Surveillance Technologies at European Borders
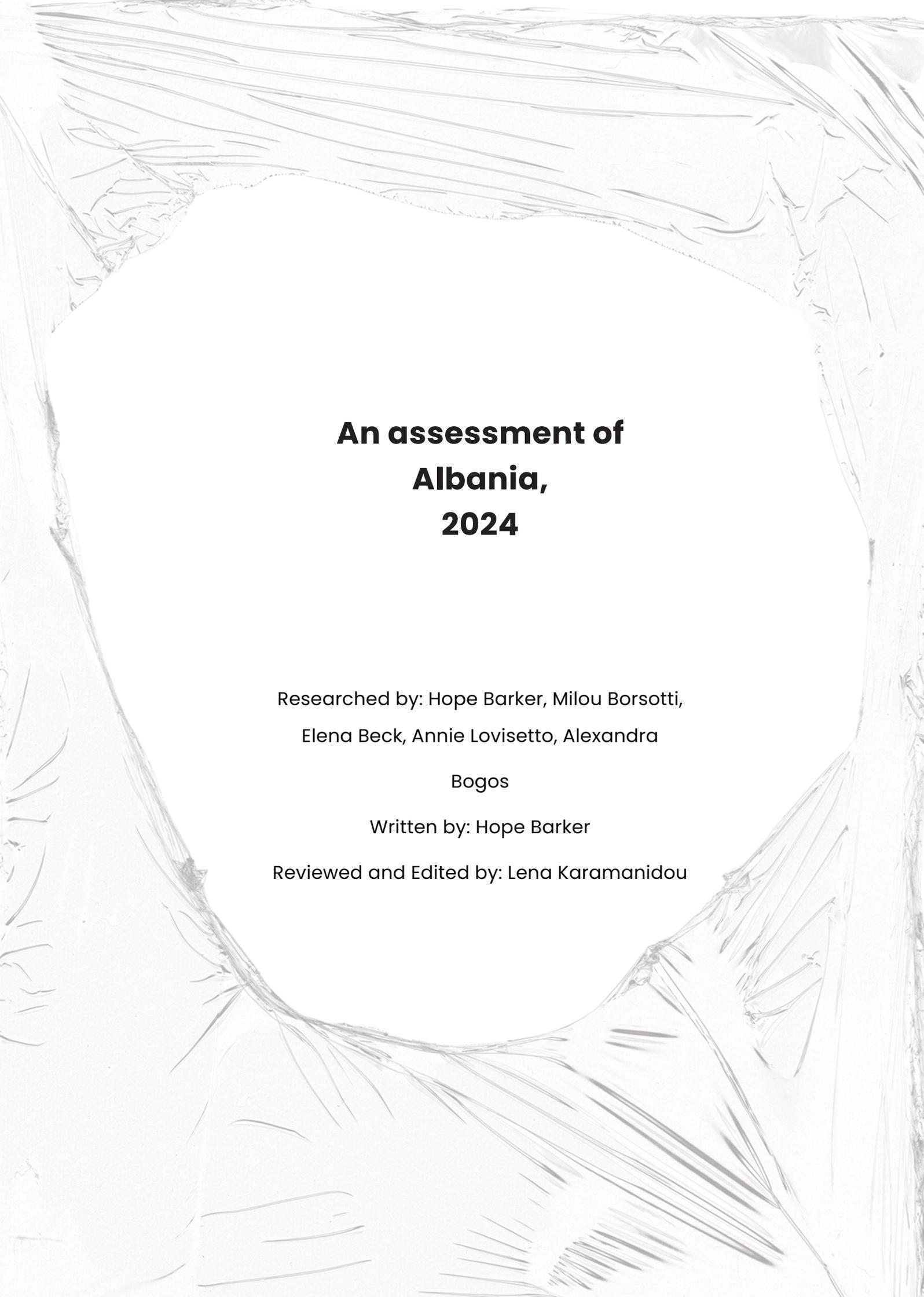
Assessment of Albania

European Philanthropic Initiative for Migration

Border Violence Monitoring Network

An assessment of Albania, 2024

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For a while now, civil society organizations have been denouncing the dangers of the use of new technologies and Artificial Intelligence in the field of migration and border control, including the deployment of intrusive surveillance technology and the collection of biometric data from people on the move. The lack of transparency and regulation surrounding these processes and their impact results in a lack of accountability on the part of the authorities, tech companies, as well as public research institutions, as it poses severe difficulties in the monitoring of likely violations of human rights. The recently adopted EU Artificial Intelligence Act is a missed opportunity to safeguard against the harms of intrusive AI. Instead, it excludes the field of migration and law enforcement from important regulations. This report is one in a series of research publications produced by the members of the Border Violence Monitoring Network, with the objective of expanding the knowledge and evidence of new technologies being used as part of the European migration regime. With a lack of concrete case studies and research from countries along the so-called Balkan Route, we look into the developments in border surveillance in these regions and analyze the (actual and potential) harmful impacts of these technologies on people crossing borders.

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List of abbreviations

ASF2: Advanced Security for Field 2

BCP: Border Crossing Point

BMP: Border and Migration Police

BMVI: Integrated Border Management Fund

BVMN: Border Violence Monitoring Network

CARDS: Community Assistance for Reconstruction Development and Stablisiation

CEAS: Common European Asylum System

CPT: Convention on the Prevention of Torture

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

ECPA: European Community Police Assistance

EDWs: Electrical Discharge Weapons

EEAS: European External Action Service

EES: Entry/Exit System

EUAA formerly EASO: European Asylum Support Office became the European Union Agency for Asylum

EMLO: European Migration Liaison Officer

EMPACT: European Multidisciplinary Platform Against Criminal Threats

EU: European Union

EUD: European Union Delegation (EU permanent mission in Albania)

EU4SAFELAB: EU Support for the effective management of green and blue borders in Albania (project funded by the EU)

EXBS: Export Control and Related Border Security

FOI: Freedom of Information (Request)

FRO: Fundamental Rights Office (of Frontex)

IBM: Integrated Border Management

ICMPD: International centre for Migration Policy Development (international organisation)

IOM: International Organisation for Migration

IPA: Instrument for Pre-Accession (EU fund)

MAPE: Multinational Advisory Police Element

MIDAS: Migration Information and Data Analysis

MRF: Migration and Refugee Fund

MSS: Mobile Surveillance System

MS: Member State

NGO: Non-governmental Organisation

NPR: Number Plate Recognition

OSCE: Organization for Security and Co-operation in Europe

PAMECA: Police Assistance Mission of the European Community in Albania

PISCES: Personal Identification Secure Comparison and Evaluation System

QNOD: Maritime Interinstitutional Operational Centre

RMSA: Refugee and Migrant Services in Albania

SIENA: Secure Information Exchange Network Application

SIR: Serious Incident Report (from Frontex)

SIS: Schengen Information System

SIVHD: Integrated Maritime Space Observation System

SPAK: Special Prosecution Against Corruption and Organised Crime

TED: Tenders Electronic Daily

TIMS: Total Information Management System

TIP: Terrorist Interdiction Programme

TVV: Television Vans

UAV: Unmanned aerial vehicles (drones)

UNHCR: United Nations High Commissioner for Refugees

UNODC: United Nations Office on Drugs and Crime

1. Introduction

Along with Montenegro, Bosnia and Herzegovina, North Macedonia, Serbia and Kosovo, Albania is part of an enclave surrounded by countries of the European Union. All the countries, with the exception of Kosovo, are in the pre-accession process to become members of the European Union (EU). Generally when reporting on the country, and also during the research conducted for this report, Albania commonly referred to as a 'transit country'. Its geographical location at the north-west of Greece means people arriving from Turkey often choose to cross Albania in order to access other Western European countries. The alternative - and more popular at the time of writing - route is from northern Greece into North Macedonia.

Following the fall of the Iron Curtain, protests started in 1989 in the People's Socialist Republic of Albania. The current Republic of Albania is the product of the 1991 revolutions that led to the fall of the Albanian Communist party and the People's Republic. Nowadays, the country is governed by a parliamentary system and has seen, for the fourth time in 2023, the victory of the Socialist Party led by Edi Rama as Prime Minister. Albanian citizens often describe themselves as a 'migrant nation'. After Hoxha's communism began to crumble in the 1980s, political infighting between the succeeding parties led to dashed hopes for the future and, in turn, mass emigration. In March 1991 Italy accepted the first group of 23,000 Albanian migrants; whereas in August another group of 20,000 were treated differently and repatriated without exceptions. In the same period around 30,000 migrants arrived in Greece. Another period of mass emigration took place in 1997 with the collapse of several pyramid investment schemes, leading to mass rioting in the country as many people lost their life's savings. The topic of Albanian emigration is politically sensitive. The publication of statistics from the most recent census (the first since 2011) was continuously delayed, with some opposition MPs stating that the government wanted to hide "the number of Albanians who have left the country".[1] Eventually, the data was published in July 2024 and showed that the country's population shrank by 14% in 12 years, from 2.8 million to 2.4 million.[2]

This sentiment, that Albania is a 'migrant nation', has translated into the country's treatment of migrants and refugees throughout history to some extent. Historically, Albania welcomed Jewish people fleeing the Nazis during World War II[3] and Kosovars during the Yugoslav Wars.[4] More recently, Albania put itself forward to take in 155 members of an exiled Iranian opposition movement[5] – The People's Mojahedin Organisation of Iran - and more than 3,000 Afghans in lieu of relocation to the United States after the Taliban takeover of the country.[6]

