structures.

In line with law no. 9284, dated 30.09.2004 "On Prevention and fighting of organized crime" and law no.10192, dated 03.12.2009 "On prevention and fighting of organized crime and trafficking through preventive measures against criminal assets", the fight against organized crime is a strategic priority of the GoA and Albania's State Police. This objective has been reflected in the seven years strategy of State Police. Taking into account the trends and features of organized crime the application of sequestration and seizure methods of assets derived by criminal activities was evaluated as necessary.

The investigation of the criminal assets falls under the responsibility of the Section of Investigation of Criminal Assets, which is a special structure within the State Police.

Regarding the measures related to confiscated assets, law no. 10192 dated 03.12.2009 "On prevention and combating of organized crime and trafficking through preventive measures against criminal assets", clearly defines that incomes derived from seizure of criminal assets will serve to set up a special fund on prevention of criminality and legal education. Specifically, this fund serves to:

- Improve Criminal Justice functions, by sending the assets into the administration of General Prosecutor and Ministry of Justice.
- Improve pre-investigations of organized crime and development of witnesses protection programs as well as the collaborators of justice by sending these assets into administration of the relevant ministry

- Assist victims of organized crime, violence as well as stimulate social programs for these categories by sending these assets into administration of the relevant ministry

Furthermore, CMD no.1077, dated 27.10.2009, “On the Investigation of Financial Crime” has been approved. It aims to fight actively and continuously economic–financial crime, money laundering and terrorism financing; offences that seriously damage political and economical stability of the country, national security, and in general democracy and rule of law. This document aims at creating a long term platform as well as balancing effective prevention and investigation of crimes in economical and financial field, too.

CMD no. 44, dated 10.06.2009, on the approval of the regulation “On the prevention of money laundering and financing terrorism” aims at preventing the use of subjects listed in Law No. 9917, dated 19.05.2008, (for example, banks of second level) which are monitored and/or licensed by the National Bank of Albania on money laundering and/or financing terrorism.

- ***Border controls***

Despite that there is not a development of 2014, but previous, should be added that ASF2 Interpol system is already integrated into TIMS and it is not used only when needed but questioned in real-time in every search or registration on any person, document or instrument as in the 2012 report stated that Interpol is enable for verification if it is necessary.

Also, should be added that in all stations of BMP where occurs deportations is associated the AFIS system of fingerprints, as in the 2012 report I is not mentioned, though, even this have been previously realized and not in 2013.

The online applications for permits of stay for the foreigners’ citizens and their verification and approval have begun.

- ***Travel document security;***

As of 1 March 2012 biometric passports are the only travel document of Albanian citizens. All BCPs use biometric passport readers and equipment for fingerprint verification. The use of biometric electronic documents has facilitated registration at BCPs because most of the data is processed in a shorter time. Reading of electronic documents via scanners that are used by Border and Migration Police is simpler. It is also possible the automatic reading of the image of the holder of the document. Real-time registration into TIMS system of documents and their reading during entry/exit at border crossing points, gives the possibility of comparison with the existing data reducing the possibility of abuse.

Additionally, border notifications with different features reflected into TIMS in real-time increases the quality of border control. At the same time TIMS system generates in real-time also the alerts on persons sought nationally or internationally. Alerts are generated also for suspected persons on different criminal events.

Implementing the Ordinance of Police General Director no. 503 dated 02. 06. 2008, Interpol Tirana records continuously the lost/stolen documents into Interpol Databases System. During 2011 into IPSG ASF2 System have been registered 3154 passports.

The IT directorate web page has PRADO’s link, enabling every employee in consultation with the specimen of documents of various countries in BCP.

In terms of security documents of the country, in addition to direct TIMS data, and the data integrated to the National Civil Registry that help to consult in case of need of verifying the identity of an Albanian citizen with a biometric document.

- ***Container and supply chain security;***

The port of Durres receives approximately 80% of the 1,500 sea containers entering Albania each month, the bulk from the People's Republic of China and South America via feeder routes from Greece, Cyprus and Italy. The remaining 20% of the container traffic arrives overland via two border points with Greece – Kakavija and Kapshtica from different points of origin including Turkey.

The Customs Service of the Republic of Albania operates in compliance with the provisions of the Customs' Code. Control procedures at the crossing points are carried out in keeping with the stipulations of Section 2 of the Code (articles 11 and 12) "On Control, Supervision and Competences of Customs Service".

With reference to the equipment used to screen containers, Custom Service currently has one Nuctech mobile scanner in the port of Durres. Other four scanners have been installed since 2010; each of them is used at the border crossings of Kakavija and Kapshtica, as well as at the smaller port of Vlora.

Customs uses "ASYCUDA World" for their basic risk analysis system which is based upon the nature of goods, country of origin, the history of the importing company and any other intelligence. Meanwhile, the Border Police have their own, separate risk analysis system, but it is envisaged that in due course the systems in use will be common, thus enabling better targeting of illegal activities to include all aspects of trans-national crime.

Border and Migration Police closely cooperate with the Custom Service based on the provision of the relevant Memorandum of Understanding. Although Border and Migration Police deals primarily with the control passengers and vehicles, it closely cooperates with the Customs in cases of detections of illegal activities, which are processed jointly.

The effectiveness of the Cooperation has increased as a result of the implementation of Albania's Integrated Border Management plan. Customs have undertaken joint training at the police academy and are currently drafting a joint training plan with the police. They have several joint teams who share equipment, vehicles and accommodation.

- *Security of radioactive sources;*

Protection from radiation in the Republic of Albania and the safety and security of sources of ionizing radiation is provided for by Law no. 8025, dated 9.11.1995 "On protection from ionizing radiation", amended in July 2008. Albania's legislation is in compliance with EU directive 96/29 and BSS No. 11. The law also ensures the effective independence of the regulatory Body, reinforced through the 2008 amendments. The Radiation Protection Commission (RPC) members are nominated by the Council of Ministers without conflict of interest with users.

The above mentioned law includes provisions on security and safety of radiation sources, on duties and functions of the Regulatory body, regulatory responsibilities, the way of completion of legislation in the field of radiation protection and duties of the Office for Radiation Protection (ORP). This law also provides for the licensing of all activities and practices related to ionizing radiation as defined in relevant regulations. The Law also opens the way to full inspection process and sanctions. Basically, our legislation is founded on four basic pillars, namely legislation, licensing, inspection and sanctions.

The 2008 amendments took into consideration other elements such as security of source, increasing the independence of the regulatory body, increasing the level of adoption of relevant regulations through relevant CMD, national inventory of ionizing radiation near the ORP. Since 2004 RPC is working toward implementation of "Code of Conduct on Safety and

Security of Radioactive Sources" IAEA. It has adopted and approved a set of regulations in the radiation protection field, safety and security.

The Council of Minister of Albania has further approved

- The Regulation "On the physical security of the radioactive materials in the Republic of Albania", Decision No 344, date 29 April 2011
- The Regulation on "Categorization of radioactive sources in the Republic of Albania", Decision No. 09, date 07 January 2010 of Council of Ministers;
- The Regulation "On the treatment of radioactive waste", Decision No. 08, date 07 January 2010 of Council of Ministers.

The RPC has approved and implements the Guidance on import-export and transit of radioactive sources of category 1 and 2 in the Republic of Albania (no. 134, date 12.4.2011). RPC adopted a declaration in support of "Code of Conduct on Safety and Security of Radioactive Sources" IAEA Nr. 1388 14/04/2004 and a letter was sent and the Director General of ANEA stressing the fact that Albania is working towards the implementation of this Code.

Implementation of relevant international standards, for example, compliance with IAEA Regulations

The above documents are in compliance with IAEA documents related to security of radioactive sources. They also take into account elements of security during the transport.

Changes in institutional arrangements

Strategy development

The RPC is currently working to draft the National Policy and Strategy for the treatment of radioactive waste in Albania.

Measures to prevent the illegal storage, circulation or use of CBRN weapons and related materials

The RPC is a part of the system mainly related with prevention of trafficking and search of any orphan source.

Measures to regulate laboratories and other premises involved in the production, storage or use of the above

Albania already has a consolidated system on procedures for licensing inspection and enforcement. There is no production of radioactive sources in Albania

Awareness raising with relevant trade bodies (laboratories, regulatory bodies etc)

The Center of Applied Nuclear Physics works as a supporting team in the case of orphan sources.

International co-operation/technical assistance activities (for example, participation in NATO CBRN training)

RPC has been working with the US Government on that issue.

- ***Use of the Internet and other information networks for terrorist purposes;***

The 2008 amendments of the Criminal Code of Republic of Albania (law No.10023, dated 27.11.2008) added 12 new provisions defining cyber crimes in the field of information technology or criminal offences committed through computer systems. These changes are based on the Budapest Convention on "Cyber Crimes" (ratified by parliament in 2000) and the Protocol of the Convention on Cyber Crimes, with regard to penalizing the racist or xenophobic acts via internet. The provisions of the Criminal Code define procedures of sequestration and fastened safety of computer data, based on the Budapest Convention on "Cyber Crimes".

All e-communication systems operated and used by police structures are monitored and secured based on the special Memorandum of Understanding between the Embassy of United States in Albania, ICITAP Programme in Albania, Ministry of Interior of Republic of Albania and Albanian State Police signed in Tirana on 20 November 2006.

