



MISIONI I PËRHERSHËM  
I REPUBLIKËS SË SHQIPËRISË  
PRANË ORGANIZATAVE  
NDËRKOMBËTARE  
VJENË



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

Ref. 223

### 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 in accordance with the Decision 02/09 of the Forum for Security Co-operation, has the honor to transmit herewith the reply of Albania to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

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. *l.h.*



**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**

**2020**

#### **Part 1: Interstate elements**

##### **1. Measures for prevention and fighting against terrorism**

##### **1.1 In what agreements (international, regional, bilateral) related to preventing and fighting against terrorism is a Party your country.**

1. Protocol between the Ministry of Interior (MoI) of the Republic of Albania and the Ministry of Interior of the Republic of Italy on strengthening bilateral cooperation in the fight against terrorism and trafficking in human beings, signed on 03.11.2017, entry into force at the same day.
2. Protocol between the MoI of the Republic of Albania and the MoI of the Republic of Macedonia on the cooperation on the fight against terrorism, signed on 03.02.2018, in Ohrid, entry into force at the same day.

#### **Other bilateral agreements, signed with other states by the Republic of Albania with:**

- a. Slovenia –24.11.1993, Tirana.
- b. Croatia –14.12.1993.
- c. Egypt - 24.10.1995.
- d. Hungary – signed on February 1999;
- e. Romania – signed on 07.06.2002, in Bucharest.
- f. Montenegro – signed in Podgorica, 31.12. 2003.
- g. North Macedonia -17.06.2004.
- h. North Macedonia (protocol)-03.02.2018.
- i. Bulgaria –signed in Tirana, on 29.12.07.
- j. France – signed in Paris, on 15.05.2008.
- k. Germany –signed on 31 May 2013.
- l. Bosnia-Herzegovina – signed on 24.03.2009.
- m. Kosovo – 2015.
- n. Slovakia – signed 2015
- o. USA - 14.4.2016, Washington D.C.
- p. Serbia –11.03.2010.
- q. Latvia –16.12.2009, Tirana.
- r. Italy –03.11.2017.

##### **1.2 What national legislation is approved in your country for the implementation of mentioned agreements?**

Regarding this question, there has been no changing for this period, meanwhile we highlight that the working group is drafting the Draft Law on Counter Terrorism.

### **1.3 Which are the roles and missions of military, paramilitary, security forces and police forces in preventing and fighting against terrorism in your country?**

By order of the MoI, No. 548/7 dated 17.10.2014 it was created the Antiterrorism Directorate in the General Directorate of the State Police, with a force of 72 police officers.

The mission of the Antiterrorism Directorate is to detect, prevent and fight possible terrorist actions, and every other activity connected to it within the country.

Police intelligence is the main component of the antiterrorism structures in preventing terrorism. This includes the gathering, assessing, analyzing and usage of information on extremist tendencies.

To prevent and tackle the phenomena of the involvement of Albanian citizens in armed conflicts outside the country:

1. Amendments to the Criminal Code of the Republic of Albania; by law 98/2014, qualifying criminal offenses as follows:
  - a. Participation on combat actions in a foreign country; Article 265/a.
  - b. Organization to participate in combat actions in a foreign country; Article 265/b.
  - c. Call to participate in violent combat actions in a foreign country; Article 265/c.
  
2. Antiterrorism Directorate cooperates with:
  - a. State Informative Service.
  - b. Prosecutors Office on Serious Crimes.
  - c. Office against terrorism on the Defence Intelligence Agency; under the Ministry of Defence;
  - d. Inter-institutional Operational Maritime Center; responsible for blue border in Albania.
  - e. General Directorate of Prevention of Money Laundering;
  - f. Partner services, FBI, CIA, Europol, Interpol.

### **1.4 Providing any additional relevant information on national efforts to prevent and countering terrorism.**

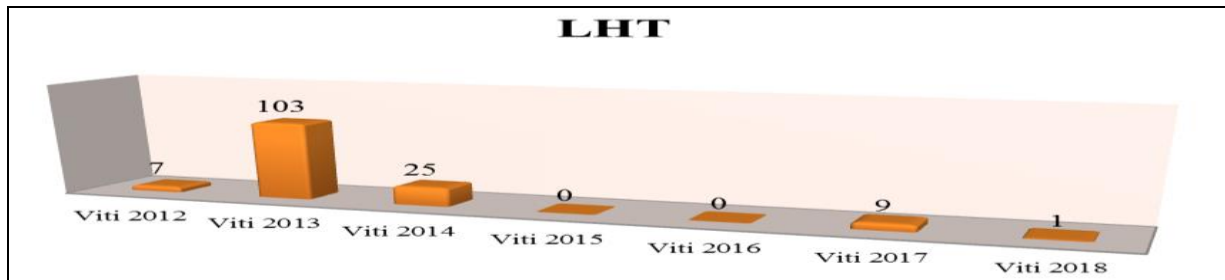
In 2018, referred on the Prosecutors Office on Serious Crimes and District offices - **25** cases:

- a. 5 cases for “Terrorism Financing”, criminal offence foreseen in articles 230/a, 230/b, 230/c dhe 230/ç of the Criminal Code.
- b. 7 cases for “Terrorist acts”, foreseen by the articles 230, 231, 232, 232/a, 232/b, 234, 234/a, of the Criminal Code.
- c. 6 cases for “crimes against constitutional order and public safety” foreseen by the articles 265, 266, 282/b of the Criminal Code.
- d. 2 cases on “*Attempted attack*” and “Murder in other circumstances”, criminal offence foreseen by the articles 219 and 79 of the Criminal Code.
- e. 5 cases on “Crimes against independence and Constitutional Order” foreseen by articles 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 224, 225 of the Criminal Code.

### FTF - Cooperation with Europol.

- a. In total 145 individuals from Albania joined conflicts Syria/Iraq, 80 of whom are men, 27 women, 38 children.
- b. 73 Albanian citizens are in Syria in this moment, 23 men, 20 women, 30 children.
- c. 45 citizens are back in Albania, 30 of which were active in the front of received military training.
- d. 27 Albanian citizens is suspected lost their life in the fights.

Graphics, Foreign Terrorist Fighters in Syria/ Iraq.



By the measures undertaken by the Albanian Police, in the years 2015-2016, there has not been detected any case of Albanian citizens joining the conflicts.

The persons reported on 2017 and 2018, are Albanian citizens that were living in other countries, they didn't depart from Albanian territory.