1   Balkan Insight. (2024, January 29). Albania's statistics institute declines to publish preliminary census data. https://balkaninsight.com/2024/01/29/albanias-statistics-institute-declines-to-publish-preliminary-census-data/
2   Ekathimerini. (2024, January 27). Results of Albanian census stir relations in the region. https://www.ekathimerini.com/politics/foreign-policy/1243158/results-of-albanian-census-stir-relations-in-the-region/
3   Yad Vashem. (n.d.). Besa: A code of honor – Muslim Albanians who rescued Jews during the Holocaust. https://www.yadvashem.org/yv/en/exhibitions/besa/index.asp
4   Chivers, C. J. (1999, March 29). Albania endures a time of anarchy. The Washington Post. https://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/albania29.htm
5   Likmeta, B. (2016, August 26). Albania continues to accept Iranian Mujahedins. Balkan Insight. https://balkaninsight.com/2016/08/26/albania-continues-to-accept-iranian-mujahedins-08-26-2016/
6   Martinez, G. (2023, June 18). Escaping the Taliban, Afghans languish in Albania awaiting U.S. visas. Politico. https://www.politico.com/news/2023/06/18/escaping-taliban-afghans-languish-albania-visa-process-00102533

1.1. Context of migration movements in Albania

Albania's role in the so-called 'Western Balkan Route'

The general climate around migration in Albania is conflicted; on the one hand, a high number of Albanian nationals are leaving, while on the other hand, many people on the move have been transiting through Albania over the last 10-15 years. Albania forms part of a migration trail - the so-called Balkan Route(s) - which usually includes (though not exclusively) countries like Greece, Montenegro, Bosnia and Herzegovina, Serbia and Croatia. Since 2019, the most common entry point into Albania for people on the move has been along the Greek-Albanian border. Reportedly, many Syrians passing through Albania are heading towards Serbia with the hope of reaching Austria as their final destination,[7] while others mention Kosovo as a frequent transit country.[8] An alternative route is via the Adriatic sea from the port town of Durres to the Italian ports of Bari, Brindisi, and Ancona. Whilst these are characterised as 'mixed migration flows', the main demographic of individuals apprehended at the border are Afghan and Syrian young men.[9]

Figure 1: Abandoned squat on the GR-ALB border (close to Radat)

According to the Global Initiative Against Transnational Organised Crime, some 1,978 people on the move crossed into Albania in 2013; that number reached 11,971 in 2020.[10]

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7   All EMLO Reports available here https://aleph.occrp.org/entities/112115392.ef8b2a37f1e3161539923691af49ad0260127ba5
8   Ibid
9   Ibid
10   Ibid

However, since then the numbers have been steadily declining. In 2022, 9,033 new arrivals were registered which dropped by 46% in 2023 to 4,307 new arrivals.[11] In the first six months of 2024, a further drop of 69% is reported with a total of 726 new arrivals.[12] All the stakeholders interviewed during the field research said that the statistics reflect the reality of the situation and that transit through Albania has declined in recent years. Respondents in the field research[13] offered several explanations for this - that Bulgaria and Romania are now a direct entry point into the EU which means this route has become more popular and that, geographically, North Macedonia is easier to cross as the Greek-Albanian border has a number of high mountain ranges which are dangerous and difficult to transit through.

There have been multiple accounts of interception and apprehension by the Albanian authorities along the country's transit routes, specifically in Durres - west of Tirana - Bilisht and Gjirokaster - both along the Greek border. Following detainment, all testimonies published by BVMN describe illegal pushbacks being carried out by the Albanian police to Greek territory. While Albania is undoubtedly a transitory country, it is also a state where people wish to seek asylum. The practice of pushbacks deters people on the move from exercising their right to claim international protection and prevents them from accessing the asylum procedures they are entitled to by law. UNHCR data states that, in 2023 a total of 3,124 people were apprehended at Albania's borders and only 5.3% of those were referred to an asylum procedure.[14] In fact, in the last five years only one person has been granted refugee status and approximately 5,000 have been granted subsidiary protection.[15] These figures indicate that, whilst Albania remains a key country along the route with a clearly stated goal of acceding to the EU, asylum procedures in the country are severely flawed, resulting in numerous violations of the rights of people crossing borders. The European Commission themselves have outlined this in their latest 2023 Enlargement report, stating that "no progress was made in referrals and access to asylum procedures and shortcomings in the return procedure remain"[16] since the publication of the 2022 Enlargement report.

1.2 EU and national policy responses to migratory movements

One clear political goal for Edi Rama, and his government, is EU accession. In 2014, Albania was officially accepted as a candidate for EU accession; eight years later, negotiations are still ongoing. The EU accession negotiation process for Albania and North Macedonia commenced with the first Intergovernmental Conferences on July 2nd, 2022. A recent move by Prime Minister Rama to demonstrate his willingness to accede is the deal he has made with the Italian government, often referred to as the Rama-Meloni agreement, which allows Italy to offshore its asylum processing onto Albanian territory.[17] This move has been met with criticism from civil society and citizens across the political spectrum, who have accused Prime Minister Edi Rama of carrying out the deal secretly, without adequate transparency and consultation with stakeholders.[18]

11   UNHCR. (2024, January 29). Western Balkans: Refugees, asylum seekers, and other people in mixed movements (end of December 2023). https://reliefweb.int/report/world/western-balkans-refugees-asylum-seekers-and-other-people-mixed-movements-end-june-2024
12   Ibid.
13   Respondents 4, 5 and 7
14   UNHCR. (2023, September). Bi-annual fact sheet 2023 – Albania. https://www.unhcr.org/sites/default/files/2023-10/bi-annual-fact-sheet-2023-09-albania.pdf
15   Interview with Respondent 6
16   European Commission. (2023, November 8). Commission Staff Working Document: Albania 2023 report. https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf
17   Al Jazeera. (2024, February 22). Albania approves contested deal to hold asylum seekers for Italy. https://www.aljazeera.com/news/2024/2/22/albania-approves-contested-deal-to-hold-asylum-seekers-for-italy
18   Melting Pot. (2024, May). The Italy-Albania agreement and the new frontiers of border externalization. https://www.meltingpot.org/en/2024/05/the-italy-albania-agreement-and-the-new-frontiers-of-border-externalization/

Several people interviewed during field research in Albania spoke to the sentiment that Edi Rama would rather strike deals with political leaders to curry international favour, at the expense of Albanian citizens. An illustrative example was when it seemed to be agreed that Albania would relocate and destroy chemical weapons from Syria on behalf of the US. Eventually the plan was stopped, but only when people took to the streets to protest in Tirana.[19]

In order to accede to the EU, Albania must align its public structures and policies with EU standards and *'focus on the EU reform agenda'*.[20] Therefore, the state will have to incorporate all forms of EU law into its own legislation, including updating current laws on border and immigration control. Albania will be introduced to the EU screening process, as well as EU policies and legislation which are outlined in the "Project Plan for European Integration 2020–2022".[21] The 24th chapter of the plan, "Justice, Freedom and Security", focuses on: border control, visas, external migration, asylum, police cooperation, the fight against organised crime and terrorism, cooperation on drugs issues, customs, and judicial cooperation in criminal and civil matters.[22] As a part of this process, Albania entered into cooperation with the European Union's Asylum Agency (EUAA) - known as the European Asylum Support Office (EASO) at the time - from 2020 onwards. The goal of the cooperation was to strengthen Albania's asylum and reception system and align it with EU standards.[23] They also sought to improve access to asylum procedures, create designated reception services and conditions for unaccompanied minors and vulnerable groups, and enhance the country's preparedness for a scenario of 'high influx' of people crossing the border. The initial project wrapped up in 2022 with 61% of the activities fully implemented, 19% partially implemented and 19% not implemented or postponed.[24] One of the main difficulties identified was that one EUAA staff member was responsible for the planning, implementation and monitoring of the roadmap and that staff member was not present in Albania nor did they speak Albanian. Whilst some progress was made, there are key areas where development in Albania's asylum and reception system have not progressed; for example, at the time of writing, there are still no specialist facilities for the reception or accommodation of unaccompanied minors into the country.

National Legal Framework

The right of people on the move to seek asylum in Albania and to benefit from rights afforded to refugees is enshrined in their Constitution under Article 40. Albania is a State party to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. The country is also bound by the European Convention on Human Rights which they ratified on October 2nd, 1996.

The two main texts responsible for the rights of people on the move in Albania are the Law on Aliens (No. 79/2021)[25] and the Law on Asylum (No. 10/2021). Both statutes stem from the cooperation between Albania and the European Union Agency for Asylum,[26] and both include

19   Traynor, I. (2013, November 15). Albania rejects request to host destruction of Syrian chemical weapons. The Guardian. https://www.the-guardian.com/world/2013/nov/15/albania-rejects-request-disposal-syrian-chemical-weapons

20   European Commission. (2022. 12 October). European Neighbourhood Policy and Enlargement Negotiations: General Publications: Albania Report 2022. https://neighbourhood-enlargement.ec.europa.eu/albania-report-2022_en

21   Integrimi i Republikës së Shqipërisë në Bashkimin Europian. (N.d.) Plani Kombëtar i Integrimit (PKIE). Available at: http://integrimi-ne-be.punetejashtme.gov.al/anetaresimi-ne-be/plani-kombetar-i-integrimit-pkie/

22   Integrimi i Republikës së Shqipërisë në Bashkimin Europian. (N.d.) Plani Kombëtar i Integrimit (PKIE). http://integrimi-ne-be.punetejashtme.gov.al/anetaresimi-ne-be/plani-kombetar-i-integrimit-pkie/; see also: Statewatch. (2020. December 17) Albania: dealing with a new migration framework on the edge of the empire. https://www.statewatch.org/analyses/2020/albania-dealing-with-a-new-migration-framework-on-the-edge-of-the-empire/#_ftn1

23   European Union Agency for Asylum (EUAA). (2022). Albania: Report on the situation of refugees and migrants. https://euaa.europa.eu/sites/default/files/2022-02/AL_RM_Cover.pdf

24   European Union Agency for Asylum (EUAA). (2023). Evaluation report on refugee and migrant situation in Albania 2020–2022. https://euaa.europa.eu/sites/default/files/publications/2023-04/2022_Evaluation_Report_RM_Albania_2020-22_EN_0.pdf

25   According to the legislation, an "alien" refers to a person with or without citizenship who is not an Albanian national as defined by Albanian law.

