

**Development of Monitoring Instruments
for Judicial and Law Enforcement institutions
in the Western Balkans
2009-2011**

Technical Assessment Report
Albania



CARDS Regional Action Programme

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Technical Assessment Report Albania

1

1. Introduction and Background

This report has been written within the context of the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' funded by the European Union CARDS Regional Action Programme. It describes the Albanian data collection systems on crime and criminal justice as well as on migration, asylum and visa on the basis of the information gathered during an on-site research mission to Tirana from 28 September 2009 to 2 October 2009. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by a local UNODC focal point in Tirana as well as the UNODC Project Office in Tirana. The mission was made possible through the close cooperation and assistance of the Albanian authorities and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in Albania against international and EU standards. It is part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU *acquis*, standards and best practices. Project activities to date include a desktop research study entitled 'Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans' and a second study entitled 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. Further project activities will comprise the development of country-specific guidelines, the development of regional crime and criminal justice indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many 'standards' are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organisations such as the Statistical Office of the European Communities (Eurostat), rather than in EU *Acquis* having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU *and* international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding *acquis*, then this is indicated in the standard by means of a clear note.

2. Crime and Criminal justice statistics

2

2.1 Police statistics

2.1.1. Introduction

2.1.1.1. Institutions responsible for data collection and management

The Albanian State Police operates under the Ministry of Interior¹ and is organised at the central and local level. At the central level there is the General Directorate of the State Police and at the local level the police consists of 12 Regional Police Directorates and 43 Commissariats subordinated to the Department of Public Security and 8 Regional Border and Migration Directorates as well as Border Police and Migration Commissariats subordinated to the Border Police and Migration Department. The Commissariats represent the law enforcement agency at the lowest territorial level and are responsible for data collection only on petty crimes and traffic incidents. The Regional Directorates are the first actors in data collection for the following offences: 1) Organized Crime; 2) Money Laundering and Economic Financial Crime; 3) Serious crime such as Terrorists acts, Crimes against Persons, Crime against Property, and Domestic violence and violence against minors.² The Regional Directorates are divided in Sectors, each dealing with different categories of serious crime (such as drug-trafficking) and including a Sector of Criminal Intelligence & Statistics.

2.1.2. Data input (recording of crimes)

2.1.2.1. Data entry

Standard

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused ('formal contact' with the police as a suspect).

Assessment

Data on crimes are recorded both on *criminal cases* (number of crimes reported) and on *crime suspects* (number of suspects detected). Generally, the first collection of information on crime occurs when a policeman learns of an event that may constitute a form of crime and keeps a record of it by filling in a standard incident form.

The police then conduct an on-site investigation producing further documentation on the crime event that is reflected in the Daily Report of the police Directorate. On the basis of this documentation, the (confirmed) crime event is recorded in the respective crime registry by the Chief of the Sector with competence for the relevant type of crime.

¹ The Ministry of Interior was formerly called the Ministry of Public Order.

² Among the 43 Commissariats, those in Tropojë, Sarandë and Kavajë have structures and competences similar to those of Regional Directorates. In order to better deal with trans-border crime, they have been given the authority to investigate also in serious crime cases and to collect statistics on such crimes

General crime registries are at the level of the Commissariat while those for more serious crimes such as drug-related crimes are at the Regional Police Directorate. In addition to this procedure, the registration in the same crime registry of all crimes officially reported by citizens to the police is mandatory (This occurs by citizens signing a form).³ The registration of the crime event implies the opening of a case, which refers to the event.

The Crime Registry records the following information on the case: a progressive number, assigned on a monthly basis; offence type; date and time of crime commission; place of commission; name and personal details of victim; investigation initiated; amount of damage in national currency; brief description of the offence. In the same line of the Crime Registry, information on the detection of the case is recorded (“detection” refers to the identification of the suspect): case detected; date of detection; source of information leading to the identification of the suspect (persons, relevant sector, police services, etc.); suspected author, personal information on the suspect and information on recidivism; measures taken against the suspect.

While the physical form of the Crime Registry (a very large protocol book) requires quite a large amount of information to be recorded, there are important elements missing (such as sex and citizenship of the suspect) and some information items requested are outdated and are no longer recorded by the police (such as the political attitude and political affiliation of the suspect).

Unit records are thus kept only in the form of manual entries on criminal cases in the Crime Registries at both Commissariat and Regional levels, where each offence is recorded in a separate line, together with a short description of the incident. Several offences committed by one suspect are listed one after the other. These records are later supplemented by the written daily report produced by the investigating specialist after inspection of the crime scene. It is the daily report that first classifies the incident by its Criminal Code article and identifies any crime suspect. The information captured in the Crime Registry, together with the written report on the investigation and classification is later transferred to the statistical forms in the regional police headquarters (See *Formular A* and *B* in Annex III).

While the Albanian State Police has issued rules on how to record a crime in accordance with the Criminal Code, under current recording practices, the criteria for whether and when a particular crime should be recorded by the police in Albania do not seem to be well defined. It seems that the threshold for recording a crime has been set quite high, so that many suspected crime incidents go unrecorded. According to interviews with the police, crimes are recorded in the Crime Registry only after the special investigator has assessed the case and the responsible prosecutor has agreed to receive the case, which seems to require that there is a suspect already identified, except in some cases where the crime is reported by a citizen who is willing to provide witness. In this way, the share of crimes recorded as “detected” crimes appears to be relatively high (compared to the situation in other police forces) but also appears to be a poor performance indicator that negatively impacts the full recording of crime incidents in police statistics.

It also appears that there is no clear written Book of Rules on the recording of crime data, which is disseminated to all responsible data recording units for uniform application throughout the system. Moreover, the practices and criteria for crime recording seem to change over time. At the moment, according to police officials,

³ The law also provides that when Albanian citizens, foreigners or stateless persons have knowledge of a criminal offence, whether as objects or subjects, they may report it directly to the Prosecutor’s Office.

improvements in recording practices lead to significant increases in the number of criminal offences recorded by the police (+33% in 2008 compared to 2007). However, when seen in international comparison, the number of crimes reported in relation to the population still seems to be very low, which could be an indication of significant underreporting.

The statistical recording system at the police is currently lengthy and cumbersome. It appears that an improvement in current recording practices is required and that such an improvement would lead to the recording of many more (suspected) crimes that at present go unreported in official statistics, either because they are not further pursued or because they are not classified or recorded as crime incidents.

2.1.2.2. Person records

Standard

Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.

Assessment

Person records on the suspected offender and (where applicable) victim are kept only in the (hand-written) Crime Registry and in the Book of Daily Events. Current records on suspected offenders and victims are sparse and contain only few details on the profile of the offenders and victims. Besides the information on the case and the offences committed as outlined above, information on the suspected author, personal information on the suspect and data on recidivism as well as measures taken against the suspect are recorded (arrested on the spot, detained, on bail). In addition, basic information on the victim is recorded as part of the case information (name, age, whether native or foreigner). There are no separate fields on the sex and citizenship of either the offender or the victim in the Crime Registry and no separate field on the offender-victim relationship.

2.1.2.3. Case file numbering and integrated file numbers

Standard

It is good practice for a system to assign an 'incident number' to reported events, and an 'integrated file number' (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

At the moment recorded crime incidents are assigned a progressive number on a monthly basis in the Crime Registry that is not shared with prosecution and court records. There is thus no unique identifier that allows tracking of a single case or a suspect throughout the criminal justice system. In the medium term, the electronic recording of unit records through a software linked to the Total Information Management System (TIMS) foresees the attribution of a unique identifier at the police level. The system is currently in a test phase in Tirana and has the potential to evolve into a comprehensive system of crime recording and reporting across all police stations in Albania.

2.1.2.4. Offence classification system

Standard

Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the 'charge' assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.

Assessment

In all police statistics, offences are classified according to the criminal law provisions in force. The classification scheme is given by the Albanian Criminal Code, in which articles are organized in 11 chapters and further subdivided into sections (see Annex I).

This classification scheme is used both at the level of the Crime Registry and for the standard forms for data aggregation (See *Formular 1 to 15* in Annex II). For example, crimes against life and health are captured by Form 1 as follows: A) Crimes against Life: 1. Willful Murder (Art. 76); 2. Willful murder in connection with another Crime (Art. 77); 3. etc. B) Crimes against Health: 1. Torture (Art. 86, 87); 2. Willful Serious Injury; 3. etc.

2.1.3. Data flow

2.1.3.1. From local to central level

Standard

Data from *local* police stations should be reported in a uniform format, using the standard crime classification scheme to a *central* institution.

Assessment

Starting from the records in the Crime Registry at the local and regional levels, aggregate statistics are produced monthly and quarterly. Every month the Chief of each Sector has the responsibility to transform the cases recorded in the Crime Registry into statistics, by aggregating the information gathered in the Registry (supplemented by the information on the offence classification in the Daily Report) and manually entering them in aggregate standard forms (*Formular – See Annex III*) defined by the Ministry of Interior. There are two types of aggregate forms, one on recorded cases and one on recorded suspects. Both forms use a crime classification system based on the criminal code.

The form used for recorded cases requests the number of recorded and detected crimes by offence type, the number of cases reported to the prosecutor, the number and age group of injured persons, number of female victims, number of businessmen and foreigners among victims, and the number of undetected crimes as well as the percentage of detected crimes (see *Formular A* in Annex III). Forms for aggregating recorded cases of robbery, theft of vehicles, and other theft include also the value of the damage in national currency. Forms for drug-related crimes include also the amounts and types of drugs seized.

Form B, used for collecting aggregate statistics on crime suspects, includes information on the total number of suspects; suspects with a criminal record; suspects acting in cooperation; as part of a criminal group; an armed gang; a criminal organization; the

number of recidivists (total and of the same crime); suspects by age group (up to 14, 14-18, 19-26, 26-45, over 45, with the exception of economic and financial crimes where age categories of adults and minors/young adults (<25) are used); suspects residing in town; foreigners; females; suspects by educational level; unemployed suspects and other information (see *Formular B* in Annex III).

At the regional level, data are aggregated by each Chief of Sector on a monthly basis. Quarterly aggregated statistics on cases opened by all Sectors in the Regional Directorates are sent to the relevant sectors of the Department of Criminal Intelligence as well as to the Unit of Statistics in the Department of Data Processing and Protection at the General Directorate of Police in Tirana, together with the daily (explanatory) reports on crime events reported by the Police in each region. Both daily reports and quarterly statistics are transmitted from the Regional Directorates to the central level by official post. The aggregated data are then manually entered again in electronic spreadsheets in order to produce national aggregates.

The current system of data transfer from individual record to aggregate statistics at central level functions reasonably well. However, the crime registry format necessitates handling of large volumes of paper and aggregate numbers of crime incidents are copied a number of times between different paper formats.

Whilst data is transmitted and aggregated at the national level manually, an ongoing pilot project is running in Tirana for the implementation of an electronic system for crime event registration. The new system will enable the keeping of records of crime events on a unit record basis and the production of statistics in real time through a software linked to the Total Information Management System (TIMS).

2.1.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

Concerning the counting rules the following information was provided with respect to the aggregation of crime data in practice: A Principal Offence rule is applied; Multiple offences are counted as secondary offences; Offences committed by more than one person are counted as one offence; Data are collected for inclusion in statistics after investigation (output statistics); All suspects are counted for statistical purposes.

Counting Rules	Application
When are data collected for inclusion in statistics?	When prosecutor agrees to receive the case
Principal offence rule applied?	Yes
How are multiple offences counted?	Not counted (or as secondary offences)
How is an offence committed by more than one person counted?	One offence
How many persons are counted in joint offence?	All offenders

Whilst instructions of the Ministry of Interior to the subordinate levels on data collection and transmission do exist, it appears that such instructions may not explicitly include details of such counting rules. The most recent instructions are included in Order nr. 251 of February 2008. This order includes instructions on the persons responsible for data gathering and transmission within specific institutions. It specifies the time-frame for providing data, to whom data should be sent and the authorities having the right to produce statistics (the Department of General Police and the Department of Data Processing and Protection). However, there are no detailed instructions on how to fill in the Crime Registry and how to count offences and persons in statistical tables.

In light of the fact that counting rules are not specified by clear instructions at the national level, and given the low priority accorded to the collection and compilation of comprehensive crime statistics in policy making, there were several indications that the above listed counting rules are not applied uniformly across the system.

The above listed counting units and counting rules are not shared by other criminal justice actors. These differences in counting units and counting rules between different actors of the criminal justice system (police, prosecution, courts) can lead to incompatible data that are often confused in the media and in public statements.

2.1.3.3. Coverage: Geographic and institutional

Standard

Data on reported crime incidents in *all geographical regions* and by *all responsible law-enforcement authorities* should be recorded and included in national aggregate statistics.

Assessment

Records on reported crime incidents concerning petty crimes and, if applicable, victims and offenders are collected in all regions of the country by individual police commissariats, which deal with crime prevention and community policing, and are then passed on to the Regional Directorates for statistical processing. Data on more serious crime incidents and, if applicable, victims and offenders are gathered only by the relevant sectors in all Regional Directorates as well as (as an exception) the Commissariats of Tropoja, Puka, Kruja, Kurbin, Mat, Lushnja, Pogradec, Saranda and Kavaja. Thus data on all types of crimes and, if applicable, victims and offenders are collected by the police covering all the national territory. From the Regional Directorates, data are sent further to the General Directorate of Police for national-level processing. The minimum level of territorial aggregation for statistics is the municipality level for petty crimes and the regional level for serious crimes.

2.1.3.4. Timeliness and periodicity

Standard

Data on reported crime incidents, victims and suspected offenders should be *regularly reported* to a central authority.