During 2018, the monitoring of Albanian and foreign citizens suspected of actions with terrorist background, is as follows:

- a. **1223** persons on the control list, in the rubric "Notice at border".
- b. **90** analytical profiling, on the persons suspected to be involved in the conflict in Syria/Iraq, suspected of supporting ISIS, and persons suspected of actions against constitutional order in the Republic of Albania.
- c. **368** persons have been interviewed during investigations, of which **99** Albanian citizens and **269** foreign citizens (from Syria, Iraq, Russia, Colombia, Turkey, Morocco, Greece).
- d. **125** informations exchanged with Interpol, received 88 and sent 37.
- e. **129** informations exchanged with Europol, received 87 and sent 42.
- f. **56** informations through Albanian liaison officers, received 32, sent 24.
- g. **67** informations with CIA, received 46, sent 21.
- h. **93** informations with the FBI, received 43, sent 50.
- i. **17** informations with MOSSAD, received 8 sent 9.
- j. RSO (Security office US Embassy) sent **10**.
- k. **40** information exchanged through foreign liaison officers, received 25, sent 15.
- l. Proposed to include **6** Albanian citizens on the "Internal list" based on the law on terrorism financing.
- m. **30** practices with the office of the Legal Attaché of the FBI, in Sofia.
- n. In 2017, in the Antiterrorism Directorate, it was established the Unit for Terrorism Verifying, that functions 24/7, which sends information in real time for all the cases of

persons that have terrorist disposition, and monitors online all media, electronic and paper on information regarding terrorism. Followed up 5179 e-mails through the communication channel TSC.

- o.** 477 verifications for the subjects with status “Inconclusive”, and were sent 229 replies for the detected cases.
- p.** Periodically updated with 222 new generalities of the lists for the subjects that result with Positive” status.
- q.** Regarding the Project Venning that is an initiative of Europol, for evidencing the persons that are arrested in the conflict countries in Syria and Iraq, 38 practices have been concluded – notice at border.
- r.** Verified 51 practices from Europol SIENA, and answered within legal timeframes.
- s.** 683 online verifications that consist on examining the social network profiles of Facebook, Twitter, Instagram, and media monitoring and open sources to compile the monthly bulletin.
- t.** Regarding the analytical report, compiled for the MEK organization, we conducted online verification of social networks (web) of any information that regards the Organization of the Muxhahedin of the People of Iran (*OMPI/MEK*).

### **Financing of terrorism**

- Control/interrupting of financial transfers, updates on the package of legislative amendments and their activities of the Task-Force of Financial Action (FATF).
- Reform of competency sharing between FIU and Antiterrorism Directorate.

In 2013, it was adopted the law No. 157/2013 “On the measures against financing of terrorism”.

The focus of the law is preventing and striking the terrorist actions, their supporters and financing, through blocking, sequestering of their assets, and implementing relevant resolutions of the Security Council of the United Nations, other international organizations or international agreements where the Republic of Albania is part.

### **In point I.O.9, Objective; Investigating Financing of Terrorism (MONEYVAL’s Recommendation)**

By order of the General Director of the State Police No.677, dated 09.07.2018, “For the definition of criminal offenses, target of the work of the State Police”, the criminal offense of “financing of terrorism” (Article 230/a), “hiding of funds and other assets that finance terrorism (Article 230/b), are a target of the Antiterrorism Directorate.

- Every person that is being investigated for offenses connected to terrorism is subject of verifications of financial transactions, in cooperation with the General Directorate for Prevention of Money Laundering.
- By order No.159, dated 07.02.2019, of the General Director of the State Police, within the Antiterrorism Directorate, it was established the Unit for the Investigation of the Financing of Terrorism.

- Trainings of Antiterrorism Directorate;
  - a. Workshop, “Different aspects of financial crime” organized by the British Embassy; 2 employees.
  - b. International Conference on terrorism financing, in Paris, where participated an employee of the Antiterrorism Directorate.
  - c. Training, “Usage of methods, instruments for the analysis of Money laundering” in Ankara-Turkey, 1 employee participated.
  - d. Training, “Identification and handling of the challenges of terrorism financing” in Budapest-Hungary, 3 employees participated.
  - e. Once the Unit for Investigation of the Financing of Terrorism is completed with personnel, there will be specific trainings for this unit during 2019.
  
- The State Police, from 2016, implementing the law 157/2013, “For the measures against the financing of terrorism” has proposed and approved by Government Decision the placement of **18 individuals**, in the “Internal list” suspected for activities connected to terrorism and terrorism financing, as follows
  - Decision of the Council of Ministers, **No. 769, dated 2.11.2016**, included **13** Albanian citizens, 9 citizens already convicted and 4 wanted, all for activities connected to terrorism.
  - Decision of the Council of Ministers, **No. 228, dated 21.03.2017**, added **5** citizens on the list because the court in Milano, Italy, set the security measure of “Prison” for the criminal offence of “participation in terrorist groups” article 270 of the Italian Criminal Code.
  
- **A PoC has been established with the General Directorate for the Prevention of Money Laundering.**

**Prevention (Anti-Radicalization Measures): Updates on the Center for the Fight against Violent Extremism, including its activities**

Priorities of 2018 of the MoI included Prevention of Radicalization and Violent Extremism, through community policing, cooperation with local stakeholders and awareness campaigns.

There was prepared and sent to the Local Police Directorate’s:

- a. Joint curricula on policing the domestic violence (CEPOL).
- b. Joint instructive curricula on antiterrorism (CEPOL).
- c. Thematic: Deradikalisation in Albania.
- d. Thematic: foreign fighters in the conflict in Syria and Iraq, their reintegration and security.
- e. Roadmap of OSCE “Prevention of terrorism and fight against violent extremism and radicalization that favors the terrorism (policing in community approach).
- f. Thematic: Cooperation measures in international dimension in the fight against terrorism.
- g. Thematic: Radicalization and extremism, as an affinity to terrorism..

**25.000 flyers** were distributed with content against radicalization, being distributed by local directorates.

Participation in:

- a. Conference from the Presence of the OSCE in Albania, "Prevention and fight against Extremism and radicalism that leads to terrorism, in prisons and probation, in Albania";
- b. Meeting organized from the Albania Helsinki Committee, by thematic: "Civil Society against violent extremism".
- c. National Conference "Violent extremism in Albania", organized and conducted from the Institute for Democracy and Mediation, supported from the office of Public Relations of the US Embassy in Tirana.

By order 153, dated 6.2.2019 of the General Director of the State Police, to the police specialists of community policing has been established as a duty: **detection of persons with extremist, radical and terrorist tendencies.**

### **Border control**

In terms of implementing the National Integrated Border Management Strategy 2014-2020, laws and acts on border have been adopted:

Law no. 71/2016 "On border control".

For the purpose of implementing this law, following acts have been adopted:

Decision No.745, dated 26.10.2016, "On the performance of joint actions".

Decision No. 729, dated 20.10.2016, "On the designation of tables and symbols at border crossing points and border checkpoints".

Decision no. 824, dated 23.11.2016, "On defining format and technical samples of border check stamps and the rules for their placement on travel documents at entry and exit at the state border".

Decision no. 806, dated 16.11.2016, "On Defining Border Verification Rules Applied for Certain Categories of Persons and Assets".

Joint Instruction Nr. 515, dated 27.09.2016, "On the processing of personal data by border guards".

Guideline No.579, dated 20.10.2016, "On the information to be provided to persons who are subject to second line checkpoints of border crossing points".

Instruction no. 469, dated 22.08.2016, "On the list of border crossing points and transit areas in the Republic of Albania".