26   European Union Agency for Asylum (EUAA). (2022). Albania: Report on the situation of refugees and migrants. https://euaa.europa.eu/sites/default/files/2022-02/AL_RM_Cover.pdf

guidelines on the use of a pre-screening procedure which is meant to be an immediate initial assessment of the individual circumstances of each person arriving in Albania. Despite the establishment of these legislative texts, the protection they afford to people on the move is not practised. In an evaluation of the EUAA's cooperation with Albania it is noted that "there is limited evidence to show the new laws have been effectively implemented in practice".[27]

In February 2021, Law No 121/2014 on Asylum was amended and replaced with a new version, intended to be in line with EU standards and international human rights instruments. It introduced a subsidiary protection regime and specific procedures for vulnerable groups. Under the Law on Asylum, a person entering Albania can lodge an application for international protection directly at the border or at a police station. According to Article 26, they should have an effective way of doing so, and their demand should be referred to the responsible authority for asylum and refugees - the Directorate for Asylum and Citizenship. Instruction No 293, which was voted in on the 4th of June 2015, regulates the pre-screening procedure for those who apply for asylum at the border either during or after irregular entry. The pre-screening procedure should be applied by the Border and Migration Police to every person found staying irregularly in Albanian territory. The pre-screening should not last longer than 10 hours and can entail document checks and an interview.[28] The interview has to be conducted in a language understood by the respondent. It can be done either at a police station or at the border crossing point. One of the key elements of this procedure is to determine if the concerned person has the intention to ask for asylum. If so, the Directorate for Asylum and Citizenship must be directly contacted and a request can be lodged.

Pre-screening procedures usually take place at Temporary Registration and Reception Centres along the border. The first of these was established in Gërhot, Gjirokastra close to the Kakavijë Border Crossing Point in June 2017 with the assistance of IOM and the UNHCR.[29] The temporary centre is located within the premises of the Directorate for Border and Migration Police and can hold up to 60 people.[30] It is reported that the main objective of the camp is to *'monitor the crossing points of migrants'* and *'strengthen respect for their rights'*.[31] A second centre in Kapshticë was opened on the 29th of October 2019 as a temporary accommodation and registration centre for people on the move in order to determine their asylum eligibility.[32] It is located near the settlement of Kapshticë in the Korçë region, which is just a few kilometres from the main border crossing point with Greece. The camp was opened in a partnership with the Minister of the Interior and the International Organisation for Migration (IOM), with funding from the Council of Europe Development Bank under the Migrant and Refugee Fund (MRF).[33] It comprises 17 different units: one for registration; 10 for accommodation; two sanitary units; two bathrooms; a kitchen; and a laundry unit.[34] While the camp originally only held 60 beds, a recent expansion in June 2022 funded by IOM has raised that number to 110 beds.[35]

27   European Union Agency for Asylum (EUAA). (2023). Evaluation report on refugee and migrant situation in Albania 2020–2022. https://euaa.europa.eu/sites/default/files/publications/2023-04/2022_Evaluation_Report_RM_Albania_2020-22_EN_0.pdf
28   Government of Albania. (2015). Guidelines No. 293 on Procedures for Treatment of Foreign Nationals Illegally Staying in the Territory of the Republic of Albania. Retrieved from https://www.refworld.org/legal/decreees/natlegbod/2015/en/95614
29   International Organization for Migration Albania. (2017). Improving Reception Capcacities and Access to Services for Migrants. https://albania.iom.int/sites/g/files/tmzbdl1401/files/documents/Improving%20Reception%20Capacities%20and%20Access%20to%20services%20for%20migrants%20and%20refugees%20entering%20Albania.pdf
30   Ibid
31   Avokati i Popullit. (2018). Raporti vjetor i MKPT për vitin 2018. https://www.avokatipopullit.gov.al/media/manager/website/reports/Perfundimtar%20Raporti%20Vjetor%20i%20MKPT-%202018.pdf
32   IOM Albania. 2019. Migrants having access to essential services. https://coebank.org/en/news-and-publications/news/albania-new-registration-and-temporary-accommodation-centre-migrants/
33   Ibid
34   Ibid.
35   IOM Albania. (2022. October 30). IOM contributes to the expansion of Kapshtica Center in Korca. https://albania.iom.int/news/iom-contributes-expansion-kapshtica-center-korca

Under a scheme funded by IOM, another registration and temporary accommodation cen-
tre was established to detain up to 18 people near Kakavijë BCP/Gjirokastra.[36] It was founded
specifically in response to the Covid-19 pandemic measures concerning an *'uninterrupted
performance of border controls by supporting the beneficiary countries'* of IOM.[37] Up until 2021,
funding was still being allocated to keep the camp running.

Figures 2 and 3: Kapshticë Temporary Registration and Reception Centre

After having introduced an asylum request at one of these centres, the person is usually relo-
cated to the National Reception Center for Asylum Seekers in Babbru. After arrival on Albanian
territory, the procedure for determining international protection should take no more than 6
months. The procedure should be conducted by experts of the responsible authority for asy-
lum and refugees, with a preparatory research phase followed by an interview.[38]

36   IOM Albania. (2021. February). Infosheet. https://albania.iom.int/sites/g/files/tmzbdl1401/files/documents/IOM%20Albania%2026.02.2021.pdf
37   Ibid
38   UNHCR. (2001). Handbook on determining the status of Refugees. https://www.tlas.org.al/sites/default/files/HANDBOOK%20ON%20DE-
TERMINING%20THE%20STATUS%20OF%20REFUGEE%20-converted.pdf

There is a deadline of 15 days from the notification of an asylum decision to introduce an appeal against a negative decision, which has a suspensive effect. The National Commission for Asylum and Refugees *'is the superior administrative body that shall examine the administrative appeal'.* [39] A final appeal can be filed at the competent Administrative Court. Until a final decision is reached by the Court, an asylum seeker has the right to remain on Albanian territory.[40] The Babbru Centre for Asylum Seekers, where most people are hosted for the duration of their procedure unless they finance their own private accommodation, was opened in 2014 with EU funding with an initial capacity of 180.[41] It can now host up to 240 people and was filled to capacity a number of times at the end of 2019 and beginning of 2020. In an EASO (now EUAA) report from 2020, it is noted that the centre needs "proper maintenance and adequate living conditions up to European Standards".[42] It has not been possible to find further updated information on the conditions of Babbru and it was not possible to visit the centre during the field research.

Another important piece of legislation to consider is the Law No 79/2021 on Aliens[43] which regulates the entry, residency, work and expulsion of third country nationals on Albanian territory. The statute includes the exemption of asylum seekers from its provisions,[44] however there are two procedures which can be deployed under this law regarding irregular entry:

- Refusal of entry: This procedure concerns people arriving at an official border crossing point without valid travel documents.[45] The person of concern has to be notified with a written document that can be appealed.

- Removal order: This procedure concerns people that no longer meet the conditions of residence in the Republic of Albania.[46] The person of concern also has to be notified with a written document that can be appealed. According to Article 99 of the Law on Aliens, the removal order can not be executed earlier than seven days after its notification.

Expulsion from the territory can also be justified by a third procedure: a deportation order. Article 102 of the Law on Aliens provides a specific provision on deportation conducted by the Border and Migration Police which applies to 'the specific situation of people on the move irregularly entering the Republic of Albania with the purpose of crossing to other countries'. This effectively means that people who are using Albania as a transit country to reach the EU can be 'deported' back across the border they crossed more easily. Indeed, in email exchanges between Frontex's Fundamental Rights Office and Albanian authorities – accessed by the BVMN through Freedom of Information (FOI) requests - the authorities are using Article 102 of the Law to explain why a person was returned to Greece and why it does not, in fact, constitute a pushback. However, the authorities are obliged to issue a notification in a language understood by the individual explaining the reason for deportation and including the date and the place of the deportation which is not consistent with multiple testimonies of people on the move who have been returned.

If people aren't apprehended at the border and directly returned, they may be detained in the Karreç Detention Center for Foreigners in lieu of removal. The centre is around 20 KM from Tirana and is the only closed facility in Albania. It has a capacity of 100 people and the duration

39   Article 4 of the Law 10/2021.
40   Article 76 of the Law 10/2021.
41   Institute of the Blessed Virgin Mary. (2015). Report on visit to the reception centre for refugees in Babrru. http://ibvm.org.uk/new4/wp-content/uploads/2015/10/Report-on-Visit-to-The-Reception-Centre-for-Refugees-Babrru1.pdf
42   European Union Agency for Asylum (EUAA). (2022). Albania: Report on the situation of refugees and migrants. https://euaa.europa.eu/sites/default/files/2022-02/AL_RM_Cover.pdf
43   LAW No. 79/ 2021 "ON ALIENS". Available at: https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf
44   Article 6 of the Law 79/2021.
45   Article 9 of the Law 79/2021.
46   Article 99 of the Law 79/2021.

of detention is assessed on a case-by-case basis, ranging from three months to five years. Currently no organisations have a presence in the centre and it was not possible to access data regarding how many people are detained, what the demographic of detainees is, and what the average length of detention is. The last detailed report on the Centre is from the 2018 visit of the Council of Europe's Committee for the Prevention of Torture (CPT). In it, they note allegations of "deliberate physical ill-treatment", "appalling hygienic conditions", and a practice whereby "foreign nationals were on occasion handcuffed to the bed inside a security [isolation] cell". The CPT noted that this practice was likely to constitute inhumane and degrading treatment or punishment.[47]

Figure 4 and 5: Karreç Detention Center for Foreigners

1.3 Actors and practices in border surveillance and control

Regarding border management and surveillance, different laws and strategies govern the practices of border authorities in Albania. Law No. 71/2016 "On Border Control and Surveillance" is supposedly "in full compliance with the *acquis communautaire* of the EU and specifically with the Schengen Borders Code".[48] It provides the legal framework for managing and regulating the control and surveillance of Albania's borders and covers various aspects related to border control, including procedures for entry and exit, the responsibilities of border authorities, and measures to prevent and combat illegal activities at the borders.