Assessment

Data are aggregated by each Chief of Sector on a monthly basis and statistics are sent monthly to the Regional Police Director of the relevant Regional Directorate. Quarterly statistics (3, 6, 9 and 12 months) are produced and addressed to both the relevant

Sector within the Department of Criminal Intelligence and the Unit of Statistics within the Department of Data Processing and Protection at the central level.

2.1.4. Output (Production of Statistics)

2.1.4.1. Data validation

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

Assessment

Data are centrally collected and checked in the Unit of Statistics in the Department of Data Processing and Protection in the General Directorate of Police in Tirana. In case of inconsistencies, the Unit of Statistics has the responsibility to contact the relevant Regional Directorate and, when changes are made, correct the data accordingly. However, with a limited number of staff in the Unit of Statistics, the verification of statistical accuracy is necessarily limited.

2.1.4.2. Statistical analysis of data

Standard

Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

The analysis of crime statistics is basically performed for internal use within each department at the General Directorate of Police. Crime statistics are used by central and local police structures for analyzing the crime situation and trends for different periods of time, and places, with the purpose of organizing police services to prevent and fight criminal activities. At the region level, the analysis serves as a basis for drafting annual strategies for community safety and at the central level, the analysis is used for defining the specific objectives of the Annual Programme of the General Directorate of State Police.

In general, trends and distributions are calculated, as well as the percentage of detected cases. To measure crime trends and police performance, indicators used include the number of offences, suspects and victims, the percentage of crimes detected, the number of suspects arrested; the number of cases sent to the prosecutor. In addition, statistical information on how crimes have been committed, instruments of the offences, classification of the offences (double, triple or more) and whether the criminal offences were committed by structural criminal groups, armed gangs or organisations, or groups of persons without a stable criminal link, can provide insights in organized crime trends. Performance indicators on juvenile crime are not used, though information on the age of suspected offenders is available, by type of crime.

2.1.4.3. Reporting

Standard

Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority.

The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.⁴

Assessment

Annual crime statistics are sent to the President of the Republic, Prime Minister, Minister of Interior and his Deputies and the Parliamentary Commission of Public Security. The Albanian State Police reports some basic information, such as the total number of recorded crimes and the number of “crimes detected” on their website, together with an analysis of statistics on specific crime types (such as homicide, assault, drug-related crime and financial crime). The statistics are presented in a power point presentation with simple tables and graphs. However, there are no systematic templates and tables used consistently over the years to report on crimes detected by the police and there are no metadata on crime statistics provided.

2.1.4.4. Dissemination of police statistics

Standard

Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.

Assessment

As noted above, basic information on recorded crime and crimes detected are disseminated on the Albanian police website and are updated annually. Current statistics cover the year 2008.⁵ In addition to internal reporting procedures, crime statistics are also forwarded to INSTAT. However INSTAT has not published police statistics since 2001. The Statistical Yearbook 1999-2004 contains only data on prosecutions and convictions received from the Ministry of Justice. The forthcoming Statistical Yearbook 2001-2007 will include only data received from the Ministry of Justice on prosecutions and convictions but no crime data from the police.

⁴ At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU *acquis* indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.

⁵ <http://asp.gov.al/2008/STATISTIKA2008.htm> (25.2.2010)

2.2. Prosecution statistics

2.2.1. Introduction

2.2.1.1. Institutions responsible for data collection and management

The Prosecutor's Office is a centralized authority that is hierarchically organized in three levels following the organizational structure of the judicial branch. At every court level the respective prosecution office is attached to the respective court. Prosecutors are assigned to the district courts (22 district prosecution offices plus one prosecution office for serious crimes based in Tirana), to the appellate court (5 appeal prosecution offices plus one appeal prosecution office for serious crimes based in Tirana) and to the Office of the Prosecutor General (OPG), where prosecutors carry out their functions attached to the Supreme Court. Each office is headed by a chief prosecutor who is responsible to the Prosecutor General.

With the only exception of crimes directly prosecuted at the OPG level, data collection starts at the district level, each time a criminal case is opened by the prosecutor, and continues at the appellate level. At the central level, the Directorate of Studies, Legal Research and Integration at the Prosecutor General's office compiles nation-wide prosecution data.

2.2.2. Data input (recording of crimes)

2.2.2.1. Data entry

Standard

Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record ('persons prosecuted') should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

Each case is first registered manually in a paper book (typically one row per case, except when there are many offenders or charges more than one row will be used). The information on the case is continuously updated as soon as new information becomes available. Information recorded on each registered case includes information on case disposition (whether case initiated or not, case pending, transferred, dismissed, under trial, court decision, prosecutor's appeals), data on the defendant (sex, age, foreigner, level of education, employment status, whether police officer, place of residence, previous criminal records), data on victims and data on damages.

As such, separate records are made only of cases dealt with by the prosecutor and there are no separate *person* records that clearly state the charge and case disposition per person. Thus, above the level of the district and appellate prosecution offices, statistics on persons prosecuted (by sex, age, citizenship, education, employment

status, residence and previous criminal record) are available only in the aggregate, though they can be filtered by Articles of the Criminal Code.⁶

The threshold for initiating a prosecution record ('case') does not seem to be clearly defined, especially since many cases dealt with by the prosecutor's office are not reported by the police but are initiated by the prosecutor's office or are reported by private individuals⁷ or other entities (the number of persons recorded by the prosecutor's office is routinely higher than the number of suspects recorded by the police). The threshold for recording seems to be unclear especially in relation to the category 'not initiated'.

2.2.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual prosecuted persons to be assigned an 'integrated file number' (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

At the first manual registration by a prosecutor at the district or central level, each case is assigned a unique identifier made up of a progressive number (on a yearly basis)/the year/a district identifier. However, this identifier is not linked to unit records at the police level and is not kept at the court level.

2.2.2.3. Offence classification system

Standard

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

Assessment

There are no unit records on persons prosecuted recorded by prosecution offices. As in the police records however, the definitions of criminal offences provided by the Albanian Criminal Code are used for data collection purposes from the prosecutor case records (see the crime typology in Annex I and II).

2.2.3. Data flow

2.2.3.1. From local to central level

Standard

Data from all prosecutor's offices should be reported in a uniform format to a central institution.

⁶ For example, to determine how many minors have been charged for theft, the data in the aggregate Excel sheet can be filtered by Art. 134 of the Criminal Code (theft) and there one can find how many of the defendants are minors, their education, sex, etc

⁷ As already mentioned, the law provides that when Albanians foreigners or stateless person have notice of a criminal offence, whether as objects or subjects, may report it directly to the Prosecution Office or Court

Assessment

At the end of each month information on all cases registered by the prosecutors are aggregated at district level in an Excel sheet. This is done using form *Model Pr 1Vp* (see Annex IV). This form aggregates information, by article of the Criminal Code, on: cases, suspected persons (defendants), victims, damages and procedural expenses. There are also separate statistics on adults and minors (persons aged 14-18 years) available.

In addition to the basic data collection form (*Model Pr 1Vp*) other forms (*Model Pr 1R* and *Model PR 1Ms*) are used for the aggregation of data on specific aspects of the prosecution system. For each article of the criminal code *Model Pr 1R* is used for the production of aggregate statistics on the number of cases initiated by the prosecutor's office; the number of cases reported to the prosecutor's office by type of reporting entity (public servants; medical staff; citizens; legal action; etc.); and the number of cases reported by the police, by police force (State Police; financial police; etc.). Form, *Model PR 1Ms* is used for the production of aggregate statistics on precautionary measures.

Although aggregated statistics are produced at district level every month, their transmission to the central level takes place every 3 months by use of the same aggregate data entry forms described above (*Model Pr 1Vp*, *Model Pr 1R* and *Model PR 1Ms*). Data are transmitted from the local to the central level by CD-ROM and by hard copy as well. Data are received by the Department of Study, Legal Research and Integration at the Office of the Prosecutor General. This department, which consists of just two people, further processes the data for internal and external reporting.

2.2.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

Detailed instructions regulating data recording and counting can be found in Order nr. 282 of 2002, in Order nr. 289 of 2002 and in Order nr. 104 of 2004 issued by the Prosecutor General. In particular, Order nr. 289 of 30.12.2002 specifies the forms to be used and the data recording rules. The assessment suggested however that these rules may not always be well understood and were not always uniformly implemented by all district offices.

With reference to the counting rules used, when a case is registered in relation to more than one offence, when aggregating the data only the most serious crime is counted ('Principal Offence' rule). Serial offences will normally be joined together in one case and only the number of cases will be counted. When more than one person is involved in criminal proceedings, one case is registered, with many defendants.

2.2.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* prosecutors in the territorial jurisdiction by a central institution.

Assessment

As prosecutors are assigned only to the district and appellate courts and to the Office of the Prosecutor General (OPG) at the central level, the levels of territorial aggregation of prosecution data are: the district level (which brings together many municipalities) and the central level.⁸ With the only exception of crimes directly prosecuted at the OPG level (such as appeals in front of the Supreme Court and first instance prosecution of criminal offences committed by high-level public officials (so-called original jurisdiction)⁹, data collection starts at the district level, each time a criminal case is opened by the prosecutor (a certain level of evidence is requested in order to do this), and is under the responsibility of the Chief District Prosecutor. This is also true for cases involving juvenile offenders.¹⁰ Data collection continues at the appellate level and all data at the national level are collated by the Directorate of Studies, Legal Research and Integration at the OPG. The information received at the central level covers all prosecutor districts in the territory of Albania.

2.2.3.4. Timeliness and periodicity

Standard

Data from all prosecutor's offices should be *regularly* collected and reported.

Assessment

At the level of district prosecutors data are aggregated every month. Transmission to the central level (Department of Study, Legal Research and Integration at the Office of the Prosecutor General,) takes place every 3 months (therefore at the end of months 3, 6, 9 and 12 of any given year). Data are transmitted in aggregate form in statistical tables and reflect the cumulative status at the end of the last quarter.

2.2.4. Output (Production of Statistics)

2.2.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

⁸ In addition, it would also possible to aggregate data at the regional (7 appellate courts in total) level.

⁹ Cases where the offender enjoys immunity from prosecution (such as a Member of Parliament, Minister, Prime Minister, etc) may be initiated only at the central level (very few cases per year). Subsequently, data on these cases are recorded by the Directorate of Investigation and Inspection of Criminal Prosecutions at the OPG.

¹⁰ Though the juvenile justice system is administered by special sectors in prosecution offices and courts, it does not have any peculiarity in terms of data collection.

Data are sent to the Department of Study, Legal Research and Integration at the Office of the Prosecutor General. As soon as data are received at the central level, they are checked for inconsistencies. Where these are found, requests for clarification are made to the sending office. However, with a limited number of staff dealing with statistics (two persons), the verification of statistical accuracy is necessarily limited.

Data are also analyzed by the Department of Study, Legal Research and Integration. These analyses serve different purposes: to inspect prosecutors, to prepare studies, to understand crime trends and crime distribution and to identify hot spots. Some performance indicators such as the average duration of prosecutions or the percentage of cases sent to court are used.

When resource or population data are required for the analysis, external data sources are consulted. Data on the workforce are available from the Directorate of Inspection and Personnel and from within each Department. Demographic data required to calculate rates are taken from INSTAT.

2.2.4.2. Reporting and Dissemination

Standard

The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants;; Cybercrime and Crime involving racism and xenophobia.

Assessment

Some limited statistics on the work of the prosecution are contained in the Annual Report of the Office of the Prosecutor General to the Parliament, which can be downloaded online.¹¹ Some additional statistics are also posted on the website of the OPG, but these statistics are generally not disaggregated by crime type. Some statistics (e.g. on total number of cases prosecuted, dismissed, etc.) are also provided to the Ministry of Justice and to INSTAT. Other forms of dissemination for restricted audiences are also foreseen (In such cases, data are normally processed within 2 weeks from their receipt). In addition, each district prosecution office makes reports for its own use.

While the crime classification system applied by the statistical system of the Office of the Prosecutor General should in principle allow the reporting of person charges by crime type, no comprehensive statistics on persons prosecuted by crime type are published.

¹¹ See <http://www.pp.gov.al/sq/index.html>. The most recent annual report available on the website refers to the year 2008.

2.3. Court statistics

2.3.1. Introduction

2.3.1.1. Institutions responsible for data collection and management

The collection of statistics from courts is organized according to the three levels of courts in Albania: The 21 Courts of First Instance (District Courts) plus one court for serious crimes based in Tirana; 6 appellate courts plus one for serious crimes based in Tirana; and the Supreme Court based in Tirana. District courts are competent to try all criminal offences except those that fall under the competence of the Serious Crime Court, Military Court and Supreme Court.¹² Appellate Courts are, as a rule, courts of appeal. The Supreme Court is the highest judicial body in Albania. In addition to appellate responsibilities, it is the first instance court for those offences committed by high state officials.¹³ It has three divisions: in addition to the criminal division, there are the civil and military divisions.

2.3.2. Data input (recording of crimes)

2.3.2.1. Data entry

Standard

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial ('person brought before the criminal court') should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

Each district and appellate court records data on both criminal *cases* and on *persons* brought before the courts. Information on each single case is updated as soon as new information comes in. Specific case related information recorded includes: charge (according to the criminal code); date of registration; generalities of the defendants (all): sex, age, education; date of birth, etc.; number of the decision; date of the decision; date of all hearings; status of the case; type of punishment; name of the judge, etc. In all courts, data are first recorded manually in a paper registry. In parallel, most courts also have an electronic case registration system, which includes a more extensive set of information.