All activities and incidents comprising breaches of the Code fall within the jurisdiction of the State Police, which operates through the pertinent central institutional mechanisms: the section against Cyber Crimes. This section was established within the Department for Crimes Investigation of the General Police Directorate of Albania in June 2009. This newly-created structure examines cyber evidences, investigates cyber-crimes and other crimes related to the use of computer and computer networks for terrorist purposes as well for money laundering in order to finance terrorism on the internet. Its staff has steadily increased to meet the growing need of the section. Today it employs 22 police (it was founded with only 6 police officers).

The Albanian Parliament has adopted the Law No. 9699, dated 26.03.2007, "On the ratification of Cooperation Strategic Agreement between the Republic of Albania and the European Police Service (EUROPOL)" which was signed on 05.02.2007. On 1 December 2009 the following documents have been signed in the Hague;

- The Memorandum of Understanding on the establishment of secure communication networks between Europol and the Republic of Albania;
- The Action Plan on the Implementation of the Cooperation Strategic Agreement between the Republic of Albania and EUROPOL;
- Technical Document, Bilateral Agreement between Europol and the Republic of Albania on the installation of Computer Networks.

Regarding Europol dated 27.06.2013, by DCM No.566, it was adopted, in principle, the agreement between the Republic of Albania and the European Police Office for Strategic and Operational Cooperation. Albania signed the Strategic and Operating Agreement with Europol on the 9th of December 2013 and ratified it on 20 March 2014 in the Parliament of the Republic of Albania by Law no. 28.2014. This is the highest form of cooperation with the agency regarding the safe exchange of data.

Regarding Interpol in relation to extradition matters, we inform you that Albania currently has bilateral extradition agreements with Italy, USA and Kosovo. Based on these agreements, may be arrested in Albania, citizens wanted by these respective countries, with the aim to be extradited to these countries.

- ***Legal co-operation including extradition;***

According to the Constitution, the extradition of an Albanian citizen without a bilateral treaty in place, expressly providing for the extradition of Albanian citizens, is prohibited. Yet, the Albanian legislation does not require a bilateral treaty for the consent to extradition when the person in question is not an Albanian citizen.

Article 11 "Extradition" of the Criminal Code of Republic of Albania stipulates that "Extradition may be permitted only if it is expressly provided for in international agreements to which the Republic of Albania is a party". Pursuant to the provisions of the Criminal Procedure Code, extradition is permitted only on basis of a request addressed to the Ministry of Justice (MoJ). The request may be addressed directly or via diplomatic channels. If the MoJ accepts the extradition request it conveys the procedure to the appropriate authorities.

The Criminal Procedure Code of Albania devotes special articles (488-503) to the legal relations with foreign states on criminal matters and to the detailed procedures that govern extradition.

The conditions of extradition are specified in article 490, i.e.:

- Extradition is permitted under the express condition that the person subject to extradition shall not be prosecuted, sentenced nor shall he be surrendered to another country for a criminal offence which has occurred prior to the request for the handover, other than the one for which the extradition is provided for;
- The requirements of the paragraph 1 shall not be considered if: a) the extraditing party gives express consent that the extradited person is prosecuted even for another criminal offence and the extradited person agrees thereupon; b) the extradited person, although having had the opportunity, has not left the territory of the country he is extradited after forty five days from his release or after has left is returned voluntarily.
- The Minister of Justice may impose even other requirements it deems appropriate.

Furthermore, Albania is party to several legal agreements regarding the cooperation in the criminal field and part of some Conventions and International Treaties:

- European Convention on Extraditions, entered into force on 17/08/1998.
- European Convention for Mutual Legal Support, ratified on 04/04/2000.
- European Convention on the Transfer of Criminal Proceedings, ratified on 04/04/2000.
- European Convention on International Validity of Criminal Decisions,
- Convention for the Transfer of Convicted Persons, ratified on 04/04/2000.
- Convention on Cyber-crimes, ratified on 20/06/2002.
- Additional Protocol of the Convention on Cyber-crimes, with regard to penalizing the racist or xenophobic acts via Internet, ratified on 26/11/2004.
- Convention of the CoE of the Prevention of Terrorism, ratified on 06/02/2007.
- Convention of the Council of Europe on Laundering, Detection, Seizure and Confiscation of Crime Proceeds and Financing of Terrorism etc.

The communication between Albania and other countries in the area of mutual legal assistance in criminal matters is governed by appropriate international agreements to which Albania is a state party and by the relevant stipulations of Albania's Criminal Procedure Code (Articles 488-503). Albania is party, *inter alia*, to the European Conventions:

- "On Mutual Legal Assistance in Criminal Matters" and its additional protocols, signed on 9.05.1998, ratified on 04.04.2000 and entered into force on 03.07.2000;

- On transfer of proceedings in criminal matters” signed on 19.05.1998, ratified on 04.04.200 and entered into force on 05.07.2000.

Following the entry into force of the Conventions, the Republic of Albania provides proper mutual legal assistance in criminal matters, in conformity with its provisions.

Most recently the Albanian parliament passed Law no. 10193, dated 03.12.2009 “On Jurisdictional Relations with Foreign Authorities in Criminal Matters”. The approval of this law marks a significant step forward in the improvement of Albania’s legal framework in the area of legal assistance in criminal matters. The provisions of the new Law comply with EU standards, and create a new system centered on the authority the Ministry of Justice. However, cases in which local and foreign authorities can send their requests directly to Courts or public prosecutor’s offices have also been envisaged.

There are two other positive aspects of the law that are worth mentioning:

- The new system is highly effective due to the presence of precise deadlines for each procedure;
- Clearly defines competences for international arrest warrants for Albanian citizens. In fact, the new Law has attributed to public prosecutor’s offices specific competences in issuing the aforesaid warrants both during investigative phases and at the end of trials.

- Safe havens and shelter to terrorists and terrorist organizations

The Republic of Albania has taken several measures to prevent the use of its territory as safe haven and shelter to terrorists and terrorist organizations. Among others, the Counter Terrorism Directory of the General Police Directorate in close cooperation with Border and Migration Police controls and monitors suspect individuals that enter and reside in the territory of the Republic of Albania. These tasks are also performed by other state agencies involved in the fight against terrorism, in particular by the Intelligence Service. The latter has no executive powers, but in the framework of the cooperation with other law enforcement institutions, it collects (including the data of informative services of foreign partner countries), assesses and analyses information on the use of Albanian territory for purposes of terrorist activities against other countries and as appropriate, it cooperates with State Police and/or Prosecutor’s Office for the prevention of this activity.

BMP is in close collaboration with the sector and sections of counter terrorism to prevent and fight them at the border and in the territory. Exchange of information is continues in this regard. Also, as in the case of the issuance of visas and in cases of issuing residence permits, the cooperation between the MFA , BMP and SIS, continues as provided by law.

In 2013 a new Law has been approved no. 118/2013 “On foreigners” in comply with the directive and recommendations of EU.

The bylaws for the implementation of this law are also in accordance with EU legislation.

Even refusing entry form in RA has been approved in accordance with the standard form the Schengen area.

- Prevention of violent extremism and radicalization that lead to terrorism

The security threat stemming from violent extremism and radicalization that lead to terrorism has been acknowledged and duly addressed in the “National strategy on the fight against terrorism”. In this regard, the prevention of the phenomena that might bring about violent extremism and radicalization is one of the key elements of the Strategy, which aims to “reduce the threat of terrorism to our country and its interests, by improving security and

increasing community's confidence in the national measures tailored to prevent terrorist acts".

Responsible institutions are tasked to put in place legal and administrative measures in order to analyze, assess and follow up any signal that might bring about terrorist acts. One of the main objectives of this Strategy is to "Develop and enhance the transparency for community with regard to negative phenomena that might lead to radicalism or extremism" This target will be achieved by strengthening cooperation between all police structures and civil society in order to exchange information in relation to all forms of radicalism and extremism. It also is important that cooperation between the anti-terrorism structures and community police officers who organize meetings with community in order to raise awareness and prevent all forms of radicalism and extremism. These measures have been foreseen in the Action Plan Strategy.

The prevention of terrorist and extremist acts in the Strategy is specified in one of its objectives as follows; "The control of grievances that may lead to radicalism and extremism". The injustices and complaints as a result of lack of tolerance between community groups can have a strong impact on the level in which the individuals will accept radicalism and extremism. It is important also the commitment with the isolated communities in order to efficiently control their differences to reduce pressure and to increase dialogue.

The early identification of conflicts is one of the most important steps to prevent terrorist acts. It is important to support individuals who are judged to be exposed to extremism and radicalism. The main purpose is to identify these individuals at an early stage (in advance) (before they commit a terrorist act), by giving them legal aid and by dissociating them from extremist activity. These measures will be associated by necessary legal and administrative acts that guarantee the permanent phases of cooperation with these individuals.

