



The Albanian public's trust in security: Stumbling blocks to EU negotiations

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Albania's approach to delivering on the Chapters 23 and 24 of the EU accession negotiations while increasing trust in security institution and strengthening democratic accountability: A view from the public opinion perspective

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With an introductory note by Arjan Dymishi

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Introductory Note

Security is one of the defining aspects of any rule of law society and a fundamental function of the state. For this reason, the EU Security Strategy has defined security as a crucial aspect and precondition for economic and social development. On the other hand, public opinion is important in a democracy as the people are the ultimate source of political power. In 2019 the Center for the Study of Democracy and Governance conducted the first edition of the Security Barometer in Albania. The Security Barometer is designed to collect data on public attitudes and perceptions on a range of issues related to security. Surveys such as this provide a mechanism to succinctly present the views of the mass public on government and the political leaders who are making decisions that will affect society.

The Albanian Security Barometer has provided, for the first time, a bridge between security policymaking and delivery and the concerns and expectations of the citizens. The publication of findings and the discussions with policymakers and practitioners have already made the Security Barometer a reference for the media and academia.

While the Security Barometer provides a wealth of data on citizens perception and attitudes on a broad range of security-related aspects such as internal and external security threats, the performance of security and justice institutions, the relevance and effectiveness of security policies, it stops short of making a deeper interpretation of these data. This is meant to allow for different stakeholders to interpret the data and make nuanced analyses, assessments, and policy decisions accordingly.

In this vein, this publication brings a collection of policy papers that draw on data from the Security Barometer as well as other related primary and secondary sources, to provide in-depth analyses on three specific issues:

1. The citizens trust in security institution,
2. Democratic accountability of security institutions in their role as security providers,
3. On the challenges facing Albania with regards to meeting security and human rights obligations and benchmarks in the process of the EU negotiations.

These topics are only a few of the many policy questions that the Security Barometer sets out to explore. Important security issues such as; corruption and organized crime, terrorism and violent extremism, collective security in the framework of NATO and EU umbrellas and the influence of rising global and regional powers, good governance of the security sector and policymaking in the security field, or public political discourse on security matters that the Security Barometer tackles remain to be further explored.

This collection of policy analyses is meant to contribute to the broader policy discussion on these topics but also to encourage the use of the Security Barometer as a data platform for similar analyses on other topics.

The upcoming Albanian Security Barometer 2020 will provide a new set of data that shall contribute to adding a layer to the analyses by examining the trends over the two years on the issues and themes explored.

Security Provisions and Democratic Accountability of Security Institutions

Erdi Memaj

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Table of abbreviations

CoM	Council of Ministers
CSDG	Center for the Study of Democracy and Governance
DISA	Defense Intelligence and Security Agency
MoD	Ministry of Defense
MoE&F	Ministry of the Economy and Finance
Mol	Ministry of the Interior
MoJ	Ministry of Justice
MoT&E	Ministry of Tourism and the Environment
NBI	National Bureau of Investigations
PM	Prime Minister
SICMI	Service of Internal Control of the Ministry of the Interior
SIS	State Intelligence Service
SPO	Special Prosecution Office
SSAI	Albanian State Supreme Audit Institution

1. Introduction

This paper will analyze the accountability system that governs the security sector in Albania. In particular, the specific roles that democratically elected institutions play in ensuring oversight of security actors. It will also include data related to the public's perception of how these institutions execute their duties.

We will state the most important recommendations concerning improving the accountability of these institutions, the democratization of the security sector in general, and in the end, the improvement of the practical functionality of said institutions.

The most important institutions that are responsible for the security of people and the stability of public order, include:

- parliament
- the executive, the judiciary system -including elements and institutions related to the judicial reform
- the armed forces
- the intelligence service.

This analysis is specifically of importance when discussing the democratization of the institutions of Albania, considering the country's path to democracy has been problematic and tumultuous.

We aim to provide an insight into the functionality of the security apparatus of the country from an impartial perspective (as opposed to the typical perspective of inner politics).

With this in mind, our analysis utilizes statistical data that shows the public's perspective on such institutions and their perceived level of democratization, democratic accountability, and the general functionality of the laws that govern them outside of a purely formal basis.

To do this, we have procured data from the Albanian Security Barometer (ASB), which provides us with much-needed information on the public's opinion on many institutions that are constantly at the attention of politics, lawmaking, and the media and which are at the forefront of the security apparatus of the state.

The security institutions of the Republic of Albania have undergone constant reforms since the fall of Communism in Albania in the early 90s. These reforms were aimed to result in the eventual transition of Albania into a democracy governed by laws and institutions, truly inspired and based upon the best modern practices, as well as the idealism of the enlightenment. However, this has been a challenging task due to Albania's institutional tradition of totalitarianism. Before the 90s, the Albanian police were highly militarized, with very little doctrinal difference between the operational duties of military command and the police command. The intelligence institutions, much like in the entire communist bloc, were little more

than tools of political repression and mass surveillance. The courts were also political rubber-stampers with near-perfect levels of convictions in criminal cases.

Over the last three decades, there have been many changes to the constitutional order and the legal institutional organization of the security sector. Albania joined NATO in 2009 and its army, having been made a civilian organization, has participated in many peacekeeping operations per its membership obligations. Law enforcement has undergone several reforms. These have included changes to the legal basis organizing its work, as well as constant personnel changes - Chiefs of Police and upper echelons of management.

On the other hand, the judiciary system has undergone a massive and chaotic justice reform, which has sought to fully uproot corruption and provide a fairer and more balanced justice system. These reforms also provide a *sui generis* justice platform for the prosecution of corruption in government, as one of the three most important pillars upon which the public order is based. This reform, although ratified in 2016, has been at the center of constant political, diplomatic, and legal debate.

This research has been carried by analyzing legal documents, reports, parliamentary debates, information released by the security institutions themselves, and information procured personally through interviews.

The following section provides an overview of the institutions that are responsible for the control and supervision of the performance of the security institutions.

Following this section, we will analyze three important security institutions: 1. The Armed Forces, 2. The State Police, 3. The Intelligence Service.

This analysis will be divided into subsections examining the control and supervision of said institutions by the executive, the legislative, the judiciary system, independent oversight bodies, and the public at large (in addition to the public's perception).

2. The Current Constitutional and Political Setting

According to the Constitution, the Republic of Albania is a parliamentary republic, with a division of power based upon the organization of three branches of government: 1. The Executive, 2. The Legislative, 3. The Judiciary System.

The executive is elected by parliament and its powers are shared between the government and the president. The president is also elected through a simple majority. Despite this fact, the legal duties and powers of the president have been consistently diminished with almost every constitutional change, with most of the executive decision-making resting on the government. The legislative function is shared between the parliament, the government through the Council of Ministers (CoM), and the President. The president must ratify any law that has been voted by parliament and any Decision of the Council of Ministers that has been passed by the CoM, with the right of a single veto.

Albania has traditionally had strong governments, with the prime minister at the center of the decision-making process, with no discussion or political debate within the leading or opposing parliamentary party groups. The same lack of discord and discussion is also prevalent within the political parties, with the leaders being absolute in their authority within the party structure.¹

Since 2016, Albania has undergone a massive justice reform. This was based on the evaluations given by foreign and domestic actors that deemed the judicial system corrupt in their decision-making. The reform was passed through a unanimous vote in the parliament and foresaw the installation of several institutions independent from the government that would undertake a process of vetting of judges and prosecutors, with the intent of rooting out corruption within the justice system. Other institutions, under the supervision of the EU and the US, would oversee the appointment of new judges. These new appointees were to be selected based on their professional merit, integrity, and skill.²

The vetting process started from the highest courts downwards, starting with the constitutional court, the highest judicial authority on the interpretation of constitutional matters, then the supreme court, the highest judicial authority on the interpretation of matters of law. All but one of the Constitutional Court judges, and one Supreme Court judge, were disqualified by the vetting process.

This has debilitated both these institutions, as they have not reached the necessary quorum of 6 judges to function. Due to this situation, the government has a great amount of constitutional impunity when enacting its laws, bylaws, and decisions as they are not at risk of being challenged by the Constitutional Court.

In the same vein, the process of appointing new judges has been disastrous, becoming the center of political sparring between the government and the president.

According to the Constitution, the Council of Justice provides a list of candidates, and the first three in the list are appointed. The president decided not to appoint the judges in the order provided, deciding to appoint the fourth candidate in the list and suing the director of the Council before the Special Anti-Corruption Structure. This, in effect, started an institutional conflict between the government and the president, including the creation of a special commission to investigate legal wrongdoings with regards to the president.³ The two parties in conflict have made a habit out of requiring the aid of the Venice Commission to resolve constitutional conflicts that would normally belong to the body of work of the Constitutional Court, and still, the Constitutional Court has not fulfilled its required quorum of 6 judges.

¹ Albania and the European Social Model: Inner Democracy in Albanian Political Parties:

<https://library.fes.de/pdf-files/bueros/albanien/11316.pdf>

² Council of Europe Strategy on the Justice Reform in Albania:

<https://rm.coe.int/strategy-on-justice-system-reform-24-07-2015-en/16809eb53b>

³ Section on the website of Parliament detailing the minutes of different meetings pertaining to this commission:

<http://www.parlament.al/Strukture?kategorie=5&strukture=2055>

Albania underwent a major parliamentary crisis in 2019 when almost the entirety of the members of parliament representing the opposition decided to relinquish their legislative mandates. The opposition took to the streets in daily protests demanding that the prime minister resign and calling for a snap election. Such action should theoretically impede the government from being able to vote on several laws that were required to be passed concerning guidelines by the EU Commission and the EU parliament. However, the parliament decided to fill the empty mandates of the opposition with unelected candidates from the electoral lists of the opposition parties in the 2017 general elections (much to the chagrin of the opposition parties). This element is important to stress due to claims by the opposition parties that the parliament is illegitimate and is fully controlled by the government.⁴

3. The Control and Supervisory Bodies

The executive, the legislative, and the judiciary institutions are all involved in the control and supervisory processes of the security sector in Albania. The parliament has also established several independent institutions and commissions that serve to control the passing and implementation of laws.

3.1.

3.2. Executive

The executive offices which have managing, supervising, controlling, and commanding duties and responsibilities with regards to security institutions, are the president, the prime minister and the CoM, the Minister of the Interior, the Minister of Finances and the Economy, the Minister of Justice, the Minister of Defense, the Minister for Tourism and the Environment. The Prosecutor General is an institution that is intertwined in its functionality between the judiciary and the executive, as it directs and manages the activities of the judicial police. See table 1.

Prosecutor General	President	Prime Minister / Council of Ministers				
		MoD	Mol	MoE&F	MoT&E	MoJ
General Prosecution	Armed Forces		State Police	General Directorate of Taxation	National Agency of the Environment	General Directorate of Prisons
Judicial Police		Military Intelligence Service	Republican Guard	General Directorate of Customs	National Agency of Protected Zones	Bailiff Service
		Military Police	Service of Internal Control	General Directorate for	State Inspectorate	Probation Service

⁴ Article on the opposition leader proclaiming the parliament to be a rubber stamp of the government: <https://www.vizionplus.tv/pd-parlamenti-duhet-shperndare-nje-ore-e-me-pare/>

			in the Ministry of the Interior	the Prevention of Money Laundering	of The Environment, Forests, Waters and Tourism	
		Coast Guard	Inspectorate for the Control of the Environment and the Territory	Agency for the Administration of Seized and Confiscated Property		
		General Directorate of Civil Emergencies	Private Security Companies	Unit for the supervision of gambling		
Table 1: Executive institutions with responsibilities over the security sector						

3.3. Legislative

The Parliament serves as the most important element for the institutional accountability of the Albanian security sector. It has the power to pass and amend laws regarding the functionality of this sector, to approve budgets, to approve strategic documents on the matter, and to push forward important policy decisions regarding security.

The parliament also has three permanent commissions that oversee the workings of and consult with the executive and security institutions. These are:

- The Commission on the Economy and Finances: Responsible for oversight on the approval and the implementation of the budget, and economic policy;
- The Commission on National Security: Deals with the organization of public order, national defense, civil emergencies, matters of the interior, as well as matters on the UN's sustainable development agenda and the implementation of obligations that stem from it;
- The Commission on Legal Matters, Public Administration and Human Rights: Deals with the organization of the judiciary and the administration of the judicial powers and other institutions and services related to them.

3.4. Independent Oversight Institutions

Alongside these institutions and commissions, the Albanian parliament has also established several other independent institutions that serve to provide oversight and supervision to the work and progress of security institutions, as well as several other governmental bodies.

These include:

- The Ombudsperson - who protects the rights, freedoms, and legitimate interests of the citizens from the illegal and irregular acts or omissions of the public administration bodies, as well as the third parties acting on its behalf;
- The State Supreme Audit Institutions – that serves to provide oversight with regards to public spending and public funds;
- The Information and Data Protection Commissioner – who serves as a watchdog for the protection of personal data, as well as the right of information. It additionally provides frameworks and rules for the protection of personal data in the workplace and the public arena;
- The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests - serves for the declaration and audit of assets, for the control and prevention of conflicts of interest, as well as for the protection of whistleblowers;
- The Commissioner for the Protection Against Discrimination - serves as a watchdog for the implementation of anti-discrimination legislation, as well as to provide a platform for people to report discrimination.

Parliament		
The Commission on Legal Matters, Public Administration and Human Rights	The Commission on National Security	The Commission on the Economy and Finances
<ol style="list-style-type: none"> 1. Discusses legislation pertaining to security institutions. 2. Conducts studies on the effectiveness of current legislation. 3. Proposes measures with regards to human rights protection or public administration to the CoM. 4. Conducts ex post analysis of the implementation of legislation pertaining to human rights, through the reporting of the following institutions: <ol style="list-style-type: none"> a. The Ombudsperson; b. The Information and Data Protection Commissioner; c. The Commissioner for the Protection Against Discrimination. 	<ol style="list-style-type: none"> 1. Discusses the legislation pertaining to security institutions and its effectiveness. 2. Discusses the budget accorded to said institutions. 3. Proposes actions to the CoM and Parliament with regards to national security. 4. Conducts ex post analysis through the reports of the following institutions: <ol style="list-style-type: none"> a. The Armed Forces; b. Law Enforcement; c. The Intelligence Services; d. General Directorate of Civil Emergencies 	<ol style="list-style-type: none"> 1. Discusses the budget of the security institutions; 2. Proposes measures on budgetary aspects and matters of public finance; 3. Proposes measures on privatizations and problems related to the banking system. 4. Conducts ex post analysis on the implementations of the budget, procurement, and finances through the reports of the State Supreme Audit Institution and other state actors.

Table 2: Permanent commissions with control and oversight responsibilities

3.5. Judiciary

The judiciary system exerts great oversight on the functionality and decisions of the security institutions. The Constitutional Court provides oversight to the security sector by deciding on matters of constitutionality. As the greatest authority on all constitutional matters, this court has the power to strike down any law, bylaw, decision, or provision that it deems a violation of the constitution or to demand its amendment.

As mentioned, Albania's Constitutional Court has undergone a vetting process under the provisions of the justice reform to validate the quality of their character, professional and academic achievement, as well as their due diligence with regards to their work.

The appointment of the new judges has been problematic (as has been previously mentioned), making for a slow and tumultuous process. As of writing this paper, the Constitutional Court has a body of 4 judges, making it therefore impossible for the court to undertake any decisions as it fails to have the necessary quorum of 6 judges (an absolute 2/3 majority out of a total of 9 judges).

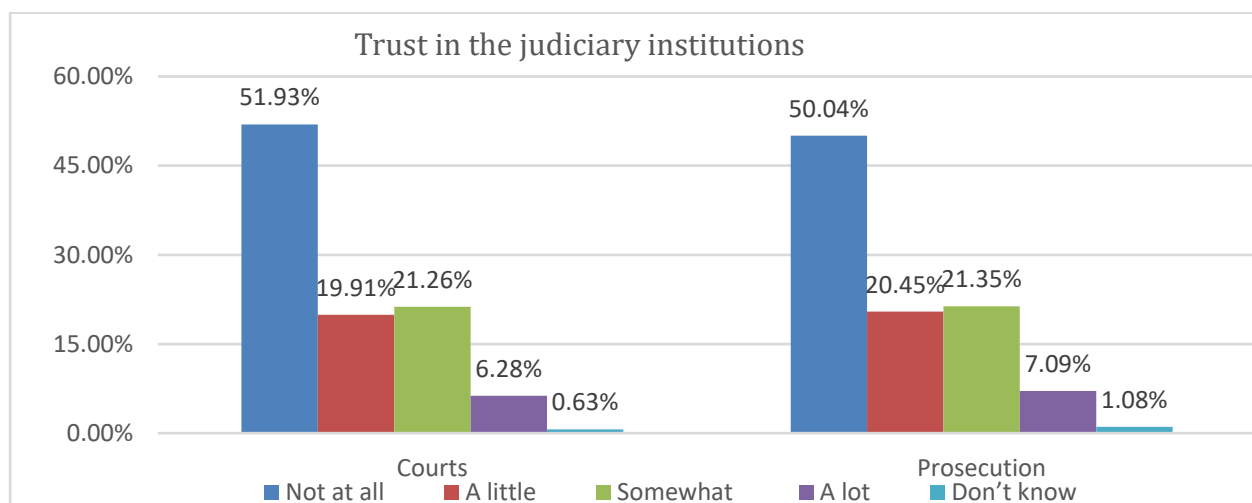
Henceforth, we can deduce that the Constitutional Court cannot currently evaluate the constitutionality of laws and decisions of security institutions.

3.6. The Institutions created by the Justice Reform

Owing to the all-encompassing justice reform, several new institutions were created that serve as additional oversight bodies. Some of these institutions also serve as separate security institutions. Due to the *sui generis* nature of these institutions, they could be placed in the "independent institutions" category, but because of their sheer importance to the state, they will be analyzed as a separate category.

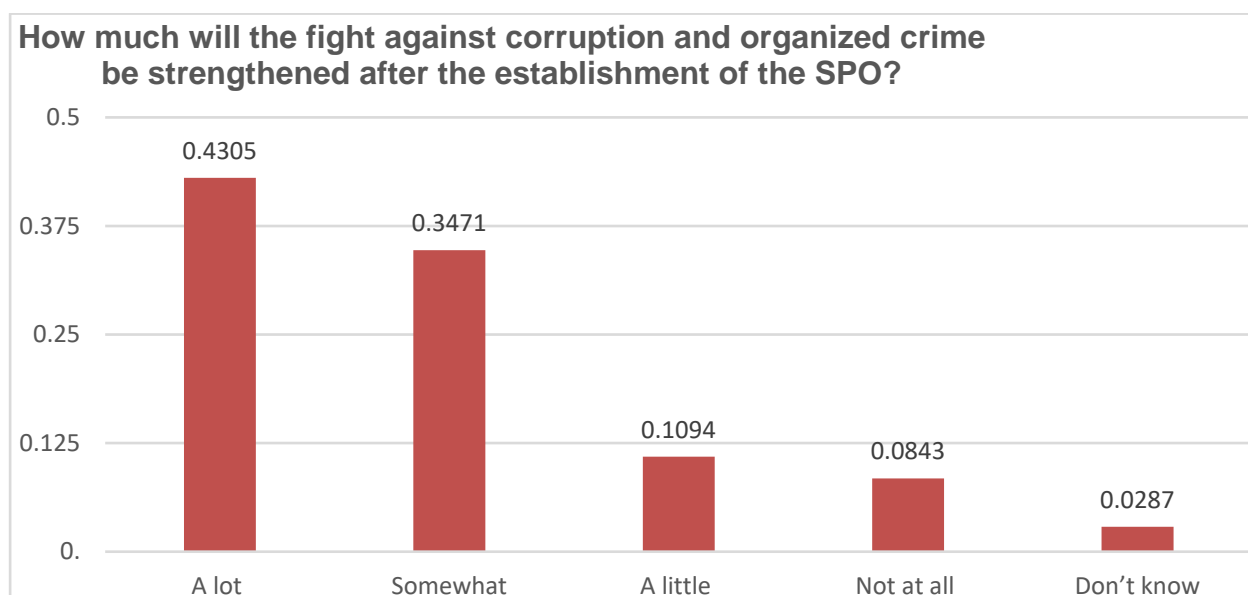
To understand the importance of the justice reform, and the general need for new institutions that are hierarchically independent, we will be referring to a recent survey undertaken by CSDG (the Albanian Security Barometer).