¹² The Serious Crime Court, in particular, tries the crimes provided in Articles 73 (Genocide), 74 (Crimes against humanity), 75 (War crimes), 79, letter "c", and "ç" (Homicides committed in other specific circumstances), 109 (Kidnapping or keeping hostage a person), 109/b (Extortion), 110/a (Trafficking in persons), 111 (Hijacking planes, ships and other means), 114/b (Trafficking of Women), 128/b (Trafficking of Minors), 219 (Assassination), 220 (Conspiracy), 221 (Rioting), 230 (Terrorist acts), 230/a (Financing of terrorism), 230/b (The hiding/concealing of funds and other wealth/goods that finance terrorism), 231 (Violent acts against property), 232 (Delivering dangerous substances), 233 (Creating armed crowds), 234 (Producing military weapons), 234/a (Terrorist organizations), 234/b (Armed gangs), 278/a (Trafficking of weapons and munitions), 282/a (Traffic of explosive, burning, poison and radioactive matters), 283/a (Traffic of narcotics), 284/a (Organizing and leading criminal organizations), 287/a (Opening of anonymous accounts), 333 (Criminal organizations), 333/a (Structured criminal groups) and 334 (Commission of criminal offences by a criminal organization and a structured criminal group) of the Criminal Code, but excludes cases when they have been performed by subjects that are under the jurisdiction of the military court.

¹³ According to article 75/b of the Penal Procedure Code, the Supreme Court hears appeals pertaining to infringement of law and petitions for review of final decisions. Also, the Supreme Court tries, sitting as a first instance court, criminal offences committed by the President of the Republic, Members of the Parliament, Prime Minister and Members of the Counsel of Ministers, judges of the Supreme Court and judges of the Constitutional Court, when they are in office at the time of the trial.

Since 2002 data on each case are inputted, in about one third of the District Courts (7 out of 22), into a unified Case Management System, which enables the quick processing and analysis of a large amount of information. Though installed in most of the courts, the system has been tested only in some courts so far, also due to problems with the contracting company. In the remaining District Courts other automated systems are in place.

Depending on the electronic case registration system in place, a multitude of queries can be performed within the system of each court, both using a single search criterion and multiple search criteria (e.g. all cases from 01.01.08 - 31.12.08 AND gender: female). The system records data from different sources: prosecution offices (including minors); military cases; all criminal applications (e.g. for reducing sentences – pre-trial measures); private prosecution; remand orders (precautionary measures).

At the local level, data input is done by the Chancellor of each court, who is responsible for meeting reporting deadlines and for the accuracy of the statistical data, and by the Secretary of each judge who keeps initial records for that particular judge only (e.g. on the number of cases heard, defendants, number of sessions per case etc).

2.3.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual accused persons to be assigned an 'integrated file number' (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators.. Differences between the charge and the police incident classification scheme should be clearly identified.

Assessment

Since 2002 about one third of the District Courts use a unified Case Management System (CMS), which is still in the testing phase, for inputting data on all court cases. In the remaining District Courts other automated systems are in place. In District Courts where the CMS is tested, each case in a given year is uniquely identified in the system by assigning it a progressive number.¹⁴ In District Courts where the CMS is not in place, each case is assigned a progressive unique identifier based on the year and the code of the court. This identifier is based on regulations of the state archive, which is different for the various criminal justice actors. This means that the police, prosecution and courts use different identifiers and that the records cannot be easily linked.¹⁵

2.3.2.3. Offence classification system

Standard

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

Assessment

¹⁴ It should be noted that the first cases registered in a given year are those pending from the previous year (though their original date of registration is kept).

¹⁵ District Courts also record the prosecutor's protocol number for each specific case, but tracking the case throughout the system is not easy as it can be done only manually and case-by-case.

Courts statistics on criminal cases in court and on persons in court (tried persons) are available in relation to all the offences (separately for crimes and contraventions), defined by the criminal code, based on their legal definition. This system has been used for many years already. Since the new Criminal Code from 1995 there have been no fundamental changes in recording methods.

2.3.3. Data flow

2.3.3.1. From local to central level

Standard

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

Assessment

Computerized unit records (using various case management systems) as well as manual records are kept by all district courts but are aggregated already at the first level of data recording (district courts) and sent to the central level in the form of statistical tables. The format and content of these tables are specified in Ministry of Justice Guidance no. 99 of 7 January 2002 entitled 'For the fulfilling of the statistical data'. This administrative instruction specifies which aggregate data have to be collected and how they should be collected at the local level. It provides also 3 standard forms to be filled out and sent to the Statistical Unit of the Ministry of Justice. The first form relates to *criminal cases*, the second form to *tried persons* and the third form to *appeals in criminal cases*. These forms are submitted in the form of tables by all district and appellate courts and are then further aggregated at the national level by the Unit of Statistics of the Ministry of Justice.

Both Form 1 and Form 2 list the various criminal acts defined by the criminal code (but not Form 3 on appeals). Form 1, on *criminal cases*, lists the number of cases, by article of the Criminal Code in sections and columns, including: pending cases; incoming cases; completed cases by verdict (guilty, not guilty, annulled, etc.); duration of trial (up to 2 months, 2-6 months, 6-12 months, over 12 months; appeals; criminal law requests (jail arrest, house arrest, etc.); Form 2, on *tried persons*, collects data, by Criminal Code article, on: convicted persons; acquitted persons; tried females; tried recidivists (general and for the same crime); and the sentence (fine, up to 2 years imprisonment, 2-5 years, 5-10 years, 10-25 years, life). The same information is collected separately on minors. Data collection Form 3 refers to *appeals in criminal cases*. It collects data on the number of pending cases; new cases; terminated cases; the way of termination (confirmed, reversed, acquitted, remanded, re-investigation, changed); type of change; duration of appeal proceedings (up to 2 months, 2-6 months, over 6 months).

2.3.3.2. Counting rules

Standard

Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.

Assessment

Written rules for the counting of persons and cases in aggregate court statistics are specified in a special Order of the Ministry of Justice.¹⁶ If one person is charged with more than one offence, based on the prosecutor's report, only the most serious crime (typically the first offence mentioned in the report) is counted in aggregate statistics. This means that a principal offence rule is applied. In addition, a note of the other crimes (secondary offences) is made. When more than one person is accused in a case, only one case with several accused persons is registered and counted. If a person is convicted of more than one offence of the same type (serial or continuous offending), typically events are joined in a unique case and counted only once. However, if a person is tried and convicted for more than one offence in several registered cases within the same year, s/he is counted in the aggregate as many times as there are cases.

2.3.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* courts in the territorial jurisdiction by a central institution.

Assessment

Statistics received by the Ministry of Justice cover the entire territory of the country and include data from all courts, including the serious crime court. The smallest level of territorial aggregation for which data are available is the district level.

2.3.3.4. Timeliness and periodicity

Standard

Data from all courts should be *regularly* collected and reported.

Assessment

Minister of Justice Order No. 471/1 from 21 January 2002 prescribes the collection of statistical data every 3 months (quarterly) and an annual comprehensive statistical report at the end of the year.¹⁷ In particular, forms 1, 2 and 3 should be sent to the Ministry of Justice by the 20th of the month following the end of the quarter and within the month of January for the annual reporting. The compliance with these reporting requirements is generally satisfying.

Statistics are sent both on paper and in a CD-ROM attached to the paper copy (in some cases also by email). As soon as the Case Management System is fully in place, it will make automated data transmission possible.

¹⁶ Instruction no. 324, dated 21.01.2004 "On some amendments to Instruction no. 99, dated 07.01.2002 "On completion of statistical data"

¹⁷ It should be noted that courts with an automated Case Management System may automatically generate statistics for any given period.

2.3.4. Output (Production of Statistics)

2.3.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

Every three months, or as soon as statistics are received in Tirana, the Statistical Unit of the Ministry of Justice carries out some limited data validation (the most frequently noted problem is non matching totals). If inconsistencies are detected, they go back to the person who provided the data. Mistakes are made mainly because the reporting system is largely manual.

Data are analyzed annually by the Statistical Unit. The analysis' findings are presented mainly in the Annual Report, but some analyses are also provided on specific request (e.g. on the number of cases on trial for drug trafficking). At the moment, available human resources within the Statistical Unit are scarce. As the system was supposed to be completely automated by the end of 2007, staff was reduced from 3 persons plus the director, to currently only one specialist plus the director.

Given these constraints, the range of data analysis performed is limited. The only resource data available at the Ministry of Justice is the annual workload for every single judge, expressed as the number of completed criminal cases and penal requests by each judge in a given year. This information – which comes in monthly and then at the end of the year - is published in the annual report exactly as it is received (i.e. without any processing) from each district court. There is no possibility to calculate overall attrition rates from the police to the prosecution and court levels, as the statistical systems of the prosecution and court systems are not integrated.

2.3.4.2. Reporting and Dissemination

Standard

The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.

Assessment

Dissemination takes place mainly through the Annual Report of the Statistical Unit of the Ministry of Justice. The Annual Report is in Albanian and partly in English and can be downloaded from the website of the Ministry of Justice.¹⁸ The statistics are quite comprehensive and cover the number of court cases, criminal offences and convicted persons by all articles of the Criminal Code. The Annual Report is published around 3-4 months after the end of each year for the preceding year.

¹⁸ See Ministry of Justice, *Vjetari Statistikor 2008*, Tirana, 2008, available at www.justice.gov.al.

2.4. Statistics on Money laundering

Standard

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.¹⁹ The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by “third party” and “self-laundering”, by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.

Assessment

2.4.1. Institutions involved in data collection and production of statistics

The General Directorate for the Prevention of Money Laundering (GDPML) was established in 2001 within the Ministry of Finance and is the Albanian Financial Intelligence Unit (FIU). It has a total of 22 staff and enjoys administrative and budgetary independence.²⁰ As a FIU, the GDPML collects, analyzes and disseminates data on financial transactions suspected to involve crimes of money laundering and financing of terrorism but has no further investigative powers.

Data collection is organized at two levels: Data are collected first by the reporting entities and then centralized in the FIU. The entities subject to reporting are listed in the anti-money laundering law²¹ and comprise a large variety of bank and nonbank institutions involved in financial transactions, payment services, value transfers, insurance, gambling and other monetary and value transactions.

2.4.2. Data input

The definitions in Article 287 of the Criminal Code, on the “Laundering of criminal offence proceeds”, and on “Financing of terrorism” as defined by Articles 230/a to 230/d of the Criminal Code, are the basis for data collection purposes (see Annex VI). In addition to these articles, the key law regulating the activities of the GDPML, included data collection, is law n. 9917 of 19 May 2008 “On the prevention of money laundering and financing of terrorism”, which is the last of many amendments to the original anti-money laundering law of the year 2000.

The entities subject to reporting obligations according to the anti-money laundering law are required to report to the GDPML three types of transactions:

¹⁹ The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union. Eurostat plans to publish the first results of its data collection exercise in 2010.

²⁰ For more information, see: Albanian Financial Intelligence Unit, *Annual Report 2008, 2009*, available at <http://www.fint.gov.al/doc/RaportFinal2008.pdf>.

²¹ Law nr. 9917 of 19 May 2008. Article 3 lists reporting entities on the basis of the Third EU Money Laundering Directive.

- 1) any suspicious transactions, i.e. transactions suspected to be related to money laundering or terrorism financing, irrespective of the value thereof. The case should be immediately reported to the GDPML and instructions as to whether it should execute the transaction or not should be asked for. A response should be provided by the FIU within 48 hours;
- 2) all cash transactions equal to or greater than 1.500,000 (one million and five hundred thousand) LEK or its equivalent in other currencies;
- 3) all non-cash transactions equal to or greater than 6.000,000 (six million) LEK or its equivalent in other currencies executed as a single transaction or as a series of linked transactions.

2.4.3. Data flow

Data are entered daily as soon as a report comes in. Though the statistical report of the FIU is produced only annually, statistics could be generated for any time breakdown (even one single day).

In terms of geographical coverage of the reporting, this was very limited until recently, with reports coming mainly from reporting entities based in Tirana. Also, reports were received until recently mainly by banks, only in 2008 other entities have started reporting for the first time (e.g. car dealers; foundations/companies).²²

For reporting purposes, three standard forms – one for suspicion transactions, one for cash transactions above 1.500,000 LEK and another one for non-cash transactions above 6.000,000 LEK - are available.²³

The first form collects information on:

- 1) whether the suspicion refers to money laundering or to terrorism financing;
- 2) whether it is a new report or an update of a previously filed report;
- 3) information on the suspicious transaction, including: legal status of the person carrying out the transaction; generalities of the person, including name; family name; citizenship; date of registration; number and issuing authority of identity document; address; employment status; date of the transaction; amount; and currency;
- 4) information on the reporting entity: contact details; date of the report;

The second and third form collect information on:

- 1) the person carrying out the transaction (e.g. first name and family name; legal status; identification document; etc.);
- 2) the person on whose behalf the transaction has been carried out (same info as above);
- 3) the beneficiary of the transaction;
- 4) the transaction itself: date; currency and amount;
- 5) the reporting entity: name; contact details; date of the report.

The counting unit is the transaction, as originally reported to the FIU. Data inputted are exactly those on the standard forms. Information on each transaction is then updated

²² This expansion of coverage is also reflected in available statistics: From 2 suspicious activity reports in 2001 to 13 in 2006, 748 in 2007 and 152 in 2008. The number of value transaction reports received by the FIU increased from 61,342 in 2007 to 231,531 in 2008. This is due to many factors: expanded geographical coverage of the reporting, increased IT capacities, increased human resources (2 additional analysts), increased exchange of information with other authorities, legal changes (including decreases in the reporting threshold for non cash transactions (from 70 to 20 million LEK in 2003 and further down to 6 million LEK in 2008), the introduction of the obligation to report cash transactions above 1.5 million LEK and the increase of the list of reporting entities) and continuous inspections. See Albanian Financial Intelligence Unit, *Annual Report 2008*, pp. 29 - 33. In addition, advice is periodically provided from the FIU to the reporting entities in the form of current money laundering typologies and training.