47   Council of Europe. (2016). Report on the situation of refugees and migrants in the Western Balkans. https://rm.coe.int/168097986b
48   Organisation for Security and Co-operation in Europe (OSCE). (2019). Report on the situation of refugees and migrants in the Western Balkans. https://www.osce.org/files/f/documents/0/e/380281.pdf

It is accompanied by the national Intersectoral Integrated Border Management Strategy for 2021-2027 which lays out a strategy for implementing Albania's mission to "integrate border management, coordination and joint action of the authorities to minimise threats to border security and public health of the population, internal security conditions, and the general security structure of Albania".[49] The introduction of the Strategy highlights that Albania must adopt EU values and high standards for external border control in order to move towards accession. It also says that the Strategy itself is a "clear indication that Albania is ready to contribute to security in the region as a reliable partner of the EU in the control of its borders".[50] The Strategy clearly demonstrates how the fortification of the border - through personnel, surveillance equipment, and increased cooperation with EU and international agencies - is a requirement for countries hoping to accede to the EU. Whilst it is evident that Albania's asylum system is barely functioning, focus is turned to effective border management over functioning procedures and dignified reception conditions.

1.3.1 National Level

On a national level, several Ministries play a key role in the overall functioning of the Integrated Border Management Strategy:
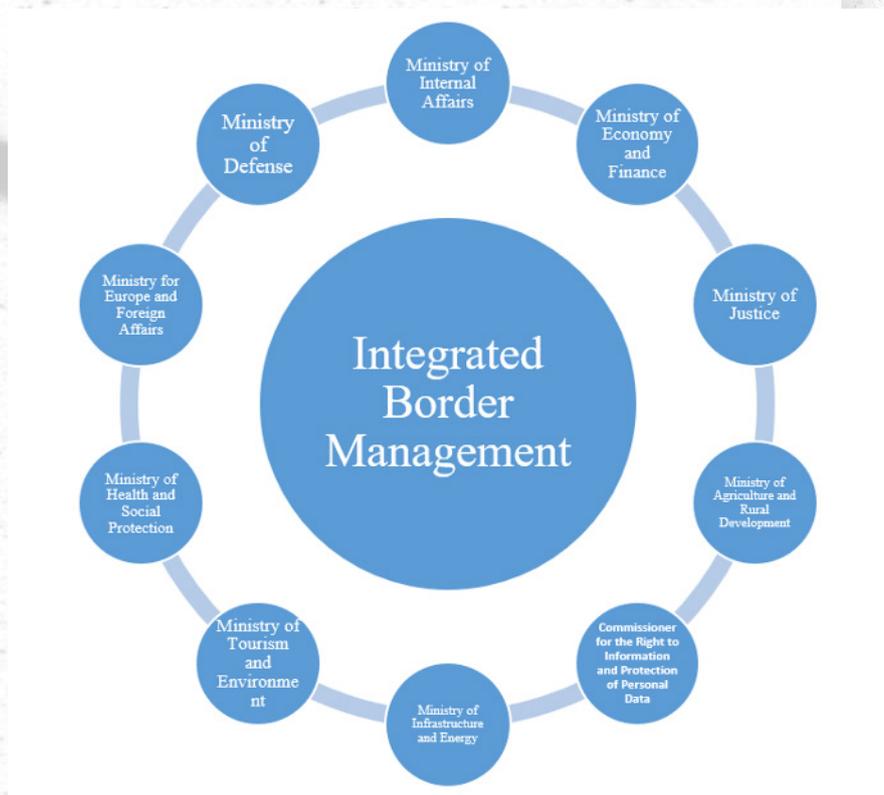
Figure 6: Graph from the Intersectoral Strategy for Integrated Border Management 2021-2027

The **Ministry of Interior** is the responsible institution for most topics related to migration in Albania. Within the Ministry, the Department of Borders and Migration (also part of the General Directorate of the State Police) is responsible for border control and the implementation of readmission agreements between Albania and other countries. In the 2021-2027 Strategy, the Ministry of Interior is responsible for financing the development of police stations and border crossing points and for procuring new technologies, information and communication sys-

49   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311

50   Council of Europe. (2016). Report on the situation of refugees and migrants in the Western Balkans. https://rm.coe.int/168097986b

tems for border control.

The **General Directorate of the State Police** is the central operating level of the police, within which sits the Department for Borders and Migration. They are responsible for the control and supervision of the state border, and the treatment of foreign citizens. The Department is made up of seven local directorates in Shkodër, Kukës, Korçë, Gjirokaster, Vlorë, Durrës and Tirana. These local directorates come together under a cross-agency operational centre, the National Operational Centre (QNOD) in Vlorë. This is a facility within the Albanian State Police that is responsible for coordinating various police operations and responses across the country. It facilitates information and intelligence sharing, monitoring and surveillance, and liaison with other agencies. Alongside this, there are mobile teams of the Border and Migration Police which conduct patrols along the borders to stop irregular migration and collect intel and build a situational picture with regards to smuggling and trafficking.[51]

The **Ministry of Defence** is an integral part of the defence system which offers support in cases of national security threats from 'migrant crises' or terrorism.[52] They are particularly important at Albania's Western border on the Adriatic sea where the Navy and Coast Guard are responsible for monitoring and protecting the sovereignty of maritime borders, carrying out surveillance and protection activities, and assisting with search and rescue activities at sea.

Whilst there are a number of other ministries that form part of the Integrated Border Management Strategy, these are the three that play the most central role to the strategic goals of border security and protection in Albania.

1.3.2 EU Agencies

Albania also partners with numerous EU agencies and international actors in the field of migration management, border surveillance, and national security. There is a long history of cooperation between Albania and the EU, and bilaterally with EU Member States, in the area of policing. In 1997, the Western European Union (WEU) - an intergovernmental defence alliance between the UK, France, Belgium, Luxembourg and the Netherlands - established the Multinational Advisory Police Element (MAPE). MAPE went on to advise the Albanian authorities in the area of public order, border control, logistics and communication. It also included the task of training and equipping police officers. Later, at the start of 2001, the EU decided to create the European Community Police Assistance (ECPA) to assist Albania in reforming its police force and improving law enforcement capabilities. The aim of ECPA was to bridge the previous MAPE programme with the newly proposed CARDS programme. CARDS stands for Community Assistance for Reconstruction Development and Stablisiation and was designed to support the 'development of the Western Balkans' during the early 2000s, after the Yugoslav wars. It was eventually replaced by the Instrument for Pre-Accession Assistance (IPA) in 2007. Albania has been assisted by the EU in the area of law enforcement through the PAMECA project. This has developed across five different stages, the final stage - PAMECA V - cost approximately 6 million euros which was covered by IPA funding under the 2015 instrument and was concluded in August 2020. The main aim of the project was to improve the capacity of the Albanian State Police and the General Prosecutor's Office in reducing crime and disorder. One key aspect was the development of Integrated Border Management with particular focus on the challenges of irregular migration and asylum seekers.[53] The project ended after 56 months in December

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51   Interview with Redion Qirjazi
52   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
53   European Union Projects. (n.d.). Consolidation of law enforcement agencies: Support to the Albanian State Police (ASP), General Prosecution Offices (GPO), and District Prosecution Offices. https://euprojects.al/euprojects/consolidation-of-law-enforcement-agencies-support-to-the-albanian-state-police-asp-general-prosecution-offices-gpo-and-district-prosecution-offices/

2021, with no official extension or new phase of the project was announced yet.[54]

The EU has also consolidated its role in Albania's border management activities through the deployment of Frontex in the country. With Frontex now deployed in almost all non-EU countries along the so-called Balkan Route(s) it is increasingly clear that allowing the EU agency to operate on its territory is yet another way for a country to show they are ready to commit to the Europeanisation of their borders. The narrative of supporting EU-related matters as a means of achieving accession was endorsed by Albanian Prime Minister Edi Rama when speaking on the Frontex mission in Albania.[55] According to him, 'this is a real game changer and a truly historical step, bringing this region closer to the EU by working together in a coordinated and mutually supportive way on shared challenges such as better managing migration and protecting our common borders.'[56] At the same time, similar lines of argumentation are used by representatives of the EU when assessing the operation of Frontex in non-EU countries that are applying for or are in the process of, EU accession.[57] Cooperation between Frontex and Albania started when their first working agreement came into force in 2009;[58] working agreements constitute the basis of the agency's cooperation with a non-EU country.[59]

During the event organised for the renewal of the working agreement in 2021, "Frontex also introduced its second liaison officer to the Western Balkans who will be based in Tirana, with a regional mandate covering Albania, Kosovo* and North Macedonia."[60] A first Liaison Officer was already deployed in Belgrade in 2017.[61]

Meanwhile, Frontex and the Albanian government also signed a Status Agreement on the 18th of February 2019, which constitutes the legal basis for their operation in Albania.[62] Proceeding this, in May 2019, Frontex launched its operation in Albania as the first country of deployment outside the EU. In June 2023, Albania signed a new Status Agreement in Frontex to allow for full operational cooperation.[63] This was done as part of the EU Action Plan on the Western Balkans with the aim of "addressing irregular migration and cross border crime".[64] Most notably, the updated agreement allows for Frontex to be deployed at the borders with other non-EU countries like North Macedonia and Montenegro.