### **Implementing international standards in this area;**

It is the policy of the State Police to facilitate the entry/exit into/out of the Republic of Albania through the BCP, based on the Albanian legislation and the two or more multilateral conventions and agreements recognized and signed by our country, as part of the Law 71/2016, "On Border Control", "Work Procedures for Facilitating Border Verifications", to manage massive and / or uncontrolled movement of people.

Increasing its control and efficiency in BCC on entry / exit controls to achieve "Open borders but controlled and safe".

**Changes in institutional agreements;**

Department for Border and Migration, pursuant to the Law on Foreigners No. 108/2013 (amended), No.74 / 2016 and Law 71/2016 "On Border Control" and for its implementation, Decision of the Council of Ministers Nr. 745, dated 26.10.2016, "On the performance of joint border operations", which sets out the rules of joint border activity with other law enforcement agencies, is part of the obligations to combat the respective threats.

Joint Instruction Nr. 515, dated 27.09.2016, "On the processing of personal data by border guards".

A Draft Agreement has been drafted between the General Directorate of Customs and the General Directorate of State Police.

**Technology usage (x-rays, body scanning) for not problematic travelers and baggage checks;**

- a. The Department for Border and Migration has at his disposal devices for protection against radioactive materials. This type of device is a pager and is carried by the frontier police officers in the belt when performing the service. The distribution was carried out according to the workload of the Local Border and Migration Departments as well as the Border and Police Stations for Migration.
- b. Regarding chemical and bacteriological materials we are cooperating with the Unit of the Ministry of Defence.
- c. With regard to radioactive and nuclear materials, the Department for Border and Migration cooperates with the Institute of Nuclear Physics, which has capacities in this field. The Border Police has at his disposal equipments that can only detect these kind of materials.

**Awareness raising with trade companies (international airlines);**

The Department for Border and Migration is monitoring the process of citizens' movement as part of visa liberalization, cooperating with "FRONTEX" in data analysis.

Regarding the travel of Albanian citizens to all Schengen / EU countries during this period, Albanian border police and migration authorities at Border Crossing Points:

- a. Specific interviews are being applied to citizens travelling for the first time or rely on profiling the person to travel.
- b. At Border Crossing Points, border police officers apply guidelines for the use of interviewing techniques to identify potential asylum seekers at the moment of departure from Albania.

The Department for Border and Migration has established a clear mechanism to monitor the situation of Albanian citizens by addressing cases of their refusal by police authorities of Schengen countries for:

- a. Registration in the SIS or in the national system;
- b. Lack of financial means;
- c. Other reasons;



The Border and Migration Police implements the State Police Action Plan no. 1011, dated 10.06.2015, "On the prevention of the asylum-seeking phenomenon of Albanian citizens in the EU countries.

- a) For the implementation of this plan, massive interviews of passengers at BMP stations have been and are being conducted in order to identify the itineraries used by them, to detect persons who may have promoted, assisted, provided false documents, trafficked etc.
- b) During interviews, we have asked these citizens to give on their own free will interviews in order to raise awareness for other potential asylum seekers. These kind of interviews have been conducted not only by direct lines to countries of European Union, but also during free movement of citizens to neighboring countries
- c) All Albanian citizens whose entry has been denied or who are deported to Albania from EU / Schengen countries but also from other countries are interviewed at the border by the Border and Migration Police. Their data is registered in the TIMS system specifying the reasons why their entry or return was denied.
- d) These data is entered in the system and if this citizen wishes to travel from Albania again, the border police and migration officers create a clear profile of the person, pursuant to the State Police Action Plan, the approved Order of the General Director of State Police No. 805, dated 01.08.2017, "On strengthening the control of Albanian citizens crossing the border".

**Organizing of an informative campaign of high level on the rights and obligations of visa-free traveling, with a target on the areas affected by illegal migration.**

- a) Raising awareness through media campaigns regarding the rules of free movement.
- b) In the official site of State Police and Ministry of Interior are reflected the additional rules regarding movement in the Schengen area, for adults and minors.
- c) Advertising spots with information on rights and obligations during movement in the Schengen area, as well as penalties in cases of violations of obligations.
- d) In cooperation with the IOM Tirana Office, started in October 2017 the implementation of the project "Preventing the Uncertain Migration from Albania to EU Countries". As part of this project were organized meetings on awareness raising and workshops in Durrës, Dibër, Kukës, Elbasan, Shkodër, Korçë, Vlorë, Fier and Gjirokastër. Various agencies and institutions such as the council of the district, the municipality, the Child Protection units, Border Police and Migration as well as anti-trafficking officials, the State Social Service, the National Employment Service, Regional Education Directorates, Regional Health Directorates, civil society representatives, teachers, schoolchildren participated in them. There were also organized door-to-door meetings and visits.
- e) There are produced and distributed 60.000 leaflets and 100 posters with information on the rights, obligations of Albanian citizens during the movement in the Schengen area, as well as penalties in cases of violations of obligations (cooperation with Vatra Society and IOM Tirana).

**International co-operation/technical assistance activities;**

- a. An Agreement with FRONTEX was signed, a Work Agreement on Establishing Operational Cooperation between the European Agency for the Management of

Operational Cooperation at the External Borders of the Member States of the Union European (Frontex) and the Ministry of Interior of the Republic of Albania.

- b. In the process, the adoption of the Regulation of the Tripartite Center for the exchange of police information between Albania, Kosovo and Montenegro.
- c. In the process, the signing of the Agreement for the establishment of the Police and Customs Co-operation Center Albania-Greece.
- d. In the process, the approval of the draft "On the drafting of the regulatory framework for the improvement and facilitation of navigation / yacht cruising procedures throughout the tourist season in Albania's territorial waters, as well as the locating of tourist moles along the Albanian coastline and facilitating procedures for tourist yachts in our ports".
- e. The draft strategy document on "Monitoring and Controlling the Maritime Space of the Republic of Albania" and for the revision of the document on "Policies and Procedures for the Operation of the Inter-Institutional Operational Maritime Center (QNOD) is being drafted".
- f. Approval of the Agreement with the Republic of Kosovo for the establishment of the MCPM Morina, signed in December by the Minister of Interior.
- g. Regarding the activity and technical assistance, the Department for Border and Migration has been assisted by various Agencies:
  - OSBE, FRONTEX, EXBS, PAMECA-5, ICITAP, The German Embassy, IOM, UNHCR, CARITAS – Albania, DCAF, Switzerland Training Center, The Foundation Hanns Seidel, etc.
  - With Law enforcement agencies such as FRONTEX, DCAF, have been organized joint border control operations.

➤ **Border security, residence permits (including immigration and refugees);**

Regarding residence permits it's established the central data base, Module E-Permit, at the Electronic register for aliens.

➤ **Air security, maritime security;**

Cooperation with all agencies operating in ports and airports that have legal obligations in the exchange of various information, pursuant to the Albanian and international legislation, due to which these agencies have respective obligations, expressed in Decision No. 745, date 26.10.2016, "On Performing Joint Actions".