²³ Forms can be downloaded from this Internet address: <http://www.fint.gov.al/index.php?mid=5>.

so as to keep track of the referral of suspicious cases to the prosecutor's office and of the referral of suspicious cases to the state police for further inquiry.

The media may transmit reports to the FIU depend on the circumstances. In case of suspicious reports, as it is necessary to move on very quickly, the report may be sent by email. In any case, transmission by post follows. Online reporting is starting, though difficulties in the electronic reporting of transactions have been highlighted.

As soon as a report comes in, the information is now inputted into an electronic case management program (run on a web based Oracle system) that centralizes data storage and data analysis. Until recently there was a mixed system (Excel files, paper).

When a case is inputted into the case management system, it is assigned two different unique identifiers: one is the protocol number of the report received by post; the second number is automatically generated by the system. These identifiers are not shared by the overall criminal justice system (e.g. prosecution).

2.4.4. Data output

Following the three categories of reporting obligations (as listed above), statistics are immediately available on three types of financial transactions reported to the FIU: suspicion transactions, cash transactions above 1.500,000 LEK; non-cash transactions above 6.000,000 LEK. Example of available statistics collected by the GDPML are:

- annual number of reports sent by entities, by type of entity;
- annual number of reports sent by a given entity, by geographical location;
- annual number of cases referred to the Police for further investigation, by offence type;
- annual number of cases referred to the Prosecution, by offence type.

These statistics are made available in the Annual Report of the FIU, available for download on the Internet.²⁴

²⁴ Annual reports can be downloaded at <http://www.fint.gov.al/index.php?mid=183>.

2.5. Statistics on Trafficking in Persons (TIP)

Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized, comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.²⁵ The data to be collected²⁶ comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

Assessment

2.5.1. Institutions involved in data collection and production of statistics

The Office of the National Coordinator on Combating Trafficking in Human Beings (THB), headed by the National Coordinator on THB, who is also the Deputy Minister of Interior, has been operative since September 2008 and has the task to implement the National Strategy Against THB. The Office deals with trafficking in persons, trafficking in women and trafficking in minors and administers the national Victims of Trafficking Database.²⁷

This database has been installed in a number of institutions, who are responsible for entering data on victims, namely: 1) The Ministry of Interior enters data on cases acknowledge by Police (border police and anti-trafficking unit); 2) The Ministry for Social Affairs and Equal Opportunities provides data gathered by five Reception centers for victim protection and rehabilitation²⁸; 3) The Ministry of Foreign Affairs enters data gathered from Albanian diplomatic missions and consular posts abroad.

2.5.2. Data input

In Albania, trafficking in persons is defined in compliance with Art. 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Person especially Women and Children, supplementing the UN Convention against Trans-national Organized Crime. The legal provisions on human trafficking are represented by the following articles of the Albanian Penal Code: Art. 110/a Trafficking in persons, Art. 114/b Trafficking in Women for prostitution and Art. 128/b Trafficking in Minors. The database on victims further distinguishes between victims of human trafficking and potential victims of trafficking.²⁹

²⁵ Republic of Austria, Federal Ministry of the Interior and IOM International Organization for Migration. Guidelines for the collection of data on trafficking in human beings, including comparable indicators. February 2009. Available at: http://www.emn.at/modules/typetool/prncludes/uploads/IOM_Vienna_AT_MoI_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf

²⁶ It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.

²⁷ The General Directorate of the State Police issued the Duty – Order of the General Director, no. 865, “On the data entry in the victims of trafficking Database”, on 26.12.2007. The database has been in operation since 2008. See: Evaluation Report – On the implementation of the national strategy against trafficking in human beings 2005 – 2007, Ministry of Interior, Office of the National Coordinator on Combating Trafficking in Human Beings, Tirana 2008, p. 14.

²⁸ One of these reception centres is funded by the state and the others are funded and run by NGOs.

²⁹ A potential victim of trafficking is someone who may have been trafficked but there is insufficient evidence/information to prove it and the person herself/himself does not admit it or does not explicitly identify herself/himself as a victim of

For each case of a suspected victim or potential victim of trafficking, the responsible authority gathers information related to its own competency and enters it into the victim database as a unit record.³⁰ Ideally, each unit record should compile the complete information from the various institutions, including information on the victim (name, place and date of birth, nationality, citizenship, etc.), the identification approach (institution, country, current assistance, etc.), data on the accommodation, information on the interview, data on the person who recruited the victim (place and date of birth, etc.), method of recruitment, current status, etc. (See Annex VII for the full list).

In addition to the database on victims of trafficking, another database on perpetrators of trafficking is currently under development with the assistance of ICMPD. At the time of report writing no further information on this database was available.

2.5.3. Data flow

The government has introduced new anti-trafficking structures at the local and national levels in 2006. A joint order of the responsible ministries of 2005 defines the tasks of institutions involved in the process, the National Referral Mechanism for Victims of Trafficking and the management of victim data. In addition, an order by the State Police defines the procedures to be conducted for Albanian and foreign citizens, who are returned from other countries: At all border-crossing points (BCPs), persons returned from other country are interviewed by border police in order to identify possible victims of trafficking. At BCPs where the electronic TIMS system is installed, data of the interviewed person are entered directly into the system.³¹ Returnees identified as victims of trafficking are then transported and accommodated in special premises in cooperation with the State Social Service and NGOs. In these premises victims and potential victims are identified and rehabilitated, and further data are integrated with those recorded by the Border Police.

Other data recording institutions, such as police units, reception centers and embassies collect data and enter them in a spreadsheet. Copies are then sent (on CD-ROM or USB stick) to the Office of the National Coordinator for THB. Data on cases already entered are integrated, avoiding overlapping and duplicates.

Data are entered in the Database on victims as soon as a suspected victim or potential victim comes to the attention of responsible authorities. Statistics could thus be broken down on daily basis but are normally compiled only annually.

Statistics on victims of trafficking cover the entire national territory. In addition, information on victims received from Albanian diplomatic missions and consular posts is entered into the database on victims of trafficking by the Ministry of Foreign Affairs.

2.5.4. Data output

trafficking or denies altogether being a victim of trafficking. The case is then referred to the competent police authorities for further investigations.

³⁰ The database runs on an Oracle platform and is part of the Total Information Management System of the Ministry of the Interior.

³¹ As of September 2009, the TIMS of the Ministry of Interior was operational at the Regional Police Directorates in Tirana, Durrës, Vlorë, and at the borders crossing points of Rinas, Kapshticë, Kakavijë, Port Of Durrës, Qafë Thanë, Han i Hotit, Morinë, Port of Vlorë, Murriqan, Tushemisht, Bllatë, Gorricë, Tre Urat, Qafe Botë and Port of Sarandë. (At present the system is being installed in all border crossing points).

The validation of data is guaranteed by the continuous update of information coming from the different institutions and entered in the database on victims. When the first responsible authority enter a case into the Database on Victims, the system automatically generates a unique code, referring to the person, that allows the monitoring of the case within the system. (However, the file number and unit record is generally not shared with other institutions for statistical purposes.) Unit records and names are encoded and different institutions are granted different levels of access rights to the database.

Considering the large amount of information collected, only limited analysis is performed on human trafficking statistics. Few criminal justice indicators are produced such as the number of victims identified and the percentages of women and children.

The Office of the National Coordinator on Combating Trafficking in Human Beings produces an Annual Report on human trafficking. The 2008/2009 report should become available online in the near future. In 2008, the Office of the National Coordinator on Combating Trafficking in Human Beings published the “Evaluation Report on the Implementation of the National Strategy Against Human Trafficking 2005 – 2007”. This report was published in Albanian and English and includes the following statistics on human trafficking and related crimes:

- police: cases, referred to prosecution, damaged parties, perpetrators, arrested persons, detained persons, persons remanded on bail, wanted persons; cases of trafficking in women and cases of trafficking in children;
- prosecution: cases transferred, registered, restarted, sent to trial, terminated, suspended, under investigation, adjudication concluded under adjudication;
- courts: total cases, non concluded cases, concluded cases of which declared guilty, declared non-guilty, suspended cases, returned cases to complete investigation, declared cases of incompetence.

2.6. Statistics on Crimes involving racism and xenophobia

Standard

While national criminal law in the EU on crimes involving racism and xenophobia is still diverse³², EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.³³ In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).³⁴ Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.³⁵ While non-binding, the reporting on these three broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported 'racist crimes', 'anti-Semitic crimes' and crimes with an 'extremist right-wing motive'; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).

Assessment

2.6.1. Data collection on crimes involving racism and xenophobia

Crimes involving racism and xenophobia are partially covered by the Criminal Code (Art. 265: Inciting hatred or quarrels between nationalities, races and religions and Art. 266: Call for national hatred) and are counted as offences under these Articles. Other crimes that are committed with specific racial, xenophobic or other hate motives may receive more severe punishments as crimes under aggravating circumstances (Art. 50 j of the Criminal Code). However, there are no regular statistics collected on crimes involving racist, xenophobic or other hate motives, though the police does collect some statistics on murders motivated by blood feuding.

³² Whilst exact wordings differ, national criminal law typically makes 'incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]' an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.

³³ See Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

³⁴ Data are collected by the FRA pursuant to Article 4(1)(a) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. See http://fra.europa.eu/fraWebsite/material/pub/FRA/reg_168-2007_en.pdf

³⁵ See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

3. International Reporting of crime and criminal justice data

3.1.1.1. Reporting of data at European level

Standard

At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and xenophobia, money laundering and trafficking in persons are under development at the European level.³⁶

Assessment

Up to 2009, Albania has not been covered by Eurostat's data collection efforts in the field of crime and criminal justice. However, based on the crime classification scheme according to the Criminal Code, Albania would be able to supply the required data on total crime, homicide, violent crime, robbery, theft of a motor vehicle, domestic burglary and drug trafficking. Crimes related to money laundering and the financing of terrorism as well as trafficking in persons are specific categories under the Criminal Code and are counted in separate forms (*Formular 12* and *Formular 8*, respectively) by the Albanian police. Crimes involving racism and xenophobia are partially covered by the Criminal Code (Art. 265: Inciting hatred or quarrels between nationalities, races and religions and Art. 266: Call for national hatred) and are counted under these Articles.

3.1.1.2. Reporting of data at UN level (CTS)

Standard

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

Assessment

Albania provided data for the 8th, 9th and 11th UN-CTS covering the years 2003 to 2008. Data for the 9th UN-CTS related to prosecution statistics only. No data were provided for the 10th UN-CTS. Data for the 11th UN-CTS are very comprehensive and cover police, prosecution, courts and prison statistics. Within the police section, data on all crime types were reported. Police recorded data on offenders covered only the number of juvenile perpetrators.

³⁶ It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.

3.2.1. Coordination

3.2.1.1. Focal point for crime and criminal justice statistics

Standard

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.³⁷ This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations. Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.³⁸

Assessment

Central offices in the Ministry of Interior (Unit of Statistics in the Department of Data Processing and Protection), the General Prosecutor's Office (Department of Study, Legal Research and Integration) and the Ministry of Justice (Unit of Statistics) are responsible for collecting and compiling crime and criminal justice data on the national level.³⁹ However, there is no internal coordination of data and no single contact point for the reporting of all crime and criminal justice data at the national and international level.

³⁷ Ecosoc Resolution 27/2007, para. 1

³⁸ Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9

³⁹ Art 6 paragraph 15 of the law on the organization and functioning of the Ministry of Justice stipulates that the Ministry is the authority that leads the unified justice statistical service.

4. Migration

4.1.1.1. Institutions responsible for data collection and management

The Department of Border and Migration (DBM) at the Ministry of Interior is the main institution responsible for migration in Albania, together with the Ministry of Labour and the Ministry of Foreign Affairs, which deal with migrant labour and visa issues, respectively. The DBM is responsible for monitoring migration flows and has a Directorate of Migration and Readmission (DMR) with two sectors, one on migration and one on return and readmission, and maintains several databases on migration. The DMR, and also the office of Risk Analysis responsible for analysing the data

4.1.1.2. Data on stocks and flows of immigrants and emigrants

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

Assessment

The current population registration system of Albania is not centralised and does not allow the production of statistics on immigration or emigration, nor on citizenship or country of birth.

The last census in Albania was carried out in April 2001. Only Albanian citizens and foreigners residing in Albania for one year or more have been counted. There was no update of the foreign population covered in the census since then.

The Total Information Management System (TIMS) is used by DBM and all operational services at Border Control Points (BCPs) which gather data (inspectors, assistant inspectors and investigation structures at the central and regional level) to enter data and to have access to data on migration. TIMS records all entries and exits at border crossing points.⁴⁰ Records made from the travel document of the traveller include: name, surname, sex, age, type of travel document, type of visa, place where visa was issued, border crossing point used, mode of travel (car, airplane, boat,..) and first destination after Albania; for foreigners also the stated purpose of travel (tourism, work, study, business, asylum, etc.) and whether the foreigner has a residence permit. The system can also link groups of travellers (tourist groups, families,..) entering together.

The entry-exit records is mainly used for certain operational purposes (for example, to search for visa overstayers among certain nationalities at the address of their stated hosts). According to the DBM this is now routinely done by order of the Minister of Interior. However, the large discrepancies between total entries and total exits recorded

⁴⁰ During the time of the UNODC/Transcrime research mission in September 2009, four small border crossing points were not yet connected to system.

by the system make the value of the system as an indicator for migration flows doubtful.⁴¹

Overall, the state of data collection on migration in Albania is in need of further development. There are no reliable data on either stocks or flows of immigrants in Albania and only the residence permits database can supply certain statistics on foreigners in Albania. The DBM is currently working on building the National Register of Foreigners (NRF), which will consist of four different modes of data collection: the online Total Information Management System (TIMS), manual data entry in special spreadsheets, written information, and external reports on migration. Since 15 February 2010, TIMS hosts the Electronic Register for Foreigners (ERF), which consists of five modules (border control, E-visa, E-working permit, E-residence permit, and Treatment of irregular foreigners at the border/in territory-sanctions). All responsible structures of the Ministries of Interior, Labour and Foreign Affairs as well as the State Security Service (SIS) have access to the ERF and can enter data for their respective fields of competence.