54   PAMECA. (2022.) PAMECA V Video. http://pameca.org.al/pameca-v-video/ , see also: http://pameca.org.al/6617-2/
55   Top Channel. (2023, October 20). Rama: Frontex presence shows the importance of future EU expansion. https://top-channel.tv/english/rama-frontex-presence-shows-the-importance-of-future-eu-expansion/; Statewatch. (2020, August). Albania: Dealing with a new migration framework on the edge of the empire. https://www.statewatch.org/analyses/2020/albania-dealing-with-a-new-migration-framework-on-the-edge-of-the-empire/#_ftn1
56   Frontex. (2023, September 15). Frontex launches first operation in Western Balkans. https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-first-operation-in-western-balkans-znTNWM
57   EU in Albania. (2021.) Twitter. Available at: https://twitter.com/EUinAlbania/status/1398170494210392064; Apostolis Fotiadis. 2020. Frontex's History of Handling Abuse Evidence Dogs Balkan Expansion. BalkanInsight. Available at: https://balkaninsight.com/2020/02/06/frontexs-history-of-handling-abuse-evidence-dogs-balkan-expansion/
58   European Parliament. (2021). Annex to the written question on migration and asylum: Response to question P9_RE(2021)001943. https://www.europarl.europa.eu/RegData/questions/reponses_qe/2021/001943/P9_RE(2021)001943(ANN02)_XL.pdf
59   Frontex. (2022.) Other Partners and Projects - Non-EU Countries. https://frontex.europa.eu/we-build/other-partners-and-projects/non-eu-countries/
60   Frontex. (2021.) Frontex and Albania strengthen their partnership. https://frontex.europa.eu/media-centre/news/news-release/frontex-and-albania-strengthen-their-partnership-o9vW2I
61   All EMLO Reports available here https://aleph.occrp.org/entities/112115392.ef8b2a37f1e3161539923691af49ad0260127ba5
62   European Parliament. (2021). Annex to the written question on migration and asylum: Response to question P9_RE(2021)001943. https://www.europarl.europa.eu/RegData/questions/reponses_qe/2021/001943/P9_RE(2021)001943(ANN02)_XL.pdf; Statewatch. (2019). EU-Frontex cooperation with third countries. https://www.statewatch.org/media/1370/eu-frontex-coop-third-countries-2019.pdf
63   European Commission. (2023, September 15). Border management: EU signs Frontex status agreement with Albania. https://neighbourhood-enlargement.ec.europa.eu/news/border-management-eu-signs-frontex-status-agreement-albania-2023-09-15_en
64   Ibid.

Figure 7: Frontex vehicle pictured outside Kapshticë Temporary Registration and Reception Centre

According to the official Frontex website *"The cooperation also includes the exchange of information and best practices in the area of border management and return, while ensuring full respect of fundamental rights."[65]* In line with this, in 2023 Albania signed a Memorandum of Understanding with Frontex to strengthen cooperation on the protection of fundamental rights. It was signed by Frontex's Executive Director Hans Leijtens, Albania's Minister of Interior Bledar Cuci and a second agreement on cooperation was signed between Frontex's Fundamental Rights Officer (FRO) Jonas Grimheden and the Albanian Ombudsperson.

Another EU agency that has substantial involvement in Albanian policing operations is Europol. The agency signed an operational agreement with Albania in December 2013, and in July 2019 the first Europol liaison office in the Western Balkans opened in Tirana,[66] with two more planned for Bosnia and Herzegovina and Serbia. In 2023, Albania deployed a second liaison officer to Europol and there was a 16.9% increase in the messages shared by the Albanian State Police with international partners through Europol's Secure Information Exchange Network Application (SIENA).[67] In 2024, two high profile operations took place in cooperation with Europol that targeted Albanian 'organised crime groups' involved in alleged drug smuggling.[68]

65   Frontex. (2024, January 10). Frontex and Albania strengthen their partnership. https://frontex.europa.eu/media-centre/news/news-release/frontex-and-albania-strengthen-their-partnership-o9vW2I
66   Europol. (2024, February 1). Tirana hosts Europol's first liaison office in Western Balkans. https://www.europol.europa.eu/media-press/newsroom/news/tirana-hosts-europol%E2%80%99s-first-liaison-office-in-western-balkans
67   European Commission. (2023). Staff working document: Albania 2023 report. https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf
68   Europol. (2024, March 5). 15 arrested in crackdown on high-profile Albanian criminal network. https://www.europol.europa.eu/media-press/newsroom/news/15-arrested-in-crackdown-high-profile-albanian-criminal-network; Europol. (2024, April 12). Major blow to Albanian drug trafficking network: 59 arrests across Europe. https://www.europol.europa.eu/media-press/newsroom/news/major-blow-to-albanian-drug-trafficking-network-59-arrests-across-europe'v

Another Europol initiative that Albania contributes to is the European Multidisciplinary Platform Against Criminal Threats (EMPACT) - an EU Member State driven instrument intended to "identify, prioritise and address threats posed by organised and serious international crime" that is supported by all EU institutions and agencies.[69] According to the EU Commission's 2023 Enlargement Report on Albania, it is one of the most active third countries participating in EMPACT - in 2022 Albania participated in 119 operational actions and led in two of them, and in 2023 it participated in 128 operational actions. Notably, Albania was the co-leader of the Operational Action on Migrant Smuggling in 2023.[70]

1.3.3 Bilateral Relations

Albania have also partnered closely with counterpart agencies from the US, France, Germany and the Netherlands to expand their capacities in policing. The US's Export Control and Related Border Security (EXBS) Programme has historically been a key partner of the Albanian Customs Service, supporting efforts to 'improve border control'.[71] The Dutch, German and French federal police have supported the Albanian police through the provision of training and equipment for border management.[72] The exact type of equipment will be expanded upon later in the report.

1.3.4 Humanitarian Organisations (NGOs/CSOs)

The only humanitarian organisation that is currently present at the borders and able to monitor practices and conditions in the Temporary Registration and Reception Centres is **Caritas**. They began working in the Kakavijë border region, close to Ioannina on the Greek side, in 2015 and expanded to all border areas in 2016. In each location they employ local staff who work closely with the Border and Migration Police to provide primary material support such as clothing and hygiene items, food, and medical care in the centres. Their teams consist of field coordinators, translators and doctors. Depending on the area the field coordinator focuses on the identification of vulnerable people arriving at the border and their referral to the correct procedures and services. Caritas state they have a good collaboration with the Border and Migration Police, who inform them of new arrivals when they are identified at the border.[73]

Other International Non-Governmental Organisations (INGOs) operate in Albania, including **Save the Children**. Save the Children has the mandate of strengthening child protection systems for all children in the country. They began their operations in the country in 1999, in response to mass migration into the country of Kosovo nationals. Whilst Save the Children do not have a particular mandate on migration, they began to be more involved in Albania's response to people crossing borders in 2018 by supporting local and national institutions to respond to child-specific needs. As an organisation, they participate in roundtables as external experts for the Albanian state to consult when making migration management strategies. Save the Children were included in preparedness plans for different migration-related scenarios where their role pertained largely to the provision of food, non-food items and interventions in protection, education and healthcare.

69   European Commission. (2022). EMPACT leaflet: European multidisciplinary platform against criminal threats. https://home-affairs.ec.europa.eu/system/files/2022-09/EMPACT%20leaflet%20COM_Ext_Sept%202022.pdf
70   European Commission. (2023). Staff working document: Albania 2023 report. https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf
71   Customs Administration of Albania. (n.d.). EXBS program. https://dogana.gov.al/english/d/171/197/201/180/exbs-program
72   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
73   All information comes from interview with Respondent 11

In 2019, they cooperated with IOM to make family friendly spaces in the Temporary Registration and Reception Centres in Kapshticë and Korçë, ensuring child-friendly spaces for screening procedures and initial accommodation with language appropriate resources – namely Pashto, Arabic and English. Save the Children also played a role in service provision for the Afghan population who were evacuated to Albania by the United States following the Taliban uprising in the country. They began with interventions on healthcare and child protection and have since developed a child-friendly space and primary healthcare clinic on-site in the hotels where Afghans are housed in Shëngjin and Durrës.[74]

Another key humanitarian actor in the asylum and migration landscape is **Refugee and Migrant Services Albania (RMSA)**. The organisation was founded in 2001 and is funded largely by UNHCR as their in-country implementing partner. RMSA intervenes in cases of asylum seekers to ensure their rights are upheld and their needs are met. They have an office in Tirana and are largely active in Babbru Reception Centre. They provide access to basic services and medical care, as well as trying to support specific vulnerable cases, provide information on asylum procedures, and ensure access to education. Once people leave the camp, having been granted refugee or subsidiary protection status, RMSA provides financial support, access to Albanian language classes, psycho-social support, and social workers who follow each case. Like the other organisations, they are consulted as experts in roundtables to provide input on national operational plans and laws on migration.

The **International Organisation for Migration (IOM)** has been present in Albania since 1992 as one of the key international partners of the Albanian Government. According to IOM Albania's 2022-2025 Strategy[75] their priorities for the period are to ensure individuals and communities are empowered and resilient; that migrants and societies benefit from safe, orderly and regular human mobility; and a whole of government and whole of society approach. However, it seems IOM also plays a role in facilitating the "cross-border collaboration" of different border guard units. In November 2023, the IOM organised a study visit for a delegation of the Albanian Border and Migration Police to Croatia under the Western Balkans Integrated Border Management Capacity Building Facility (WBIBM).[76] The visit was intended to "foster knowledge exchange and address mutual challenges encountered by border enforcement authorities".[77] This is particularly concerning given Croatia's long history of violent pushback practices at its borders.[78]

The **Albanian Helsinki Committee** is the most prominent organisation for the protection and promotion of human rights in Albania. They were founded in December 1990 when the country was transitioning into a democratic state. Their original mission was to defend the rights of those who had been persecuted under the totalitarian regime of Enver Hoxha, today the Commite workson issues of torture, detention, overseeing elections, providing legal aid, and consulting on legal and institutional reforms to ensure they meet rule of law and human rights standards. Within this role, they have most recently been particularly concerned with the legality of the Rama-Meloni deal to offshore the processing of new arrivals to Italy onto Albanian territory, and whether or not this complies with international law. They have been notably critical of the deal, stating that too much legal uncertainty around the

74   All information comes from interview with Respondent 2
75   International Organization for Migration (IOM). (2023). IOM country strategy: Albania. https://albania.iom.int/sites/g/files/tmzbdl1401/files/documents/2023-04/IOM%20Country%20Strategy_Albania.pdf
76   International Organization for Migration (IOM). (2024, April 15). Strengthening cross-border collaboration: Insights from Albanian and Croatian border police work visit. https://albania.iom.int/stories/strengthening-cross-border-collaboration-insights-albanian-croatian-border-police-work-visit
77   Ibid.
78   Border Violence Monitoring Network. (2021). Briefing: Torture and Pushbacks in Croatia (2020). https://borderviolence.eu/app/uploads/Croatia_Torture_2020.pdf

procedures remains.[79]

In the context of the Rama-Meloni deal, and increased attention on Albania's migration and asylum systems, a new grassroots collective has formed called **Europe Other**. So far the group has been focussed on monitoring the development of the centres intended for Italy's offshored asylum procedures, however they are committed to a wider mission of building resistance against border violence in Albania at large.