These preventive measures will be implemented by the Ministry of Education and Science, by the Regional Educational Directorates, High Schools as well as in cooperation with State Police in the framework of the fulfillment of the annual training plan during 2011 has conducted the following trainings related to the fight against terrorism with the officers of the anti-terror structures;

- Training with topic "Criminal Offences against Terrorist Acts" from 08.01.2011 until 01.02.2011 in Cairo, Egypt, with the participation of 20 officers.
- Training with topic "Fight against Terrorism 2011" from 26.09.2011 until 30.09.2011 in Belgrade, with the participation of 2 officers.
- Training with topic "Criminality Regarding Cyber Crime in the Field of Organized Crime, Terrorism and Money Laundering, from 28.09.2011 until 30.09.2011 Police Educational Centre, with the participation of 12 officers.
- Training with topic "Different European Models of the Fight against Organized Crime, White Collar Crimes, Fundamental Cases against Money Laundering and Financing of Terrorism as well as the Investigation Procedures of these Cases", from 24 until 26.10.2011 in the Prosecutors Office with the participation of 7 officers.
- Counter terrorism Training with the UK Embassy
-

- ***Public-Private Partnerships (PPPs) in countering terrorism***

The public institutions involved in the fight against terrorism are: the Ministry of Interior, the Department for Crime Investigation and the Directorate against Serious Crimes/Sector against Terrorist Acts. All these structures have an important impact on the prevention of financing terrorism and terrorist acts. These structures conduct procedural and investigative

activities as well as cooperate with other security institutions especially with the Anti-terror Directorate, in the Albanian Intelligence Service. These structures cooperate with the General Prosecutors Office, which is the institution involved in the fight against terrorism. At the same time in the General Prosecutors Office works the Interception and Telecommunication Office.

General Directorate of Police in the fight against terrorism and financing of terrorism closely cooperates with the Ministry of Finances with FIU which is a specialised financial unit for the prevention and fight against money laundering and financing of terrorism. This directorate works as a national centre in charge of gathering, analysing and delivering to the law enforcement agencies of data on the possible activities of money laundering and financing of terrorism.

- *Protection of energy infrastructure from terrorist attacks*

International Cooperation is based on a working agreement on the establishment of operational cooperation between the Ministry of Interior of the Republic of Albania and the European Agency for the Management of Operational Cooperation in the External Borders of the Citizens Members of the EU (FRONTEX) – adopted on 18 February 2009;

During joint operations on BCPs and the Green Border there have been exchanged border officers of participating countries who worked during operations in the Border Unit where the operation has been developed.

During coordinated operations there have been exchanged statistics between the BCPS participating in the operation of the countries involved, in terms of control of persons, vehicles, documents and cross-border crime.

In the framework of international cooperation, it has been signed on 3 October 2008 the Memorandum of Understanding between the Ministry of Interior of the Republic of Albania, Bosnia–Herzegovina, Croatia, Macedonia, Montenegro and Serbia aiming to establish a system for the exchange of statistical information on illegal migration and involvement in a regional system for the early prevention.

Cooperation with the Italian law enforcement authorities (Guardia di Finanza):

In the framework of the Sea Border Control and Surveillance, the Border and Migration Police closely cooperates with Guardia di Finanza based on the Protocol of Understanding between the Government of the Republic of Albania and the Government of the Republic of Italy regarding the program for the development and support of Albanian Police Forces and between the two countries in the fight against criminality, between the Italian Liaison Office in Albania and the Albanian Liaison Office in Italy.

With this Unit which is located in Durres and Sazan Island, has been established a good tradition and the common activity in the operational framework is based on the following aspects:

- Organisation of common measures in order to increase security in ports.
- Pursuant to international agreements the regime of movement of vessels in the internal and territorial maritime area.
- The exchange of information in the investigation-rescue operations.
- Organisation of measures for the prevention and defeat of illegal activities via sea.

- *Cross border cooperation*

After the adoption of the new IBM Strategy, based on the EU Recommendations for Western Balkans countries on IBM, also pursuant to the Convention for Police Cooperation between SEE Countries signed in Vienna on 5 May 2006, Albania is focused in concrete fields of the cross-border cooperation with foreign countries.

The Council of Ministers of the Republic of Albania and the Government of Montenegro have signed the Protocol “On the conduction of joint activities of Border Control in JBCP Murriqan - Sukobine. The signing of this protocol has guaranteed the functioning of the JBCP according to standards based on the principle “one stop, one check” not only between the agencies of one party but between the agencies of both countries in the JBCP, by facilitating the border control procedures in this JBCP and by reducing the time for the control of individuals and vehicles.

There have been signed and are being implemented the Agreement for Cross Border Police Cooperation with Montenegro, Macedonia and Kosovo through which countries are committed to:

- Organise meetings between Border Police leaders at local, regional and national level.
- Establishment of Contact Persons between Border Policies at national level.
- Establishment of the Liaison Officers Network.
- Construction of joint BCPs, integrated as well as joint offices for exchange of information.
- Establishment of joint patrols.
- Exchange of Risk Analysis Information.
- Encouragement of joint operations.
- Joint Management of information
- Coordinate joint investigations,

In particular, “Joint Procedures of Border Control for BCPs of Morinë, Qafë Morinë and Qafë Prush” are in place between Albania and the Republic of Kosovo.

Albania has signed Protocols for Border Joint Patrols with Montenegro and Macedonia, while joint operations aiming to “defeat any type of border trafficking, and to prevent illegal border crossing” have been organised with the Greek Police. This is done by synchronising forces and dividing service sectors. At the end of each operation a joint analysis of the results is conducted.

National Contact Points between Border Police have been established and are operational in Albania.

Technical assistance benefits by border police in the framework of “IPA 2009” are the following:

- Seven vessels for the blue border structures have been delivered,
- The construction of Border and Migration Commissariat of Saranda has started;
- The equipment for the radio-communication system, for the Inter-institutional Operational Maritime Centre have been delivered and have been made all necessary arrangements from the IT specialist.

Besides joint patrols, central and regional meetings as well as co-existing agreements, signed in 2013 and implemented in practice include:

Cooperation with the Republic of Kosovo:

Agreement and Protocol between the Government of the Republic of Albania and the Government of the Republic of Kosovo for the opening of the joint cross border point Borje (Kukes) - Gllloboçica (Dragas) between the Republic of Albania and the Republic of Kosovo. Signed in April 2013. The goal is to apply also in this BCP the working method as in the JBCP of Muriqan Sukobine. Approved in principle by the Council of Ministers of Republic of Albania.

Agreement and Protocol between the Government of the Republic of Albania and the Government of the Republic of Kosovo for the opening of the Joint BCP of Orgjost (Kukes)-Orçush (Dragas) between the Republic of Albania and the Republic of Kosovo, signed in April 2013. The goal is to apply also in this BCP the working method as in the JBCP of Muriqan Sukobine. Approved in principle by the Council of Ministers of Republic of Albania.

Agreement and Protocol between the Government of the Republic of Albania and the Government of the Republic of Kosovo for the opening of the Joint BCP of Shishtavec (Kukes) - Krushë (Dragas) between the Republic of Albania and the Republic of Kosovo. Signed in April 2013. The goal is to apply also in this BCP the working method as in the JBCP of Muriqan Sukobine. Approved in principle by the Council of Ministers of Republic of Albania.

Agreement for the establishment of the Joint Police Cooperation Center in Morin-Vermicë with Kosovo. This agreement is part of the implementation of the requirements of the Vienna Convention which deals with the establishment of Joint Centers of Police Cooperation between countries, with the aim of facilitating information exchange routes. Signed in April 2013. It has started its activity.

With FYROM (Macedonia):

Agreement between the Government of the Republic of Albania and the Republic of Macedonia for the opening of the New Point of International Road Border Crossing between the two countries, Xhepisht-Trebisht "Tirana on 16.11.2005.

- This agreement was the basis for the opening of this BCP. With the agreement signed in Tirana on 11.23.2012, this BCP becomes JBCP for local circulation of citizens and vehicles. This BCP has started its activity.

Agreement between the Ministry of Interior of the Republic of Albania and the Ministry of Interior of the Republic of Macedonia for the establishment and operation of a Joint Police Cooperation Center, signed in Skopje on 15.03.2012. This agreement is part of the implementation of the requirements of the Vienna Convention which deals with the establishment of joint centers of Police Cooperation between countries, with the aim of facilitating information exchange routes. This center has started functioning.

With Montenegro, under process:

Agreement on the Joint Police Cooperation Center Muriqan with the Police-of Montenegro. This agreement is part of the implementation of the requirements of the Vienna Convention which deals with the establishment of joint police cooperation centers between the countries, with the aim of facilitating information exchange routes.

Additional in the Implementation Protocol "To carry out joint border control activities in the BCP of Muriqan/Sukobine '. Protocol "for conducting joint border control activities in the JBCP of Muriqan / Sukobine ', signed in Shkodra on 18.06.2009.

2. Stationing of Armed Forces on foreign territory

2.1 Provide information on stationing of your States Armed Forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Albania does not have armed forces permanently stationed on the territory of other OSCE participating states. As part of international operations Albania deploys on temporary bases military units in the framework of multinational military formations which carry out activities as part of the UN, EU and NATO.

The temporary deployment of Albanian military personnel on the territory of other OSCE participating States in the context of training and exercises is governed by bilateral agreements with the respective countries.

With reference to the area of application of the Code of Conduct on Politico-Military Aspects of Security, Albania currently contributes with 1 Staff Officer representative of AAF in EU Operation ALTHEA in Bosnia-Herzegovina.

Albania also currently contributes with 14 military personnel (13 staff officers and 1 NCO) in the KFOR Headquarters in Kosovo.

Outside the OSCE area Albania contributes with 44 military personnel in "Train, Advice, Assist Mission" as a Resolute Support Mission (RSM) in Afghanistan.

The decision on the participation of troops deployed abroad.

The Law no. 9363, dated 24.03.2005 "The manner and procedure of deployment, and passage of foreign military forces in the Republic of Albania and sending the Albanian military forces abroad", deals with participation of Military Forces in international military operations organized, authorized or directed by NATO or the European Union.