Until recently, foreigners have generally not been included in civil registries used in Albania. Only foreigners living in Albania permanently for more than 5 years have been required to be registered. The Ministry of Interior is currently working on a new system in which foreigners will be automatically included in the civil register from the time they become resident in Albania. Data will be automatically transferred from the NRF to the national civil status registry at the time when the application for a residence permit is accepted. This is a condition for the production of biometric residence permits. At the same time of transfer the foreigner receives automatically a unique personal identification number. Personal data on foreigners in the national civil registry will contain the same level of detail as for Albanians. Based on the data in the national civil registry, foreigners can be issued an I.D. card after 5 years of residence.

4.1.1.3. Residence permit data

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

Assessment

In Albania, all foreigners need to register their place of residence with the police after 30 days of residence in the country. If they reside in the country for more than 90 days, foreigners need a residence permit (irrespective of whether they needed a visa to enter or not). Since 2009, the duration of temporary residence permits can be 3, 6 or 9 months, 1 year or 2 years.⁴² After 5 years of continuous residence a permanent residence permit can be obtained.

⁴¹ The difficulties of using existing entry-exit recording systems for producing migration statistics have been well documented by the few functioning entry-exit systems in the world (Australia, Japan, Hong Kong). The challenges derive not only from the periodicity of entry and exit events outside the search period (e.g. entry in 2009 and exit in 2010), but also from other record-distorting events such as births and deaths, change of residence status, loss of travel documents, clandestine entries, acquisition and loss of citizenship (of foreigners and Albanian citizens) and the rate of mismatches produced by the system.

⁴² Up to 2008, the duration of residence permits was either up to 1 year, 5 years or unlimited.

Applications are submitted to one of 8 Regional Directorates of Border and Migration and are forwarded to the Directorate of Migration and Readmission (DMR) at the Department of Border and Migration at the General Directorate of Police for approval (as well as to the State Security Service (SIS) for possible denial). The DMR keeps records and statistics on residence permits applied for, approved and denied to foreigners in Albania. The data are first entered manually into simple Excel sheets and are then entered manually into the TIMS. At the moment the existing residence permit records are thus not fully integrated in the TIMS. However, it is planned that by February 2010 the DBM will start with pilot testing of online applications for residence permits, which shall later be integrated in the TIMS in real time. Since 15 February 2010, all personal records on applications, approvals and durations of residence permits are available online to all DBM units, including all BCPs, the Ministry of Labour, SIS, and others.

The records on residence permits include: name, date of birth, place of birth, citizenship, purpose of stay, duration of permit, place of application, number of the permit, place of residence in Albania. All residence permits issued are accorded a unique identifier number, so that the applications of individuals over the years can be followed and statistics on first-time permits and permit extensions can be extracted.

Statistics on residence permits are available upon justified request from the DBM. Available statistics refer to persons (even families require one permit per person) and are reported disaggregated by duration of permit, citizenship and the purpose of stay (work, religion, humanitarian, study, family reunion and asylum).

In particular, since the E-residence permit module as part of the NRF became fully operational in 2010, the following statistics and reports are regularly produced: number of residence permit issued according to: Type, Motive, Duration; Citizenship; Issuing Authority; Age group, Gender; Number of request for Residence permit refused: By Regional Directorate of DBM and Reasons; Refusing Authority; Citizenship; Sex and Age group; by Department of Border and Migration and Reasons for refusal; Structure proposing the refusal; Citizenship, Sex and Age group; Number of residence permits annulled by Motive; Citizenship; Sex; Age group; Issuing Authority; Place where the residence permit has been annulled; Type of the residence permit; Enforcement authority;

Albania is currently preparing for the introduction of residence permits with biometric identifiers (picture and fingerprints). The plans have already been approved by government and are currently at the procurement stage. Under a new procedure it is planned that when foreigners apply for a residence permit, a photo and fingerprints are sent directly to the contractor. The decision of the General Directorate of Police on the application will then be forwarded to the contractor, who can directly produce the secure residence permit. Applicants will be notified via a note on a special website about where and when to collect their residence permits.

4.1.1.4. Updating of records and registers

Standard

In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2008 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

Assessment

Until recently, data on residence permits have been kept manually in a simple Excel sheet by the Directorate of Migration and Readmission (DMR) at the Department of Border and Migration (DBM) of the General Directorate of Police (residence permits database). This database was not linked with the TIMS. It was regularly updated taking into account new, expired and changed residence permits but was not systematically updated in real time when someone left the country or changed her/his status. So, for example, if a residence permit holder left the country for good, he was not automatically deregistered from the database.⁴³

Since February 2010, data on residence permits are kept electronically in the E-residence permits module of TIMS. Data can now be integrated with the entry-exit records of the TIMS, where foreigners are identified in unit records by their ID or passport numbers. Consequently, when foreigners leave the country with the use of their ID or passport numbers, an exit record will be generated in the system. If a foreigner issued with a residence permit for 3 months to 2 years stays outside of Albania for more than six months, the system issues an “alert”. According to the law, the responsible authority at the regional level should now start the procedure for cancelling and annulling the residence permit and to record the decision in the register. The same procedures are to be followed when changing the status of a residence permit.

4.1.1.5. Data on the prevention of illegal migration

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

Assessment

The Total Information Management System (TIMS) records several different data items on the prevention of illegal migration.

First, it records **data on refused entries at the border**, including on the place of refused entry (by border control point –(BCP), details on citizenship, sex, age, country of origin, mode of travel, country from where the foreigner came to enter Albania, country where the foreigner is returned to, travel line of entry and return, and reason for the refusal (e.g. no visa, insufficient means of subsistence, entry ban order, etc). Consequently, TIMS also has a list of persons who have been denied entry previously.

Second, TIMS records data on **persons apprehended for illegal border crossing and/or illegal residence**, including personal details such as sex, age, ID number, time, date, place of apprehension (at a border crossing, inland, etc.), country of origin, etc. In addition, data on apprehended facilitators (of illegal migration) and on apprehended facilitated aliens are recorded in TIMS (see below). Depending on where a person is apprehended for illegal border crossing or illegal residence, it is either the border and

⁴³ On the other hand, when a foreigner with a residence permit dies, then there are certain procedures to be followed by the police (e.g. deciding whether to carry out an investigation or procedures required for the body to be flown abroad). Part of these procedures involve the DBM, which collects the necessary data and updates the residence permits database accordingly.

migration police or any other police force, that accompanies the apprehended person to the regional directorate of border and migration police, where the person is interviewed and all data are entered real time into the TIMS.

Third, TIMS records data on **removal orders and persons who actually left** voluntarily or were forcibly deported, including name, sex, age, citizenship, ID number, country to which the foreigner is returned, BCP of return, time period of return, modalities (with/without notice, with preliminary notice, etc.), any time ban to re-enter Albania, reasons for removal and entry into force of the removal order. Records are also made of the type and number of the travel document used, the place of detention, and details on the registration in TIMS. Fingerprints of removed persons may be taken.

Fourth, TIMS records data on **readmissions of Albanian citizens and foreigners**, including details on name, sex, age, country from where the person was returned, type of return (deported, returned at the border, whether according to an existing readmission agreements or not, etc), and whether the person was returned with or without documents. All returned Albanians are interviewed by the Border Guards and a record is made of whether the returnee identified was an illegal or smuggled migrant or a victim of trafficking in persons (if a victim of trafficking, the person is referred to the appropriate authorities and the data are integrated into the database of the National Coordinator on Human Trafficking).

Fifth, TIMS records data on **asylum applications made at the border** in real time. Asylum applications made within the country are recorded by the Department for Citizenship and Refugees (DCR) and are entered into the TIMS at a later stage.

Sixth, TIMS records data on foreigners arrested and on all administrative fines and criminal sanctions served to foreigners. These data are entered electronically by the responsible structures in the 'Treatment of irregular foreigners at the border/in territory-sanctions' module in TIMS, complete with personal details and other information.

Data on the prevention of illegal migration are also shared between the respective Ministries of Interior of Albania, BiH (Ministry of Security), Croatia, Montenegro, The former Yugoslav Republic of Macedonia and Serbia. In a Memorandum of Understanding of 20.11.2008, the Ministries of Interior (MoS for BiH) agreed to share statistical data on a monthly basis, through a designated National Contact Point, on the number of persons

- detected crossing the border illegally outside a border crossing point;
- detected crossing the border illegally at a border crossing point;
- detected as facilitators;
- detected staying illegally in the country;
- who have been refused entry into the country;
- as well as the number of submitted asylum requests (inland and at the border) and the number of detected false or falsified travel documents at border crossing points according to their type and country of issuance;

All of these statistics are to be disaggregated by citizenship. Data are exchanged electronically, in the form of templates and in English language.

4.1.1.6. Data on facilitated illegal migration

Standard

The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

Assessment

When persons suspected of illegal border crossing are detected, the eight Regional Departments of Border and Migration (RDBMs) are the responsible authorities for interviewing them at the border control point (BCP). Interviews of foreigners suspected of illegal residence in the territory are also carried out by RDBM personnel in the premises of the regional DBM. The purpose of the interview is to establish the status of the foreigners (e.g. irregular migrant, (potential) victim of trafficking or asylum seeker).

During the interview, a standard template (form) is filled out online in the TIMS. This form creates a unit record on each person apprehended for illegal migration and records the following⁴⁴: name, ID number, sex, date of birth, citizenship and country of birth; date and place of apprehension; fingerprints, photograph and other data. In addition, the RDBM also prepares event reports and sends them to the central DBM.

The RDBM has authority to investigate illegal migration, which is a criminal offence under Albanian law (Art. 297 of Criminal Code) and facilitated migration (smuggling of migrants, Art. 298 Criminal Code), in all cases when this is not considered an organized crime offence. Thus, the DBM collects and records data on persons suspected of illegal migration and of smuggling of migrants and these data are entered into the online TIMS.

However, when there is suspicion that a detected case of smuggling of migrants is committed by organized crime or in an organized form, then the case is transferred to the Sector against Trafficking of Human Beings under the Organized Crime Department, as it is under their jurisdiction to investigate this offence when committed by organized crime.

As for the reporting and transmission of data on illegal migration and facilitating illegal migration (Art. 297 and Art. 298 of the Criminal Code) the same procedure as for the recording of other criminal offences by the police applies.

Data on apprehended facilitators and apprehended facilitated aliens are reported every three and six months and in annual internal reports but these data are not regularly published by the DBM. Statistics are kept mainly for internal analysis, with short summary data occasionally disseminated on the police web-site. In addition, data have in the past been made available to international organizations upon request.⁴⁵

⁴⁴ The amount of information recorded depends also on the information available. For example, if a foreigner does not have an I.D. and does not disclose his identity and personal details, this information cannot be entered.

⁴⁵ These data include the number of persons apprehended for illegal border crossing (citizens and foreigners by citizenship), number of persons refused entry at the border, the number of criminal offences and offenders for illegal border crossing and the smuggling of migrants.

5. Asylum Statistics

5.1.1.1. Institutions responsible for data collection and management

The institutions responsible for the collection and management of asylum statistics are the Directorate of Citizenship and Refugees (DCR) and the Department of Border and Migration (DBM), both within the Mol.

5.1.1.2. Data input

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.

Assessment

Foreigners applying for asylum at the border or inland are interviewed by staff of one of the 8 Regional Directorates for Border and Migration either at the BCP where they were identified or within the territory. Interviews are held by the chief of the shift or a judicial police officer, in the presence of a translator.⁴⁶ An interview template is used. After the interview the status of the foreigner is decided – whether the foreigner is an asylum seeker, victim of trafficking, potential victim of trafficking or irregular immigrant.

After determining the status of a foreigner as asylum seeker, the RDBM immediately informs the Directorate of Citizenship and Refugees (DCR), which is responsible for asylum processing in the first instance, and the central DBM. The asylum seeker is then transported to the National Reception Centre for Asylum Seekers, where she or he must file the application for asylum within 10 days. For the application, the asylum seeker has to use an approved template. A person is included in the register of asylum seekers at the DCR when she or he formally applies for asylum. If the applicant is refused refugee status he or she has the right to appeal against the decision of the DCR to the National Commission for Refugees as the second instance institution.⁴⁷

There are different forms for the recording of data (interview form, application form, etc.) but there appears to be no overall system for recording and transmitting data. Information is also collected in other written documents.

Data collected at the BCP are transmitted to the RDBM and to the DCR. In addition, data are also transmitted from the National Reception Centre for Asylum seekers/Refugees (NRCR) to the DCR. The transmission of asylum data from the local/district to the central level takes place every time there is an application for asylum. The interviews conducted by BCP and RDBM personnel are recorded in the daily communication of the DBM and entered into the TIMS, so data can also be

⁴⁶ Women are interviewed by female police officers and for minors the assistance of a social worker is ensured.

⁴⁷ The National Commission for Refugees (NCR) is only involved when there is an appeal against the decision of the DCR. The latter acts as a Secretariat of the NCR, it prepares the documents and organizes the meetings of the NCR. It consists of a chairman and seven members from different ministries and institutions. The decision of the NCR is then recorded and reported by the DCR.

generated from TIMS. In future, it is planned that the whole information will be entered into the National Register for Foreigners.

5.1.1.3. Stock and flow data

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision).