1.4 Key human rights issues

1.4.1 Defunct Asylum Procedures

Serious deficiencies in Albania's asylum procedures remain. Although the relevant laws outline a system that aligns with EU standards in many aspects, as detailed in section 1.2, when looking at multiple testimonies collected by the BVMN and statistical data that has emerged from Albania it becomes evident that the Albanian asylum system is, in reality, largely inaccessible to people entering the country. In 28% of the testimonies collected by the BVMN, individuals explicitly asked for asylum but were pushed back to Greece regardless, in blatant violation of international law. Additionally, the numbers included in the monthly Western Balkan reports by the Western Balkans European Migration Liaison Officer (EMLO)[80] show the number of claims processed are disproportionately low compared to those lodged in the country, year on year.

Year	Applications Received	Number of Decisions	Percentage of Applications Processed
2019	6,604	112	1.7%
2020	2,239	22[81]	0.98%
2021	84[82]	2[83]	2.4%
2022	125[84]	24[85]	19%
2023	261[86]	14[87]	5%

Table 1: Asylum statistics for Albania (2019-2023)

79   Millona, Kristina. (2024, May). The Italy-Albania agreement and the new frontiers of border externalization. https://www.meltingpot.org/en/2024/05/the-italy-albania-agreement-and-the-new-frontiers-of-border-externalization/
80   A specialised liaison officer seconded in EU Delegations in third countries tasked to coordinate and represent EU interests in the field of migration with the aim of maximising the impact of EU action on migration in third countries and enhancing the engagement of key countries of origin and transit on the entire spectrum of migration.
81   FOI EMLO (old) Annex 1_1
82   This report refers for 2021 only to numbers between January and October, as only those were provided to us by EMLO through the FOI we submitted. As numbers provided by other platforms such as UNHCR vary slightly (see footnote below), we decided not to include those in the overall argumentation in order to establish some consistency.
83   UNHCR. (2021.) RBE - Western Balkans - Asylum Statistics - Summary of key trends observed - October 21. https://data.unhcr.org/en/documents/details/89924
84   Institute of Statistics (INSTAT). (2024, July 3). Asylum seekers in Albania 2023. https://www.instat.gov.al/media/13768/asylum-seekers-in-albania-2023-dt03072024.pdf
85   Institute of Statistics (INSTAT). (2023). Asylum seekers in Albania 2022. INSTAT. https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/publications/2023/asylum-seekers-in-albania-2022/
86   nstitute of Statistics (INSTAT). (2024, July 3). Asylum seekers in Albania 2023. https://www.instat.gov.al/media/13768/asylum-seekers-in-albania-2023-dt03072024.pdf
87   Ibid

1.4.2 Pushbacks

The testimonies collected by the BVMN provide qualitative data support the statistics - respondents reported being blatantly ignored upon apprehension when they attempted to claim asylum in Albania before being pushed back across the border. This would indicate a clear interference with their rights afforded at national level under the Law on Asylum, and by international law under the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, and the European Convention on Human Rights. Moreover, it would violate the Albanian Law on Aliens as no information or counsel was ever referred to in an Albanian pushback testimony and persons irregularly present within the territory are entitled to be informed of the asylum procedure of the state, as well as given a removal decision in writing which they have the right to appeal. Not one respondent described being issued with any documents prior to their removal from Albanian territory.

Furthermore, numerous pushback victims described being apprehended and brought to a facility where their information was taken before they were pushed back. This indicates that individuals are being detained briefly in Closed Registration and Temporary Accommodation Centres along the border, where their information is taken and registered before being forcibly pushed back to Greece outside of any legal framework.[88] This would account for the high number of registrations and low level of decisions as well as the low numbers of people present in accommodation centres. This practice violates national law on numerous accounts. The procedure does not fulfil any of the requirements of the orders under the Law on Aliens as no official documentation or notice is issued, often no translation is provided and no opportunity for appeal is given. Furthermore, asylum seekers are not included in the provisions outlined in the Law on Aliens. Thus, anyone entering the territory with the intention to seek asylum has a legal right to do so and the state has no authority to assume otherwise or negate that right. Additionally, it is not clear how their data is being stored or shared which violates their rights under the GDPR as data subjects.

If asylum claims are being actively ignored, as reported to BVMN, and the removal of people on the move is being orchestrated outside of the legal grounds outlined in the Law on Aliens and the Law on Asylum, then the expulsions are indicatively pushbacks, which are illegal and in violation of both national and international laws. The Albanian State Police, and other actors interviewed during the process, denied this by stating that, under Article 102 of the Law on Aliens, the Albanian Border and Migration police reserve the right to return people who are entering the country irregularly with the intent of transiting irregularly to other countries.[89] When the BVMN asked the Albanian Ombudsperson's office about this, they responded that:

> *"Albania has a framework agreement with the European Union which was signed in 2005 and entered into force on May 1, 2006. Since Greece is part of the EU, it operates with this agreement. But the agreement in question has not been accompanied by a bilateral implementation protocol between Albania and Greece, which means that the Greek side does not accept the immediate return without formalities of foreigners found in an irregular situation in the border area between it and Albania. [...] The Albanian side*

88   Migreurop. (2021. November). Balkan Report 2021. https://www.lacimade.org/wp-content/uploads/2021/11/rapport_balkans_migreurop_2021_-_def.pdf

89   Government of Albania. (2013). Law No. 108 on Aliens (Albania).https://adsdatabase.ohchr.org/IssueLibrary/ALBANIA_Law%20No%20108%20on%20Aliens.pdf

requests a protocol through which the Greek side accepts the immediate return of foreigners found in the border area and who entered from Greek territory, but it is rejected by the latter. The Greek side accepts only through a formal readmission procedure with material evidence that the foreigner has entered from Greece and is found in Albania. So the Greek side does not accept immediate return, nor formal administrative return without material evidence, i.e. only through fingerprints."

This response indicates that, whilst Albania considers it possible to immediately return individuals at the border, Greece has not agreed to such a procedure. Coupled with the EU Commission's 2023 Enlargement Report on Albania which cites ongoing "shortcomings in the return procedure", and the testimonies collected by the BVMN it is difficult to argue that the procedure does not, in fact, constitute a pushback.

1.4.3 Rights Violations Related to Pushbacks

Testimonies recorded by the BVMN indicate a pattern in Albania's pushback procedures. Once people have been apprehended, their belongings are taken and they are forced into vehicles, identified as SUVs.[90] In these vehicles, they are brought to either a police station or a "small camp" - likely a Temporary Registration and Reception Centre - where they are interrogated and fingerprints are taken. After the interrogation, people on the move are taken to the land border with Greece in vehicles and subsequently get pushed back across the border and are left stranded. BVMN testimonies are corroborated by evidence collected in articles and testimonies from journalists and other NGOs, which describe similar accounts of such pushback practices.[91]

Between January 2020 and May 2023, the BVMN has recorded testimonies with 22 respondents who reported on their pushback from Albania - these interviews pertained to the experiences of approximately 524 individuals. In 10 of the 22 testimonies (45%), the respondents reported that physical violence had been used against them, including beating with batons and being kicked. The use of force *"to prevent persons from entering a State's territory generally cannot be regarded as lawful, necessary or proportionate, and may therefore well amount to ill-treatment or even torture".*[92]

The testimonies collected by the BVMN indicate several incidents of such forms of violence. For example, a respondent reported that he and his group were hit with a *"kind of truncheon but like metal"*, that they were kicked from behind and that officers were acting in blatant disregard of people's health conditions when abandoning people at the green border between Albania and Greece.[93] Two respondents testified that they were on crutches while being pushed back.[94]

90   Border Violence Monitoring Network. (2021.) "[I am] disabled… and that didn't stop them to push [me] back". https://www.borderviolence.eu/violence-reports/february-5-2021-2200-near-kapshtice-albania/;
Border Violence Monitoring Network. (2020.) "They took us and put us in a point which is closer to the Albanian Border". https://www.borderviolence.eu/violence-reports/november-25-2020-1800-near-trestenik-albania/
91   Alice Taylor. (2021, February 25.) Save the Children: Balkan Countries That Pushback Migrants Put Children at Risk of Abuse and Trafficking. https://exit.al/en/save-the-children-balkan-countries-that-pushback-migrants-put-children-at-risk-of-abuse-and-trafficking/
92   United Nations Human Rights Council. (2018.) Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/37/50, para. 55. https://www.ohchr.org/Documents/Issues/Torture/A_HRC_37_50_EN.pdf
93   Border Violence Monitoring Network. (2020.) "[Frontex in Albania] They have no mercy". https://www.borderviolence.eu/violence-reports/june-1-2020-0700-trestenik-albania/
94   Border Violence Monitoring Network. (2021.) "Every time that they caught me, I asked them for hospital. Every time, the three times." https://borderviolence.eu/testimonies/april-29-2021-0000-bilisht-albania/

Figure 8: Respondent pictured using crutches

From January 2021, the BVMN began documenting an emerging trend of hotel raids by Albanian authorities in the port city of Durrës which resulted in mass pushbacks to Greece.

Figure 9: Site of former 'Altin Hotel' - now disused

Two testimonies in January,[95] two in February,[96] and four in May[97] detail a similar process whereby a location referred to as the 'Altin Hotel', which provided people with low-cost lodging (€2 per night per person), was systematically raided late at night or early in the morning. In the February incident, the respondents reported that they were transferred to a station inside the port of Durres and held in a cell there. One respondent stated that several people were beaten by uniformed men inside the cells, using their hands to punch them as well as batons.