This explores the general public's perceptions on the effectiveness of the regular justice system as a provider of justice, and therefore a major contributor to public security.



Graph 1: Results on the trust on judiciary institutions

And, to contrast, we will also be referring to the results by the same survey on the public's expectations of the new justice institutions:



Graph 2: Results on the perception of the strengthening of the fight against corruption/organized crime after the establishment of SPO

What we can deduce from this simple comparison, is that justice reform was greatly needed. It indicates the importance of the new institutions, as well as the great expectations relayed upon them by the population. It shows that the public believes that the reforms will improve the problematic situation concerning the country's judicial system.

SPO is at the center of the new institutions created by the justice reform. It is a special prosecution that has been created with the established goal of combating corruption and organized crime. Its procedural functionality is in the same manner as the regular prosecution except for the legal provisions that are particular to it as an institution. Its work is conducted through its prosecutors, who work in cooperation with the National Bureau of Investigation and the Judicial Police.

It is an important element for the oversight of security actors, as it supplants several institutions that were traditionally tasked with the same duties by overtaking their responsibilities. It is not subordinate to any institution but the Supreme Council of the Prosecution (itself an institution created by the justice reform).⁵

The National Bureau of Investigations is a special investigative unit created by the justice reform for the express purpose of investigating matters on the competencies of SPO. Such matters could entail:

1. Active Corruption by people in public offices, foreign public servants, high state officials, people that exert illegal influence on public officials, people that occupy offices and ranks within any institution of the justice system.
2. Passive Corruption of all the above-mentioned categories.
3. Illegal gains of interests, Inequity in public tenders, and procurement procedures.⁶

What is noteworthy about the Bureau, is that it is only subservient to SPO. Also, the Bureau has a noteworthy oversight over the State Police, since the State Police are obligated to inform the Bureau of any case that it notices instances of any of the above-mentioned practices taking place. The Bureau compiles a rule book that details exactly how police must act in any case it has a reasonable doubt that such practices are taking place.⁷

⁵ Law no. 95/2016 *"For the Organization and Functioning of Institutions that Combat Corruption and Organized Crime"*, Article 4.

⁶ See Article 75/a of the *Code of Criminal Procedures*

⁷ *Ibid*, Article 29.

1. Control and Oversight of the Armed Forces

In this section, we will analyze the control and oversight of the armed forces, as well as the performance of the institutions that carry out this task.

1.1. Background

The armed forces have been at the center of matters related to the need for institutional reforms and modernization. The reforms in this sector have been among the most successful and swift of all of the institutional reforms carried out by Albania on its road towards Euro-Atlantic cooperation and integration (not the least of which because of very strict and diligent NATO supervision).

The process of reforming the armed forces began in 1991, starting with a reform of military education to increase the number of officers with a university education.⁸ Following the 1997 insurrection, the entire military force was reformed with the 1998 Constitution, further establishing into the legislation the civilian control over the armed forces. The armed forces have a constant NATO presence in Tirana, which has provided assistance and expertise over the years.

Recent reform concerning the Armed Forces was the accreditation of the Academy of the Armed Forces as an academic institution. This improves the freedom of the academic establishment of this institution to elect officers that will receive positions and titles based upon academic performances and allows for less direct institutional control.⁹

Interestingly, findings from the Albanian Security Barometer shows that out of all of the security institutions, the Armed Forces held the perception of being the least corrupt, in comparison to the Police or SIS.

1.2. Executive Control and Oversight

The three main institutions that are part of the executive and exert control over the armed forces are the president, the prime minister, and the minister of defense. The constitution and the Law on the Powers and Authorities for the Control of the Armed Forces provide balance over the control of the armed forces and an institutional framework of how these institutions must cooperate to facilitate the work of the armed forces.

⁸ Remillard. M. & Pietz. T. *Defense Reform and Conversion in Albania, Macedonia, and Croatia*. DCH. Page 10.

⁹ Publication from the MoD:

<https://www.mod.gov.al/index.php/newsroom-2/4238-akademia-e-fa-akreditohet-institucion-i-arsimit-te-larte-xhacka-hedhim-themelet-e-modernizimit-te-qendrueshem-te-mbrojtjes-e-sigurise>

The president is the commander in chief of the armed forces of the Republic of Albania. This is exercised in the following manner:

- In the state of peace: The President exercises his competencies through the Prime Minister and the Minister of Defense.
- In the state of war: The President exercises his competences either directly or through a Commander of the Armed Forces.

The president has other competencies including the awarding of ranks and the promotion of people to the ranks of Commander of the Land, Air and Naval forces (alongside the proposal of the MoD), the promotion or sacking of high ranking personnel (with the proposal of the PM and the MoD), and the awarding of decorations. The president can also decide on the placement and dispersal of the Armed Forces in times of peace.¹⁰

The president is also the leader of the Commission on National Security. This is an advisory body that serves to provide the president with support in his duties as the commander of the Armed Forces. The president has the right to summon this council at any moment in which it is deemed to be expedient. The council can treat all matters of security, defense, weapons control, and any other related field.

Considering the problematic relationship between the government and the president regarding political matters, it is not surprising to claim that this institutional framework has been frail and highly politicized.

Take for example a recent incident when the president organized a protest against the government in which he proclaimed that he would disperse the parliament if the government did not implement his latest presidential decree. In his speech, the president reminded the prime minister that he was the commander of the armed forces, suggesting that any institutional framework in which the government and president would be expected to work together could not function.¹¹

By contrast, following the COVID crisis, the situation completely changed. The president summoned the council several times to discuss the management of the crisis. This is worth noting, as before the pandemic the council had rarely gathered and had served as an arcane institution that existed mostly as a formality.

The Council of Ministers has the duties and responsibilities to prepare and present the Military Strategy and the National Security Strategy to parliament. Besides, the CoM can propose to parliament changes to the limit of personnel, the wages and economic treatment of military can approve the changes to uniforms, symbols, and flags of the armed forces can approve

¹⁰ Law no. 64/2014. *On the Powers and Authorities for the Control of the Armed Forces*. As Amended. Article 9

¹¹ News Article on the protest lead by the president:

<https://a2news.com/2020/03/02/meta-nenshkruan-dekretin-nese-nuk-zbatohet-betohem-se-do-te-shperndaje-parlamentin/>

programs for the modernization of the military, can approve several reserves of resources to be preserved for usage in cases of emergencies/war.

The prime minister has the power and responsibility to propose the General Chief of Staff to the president. The PM also approves the organizational structure of the armed forces and the organizational structure of their institutions (with the proposal of the MoD). The PM, with the support of the MoD, has the duty to inform the public when it is determined that the country must undergo a state of war, emergency, natural disaster, or technological accident.

This instrumental role of the PM was performed with a great degree of control in Albania during the COVID pandemic in 2020. At the beginning of this crisis in Albania, the government passed a series of curfew rules and regulations. The government ordered the mobilization of the military in cities to enforce the curfew rules that impeded the public from freely moving during certain hours. This was conducted through the marching of military armored vehicles and infantry on the main roads of cities.

However, this limitation on such a basic right, and such a mobilization of the military to perform their duties in a time of peace, was not performed properly. The mobilization of the army and the military police was conducted without declaring a state of emergency, which is the constitutional tool that gives the government the power to limit certain rights. Instead, the government passed a series of Decisions of the CoM (starting from March 11, 2020), which authorized the military to aid the police in their duties of enforcing the normative acts related to the COVID crisis (which included the curfew).¹²

The state of emergency was only declared 13 days later on March 24, 2020, indicating that the usage and marching of military vehicles and armaments within cities during this time was unconstitutional. Speaking from a purely command and control structure point of view, the responsible commander of the military that was tasked with mobilizing the armed forces to police the streets should have rejected to enforce such a law, or at least generated debate on the matter.¹³

The Minister of Defense is a civilian that represents the highest official of all military and civilian personnel of the armed forces during peacetime. The minister reports to and is responsible to parliament, the president, and the PM in the implementation of all defense policies. The MoD can propose military appointments in different ranks (except for the rank of general), it can appoint military attaches, it can also propose defense policies.

The General Chief of Staff is responsible to the president, the PM, and the MoD for all matters on the direction of activities of the armed forces.

¹² Decision of the Council of Ministers No.211, Dated 11.03.2020. *On the Commitment of the Armed Forces of the Republic of Albania to Ensure the Implementation of Preventative Measures for the COVID-19 crisis.*

¹³ Decision of the Council of Ministers No.243, Dated 24.03.2020. *On the Declaration of the Situation of Natural Emergency*

1.3. Parliamentary Control and Oversight

Parliament is the highest authority in the hierarchy of powers and authorities that direct the strategic commandment of the Armed Forces. Its competencies include:

- The approval of the National Security Strategy and the Military Strategy,
- The exertion of parliamentary control on the activities of the armed forces,
- The decision on international military cooperation,
- The approval of modernization plans for the armed forces,
- the utilization of human and material resources for usage during states of emergency.¹⁴

Despite this control given to parliament by law, the actual exertion of these powers by legislation has been marginal at best. In most cases about the armed forces, parliament has served as little more than a rubber stamp for the approval of laws and bylaws with little debate. The problematic nature of the current parliament (with regards to its legitimacy) has done little to amend the situation.

Parliament also contains the Commission on National Security, which discusses issues related to the budget of the military, defense provisions and also asks the MoD for explanations and recommendations.

1.4. Oversight from Independent Institutions

As mentioned, we will also analyze the independent bodies that perform control and oversight concerning the armed forces in Albania.

1.4.1. The Ombudsperson

The Ombudsperson is tasked with overseeing that the activities carried out by the Armed Forces respect human rights.

The Ombudsperson has conducted several reports throughout the years on the activities of the Armed Forces and has issued several recommendations related to those reports. These recommendations mostly relate to the improvement of treatment for military personnel, issuing recommendations to give dismissed soldiers and officers owed payments, salary cases, proper housing, etc. The latest of such recommendations is dated 9 December 2019, and it relates to a recommendation for the MoD to give, or not give a deceased soldier who died in the line of duty the posthumous rank "*Martyr of the Nation*". This shows that the oversight

¹⁴ Law no. 64/2014. *On the Powers and Authorities for the Control of the Armed Forces. As Amended. Article 8*

performed on these institutions by the Ombudsperson is mostly related to personal cases rather than systemic issues.

1.4.2. Supreme State Audit Institution

The Supreme State Audit Institution has the expressed competence of control and oversight on all matters of economics and finance, including budgeting and expenses. While there is no specific mention of security institutions in the competence of the SSAI, there is no institution that is barred from being audited and controlled by it.

Ever since its inception, the SSAI has been considered to be politicized, with great political control exerted over it by the executive. However, on grounds of professionalism, we may claim that the SSAI has greatly improved in the last few years. The main problem of its oversight on security institutions, specifically the armed forces, is the existence of the so-called "black budget", which cannot be the subject of scrutiny as the objects bought during these procedures are part of state secret, greatly complicating the work of the SSAI.

1.5. Control and Oversight from the Judiciary System

The military institutions and the officials that work for them are subject to the same provisions and judiciary control as all the other institutions on matters of constitutionality or law. However, we must stress once again that the highest courts in the Albanian judicial system are not functioning in their required capacity because their judges have been disqualified from the vetting process of the justice reform.

Nevertheless, it is important to mention that even before such reform had taken place, judicial control and oversight on the Armed Forces was minimal, as political pressure and corruption have undermined the effectiveness of the justice system, including cases involving the military.

1.6. Control and Oversight from the Institution Created by the Justice Reform

According to the law For the Organization and Functioning of Institutions that Combat Corruption and Organized Crime, the new institutions (NBI, SPO, etc.) have full rights to prosecute and investigate any case about passive and active corruption by public officials. This includes defense, military organizations, and officials within its jurisdiction, providing a great degree of oversight on these institutions. That said, there have been no cases involving the prosecution of officials within the armed forces (either civilian or military) on corruption charges, or any other case that falls within the provisions of article 75/a of the Code of Criminal Procedures. This could be because these institutions are either newly created (SPO), or not yet operational (NBI, The Special Anti-Corruption Court).

2. Control and Oversight of the State Police

This section will analyze the institutional oversight and control that is exerted over the State Police by the executive, parliament, independent bodies, and the institutions created by the justice reform.

2.1. Background

The State Police in Albania has undergone a series of reforms since the fall of communism, beginning with the demilitarization of police practices, followed by the introduction of community policing practices in the mid-2000s, to recent structural changes to its legal and institutional framework introduced by the government.

Issues of transparency and political control have continuously been at the forefront of discussions regarding legal and organizational changes to the State Police. In practice, we can argue that the actual institutional oversight over the police conducted by institutions, other than the executive, has been lacking. There have been constant accusations of politicization levied against this institution. Nevertheless, the Albanian Security Barometer indicates that the State Police are perceived as the most trustworthy security institution by the public. This tells us that, despite all of its problems, the police still maintain their status as the most important security institution in the eyes of the people.

2.2. Executive Control and Oversight

The executive control and oversight on the work and functionality of the State Police are mostly exercised through the Minister of the Interior, with the support of the CoM. The CoM has the power to appoint the Director of the State Police, with the Mol having the competence to appoint the Deputy Director. Also, the dismissal of the Director must be made based on the decision of the CoM.

The Mol does not have the right to intervene or be a part of the daily workings and operations of the State Police. However, the Minister can demand reports and results from the police, as well as draft strategies and objectives to be achieved by the State Police. The Mol also has the right to control and oversee the implementation of the budget of the State Police.¹⁵

¹⁵ Law no. 108/2014. *On the State Police*. Article 7

The Minister of the Interior	The Council of Ministers
<ul style="list-style-type: none"> Compiles and supervises the implementation of policies on the activity of the State Police. Defines the strategic objectives of the State Police. Demands reports from the Director of the State Police on the activity of the police. Oversees the process of grievances levied against the State Police. 	<ul style="list-style-type: none"> Appoints the Director of the State Police, with the proposal of the Mol. Defines the functions and duties that are accorded to every rank of the State Police. Approves of the symbols, flag, and uniform of the State Police.
Oversees the implementation of the budget of the State Police.	Dismisses the Director of the State Police, with the proposal of the Mol.
Proposes the Director of the State Police for Appointment to the CoM.	Compiles the rule book of the State Police and defines the equipment to be used by the State Police in their duties.
Appoints the Deputy Director of the State Police and dismisses him/her.	Defines the total number of active police personnel.
Approves the structure of the State Police, with the proposal of the Director of the State Police.	Defines the organizational structure and functionality of the Academy of Security.
Appoints the Director of the National Bureau of Investigations.	Defines the wages, bonuses of the employees of the State Police and the NBI, depending on their rank and occupation.
<i>Table 3: Division of Labor for the Executive Control of State Police</i>	

The most important tool of oversight utilized by the Mol to supervise the work of the State Police is the Albanian Service of Internal Control (SICMI). SICMI is an oversight body that serves to analyze the work of the State Police to find and stop any cases of infringements and criminal acts that could be committed by its members. It can act by its own volition, or based on grievances levied against members of the State Police either by the public or by its employees. SICMI is structurally independent of the police, but it is directly subordinate to the Mol.

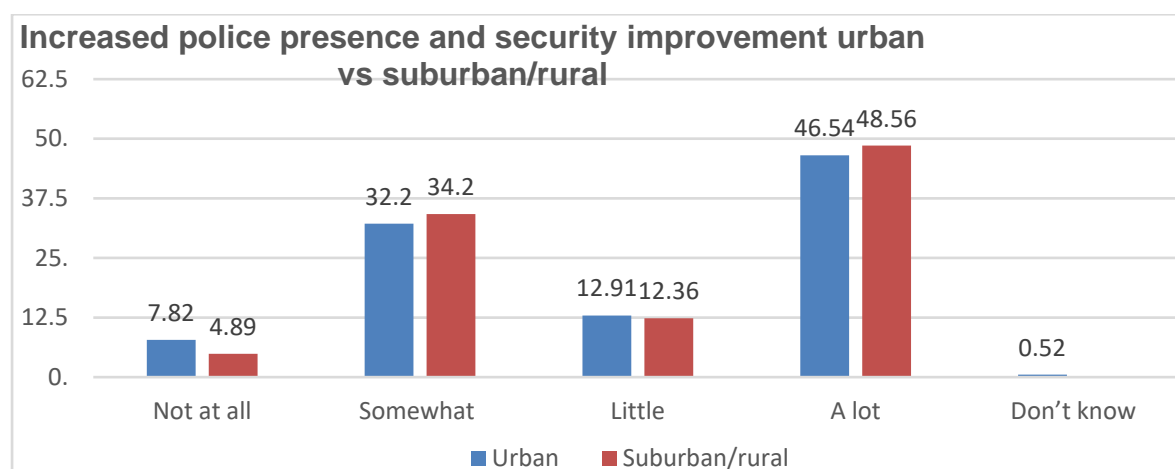
The general performance of the SICMI in its oversight against corruption and crime within the police structure has been largely positive. A recent noteworthy example is a case involving the Director of the Migration Police in Tirana. In June 2020, the director (along with 5 other police officers and employees of the migration police) was arrested and dismissed from her position, after being investigated by the SICMI. She was suspected of being part of a conspiracy to profit from the illegal trafficking of migrants transiting through Albania into Europe.¹⁶

If we consider a development on the total numbers of active personnel of policemen in the field, we can deduct that the executive is following a strategy of constantly increasing the sheer

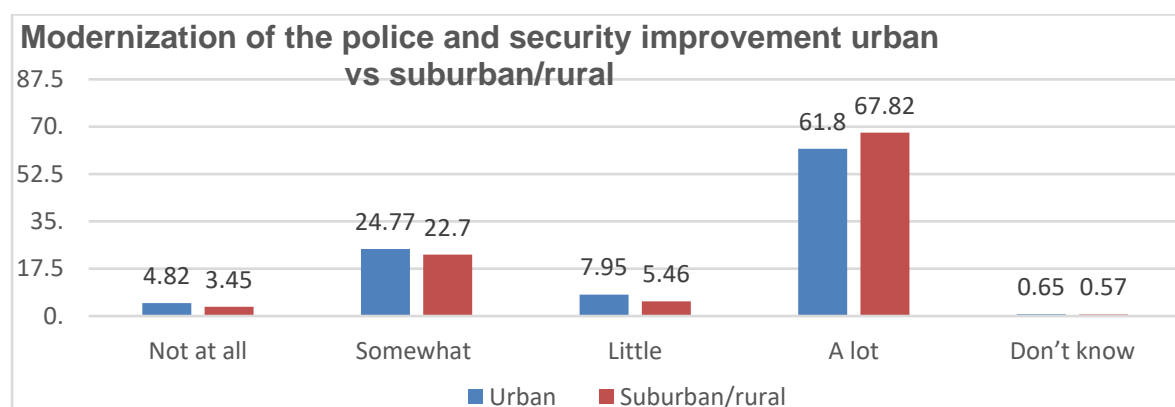
¹⁶ Article detailing arrest of Director of the Migration Police of Tirana following SICMI investigation: <https://shqiptarja.com/lajm/trafiku-arabeve-ndalohet-drejtuesja-e-kufirit-dhe-migracionit-tirane-me-3-zyrtare-te-larte?r=kh5>

numbers of police in the field, a sort of human wave tactic against crime. During June 2020, the Mol discussed the need to increase the numbers of police officers on the streets by 500. Information was also given on plans for future legal changes that would entail the absorption of the Municipal Police into the State Police, becoming a local extension of the State Police.¹⁷ This, if it is to become law, would be a centralization of powers into the executive at the expense of local structures.