Council of Ministers with the proposal of the Minister of Defense decides on the participation of the Armed Forces of the Republic of Albania in international military operations organized, authorized or directed by the NATO, or the European Union, case by case, by defining the mission, level of participation, duration of the operation, as well as any other necessary element to conduct of military operations

Sending Albanian military units under this section applies only to cases where, preliminarily is achieved an international agreement on the status of the Albanian military forces in the place where the military operation is carry out.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security-building as an element of indivisible security are implemented in good faith.

The OSCE documents on arms control, disarmament and confidence- and security-building measures constitute an essential pillar of Europe's current security architecture. The faithful observation of the provisions contained therein and the implementation of existing commitments in the spirit of transparency and cooperation - as a tangible contribution to Europe's indivisible and cooperative security system – is ensured in close cooperation by appropriate state structures, in particular by the Ministry of Foreign Affairs and Ministry of Defence.

The Albanian Arms Control and Disarmament policy is based on the principle of undiminished security at the lowest possible level of armament. The Republic of Albania is continuously working toward the effective implementation of all international obligations, including the implementation of international treaties and conventions.

The Republic of Albania fully complies with the commitments and the spirit of the Code of Conduct on Politico-Military Aspects of Security and the Vienna Document 2011, including the provisions of Chapter IX of the VD-11 (Compliance and Verification) on inspections and evaluation visits.

During 2014, Albania has conducted an evaluation visit in Bosnia & Herzegovina with “guest inspector” from Czech Verification Agency and has conducted an Inspection Visit in Former Yugoslav Republic of Macedonia with “guest inspector” from Croatian Verification Centre.

According to Vienna Document 2011 (VD-11) Albania has an obligation to receive three inspections of specified area and one evaluation visit during the annual calendar. Meanwhile, for 2014 Albania has received an evaluation visit from Switzerland Verification Agency according to the VD-11.

Furthermore, the Republic of Albania has already fulfilled all legal obligations stemming from Conventions on Chemical Weapons, Cluster Ammunitions and Prohibition of Anti-Personnel Mines. With respect to the Convention on the Prohibition of the Use, Stockpiling, and on their Destruction Albania has fulfill all necessary obligations.

Albania exchanges military information, defense planning information and all dates concerning to all arms control agreements with members of OSCE presenting a good will for cooperation, transparency and openness among all OSCE countries.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Disarmament, arms control, non-proliferation and confidence and security-building measures, are key elements in enhancing security and stability in the OSCE area and beyond. Therefore, Albania has continuously supported initiatives and fulfilled obligation on these fields.

Albania is party to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), supports and fully implements the two treaties.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

The basis for the defense planning system is laid down in national legislation. The key institutions of defense planning include the Parliament, the Government's Working and Coordination Body. The Ministry of Defence (MoD) plays a crucial role in overall management of Defence Planning and in co-ordination of measures ensuring the state's readiness for defense. Defence Planning Process includes political objectives, and National Security Policy.

Since the beginning of 2010, Ministry of Defense has assumed overall responsibility for conducting both the medium-term and yearly planning.

At the strategic level, the defense planning consists of long-term development plans and programs, which project the future target force, as well as anticipate the main requirements and priorities of the AAF development.

The Planning, Programming, Budgeting and Execution System is synchronized and in line with the national Integrated Planning System (IPS) of the government. This system will better serve the purpose of program coordination with the resources, and provides a sound decision-making of the government regarding the defense budget.

The budgeting process starts with the Council of Minister decision on budget limits. The Strategic Management Group in the Ministry of Defence sets the budget limits for the expenditure structures according to the Government's Annual Budget Law and their requests for extra funds. After the apposite discussions, the final draft is sent to the Ministry of Finance for approval. The Parliament, at the end of the parliamentary session, approves the Government's Annual Budget Law. This law includes all the governments' institutions expenditures for the next year.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Albania is a law abiding member of the international community of nations and acts in accordance with international law.

Drawing and adoption of policy and planning documents that defines military capabilities of the Albanian Armed Forces, is being conducted in a transparent and open manner and all adopted documents are available to domestic and international public. In that way, all interested states have insight in the current situation and reasons for development of military capabilities.

Albania contributes to international security and stability by engaging in dialogue and cooperation with countries throughout the world, as well as by providing modest contributions in peacekeeping and humanitarian aid.

In the framework of regional security environment and beyond are approved a number of bilateral and/or multilateral agreements in order to contribute and increase the national and international security. Inter alia, emphasis bilateral Memorandum of Understanding (MOU) in defense fields with countries on the region and beyond.

MOU between Ministries of Defence of Republic of Albania, Bosnia & Herzegovina, Croatia, Montenegro and Former Yugoslav Republic of Macedonia related to principals of contribution in Center for warning of situations and operations of rehabilitation in Camp Marmal M-e S, in the mission conducted by NATO "Resolute Support Mission", in Afghanistan.

MOU among Ministry of Defense of Republic of Albania, Bulgaria, Croatia, Estonia, Ministry of Foreign Affairs of Republic of Islands, Latvia, Lithuania, Romania, Slovakia, Slovenia and Communication and Information Agency of NATO (NCIA) regarding to the cooperation on implementation of extending of the projects of Air Control and Commanding Systems (ACCS).

Technical Agreement between OSCE presence in Tirana and Albanian Ministry of Defence for the elimination of Chemical Stocks, 16 April, 2012.

MOU between OSCE Presence in Albania and Albanian Ministry of Defence for the elimination of Chemical Stocks, 10 November 2014.

In framework of the regional cooperation, since 2000, Republic of Albania has signed the agreement, with The Regional Arms Control Verification and Implementation Assistance Centre, (RACVIAC). Albania as a member country of this centre has been active and gives a very important role and contribution increasing of security and cooperation in region. With the new agreement, ratified in December 2011 by the member's countries this centre is called Centre for Security Cooperation.

The South-Eastern Europe Defense Ministerial initiative is launched in 1996 to boost cooperation among the countries of South-Eastern Europe. The main goal is to intensify political-military cooperation and security in the region. Albania is member of this initiative from the establishment.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Military Forces

The constitution of Albania and other legal acts on civil-military relations provide a clear delineation of authority and a system of subordination and command and the control echelon of defense structures in times of peace and war. They provide for the civilian democratic control of the Armed Forces at the strategic level, whereas at the operational level the command and control is held by military authorities.

Democratic political control of the Albanian Armed Forces is constitutionally guaranteed through article 12, paragraph 2, which stipulates that the Armed Forces are subject to civilian control.

Article 167 of the constitution stipulates that Military personnel in active duty cannot be elected or appointed in other state offices and cannot participate in political parties or other political activities.

These constitutional principles are implemented through the provisions of law no. 8671, dated 26.10.2000 "On the powers and authorities of command and strategic guidance of the Albanian Armed Forces". Article 3 of the Law no. 8671, dated 26.10.2000, stipulates that powers and command authorities of the armed forces have the following hierarchical order:

the Parliament, the President, the Council of Ministers, the Prime Minister, the Minister of Defence, the Chief of General Staff, and the Commanders of the Land, Navy and Air Force.

As this order shows, the Parliament is clearly vested with the oversight authority. It approves the National Security Strategy, the Defence Policy and Military Strategy, the Defence Laws and Budget and exerts parliamentary control over activities related with the armed forces. The oversight authority is exercised through the standing Security Committee. The competences of the Committee are foreseen in the internal regulations of the Parliament.

In line with the stipulations of the Constitution and above-mentioned law, the President of the Republic of Albania exercises the leadership of the Armed Forces through the Prime Minister and Minister of Defence in peacetime. In wartime the President of the Republic appoints and dismisses the Armed Forces Commander upon proposal by the Prime Minister.

The Prime Minister is responsible for the leadership, development, and the state of the Armed Forces in peacetime. The Council of Ministers is the highest executive body. It proposes laws on defense, executes the laws approved by the Parliament, defines the main approaches of national policy, and issues normative acts with temporary legislative power. The Council of Ministers manages the activity for the accomplishment of the tasks in the defense field, in accordance with the constitution, laws and decisions of the National Security Council.

The Minister of Defence is accountable before the Parliament, President and Prime Minister for the development and execution of defense policies. The Minister of Defence is a member of the Council of Ministers and the National Security Council. The Minister of Defence is responsible for the headship and control of the Armed Forces, the accomplishment of their mission, the management of the defense budget and the fulfillments of defense policy objectives.

National Intelligence Service

Law no. 8391, dated 28.10.1998 “On national intelligence service” and other bylaws constitute the legal framework for the activities of Albania’s Intelligence Service. Article 4 of this law stipulates that the National Intelligence Service operates under the authority of the Prime Minister. In order to control the activities of the Intelligence Service the Council of Ministers appoints a General Inspector who reports to the Prime Minister (article 12 of the, law).

Articles 7 and 8 of the law provide for the parliamentary control of the activities of Albania’s Intelligence Service. The control is exercised by the relevant standing parliamentary committee, which can also oversee the use of fund allocated to the Intelligence Service. The director of the Intelligence Service reports to the Committee at least once a year. The Director of the Intelligence Service also reports to the Council of Ministers, as determined by the Prime Minister.

The Director of the National Intelligence Service is appointed by the President of the Republic upon proposal of the Prime Minister.

The Albanian State Police

Civil and democratic control on the State Police is achieved through the Assembly of Albania, Ministry of Interior and the Ombudsman.