➤ **Real time access at the Interpol database on border controls;**

- With regard to the real-time access to the Interpol database on border control, each border police officer in the post of assistant, Task Force Officer, Head of Station, during the Border Verification has a legal obligation to consult and exchange data with The Central Office of Interpol Tirana.
- Use of the advantages offered by electronic travel documents in border control (by electronic / chip validation through the ICAO (Central Civil Aviation Organization), biometric verification, approach to one counter, list controls, etc.).

**TRAVEL DOCUMENT SAFETY:**

Albanian travel documents are according to standards:

- Implementing the international standards (ICAO/EU) in this area;

- Travel documents of Albanian citizens - Biometric passports and Biometric ID, in compliance with the standards ICAP and the EU
- Participation in the Public Main Platform (PQP) of ICAO;
- Usage of new Biometric technology: (face, fingerprints, iris);
- Reporting of lost and stolen documents at the Interpol database (DHVU);
- In our TIMS system, an automatic search is conducted at this Interpol database.
- Border police has various trainings for detecting forged documents.

## **CONTAINER'S SECURITY**

Risk analysis for goods and containers is handled by General Directorate of Customs.

Border Police conducts joint controls with customs' authorities, implementing Decision No. 745, dated 26.10.2016 "For conducting joint activities".

The joint control unit of the containers works based on the Joint Order of the General Directorate of the State Police and General Directorate of Customs "on the establishment, activities and SOP's of the joint unit for container control.

Technologies/scanners on goods checks are on property of the General Directorate of Customs.

## **USING THE INTERNET AND OTHER INFORMATION NETWORKS FOR TERRORIST GOALS:**

In 2017, at the Antiterrorism Directorate was established and functions the Unit for Verifying Terrorism and Security. Among other duties this Unit monitors 24/7 the media and the social networks for the persons or groups that propagandize terrorist actions.

- **LEGAL COOPERATION AND EXTRADATION:**

### **1. Europol**

#### a. Legal cooperation

- It was amended the law 28/2014 "Agreement on Operational Cooperation between the Republic of Albania and Europol". This amendment follows the new Regulation of Europol, dated 1 May 2016, where new criminal offenses were added.
- On 31 July 2018 was signed "The agreement between the Republic of Albania and Europol, on placing a liaison officer in Albania". Ratified by Law 77/2018.

#### b. Information exchange.

The Antiterrorism Directorate has users of the Siena system, and has its own file in the system where exchanges information with all the offices of antiterrorism of the countries which have operational agreements with Europol.

### **2. Interpol**

Regarding extradition, Albania actually has bilateral agreements for extradition with Italy, USA, Kosovo and Great Britain.

In compliance with the constitution its forbidden the extradition of an Albanian citizen without a bilateral treaty. However, the Albanian legislation doesn't require a bilateral treaty when the person is not Albanian.

On the basis of the dispositions of the Criminal Procedural Code, the extradition is allowed on the basis of a request towards the Ministry of Justice.

## **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 operations as part of the NATO, EU and UN. 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 or organizations.

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, and one EOD team (4 military personnel) as part of the EUTM (European Union Training Mission) in Mali.

Albania also currently contributes with 29 military personnel (11 officers, 13 NCO-s and 5 civilian) in NATO Mission in Kosovo (KFOR). AAF military personnel are engaged in KFOR headquarters in Pristina and in KFOR ISR battalion in Peja.

Currently Albania is contributing with 21 military EOD personnel (4 officers and 17 NCO-s) in the NATO activity enhanced Forward Presence (eFP) in Latvia.

Outside the OSCE area Albania contributes with 99 military personnel in “Train, Advice, Assist Commands West, Capital and North” as part of Resolute Support Mission (RSM) in Afghanistan.

AAF is participating with 2 female officers as Staff Officers in the United Nations Peace keeping Mission in South Sudan (UNMISS).

AAF is in process of participating with 1 personnel in operation “SENTINEL” in the Strait of Hormuz so-called the International Maritime Security Construct (IMSC).

Since November 2016, Albania has participated and gave its contribution in support of Standing NATO Maritime Group 2 (SNMG2) mission in the Aegean Sea with a Stan Patrol boat with 21 sailors on board and 1 Staff Officer in the Flag Ship of this group. On November 2019, commitment of Albanian troops in the Aegean Sea mission is completed.

The legal framework for the participation of troops deployed abroad. The Law no. 9363, dated 24.03.2005 "For sending of military forces of the Republic of Albania abroad and manner and procedure for passage of foreign military forces in the territory of Republic of Albania”, deals with participation of Military Forces in international military operations organized, authorized or directed by NATO or the European Union”, amended with law no. 119/2016, date 24.11.2016, official bulletin no. 236.

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 mission, as well as any other

necessary element to conduct of military operations. The Albanian government has approved certain decisions as follows:

Ministers Council Decision (MDC) no. 821, dated 18.12.2019 "For certain amendment in the MDC no. 911, dated 22.12.2014", On the participation of the Armed Forces of the Republic of Albania in Operation "Resolute Support Mission (RSM)" in various NATO headquarters in Afghanistan".

MCD no. 822, dated 18.12.2019 "For certain amendment in the MCD no. 912, dated 22.12.2014, "On the participation of the personnel of the Armed Forces of the Republic of Albania in the "RSM" operation of NATO, near the command of the multinational battalion in Afghanistan".

MCD no. 822, dated 18.12.2019, "One amendment to the MCD no. 145, dated 20.2.2013, "On the participation of the Armed Forces of the Republic of Albania, with representatives, in the headquarters "EUFOR", within the framework of the European Union's "ALTHEA" military operation in Bosnia and Herzegovina, as amended.

MCD no. 789, dated 11.12.2019, "For certain amendment in the MCD no. 400, dated 1.6.2016, "On the participation of the Armed Forces of the Republic of Albania in the military operation of the European Union, with a training mission, in the Republic of the Mali, in Africa", as amended.

MCD no. 820, dated 18.12.2019 "For certain amendment in the MCD no. 910, dated 22.12.2014" On the participation of the Armed Forces of the Republic of Albania in the International Military Operation KFOR, Kosovo".

Law no.23/2019, approval of Normative Act no.1, dated 20.03.2019 of Ministers Council, "For participation of the personnel of Armed Forces of the Republic of Albania in the Mission of United Nations in South Sudan (UNMISS)"

MCD no. 270, dated 2.5.2019, "On the participation of the personnel of the Armed Forces of the Republic of Albania in the United Nations Mission in South Sudan (UNMISS)".

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.

It depends on which territory the armed forces are going to be deployed. However, for NATO countries it applies "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces" and for other situations there are specific agreements signed with the countries or that is going to be signed. Furthermore, for PfP SOFA country-members it applies the "Partnership for Peace Status of Forces Agreement"

### **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 for Europe & Foreign Affairs and Ministry of Defense.

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 (VD-11). In the provisions of Chapter IX of the VD-11 (Compliance and Verification) on inspections and evaluation visits.