Referring to the results of the Albanian Security Barometer, we find that the public does not support the idea of increasing the numbers of officers on the streets.



Graph 3. Results on the perception of the expectation of the improvement of the security through the increase of police presence



Graph 4. Results on the perception of the expectation of the improvement of the security through the modernization of police

¹⁷ Article where the Mol details the need to hire 500 more policemen and integrate the Municipal Police: <https://shqiptarja.com/lajm/lleshaj-do-te-shtojme-500-efektive-te-rini-ne-radhet-e-policise-ligj-te-ri-per-policite-bashkiake>

Looking at the results shown in these graphs, we can see that the majority of the public would rather the modernization of the police force – with the latest techniques, technologies, and equipment than to have a large increase of police presence in the field (although not by a huge margin).

2.2.1. Parliamentary Control and Oversight

The parliament has oversight of the State Police. They have the power to approve laws and to make amendments to laws on the functionality of the police. However, this function is rarely exercised properly, as there is not a strong culture of overseeing and discussing draft laws. The majority of laws and legal changes that are approved by parliament are made without first consulting MPs.

The parliament has three permanent commissions that are related to the State Police and perform ex-ante or ex-post control and oversight.

The Commission on National Security is increasingly active on matters of legal changes and provisions on police. In 2020 alone, this commission has approved 5 cases of laws about police or legal changes to such laws.

The Commission on Legal Matters, Public Administration and Human Rights are responsible for providing oversight on matters related to human rights violations in the work of the State Police. This commission rarely treats cases about the activities of the State Police. Among the few cases, we could mention a meeting conducted in June 2020, in which the Commission did an in-depth analysis of every article of a draft law, on the rights and treatment of the detained and the imprisoned.

The Commission on the Economy and Finances also has oversight of the State Police, as it has the final say on matters of budgeting.

Finally, we must mention an investigative commission set up by parliament to check the actions and inaction of state institutions related to the cultivation and trafficking of cannabis. This commission was, in part, prompted by the judicial case against Saimir Tahiri the ex-Minister of Interior. Tahiri is still in a legal battle about accusations of his wrongdoings as Mol related to supposed collaborations of the State Police with organized crime.¹⁸

2.2.2. Oversight from Independent Institutions

This section will analyze the independent bodies that perform control and oversight with regards to the State Police of Albania

¹⁸ Publication of the website of Parliament on this Commission:
<http://www.parlament.al/Strukture?kategorie=5&strukture=2050>

2.2.3. The Ombudsperson

The Ombudsperson has the right to exert oversight on the State Police on matters of human rights.

The State Police is the only one of the institutions examined in this paper that has a specific oversight body that monitors grievances and the overall performance of the State Police vis a vis the public on matters of human rights violations, the SICMI.

Even though the Ombudsperson does not exercise any control over the activity of the police, it can provide the parliament with detailed reports on infringements and violations committed by the State Police to Parliament, the MoJ, or the prosecutor general, and even SPO for further inquiry.

Among such reports is the Ombudsperson's continuous calls for the reduction of police violence in the quelling of protests. The Ombudsperson released a report on the matter of several expropriations of illegally-built houses on the outskirts of Tirana, that was being demolished to make way for infrastructure development. The process was followed by violent protests by the inhabitants supported by the opposition, that were eventually quelled by the police in a crackdown. The Ombudsperson protested this event, claiming that the usage of violence by the police was asymmetrical and that several people were hurt by the police following their arrests, including a case in which a minor was supposedly beaten by officers.¹⁹

2.2.4. Supreme State Audit Institution

The Supreme State Audit Institution exercises a great deal of oversight of all financial matters of the State Police. However, despite there having been several cases of infringements and problems in spending noticed by the SSAI, there have been no actions undertaken to stop or punish violations. Therefore, SSAI is an institution that provides analyses and reports that are given little consideration by the government.

2.2.5. The Outer Evaluation Committee

Another form of oversight of the State Police is exerted through the Police Vetting process. The Police Vetting Procedure was inspired by the judicial vetting procedure and involves conducting periodic evaluations of the character and professionalism of the officials and employees of the State Police and the SICMI.

¹⁹ Article published by the Ombudsperson:

<https://www.avokatipopullit.gov.al/sq/articles-layout-1/home/news/avokati-i-popullit-zbardh-dinamikën-e-hetimeve-mbi-protestat-dhe-shoqërimin-e-banorëve-të-unazës-së-re-nga-policia-98/>

According to the Law on the Periodic Evaluation of Officials of the State Police, the National Guard and the SICMI, as amended, the structure of the vetting of these institutions is done in two phases and by two different structures:

- The first phase is done by the Outer Evaluation Committee - a body constituted of 5 officials selected from the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest, 5 professors from the University of Tirana, and 5 people hired through professional competition.
- This Committee conducts a series of checks and evaluations on the quality of the character, the regularity of their wealth and assets with relation to their wages, and the general regularity of their hiring and academic achievement. This committee conducts this vetting on high-ranking officials in the State Police and the staff of the SICMI. The committee is an independent institution.
- The second phase will be done by the SICMI and it will be directed toward the entire remaining structure of the State Police and the National Guard, including around 12000 people in total.

If we were to analyze the general process of the police vetting and evaluation, we can deduct that this process has been developing at a slow pace. Out of a list of around 250 officials that are in line to be evaluated in the first phase, only 16 have been evaluated thus far, a clear indicator of the slow progress of this process. Out of the 16 officials that have been evaluated, only one official has failed the evaluation, the Director of the Grievance Sector of the SICMI. There is currently no indication of when the second phase will start.²⁰

2.3. Control and Oversight from the Judiciary System

The State Police is fully within the jurisdiction of the courts, and therefore all cases related to police are brought before the courts with no exception. According to the Code of Criminal Procedures, all citizens have the right to file charges against the security institutions and or individuals representing these institutions.

However, even though these cases have always been large in number, the number of disciplinary measures or punishments handed down to the State Police have been rare by comparison. This indicates that the judiciary system as a way of control and oversight of the State Police is a poor remedy to problems relating to police abuses, issues of bad practices, and violations.

2.4. Control and Oversight from the Institution Created by the Justice Reform

The institutions set up by the justice reform are greatly related to the State Police in their functionality. According to the law on the matter, the State Police must immediately inform the NBI in any case that it has information or it finds that there are cases of passive or active

²⁰ The information on this subsection has been extracted from the website of the Outer Evaluation Committee:
<http://kiv.al/>

corruption of high ranking officials or any other provision of Article 75/a of the Code of Criminal Procedures.

Also, the State Police is obligated to execute decisions taken by SPO, as well as facilitating any case in which these structures deem it necessary to attach their investigators within the structures of the State Police for certain cases or duration of time.

Furthermore, regarding the "Force of the Law" operation, an anti-organized crime operation focused on asking people with criminal records to justify their wealth, police have consistently relied on SPO for its seizing of criminal assets, therefore adding another avenue of control and oversight of the work of the State Police from an independent institution.²¹

3. Control and Oversight of the Intelligence Service

This section analyses the institutional oversight and control exerted over the Intelligence Service by the Executive, Parliament as well as the independent bodies and the institutions created by the justice reform.

3.1. Background

The Intelligence Service has been one of the most important and problematic elements in the process of the democratization of the security institutions of Albania.

Coming from a period when it was used as a political weapon, the Intelligence Service was remade entirely after the fall of communism. However, the oversight of the Intelligence Services institutionally and properly has been problematic. Politicization has been a great problem since the early years of the newly established Intelligence Service.

Nevertheless, the institutional control and oversight exercised over these institutions by the current laws in power could be analyzed for their potential as a platform for further reform and democratization.

If we were to analyze the public's perception of the intelligence services, we find that the SIS enjoys a rather enigmatic position. In the Albanian Security Barometer, when asked about their perception of the SIS, a considerable 12.9 percent of surveyed citizens admitted that they did not know enough about the intelligence services to make an informed judgment. Such a large number of citizens with no opinion on such an important institution shows that there is a problem regarding public outreach relating to the workings of the SIS.

²¹ State Police publication on cases being relayed to SPO for evaluation:
<https://www.asp.gov.al/7-shkurt-ofl/>

3.2. Executive Control and Oversight

Executive control and oversight over the intelligence services involve three main institutions: The President, the Prime Minister, and the Minister of Defense. The executive has full de jure control over the intelligence services, including their administrative, financial, and political aspects. However, this control and oversight is not practiced and established uniformly due to the existence of different intelligence institutions.

The intelligence service is divided into two institutions: The State Intelligence Service, and the Defense Intelligence Security Agency. The State Intelligence Service acts as an autonomous agency subordinated to the Prime Minister, while the Defense Intelligence Security Agency is subordinated to the Ministry of Defense. The actual formal functionality of these agencies vis a vis their executive oversight institutions will be detailed below.

	State Intelligence Service	Defense Intelligence Security Agency
President	<ul style="list-style-type: none"> – Appoints the Director and the Deputy Director. – Dismisses the Director and the Deputy Director. 	
Prime Minister	<ul style="list-style-type: none"> – Proposes the Director and the Deputy Director. – Approves the organizational structure of the institution and the human resources. – Sets up policy guidelines and objectives. – Proposes legislation to the parliament. – Proposes the budget to the parliament. 	<ul style="list-style-type: none"> – Issues oversight over the activities of the DISA. – Issues financial control over the usage of the special operative budget of the DISA. – Approves the structure and organization of the DISA, with the proposal of the MoD.
Minister of Defense		<ul style="list-style-type: none"> – Appoints the director of the DISA. – Defines the strategic objectives of the DISA, and the fields of interest. – Has the authority to open operational centers of intelligence. – Can hire or fire military or civilian staff within the DISA. – Compiles the rulebook of the DISA with the help of the director.

Table 4: Competences of the executive authorities over the intelligence services

The SIS is dependent on the Prime Minister institutionally²², but its director is appointed by the President. This creates a system of institutional co-dependency and a general de jure separation of responsibilities to prevent the centralization of power. The SIS reports to both the President and the PM.

In practice, the SIS has always been at the forefront of political control and political struggle. An element worthy of mention to better understand the problems related to executive oversight of this institution is the case of the institutional and political conflict between the former director of the SIS (Visho Ajazi Lika) and the executive government. Representatives of the government made constant claims that the SIS and its director was not providing the government with proper reports and was withholding information. The government frequently claimed that Lika was not loyal to the state, but loyal to the leaders of the opposition parties since he was appointed during their tenure (and was previously a deputy minister for their government).²³ Bizarrely, Lika quit his position in 2017 and the government appointed him as Albania's ambassador to NATO.²⁴ Whatever the truth in this situation, the fact that what the government claimed, in this case, was probably true indicates that the exertion of political and personal control, as opposed to institutional control and oversight, is a problem within the structures of the SIS.

3.3. Parliamentary Control and Oversight

The parliament enjoys control and oversight of the intelligence institutions based on both the approval and implementation of laws, as well as oversight that involves annual reports that are supposed to be carried out by the director of each institution, both the SIS and the DISA.

Parliament has ex-ante control and oversight based on the adoption of legislation and budgets. It also exercises ex-post control and oversight based on holding the intelligence institutions accountable for their performance regarding the implementation of budgets and the law. The laws of both the SIS and the DISA both have provisions for such matters.

Furthermore, the law on SIS provides for the creation of a permanent sub-commission within the commission on national security in the parliament to report on all matters related to its activities, but this is not actually in place. The SIS Director reports to the commission on national security at least once per year. The reporting is done mostly with closed doors, with little information being passed to the public.²⁵

²² Article 4, Law no. 8391, Dated 28.10.1998. *On the State Security Service. As Amended.*

²³ Article containing these claims by a representative of the government:

<https://shqiptarja.com/lajm/braho-ldquo-forcat-e-erreta-rdquo-visho-br-ajazi-nuk-ka-informuar-ramen?r=app>

²⁴ Article on the NATO website on Visho Ajazi Lika:

https://www.nato.int/cps/en/natohq/who_is_who_151506.htm

²⁵ Article 7, Law no. 8391, Dated 28.10.1998. *On the State Security Service. As Amended.*

3.4. Oversight from Independent Institutions

In this section, we will analyze the oversight exercised by the SSAI and the Ombudsperson.

The Ombudsperson is legally mandated to control the implementation of laws regarding the respect of basic human rights and freedoms. The Ombudsperson has the right to conduct interviews with SIS staff, inspect the faculties of SIS establishments, as well as inspect classified information. Nevertheless, the actual number of Ombudsperson cases of complaints and reports on matters of the SIS has been limited. Most of the cases brought forth by this institution are related to labor disputes.

The activities of the DISA are not part of the oversight of the Ombudsperson.

The SSAI is the highest institution tasked with the auditing of the expenses of the intelligence services.²⁶ SSAI reports include findings and analyses of expenses for the SIS, whereas the auditing of the DISA is conducted in a special section within the analysis of the expenses of the MoD. A recurring problem within these analyses is the control of spending done in the form of classified procurement of covert operations, as these elements are part of public secrets.

3.5. Control and Oversight from the Judiciary System

The judiciary exercises control and oversight of the intelligence institutions through decisions taken by the courts. However, this control has been rarely exercised by the highest courts either in matters of constitutionality (the Constitutional Court) or matters of law (the Supreme Court). Most cases pertaining in some way to the intelligence services have been related to labor and pension disputes by employees of these institutions.

3.6. Control and Oversight from the Institution Created by the Justice Reform

In the same manner, as the aforementioned security institutions, the intelligence institutions are also subject to control and oversight by the institutions of the justice reform on all matters on Article 75/a of the Penal Code, related to active and passive corruption in positions of state.

The SIS is also expected to cooperate with the NBI and SPO in any case that they require the aid of the intelligence institutions - to receive necessary information on matters of verifying cases of abuses of power, to verify the wealth of state officials, or to verify cases of money laundering.²⁷

²⁶ Article 162 of the Constitution of the Republic of Albania.

²⁷ Law no. 95/2016 *"For the Organization and Functioning of Institutions that Combat Corruption and Organized Crime"*, Article 50 & 51.

4. Conclusions

Albania has the legal framework with the necessary provisions that serve to provide the most important democratic oversight of the security institutions by a wide array of both executive, legislative, judiciary, and independent bodies. The full utilization of these powers from these institutions, as well as the existence of solid results from the independent institutions (in particular the institutions established by the justice reforms), remains problematic.

3.7. Armed Forces

With regards to accountability of the Armed Forces, there is a notable inconsistency between the formal and de jure elements of this control and oversight, and the actual practice. The control and oversight exercised by the parliament have been minimal at best, with the parliamentary groups lacking the will to exercise their accountability vis a vis the government, as well as there being a general lack of resources accorded to defense. The dominance of the executive over the parliament does not help this problem either. More resources should be accorded to the independent oversight institution to increase their effectiveness.

3.8. The State Police

The control and oversight of the State Police are largely dominated by the MoI, followed by the CoM, with very little parliamentary oversight being effectuated over the workings, challenges, or problems faced by this important institution.

There have been few cases where parliament has ever challenged any decision taken or law approved with relation to the workings of the police (even the controversial law that empowered the Operation "Force of the law").

The level of oversight conducted by the independent institutions has not been productive. The SSAI has provided many analyses of police finances that speak in harsh tones about great losses incurred to the budget by expenses claimed by the police.

The Ombudsperson has consistently raised concerns and accusations against the workings of the State Police, in particular regarding crowd management. In response, the executive has consistently claimed that these institutions are largely politicized and controlled by the opposition.

We must also analyze the oversight and control created by the justice reform institutions. The NBI is yet to be established, and we can therefore not provide proper analysis on this matter until the full structure of the reform has been rendered operational. On the other hand, the police evaluation conducted by the Outer Evaluation Committee has been particularly slow, which makes the evaluation of the whole structure of the State Police a very elongated process.

3.9. The Intelligence Services

Although the legislation on matters of the military intelligence service (DISA) was remade in 2014, the legal structure of the SIS is still lacking and replete with gaps. This gives the executive a free hand to act with relative indiscretion in certain matters that remain free to interpretation within the law.

The parliamentary ex-ante oversight is nonexistent, with no discussions and almost automatic rubber-stamping of budgets related to the intelligence services by parliament.

Furthermore, the annual reports from the SIS have largely deemed state secrets. The problem of declaring reports as state secrets are very important when understanding the way the SIS functions. There is simply a very low bar for what is considered to be a state secret. This could serve to explain the lack of public information gleaned from the ASB concerning matters related to the intelligence service. A glance at websites of other intelligence agencies like the CIA would indicate a deep well of declassified information that serves to inform the public of the workings of this important institution. By contrast, information dispersed by the SIS is very anemic.

Public discourse serves to evaluate the importance and the work of institutions. If the public knows nothing about what the institutions actually do, there can be no public evaluation creating a very opaque structure of security in the state, itself a great hindrance to democratization.

4. Recommendations

4.1. The Armed Forces

- The lack of parliamentary oversight should be addressed. Causes of this weak oversight could be weak administrative capacities, lack of independent expertise, and/or politicization.
- The Ombudsperson should be provided with improved administrative and professional capacities that should serve to improve and fine-tune the oversight role over the Armed Forces and to strengthen its legitimacy.
- The SSAI should dedicate a separate section to the Armed Forces in its audit report and financial analysis.

4.2. The State Police

- The parliamentary oversight should be strengthened with regards to the State Police, with committees dedicated to the oversight having more than a formal function.
- The role of the Ombudsperson and the SSAI should be strengthened concerning oversight of issues relating to the police.
- The police evaluations conducted in the colloquially known "Police Vetting" should be concluded with increased brevity, perhaps even with a reconsideration of the process.
- The policy of increasing police numbers to act as a "human wave" against crime should be reconsidered, and replaced by the technological modernization of police.
- Consideration should be given to increasing the role of civil society in matters of police oversight.

4.3. The Intelligence Services

- The legal framework of the SIS should be updated and improved, similarly to the law on military intelligence.
- A more bipartisan oversight on matters of intelligence should be established, to avoid another situation like that of the feud between the previous director and the government.
- The Ombudsperson should exercise its full powers when conducting oversight on the SIS.
- The problems related to secret procurement in the SIS should be clarified, to provide specific areas, works, and products that are explicitly part of "state secret", thereby making abuses in this area much harder and making the work of the SSAI that much more all-encompassing.