Assessment

The Directory of Citizenship and Refugees (DCR) is responsible for managing data on asylum and keeps several registers on asylum seekers: for applications, for hearings, decisions and appeals. Files are kept manually in Excel format. Data recorded in the files include sex, birth data, citizenship and country of birth of the asylum applicant; date and type of application (first time, repeat application); date and type of asylum decision; fingerprints of the applicant and other data.

The statistics cover the whole territory of Albania no matter where the application was made or the person seeking asylum is located. Statistics include data from all authorities to whom asylum applications can be submitted (at the border or inland). The unit of count used to record data is the person. There is no numerical unique identifier used when recording data.

Data are systematically updated once new information about the personal file becomes available. According to the DCR, there are written rules regulating the way the data are to be recorded, but no copy of the rules was seen during the assessment.

Data are reported only annually and at national level. Data are available only for internal work analysis or when officially requested (e.g. by Albanian officials or by international organizations) and they are produced only in Albanian language. So far, no officially published data on asylum applications and decisions could be located. Existing data concern only overall totals and stem from international organizations, who receive the data from the Albanian Ministry of Interior. These data include the number of persons applying for asylum per year, by citizenship and the number of decisions on asylum applications (positive/negative).

6. Visa Statistics

6.1.1.1. Institutions responsible for data collection and management

The authority to issue visas at one of its Diplomatic Missions and Consular Posts (DMCPs) rests with the Ministry of Foreign Affairs (MoFA). The Ministry of Interior (Mol) and the State Security Service (SIS), however, have to be informed about each application and the Mol has to provide explicit approval⁴⁸ of each application (while the SIS does not have to respond but can deny a visa in case of security concerns).

Since 2010, the procedure for issuing a visa in Albania is online and the entire information related to the visa process is recorded and stored in the E-Visa Module, an online application tool within the Total Information Management System (TIMS) and part of the NRF.⁴⁹ Information on the visa applications is entered into the E-visa module directly by the DMCPs, after performing the standard procedure for accepting the visa application.⁵⁰

In addition to the visas issued through Albanian DMCPs abroad, in exceptional cases the RDBM is entitled to issue 72 hours visa and transit visas at the border crossing points as well as short-term visas for up to 15 days for humanitarian reasons or for tourists. The RDBM also enters the personal and administrative details of the applicant into the e-visa module within the TIMS and a record for statistical purposes is made that contains the same information as that by the MoFA. Data on visa applications at the border are subsequently available in aggregate form and broken down by BCPs from the DBM.

6.1.1.2. Visa-related indicators

Standard

Article 17 of Regulation (EC) No 767/2007 on the Visa Information System (VIS) is entitled 'Use of data for reporting and statistics' and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU *acquis* yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

Assessment

Once the basic information on the visa application has been entered into the E-visa module, the system performs a database search. In case there is information banning entry or restraining the person applying for a visa in the system, the system automatically enables only the registration of the application but does not allow for

⁴⁸ Approvals and denials of visas by the Mol are sent by email and also by fax. The fax is assigned a serial protocol number and is the official document for the MFA.

⁴⁹ Persons holding visas for entering Albania present their visas to the border guards and the date of entry is be registered in TIMS.

⁵⁰ As a general rule, all applications for visas must be made at DMCPs abroad and cannot be extended once in the country (only holders of long-term, type D, visas can apply for a residence permit from within the country).

continuation of the procedure for obtaining the visa. Thus, the decision for refusing the visa is taken by the consular personnel and is entered in the register.

After the information is entered into the system by the DMCPs, it is sent to the Consular Directorate in the MFA for approval, which in turn sends it for approval to the Mol and SIS for approval or denial, conforming to instruction no. 9486/1. of 11.08.2009 "On the procedure for issuing visa to foreigners". Replies from the Mol are normally received within 5-10 days. The Consular Directorate then notifies the DMCP whether the visa can be issued.

Once the visa is issued all the information is available online and can be accessed by relevant authorities, such as the Ministries for Foreign Affairs, Interior, Labour and SIS. In case a visa is cancelled or invalidated by the relevant authorities, the information is entered in the E-Visa Module in the NRF and can also be accessed by all relevant structures involved in the issuing of visa. If the foreigner is still in the country after the expiration of the visa, the system generates an "alert" (in practice, this is a list of all the persons who are overstaying), which can be used by the relevant police structures to locate visa overstayers.

From the visa application form⁵¹, the data recorded in the E-visa module are: Last name, first name, father's name, date of birth, place of birth (town and country of birth are noted in one column), sex, citizenship, passport number, reason for visa application, host name and address and tel. number, type of visa applied for (since 1.12.2008 this is A, B, C and D), date of application, place of application, way of sending it (email or fax), priority accorded to the application (1,2 or 3), date of preparation of file, status of application (approved or denied).

All visas and all statistics on visas are person-based and each person (including children) required to obtain a visa must hold a passport with the visa sticker inserted. However, new regulations on e-visa stickers will come into force in 2010 and the new stickers will state the number of persons allowed to enter on the particular visa.

While only limited statistics on visa were available up to 2009, since the E-visa module as part of the NRF became fully operational in 2010, the following statistics and reports are regularly produced:

For the Ministry of Foreign Affairs: Number of visa issued according to: Type; Motive; Duration; Citizenship; Issuing authorities and consular post; Sex and Age group; the Number of applications refused per Consular Posts according to: Reasons for refusal; Consular post refusing Visa; Citizenship; Sex and Age group; ; the Number of applications refused per Consular Directorate according to: Reasons for refusal; Structure proposing the refusal of visa; Citizenship; Sex and Age group; and the Number of Visa Annulled according to: Motive; Citizenship; Sex and Age group; Issuing Authority; Place where visa has been annulled; Type of the visa annulled; Authority that execute the annulling of the visa.

For the Ministry of Interior: the Number of visa issued in border according to: Type; Motive; Duration; Citizenship; Autorising authority for issuing visa; Sex and Age group; the Number of Visa application verified and approved according to: Type; Motive; Citizenship; Consular post where application has been filed; Sex and Age group; the Number of visa application verified and refused according to: Type; Motive; Citizenship Reasons for refusal according to: Legal conditions not fulfilled by the

⁵¹ The visa applicant submits: name, father's name, birthdate, place of birth, sex, citizenship, passport number, place of application, type of visa requested, time period applied for, name and address of host, reason for stay.

applicant; Conditions not fulfilled by the host/invitor; Restraining or banning orders against the applicant; Data for involvement in human beings trafficking or smuggling; Consular post where the application has been filed; Sex and Age groups.

7. Victimization Surveys

7.1.1.1. The role of crime victimization surveys

Standard

Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both *prevalence* and *incidence* estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.

Assessment

The fourth round of the International Crime Victimization Survey (ICVS) was conducted in 2000 in Tirana. High interview costs were the main reason for restricting the survey to urban areas only. UNICRI was in charge of the overall organization of the work, and in order to promote standardization, UNICRI contracted Gallup to conduct the ICVS in Tirana using face-to-face interviews. The sample size was 1,498 in Tirana with a very high response rate (93.9 percent).⁵² The report “Criminal victimisation in urban Europe”⁵³ shows that overall victimisation by eleven types of conventional crime was fairly high in Tirana (prevalence rate 32 percent). Overall satisfaction with the police was at 44 percent.

The National Statistical Institute (INSTAT) has not carried out any crime victimization survey in Albania.

⁵² The ICVS includes questions on 11 types of conventional crime: theft of car, theft from car, car vandalism, theft of motorcycle, burglary, attempted burglary, robbery, theft of personal property, sexual offences and assault/threat. The survey also contains questions on consumer fraud, corruption, satisfaction with the police, fear of crime and attitudes to punishment.

⁵³ See: Alvazzi del Frate, Anna and van Kesteren, John (2004), Criminal Victimization in Urban Europe, Key Findings of the 2000 International Crime Victim Surveys, UNICRI, Turin

Annex I

Crime Categorization according to Albanian Criminal Code Chapters

Chapter	Category of Crime	Articles
Chapter 1	Crimes against Humanity	73 – 75
Chapter 2	Crimes against Life and Health divided into 10 sections	76 – 133
Chapter 3	Crimes related to Property or Economy, divided into 11 sections	134 - 200
Chapter 4	Crimes against Environment	201 - 207
Chapter 5	Crimes against Independence and Constitutional Order, divided into 2 sections	208 - 225
Chapter 6	Crimes Encroaching Relations With Other States	226 - 229
Chapter 7	Terrorist Acts	230 - 234
Chapter 8	Crimes Against The State Authority, divided into 4 sections	235 - 299
Chapter 9	Crimes Against Justice	300 - 324
Chapter 10	Crimes Affecting Free Elections And The Democratic System Of Elections	325 - 332
Chapter 11	Crimes Committed By An Armed Gang Or Criminal Organization	333 - 335

Annex II

Classification Scheme for Crimes according to the Albanian Criminal Code

CLASSIFICATION SCHEME FOR CRIMES AGAINST LIFE AND HEALTH (FORMULAR 1)

Crimes against individuals including:

A. Crimes against Life

1. Willful Murder (Art. 76)
2. Willful murder in connection with another Crime (Art. 77)
3. Premeditated Murder/*Vrasje me* (Art. 78)
4. Murder under other (Art. 79; commas a,b,ç,d,d,h,e,ë)
5. Murder of an Infant (Art. 81)
6. Murder committed in a state of serious psychic Disturbance (Art. 82)
7. Murder committed beyond the bounds of necessary defense (Art. 83)
8. Murder from negligence (Art. 85)
9. Attempted Murder

B. Crimes against Health

1. Torture (Artt. 86, 87)
2. Willful serious injury (Art. 88)
3. Serious injury in a state of serious psychic disturbance (Art. 88/a)
4. Serious injury committed beyond the bounds of necessary defense (Art. 88/b)
5. Serious injury from negligence (Art. 91)
6. Light willful injury (Art. 92) (?)
7. Hiding or destroying a corps (Art. 303)

CLASSIFICATION SCHEME FOR SEXUAL CRIMES (FORMULAR 2)

1. Sexual or homosexual relations with minors (Art. 100)
2. Sexual or homosexual relations by force with minors between 14 and 18 years old (Art. 101)
3. Sexual relations by force with adults (Art. 102)
4. Homosexual relations by force with adults (Art. 102/a)
5. Sexual or homosexual relations with persons unable to defend themselves (Art. 103)
6. Sexual or homosexual relations by threat or the use of arms (Art. 104)
7. Sexual or homosexual relations by the abuse of office (Art. 105)
8. Sexual or homosexual relations with persons who are related or under guardianship (Art. 106)

CLASSIFICATION SCHEME FOR CRIMINAL OFFENSES AGAINST PERSONAL FREEDOM (FORMULAR 3)

1. Kidnapping a person or holding him hostage (Art. 109)
2. Kidnapping a person or holding him hostage under extenuating circumstances (Art. 109/a)
3. Forcing through blackmail or violence for submission of the wealth (Art. 109/b)
4. Unlawful deprivation of liberty (Art. 110)

CLASSIFICATION SCHEME FOR ROBBERY AND DESTRUCTION OF PROPERTY (FORMULAR 4)

1. Robbery (Art. 139)
2. Armed robbery (Art. 140)
3. Theft causing death (Art. 141)
4. Theft of works of art and culture (Art. 138)
5. Destruction of property (Art. 150)
6. Destruction of cultural works (Art. 160)
7. Collision of mass transport vehicles (Art. 162)

CLASSIFICATION SCHEME FOR THEFT OF VEHICLES (FORMULAR 5)

1. Theft (Art. 134)
2. Robbery [Theft with violence] (Art. 139)
3. Armed robbery/ *Vjedhja me arme* (Art. 140)
4. Theft causing death (Art. 141)

CLASSIFICATION SCHEME FOR OTHER THEFT (FORMULAR 6)

1. Theft (Art. 134)
2. Theft of works of art and culture (Art. 138)

CLASSIFICATION SCHEME FOR TERRORIST ACTS (FORMULAR 7)

- A. Crimes against Humanity
 1. Genocide (Art. 73)
 2. Crimes against humanity (Art. 74)
 3. War crimes (Art. 75)
- B. Crimes against Life: Murder under other qualifying (Art. 79)
- C. Crimes against Personal Liberty: Hijacking airplanes, ships and other vehicles (Art. 111)
- D. Crimes Against the Environment
 1. Transporting toxic waste (Art. 202)
 2. Water pollution (Art. 203)
- E. Crimes Against Independence and Integrity
 1. Surrendering territory (Art. 208)
 2. Surrendering armed forces (Art. 209)
 3. Agreement to surrender territory (Art. 210)
 4. Provoking war (Art. 211)
 5. Agreement for armed intervention (Art. 212)
 6. Giving secret information (Art. 213)
 7. Securing information (Art. 214)
 8. Damaging defense objects (Art. 215)
 9. Securing means for the destruction of military technology (Art. 216)
 10. Receiving compensation (Art. 217)
 11. Putting to service of foreign states (Art. 218)
- F. Crimes against the constitutional order
 1. Assassination (Art. 219)
 2. Treason (Art. 220)
 3. Uprising (Art. 221)
 4. Calls to arms or wrongly taking command (Art. 222)
 5. Creation of unconstitutional parties and associations (Art. 224)
 6. Dissemination of unconstitutional writings (Art. 225)