The activity of Albania's State Police is governed by Law no. 9749, dated 04.06.2007 "On State Police". The State Police is part of the Ministry of Interior and reports to the Minister of Interior (article 7 of the law). The budget of the State Police is approved by the Parliament. The Minister of Interior reports to the Parliament and to the Standing Security Committee in regular bases.

The Parliament of Albania has established the Internal Control Service (ICS) in the Ministry of Interior (law no. 10002, dated 6.10.2008) whose mission aims to guarantee to the community a responsible, democratic and transparent police service, in keeping with the relevant legislation in place. The activities performed by the ICS aim at preventing, unveiling and investigating criminal offences committed by police officers. The ICS also inspects the activities of the State Police against the implementation of the legislation in place.

The law places the ICS under the direct authority of the Minister of Interior, who is responsible for its activity.

The Guard of the Republic of Albania

This is a structure with a special status in the Interior Ministry, which has the mission of preserving and protecting the high state authorities and their residences, as defined by law. The Guard of the Republic of Albania is under the jurisdiction of the Minister of the Interior Affairs.

Guard of the Republic of Albania preserves and protects:

- a) The President of the Republic, the Speaker of the Parliament, the Prime Minister, and their families.
- b) Foreign personalities who come into our country, in the rank of Albanian personalities of the letter "a" and "c".
- c) The Head of the Constitutional Court, the Deputy Speakers of the Parliament, members of the Council of Ministers, the President of the Supreme Court, the Attorney General, the Director of the State Intelligence Service, the Head of the Supreme State Audit, the Governor of the Bank of Albania, the Ombudsman, the Chairperson of the Central Election Commission, the Leader of the Largest Majority Party, the Leader of the Opposition Party and the Mayor of Tirana.
- d) Presidential residences, the Assembly and Council of Ministers, and other residences defined by the Council of Ministers.
- d) Dwellings of the personalities mentioned in the letters "a", "b" and "c" of this article.

The structure of the Guard of the Republic consists of the Headquarter, the Director and other subordinate structures. The structure, organization, chain of command and the staff of the Guard of the Republic of Albania are determined by the Council of Ministers upon the proposal of the Minister of Interior Affairs.

The Guard Commander has the full authority of command and control of all activities of the Guard. He is accountable before the Minister of Interior Affairs for the training and readiness of the units of the Guard and for the fulfillment of its mission. The Commander of the Guard of the Republic shall be appointed by the Prime Minister, upon the proposal of the Minister of Interior Affairs. He is selected among senior officers of the Guard and State Police.

2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The principle of democratic control over the security forces is enshrined and stems from the Constitution of Albania and other Constitutional principles. It is implemented by specific

laws for the Governments and Authorities of Commanding and Strategic Guidance of the Albanian Armed Forces, State Police, and Nationals Intelligence Service.

One of the main purposes of Law No. 64/2014 "For the governments and authorities of commanding and strategic guidance of the Armed Forces of the Republic of Albania" is the application of the democratic principle of civilian command and control over the Armed Forces.

The democratic control over the security forces is exercised by:

- a) The Parliament of Albania, through its mechanisms for approving the state budget and performing oversight functions, in particular by the standing Security Committee. According to article 80, paragraph 1 of the Albanian Constitution, the democratic control is exercised over the Ministers through hearing sessions or questions times. In its activities the committee is entitled to draw upon independent and professional expertise. In order to investigate of particular national and public interest the Parliament can also set up ad-hoc inquiry committees.

The constitution defines the main rules concerning functioning and organization of the Parliament. The parliament regulation derives from this provision and is approved by the majority of the members. The Parliament, as the high legislative institution, exercise control over the executive and the constitutional institutions, to verify implementation of the legal framework adopted.

The Constitutional Provisions and the Regulation foresee the instruments to exercise this control. These instruments are as follow:

1. Parliamentary motions. Art. 80, point 1 of the Constitution, Art. 96-97 of the regulation.
2. Answering to questions in a written/oral/urgent way or in front to a commission. Art. 80, point 1 of the Constitution, Art. 91, 93-95 of the regulation.
3. Debate motions (Art. 98 reg.)
4. Trust motions (Art. 104 of the Constitution, Art. 100 reg.)
5. No-confidence motion (Art. 105 of the Constitution, Art. 101 reg.)
6. Reports (Art. 103 reg.)
7. Petitions (Art. 104 reg.)

The Parliament of Albania is the highest authority of the strategic command and control of the Armed forces (Art. 8, law nr. 64/2014)

- b) The President of the Republic, according to the Constitutions and actual law, is the General Commander of the Armed Forces. In peacetime it exercises the command of the Armed forces through the Prime Minister and the Minister of Defence (art. 9/2, law nr. 64/2014)
- c) The Council of Ministers on cases provided by the constitution and the law nr. 64/2014
- d) The Prime Minister cases provided by the constitution and the law nr. 64/2014
- e) The Ministers of Defense and Interior, who, in their respective areas of activity, are accountable for and control of the armed forces and the police forces. According to article 80 of the Constitution and article 19 of the Parliament's internal regulations, the Ministers report to the Security Committee and to the plenary session of the Parliament.
- f) The Minister of Defence is a person who leads the Armed Forces Activity in fulfilling the constitutional mission within the main direction to the state policy.

- g) Chief of the General Staff, as leader of the Armed Forces activity, responds to the President of the Republic, Prime Minister and Minister of Defence. It is the high military authority as rank and at the strategic command hierarchy of the Armed Forces of the Republic of Albania.

Legal Control of the Defence Intelligence and Security Agency.

This control is exercised through parliamentary oversight, administrative/financial/legal control in accordance with the Constitution of the Republic of Albania and law 65/2014 for the Defence Intelligence and Security Agency.

The authorities that exercise this control are as follow:

- The Parliament, which exercises parliamentary oversight of the activities of the Defence Intelligence and Security Agency.
 - Prime Minister, who exercises control of the Defense Intelligence and Security Agency activities, as well as financial control of specific operational budget.
 - Minister of Defense, who exercises directly administrative, financial, and operational control in the Defense Intelligence and Security Agency activities.
 - Director of the Defense Intelligence and Security Agency, or authorized personnel.
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2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Military forces

According to the Constitution of Republic of Albania, the mission of Armed Forces is:

- Protect the territorial integrity of the country.
- Protect the constitutional order as it is determined by law.
- Always be present in areas incurring menace.
- Assist the population in case of natural and industrial disasters and warn the risks of military and non military nature.
- Participate in international operations in composition of multinational forces.
- Prevention and management of environmental damage from military activities

According to the Constitution the Parliament, the President and the Council of the Ministers have responsibilities and rights, in regards to the national security and defense issues.

The Parliament of the Republic of Albania is the only organism that approves laws in the security and defense field of the country. The Parliament has constitutional competencies to declare the war, emergency state, partial and general mobilization, ratification of the agreements and the scrutiny, management and approval of defense budget.

Parliamentary democratic control is exercised through legal means, directly from the Parliament and respective commissions. In this context, its activity is focused in laws,

defense budget and policies execution in order to ensure that the Armed Forces act only within the constitutional framework. Members of the parliament can draw attention to acts of the Armed Forces, which in their view may be contrary to the Constitution.

The President of Republic has the constitutional authority as the Head of the State, who represents the unity of the nation. He is the Head of the National Security Council and the highest authority of the Albanian Armed Forces. All senior officers of the Albanian Armed Forces are appointed by the President who, at any time and as defined by Law, can also dismiss them. In wartime, the President of the Republic is Commander-in-Chief of the Armed Forces and he appoints and dismisses the Commander of the Armed Forces, based on the proposal of the Prime Minister.

The National Security Council is an advisory organ to the President and exercises its activity based on the Constitution, laws and obligations derived by international agreements ratified by the Parliament. This Council advises the President of the Republic for the issues concerning security and defense of the country.

The Council of Ministers is the highest organ of the executive power. It is responsible for the implementation of the National Security Strategy and the state and developments of security instruments and national resources in accordance with the Constitution and laws.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Military forces

The AAF consists of military and civilian personnel employed in its structures. As of 1 January 2010 Albania has a volunteer military service system. Policies and practices for further career development of military personnel are based on their experiences, training and years in services.

The system of management and development of the human resources has at the centre of gravity the training and education of the officers, NCOs, professional soldiers, and civilian personnel with the necessary experience and skills to serve in and out of the country. This system includes the management of the entire life cycle of the personnel, from the identification of the needs, recruitment, education and training of the personnel in service, the economic and financial support, promotion and career development, until their final retirement and support and integration into the civilian society.

The policies and recruiting strategies based on modern marketing which promotes the Albanian Armed Forces (AAF) values, benefits and social guarantees of the personnel and their families, aim at the qualitative growth of the AAF.

The recruitment to become a professional soldier in the AAF offer equal chances, with no racial, ethnicity, color, gender, religion belief discrimination, as well as payment, profits, and other compensations according to specific military services.

Acceptance Criteria:

Nationality: Albanian;

Age: 18-30 years old

Education: High School /University degree

Length: Males over 170 cm, Females over 165 cm

Health certificate: By the Military Hospital in Tirana (in good health)

Free of law penalties: not being under investigation

To have the right to exercise his/her profession/public administration activity by law
To pass successfully the physical and intelligence test

AAF requires the recruited personnel to have the highest qualities for serving in the Armed Forces, as being a complete professional volunteer Force. AF will recruit professional soldiers with necessary knowledge in accordance with work requirements, specific specialties, by improving the procedures and policies of admission, giving priority to individuals with high education, unique abilities and qualities for specific branches.