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SECURITY, JUSTICE AND THE PUBLIC'S TRUST:

The key challenges posed by chapters 23 and 24
in Albania's forthcoming EU negotiations

Geron Kamberi

1. An overview of the key challenges to negotiating Chapter 23 & 24

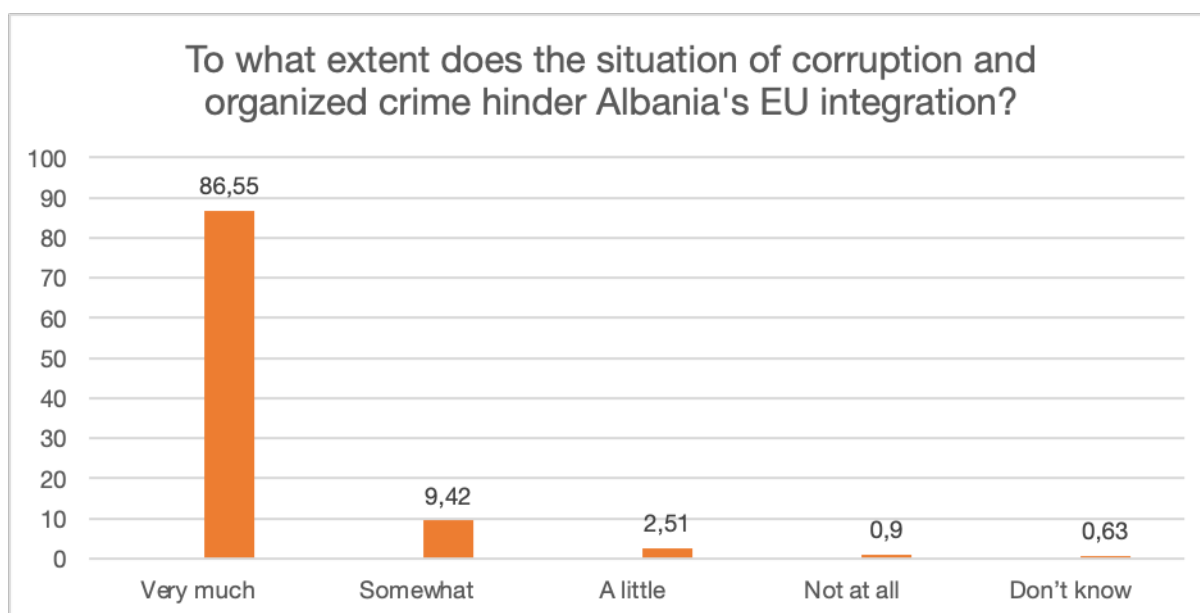
As Albania approaches its membership negotiations with the EU, key obstacles to the country's progress are expected to relate to the EU's "fundamentals first" approach - more specifically Chapter 23 (Judiciary and Fundamental Rights) as well as Chapter 24 (Justice, Freedom and Security)

"The fundamentals first" approach, which was announced in EU Enlargement Strategy 2012-2013, places the focus of the EU integration process on democracy and the rule of law

Also, in its 2012-13 Enlargement Strategy, the EU introduced a "new approach" to negotiations in the area of rule of law. This recognized *"the need for solid track records of reform implementation to be developed throughout the negotiations process. Reforms need to be deeply entrenched, with the aim of irreversibility."*

Albanian citizens are very well aware of the obstacles to EU integration posed by corruption and organized crime. According to the recent Albanian Security Barometer (2019), 86.55 percent of those surveyed said that corruption and organized crime are very much responsible for the lack of progress towards EU integration. A further 9.42 percent think that these factors affect the country's integration process to some extent

The new approach introduced by the EU also foresees greater transparency and inclusiveness in the negotiations and reform process. Candidates are encouraged to develop their reform priorities through a process of consultation with relevant stakeholders to ensure maximum support for their implementation. In that framework, these two important chapters address the issues related to the rule of law, which have been the backbone of the EU's strategy towards the Western Balkan (WB) candidate countries, since the sixth-enlargement wave. It should be noted that the "new approach to enlargement" that the EU defined in its Enlargement Strategy has been focused on the rule of law related to the reforms in the candidate countries and a result-based assessment or track recording approach. Compared to the previous enlargement rounds, the EU is expected to place a much greater emphasis on the quality of the implemented reforms, monitor the achieved results, demonstrate a track record of implementation of the approved legislation, improve administrative, institutional and financial capacities as well as the resources for the provision of reliable statistical information. The "benchmark mechanism approach" has also put a lot of pressure on the candidate country during the negotiations.



Graph 1. The extent to which corruption and organised crime hinder Albania's EU integration process.
Source: Albanian Security Barometer: National Survey 2019. Center for the Study of Democracy and Governance

1.1 The benchmark-mechanism:

This mechanism relies on an extensive system of benchmarking; it was developed for Romania and Bulgaria in the post-accession period (Cooperation and Verification Mechanism). Now it is being implemented for each chapter of the EU's *acquis* under negotiation. Moreover, benchmarks have been introduced for the countries that are yet to open accession negotiations without actually enjoying the benefits of negotiations. Thus, benchmarking has become the key mechanism of EU conditionality policy towards the Western Balkans (WB6) that aims to ensure the consistency and credibility of this policy, while encouraging further reform.

The most recent EU-Western Balkans Strategy, published in February 2018, has been the most straightforward, compared to previous EU documents, in terms of assessing the state of play in the rule of law in the region as well as when it comes to proposals to strengthen the rule of law in the WB

Accordingly, benchmarks represent a set of requirements for accession negotiations for chapters of the *acquis* – opening and closing benchmarks (and interim benchmarks for Chapter 23 Judiciary and Fundamental rights and Chapter 24 Justice, Freedom, and Security). The aim of such an approach is on one side, to support the candidate country by making the requirements more concrete while on the other side facilitating the process of assessment of progress achieved and thus providing directions to the accession process.

Due to its long difficult transition after the 1990s, Albania is largely perceived as a country that has widespread corruption and weak institutional capacities to fight organized crime.

Despite the institutional reforms undertaken and a vast legal and strategic framework in place, Albania will face key challenges in negotiating Chapter 23 & 24. More specifically the commitment to demonstrate, through concrete actions, results in the area of anti-corruption and the fight against organized crime via a reliable track recording mechanism. This creates a "*Perpetuum mobile*" for Albania and its government, a continuous cycle of building local ownership of reforms, winning public trust, and maintaining strong and efficient law enforcement which will guarantee long term sustainability in these important policy areas for the EU.

2. Albania: The long road towards negotiations for EU membership

[Albania](#) is currently on the path to open membership negotiations with the EU for future membership to the [European Union](#) (EU) which means negotiating 35 EU acquis chapters.

Albania's institutional relationship with the EU began with the signing of the Trade & Cooperation Agreement on 12 May 1991. This was followed by the Stabilization and Association Agreement (SAA) on 1 April 2009 which remains in force today and is considered the most important agreement between the EU and Albania.

Albania applied for EU membership on 28 April 2009 and since 29 June 2014, has been an official candidate for accession. Albania is currently receiving €1.2bn. of developmental aid until 2020 from the [Instrument for Pre-Accession Assistance](#), (IPA 2014-2020) a funding mechanism for EU candidate countries.

During the 2003 Thessaloniki European Council summit, Albania - along with six other Western Balkan countries, Croatia, Serbia, Montenegro, Bosnia & Herzegovina, North Macedonia, Kosovo - was identified as a potential candidate for EU membership.

Until now, out of these seven Western Balkan countries, only Croatia has become a full EU member. Croatia gained membership on 1 July 2013, after opening negotiations with the EU in June 2006.

Two other Western Balkan countries have started membership negotiations with the EU. The accession negotiations began with [Montenegro](#) in June 2012. It has opened 32 chapters and has provisionally closed three of them, accession of the country to the EU is considered possible by 2025. In its 2016 assessment of the accession progress, the European Commission identified Montenegro as having the highest level of preparation for membership among the negotiating states. On 21 January 2014 Serbia opened negotiations with the EU by opening 17 out of 35 chapters and the process is ongoing.

Although Albania received its candidacy status in 2014 there is not yet a formal date set to open negotiations. On 01 April 2018, the Commission issued an unconditional recommendation to open accession negotiations with Albania. In its 01 June 2018 Conclusions, the EU Council set out the path towards opening accession negotiations in

June 2019, depending on progress made in key areas such as the judiciary, fight against corruption and organized crime, intelligence services, and public administration.

The Commission reiterated the recommendation to open accession talks when it adopted the Enlargement Package in May 2019. In its 20 June 2019 Conclusions, the EU Council took good note of the Commission's recommendation but in light of the limited time available and the importance of the matter, the Council reverted to the issue intending to reach a clear and substantive decision as soon as possible and no later than October 2019. On 15 October 2019, the EU Council discussed enlargement and the Stabilization and Association Process (SAP) with regards to Albania and the Republic of North Macedonia. Following the discussion, the presidency issued procedural conclusions noting that the Council will discuss the issue after October 2019. The European Council on 17-18 October 2019, decided to revert the issue of enlargement before the EU-Western Balkans summit in Zagreb on 6 May 2020 after a request from France to introduce new reforms to the enlargement process.

On 24 March 2020, EU ministers for European affairs through a video conference (due to the COVID 19 outbreak) gave their political agreement to the opening of accession negotiations with Albania and the Republic of North Macedonia. On 25 March, the conclusions on enlargement and stabilization and association process were formally adopted by written procedure and on 26 March 2020, the members of the European Council endorsed these conclusions.

After a final endorsement by the European Council members, the EU Commission will submit a proposal for Negotiating Framework (NF) with Albania. Such a framework establishes the guidelines and principles governing the accession negotiations with Albania. The First Intergovernmental Conferences (IGC) should be convened as soon as possible after the adoption of the negotiating framework by the EU Council. However, the process for Albania, will not be completely straightforward – the Council of the European Union has [adopted](#) a series of conditions that Albania needs to fulfil before its first intergovernmental conference with the EU Member States.

Before its first intergovernmental conference, Albania is called upon to make further progress on electoral and judicial reforms and in the fight against organized crime and corruption. Tackling the phenomenon of unfounded asylum seekers and amending the media law also remain important priorities. On 1 July 2020, the European Commission presented to the Council draft negotiating frameworks for Albania and North Macedonia, laying out the guidelines and principles for their accession talks. The draft frameworks are divided into three parts:

1. principles governing the accession negotiations,
2. substance of the negotiations, and
3. negotiations procedure.

These integrate the revised enlargement methodology, taking into account the evolving EU *acquis*, and reflecting the countries' own merits and specific situations. Once the Member

States have adopted the negotiating frameworks, the rotating Presidency of the Council of the European Union will present the agreed General EU Position in the first intergovernmental conference with each country, marking the formal start of the accession negotiations²⁸

German Chancellor Merkel listed the German EU Council Presidency's three priorities, on 8 July 2020 before the European Parliament the first of which concerning enlargement, she stated that *"During our presidency, we should do everything we can to make progress in three other foreign policy areas; Firstly, at the accession conference, at least with North Macedonia, possibly also Albania – an important step on the way to giving the countries of the Western Balkans an accession perspective."*²⁹

In that framework, the time period to start negotiations with Albania will be subject to the final decision which will be taken at one of two EU Summits (Council of European Union) at the end of the year, either the EU Summit of 15-16 October 2020 or the EU Summit 10-11 December 2020.

3. Mapping the steps to negotiate Chapter 23 & 24: New negotiation approaches and the difficulties ahead

Albania has finished the pre-screening process for 35 EU acquis chapters through 35 bilateral meetings which were held in both Tirana and Brussels (from 27 September 2018 to 05 December 2019) between Albanian and EU Commission authorities. These included *Chapter 23*: Judiciary and fundamental rights (27-28 June 2019) and *Chapter 24*: Justice, freedom, and security (12-15 November 2018).

In short, benchmarks are supposed to translate the EU's rhetorical commitment and insistence on "fundamental" issues (among which is the rule of law), enshrined in its strategic documents on enlargement policy, into realities on the ground. It should be noted, that Albania is also going to face the implementation of a new enlargement methodology - proposed by the EU Commission upon the request of France in February 2020 - during the negotiation process for Chapters 23 & 24

²⁸ EU Commission European Commission presents to the Council draft negotiating frameworks for Albania and North Macedonia 2020: https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1021 -

²⁹ Chancellor Angela Merkel presents German Presidency priorities to the European Parliament 2020: <https://www.europarl.europa.eu/news/en/press-room/20200706IPR82712/angela-merkel-presents-german-presidency-priorities-to-the-european-parliament>

3.1 The new Enlargement methodology

As the EU Commission has stated, the new accession methodology is based on four main principles such as 1) credibility, 2) predictability, 3) dynamism and 4) stronger political steering.³⁰

The key change proposed by the EU Commission is to group 35 chapters into six **clustering chapters which assume to** allow for more thorough political discussions on thematic areas and to identify opportunities for **early alignment and integration** into EU policies.

In that framework 35 EU acquis chapters will be divided in clusters :

- 1) fundamentals,
- 2) internal market
- 3) competitiveness and inclusive growth
- 4) green agenda and sustainable connectivity
- 5) resource, agriculture and cohesion
- 6) external relations,

This new approach creates an incentive on the side of the accession country to accelerate their reforms as it should create the possibility for countries to move faster in negotiations if they deliver faster.

Under this new methodology, Chapters 23 & 24 are included within the cluster on fundamentals (rule of law, economic criteria, and public administration reform) which are expected to take a central role. The candidate country has to demonstrate that it has achieved sufficient progress in this cluster before other clusters can be opened.

"Negotiations on the fundamentals will be opened first and closed last and progress on these will determine the overall pace of negotiations. Negotiations on the fundamentals will be guided by A roadmap for the rule of law chapters equivalent to the previous action plans that will constitute the opening benchmark. Interim benchmarks will continue to be set. No other chapter will be provisionally closed before these benchmarks are met." (EU Commission, 5th February 2020).

³⁰ EU Commission Communication: A more credible, dynamic, predictable and political EU accession process, February 2020: https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181

3.2 Council of the EU requirements

Also, at its meeting on 25 March 2020, the Council of the European Union [adopted](#) a series of requirements for Albania to fulfil before its first Intergovernmental Conference (IGC) with the EU Member States. This is based on the German Bundestag's adopted resolution of 27 September 2019, which allows the German Government to support accession talks with Albania, while simultaneously listing conditions required for the first and second Intergovernmental Conference.

It should be noted that out of fifteen conditions that the Council of European Union adopted for Albania, seven of them are directly related to the areas of Chapter 23 & 24 or the so-called cluster "fundamentals". These are clearly stated in its conclusion³¹:

"Prior to the first Intergovernmental Conference (IGC), Albania should adopt...1) the continued implementation of the judicial reform, including ensuring the functioning of the Constitutional Court and the High Court, taking into account relevant international expertise including applicable opinions of the Venice Commission... and 2) finalize the establishment of the anti-corruption and organized crime specialized structures. Albania should also further strengthen the 3) fight against corruption and organized crime, including through cooperation with EU Member States and through the action plan to address the Financial Action Task Force (FATF) recommendations. Tackling the phenomenon of 4) unfounded asylum applications and ensuring repatriations."

The EU Council conclusions of 25 March 2020 also noted that *"The Commission will provide a report on these issues, including progress regarding the track record when presenting the negotiating framework. The negotiating framework will be adopted by the Council and has to reflect that Albania has successfully addressed all five key priorities such as the... 3) initiation of criminal procedures against judges and prosecutors accused of criminal conduct during the vetting process, 4) a soundtrack record regarding fight against corruption and organized crime at all levels, including initiation of proceedings and completion of first proceedings against high ranking public officials and politicians."*³²

This further highlights the relevance of Chapters 23 & 24 for Albania and the great efforts that the Albanian government needs to make to address these requirements and start the negotiation process.

³¹ Enlargement and Stabilisation and Association Process – The Republic of North Macedonia and the Republic of Albania. Council conclusions, March 2020: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf->

³² IBID

3.3 The screening process

After the EU Commission presents and adopts a negotiation framework for both chapters, it is expected that Albania will face a screening process for the Chapters 23 and 24, which will be followed by EU Commission Screening Reports for these two chapters.

At the end of a bilateral meeting, according to the procedure, the Chief Negotiator states on behalf of the EU that Albania has accepted the European Union acquis. Based on the bilateral meeting and complete screening process, the European Commission sums up the results of the screening process for both chapters in the screening report, which will be submitted to the Albanian Negotiation Team for Chapters 23 & 24, which also contains the assessments from the EUROPOL report.

These reports are expected to summarise the information provided by Albania, give the Commission's assessment on the state of play regarding the two chapters, as well as include recommendations to be addressed before these negotiating chapters can be opened.

Such steps have also been followed in the current ongoing negotiation process with Montenegro and Serbia.³³

However, the new enlargement methodology which was recently adopted by the EU, means that Albania will be required by the EU Commission to adopt certain comprehensive Road Maps (instead of Action Plans that have been requested of Montenegro & Serbia) for Chapters 23 & 24 as part of the "opening benchmarks approach".

3.4 The Road Maps approach

The Road Maps approach will require concrete results, activities, timelines, expected budgets, result indicators, sources of verification, and responsible institutions aimed at addressing the issues/recommendations that the Screening Reports will emphasize.

Such a process will mean that Albania must have enough institutional capacities to address the issues raised by the EU Commission in its forthcoming Screening Report for Chapters 23 & 24.

As a result, Albania may be required to adopt one or more detailed plan within the Road Map that is related to timetables and implications of funds, setting out clear objectives, measurable indicators as appropriate as well as necessary institutional order in areas such as Migration, Asylum, Visa Policy, External Borders and Schengen, Judicial Cooperation in Civil and Criminal Matters, Police Cooperation and the Fight against Organised Crime, Fight

³³ EU Commission European Neighbourhood and Enlargement Negotiations, website: https://ec.europa.eu/neighbourhood-enlargement/node_en

against Terrorism, Cooperation in the Area of Drugs, Customs Cooperation and Counterfeiting of the euro (criminal aspects)."

After the adoption of the Road Maps by the Albanian government, the European Commission will draft the report on the assessment of fulfillment of opening benchmarks based on whether the Council of the European Union has decided that Albania is ready for the opening of negotiations.

Afterward, the Government of Albania will adopt and submit the Negotiating Position, and the Council of the European Union will adopt the Common Position of the EU. The Common Position of the EU may also stipulate interim benchmarks for Chapters 23 & 24.

Within the Road Map for Chapters 23 & 24 objectives must be defined by taking clear account of the recommendations from the Screening Report, as well as those provided in the course of an analytical overview of the compliance of the Albanian legal system with the *acquis*.

During the negotiation process for both chapters, various closing benchmarks can be stipulated. This means that Albania must maintain a rhythm of reforms, implementations, and timetables until the negotiations for chapters 23 & 24, within the cluster of "fundamentals", can be considered closed by the final decision made by the EU Council.

EU Commission Three Level of Evaluation Marks on 35 Acquis chapters during negotiation with an EU Candidate Country.