During 2019 (as active quotas) Albania has conducted an Inspection visit in Armed Forces of Bosnia & Herzegovina with “guest inspector” from Verification Centre of United States, Czech Republic Verification Agency and Portugal Verification Unit, on 27 – 29 March 2019. One Albanian inspector was part of Czech Republic Inspection team which conducted inspection visit in Armed Forces of Kazakhstan, on 09-11 April 2019.

According to Vienna Document 2011 (VD-11), Chapter IX “Compliance and Verification” (as passive quota), Albania has obligation to accept three inspections of specified area and one evaluation visit during the annual calendar. Meanwhile, for year 2019, Albania has not received any Inspection or Evaluation.

An excellent cooperation in field of Arms Control Albanian Arms Control Department has continuing to have with different Arms Control Verification Agencies.

One Albanian inspector participated in Airbases Visit (chapter IV-p 19-29) organized by Benelux Arms Control Agency (BACA), on 20-24 May 2019.

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, presenting a good will for cooperation, transparency and openness among all OSCE participated states.

### **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 part of the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), supports and fully implements the two treaties.

The Republic of Albania does not possess any WMD, **nor** will **it** develop **or** support any activity that leads to their dissemination, but it will contribute with all the capacities to the establishment and improvement of national interoperable mechanisms with international ones, as well as an efficient and undivided system for preventing, stopping and controlling actions related to the proliferation of WMD

The Council of Ministers of the Republic of Albania on 22 January 2020, approved, The National Strategy against the Proliferation of Mass Destruction Weapons and Action Plan for implementation (no. 33/2020).

This National Strategy outlines the overall framework of the measures, mechanisms and actions that the Republic of Albania will undertake for **Countering** WMD. The strategy defines the role of different institutions and structures in order to improve cooperation, coordination and exchange of information between state and public authorities and other legal entities in the Republic of Albania as well as with other states and security organizations. The Strategy is an integral part of the national strategy framework and complements the crisis management and emergency management response mechanisms.

This national strategy will enable fulfillment of our country's obligations as a NATO member and the obligations within the international organizations (UN and OSCE). Aspiring to EU membership, the Republic of Albania, also agrees with the obligations deriving from it, which according to the European Security Strategy, considers proliferation of WMD is one of the top five security threats.

The Ministry of Defense (MoD) supports fulfilling the objectives of this strategy through the General Directorate of Civil Emergencies, as well as expertise when requested through State Export Control Authority (SECA), which ensures that the licensing of individuals and business entities is conducted in accordance with the laws that are related with the export and import in the Republic of Albania of dual-use goods, military goods and dual-use technology goods. SECA, in cooperation with Customs and the MI, which are the main actors for C-WMD, will fully implement the legal framework and activities for the control of military and dual-use goods. A Memorandum of Cooperation will be drafted for this purpose. MoD will be responsible for managing the knowledge, information and expertise of the AAF (Albanian Armed Forces), as well as the development of operational capacities that will address the incidents in case of proliferation or use of WMD.

## **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 Defense (MoD) plays a crucial role in overall management of Defense Planning and in coordination of measures ensuring the state's readiness for defense. Defense Planning Process includes political objectives, and National Security Policy. 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 projects the future of 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 coordination program with the resources, and provides a sound decision-making of the government regarding the defense budget.

The budgeting process starts with the Council of Ministers decision on budget limits. The Strategic Management Group in the Ministry of Defense sets the budget limits for the expenditure structures according to the Government's Annual Budget Law and their requests for extra funding. After the opposite 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 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. In addition, there are approved different agreements as follows:

Note of accession to participate in host nation support and other responsibilities set up within the Republic of Latvia (HN). TA between the MoD of the Republic of Latvia and the Department of National Defence of Canada and Canadian Armed Forces concerning the NATO Enhanced Forward Presence in Latvia and the Provision of Host Nation Support and other Responsibilities.

Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of France concerning the cooperation in the field of defence/Accord entre le conseil des ministres de la republique d'albanie et le gouvernement de la Republique Francaise relative a la cooperation dans le domaine de la defense.



Note of accession to participate in the Memorandum of Understanding between the Government of the Republic of Croatia and Headquarters, Supreme Allied Commander Transformation as well as Supreme Headquarters Allied Powers Europe regarding the provision of Host Nation Support for the execution of NATO military activities.

Note of accession to participate in agreement between the Government of Hungary and the Supreme Allied Commander Transformation HQ as well as the Supreme HQ Allied Powers Europe regarding the provision of Host nation Support for the execution of NATO operations, exercises and similar Military activities.

Memorandum of Understanding among the Ministry of Defence of the Republic of Italy, the Ministry of Defence of the Republic of Albania and the Ministry of Defence of the Republic of Slovenia as well as the Supreme Allied Commander Transformation HQ concerning the functional relationship regarding the NATO Security Force assistance Centre of Excellence (NATO SFA CoE) and Memorandum of Understanding among the Ministry of Defence of the Republic of Italy, the Ministry of Defence of the Republic of Albania and the Ministry of Defence of the Republic of Slovenia concerning establishment , administration and operation of the NATO Security Forces Assistance Centre of Excellence (NATO SFA CoE).

Note of Joining to participate in the Memorandum of Understanding between the General Staff of the Republic of Turkey, the Ministry of Defence of the Republic of Bulgaria, the Federal Ministry of Defence of the Federal Republic of Germany, the Ministry of Defence of the Kingdom of the Netherlands, the Ministry of National Defence of the Republic of Romania, the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland, the Ministry of Defence of Hungary, the Department of Defense of the United States of America, and Headquarters, Supreme Allied Commander Transformation concerning the Functional Relationship regarding the Centre of Excellence-Defence Against Terrorism, which entered into effect on 20 July 2005) and (Note of Joining to participate in the Memorandum of Understanding between the General Staff of the Republic of Turkey, the Ministry of Defence of the Republic of Bulgaria, the Federal Ministry of Defence of the Federal Republic of Germany, the Ministry of Defence of the Kingdom of the Netherlands, the Ministry of National Defence of Republic of Romania, the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland, the Ministry of Defence of Hungary and the Department of Defense of the United States of America concerning the Operation of the Centre of Excellence-Defence Against Terrorism, which entered into effect on 28/07/05).

Note of Joining Agreement between the Council of Ministers of the Republic of Albania and Supreme Headquarters Allied Power Europe (SHAPE) for Air Policing over the Republic of Albania's Airspace.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Poland and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation (HQ SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Lithuania and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied

Commander Transformation (HO SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Latvia and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation (HQ SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Estonia and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation (HQ SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Bulgaria and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation (HQ SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of Romania and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation (HQ SACT) regarding the provisions of Host Nation Support for the Execution of NATO Operations and Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understand between the Government of the Republic of Turkey and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation regarding the provisions of Host Nation Support for the Execution of North Atlantic Treaty Operations/Exercises.

Note of Accession of the Council of Ministers of the Republic of Albania to participate in the Memorandum of Understanding between the Government of the Hellenic Republic and Supreme Headquarters Allied Powers Europe regarding the provision of host nation support for the execution of NATO operations /exercises.