Professional soldier recruitment will be carried out in a concentrated way to complete the AF structures.

The selection of the most suitable participants will be performed based on medical, physical and intelligence abilities, according to defined standards and procedures. The General Staff review the tests on November, every year, and adapt them in accordance with the Forces' needs for personnel. Since 2012, the categories of the intelligence test will be prepared in order to test the supplementary individual abilities according to the requirements of each branch.

In the Recruitment Center of district, the candidate submit the necessary documentation, fills in the application Form no. 1 and the Questionnaire for a professional soldier in the Armed Forces of the Republic of Albania. After a pre-check verification, the Recruitment Centre of districts send all documentations of the candidates to the Personnel Recruitment Centre. If there are no problems in the application, the Recruitment Centre calls you for the presentation date to continue with the intelligent and physical tests.

Physical and intelligent tests are organized in the Personnel Recruitment Centre. The applicants are recruited as professional soldiers after passing the verification and test process. In the Personnel Recruitment Centre the candidate will take the intelligent and physical test and will also be interviewed.

Selection of the candidates

Interview is part of the selection procedures, where the Commission evaluates the motivation, experience and inner communication abilities of the candidate. The Personnel Recruitment Centre is led by the motto "Recruiting the best individuals for a professional Force", and candidates are qualified according to the record. After the winners are announced and appointed in a unit of the AF, they will take part in the Basic Training.

The training for the new recruits starts with the individual basic training. During this period the recruits get necessary knowledge's on military regulation, national laws, military equipments and weapons, physical training, military tactics and practicing shooting infantry weapons.

At the end of this 12 weeks training, all the recruits have to pass the tests and get promoted to professional soldier, following the NCO military carrier.

Law No. 8549, date 11.11.1999, "Status of civilian employees" and Resolution of the Council of Ministers of the Republic of Albania No. 231, date 11.05.2000, "For acceptance on

civilian service and period of test”, procedures of employment of civilian employees in Ministry of Defense are define according to the above laws and executed based on the principles of competition, transparence, impartiality and criteria’s of laws under observation of Department of Public Administration.

Law no. 152/2013 "For Civilian Employees" approved 13.05.2013.

Paramilitary forces

Albania has no paramilitary forces.

3.2 What kind of exemptions or alternatives to military service does your State have?

In the Republic of Albania there is no compulsory military service. Thus, as e consequence, there is no alternative military service.

Unfulfilling the criteria’s mention in (point 3.1) comports exemption/exclusion from military services.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Principles on the legal status of military personnel

The rights and limitations of the freedom of military personnel in Albania are set by law. According to the Law on “Military Status”, the military personnel serving in Albanian Armed Forces enjoy special status and privileges stemming from the nature of their service to the country.

Military personnel enjoys the right to be informed, protection of personality, free medical care, health insurance in case of illness or injury while performing their duty, the right to vote, the right to exercise religion. Military Forces are neutral related to the political parties. Because of they have a particular duty in service of homeland and society, the military personnel cannot be a member of any political party, cannot participate in political meetings and is forbidden to make political propaganda in interest of any political party.

Active military personnel enjoy the following rights:

- a) his/her job in the Armed Forces is guaranteed in accordance with applicable law;
- b) to get promotion in rank and in his/her responsibilities (career), according to legal acts;
- c) to be protected by the state's laws when performs the military duties;
- d) to train, to qualify and to follow studies in military educational institutions or civilian inside and/or abroad the country, only when receives permission (by order) according to the legislation and in accordance with the profession;
- d) exercise his/her right of belief and religious event, outside of the unit or military institution without military uniform;
- f) to serve inside and outside the territory of the Republic of Albania in various international operations, with the permission of the appropriate authority;
- e) to wear civilian clothes outside working hours of service, or when it's required by type of duties;
- h) to be organized into associations, which are not political or syndicate

Military Personnel of the Armed Forces has the following duties and responsibilities:

- a) to recognize, respect, implement and act in comply with the Constitution and legislation in force;
- b) to keep up the honor and dignity of the military;
- c) to be ready and serve where the interests of the Armed Forces demand;
- ç) to be prepared as military, disciplined, for each sacrifice for the defense of the homeland;
- d) to provide for the general public, stakeholders and public institutions required information, except when the information is classified, in accordance with laws;
- f) to respect exactly working time schedule and use it efficiently
- e) to enhance the professional skills and participate in training activities.
- h) do not accept any material benefit on the duties, except the salary and benefits defined by law and other legal acts;
- f) to hold his/her responsibility for the legal actions during the duty;
- g) to follow the rules of ethics

Article 19 – “Detention because of duty or service”

Military personnel are prohibited to:

- a) be a member of political parties, organizations or associations of a political nature, as well as participate in political activities organized by them;
- b) stage strike;
- c) use state's property for personal benefits;
- d) go for visits abroad without order and permission by authorities defined by law

Summary list of decrees relating to legal assistance of military personnel

Law no. 173/2014 “The discipline in the Armed Forces of Republic of Albania” defines norms and rules for military personnel, violations, penalties and responsible law enforcement authorities.

- Against verdicts on promotion

Law no. 59/2014 on Military Career in the Armed Forces of the Republic of the Albania;

- Art. 28 define the grievance procedures on the Carrier Commission evaluation.
- Art. 30 define the grievance procedures for retiring/reserve procedures.

Legal assistance is given to military personnel in cases as follow:

- Verdicts on exception / exemption from the armed forces

Law no. 59/2014, on Military Career in the Armed Forces of the Republic of the Albania

Means and proceedings for dealing with military penal cases are based on Military Penal Code (Law No 80003, dated 28.09.1995 and No 8919, dated 04.07.2002).

The Ombudsman role

Ombudsman is a constitutional institution, which protects the rights, freedoms and lawful interests of individuals from unlawful acts or omissions of irregular public administration bodies. The Ombudsman submits an annual report to Parliament. The Ombudsman has the right to make recommendations and propose actions when violations of human rights and freedoms by the public administration.

Office of the Ombudsman is divided into five specialized sections at the top of the Commissioner. One specialized sections is the section for police, secret service, prisons, armed forces and judiciary.

Ombudsman contributes to the preparation of reports of the Albanian state to international organizations in the implementation of conventions ratified by Albania, of human rights and freedoms in the Republic of Albania and can submit parallel reports.

Ombudsman promotes inclusion of human rights and freedoms in the curriculum, as well as the implementation from the educational institutions.

The right to make proposals and appeals (article 15 of the Law No. 9210, dated 23.3.2004 on "Military Status" of the Albanian Armed Forces)

Active military personnel have the right to make, as appropriate, proposals, requests or complaints about illegal actions of superiors, when their rights are affected.

The proposals, requests or complaints are directed to the competent authorities, in a written way, according to the legislation. The military personnel is not subject to any disciplinary sanction because the complaint or request made.

4. Implementation of other political norms, principles, decisions and international humanitarian law.

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

Albanian Armed Forces are commanded, manned, trained and equipped in ways that are consistent with the provisions of International Humanitarian Law, obligations and commitments related to the use of Armed Forces in armed conflict, including the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949, the Additional Protocols of 1977, as well as the 1980 Convention on the Use of Certain Conventional Weapons. Such provisions are included in different field manuals and regulations, published and distributed to all officers and NCOs.

The military education system in all levels of Armed Forces use the manual "Law for the Armed Conflict", approved by order of General Chief of Staff, no. 747, date 22.09.2009.

Ministry of Defense in cooperation with International Cross Red Committees have prepared published and delivered a training folder for the instructors. The military personnel before deployment on the mission get knowledge and train how the law on Armed Conflict is implemented. For this purpose, a brochure is prepared and published/ printed, it is used as training and learning material titled "Essential Bases of Armed Conflict Law", approved by order of General Chief of Staff, no. 226, date 30.08.2001.

The Military Education System includes the curricula in all levels which contain topics regarding International Humanitarian Law (IHL) and Law of War (LoW). The number of hours of training devoted to this subject for military personnel is up to 400 training hours, spread out in official training courses.

Law no. 7864, dated 09.29.1994 "Albanian Red Cross"

Law no. 7865, dated 29.09.1994, "For protection of the emblem and name of the Red Cross"

Albanian Armed Forces personnel who are sent abroad for mission, besides usual tests they have exam for IHL and LoW, they have to pass. After that military personnel for the mission is examined and certified for the acknowledgement of the above mentioned laws.

4.2 What has been done to ensure that Armed Forces personnel are aware of being individually accountable under national and international law for their actions?

Albanian armed forces personnel who are vested with command authority are trained to exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given.

All armed forces personnel is trained and instructed in international humanitarian law, rules, conventions and commitments governing armed conflict and they are aware that they are individually accountable under national and international law for their actions.

Military training system in the Republic of Albania consists of career training of an individual, regular daily training of individuals or units and ad-hoc training for specialized courses for individuals or pre-deployment training of particular units. Provisions of International Humanitarian Law are included in the current general training programs.

In the Republic of Albania, military academic education is centralized within the Training & Doctrine Command (TRADOC). This institution provides appropriate education, including mandatory lectures of International Humanitarian Law to all commanders and members of their staffs. There is a significant amount of these lectures both in Bachelor's curriculum and Master's curriculum.

The International Humanitarian Law is applied through National Law, no. 8003, dated 30.10.1995 "Military Penal Code" - Chapter VIII "Felony in Military Operations"

4.3 How does your State ensure that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Missions and tasks of the Albania Armed Forces are driven based on main documents according to the tasks in and outside of Albania.