Table 1.1

<p>totally incompatible</p> <p>early stage / very hard to adopt</p> <p>considerable efforts needed</p>	<p>some level of preparation</p> <p>further efforts needed</p> <p>moderately prepared</p>	<p>no major difficulties expected</p> <p>good level of preparation</p> <p>well prepared / well advanced</p>
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Table 1.2

Nr	EU Acquis Chapter	Level of EU Acquis Chapter according latest EU Commission Progress Report Evaluation (2019)
23	<i>Chapter 23: Judiciary and fundamental rights</i>	Albania has some level of preparation in implementing the <i>acquis</i> and European standards in this area
24	<i>Chapter 24: Justice, freedom and security</i>	Albania has some level of preparation / is moderately prepared in implementing the <i>acquis</i> in this area.

4. Chapter 23 Judiciary and fundamental rights: Albania: The challenge ahead - Balancing the speed and quality of vetting the justice system

Chapter 23 - Judiciary and Fundamental Rights are one of the most challenging and complex chapters that Albania is going to face. The dynamic and duration of the negotiation process in this area directly affect progress in other aspects of negotiations with the European Union.

Chapter 23 is divided into four main and interrelated areas: judiciary, fight against corruption, fundamental rights, and the rights of EU citizens, which can be further subdivided into several sub-areas. The EU policies in the field of judiciary and fundamental rights aim to maintain and further develop the Union as an area of freedom, security, and justice.

Furthermore, the main issue in Chapter 23 is the lack of clear-cut standards that a negotiating country needs to meet to fulfil the EU membership criteria. This becomes particularly difficult considering there is, unlike in other negotiating chapters, almost none of the so-called 'hard acquis', but only the best practices of the Member States. However, the key challenges ahead for Albania in light of forthcoming negotiations will be the two most important areas such as the efforts and actions of an independent and efficient judiciary and anti-corruption results. To address such a key challenge since 2014 Albania has been deeply focused on implementing a comprehensive and thorough justice reform which is considered the priority reform on which the opening of the accession negotiations will depend.³⁴

It has been a comprehensive and difficult justice reform that includes the reassessment of judges and prosecutors (vetting process).

In March 2018 the IQC (Independent Qualifying Commission) held its first hearing session on the vetting of the judiciary. The process began with the vetting members of the Constitutional Court. To date, investigations on 280 assessment procedures have been initiated (out of the 800 magistrates that will undergo vetting). In total, more than 230 dossiers have been processed, of which 101 have been dismissed, 39 have resigned and 90 magistrates have received confirmations to perform their duties.

Although the pace of the vetting process of judges and prosecutors is somewhat slow, it is important for Albania that the transitional period of reforming existing justice institutions should not hinder citizens' access to justice.³⁵

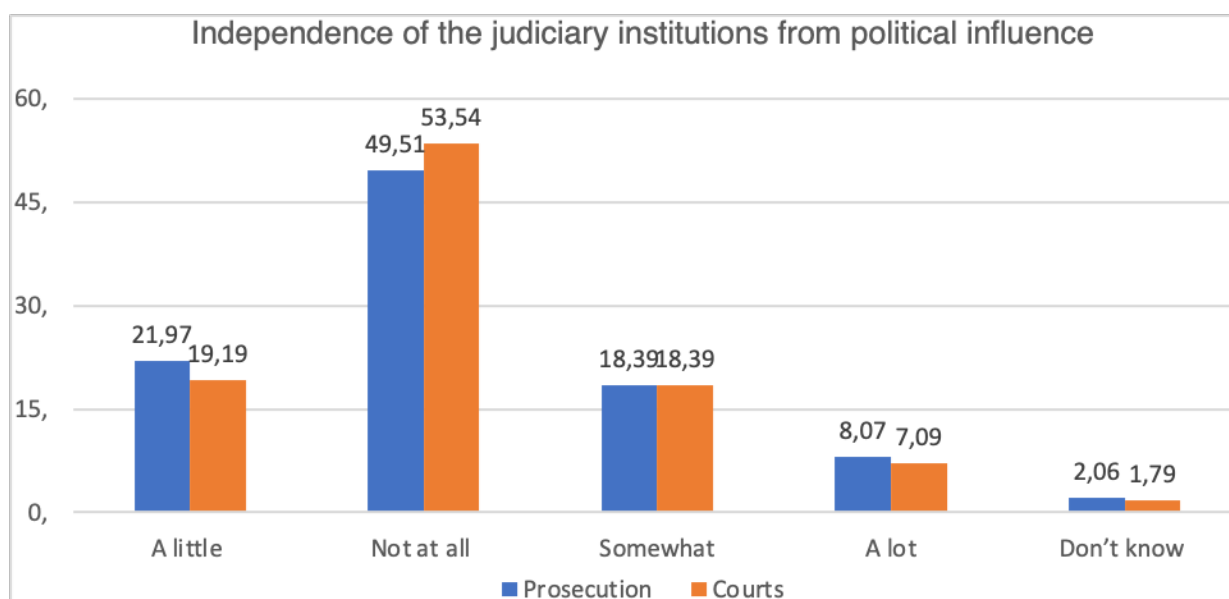
³⁴ Ad hoc Parliamentary Committee on the Justice System Reform by group of experts, June 2015: <https://euralius.eu/old/images/pdf/Analysis-of-the-Justice-System-in-Albania.pdf>

³⁵ Through the project of Open Society Foundation for Albania (OSFA), "Strengthen public information and participation in the implementation of judicial reform through monitoring, evaluation and communication of the establishment and functioning of the institutions to combat corruption and organized crime" is made possible that CSO in Albania regularly monitor the justice reform and public perception on it thus helping to

Currently, the Constitutional and High Courts are not functioning due to both the ongoing vetting process and institutional disputes between the President of the Republic and the Parliament of the Republic of Albania.³⁶

If this challenge is not addressed in time it can become an obstacle in the process of the Chapter 23 negotiations related to an effective judicial system that provides a fair and timely trial.

However, despite the efforts made through justice reform, the public's perception of the independence of judiciary institutions remains worrisome. Data provided by the Albanian Security Barometer (2019) show that regarding political influence on judiciary institutions, there is a large share of citizens who think that these institutions are not at all independent: 53.54 percent of the surveyed say that the Courts are not at all independent and 49.51 percent provide the same answer regarding the prosecution, (Graph 1.2). Also, a low level of trust was shown in the judiciary institutions according to the data, 51.93 percent of the citizens who responded say that they don't trust the courts at all, while 50.04 percent provide the same answer when asked about prosecution.



Graph 2. Independence of judicial institutions from politics influence. Source: Albanian Security Barometer: National Survey 2019. Center for the Study of Democracy and Governance

build a local ownership and public trust on such key reform related to chapters 23 & 34. See <http://www.ahc.org.al/wp-content/uploads/2018/11/Study-report-on-monitoring-of-the-vetting-process-for-Judges-and-prosecutors-for-the-period-of-Jan17-Jun18.pdf>

³⁶ Opinion No. 978/2020 CDL-AD(2020)010 Or. Engl. European Commission for Democracy through Law (Venice Commission) Albania opinion on the appointment of judges to the consitutional court, adopted Strasbourg 19 June 2020: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)010-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)010-e)

It should be noted that this judicial reform has not been an easy process. It required changing a third of the Albanian Constitution, the vetting of all the 800 judges and prosecutors of the system, risking emptying these institutions - which is what has happened in practice.

Furthermore, the opening of negotiations for Chapter 23 will challenge Albania to make these new justice institutions efficient and continue to maintain and speed up (through concrete and tangible results) the process of the re-evaluation of judges and prosecutors (vetting). However, the results achieved so far in the framework of the justice reform, have brought a set of major transformations and it has already aligned Albania with much of the content and standards of Chapters 23 and 24 of the EU acquis. Namely, most of the tasks already fulfilled by Albania have been benchmarks for closing chapters 23 & 24 during Croatia's accession to the EU.

Another important area is related to anti-corruption within Chapter 23, and it will remain a key challenge to face since the public perceives corruption levels to be high. According to the Transparency International report, although Albania saw an improvement in corruption levels in the period between 2013 and 2016, ranking 83 out of 176 countries, it was reversed in the following years. Since 2017, Albania fell to number 91, a drop of eight places, followed by a drop of another eight places and in 2019, Albania scored just 35 points out of a possible 100.³⁷

Although the government has approved a comprehensive strategic framework for anti-corruption policies (such as DCM No. 247 dated 20.03.2015 "On the approval of the Cross-cutting Strategy Against Corruption for the period 2015-2020" and DCM No. 247 dated 20.03.2015 "On the approval of the Cross-cutting Strategy Against Corruption for the period 2015-2020")³⁸ key challenges remain. These are related to the government providing concrete results, as well as dealing with time pressure and the high expectations of the Albanian public with regards to new structures recently established to fight corruption amongst high ranked officials and politicians.

³⁷ Transparency International, Corruption Perception Index Report, Country -Albania, 2019: <https://www.transparency.org/en/countries/albania>. Such concern is also raised by European Parliament through a written questions procedure to EU Commission on 17 February 2020 with the subject "Latest survey by Transparency International concerning perceptions of corruption and the Western Balkans". See https://www.europarl.europa.eu/doceo/document/E-9-2020-000941_EN.html

³⁸ DCM No. 247 dated 20.03.2015 On the approval of the Cross-cutting Strategy Against Corruption for the period 2015-2020 (Official Journal No. 47, Year 2015) ;DCM No. 824 dated 07.10.2015 On the establishment, administration and use of the Electronic System for Registration and Tracking of Data on Cases of Corruption and Harmonized Statistics (Official Journal No. 177, Year 2015) ; DCM No. 241 dated 20.04.2018 On the approval of the Action Plan 2018-2020 pursuant to the Inter-Sectoral Strategy against Corruption 2015-2020 and the Passport of Indicators, the establishment, functioning and duties of the Coordinating Committee for the Implementation of the Inter-Sectoral Strategy against Corruption 2015-2020 and the Inter-Institutional Anti-Corruption Task Force (Official Journal No. 68, 2018)

5. Chapter 24: Justice, Freedom and Security: Albania: The fight against organized crime.

EU policies aim to maintain and further develop the Union as an area of freedom, security, and justice. On issues such as; border control, visas, external migration, asylum matters, the fight against organized crime and terrorism, cooperation in the field of drugs, customs cooperation, and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity in law enforcement agencies and other relevant bodies, which must attain the necessary standards. The most detailed part of the EU's policies on justice, freedom, and security is the Schengen acquis, which entails the lifting of internal border controls in the EU.

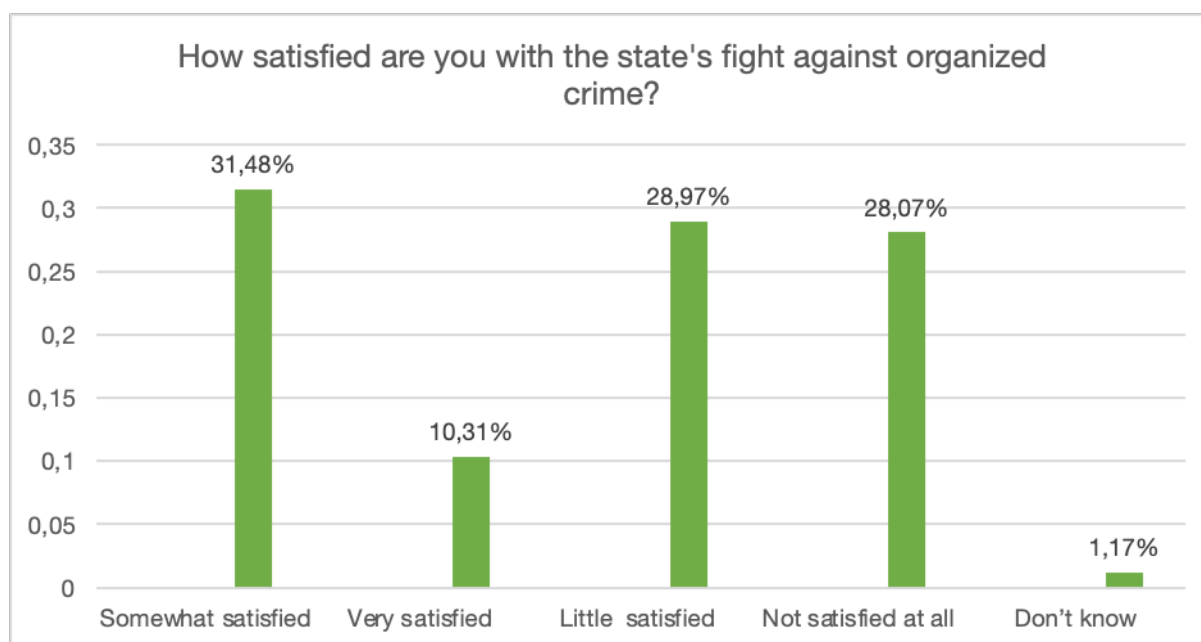
However, for the new Member States, substantial parts of the Schengen acquis are implemented following a separate Council Decision taken after accession. It should be noted that the main challenge for Albania within Chapter 24 will be its track record and proactive investigations in the fight against organized crime and money laundering. Both the quantitative and qualitative indicators must be interlinked, which often makes the results-based evaluation process difficult during negotiations.

In terms of "hard acquis" or the alignment and implementation of directives, regulations, and decisions related to the areas such as; migration, security, and integrated border management, and visas must be considered an important part within this chapter for the process to run smoothly. This will take into consideration the previous experience of Albanian institutions in implementing EU *Communautaire* legislation during the liberalization visa regime³⁹ with the EU. Even though institutional and human capacities, as well as proper budget allocation to manage border, migration, and asylum issues, will remain a concern across the negotiation process.

The Albanian public has great concerns regarding the state's fight against organized crime. According to the Albania Security Barometer, only 10.3 percent of respondents stated that they are "very satisfied" with institutions' performance against organized crime, whereas almost 57 percent stated that they are "little satisfied" or "not satisfied" with what has been done to tackle this problem.

Graph 1.3

³⁹ Monitoring the Visa Liberalisation Process with Albania: What to expect when you are expecting? May 2010 : https://www.esiweb.org/pdf/schengen_white_list_project-EMA_Monitoring_the_Visa_Liberalisation_Process_with_Albania.pdf



Graph 3. Citizen satisfaction with the fight against organised crime. Source: Albanian Security Barometer: National Survey 2019. Center for the Study of Democracy and Governance

However, the Albanian public has high expectations regarding the recently established institutions to fight organized crime and corruption: 43.05 percent of the surveyed think that the fight against corruption and organized crime will be strengthened after the establishment of SPAK.

To achieve progress within Chapter 24, Albania has to make continuous efforts. The state must update information consistently as establishing an initial track record is compulsory for fulfilling the benchmark on fighting high-level organized crime. Overall, the fight against organized crime remains a work in progress that requires political commitment and a continuous update of the legal and strategic framework.⁴⁰

Given the importance of the fight against organized crime within Chapter 24, the Albanian government has also recently tried to address it through the enactment of the Power of Law Operation (PLO). This was based on the adoption by the government of Normative Act No. 1 dated 30/01/2020 "On preventive measures in the framework of strengthening the fight

⁴⁰ Law No. 24/2014 dated 20.03.2014 On some changes and additions to the law No. 10192 dated 03.12.2009 On the prevention and crackdown on organized crime and trafficking through preventive measures against property (Official Journal, No. 47, Year 2014); DCM No. 616 dated 18/09/2019 On the approval of the Action Plan for the years 2019-2020 for the implementation of the Intersectoral Strategy for the Fight against Organized Crime, Illegal Trafficking and Terrorism 2013-2020 (Official Journal, No. 130, Year 2019).

against terrorism, organized crime, serious crimes and consolidating public order and security."⁴¹

However, in this case, as a set of concerns are raised from civil society organizations it is important not to overlap the structures in the fight against organized crime and speed must not impair the quality of long-term actions in such an important policy area related to Chapter 24.

Meanwhile, improving the ethical and professional integrity of the security forces is an important element to increase the public's trust and confidence. This also a key element in implementing the *Acquis Communitare* stipulated by Chapter 24.

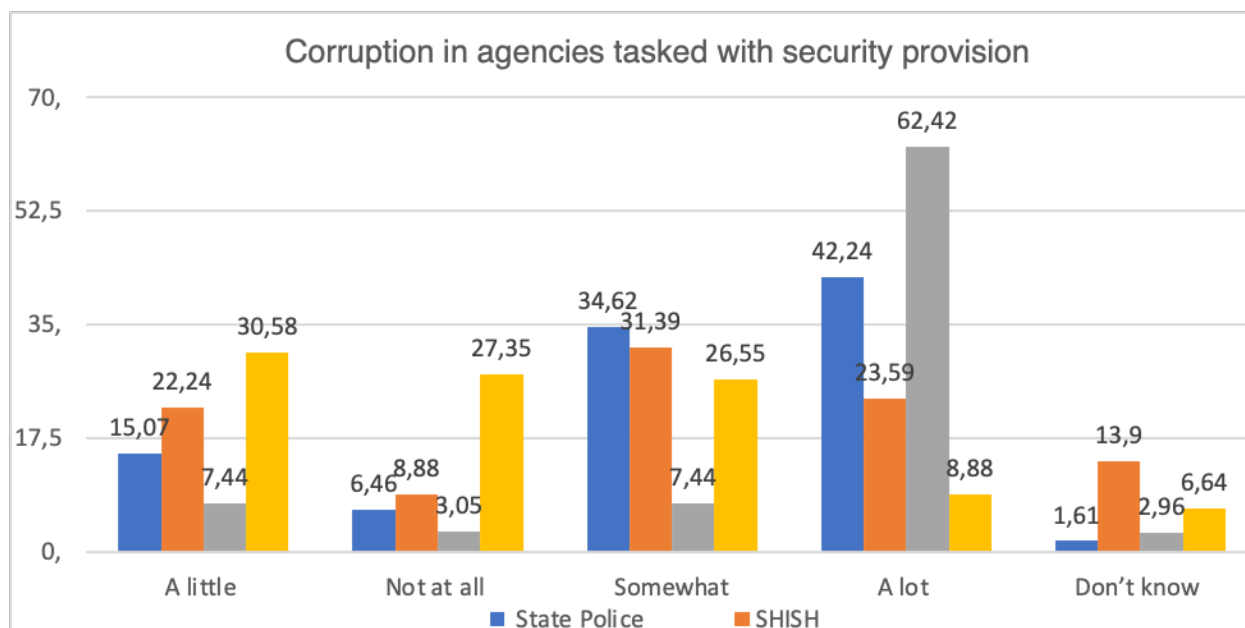
The Albanian government is addressing this through the adoption of Law No. 12/2018 dated 05.03.2018, "On the Transitional and Periodic Vetting of the Employees of the State Police, the Guard of the Republic and the Service for Internal Affairs and Complaints in the Ministry of Interior".⁴²

The integrity of security forces is important as, according to the data of Albanian Security Barometer (2019) the public perceives security institutions such as the Armed Forces, the State Police, the SHISH, and the Customs as being corrupt. The overall moderate or lack of trust can be related to the high levels of corruption in the security and judiciary institutions. To the question: "How corrupt do you think this institution is", 62.42 percent of the citizens respond that the Customs are corrupted "a lot", 42.24 percent said so about the State Police, and 23.59 percent of the citizens think that SHISH is corrupted "a lot".

⁴¹ Normative Act No. 1 dated 30 / 01/2020 On preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crimes and consolidating public order (Official Journal Nr 10, Year 2020).