- G. Crimes that offend representatives of foreign States
 - 1. Violent actions against the representatives of foreign states (Art. 226)
 - 2. Insulting the representatives of foreign states (Art. 227)
- H. Terrorist Acts
 - 1. Terrorist acts (Art. 230)
 - 2. Violent acts against property (Art. 231)
 - 3. Dissemination of hazardous substances (Art. 232, Art. 232/a, Art. 232/b)
 - 4. Creation of armed crowds (Art. 233)
 - 5. 570105 Production of military arms (Art. 234)
 - 6. Terrorist organizations (Art. 234/a)
 - 7. Armed bands (Art. 234/b)
- I. Criminal offenses against public security and order
 - 1. Inciting hatred or quarrels between nationalities, races and religions (Art. 265)
 - 2. Call for national hatred (Art. 266)
 - 3. Rebellion of prisoners (Art. 270)
 - 4. Production of military arms and ammunition and keeping them without a license (Art. 278)
 - 5. Training for illegally producing and using weapons and other dangerous substances (Art. 282/b)

CLASSIFICATION SCHEME FOR ILLEGAL TRAFFICKING (FORMULAR 8)
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- A. Trafficking in Persons: Trafficking of human beings (Art. 110/a, breakdown for paragraphs I – V)
- B. Prostitution
 - 1. Prostitution (Art. 113)
 - 2. Exploitation of prostitution (Art. 114)
 - 3. Exploitation of prostitution under aggravating circumstances (Art. 114/a)
 - 4. Maintaining premises for prostitution (Art. 115)
- C. Trafficking in women for prostitution (Art. 114/b, breakdown for paragraphs I – V)
- D. Trafficking of children (Art. 128/b, breakdown for paragraphs I, II, IV)
- E. Theft of works of art and culture (Art. 138, breakdown for paragraphs I, II)
- F. Trafficking in motor vehicles (Art. 141, breakdown for paragraphs I, II)
- G. Trading and transporting goods that are contraband (Art. 178, breakdown for paragraphs I, II)
- H. Trafficking in explosive, flammable, poisonous and radioactive substances (Art. 282/a, breakdown for paragraphs I, II)
- I. Giving aid for the unlawful crossing of the border (Art. 298, breakdown for paragraphs I - V)

CLASSIFICATION SCHEME FOR DRUG RELATED CRIMES (FORMULAR 9)
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- 1. Production and sale of narcotics (Art. 283)
- 2. Trafficking in narcotics (Art. 283/a)
- 3. Creation of facilities for getting and using drugs (Art. 283/b)
- 4. Cultivation of narcotic plants (Art. 284)
- 5. Organization and direction of criminal organizations (Art. 284/a)
- 6. Assistance in the uncovering of crimes (Art. 284/b)
- 7. Production and fabrication of narcotic and psychotropic substances (Art. 284/c)
- 8. Production, of trading in and unlawful use of precursors (Art. 284/ç)
- 9. Keeping, producing and transporting chemical substances (Art. 285)
- 10. Adapting premises for drug use (Art. 285/a)
- 11. Inciting the use of drugs (Art. 286)
- 12. Unlawful use of high technology (Art. 286/a)

CLASSIFICATION SCHEME FOR ECONOMIC AND FINANCIAL CRIMES (FORMULAR 10)

- A. Theft
 - 1. Theft (Art. 134)

2. Theft of banks and savings boxes (Art. 136)
- B. Fraud
 1. Fraud (Art. 143)
 2. Fraudulent and pyramidal schemes (Art. 143/a)
 3. Fraud with subsidies (Art. 144)
 4. Insurance fraud (Art. 145)
 5. Credit fraud (Art. 146)
 6. Fraud in works of art and culture (Art. 147)
 7. Publication of the work of another in one's own name (Art. 148)
 8. Unjust reproduction of the work of another (Art. 149)
- C. Criminal offenses committed in commercial companies
 1. Compilation of false declarations (Art. 163)
 2. Abuse of competencies (Art. 164)
 3. Falsification of signatures (Art. 165)
 4. Irregular issuance of shares (Art. 166)
 5. Wrongly holding two positions (Art. 167)
 6. Giving false information (Art. 168)
 7. Revealing company secrets (Art. 169)
 8. Failure to make obligatory notations (Art. 170)
 9. Unlawful employment (Art. 170/a)
- D. Crimes in the field of Customs
 1. Contraband with prohibited goods (Art. 171)
 2. Contraband with goods subject to excise tax (Art. 172)
 3. Contraband with licensed goods (Art. 173)
 4. Contraband with other goods (Art. 174)
 5. Contraband by an employee related to customs activity (Art. 175)
 6. Contraband of cultural things of value (Art. 176)
 7. Contraband with goods of an intermediate regime (Art. 177)
 8. Trading and transporting goods that are contraband (Art. 178)
 9. Keeping or depositing contraband goods (Art. 179)
- E. Crimes related to taxes
 1. Hiding income (Art. 180)
 2. Failure to pay taxes and fees (Art. 181)
 3. Failure by the tax organs to perform their duties (Art. 181/a)
 4. Changing measuring apparatus (Art. 182)
 5. Production and sale of food and other substances that are dangerous to health (Art. 288)
 6. Unlawful production of industrial and food goods and articles (Art. 228/a)
 7. L. 9662 of 18.12.06
- F. Falsification of money and securities
 1. Falsification of money (Art. 183)
 2. Falsification of securities (Art. 184)
 3. Production of means to falsify (Art. 185)
- G. Falsification of documents
 1. Falsification of documents (Art. 186)
 2. Falsification of school documents (Art. 187)
 3. Falsification of health documents (Art. 188)
 4. Falsification of identity documents, passports or visa (Art. 189)
 5. Falsification of seals, stamps or forms (Art. 190)
 6. Falsification of civil status documents (Art. 191)
 7. Production of means to falsify documents (Art. 192)
- H. Criminal offenses in the field of bankruptcy
 1. Provoked bankruptcy (Art. 193)
 2. Hiding a situation of bankruptcy (Art. 194)
 3. Hiding property after a bankruptcy (Art. 195)
 4. Violation of obligations (Art. 196)

- I. Unlicensed conduct of games of chance
 1. Organization of unlicensed lotteries (Art. 197)
 2. Making premises available for unlicensed game (Art. 198)

CLASSIFICATION SCHEME FOR CORRUPTION (FORMULAR 11)
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- A. Corruption
 1. Asking or reception of remuneration for adoption procedures (Art. 124/a)
 2. Active corruption in the private sector (Art. 164/a)
 3. Passive corruption in the private sector (Art. 164/b)
 4. Unlawfully obtaining interests (Art. 257)
 5. Active corruption of persons exercising public functions (Art. 244)
 6. Active corruption of high state functionaries or local elected officials (Art. 245)
 7. The exercise of unlawful influence on persons who exercise public functions (Art. 245/1)
 8. Passive corruption of persons who exercise public functions (Art. 259)
 9. Passive corruption of high state functionaries or local elected officials (Art. 260)
- B. Criminal offenses against state activity performed by state employees or those in public service
 1. Theft committed through abuse of office (Art. 135)
 2. Abuse of office (Art. 248)
 3. Performance of arbitrary actions (Art. 250)
 4. Keeping a person in prison without a decision (Art. 252)
 5. Violation of the equality of citizens (Art. 253)
 6. Impeding and violating the secrecy of correspondence (Art. 255)
 7. Abuse of contributions given by the state (Art. 256)
 8. Failure by the tax organs to perform their duties (Art. 181/a)
 9. Violating the equality of participants in tenders or public auctions (Art.258)
- C. Crime against State Secrets
 1. Trading in a state secret by the person to whom it was entrusted (Art. 294)
 2. Trading in a state secret by a citizen (Art. 295)
- D. Crime against Justice
 1. False expertise (Art. 309)
 2. Active corruption of a witness, expert or translator (Art. 312)
 3. Seeking or receiving compensation (Art. 319)
 4. Passive corruption of judges, prosecutors and other functionaries of justice organs (Art. 319/a)
- E. Giving rewards and promises (Art. 328)
- F. Other Crimes
 1. Exemption from serving the sentence (Art. 245/2)
 2. Refusing to declare, non-declaration or false declaration of assets by elected officials and public servants (Art. 257/a)
 3. Performance of a function after it has ended (Art. 249)

CLASSIFICATION SCHEME FOR MONEY LAUNDERING (FORMULAR 12)
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- A. Financing Terrorism
 1. Financing of terrorism (Art. 230/a)
 2. The hiding/concealing of funds and other wealth/goods that finance terrorism (Art. 230/b)
 3. Giving information from persons that carry public functions or persons on duty or in exercise of the profession (Art. 230/c)
 4. The performance of the services and actions with identified persons (Art. 230/ç)
 5. Gathering of funds for financing of terrorism (Art. 230/d)
- B. Money Laundering
 1. Laundering the proceeds of a criminal offence (Art. 287)
 2. Opening anonymous accounts (Art. 287/a)
 3. Keeping or depositing contraband goods (Art. 179)

CLASSIFICATION SCHEME FOR DOMESTIC VIOLENCE (FORMULAR 13)

1. Murder (Artt. 76-83, 85)
2. Causing suicide (Art. 99)
3. Willful serious injury (Artt. 88, 88a)
4. Light willful injury (Art. 89)
5. Sexual Crimes (Artt. 100-107)
6. Exploitation of prostitution (Art. 114)
7. Shameful actions (Art. 108)
8. Trafficking (Art. 110/1, 114/b, 128/b)
9. Kidnapping (Artt. 109, 109/a)
10. Torture (Artt. 86, 87)
11. Interruption of pregnancy without the consent of the woman (Art. 93)
12. Abandoning minor children (Art. 124)
13. Failure to supply means for living (Art. 125)
14. Unjust taking of a child (Art. 127)
15. Compelling or impeding living together or dissolving a marriage (Art. 130)
16. Failure to give assistance (Art. 97)
17. Threat (Art. 84)
18. Insult (Art. 119)
19. Destruction of Property (Artt. 150-154)
20. Violating the residence (Art. 112)
21. Other (Artt. 90, 91, 92, 120, 261, 121, 134, 139, 275)

CLASSIFICATION SCHEME FOR CRIME PREVENTION AND COMMUNITY POLICING (FORMULAR 15)

- A. Crimes against Life
 1. Serious threat for revenge or blood vengeance
 2. Inciting revenge
 3. Threats
- B. Criminal offenses against Health
 1. Light voluntary injury
 2. Other voluntary damage (Art. 90)
 3. Negligent damage
- C. Criminal offenses that endanger life and health from the interruption of pregnancy or failure to give assistance
 1. Interruption of pregnancy (Artt. 93, 94, 95)
 2. Negligent medical treatment
 3. Failure to give assistance (Artt. 97, 98)
 4. Causing suicide (Art. 99)
- D. Sexual Crimes
 1. Sexual or homosexual relations in public places
 2. Shameful actions
 3. Violating the residence
- E. Crimes against morals and dignity
 1. Pornography (Art. 117)
 2. Violating graves (Art. 118)
 3. Insult (Art. 119)
 4. Other crimes against morals and dignity (Artt. 120, 121, 122, 123)
- F. Crimes against Children, Marriage and the Family
 1. Abandoning minor children
 2. Unjust taking of a child
 3. Other (Artt. 125, 126, 128, 128/a, 129, 130)
- G. Crimes against freedom of belief (Artt. 131, 132, 133)

- H. Crimes against property
 - 1. Theft
 - 2. Theft of electric energy or telephone impulses (Art. 137)
 - 3. Securing vehicles for theft
- I. Robbery (Art. 143 par. I-re)
- J. Destruction of Property (Artt. 157, 158, 159, 161)
- K. Crimes committed in commercial companies (Art. 170/b???)
- L. Crimes that violate the legal land regime (Artt. 199, 200)
- M. Crimes against the environment (Artt. 201, 204, 205, 206, 207)
- N. Crimes against state authority committed by a citizen (Artt. 223, 225)
- O. Crimes that violate relations with other states (Artt. 228, 229)
- P. Crimes against the authority of the state
 - 1. Crimes against state authority committed by a citizen (Artt. 235, 236)
 - 2. Opposition to an employee of the public order police
 - 3. Attacks against members of a family of a person who performs a state duty (Art. 243)
 - 4. Other (Artt. 237, 238, 239, 240, 241, 246, 247)
- Q. Crimes against state activity performed by state employees or those in public service (Artt. 251, 254)
- R. Crimes against public security and order
 - 1. Trafficking in arms and ammunition (Art. 278/2, 3, 279, 280)
 - 2. Violation of the rules about poisonous substances (Artt. 281, 282)
 - 3. Throwing away or abandoning syringes/ (Art. 285/b)
 - 4. Violation of the rules of protection at work (Artt. 289, 292)
 - 5. Violation of the rules of road circulation (Artt. 290, 291, 273)
 - 6. Breach of public peace (Art. 274)
 - 7. Self vengeance (Art. 277)
 - 8. Other (Artt. 261, 262, 263, 264, 267, 268, 269, 271, 272, 275, 276, 287/b, 293)
- S. Crimes against state borders and secrets (Artt. 295, 296, 299)
- T. Crimes against justice
 - 1. Failure to denounce a crime (Art. 300)
 - 2. False denunciation (Artt. 305, 305/a,b)
 - 3. Other (Artt. 301, 302, 304, 306, 307, 308, 310, 311, 312/a, 313, 313/a, b, 314, 315, 316, 317, 318, 320, 320/a, 321, 323, 324)
- U. Criminal Acts Affecting Free Elections and the Democratic System of Elections (Artt. 325, 327, 329, 330, 331, 332)