95   Border Violence Monitoring Network. (2021.) "In the night, in the snow". https://borderviolence.eu/testimonies/16th-february-2021-south-east-ern-albania/; Border Violence Monitoring Network. (2021.) "I want to give my testimony to make [it] better for the next people".
https://borderviolence.eu/testimonies/january-18-2021-0600-albanian-greek-border-south-eastern-albania/
96   Border Violence Monitoring Network. (2021.) "Between Albania and Greece, there is no fence. Just [...] snow". https://borderviolence.eu/testi-monies/february-19-2021-0730-near-bilisht-albania/; Border Violence Monitoring Network. (2021.) "Same thing, same story".
https://borderviolence.eu/testimonies/february-20-2021-2300-south-eastern-albania/
97   Border Violence Monitoring Network. (2021.) "It was snowing and they walked in the small small roads inside the woods and they throw us out in nowhere and we didn't have the maps." https://borderviolence.eu/testimonies/february-5-2021-1900-near-motorway-29-kastraki-greece/; Border Vio-lence Monitoring Network. (2021.) "they push us and they forced the door, it was hard for them to close the door because it was so many people inside".
https://borderviolence.eu/testimonies/february-6-2021-0000-kastoria-greece-2/; Border Violence Monitoring Network. (2021.) "Mass pushback from Dur-res".
https://borderviolence.eu/testimonies/february-5-2021-1130-kastoria-greece/; Border Violence Monitoring Network. (2021.) "[I am] disabled … And that didn't stop them to push [me] back".
https://borderviolence.eu/testimonies/february-5-2021-2200-near-kapshtice-albania/

He stated *"there is also this with the electricity [an electric discharge weapon], but they don't use it, they just fire in the air to make us scared."*[98] In testimonies of the May incident, three of the four respondents reported that people in the group began to self-harm with knives so they could be transported to hospital and avoid being pushed back. As a result, other officers arrived at the scene and identified those who were trying to avoid detention by self-harming. They *"took the singled-out people into the police station and beat them with their metal batons for approximately ten minutes."*[99] During the research conducted for this report, the location of the hotel was visited but it appeared to be shut down. Descriptions of mass raids like this in Durrës have not been reported on since 2021.

In four of the 22 testimonies (18%), the respondents reported that either gunshots were fired or that the authorities apprehending them threatened to shoot them. In one testimony, the respondent stated that, upon apprehension, the officers had drawn their guns and were holding the group at gunpoint. Reportedly, the officer told the group: *"next time if you run we can shoot on you, if we said 'stop', you stop'"*.[100] Another report describes how the group was apprehended by officers wearing balaclavas. The officers were kicking people on the move from behind and at a certain point they drew their weapons and fired shots in the air.[101] On another occasion, a respondent described that shots were fired when one of the apprehended persons tried to run away. The respondent was not able to tell if the shots were fired at the person or in the air, but the person was unharmed when apprehended again.[102]

1.4.4 Frontex and pushbacks

Testimonies of pushbacks, and accompanying violence, don't just come from the BVMN database and other human rights watchdogs. Through Freedom of Information (FOI) requests, the BVMN gained access to reports from Frontex's Fundamental Rights Office (FRO) which corroborated the practice. In 2022, the FRO resolved 14 investigations into Serious Incident Reports (SIRs) which alleged pushbacks. These reports indicate that pushbacks happen from deep within the territory - not simply at the green border line.[103] They also corroborate allegations of violence, with respondents interviewed by Frontex reporting that they were *"beaten with boots"* by Albanians in army uniforms.[104] In each case, the FRO concludes that there is limited evidence to establish the veracity of the claim beyond all doubt but refers to the building number of SIRs that put forth similar claims. In one SIR[105], the conclusion states that the FRO "has reasons to believe that the sum of alleged facts could indicate the existence of a pattern occurring at the border between Albania and Greece".

98   Border Violence Monitoring Network. (2021.) "Same thing, same story".
https://borderviolence.eu/testimonies/february-20-2021-2300-south-eastern-albania/
99   Border Violence Monitoring Network. (2021.) "It was snowing and they walked in the small small roads inside the woods and they throw us out in nowhere and we didn't have the maps." https://borderviolence.eu/testimonies/february-5-2021-1900-near-motorway-29-kastraki-greece/
100   Border Violence Monitoring Network. (2020.) "Next time if you run we can shoot on you, if we said 'stop' you 'stop'" https://www.borderviolence.eu/violence-reports/may-30-2020-1500-on-the-way-to-the-village-of-trestenik/
101   Border Violence Monitoring Network. (2020.) "[Frontex in Albania] They have no mercy". https://www.borderviolence.eu/violence-reports/june-1-2020-0700-trestenik-albania/
102   Border Violence Monitoring Network. (2021.) "I want to give my testimony to make [it] better for the next people." https://www.borderviolence.eu/violence-reports/january-18-2021-0600-albanian-greek-border-south-eastern-albania/
103   10941/2022 - SIR (Copy with authors)
104   11381/2022 - SIR (Copy with authors)
105   12816/2022 - SIR (Copy with authors)

Figure 10: Frontex vehicle pictured doing patrols at the GR-ALB border (close to Radat)

The testimony of a Frontex officer who witnessed systematic pushback operations at the Greek-Albanian border was also obtained by FOI requests.[106] The officer, who was deployed from November 2022 to January 2023, states that "the Albanian Police brought the migrants back to Greece" and "this was a known thing within Frontex, because everyone told me this beforehand". Additionally, the officer reports that they were told not to lodge SIRs on this because "it just went that way there".[107] The officer also stated that they had witnessed ill-treatment of people on the move, reporting that the Albanian authorities "put migrants outside barefoot" and "sometimes beat migrants".[108] In this same report, the officer states that somebody died at the Temporary Registration and Reception Centre where they were deployed. Five more deaths allegedly occurred in the following weeks due to the colder weather. The officer reported that they wrote down some characteristics of the deceased, but ultimately there was no further follow up.[109] In the FRO's assessment of this officer's testimony they stated that allegations of Albanian authorities returning migrants to Greece were "corroborated by all interviewed Frontex operational staff" and consistent with the accounts of migrants themselves in other SIRs that have been lodged. On the reports of dead bodies in one of the Temporary Registration and Reception Centres, the FRO states that this was denied by Albanian authorities and, in the absence of further information, they could not confirm the report as fact. However "the reporting person had described that they had personally seen the dead bodies in a credible and detailed manner, resulting in doubts on the part of the Office whether there had indeed never been any deaths at the centre".[110] During research for this report, we asked Caritas about these allegations as the only NGO active in the Temporary Registration and Reception Centres at the border but they stated they had never heard such allegations and only knew of one death one of the Centres along the Greek-Albanian border which was caused by a drug overdose.

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106   10910/2023 - SIR (Copy with authors)
107   Ibid.
108   Ibid.
109   Ibid.
110   Ibid.

Lastly, the FRO's assessment comments on a systematic lack of reporting by Frontex operational staff. The report states that Frontex staff are "aware of systematic transports of migrants to the border and them being coerced to cross the border, yet [are] not reporting on them". This means that, in spite of Frontex's stated mandate to ensure border management that is in compliance with EU and international human rights law, the deployed officers are witnessing rights violations in silence. This issue of a lack of reporting is particularly interesting when you look at the history of Frontex's SIRs and reports from FRO Missions to Albania. Prior to 2022, there are no SIRs which allege pushbacks. Additionally, in the Mission Reports of the FRO to Albania there are no such allegations. In the 2019 Report, Frontex officers state they are unaware of unprocessed returns to Greece and not involved in apprehensions. Again in February 2022, the report stated that no cases of mistreatment by the Border and Migration Police or deployed Frontex officers had been witnessed. However, from March 2022 SIRs pertaining to pushbacks began to be filed and, correspondingly, in April and September 2023 reports from FRO Missions to Albania refer to continued allegations of irregular returns and ill-treatment of people on the move at Albania's borders. BVMN testimonies report the presence of Frontex officers as early as 2020, and in 13 of the 22 (59%) reports. Normally, Frontex officers are involved in the apprehension of people on the move and then they hand them over to Albanian authorities. Based on the information detailed above, it seems Frontex officers are doing so in full knowledge that the individuals will be pushed back to Greece and potentially subject to inhumane and degrading treatment.

There are two testimonies in the BVMN database, and one Frontex SIR obtained by FOI request which indicate Frontex's involvement in the mistreatment of people on the move. In two testimonies relating to two incidents over 48 hours in May 2020, the respondents reported that Frontex officers were directly involved in their pushback.[111] In a letter written to Frontex by a deployed officer in 2022, another deployed officer is accused of endangering migrants by hanging them from a vehicle during transport. This was reportedly filmed and circulated in a Signal group used by Frontex officers. When the whistleblowing officer confronted the other officer, the latter reportedly stated 'WHAT THE FUCK. THEY ARE FUCKEN MIGRANTS' and stated that they had good connections in Warsaw so they wouldn't be punished.[112] During the FRO's investigation into the incident they spoke to two Frontex members who remembered the case because it was widely discussed, and said they had heard about a video but not seen it themselves. These officers, rather than reporting independently, only gave this information when interviewed in the context of an ongoing investigation which again hints at a structural issue of underreporting in the Frontex standing corps in Albania. An investigation published by Balkan Insight in 2024[113] looked into this further and found that, although the Frontex Press Officer stated that claims of underreporting were "completely and demonstrably false", the head of the FRO issued a formal opinion on "addressing underreporting" to the Frontex Management Board earlier this year. This suggests the issue is widespread across the Agency's operations, and not limited to Albania.