⁴² Law No. 12/2018 dated 05.03.2018 On the Transitional and Periodic Vetting of the Employees of the State Police, the Guard of the Republic and the Service for Internal Affairs and Complaints in the Ministry of Interior (Official Journal No. 39, Year 2018) ; Law No. 20/2019 On some amendments to Law No. 12/2019 On the Transitional and Periodic Vetting of State Police, Republic Guard and Internal Affairs and Complaints Service in the Ministry of Interior (Official Journal No. 73, Year 2019) ; Decision of the Assembly No. 87/2018 On the establishment of the Parliamentary Subcommittee 'On the follow-up and supervision of the implementation of law No. 12/2018' On the transitional and periodic vetting of the employees of the State Police, the Republic Guard and the Service for Internal Affairs and Complaints, within the Integrated National Security Commission (Official Journal No. 109, Year 2018).

Graph 1.4



Graph 4. Corruption in security institutions. Source: Albanian Security Barometer: National Survey 2019. Center for the Study of Democracy and Governance

In terms of prioritization on the policy areas at the negotiation process for Chapter 24, it should be noted that the main challenge for Albania will be the track record, especially regarding final convictions of organized crime-related cases.

The legislative adaptations as part of the EU Acquis also needed to meet the opening, interim, and closing benchmarks that are often related to domestic capacities to conceptualize and implement reform.

The policy reforms, as well as the strategic legal framework in the field of security, the fight against organized crime and border management (key areas of Chapter 24), must guarantee a double trust: of the European Commission negotiators and the Albanian public which is the main "security consumer".

During the negotiation process, the Albania must transform from a "net importer of security" to a "net exporter of security" in the European Area.

6. Conclusions

On 1 July 2020, the European Commission presented the draft negotiating frameworks for Albania and North Macedonia to the Council of European Union. This lays out the guidelines and principles for their accession talks. They integrated the revised enlargement methodology, taking into account the evolving EU *acquis*, and reflecting the countries' own merits and specific situations. The Member States are expected to adopt the negotiating frameworks in the forthcoming EU Summit on 15-16 October 2020. The rotating Presidency of the Council of the European Union will present the agreed General EU Position in the first intergovernmental conference with each country, including Albania, marking the formal start of the accession.

Meanwhile, the Council of the European Union or EU Summit of 25 March 2020 [adopted](#) a series of conditions that Albania needs to fulfil before its first intergovernmental conference with the EU Member States. These conditions are especially related to Chapters 23 & 24, such as 1) the continued implementation of the judicial reform, including ensuring the functioning of the Constitutional Court and the High Court, taking into account relevant international expertise including applicable opinions of the Venice Commission...

- 1) finalize the establishment of the anti-corruption and organized crime specialized structures.
- 2) Albania should also further strengthen the fight against corruption and organized crime, including through cooperation with EU Member States and through the action plan to address the Financial Action Task Force (FATF) recommendations.
- 3) Tackling the phenomenon of unfounded asylum applications and ensuring repatriations.

As EU Council conclusions of 25 March, 2020 stated, the EU Commission will provide a report on these issues, including progress regarding the track record, and the negotiating framework will be adopted by the Council and has to reflect that Albania has successfully addressed all five key priorities such as; the initiation of criminal procedures against judges and prosecutors accused of criminal conduct during the vetting process, a sound track record regarding the fight against corruption and organized crime at all levels, including initiation of proceedings and completion of first proceedings against high ranking public officials and politicians. For this reason, Albania is expected to firstly address these issues and provide reliable records on the progress achieved to have a starting date for its First Inter Governmental Conference.

As it is seen from the above issues, Albania will have a long and challenging road ahead regarding the negotiation of the two most important EU Acquis chapters, Chapters 23&24.

Regardless of the new enlargement methodology approach that will be adapted based on the "six clusters approach" it remains important to identify gaps and benchmarks which can be set by the EU Commission to address issues in a timely and proper way.

The last EU Commission Albania 2020 Report issued on 6 October 2020 stated that, on Chapter 23: Judiciary and fundamental rights, Albania has made, *"Good progress, in particular through continued implementation of the comprehensive justice reform...but it still has some level of preparation/is moderately prepared in implementing the EU acquis and European standards in this area"*⁴³

A similar statement was provided when referring to Chapter 24 Justice, freedom and security, *"some progress was made by improving the institutional capacity on border management, asylum, countering terrorism and violent extremism but still the country 'has some level of preparation and is moderately prepared to implement the EU acquis in this area."*⁴⁴

⁴³ Brussels, 6.10.2020 SWD(2020) 354 final COMMISSION STAFF WORKING DOCUMENT Albania 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions(*Fundamentals First: Political Criteria and Rule of Law* Chapters: Chapter 23:Judiciary and fundamental right (pages 18-37) ; Chapter 24 Justice ,freedom and security (pages 37-51): https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf

⁴⁴ IBID

7. Recommendations

Despite the national contextual variables, the lessons learned from the ongoing negotiation process of Montenegro and Serbia in both chapters provide certain frameworks and steps to follow. In that framework, a set of policy recommendations are suggested as follows:

- For the next EU Summits (October and December 2020), Albania must immediately address and provide the necessary policy, institutional and legislative measures alongside concrete track records to meet five key priorities, mostly related to Chapter 23&24, which are pre-conditions to start its First Intergovernmental Conference
- The Road Maps for both chapters 23 & 24 (that will be included in the cluster 'fundamentals') must be defined in close cooperation with key stakeholders and C.S.O.s - to better fulfill objectives that will be required in the Screening Report.
- Measures in the Road Map for Chapter 23 & 24 must be designed and harmonized with measures provided in updated national strategic documents (Strategy for the Fight against Corruption and Organised Crime, Strategy for the Integrated Border Management, Strategy for the Fight against Trafficking in Human Beings, Strategy for the Integrated Migration Management, Strategy for Prevention and Suppression of Terrorism, Money Laundering and Financing of Terrorism, as well as other relevant strategic documents covered by both Chapters).
- The Negotiation Team on Chapters 23 & 24 must realize that planned measures must be designed not only to achieve alignment but, to define them in such a manner that their implementation reflects the influence of the reform.
- Maintain local ownership in the security areas reforms taking into account periodical measurement of public's opinion and expectations through "Debating Security Platform" on the efficiency of such reforms and actions related to Chapters 23 & 24.
- Newly established constitutional institutions of the justice sector must be complemented by the relevant regulatory framework and these must build a sustainable cooperation with other institutions such as the State Audit Office and the High Inspectorate of Control, Declaration of Asset and Conflicts of Interest.
- All political parties must show sufficient commitment to the principle of judicial independence.
- The capacity building of public administration must be strengthened, and the institutional memory must be preserved as a precondition to face the challenges during the forthcoming negotiations process, which seek continuous follow-up and good technical knowledge.

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Integrity of Security Institutions and Citizens' Trust

Erdi Memaj

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Table of Abbreviations

ASB	Albanian Security Barometer
CSDG	Center for the Study of Democracy and Governance
SPO	Special Prosecution Office
NBI	National Bureau of Investigation
OFL	Operation Force of the Law
UNODC	United Nations Office of Drugs and Crime
OPDAT	Office of Overseas Prosecutorial Development Assistance and Training

1. Introduction

This paper will conduct an analysis based on finding and studying the public perception of the main security institutions and the public trust in the security sector in Albania. This analysis will be specifically focused on determining the integrity of security institutions with relation to reports from third parties, civil society, as well as reports from the security institutions themselves. This data will be compared to the public's perception of these institutions to understand the impact of the work of these security institutions on public order as perceived by the general public.

The use of data on public perception as a method of studying the effectiveness of institutions in their work is very important if we want to get the most impartial and apolitical perspective on these matters from the general public. This data serves as a primary source for the study of the integrity of these institutions, which will be cross-examined with data provided by other sources in addition to publications by these institutions themselves. The public perception data that will be utilized for this paper will be provided from the Albanian Security Barometer (ASB), a survey conducted on the public by the Center for the Study of Democracy and Governance (CSDG), which contains important data on the public perception of security institutions from the State Police, the Judicial System, to other important institutions. This data will be compared to similar data provided by similar surveys carried out on a European level by EU institutions, such as the EU Special Barometer, and especially specific Barometers that deal primarily with matters of security.

The security apparatus of the Republic of Albania has been a matter of constant discussion, reform, and political bickering during its 30 years of democracy. Hailing from a system of total state autocracy, much work has been done to reform a security apparatus that has historically served as a tool of political control and power. Simply put, these institutions were effective tools of absolute control with very little institutional oversight and very little integrity. This element has long contributed to a problematic culture of institutionalism even during the implementation of democracy in the country, as these institutions had a poor reputation of accountability vis a vis the public, with the voice and opinion of the public being largely ignored in the daily activities of these state organs. There have been important changes to this institutional culture in the recent past, with the introduction of community policing practices for the first times in the mid-2000s, the existence of constant reports and grievances being channeled by the Ombudsperson with regards to the work of these institutions (in particular the State Police), and the existence of several inner institutions that investigate wrongdoings and abuses in the institutions that are subservient to the Ministry of the Interior, such as Service of Internal Matters and Grievances.

Over the last three decades, many changes have been made to the constitutional order of the country and the legal institutional organization of the security sector. Albania joined NATO in 2009, and its army, having been made a civilian organization, has participated in many peace-keeping operations per its obligations as a member. Law enforcement has undergone several reforms and changes to the legal basis organizing its work, in addition to constant changes of Chiefs of Police and upper echelons of management.

On the other hand, the judiciary system has undergone a massive and chaotic justice reform, which has sought to fully uproot corruption and provide a fairer and more balanced justice system, as well as providing a *sui generis* justice platform for the prosecution of corruption in

government, as one of the three most important pillars upon which the public order is based. This reform was ratified in 2016 and has been at the center of constant political, diplomatic, and legal debate.

In this context, through the analysis of the accountability of the security sector, and the public perception of the execution of its duties, this paper aims to muster the most important recommendations aimed at improving the accountability of these institutions, the democratization of the security sector in general, and in the end, the improvement of the practical functionality of said institutions as a result.

The research has been carried out through the analysis of legal documents, reports, parliamentary debates, information released by the security institutions themselves, and information procured personally through interviews.

2. The Albanian Constitutional and Political Setting as it pertains to the Security Institutions.

The institutional environment in Albania indicates a system in continual political crisis, which in turn produces institutional conflict. Generally speaking, the main opposition parties have forfeited their representation in the parliament under the pretense that the legislative is illegitimate due to election meddling by the government. The opposition also abandoned the local elections of 2019, giving the ruling party control in virtually every municipality.

On another front, the president and the Government have continuously been at odds, indicating a veritable institutional conflict between these two branches of the executive. Just recently, parliament was holding a special commission created specifically to oust the president from power due to supposed constitutional breaches with regards to the appointment of Constitutional Court judges.

Furthermore, the institutions of the justice reform, having been partially erected, are the subject of much debate due to its slow and chaotic implementation. The justice system has thereupon been in a state of perpetual unease as it pertains to the reinstatement of the courts that have had their judges expelled. The lack of a functioning Constitutional Court has created a situation in which the ruling government can pass laws with a general lack of constitutional hindrance. Meanwhile, this very same problem has become a continuous political argument used by the opposition parties and the President, who has commonly refused to decree laws brought to him by Parliament claiming them to be unconstitutional, which becomes a problem unto itself as there is no authority to decide upon the matter. Article 124 of the Constitution of the Republic of Albania

The political setting is mired with a lack of dialogue and a continued usage of revolutionary language towards the government by opposition voices, proclaiming the government to be increasingly totalitarian, and citing the above-mentioned reform as a tool of oppression, sometimes renamed under the slogan "Ramaform", named after the PM Edi Rama. What is particularly noteworthy and equally concerning about this element is the fact that critiques of the government and its handling of the justice reform have, on many occasions, been conflated

with a general critique of embassies and other western international representatives in Albania. This is due to their perceived support of the government in power. On many occasions when the US embassy or other US representatives have shown positive remarks towards the governments' handling of the justice reform, opposition representatives have proclaimed openly that the US embassy is a puppet of either PM Rama, or other forces, and not the representative of the political will of Washington. The President has famously claimed that "We need rule of law, not the rule of embassies", referring to the great influence that the US embassy and the EU institutions have had in the implementation of the justice reform in Albania. [Article](#) on the heavy critique on the US embassy by the President.⁴⁵

3. Public Perception on Security in Albania and Europe

By analyzing the public perception on matters of security, and the general predominant feeling of the wider public on matters of public security, public order and on how the public believes the problems it perceives can be improved or minimized.

To better understand the specific problems of security in Albania we must analyze the data provided on the matters of the perception of security on a comparative basis with several EU member states. In doing so, it would be easier to provide a more specialized analysis of the endemic problems in the Albanian security apparatus, by comparing the perspectives of the people in Albania to those of the people in Europe.

The data gathered by the ASB provides an interesting panorama on the public's view of the state of the security in which they live. Nearly 68 percent of those surveyed claimed that they considered their place of residence to be secure or very secure, and 24.1 percent declared that they felt "somewhat safe" and only about 9 percent declare that they feel that their place of residence is "very unsafe" or "not safe"⁴⁶

If we analyze the data provided by the EU Special Barometer on Security, we see similar data on matters in EU countries. This survey gathered data on all countries and then produced an average value for the entire EU as a whole. Nearly 91 percent of the polled population in the EU Special Barometer claimed that they felt that their place of residence was secure, divided into 57 percent that fully agree that their place of residence is secure and about 34 percent who tended to agree on the same statement. The countries that had the highest level of people claiming that they did not feel secure in their place of residence were Italy and Bulgaria, which had respectively 16 percent and 17 percent of their surveyed population claiming their

⁴⁵ Article on the heavy critique on the US embassy by the President:

<https://tvklan.al/presidenca-perplaset-me-ambasaden-e-shba/>

⁴⁶ Dyrmishi. Arjan. (2020). *Albanian Security Barometer 2019*. FES ALBANIA. Page 23.

perception of insecurity.⁴⁷ Remarkably, in this regard, the Albanian results are not dissimilar to the EU average.

On the matter of cooperation at the national level on fighting crime, the Albanian Security Barometer provided data on public opinion regarding whether the cooperation between the local government and law enforcement is sufficient. The surveyed population declared in the 19.28 percentile that they were very satisfied, whereas 43.50 percent declared that they were somewhat satisfied, with 18.83 percent and 15.52 percent being respectively little and not at all satisfied with the cooperation on the matter.⁴⁸

In the EU Special Barometer, there was a different methodology for gathering data on the cooperation on fighting crime at the national level. In this document, the people were asked whether they felt satisfied with the cooperation of police and other law enforcement entities within the state in the goal of fighting crime and terrorism. This question, although different, can provide an important comparative basis on the perceived level of cooperation between state institutions at different levels in the fight against crime. In it, 24 percent of the surveyed population claimed that they totally agreed that the cooperation is adequate, 41 percent claimed that they tended to agree that the cooperation is adequate, and 28 percent claimed that they did not agree that the cooperation is adequate. The lowest level of satisfaction with the cooperation of police and other institutions is in Sweden, Germany, and Bulgaria, with 42, 45, and 42 percent of their populations not agreeing to the claim that the cooperation is sufficient.⁴⁹

On the matter of the greatest perceived threats to Albania, the respondents were required to declare the greatest perceived threats to the security of their country. The two greatest perceived threats identified by the public in this matter were Corruption and Organized Crime, followed by Unemployment, Terrorism, etc.⁵⁰

In the EU Barometer, the surveyed population is not asked to identify their two greatest perceived threats, but to identify whether a certain problem or phenomenon is an "important threat". That being said, they identified Terrorism, Organized Crime, and Cybercrime as the greatest threats to their countries. Nearly 76 percent of the people saw terrorism as a "very important threat", nearly 63 percent of the respondents saw organized crime the same way, and 56 percent of the respondents saw cybercrime the same way.⁵¹

The reasons relating to the perception of the greatest threat in Albania and the EU are related to both temporary and deep underlying issues. In the EU, there have been a great number of terrorist attacks in the last few years that have deeply affected the public zeitgeist, creating a culture that greatly fears such phenomena. In both Albania and the EU average, Organized

⁴⁷ *Special Eurobarometer 464b. Europeans' Attitudes Towards Security*. EU Commission. Page 39.

⁴⁸ Dyrnishi. Arjan. (2020). *Albanian Security Barometer 2019*. FES ALBANIA. Page 24.

⁴⁹ *Special Eurobarometer 464b. Europeans' Attitudes Towards Security*. EU Commission. Page 39.

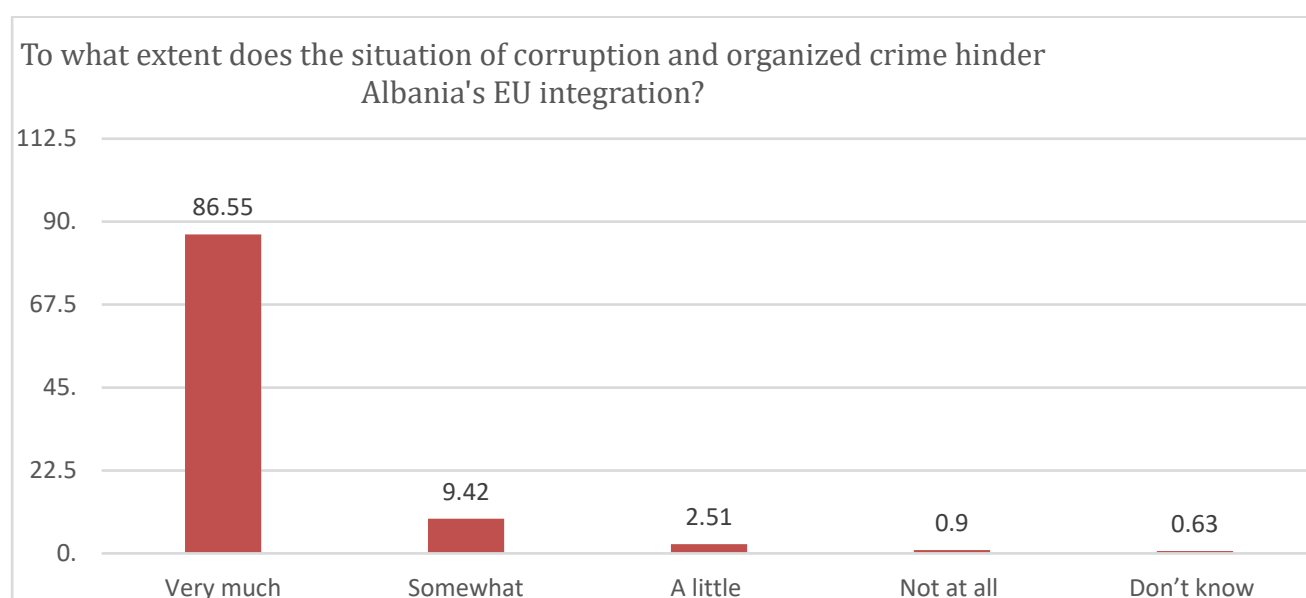
⁵⁰ Dyrnishi. Arjan. (2020). *Albanian Security Barometer 2019*. FES ALBANIA. Page 32.

⁵¹ *Special Eurobarometer 464b. Europeans' Attitudes Towards Security*. EU Commission. Page 14.

Crime constituted a great concern as it pertains to public perception. Continuing, we will analyze the most important factors on the public perceptions in Albania with relation to the greatest perceived threats to public safety, the reasons why this data is dissimilar to the EU average, and the public perceptions and expectations related to the institutions that are supposed to fight such phenomena.