According to strict limitation set forth in these documents armed forces cannot perform other tasks. The activities of armed forces are under control of constitutional authorities or authorities to whom such control is entrusted to, by a special article of the National Constitution, thus in case of transgression of competences it is upon civilian authorities to act accordingly.

The constitution of Republic of Albania is the main document ensuring that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or representatives of groups to deprive them of national, religious, cultural, linguistic or ethnic identity. In this document are stated all procedures for usage of AF and punishment for those that violate them.

Commissioner for protection from discrimination is an institute which exercises of human and civil right by persons. The parliament has approved: - Law no. 10221, dated 04.02.2010

"On protection from discrimination"; - Law no 9970 dated 24.07.2008 "On gender equality on society".

Likewise, the free media contribute as an additional element to prevent armed forces actions which might serve to limit the exercise of human and political rights. Human Rights are also part of training programs and curricula's in different courses. In case of this action is on support of the police forces, armed forces units are used for guarding and protection duties of critical infrastructure and constitutional order.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's Armed Forces are politically neutral?

Human rights of soldiers are embodied in Human Rights Charter No. 2/1993 Coll., (which is applicable for every person under the jurisdiction of the Republic of Albania and is part of its constitutional law). Limits of basic rights and freedoms may be imposed only by enacted law and based on conditions set forth in the Human Rights Charter. As military personnel represents a special group whose rights may be limited to fulfilling their tasks.

The Republic of Albania has institutionalized civilian democratic control over armed forces in its Constitution, and has built by law a command and control system by high civilian authorities at the strategic level, whereas at the operational and tactical levels, command and control is by high military authorities.

According to Article 12 of the Constitution of the Republic of Albania, Armed Forces are politically neutral.

Members of the armed forces are prohibited by Law from being members of any political party and make propaganda in the interests of any political party.

Law no.9210, dated 23.3.2004, "Military Status" (article 15 of this law defines the rights for proposal and grievances of military personnel in Armed Forces.
(Referred in point 3.3 subtitles "The ombudsman role")

4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?

Albanian Defence Policy and Doctrine are consistent with international law related to the use of armed forces, including in armed conflict and the relevant commitments of the Code of Conduct on Politico-Military Aspects of Security. According to the Albanian Constitution any international obligation must be embodied into Albanian legislation. The Albanian Armed Forces respect the Additional Protocol to the Geneva Conventions of August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of June 1977 and the obligations under Article 82. Provisions of the international law which are included in the doctrines and different field manuals derive from these doctrines.

4.6 What has been done to integrate women into conflict prevention, crisis management and post conflict rehabilitation through its activities?

I: Prevention

1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.

Inclusion of specific matters related to the protection of women's rights in the basic education of armed forces.

Gender issues and protection of women's rights are included in the programs of education for the military personnel in Armed Forces.

Albanian Military troops participating in international peace support operations, conduct a specific training before deployment. Part of this specific training are well acquainted with the customs, traditions and culture of the country where they will serve and the issues related to the protection of the rights of girls and women in the conflict areas.

Availability plans to address and gather information from local women populations in areas at risk of conflicts.

The inclusion of systematic analysis for gender in conflict areas includes gender-desegregation, socio-economic indicators and power over resources and decision making process.

Information collected in areas where Albanian troops are deployed, which include gender issues as well, is analyzed and processed through the chain of command of international HQ.

During 2014, up to 30 military personnel of AAF (mainly POC net for gender equality) participate on Gender and Building Integrity in PSO Orientation Course, designed and developed by Peace Support Operations Training Centre (PSOTC). This course was organized in collaboration with Regional Center for OMP of Sarajevo, Bosnia and Herzegovina and aimed to increase awareness and provide a conceptual understanding of gender issues in the security sector.

It has a particular focus on Peace Support Operations (PSO) and how successful missions need to communicate with women in the society they are tasked to protect and thus how it is essential that female soldiers, police officers, and civilian staff are involved in the planning and conduct of operations, to strengthen the leadership, integrity, and management skills of the participants in order to enhance their professionalism, competency and effectiveness in the multinational working environment.

2. Measures to address the violation of the rights of women and girls, in line with international standards.

The basic document that protects fundamental individual rights and freedom in the Republic of Albania (RA) is the Constitution. It affirms the principle of equality as a fundamental principle and pre-condition for the functioning of state organs and does not allow any form of discrimination against the individual (Constitution, Article 18, paragraph 1 and 2).

Another important document is the "Law on Gender Equality Society", no. 9970, dated 24.07.2008, based on the principle of equality and non-discrimination and other principles enshrined in the Constitution, the Convention on the Elimination of All Forms of Discrimination against Women, as well as all other international acts ratified by the Albanian Parliament (Article 3, paragraph 1).

The National Council on Gender Equality was established by the Prime Minister, Regulation No. 3, dated 8.1.2009, which is an advisory body for gender issues. This Council is chaired by the Minister in charge of gender equality, and is composed of 9 (nine) deputy Ministers and three members representing civil society.

Regarding the armed forces, there are no serious gaps that will require immediate action in respect of the legal rights of women who serve in the Armed Forces. During 2014, sexual harassment committed by military personnel during and after working hour, was introduced in the new law on military discipline in the Armed Forces, in the category of serious disciplinary violation. This issue is monitored closely in order to avoid the gender abuses during the military service.

II: Participation

1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the Ministry of Defence.

Human Resource Management Strategy in the Armed Forces, 2011-2015" has defined that 15% quota should be women in the AAF personnel.

The percentage of women serving in the Armed Forces of the Republic of Albania at the end of 2014 has reached 9 % of the total number of military personnel. The above indicators shows that female percentage has been reduced compared to previous year, due to important structure transformation. In this frame, human resources have been object and subject of undertaken reforms that brought the reduction in general number of military personnel.

Enhancement of women personnel presentation in decision-making positions for 2014, (In position of Head of Directorates in Ministry of Defence and General Staff are respectively 5 civilian female and 1 female Colonel).

One novelty for 2014 was nomination for the first time in AAF history, in head position of one female colonel, like military representative in our diplomatic mission abroad country and participation of one female /Second Lieutenant in "Air traffic controller "course.

The Albanian Armed Forces are working to obtain expertise in the field of gender equality and to strengthen our capacity in implementing the UNSCR 1325.

During 2014, from 7.9 % female candidate who have applied during recruitment process, only 6.5 % female win the competition and the right to be part of AAF.

2. Measures to increase the number of women in peacekeeping forces.

There are no regulations in Albanian Army Forces limiting the deployment of women. Deployment is tasked through the chain of command to subordinate organization. For additional positions, or capabilities not provided by an already- formed unit, personnel are selected for deployment positions based on their rank, occupation, and any required special skills sets, with no consideration being a man or a woman. During 2014, Albania Armed Forces do not have any participation of military females in the mission of peacekeeping troops.

III: Protection

1. Increased access to justice for women whose rights are violated.

Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.

For the reporting period, there was no case involving Albanian peacekeepers.

IV: Other information.

In cooperation with and support of international organizations UN Women and Ministry of Social Welfare and Youth of Albania, during 2014 was worked for implementation of gender budgeting like part of medium turn budget program of MOD Albania. This obligation derived from “National Strategic Document for Gender Equality” which aims to improve the position of women in Albanian society and to ensure sustainable development in the gender and the “Action plan for gender issues in AAF, 2013-2015”.

The POC net for gender equality in Albanian Armed Forces was updated during 2014, due to the personnel movement process. This network is trained on gender issues and supports any initiative undertaken in this context.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Experts from various state institutions (MOD, MFA, MOI, Parliament, etc.) in charge of implementation of the different sections of the Code of Conduct participate on a regular basis in international and regional events dedicated to the implementation and exchange of information on this document. However, further efforts are needed to improve public awareness on the aims of the Code and its provisions.

Public have the possibility to be informed about the parliamentary debates regarding military issues. Recruitment and Personnel center is organizing meetings and briefings at high schools and universities based on a detailed plan. The public can participate in military events, open-door days, organized by military structures. Public access to information is available on the official web sites of the Ministry of Defense and General Staff.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

As to now, Albania’s official replies to the questionnaire of the Code of Conduct have never been made public. However, the Ministry of Foreign Affairs is considering the possibility to post the current questionnaire on the official website of the Ministry of Foreign Affairs or Ministry of Defense, in a special link, dedicated to Albania’s relations with the OSCE.

1.3 How does your State ensure public access to information related to your State’s armed forces?

Public access to the information related to the Armed Forces is becoming easier. The Law on the Transparency and Access to Public Information that ensures the rules of public access to the information regarding the state administration in general includes, as well as, the Albanian Armed Forces.

The Ministry of Defense provides transparency and public access to information related to the Armed Forces. The information centre is operational in the Ministry of Defense. Albanian Parliament approves the defense expenditures and exercises constraints and limitations in military expenditures. All documents of strategic level such as: the National Security Strategy, the Defense Policy, the National Military Strategy, the Long Term Development Plan, etc. are open to the public opinion.

Ministry of Defense offers a wide spectrum of information from military magazine which is published monthly and military newspaper which is weekly publication (electronically).