Note of Accession in the Memorandum of Understanding between the Federal Ministry of Defense of the Federal of the Federal Republic of Germany and Supreme Headquarters Allied Power Europe (SHAPE) regarding the provisions of Host Nation Support for the Execution of NATO Operations/Exercises.

Note of Accession in the Memorandum of Understanding between the Ministry of Defense of the Slovak Republic and Supreme Headquarters Allied Power Europe (SHAPE) and Headquarters, Supreme Allied Commander Transformation regarding the provisions of Host Nation Support for the Execution of North Atlantic Treaty Operations/Exercises.

Note of Accession in the Memorandum of Understanding to the Government of the Kingdom of the Kingdom of Sweden and the Headquarters of the Supreme Allied Command for Transformation, as well as the Supreme Headquarters of the Allied Powers in Europe, offered

me the provision of senior service military operations / exercises and military activities for the deployment of NATO ” (MCD no. 672, dated 07.11.2018)

Note of Accession in the Memorandum of Understanding (MOU) between the Government of the Republic of Finland and the Headquarters of the Supreme Allied Command for Transformation, as well as the Supreme Headquarters of the Allied Powers in Europe, regarding the provision of state support for the host country. NATO's similar operations / exercises and military activities” (MCD no.271, dated 02.05.2019)

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 Warning Center for Situations and Operations of Rehabilitation in “Camp Marmal”, Mazar-e Sharif, in the “Resolute Support Mission” conducted by NATO, in Afghanistan.

MOU among Ministry of Defense of Republic of Albania, Bulgaria, Croatia, Estonia, Ministry of Foreign Affair 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).

Through a steady and serious commitment, Albania has been very active in fostering constructive regional cooperation and enhancing connectivity by working closely with our neighbors, either in bilateral and as well in regional platforms. In this context, highlights the key initiatives for cooperation in the region like the US-Adriatic Charter (A-5), the South-East Europe Defense Ministerial (SEDM) as well as the Regional Arms Control Verification and Implementation Assistance Center (RACVIAC).

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 center has been active and plays a very important role and contribution increasing the security and cooperation in region. With the new agreement, ratified in December 2011 by the member’s countries this center is called Centre for Security Cooperation. RACVIAC remains an important initiative in the South East Europe contributing in enhancing trust, stability and security cooperation in the region. It’s the leading regional security platform that supports its members in the EU and Euro-Atlantic accession processes and in overcoming the current and emerging security challenges through enhanced cooperation. In 2019, RACVIAC has prepared the new concept paper for the Strategy 2021-2026 that will address the most emerging challenges and help states to deal with them. This Strategy (2021-2026) will be a key document for the future development of this center and defines main priority areas on which will be focused.

The South-Eastern Europe Defense Ministerial initiative is launched is another instrument of cooperation among the countries of South-Eastern Europe (SEE). Main objective is strengthening understanding and politico-military cooperation in the region in order to enhance the stability and security in SEE. Albania is member of this initiative from the establishment on 1996 and has been active on this process.

Albania took over the chairmanship of SEDM - CC & PMSC for two years (2019-2021). All activities have developed the security of South-East Europe through promoting regional

cooperation and good neighborly relations, strengthening regional Defense capabilities as well as cooperation through collective efforts and last but not least, establishing links facilitating integration into Euro-Atlantic institutions.

## **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, crises 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 the Law no. 64/2014 "On the authorities and powers of commanding and guidance of the Armed Forces of the Republic of Albania", Article 7 of the Law no. 64/2014, stipulates that authorities and powers of command authorities of the Armed Forces have the following hierarchical order: the Parliament, the President of the Republic, the Council of Ministers, the Prime Minister, the Minister of Defense, the Chief of General Staff of the Armed Forces, the General Staff of the Armed Forces, the Commanders of the Land, Navy and Air Forces, the Commanders of the supporting structures.

As this order defines, 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.

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 fulfillment 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 National Intelligence Service. The control is exercised by the relevant standing parliamentary committee, which can also oversee the use of funds allocated to the National Intelligence Service. The director of the National Intelligence Service reports to the Committee at least once a year. The Director of the National 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). ICS mission is 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 "On the authorities and powers of commanding and guidance of the Armed Forces of the Republic of Albania" is the application of the democratic principle of civilian control over the Armed Forces.

The democratic control over the security forces is exercised by 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, exercises 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:

- Parliamentary motions. Art. 80, point 1 of the Constitution, Art. 96-97 of the regulation.
- 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.

The Parliament of Albania is the highest authority of the strategic command and control of the Armed forces (Art. 8, Law no. 64/2014)

- a) The President of the Republic, according to the Constitutions and actual law, is the Commander in Chief of the Albanian 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 no. 64/2014).
- b) The Council of Ministers on cases provided by the constitution and the Law no. 64/2014.
- c) The Prime Minister on cases provided by the constitution and the Law no. 64/2014.
- d) The Ministers of Defense and Minister of 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.
- e) The Minister of Defence is the authority who leads the Armed Forces activity in fulfilling the constitutional mission within the main direction to the state policy.
- f) Chief of the General Staff, as the leader of the Armed Forces activity, responds (is accountable before), to the President of the Republic, Prime Minister and Minister of Defence. It is the highest military authority in 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 no. 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.

- General Director of the Defense Intelligence and Security Agency (DISA), controls the activity of the Agency in personally or by other authorized persons.
- Minister of Defense or the General Director of the Defense Intelligence and Security Agency (DISA) report for the activity of Defense Intelligence and Security Agency to the parliament commission or sub-commission for security cases and intelligence information at least once a year or whenever the parliament asks.
- Defense Intelligence and Security Agency, General Director submits to the Minister of Defense a yearly report for the agency activity, and the execution of the tasks.
- Supervision, control and reports from the above mentioned authorities are carried out based on procedures for saving sources and classified information respecting the actual laws.

### **2.3 What are the roles and missions of the military, paramilitary and security forces, and how does your State controls 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 nonmilitary nature.
- Participate in international operations as part 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. The President of the Republic is Commander-in-Chief of the Armed Forces and he appoints and dismisses the Commander of the Armed Forces.

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, 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 guaranties of the personnel and their families, aim at the qualitative growth of the AAF.

The recruitment to become a 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.

##### **According to the Law nr. 59/2014, Art. 14, the acceptance criteria are:**

- *Nationality:* Albanian; *Age:* 18-27 years old (Except officers, soldiers, sailors who are planned to serve as medical personnel, must be under 32 years old);
- *Education:* High School /University degree;
- *Height:* Males over 170 cm, Females over 165 cm;
- *Health certificate:* By the Military Medical Center 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 tests.

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 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.

Soldiers' 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 have been prepared in order to test the supplementary individual abilities according to the requirements of each branch.

The candidates submit the necessary documentation at the Recruitment Center of district, 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 sends all documentations of the candidates to the National Personnel Recruitment Centre. If there are no problems in the application, the Recruitment Centre calls the candidates for the presentation date to continue with the intelligent and physical tests.