4. The Perennial Problems of Corruption and Organized Crime.

In this section, we will be discussing the main perceived problems in Albania relating to public order, public safety, and issues of EU accession. If we refer to the ASB, nearly 86.55 percent of the public identified corruption and organized crime as the greatest obstacles to the process of EU accession.



Graph no.1 The extent of which the situation of corruption and organized crime stop EU integration

When speaking about corruption and organized crime, from a practical and even an academic standpoint, it is impossible to study and partake in one such element without considering and treating the other. Indeed, such phenomena are closely related in their existence to each other, it is a symbiotic relationship. For a long time, corruption has been identified as a defining characteristic of organized crime. It would be impossible to operate and commit such criminal acts in an organized, and, in some cases even industrialized fashion, without support from corrupt state actors at some level.⁵²

⁵² *Examining the Links Between Organized Crime and Corruption*. CSD. Page 33.

If we analyze the most important factors that correlate to the link between organized crime and element of the state, or even elements of the legal economy, we find that there are specific parts and positions within these structures that are of great interest to organized crime (and criminals in general), to facilitate their illegal activities. Among them we could mention the following as the most important:

- a. Judicial Officials.
- b. Politicians.
- c. Police Officials.
- d. Customs Officials.
- e. Private Sector Companies.⁵³

These aforementioned institutions are some of the most important building blocks for the functionality of the state. If we analyze data from third-party institutions, such as the classifications by Transparency International, we find that Albania is perceived as being much more corrupt than the European average, leaving only Moldova, North Macedonia, and Russia behind in Europe.⁵⁴ This data is important if we also correlate that ethnic Albanian and Albanian speaking organized crime groups have been gaining increasing ground and control in the markets and in the matters of drug trafficking in virtually all countries where a substantial community of Albanian speaking people lives. Albania is also used as a base of operations and money laundering for such groups while remaining a primary source for the production of cannabis that is trafficked and sold in European markets from these same groups.⁵⁴

The penetration of Organized Crime groups into the legal economy is greatly prevalent even in public discourse. From the point of public perception, the ASB asked the surveyed peoples if they thought that the war on organized crime could be won. 46.37 percent of the people replied that it could not. That such a question would even be entertained for such an important and reputable survey shows that this is indeed a very pressing issue. The shockingly high amount of people that have lost hope in law and order ultimately confirms it.⁵⁵

It is imperative to treat issues of organized crime and corruption together, as the two problems are rarely divided in any practical case, including in Albania. We will analyze the matters of the corruption of officials and the measures taken to curtail such issues. We will provide data that correlates to the perception of the performance and integrity of these institutions and officials from the ASB, to provide a fuller picture of the problems at hand.

By doing this, it is possible to provide an analysis of the most important institutions in Albania that are supposed to be the public's greatest shield in protecting them from problems related

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/doc_centre/crime/docs/study_on_links_between_organised_crime_and_corruption_en.pdf

⁵³ Ibid.

⁵⁴ *An assessment of the extent of Albanian(-speaking) organized crime groups involved in drug supply in the European Union: characteristics, role and the level of influence.* (2019). EMCDDA. Page 11.

⁵⁵ Dyrnishi. Arjan. (2020). *Albanian Security Barometer 2019*. FES ALBANIA. Page 56.

to organized crime but are too often the greatest victims of corruption and infiltration from these very same organizations.

4.1. Judicial Officials.

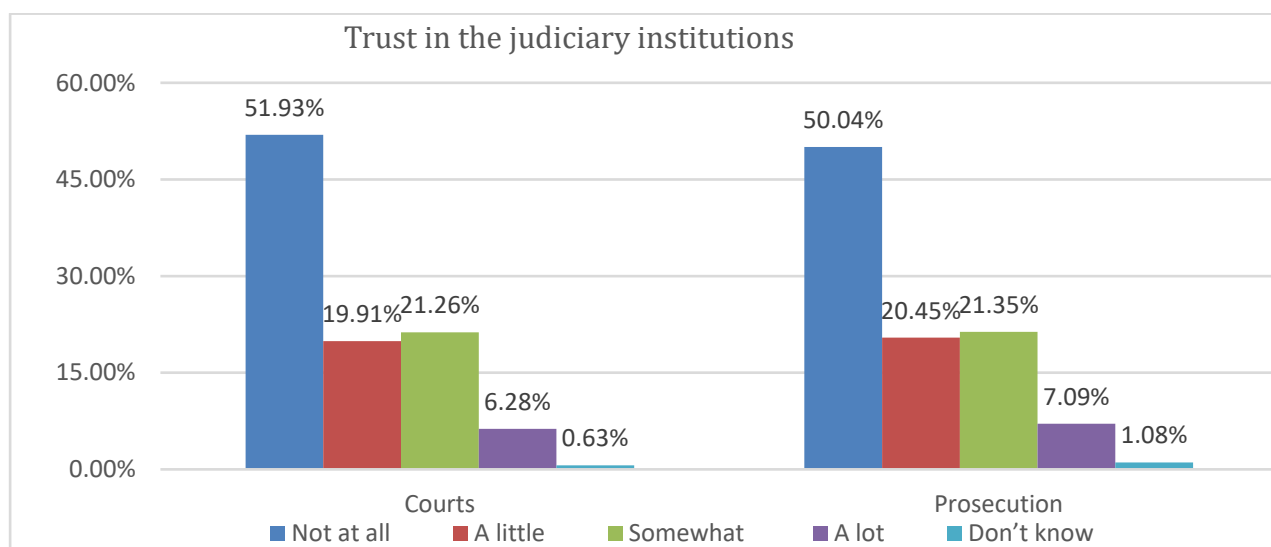
The corruption of judicial officials and their relations with the criminal underworld is greatly evident in Albania. The judicial system has been evaluated as being so corrupt and dysfunctional that a very deep and all-encompassing justice reform has been taking place since 2016. It aims to totally remake the justice system from the top down to remove corrupt judges and prosecutors. These changes have deeply affected the performance of the judicial system, especially at the highest levels. As part of the justice reform procedures, a very inquisitive vetting process has taken place. This requires judges and court officials, and their direct family members, to go through an evaluation process which demands them to justify the monetary means in which they acquired their possessions (real estate, automobiles, even jewelry, and electronics), in addition to evaluating their academic credentials in case of academic fraud or fake diplomas being used to qualify for court positions.

The results from this process were not shocking to most of the Albanian public. The majority of the judges and prosecutors that went through the vetting grind did not pass.⁵⁶ The vetting process found that nearly all of the members of the Constitutional and High Court did not pass the vetting process. This resulted in them being sacked from their positions and being barred from all career paths and jobs in justice, except for academic positions. This process rendered both of these important institutions functionally incapable to operate as neither of these courts possessed the minimal number of judges to have the sufficient quorum to be able to take decisions. Until recently both these institutions were left completely dysfunctional due to the lack of judges and have only started to be re-staffed with newly appointed judges in the past few months. The Constitutional Court has, at the present moment only four judges, and the Supreme Court has only three.

An analysis of the underlying causes of the need for justice reform is mostly related to the level of corruption and politicization of these institutions. However, an in-depth study of the justice system as it pertains to corruption and the lack of public trust in it has taken several studies and publications in itself. If we would focus more acutely on public perception of the justice institutions, we could get a simpler-to-understand picture of why courts and prosecutors are not perceived as being legitimate institutions in the fight against crime and the maintaining of the public order. In the ASB, when asked about their trust in justice institutions, more than half of the people claimed that they did not trust the justice institutions (both courts and prosecutors) at all.

⁵⁶ *Raport Studimor: Monitorim i Procesit të Vettingut Janar 2017-Qershor 2018*. Albanian Helsinki Committee.

http://www.osfa.al/sites/default/files/raport-studimor-monitorimi-i-procesit-te-vettingut-te-gjyqtareve-dhe-prokuroreve_jan17-qer18.pdf



Graph no.2 Trust on the Judiciary Institutions

In addition to reformatting the courts of their highest and most important staff, the reform transformed how the justice system functions. Specifically, the elements that pertain to the fight against corruption in important positions, and investigations relating to economic crime and organized crime in general. Two new institutions were introduced in the 2016 changes of the justice reform, namely the National Bureau of Investigation (NBI), and the Special Prosecution Office (SPO).⁵⁷

These institutions have a great range of competencies which in many cases overlook and supplant the competencies of the traditional justice institutions. The NBI is modeled after and receives training from the FBI, making it the most important investigative unit in the country. Besides, the NBI has been accorded competences by Article 75/a of the Code of Criminal Procedures on different matters on corruption such as:

1. Active Corruption done by people in public offices, foreign public servants, high state officials, people that exert illegal influence on public officials, people that occupy offices and ranks within any institution of the justice system.
2. Passive Corruption of all the above-mentioned categories.
3. Illegal gains of interests, Inequity in public tenders and procurement procedures.⁵⁸

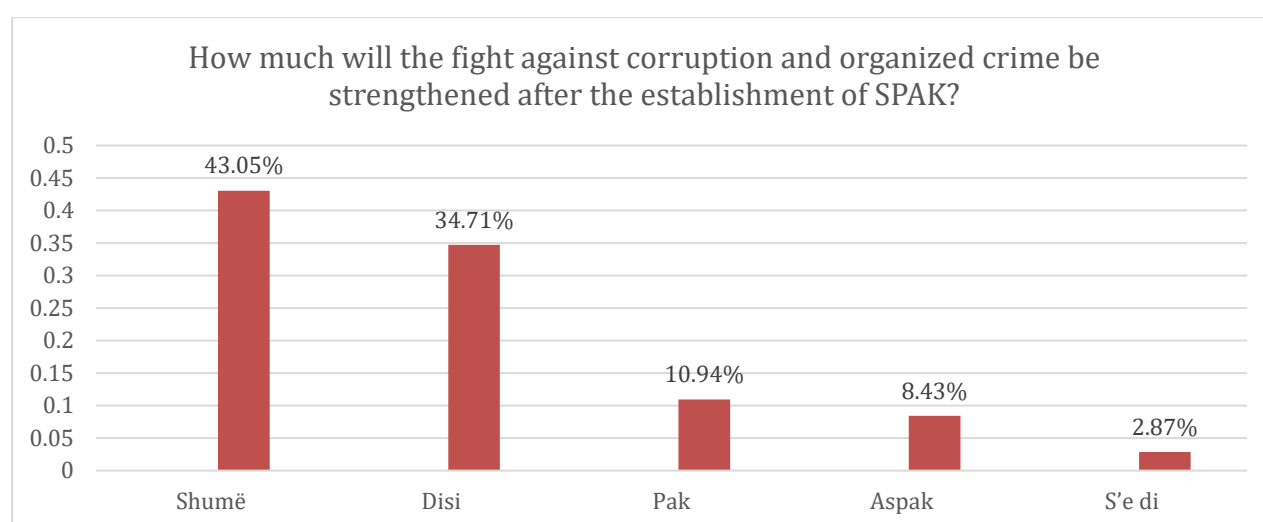
The NBI can order the State Police to defer cases to them on any occasion where it becomes apparent that issues fall unto its competencies. The only institution that the NBI answers to is the SPO, which is the highest office that will partake in issues of prosecuting high-profile cases of corruption involving important state officials.

⁵⁷ Law no. 95/2016. *On the Organization and the Functioning of Institutions for the Fight against Organized Crime and Corruption*. Article 5 & Article 10.

⁵⁸ See Article 75/a of the *Code of Criminal Procedures*

The SPO itself is only accountable to the Supreme Council of the Prosecutions, itself a creation of the Justice Reform, which is accountable only to two supervisory institutions set up by countries that have deeply contributed to the process of the justice reform: OPDAT which is the supervisory body set up by the US, and EURALIUS which is the supervisory body set up by the EU.

It is evident by their existence, that these institutions were created to facilitate the uprooting of high levels of corruption which could not be undertaken through a more normal procedure that involved less meddling and disruption to the justice system. If we look into the results of the ASB public perception survey on the changes that are expected to happen to the effectiveness of the fight against corruption and organized crime after the establishment of the SPO (SPAK in Albanian), we see that public opinion on the matter is evident.



Graph no.3 Perception on the improvement on the fight on corruption after the establishment of the SPO

It needs to be mentioned, that at the time when the survey took place, the institution in question had not yet been established. For the public to have such high regard for an institution and a group of institutions that have yet to be established shows both that the perception of the effectiveness of the current justice institutions is incredibly low and that much trust has been put into these new institutions. Their popularity is probably due to the sheer need for them to exist, but also because of the international involvement in their implementation, which lends them legitimacy and a positive reputation in the eyes of the public.

4.2. Politicians

It is a matter of public knowledge that organized crime organizations, in their quest for power and their desire to operate without harassment from the state, are keen to target and compromise politicians.

Cooperation with politicians, and especially members of parliament, grant criminals both a status of being untouchable and windows of influence into the policy-making apparatus to curtail the process in their interest and to be prepared for changes that might affect them in their criminal endeavors.

In the Albanian political arena, crime and organized crime is rarely missing from the public discourse. Indeed, it is very rare that a political discussion or argument on policy and changes to the law can take place, without accusations of relations to criminal organizations being thrown against political rivals. In many cases, these accusations are verily quite detailed, mentioning in intimate detail not only the fact that certain politicians are compromised by criminals but also the names of said criminals and the personal relationships that the politicians have with these people. Such accusations are usually replied to by the same token, by claiming that the accuser himself is also compromised by organized crime, and by mentioning the criminal figures with which the latter is involved with. Such a political climate is itself a testament to the high level of infiltration and corruption of the political system by organized crime.

If we look into past developments, parliament under heavy pressure from US and EU representatives passed Law no. 138/2015, *To Guarantee the Integrity of Elected Persons, Appointed to or Exercising Public Functions*. This initiative came as a necessary step due to the election of several members of parliament and local representatives who, in their past had been exponents of crime. The law was initially thought to be a temporary solution to an acute problem, related to the recent elections. However, after 5 years it continues to be regularly referred to in matters of representatives who are found to be compromised in this regard. This law, widely reported as the Decriminalization Law, has contributed to several members of parliament losing their mandates, in addition to several elected mayors and other state officials.⁵⁹

Concerning the future elections, there has been a considerable effort made by foreign dignitaries to ensure that the 2021 General Elections for the Executive in Albania will be free of candidates for members of parliament that have criminal priors or that have been involved in criminal activity either in Albania or abroad.

In an open letter to party leaders, the US embassy heavily underlined that the political leaders of the main parties will be responsible for any case in which the electoral lists for the 2021 elections are found to contain names that are not in compliance with the aforementioned law on the matter. In it, the ambassador also decried that any cases of falsified information or fraud

⁵⁹ Article on the matter:

<https://www.zeriamerikes.com/a/dekriminalizimi-shqiperi-prodhon-debate/5121224.html>

should be treated by criminal law and that the leaders of the party in question would be responsible for the process of uprooting corruption in the electoral process, and conversely any failures of it. This open letter was highly indicative of the political pressure that is exerted to prevent any cases in the future of criminals being elected into parliament and is also quite telling of the level of corruption that is found in political parties, and the electoral process in general.⁶⁰

While there have been many evaluation processes that serve to uproot corruption in the field of justice, and as we will see in the section below also in the police, there has been no such procedure taking place in the field of politics. No elected official has ever gone through the inquisitive grind of the vetting process, which by understanding the level of perceived corruption in politics would be ideal. However, there have been many claims that the political class will indeed be vetted by the activities of the SPO and the NBI.⁶¹ While such claims are logical judging from the vast field of competences of both these institutions, and the low level of oversight that the Albanian political system has on these institutions (in comparison to the international institutions attached to the justice reform process), the effectiveness of these procedures on politicians would be questionable if they would not utilize the same inquisitive tools for vetting on the politicians, as they have been using on the judiciary class, and police officials.

4.3. State Police

The State Police have been at the center of many discussions, both political and legal on matters of corruption, political control, and problems of accusations and perceived links to organized crime. The opposition has largely focused the majority of its accusations against the government on law enforcement in general, and the police in particular with regards to its perceived utilization for nefarious activities. Indeed, politicians representing the opposition have often openly accused high ranking members of the police of being involved in drug trafficking, and of aiding and abetting the cultivation of cannabis and the trafficking of high-grade narcotics. Of these accusations, we can mention only one case in which a high-ranking member of the police has been taken under custody in a criminal process.⁶² However, the police continue to be at the center of political discourse on matters and accusations regarding corruption related to policing organized crime activities, with a heavy focus on drug trafficking specifically.

⁶⁰ Article detailing the US Embassies' letter:

<https://a2news.com/video/yuri-kim-leter-kryetareve-te-partive-mbani-te-korrupuarit-dhe-kriminelet-jashte-listave/>

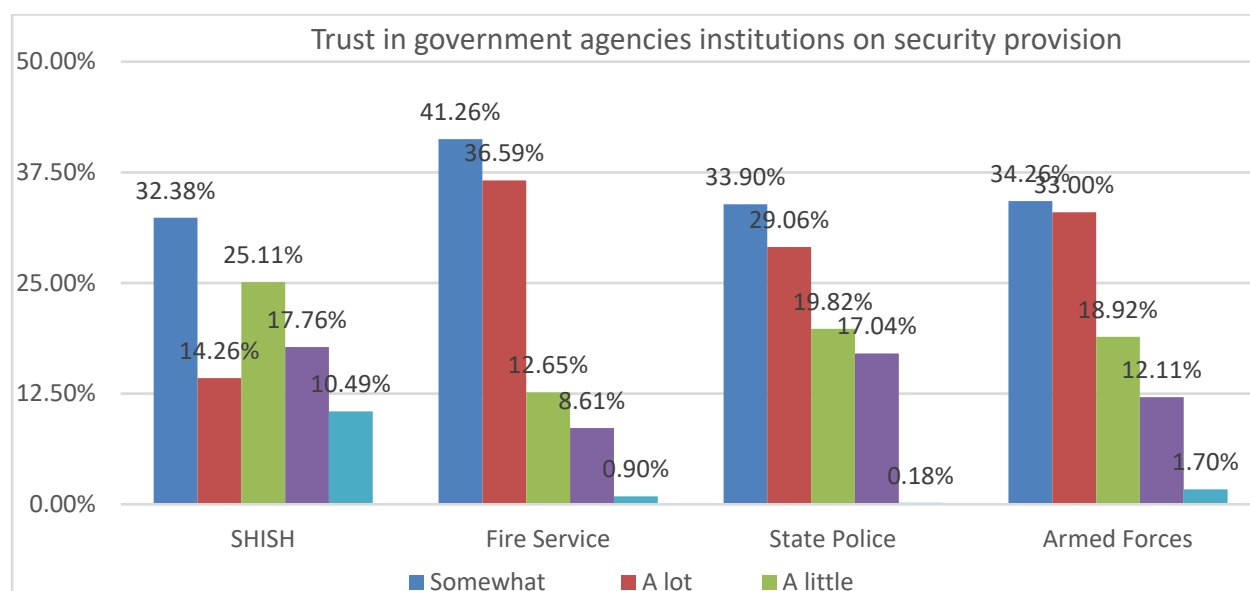
⁶¹ Article from an interview of the Principal Deputy Assistant Secretary for the State Department's Bureau of European and Eurasian Affairs, Elizabeth Millard, in which she highlighted the argument:

<https://ata.gov.al/2018/09/20/vetingu-i-politikes-millard-celesi-eshte-spak-dhe-bkh/>

⁶² Article on an ex director of police being taken into custody:

<https://shqiptarja.com/lajm/akuza-per-shperdorim-detyre-vetedorezohet-ne-polici-jaeld-cela-ish-shefi-i-policise-vlore>

With regards to the public perception of the State Police, the public displays a largely confident perception regarding its trust in this institution. This level of trust which is mostly positive (33.9 percent mostly trust it, 29.06 percent trust it a lot, and only 19.82 percent and 17.04 percent trust it a little or not at all respectively), is in stark contrast to the colossal level of attention that is given to its corruption, and the viciousness of the crimes that it is accused of almost daily in the political discourse.