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

The national point of contact for the implementation of the code is
Security Affairs Division
International Organizations Department
Ministry of Foreign Affairs
Contacts: Mr. Saimir Repishti; e-mail:saimir.repishti@mfa.gov.al

ANNEX 1

Albania has ratified 13 out of 16 UN counter-terrorism conventions and protocols

I. UNITED NATIONS

- 1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents** (New York 14 December 1973); Ratified. Entered into force on 21.02.2002.
- 2. International Convention against the Taking of Hostages**, (New York, 17 December 1979); Ratified. Entered into force on 21.02.2002.
- 3. International Convention for the Suppression of the Financing of Terrorism**, (New York, 9 December 1999); Ratified. Entered into force on 10.05.2002.
- 4. International Convention for the Suppression of Terrorist Bombings**, (New York, 15 December 1997). Entered into force on 21.02.2002.
- 5. International Convention for the Suppression of Acts of Nuclear Terrorism** (New York, 13 April 2005); Signed on 25 November 2005. Not ratified yet.

II. INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

- 1. Convention on Offences and Certain Other Acts Committed on Board Aircraft** (Tokyo, 14 September 1963); Ratified on 06.03.1997, Entered into force on 01.03.1998.
- 2. Convention for the Suppression of Unlawful Seizure of Aircraft** (The Hague, 16 December 1970); Ratified on 06.03.1997, Entered into force 20.11.1997.
- 3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation** (Montreal, 23 September 1971); Ratified on 06.03.1997 Entered into force 20.11.1997
- 4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation** (Montreal, 24 February 1988). Ratified. Entered into force on 22.05.2002
- 5. Convention on the Marking of Plastic Explosives for the Purpose of Detection** (Montreal on 1 March 1991), Ratified. Entered into force on 06.03. 2000.

III. INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

- 1. Convention on the Physical Protection of Nuclear Materials**, (Vienna, 3 March 1980); Ratified on 5 March 2002; Entered into force on 4 April 2002

II.1. Agreements between Albania and the IAEA

Agreement between the Republic of Albania and the Agency on the application of protective measures on all nuclear activities of Albania, Signed on: 1 July 1986, Ratified on 28 January 1988, Entered into force on 25 March 1988.

IV. INTERNATIONAL MARITIME ORGANIZATION (IMO)

- 1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation** (Rome, 10 March 1988); Ratified. Entered into force on 17.09. 2002.
- 2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf**, (Rome on 10 March 1988); Ratified. Entered into force on 17.09.2002.
- 3. In 2009 it was established the Inter-institutional Maritime Operational Centre (IMOC)**, aiming to create a new inter-institutional cooperation platform in order to ensure the surveillance of the Albanian in planning, organizing and guiding all the maritime operations, as well as, in guaranteeing the law and sovereignty of the Albanian State in the sea.

COUNCIL OF EUROPE

- 1. European Convention on the Suppression of Terrorism** (Strasbourg, 27 January 1977); Signed on 04.04.2000. Ratified on 21.9.2000. Entered into force on 22.12.200.
- 2. Protocol amending the European Convention on the Suppression of Terrorism** (Strasbourg, 15 May 2003); Signed on 9.10.2003. Ratified on 15.11.2004.
- 3. European Convention on Extradition** (Paris, 13.12.1957) and first and second Additional Protocols. Signed on 19.5.1998. Ratified on 19.5.1998. Entered into force on 17.8.1998
- 4. European Convention on Mutual Assistance in Criminal Matters** (Strasbourg, 20.4.1959) and first and second Additional Protocols. Signed on 19.5.1998. Ratified on 4.4.2000. Entered into force on 3.7.2000.
- 5. European Convention on the Transfer of Proceedings in Criminal Matters** (Strasbourg, 15 May 1972); Signed on 19.5.1998. Ratified on 4.4.2000. Entered into force on 3.7.2000.
- 6. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime** (Strasbourg, 08 November 1990). Signed on 4.4.2000. Ratified on 31.10.2001. Entered into force on 01.2.2002
- 7. Convention on Cyber crime** (Budapest, 23 November 2001) Signed on 23.11.2001. Ratified on 20.6.2002. Entered into force on 1.7.2004.
- 8. Additional Protocol to the Convention on Cyber crime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.** Signed on 26.5.2003. Ratified on 26.11.2004. Entered into force 1.3.2006.
- 9. Council of Europe Convention on the Prevention of Terrorism** (Warsaw, 15 May 2005). Signed on 22.12.2005. Ratified on 6.2.2007. Entered into force on 1.6.2007.
- 10. Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism** (Strasbourg, 15 May 2005). Signed on 22.12.2005. Ratified 6.2.2007. Entered into force on 1.5.2008.

V. OTHER AGREEMENTS

As to now, Albania is party to several bilateral and multilateral agreements and Memorandums of Understanding (MoU) aimed at countering organized crime, international trafficking and terrorism.

1. MoU between the Ministry of Interior (MoI) of Albania and the MoI of the Federal Republic of Austria to strengthen cooperation in the area of internal security. Signed on 27.01.2010.
2. Agreement between the Government of Albania (GoA) and the Government of the Kingdom of the Belgium on police cooperation. Signed on 22.05.2005. Entered into force on 01.05.2008.
3. Agreement between the Council of Ministers of the Republic of Albania and the Council of Ministers of the Republic of Bosnia-Herzegovina on cooperation in the fight against trafficking, in particular terrorism, illegal drugs trafficking and organized crime. Signed on 24.03.2009. Entered into force on 4.3.2010.
4. Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Bulgaria in the fight trafficking and organized crime. Signed on 29.1.2007. Entered into force on 4.10. 2007.
5. Agreement between the Council of Ministers of the Republic of Albania and the Government of the Czech Republic on the fight against crime. Signed on 27.04.2009. Entered into force 01.01.2010.
6. Agreement between the Council of Ministers of the Republic of Albania and the Government of the French Republic on internal security cooperation. Signed on 15.5.2008. Ratified by law no. 9955, dated 17.7.2008.
7. Agreement between the Government of the Republic of Albania and the Government of the Republic of Hungary on cooperation in the fight against terrorism, drug trafficking and organized crime. Signed on 12.2.1999. Entered into force on 24.08.1999.
8. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Italy in the fight against crime. Signed in Tirana on 19.06.2007. Ratified by law no. 9799, dated 10. 09. 2007.
9. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Latvia in the fight against terrorism, organized crime and illegal trafficking of narcotics, psychotropic substances and precursors. Signed on 16.12.2009. Entered into force on 22.07.2010 and ratified by law no. 10265, dated 26. 04. 2010
10. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Malta in the fight against illegal trafficking of narcotics, psychotropic substances and organized crime. Signed on 19.02.2002. Entered into force.
11. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Former Yugoslav Republic of Macedonia in the fight against terrorism, organized crime, illegal trafficking of narcotics, psychotropic substances and precursors, illegal migration and other illegal activities. Signed on 17.06.2004. Entered into force on 20.05.2005.
12. Agreement of cooperation between the GoA and the Government of the Republic of Rumania in the fight against terrorism, organized crime, illegal trafficking of narcotics and psychotropic substances and other illegal activities. Signed on 07.06.2002. Entered into force on 19.12.2002.
13. Agreement of cooperation between the GoA and the Government of the Republic of Slovenia in the fight against terrorism, illegal trafficking of narcotics and organized crime. Signed on 24.11.1993. Entered into force.
14. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Montenegro in the fight against organized crime, illegal trafficking and other criminal activities. Signed on 31.10.2003. Entered into force.
15. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Serbia in the fight against organized crime, illegal international trafficking of narcotics and terrorism. Signed on 11.3.2010 and ratified by the Parliament.

16. MoU between the Ministry of Treasury of the Republic of Albania and the Investigative Board against Financial Crime of the Republic of Turkey to exchange financial intelligence information regarding money laundering and the financing of terrorism. Signed in Ankara and Tirana respectively on 14.07.2008 and 21.07.2008. Entered into force upon signature.
17. Agreement between the Council of Ministers of the Republic of Albania and the Cabinet of Ministers of Ukraine on cooperation in the fight against crime. Signed on 27.05.2003. Entered into force.
18. Agreement between the Council of Ministers of the Republic of Albania and the Federal Council of Switzerland on police cooperation in the fight against crime. Signed on 21.9.2005. Entered into force on 18.07.2007.
19. "Convention on police cooperation in South East Europe. Signed in Vienna on 05.05.2006. Ratified by Albania in October 2007.
20. Additional protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States in Combating Crime, in particular its Organized Forms. Signed on 03.12.2004. Ratified by law no. 9500, dated 03.4.2006. Entered into force.
21. Since September 2009 Albania is part of the EU initiative, undertaken in cooperation with the Czech Republic and the Republic of Slovenia, to exchange with the Western Balkans EU's counter-terrorism Best Practices.
22. Decision of the Council of Ministers of the Republic of Albania, Nr. 452, dated on 16.06.2010 "On approval in principle of the" Memorandum of Understanding for cooperation and support for the Secretariat of the Police Cooperation Convention for South East Europe, 21 May 2010"
23. On 28 January 2011 in Ljubljana/Slovenia Albania signed the "Declaration on Police Cooperation in Combating International Terrorism", which is a continuation of International Police Cooperation Initiative in the fight against terrorism. By signing this declaration Albania becomes a member of this initiative, together with Slovenia, Serbia, Montenegro, Austria and Bosnia-Herzegovina.
24. Memorandum of Understanding between Minister of Interior of the Republic of Albania and Federal Ministry of Interior of the Republic of Austria on reinforcing the cooperation in the field of internal security, signed in Vienna on 27.01.2010.