Physical and intelligent tests are organized in the National Personnel Recruitment Centre. The applicants are recruited as soldiers after passing the verification and testing 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 candidates. The National 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 start the Basic Training.

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

At the end of this 9 weeks training, all the recruits have to pass the tests and get promoted to professional soldier, following the NCO military carrier.

Law No.152/2013, dated 20.05.2013, "On the status of civil servants". Procedures of employment of civil servants in the Ministry of Defense are define according to the above law and sub-laws and executed based on the principles of competition, transparency, impartiality and criteria's of laws under observation of Public Administration Department.

### ***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 a consequence, there is no alternative military service.

Unfulfilling the criteria's mentioned 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. Having 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 enjoys the following rights:**

- a) His/her job in the Armed Forces is guaranteed in accordance with applicable law;
- b) To get promotion in his/her rank (career), according to legal acts;
- c) To be protected by the state laws when performs the military duties;
- d) To be train, qualified and to follow studies in military or civilian educational institutions within the country or abroad, only when receives permission according to the legislation and in accordance with the profession;
- e) Practice 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;
- g) to wear civilian clothes out working hours of service, or when it's required by type of duties;
- h) to be organized in 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 to serve where the interests of the Republic of Albania demand;
- d) to be prepared as military, disciplined, for each sacrifice for the defense of the homeland;
- e) to provide for the general public, stakeholders and public institutions required information, except when the information is classified, in accordance with law;
- f) to respect exactly working time schedule and use it efficiently;
- g) to enhance his/her 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;
- i) to hold his/her responsibility for the legal actions during the duty;
- j) to follow the rules of ethics.

## **Article 19 – “Detention because of duty or service” Military personnel is 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) to organize or participate in strikes; protests and demonstrations;
- c) use state's property for personal benefits;
- d) going abroad without order by authorities defined by law.

### ***Summary list of decrees relating to legal assistance of military personnel***

Law no. 173/2014, “For discipline on Armed Forces of Republic of Albania”, defines norms and rules for military personnel, violations, penalties and responsible law enforcement authorities. Art 17. The rights of the military personnel during disciplinary proceeding process: In cases of preceding for serious discipline violations the military personnel have the right to be listened, to submit proves and facts by himself, or by another person authorized by him. If he is not able to get a representative, he can make a written request and addresses it to responsible authority or to respective disciplinary commission which assigns a military jurist to advocate him.

### **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 "On the military status of the Albanian Armed Forces personnel).

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

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

- Actually in the Albanian Legislation it applies the Law no. 9210, date 23.3.2004, concerning the “Status of the military in the Albanian Armed Forces”.
- Instead, in the disciplinary field it applies the Law no. 173/2014, concerning the “Discipline in the Armed Forces of the Republic of Albania”.

#### **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 of the Armed Conflict”, approved by order of General Chief of Staff, no. 747, dated 22.09.2009.

Ministry of Defense in cooperation with International Red Cross and Red Crescent 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, dated 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 a special examination for IHL and LoW. After that, military personnel for the mission is examined and certified for the acknowledgement of the above mentioned laws.

- Actually, the Republic of Albania has ratified different agreements related to this field. Specifically, the Republic of Albania adopted the Law no. 7531, date 11.12.1991 “For the ratification of the Convention for the rights of the children” signed in New York, on 26.01.1990;
- Moreover, the Republic of Albania has adopted the Law no. 9833, date 22.11.2007 “For the accession of the Republic of Albania in the Optional Protocol to the UN Convention “For the children rights”, concerning the involvement of the children in the Armed Conflicts” done on 25.05.2000;
- After the implementation of the aforementioned agreements, the Albanian Armed Forces have adopted different texts in the Albanian Armed Forces Academy in order to prepare and train the troops for peacekeeping in the framework of the international operations led by UN, EU and NATO.

- These texts have been adopted in accordance with “NATO Standardization Agreement, STANAG 2449 Lo (Edition 1) (Ratification Draft 1) - Training in The Law of Armed Conflict, 14 February 2003, NSA (ARMY) 0143-LO/2449” and have been updated with “STANAG 2449 Ed. 2 (2013)/ 20 Mar 2013”.

#### **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 Rules of Engagement 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 of engagements, conventions and commitments governing armed conflict and they are aware for their accountability under national and international law for their actions.

Military training system in the Republic of Albania consists of institutional and functional courses for individual and collective training for units or pre-deployment training of particular units and personnel. 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 AAF and punishment for those who violate them.

Law no. 173/2014, “For discipline on Armed Forces of Republic of Albania”, in Article 13,

Serious discipline violations are:

- The support of the campaign of a party, political origination, member, of the political party or independent candidate, contributing personally or financially.
- Supporting or participation in political, religious or non-profitable organizations activities, during working hours, in working place, military assets, or when he/she is wearing uniform and military symbols.
- Permissions of persons from political, religions and non-profitable organizations to make propaganda in Albanian Armed Forces's areas.
- Usage, delivery, or displaying in military areas and assets of symbols or advertisement of political and social organizations except when they have humanitarian character.
- Exercising of function authority affected by his political beliefs, personal or social interests.

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 Defense 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.**

Albanian Military personnel participating in international peace support operations before their deployment conduct a specific training. Part of this specific training are well acquainted with the costumes, 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.

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

Availability plans to address and gather information about culture and costumes from local women populations in areas at risk of conflicts. The inclusion of systematic analysis for gender in conflict areas includes gender-desegregation, social-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 2019, military personnel that are contingent to participate in a peacekeeper mission have attended different courses which are dealing with these training issues such as "Diversity and Inclusion in the Security Sector – Key Leadership Conference and Gender Training of the Trainers Course organized in and outside our country. The military academies have revised curricula which comprised topics on gender equality and all of them are involved in training programmes of Military personnel.

##### **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 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).

National Strategy and Action Plan on Gender Equality 2016-2020 which address the full spectrum of gender issues, policies and strategies is approved by Decision of the Council of Ministers No. 733, date 20.10.2016.

The Council of Ministers, in Albania has adopted the Inter institutional Action Plan for Resolution 1325, approved by DCM 524, dated 11.09.2018, published in Official Journal 134/2018, an important step in guaranteeing the expansion of women's inclusion policies in the security field. Its prepared by the Ministry of Social Welfare and Youth and line ministries, in consultation with representatives of civil society organizations, and national and international organizations which are working to achieve gender equality and to reduce gender-based and domestic violence in Albania.

On September 26, 2019, the Association of Women for Peace and Security organized the Inter-Institutional Group meeting to discuss the preliminary draft of the monitoring report of the National Action Plan. The activity developed in the framework of Project "Resolution 1325, Women Rights from Concept to Albanian Reality, is financially supported by UN Women and the Fund for Gender Equality. The Monitoring Report comes as a joint product of the Ministry of Health and Social Protection as well as the Civil Society, which have jointly monitored the work of public institutions during the period June-September 2019, regarding the National Action Plan approved by DCM no. 524, dated 11.09.2018 "On the adoption of the action plan for the implementation of United Nations Security Council Resolution 1325," On peace and security, 2018-2020".