CLASSIFICATION SCHEME FOR BORDER AND MIGRATION
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- A. Crimes Against Life and Health: Failure to give assistance by the captain of a ship (Art 98)
- B. Crimes in the field of Customs
 - 1. Contraband with prohibited goods (Art. 171)
 - 2. Contraband of cultural things of value (Art. 176)
- C. Falsification of documents
 - 1. Falsification of identity documents, passports or visas (Art. 189)
 - 2. Falsification of seals, stamps or forms (Art. 190)
- D. Crimes against the environment
 - 1. Water pollution, (Art. 203)
 - 2. Prohibited fishing (Art. 204)
- E. Criminal offenses against state authority committed by a citizen
 - 1. Opposition to an employee of the public order police (Art. 236)
 - 2. Insult because of duty (Art. 239)
- F. Crimes against state borders and secrets
 - 1. Unlawfully crossing the state border (Art. 297)
 - 2. Giving aid for the unlawful crossing of the border (Art. 298)
 - 3. Violation of the rules about flights (Art. 299)
 - 4. Failure to give assistance by the captain of a ship (Art. 98)

Annex III
 Statistics on Crimes against Life and Health
 Formular A) for Crimes Against Life and Health

Criminal Offences according to Articles	Undetected old crimes	Crimes				Cases			
		Recorded		Detected from Recorded	Detected old		Reported to prosecutor	Investigation from Judicial Police	Sent to trial
		Total	In town		Total	from previous 3 months of the year			
2	3	4	5	6	7	8	9	10	11

Formular A) for Crimes Against Life and Health (continued)

Injured persons					Undetected Crimes					Detected Cases in %	
Total	Up to 14	14 - 18 old	Female	Businessmen	Foreigners	Total	Of these		Pursued		
							Old	Recorded	Against the person		The event
12	13	14	15	16	17	18	19	20	21	22	23

Formular B) for Authors of Crimes Against Life and Health

CRIME AUTHORS														
Criminal Offences according to Articles	Total	Proceeding vs person	With Criminal Record	In cooperation	Structured Criminal Grp	Armed gang	Crimina Org	Recidivist		Age				
								Total	Of the same crime	Up to 14	14 to 18	19 To 26	26 To 45	Over 45
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Formular B) for Authors of Crimes Against Life and Health (continued)

Residing in town	For- eigners	Female	Education				Un- employed	Remand Order			Absconding		
			Pre-liminary	8 yrs	High school	Uni- versity		Arrested in spot	Detained	On Bail	Total	Wanted	Pursued the event
17	18	19	20	21	22	23	25	25	26	27	28	29	30

Annex IV

Statistics on Criminal Prosecution Indicators according to (judicial) Districts Model Pr 1Vp

Article of the criminal code

Data on cases

Not initiated: number of cases; number of defendants; number of defendants under arrest; appealed to courts (number of appeals/not overruled/overruled); appealed to prosecutor; total overruled

Pending: number of cases, number of defendants; number of defendants under arrest

Initiated: number of cases, number of defendants; number of defendants under arrest

Re-initiated:

– Dismissed: number of cases, number of defendants; number of defendants under arrest

– Suspended: number of cases, number of defendants; number of defendants under arrest

Transferred: number of cases, number of defendants; number of defendants under arrest

Dismissed: number of cases (no crime committed; lack of evidence; other; total); number of defendants (no crime committed; lack of evidence; other; total; under arrest); number of appeals to court (number of appeals/not overruled/overruled); number of appeals to prosecutor; total number overruled

Suspended: number of cases (author not known; no criminal responsibility; total); number of defendants; number of defendants under arrest

Sent to trial: number of cases; number of defendants; number of defendants under arrest

Under investigation: number of cases; number of defendants; number of defendants under arrest

Under trial: number of cases; number of defendants; number of defendants under arrest

Concluded: number of cases; number of defendants; number of people convicted; number of people acquitted; number of charges dismissed

Prosecutor's requests: fine; imprisonment (min.; max.; average; life imprisonment, etc.); withdraw; charge dismissal; case dismissal; acquittal

Court decision: fine; imprisonment (min.; max.; average; life imprisonment, etc.); withdraw; charge dismissal; case dismissal; acquittal

Prosecutor's appeals

Data on defendants

- Number of minors aged 14-18 by gender (male, female, total)
- Number of adults by gender (male, female, total)
- Number of all defendants (minors aged 14-18 + adults) by gender (male, female, total)
- Number of foreign defendants (foreigners, stateless, etc.)
- Number of defendants by level of education (up to 9 years; high school, university, total)
- Number of defendants by employment status: total public sector (officer; high level civil servant; medium level civil servant; low level civil servant; etc.; total private sector; unemployed)
- Number of defendants who are police officers by rank (high rank; medium rank; basic rank; total)
- Number of defendants by place of residence (town; municipality; total)
- Number of defendants by criminal records (recidivism - same offence; recidivism - different offences; no prior criminal records; total)

Data on victims

- Number of victims under 18 by gender (male; female; total)
- Number of victims over 18 by gender (male; female; total)

Damages

- Number of cases with consequences to health, by type of consequence (death; serious injury; non serious injury)
- Number of cases with economic damages in LEK, by typology of victim (against the State; against the private sector)
- Compensation (in LEK)

<i>Procedural expenses (in LEK)</i>

Annex V

Form 1, on *criminal* cases registered in court is organized as follows:

- 1) article of the Criminal code (and other laws with criminal provisions)

Dynamics of the cases:

- 2) pending cases, i.e. open cases at the beginning of the reporting period
- 3) incoming cases, i.e. the cases which were incoming in the reporting period
- 4) incoming cases for retrial after annulment, i.e. cases annulled and remanded for retrial by the Court of Appeals and the Supreme Court
- 5) incoming cases after re-investigation
- 6) total number of cases – the sum of 2) – 5)

Completed Cases:

- 7) by verdict of guilty, i.e. cases in which the trial resulted in conviction
- 8) by verdict of not guilty, i.e. cases in which the trial resulted in acquittal
- 9) by decision of annulment
- 10) by decision of return for re-investigation, i.e. cases which were terminated because they have to be reinvestigated
- 11) no competence, i.e. cases terminated because the judge was not competent
- 12) total of completed cases, i.e. all terminated cases in the reporting period
- 13) total of uncompleted cases, i.e. cases not terminated in the reporting period

Duration of trial:

- 14) up to 2 months
- 15) more than 2 up to 6 months
- 16) more than 6 months up to 1 year
- 17) more than 1 year

Appeals:

- 18) appeal by prosecutor
- 19) appeal by defendant
- 20) appeals in total
- 21) recourse by prosecutor
- 22) recourse by defendant
- 23) recourses in total
- 24) appeals and recourses in total – the sum of 20) and 23)

Criminal law requests:

- 25) jail arrest, i.e. cases with request for custody
- 26) house arrest, i.e. cases with request for house arrest
- 27) order to appear before judicial police; i.e. cases with request of appearing at judicial police
- 28) arrest in absence, i.e. cases with request of arrest in absence

- 29) review of security measure
- 30) property guarantee
- 31) recognition of foreign criminal order
- 32) other criminal requests
- 33) in total, i.e. sum of 25) – 32)

Form 2, on *tried persons*, is organized in the following sections and columns:

- 1) article of the Criminal code (and other laws with criminal provisions)

The adjudicated persons:

- 2) convicted persons – number of persons who were convicted
- 3) not guilty – number of persons acquitted
- 4) subject to annulled cases
- 5) in total – total number of adjudicated persons, i.e. sum of 1) – 4)

- 6) females – number of adjudicated females
- 7) recidivists in general – number of persons who had committed a different criminal offence before
- 8) recidivists committing the same crime – number of persons who repeated the same offence
- 9) no education – number of adjudicated persons with no education
- 10) educated – number of adjudicated persons with education

Sentence term:

- 11) fined – persons who were fined for their criminal act
- 12) up to 2 years imprisonment – persons convicted up to 2 years
- 13) more than 2 – up to 5 years imprisonment – persons convicted from 2-5 years
- 14) more than 5 – up to 10 years imprisonment – persons convicted from 5-10 years
- 15) more than 10 – up to 25 years imprisonment – persons convicted from 10-25 years
- 16) life imprisonment – persons convicted to life imprisonment
- 17) total

The adjudicated minors:

- 18) convicted – number of minors convicted
- 19) not guilty – number of minors acquitted
- 20) subject to annulled cases
- 21) in total – total number of adjudicated minors

- 22) females – number of adjudicated female minors
- 23) recidivists in general – number of minors who had committed a different criminal offence before
- 24) recidivists committing the same crime – number of minors who repeated the same offence
- 25) without education – number of adjudicated minors with no education
- 26) with education – number of adjudicated minors with education

Sentence term (minors):

- 27) fined – minors who were fined for their criminal act
- 28) up to 2 year imprisonment – minors convicted up to 2 year
- 29) more than 2 – up to 5 years imprisonment – minors convicted from 2-5 years
- 30) more than 5 – up to 10 years imprisonment – minors convicted from 5-10 years
- 31) more than 10 – up to 25 years imprisonment – minors convicted from 10-25 years
- 32) total

Form 3: *Appeals in criminal cases*

1) District Court from which the case was submitted

Cases:

- 2) pending cases – open cases by the beginning of the reporting period
- 3) new cases - the cases which were incoming in the reporting period
- 4) in total – the sum of the cases of 2) and 3)

Terminated cases:

- 5) examined cases – cases which were tried in the appeal court
- 6) pending cases – cases which are in trial at the end of the reporting period
- 7) suspended cases – cases which were terminated in another way

Way of termination:

- 8) confirmation – first instance decision upheld
- 9) reversed – first instance decision reversed
- 10) acquitted – first instance decision reversed (not guilty)
- 11) remanded – back for trial in the first instance court
- 12) back for re-investigation – back for investigation in the first instance court
- 13) changed – first instance decision altered

Types of changes:

- 14) sentence – the sentence of the first instance decision was changed
- 15) re-qualification – the legal qualification of the first instance was changed
- 16) civil lawsuit – first instance court decision changed by rejecting or not allowing a civil claim for damages attached to a criminal case.

Duration for appeal proceedings:

- 17) up to 2 months – finished within 2 months
- 18) more than 2 – up to 6 months – finished from 2 to 6 months
- 19) more than 6 months – finished within more than 6 months⁵⁴

Annex VI

Article 287 of the Albanian Penal Code, on Laundering of crime proceeds, states:

“1. Laundering of crime proceeds committed through:

- a) exchange or transfer of an asset that is known to be a crime proceed, for hiding or concealing the illegal origin of the asset or giving of assistance to avoid the juridical consequences related with the criminal offence committal;
 - b) hiding or covering up of the nature, source, position, location, shift of property or other rights, related to the asset that is a crime proceed;
 - c) performance of financial activities and fragmented/structured transactions to avoid reporting according to the money laundering law;
 - ç) gaining, possession or use of an asset when it is known that it is a crime proceed;
 - d) Public call, counseling or incentive to commit any of the offences specified above;
 - dh) the use and investment in economic or financial activities of the money or objects that are products of the criminal acts;
- are punished with imprisonment from three to ten years and with fine from 500 thousand up to 5 million leke.

⁵⁴ Information on the forms' contents may be found in European Assistance Mission to the Albanian Justice System, *Feasibility study on statistics for the Albanian Courts*, 2007, available at http://www.eurailus.org.al/recommendations/eng/Microsoft_Word_feasibility_study_statistics_eng.pdf.

2. When this offence is committed during the exercise of a professional activity, in cooperation, or more than once, it is punished with imprisonment from five to fifteen years and with a fine from 800 thousand leke up to 8 million leke, while when there are grave consequences, it is punished by imprisonment not less than fifteen years and with a fine from 3 million leke up to 10 million leke.

3. Dispositions of this law are also applied in the cases when the person who has committed the offence from which the crime proceeds come, cannot be taken as defendant, cannot be punished, exists a cause which obliterates the criminal offence or one of the penal proceeding conditions for such a criminal offence is missing”.

Annex VII

Information collected in the database on victims of trafficking:

A. On the victim:

- ✓ Name, including husband's surname
- ✓ Father's name
- ✓ Mother's name
- ✓ Birth date and place
- ✓ Nr. and type of ID
- ✓ City
- ✓ Civil status
- ✓ Nationality
- ✓ Citizenship

B. Identification approach

B1. On the institution who identified the victim

- ✓ Institution
- ✓ Name of institution
- ✓ Country
- ✓ City
- ✓ If assistance is required
- ✓ If assistance is offered
- ✓ If victim cooperates with Justice
- ✓ Exploitation date
- ✓ Risk of being re-trafficked
- ✓ If assistance has been provided

B2. On the accommodation

- ✓ Date of accommodation
- ✓ Country
- ✓ City
- ✓ Place
- ✓ Name

B.3 On the interview

- ✓ Date of interview
- ✓ Name
- ✓ City
- ✓ Institution
- ✓ Name of institution
- ✓ Referred by
- ✓ Name of referring institution
- ✓ Name of interpreter
- ✓ Comments
- ✓ Evaluation of the condition of the victim

- C. On the persons who recruited the victim
 - ✓ Name
 - ✓ Birth date
 - ✓ Place of birth
 - ✓ Contact

- D. History of exploitation
 - ✓ Method of recruitment
 - ✓ Method of exploitation
 - ✓ Method of border-crossing
 - ✓ Method of transportation
 - ✓ Year and month of trafficking
 - ✓ Residence place before being trafficked
 - ✓ Residence place after being trafficked
 - ✓ Places and date of transition
 - ✓ Final destination

- E. Treatments in the centre
 - ✓ Category
 - ✓ Name of shelter
 - ✓ Referring institution
 - ✓ Referring person
 - ✓ Date of referring
 - ✓ Person contacting the shelter
 - ✓ Person monitoring the shelter
 - ✓ If victim has been interviewed
 - ✓ If victim has been assisted
 - ✓ If victim has been re-trafficked
 - ✓ Date of entry
 - ✓ Date of exit
 - ✓ Services offered
 - ✓ Return
 - ✓ Reasons of return
 - ✓ Previous violence
 - ✓ Description of previous violence
 - ✓ If the case has been denounced to the police
 - ✓ Information on reintegration