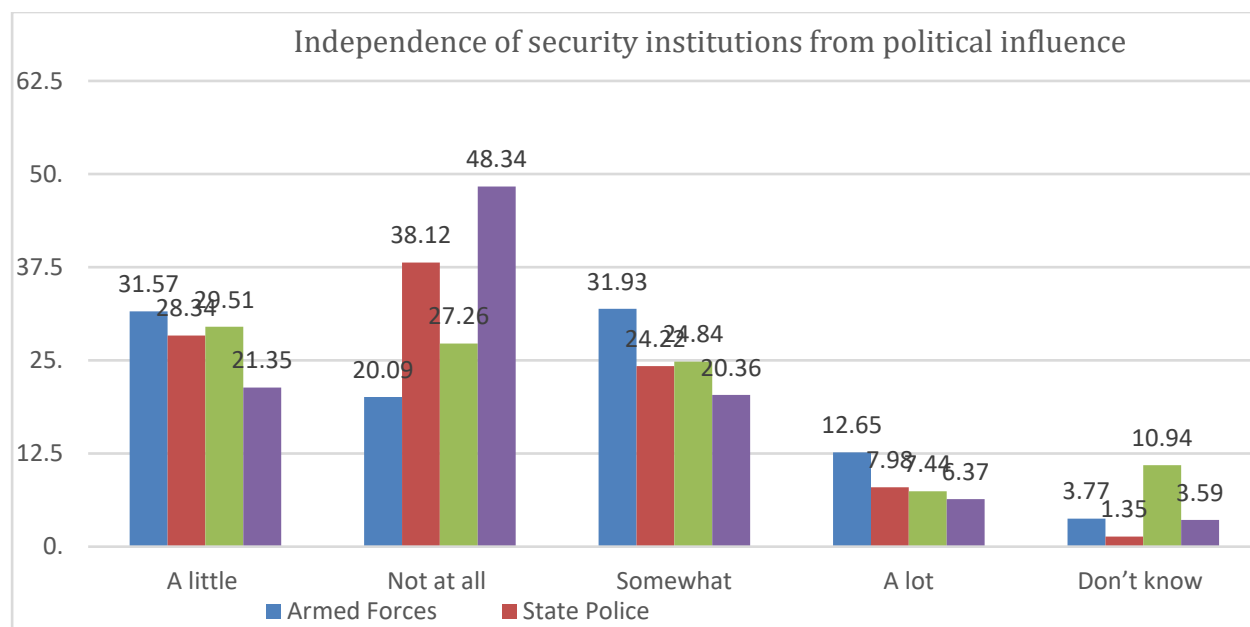
Graph no.4 Trust in government agencies institutions on security provision

Nevertheless, the State Police have been at the center of an ongoing process of reform and vetting, initiated in the same light as the justice vetting process, to discern whether both high, middle, and low ranking officials within the police establishment are unsullied with regards to corruption, academic achievements or relations to criminal forces.

The process which started in 2018 has been organized similarly to the justice vetting, with much of the same indicators for the evaluation of their character, legitimacy of their wealth and property à propos to their wages, and their academic achievements. The process has been organized starting from the highest-ranking directors to the lowest-ranking inspectors. In this element, we can deduce a problem with the police vetting process. If a middle-ranking official (who would be far down the list chronologically for their vetting procedures) is appointed to a high ranking position while undergoing the vetting process, the chronological list would not change, meaning that this hypothetical official would still be at the bottom of the list priority wise as if he/she was still in their previous rank. Also, the process has been largely slow, with only 16 of 250 of the high-ranking officials having finished their vetting procedures. Considering that the entire police structure must undergo this process, it is truly difficult to determine just how many years this process will take. With regards to results, unlike the justice reform, the results of the police

vetting have been largely positive. Of the 16 police officials that have gone through with the vetting process, only 2 have failed to pass this process.⁶³

If we would consult the public opinion as displayed by the ASB, the majority of the public does not believe that the police are largely politicized. Nearly 38.12 percent of the polled public believe that the State Police is not at all independent from politics, with 28.34 percent believing that it has little independence, 24.22 percent believing that it is somewhat independent, and nearly 8 percent believing that it is very independent. If we have established that the political system is in many cases linked to organized crime, to the point that foreign dignitaries must make public letters exerting political pressure on political leaders to warn them of ramifications should they include criminals in electoral lists, we can determine that the high number of people that believe that the police are politicized is concerning and that measures to further depoliticize law enforcement should take place.



Graph no.5 Independence of security institutions from political influence

Another element that has been generating a great deal of public attention and political discourse this year in the field of law enforcement and the fight against crime is the OFL (Operation Force of the Law). This operation started its implementation in late November of last year prompted by a high-profile case of a state prosecutor who survived an assassination attempt while in his car with a suspected criminal kingpin.⁶⁴ The government, particularly the prime minister, focused

⁶³ The information on this subsection has been extracted from the website of the Outer Evaluation Committee:

<http://kju.al/>

⁶⁴ Article on the assassination attempt on the prosecutor which became a catalyst for the OFL:

<https://www.reporter.al/prokurori-arjan-ndoja-perfshihet-ne-nje-atentat-mafioz-ne-durres/>

on this event to proclaim that the state had been invaded in its prosecutorial system by members of what he dubbed "KÇK"(in Albanian: Kap Ç'të Kapësh, In Eng: Grab what you can Grab), an opportunistic group of officials who had taken the prosecution hostage and were collaborating with every level of the criminal underworld to pervert justice for their monetary gain. According to the government, action had to be taken immediately to destroy organized crime, instead of waiting for the institutions of the justice reform (SPO, NBI) to fully begin operations.⁶⁵

So, the government created an ad-hoc task force to attack organized crime. This task force, along with the operation that it would execute was named Operation Force of the Law. OFL has the power to undertake operations that previously fell under the competencies of the prosecution and the police separately. By its procedure, OFL could focus on any previously convicted individual, and begin procedures of seizing their assets unless the subject could, within a short time window of 48 hours after being given notice, prove the legitimacy of their assets and how they were acquired (could be property, expensive automobiles, businesses, etc.). If the subject could not prove the legitimacy of their assets and wealth within the time frame, the case would be referred by the OFL to the SPO, for further deliberation. The SPO could make further decisions regarding whether the case should be dismissed or further evaluated. If the subject failed to prove the legitimacy of their assets even in this phase, their assets and wealth would be seized.⁶⁶

Thus far, no case has gone to the point of the final seizure of assets through a court order. It must be stressed that this operation has been widely publicized by the media, with very specific stylistic and aesthetic details being accorded to this operation as a "made for TV" event. All officers involved in raids that have taken over the property of suspects have been armed with cutting edge weapons and distinctive black aviator sunglasses, to command an image of high professionalism and authority. Every case of a suspect being given the notice to prove the legitimacy of their wealth and assets is immediately portrayed in the news and treated with the same relative interest by the media as very important events, despite their relative importance. It is evident that, among others, this operation is also utilized as a very elaborate campaign to improve the reputation of the government with the populace with regards to its fight against organized crime.

What is noteworthy and concerning about this law is that the normal procedures related to criminal law are reversed. In criminal law, the burden of proof is always on the accuser to prove that the accused has indeed committed a crime, under the presumption of innocence.⁶⁷ In this case, a suspect who has been previously convicted has the burden of proof rest on them to prove that their wealth and assets have not been procured through illegal means. The penalty for not doing the following is the seizure of their assets, similar to the RICO act. It must be

⁶⁵ Article on the PM proclaiming the need for special legislation to combat "KÇK":

<https://abcnews.al/rama-i-kthehet-kck-se-organizate-e-rrezikshme-po-pergatitet-nje-ligj-special/>

⁶⁶Normative Act No.1. dated 31.01.2020. *On Preventative Measures on the Basis of Strengthening the War on Terrorism, Organized Crime, Heavy Crimes and the Consolidation of Public Safety and Order.* Article 1-10.

⁶⁷ *Code of Criminal Procedures of the Republic of Albania.* Article 4

stressed that an inversion on such basic criminal law principles such as the burden of proof, has the risk of being overturned by the Constitutional Court as it could be construed as a law that potentially violates article 11 of the Universal Declaration of Human Rights. The financial burden such a decision could have on the state is considerable.

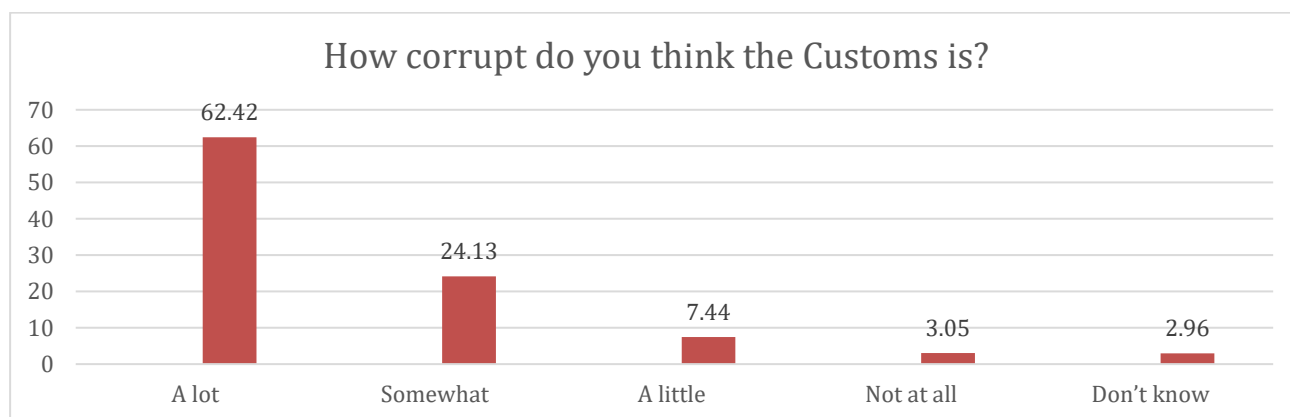
4.4. Customs

Customs is the most important element in determining all trade items that can pass in or out of the country, both from the viewpoint of security for the public and from the viewpoint of taxes. Traditionally, Albania has been a nation where a high percentage of the government's income comes from customs taxes (although this has diminished in the last few years). It is understandable, therefore, that customs would be a prime target for passive corruption in either the cases of organized crime factions that want to smuggle illegal items through customs or for the passing of items without paying the appropriate tariffs (which would render these items cheaper in the market and therefore create unfair competition). Customs have also maintained high levels of active corruption, with cases of customs officials illegitimately blocking shipments at the port and demanding bribes for their release also being not uncommon.

If we could refer to the UNODC report on Corruption in Albania, there are several substantial mentions of customs officials commanding a great reputation for bribery and of both passive and active corruption. The report finds that while officials that interact the most with the wide public receive the greatest amounts of bribes, other officials that interact in far fewer cases with the public (such as customs officials) command a greater reputation for bribery, which is remarkable. In their prevalence for bribery chart, customs officials were ranked highest among all state officials with which the public interacts.⁶⁸

Referring to the results of the ASB, to get a general understanding of matters from the perspective of the public, we can assess the information on the general trust the public has in the customs institutions. In it, a considerable 62.42 percent of the population consider the customs to be "very corrupt".

⁶⁸ *Corruption in Albania: Bribery as Experienced by the Population*. (2011). UNODC



Graph no.6 Perception on the Corruption of the Customs institutions

From the viewpoint of policymaking, it is truly remarkable that there has been no consideration or even discourse about the need for a reformation of the customs institutions in Albania. Looking at the data, it is evident that customs command an even lower reputation than the judiciary, which has been undergoing a thorough reformation that has uprooted the higher echelons in its system and completely disrupted some of the most important institutions from functioning. This justice reform has been because the justice system was infested with corruption and judging from the data it would not be inconsiderable for a similar process to be done to the customs.

4.5. The Private Sector

Although issues of business corruption and the infiltration of the legal economy by crime has not been a part of the analysis of the ASB, it would be imperative to also treat this issue in this document as it is closely related to the problems of corruption and especially organized crime.

The problems related to legitimate businesses could be understood in a twofold manner. On the one hand, the prevalence of crime and the lack of a proper legal framework within which a person can demand his rights before the courts create a system in which it is very hard for legitimate businesses to operate without help from organized crime or corrupt state officials. On the other hand, organized crime can utilize legitimate businesses, either through ownership or coercion, to facilitate their illegal activities, such as money laundering.

If we could refer to several reports of business indexes and ease of doing business, Albania rarely presents positive results. The World Bank's Doing Business 2020, ranked Albania 82nd in the world, with little mention on matters of corruption or crime, but with mentions of improvements regarding electric energy, and with concerns regarding constant changes to laws on business and taxation that hinders investment.⁶⁹

⁶⁹ *Doing Business Report 2019*. World Bank.

Another interesting report on the matter is the EU Cham report on the ease of doing business, which brings up data from both the Doing Business Report, and the Transparency International's Corruption Perception Index, and by crossing these two indexes together provides one singular score on the matter. In this report, Albania was positioned 44th out of 46 countries, leaving behind only Bosnia-Herzegovina and Ukraine. This data is believable when understanding that while the Albanian system is not truly dysfunctional legally and formally speaking, but when it comes to doing business (as per the indicators calculated by the World Bank), the culture of corruption in the field makes it very hard to do business from an informal perspective.⁷⁰

On another note, if we could refer to the MONEYVAL report on matters of combating money laundering, Albania has made some progress in several indicators. In the final report, Albania was rated as being "compliant" on five of the 40 FATF Recommendations and "largely compliant" on 28 of them. It remains "partially compliant" on five and "non-compliant" on one of the 40 FATF Recommendations. This classification shows some improvement in the past few years, but the progress is slow, and according to MONEYVAL, Albania still has to report regularly to it to improve its AML/CFT measures.⁷¹

With relation to money laundering concerns, the Albanian government has recently begun discussing a draft law for implementation which details a planned fiscal amnesty, for voluntary declarations of wealth. In such cases, people would be able to legitimize their informal money with minimal government oversight to enter their money into legal circulation to invigorate the economy. The government also receives a small part of the money as a tax. There have been many problems related to this law. The European Commission voiced its concerns on this law as it evaluated that it violated one of the important conditions set up towards Albania on the matter of EU accession, namely, to follow up on all MONEYVAL recommendations. Also, an article of the law in question was found to be quite suspect, namely article 13 which allowed for money to be brought from foreign countries, and specifically mentioned cash being allowed to be brought back into the country legally for the amnesty. It remains within reason that the EC criticized this element as it runs a very high risk for money laundering.⁷²

This law has also drawn criticism from the IMF because it would erode tax compliance. In its evaluation, the IMF claimed that effective systems for the detection of tax evasion and prevent money laundering and corruption first, before the undertaking of such endeavors.⁷³

⁷⁰ EUCHAM classification of best countries to do business:

<https://eucham.eu/best-european-countries-for-business-2020/>

⁷¹ *Anti-money laundering and counter-terrorist financing measures Albania*. MONEYVAL.

<https://rm.coe.int/anti-money-laundering-and-counter-terrorist-financing-measures-albania/16809988c0>

⁷² Article on the EC report:

<https://www.tiranatimes.com/?p=146903>

⁷³ IMF Press Release:

<https://www.imf.org/en/News/Articles/2020/07/01/pr20252-albania-imf-staff-concludes-a-remote-staff-visit>

5. Conclusions

Aspects of the perception of law enforcement and other institutions that provide the public with safety and fight crime and corruption remain a problematic area of discussion, from a legal, policy, and strategic perspective. Without proper consideration and evaluations on the matter, it will be impossible to perform much-needed changes and improvements in the field. From the simple viewpoint of practicality, it is abundantly clear that the data on public opinion about nearly anything of importance to policy in Albania is really rare. That is why the ASB is valuable as it provides a clearer and more politically neutral viewpoint on matters of security, law enforcement, and the issues pertaining to them.

5.1. The Judicial System

The public viewpoint on the judicial system is visible with regards to both the results from the ASB of public trust in such institutions and the high level of support for the justice reform institutions, even though they have only recently begun their work. The SPO and the NBI have a great deal of public support and a great number of expectations related to their work, which should entail a strong fight against organized crime and a more effective system to combat and prevent high state corruption. It is vital for the pace of the reform that the Supreme Court and the Constitutional Court fill up their vacancies and that the new institutions establish their framework.

5.2. Politicians

Public perception regarding politicians as it pertains to crime and corruption is highly problematic. The political discourse in Albania is filled with constant accusations and counter-accusations of people being friends, family members, and partners to known and notorious criminal elements. In addition to the many mayors and the members of parliament that have lost their mandates, it is abundantly clear that there is a problem between politics and crime in Albania. Such a system should be deeply reformed and ameliorated to prevent such problematic phenomena from continuing to emerge.

5.3. State Police

The State Police continues to be the most important law enforcement institution in Albania. Matters related to the integrity of the police have led to an all-encompassing police vetting process which is still in process. The OFL operation will continue to send notices and seize assets, but it is unclear what the results of such an endeavor will be from a legal and constitutional standpoint. This operation is led from a positive premise of seizing criminal assets,

but it should not become a PR stunt. In the eyes of the public, the State Police is perceived as largely politicized. This does not bode well for the State Police in a free and democratic society.

5.4. Customs

From the public perception, customs are one of the most corrupt institutions of the country. For such an important institution to remain under such a great amount of dysfunction and the problematic climate of uncertainty regarding bribery is indeed problematic in a free and fair society.

5.5. The Private Sector

According to the most prestigious evaluations on the matter, the business climate in Albania is problematic. From the perspective of law enforcement, this becomes a problem twice unto itself as such a climate hinders proper development of businesses and investments while providing the perfect conditions for organized crime to infiltrate an impoverished private sector. There are also many concerns about the latest laws on the fiscal amnesty, as they do not take the necessary precautions to properly prevent money laundering and the finance of terrorism, as per the IMF and the EC.

6. Recommendations

6.1. The Judicial System

- The justice reform should continue its implementation, and the process of the appointment of new judges should be accelerated.
- More information should be provided to the public on the work of the new justice institutions, such as the SPO and the NBI, in the future.

6.2. Politicians

- The political system should continue to deprive access to people with any affiliation with crime or criminals.
- The provisions on electoral lists should be respected.

6.3. State Police

- The police vetting should continue and be accelerated in order to finish promptly.
- The OFL operation should provide information on the results of the seizing of assets, instead of providing details on every notice they give to every subject every day.

6.4. Customs

- Actions should be undertaken to fight corruption in the customs institutions.
- Actions should also be taken to improve the public perception of these institutions once the anti-corruption measures have been taken.

6.5. Private Sector

- More provisions should be provided to help private investors against state corruption, preferably in the form of a more practical way to denounce institutional corruption to the justice institutions.
- The fiscal amnesty should be undertaken but under the recommendations of international bodies such as the EC and the IMF.

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