The program of the government for 2017-2021 has expressed the commitments for all public institutions in the fight against women violence, reinforcement of justice system for prevention and support of victims of violence. In terms of the AAF, the main policy is to increase women's participation in peacekeeping operations, conflict prevention and resolution. Application of positive discrimination in this area seeks to increase the number of women and girls in the peacekeeping missions. These measures are accompanied with training of staff of peacekeeping missions on gender equality and awareness rising for reduction of gender stereotyping in the peacekeeping mission.

In the framework of National Strategy for Development and Integration 2016-2020, is working closely with the representative of UN Women to mainstream gender perspective in monitoring indicators of this strategy.

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 Health and Social Care Minister, and it is composed of 9 (nine) Deputy Ministers and three members who represent 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.

Law no. 173/2014, "For discipline on Armed Forces of Republic of Albania", in article 12, "Serious disciplinary violation", which classifies sexual harassment committed by military personnel during and after working hours or leisure time in the category of serious disciplinary violation is under implementation. The purpose of this law is to prohibit sexual

harassment in order to defend human dignity, freedom and privacy and in order to promote equality. During 2019, there are not reported cases on sexual harassment committed by military personnel. This issue is monitored closely in order to avoid the gender abuses during the military service.

AAF has drafted the document "Policies and procedures for the elimination of violence, harassment and sexual harassment in the services of the structure of the Ministry of Defense and the Armed Forces", which is in the process of approval by the Minister of Defence.

## **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 Defense.**

Based on the strategy on "Human Resource Management Strategy in the Armed Forces, 2015-2019", the professional military personnel that are women in the Armed Forces should be 15% of the total number and for every structure, in the function of the mission and tasks according to the required operational levels.

The total number of women serving (military +civilian) in the Albanian Armed Forces by the end of 2019 was 1392 or 18.27 %. Meanwhile, the percentage of military women serving in the Albanian Armed Forces by the end of 2019 was 818 military personnel or 13.5% of the total number of military personnel.

Current activities targeting potential female applicants range from local initiatives like spread of leaflets in universities and recruiting open days seminars in MOD, and visits on local colleges of women in senior leadership position like Minister of Defense and other senior military position. They share their experience and provide the young female with important career information about AAF and highlight the significant contribution made by women in AAF and abroad and increase awareness of career opportunities for women and men in AAF.

Also, in order to attract greater number of qualified applicants from Albanian workforce the Personnel Recruitment Centre has undertaken the initiative for promotion of women and men participation in military throughout National Employment Office. The recruitment campaign also was spread on national/local media and official website of Albanian Armed Forces.

The percentage of female personnel who are promoted and advanced in their ranks and career in 2019 is as followed: - Officer 33.8% or 5% more than 2018; - NCOs 20,13 % or 0.2 % more than 2018; The participation of female military personnel in the institution courses in and abroad for 2019 is as follows: Officers 24% of and NCO-s 14.02%.

During 2019, a total of 35 female officers in Ministry of Defence, General Staff and in Armed Forces are or continuing to perform duties in command positions and with high responsibility, such as: - Deputy Chief of General Staff, - Deputy Military Attaché, - Deputy Chief of Staff of Logistic in KFOR, - Director, - Deputy Director, - Commander and Deputy Commander at different levels, these consist of 8.2%, or 0.9% more than 2018.

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.

## **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.

For the first time in 2019, we have 2 female military officers participating in UN Peacekeeping Operations in South Sudan's "Special Gender Report". (Report from the Representation of the Republic of Albania, New York, no. 19/21, dated 28.10.2019).

During 2019, from Albanian Armed Forces have participated in mission abroad in total 35 female Military Personnel: - 13 (thirteen) in NATO/Resolution Support Mission in Afghanistan, - 8 (eight) in support of Standing NATO Maritime Group 2 (SNMG2) mission in the Aegean Sea; - 7 (seven) in NATO Mission in Kosovo (KFOR), - 5 (five) in the NATO activity enhanced Forward Presence (eFP) in Latvia; - 2 (two) in United Nation Peacekeeping Operation in South Sudan (UNMISS).

### **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 2019, there was no case for Albanian peacekeepers women whose rights are violated.

### **IV: Other information.**

#### **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, MEFA, 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. National Recruitment Personnel Center organizes 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 for Europe and Foreign Affairs is considering the possibility to post the current questionnaire on the official website of the Ministry for Europe

and 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 webpage).

Based on Law no. 119/2014 "On the right for information" Anyone requires information on the activity of the public body without being obliged to explain reasons. Even when the decision is negative the subject has to be informed. The MoD has specific structure "Inspection and Anticorruption Directorate"(IAD), which is responsible for the enforcement of upper mentioned law (for the fulfillment of the right to information for citizens.

## **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:

#### **MINISTRY FOR EUROPE AND FOREIGN AFFAIRS**

Multination Organization Directorate

International Organization Department

Contacts: **Mr. Kujtim MORINA**

Specialist

**Phone:** + 355 42 36 40 90 Ext. 181

**Mobile:** + 355 (0) 69 7636977

**e-mail:** [kujtim.morina@mfa.gov.al](mailto:kujtim.morina@mfa.gov.al)

**Address:** Bulevardi Gjergj Fishta, no. 6, Tiranë.

## ANNEX 1

### **I. UNITED NATIONS**

- 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.
- International Convention against the Taking of Hostages, (New York, 17 December 1979); Ratified. Entered into force on 21.02.2002.
- International Convention for the Suppression of the Financing of Terrorism, (New York, 9 December 1999); Ratified. Entered into force on 10.05.2002.
- International Convention for the Suppression of Terrorist Bombings, (New York, 15 December 1997). Entered into force on 21.02.2002.
- 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)**

- 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.
- 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.
- 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
- 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
- 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)**

- **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)**

- 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.
- 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.
- 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**

- 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 22.12.2000.
- Protocol amending the European Convention on the Suppression of Terrorism (Strasbourg, 15 May 2003); Signed on 9.10.2003. Ratified on 15.11.2004.
- 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
- 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.
- 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.
- 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
- 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.
- 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.
- 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.
- 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**

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

- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- "Convention on police cooperation in South East Europe. Signed in Vienna on 05.05.2006. Ratified by Albania in October 2007.
- 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.
- 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.
- 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"
- 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.
- 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.
- Technical Agreement between OSCE presence in Tirana and Albanian Ministry of Defense for the elimination of Chemical Stocks, 16 April, 2012
- MOU between OSCE Presence in Albania and Albanian Ministry of Defense for the elimination of Chemical Stocks, 10 November 2014.
- MOU between United Nations Development Program and Albanian Ministry of Defense
- on bilateral cooperation in the implementation of the Albanian UXO Hotspots Clearance and Ammunition Disposal Programme, 01 November 2011



- MOU between United Nations Development Program and the Albanian Ministry of Defense in Support of the Small Arms and Light Weapons Control and Physical Security and Stockpile Management Activities in Albania, 2016