111 Border Violence Monitoring Network. (2021.) "next time if you run we can shoot on you, if we said 'stop', you stop" https://borderviolence.eu/testimonies/may-30-2020-1500-on-the-way-to-the-village-of-trestenik/; Border Violence Monitoring Network. (2021.) "second pushback by frontex in 48 hour"
https://borderviolence.eu/testimonies/may-31-2020-0600-vicinity-of-trestenik-gr-al-border/
112 SIR 14006/2022 (Copy with authors)
113 Barker, Hope, Kostas Koukoumakas and Ludek Stavinoha. (2024. June 28). Frontex Officers Failing to Report Migrant Abuses on Albania-Greece Border. https://balkaninsight.com/2024/06/28/frontex-officers-failing-to-report-migrant-abuses-on-albania-greece-border/

1.5 Overview of developments in border surveillance and control technologies

1.5.1 Integrated Border Management Policy

After becoming an official candidate for accession to the EU in June 2014, Albania began implementing reforms to its core legislation. One key aspect of this was the development of a border security strategy approached through the lens of 'Integrated Border Management' (IBM). In the EU context, this is a comprehensive framework that was designed to manage the EU's external borders through enhanced security. This is achieved through increased co-operation among national and EU level agencies, new technologies, and expanding border infrastructure. The roots of the IBM concept can be traced back to the signing of the Schengen Agreement in 1985. A byproduct of abolishing internal borders through this agreement was the necessity of strengthening the EU's external borders as a means of protecting the internal free market movement system. External migration was seen as a potential threat to this system. This set the stage for the Amsterdam Treaty in 1997 that birthed from the idea of the Common European Asylum System (CEAS). Member States (MS) of the EU agreed that they needed a harmonised system for those seeking asylum in the bloc to ensure that standards were equal across states to discourage secondary movements. As a result, MS delegated power to the EU level rather than having individual systems and the CEAS was created, giving the EU a far greater role in border management as a result. Later, in 2004, the establishment of a European Border and Coast Guard Agency (Frontex) to coordinate border control activities across Member States further entrenched the IBM approach. Frontex became a key proponent and disseminator of that approach. The IBM was formally adopted as a strategy in the Council conclusions of the 2768th Council Meeting on Justice and Home Affairs in December 2006. The strategy consists of the following dimensions: a) border control b) detection and investigation of cross border crime c) four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement) d) inter-agency cooperation for border management.[114] With the passing of the European Border and Coast Guard Regulation in 2016 in response to the so-called 'refugee crisis' of 2015, the EU sought to significantly reinforce the IBM approach by expanding the mandate of Frontex. In this context, it is easy to see how a fully functioning IBM strategy became a vital pre-condition for Albania's accession to the EU.

Since 2007, Albania has adopted three different strategies on Integrated Border Management – one for 2007-2013, one for 2014-2020 and, most recently, one for 2021-2027. The strategies are drafted in consultation with external experts and envisage the *"coordination and cooperation between all authorities and agencies involved in border security and trade facilitation, with the aim of perfecting effective and efficient integrated border management systems, with the aim of achieving the goal of shared open borders, but controlled and secure."*[115] During the 2007-2013 period of implementation of the IBM strategy, it is noted that "communication and information exchange developed rapidly", notably with the "computerisation of all border services and their equipment".[116] It is also noted that the Border and Migration Police "have continuously improved the inventory of border control and surveillance equipment, some of which have been introduced for the first time".[117] Again, for the 2014-2020 implementation period it is noted that "communication and information exchange developed

114   Kosta, E. (2017). Integrated border management in the EU: The Albanian experience. ResearchGate. https://www.researchgate.net/publication/315954272_Integrated_Border_Management_in_the_EU_The_Albanian_Experience/link/641db147a1b72772e4247611/download?_tp=eyJjb-250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19

115   Minister of Internal Affairs and Council of Ministers. (2014, 5 March). STRATEGJIA KOMBËTARE PËR MENAXHIMIN E INTEGRUAR TË KUFIRIT DHE PLAN-VEPRIMI Strategji ndërsektoriale (2014-2020). https://www.mb.gov.al/wp-content/uploads/2018/01/Strategjia_e_Menaxhimit_te_Integruar_te_Kufijve_2014-2020.pdf

116   Ibid.

117   Ibid.

rapidly"[118] and new systems have been installed with EU funding. Additionally, four new border crossing points were opened along Albania's borders with Kosovo, Montenegro, and North Macedonia that were equipped with "modern work facilities".[119] Through these strategies, and their subsequent evaluations, it is evident that supplying the border with modern technologies to detect irregular crossings is a key priority in Albania's border management strategy. This is inextricably linked with their desire to accede to the EU. In the 2021-2027 Strategy document it is explicitly stated – *"taking into consideration the fact that the Republic of Albania is located on the external borders of the EU, as well as the expected EU membership of other neighbouring countries, it is of great importance to introduce and continuously implement the concept of integrated management of the borders to be in line with the current solutions in the region and the EU."[120]* Indeed, the 2021-2027 IBM Strategy denotes an ongoing commitment to continuously developing and updating Albania's capacities in border management and surveillance. The report states that the development of these capacities will require significant financial investments and, as such, Albania will continue to apply for assistance from the Internal Security Fund (ISF) and the Asylum Migration and Integration Fund (AMIF). On top of this, law enforcement authorities operating in the border regions will also provide funding to the IBM mechanism, prioritising the establishment of a National Centre for Integrated Border Management in line with EU standards.

1.5.2 EU Funding

The development of the IBM in Albania has, in large part, been funded by the EU. This has been facilitated through the Instrument for Pre-accession Assistance (IPA) which is the mechanism by which the EU supports reforms in states outside of the EU prior to accession.[121] The project has been running in Albania since 2007, and includes both financial and technical assistance through different projects.

In 2012, under IPA I, Albania received three million euros for the reconstruction of border crossing points. IPA II began in 2014 with the enforcement of the IPA II Regulation. One of the key objectives outlined in the IPA II Regulation is to provide support through *'capacity-building measures for improving law enforcement, border management and implementation of migration policy, including the management of migration flows.'[122]* This objective was sought to be implemented by the IPA II project "Regional Protection Sensitive Migration Management in the Western Balkans and Turkey", which began in 2016, sought to achieve this objective with implementation shared between EASO, Frontex, IOM and UNHCR.

The implementation of phase two of this project scheme ran from July 2019 to June 2021, with the aim to *'develop and operationalise a comprehensive migration management system in the IPA II beneficiaries'* and *'further build institutional capacities and operations of the relevant institutions coming in first and second points of contact with migrants and persons in need of international protection'.[123]* The total budget for this project was 6.475 million euros from the IPA instrument and EASO, and a further 1.4 million euros from the three other con-

118   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
119   Ibid
120   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
121   European Commission. (2022.) Overview - Instrument for Pre-Accession Assistance. https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance_en
122   Regulation (EU) No 231/2014. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0231
123   European Union Agency for Asylum. (2019.) IPA II project 'Regional Support to Protection-Sensitive Migration Management systems in the Western Balkans and Turkey' (July 2019 – June 2021) – Phase II. https://euaa.europa.eu/sites/default/files/IPA-II-phase-II.pdf

tributors: Frontex, UNHCR and IOM.[124] Under this project, Frontex has organised 20 trainings for border guards in the Western Balkans regarding screening, debriefing, fundamental rights and other asylum issues.[125] Albania specifically received 1.5 million euros under IPA II for the capacity building of law enforcement agencies in line with Integrated Border Management.[126]

Currently, IPA III is an ongoing project set to run from 2021–2027.[127] Signed into law in Regulation 2021/1529, it has a designated budget of 14.2 billion euro. which will be used to *'support beneficiaries in adopting and implementing the political, institutional, legal, administrative, social and economic reforms required to comply with EU values.'* The countries receiving support are Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, and Turkey. Thus, the IPA funding in Albania is embedded in an overall trend to financially support countries in the Western Balkans, especially on migration and border management. On October 25th 2022, the European Commission adopted a new assistance package to *'strengthen border management'* in the Western Balkans.[128] This package is worth 39.2 million euros, with plans to increase this to at least 350 million euros by 2024.[129] This will go towards migration management systems such as surveillance and detention centres. Commissioner for Neighbourhood and Enlargement Olivér Várhelyi has stated *'This will support the Western Balkans in all areas of developing effective migration management systems, including asylum and reception, border security and returns'.*[130] Frontex has also noted that they are assisting with migration management in Albania under the IPA III project.[131]

Under the EU's Integrated Border Management Fund (BMVI) for 2021–2027, the EU has allocated €47 million[132] of funding to Greek authorities to build an "automated border surveillance system" (ABSS) at Greece's borders with North Macedonia and Albania to enhance the situational picture established by the Greek National Coordination Centre.[133] This will be modelled off the ABSS that are currently deployed at the Evros land border between Turkey and Greece.[134]

Furthermore, in 2002, with joint funding from the EU and the US to the tune of €12.8 million Albania began upgrading its security systems at the Kakavijë and Kapshticë BCPs. This project was linked to the 2004 Olympic Games that were held in Greece but the project had a duration of five years. The funding was used to install surveillance cameras, scanners and other electronic equipment, as well as to train personnel in the usage of that equipment.[135]

124   Ibid
125   Frontex. (2019.) Frontex trained 250 experts from Western Balkans and Turkey. https://frontex.europa.eu/media-centre/news/news-release/frontex-trained-250-experts-from-western-balkans-and-turkey-Pmzvkk
126   https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5535
127   European Commission. (2022.) Overview - Instrument for Pre-Accession Assistance. https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance_en
128   European Commission. (2022.) EU increases support for border and migration management in the Western Balkans. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_6276
129   Ibid
130   Ibid
131   Frontex. (2021.) Frontex and Slovenian Presidency host high-level meeting with Western Balkan partners. https://frontex.europa.eu/media-centre/news/news-release/frontex-and-slovenian-presidency-host-high-level-meeting-with-western-balkan-partners-tLLEDP
132   Hellenic Republic, Ministry of Migration and Asylum. (2022). Εθνικό Πρόγραμμα Μεταφοράς Διεθνών Σπουδαστών και Επιστημόνων για τη Χρονική Περίοδο 2023-2027 [National Program for the Transfer of International Students and Scientists for the Period 2023-2027]. https://migration.gov.gr/wp-content/uploads/2022/12/%CE%95%CE%98%CE%9D%CE%99%CE%9A%CE%9F-%CE%A0%CE%A1%CE%9F%CE%93%CE%A1%CE%91%CE%9C%CE%9C%CE%91-%CE%9C%CE%94%CE%A3%CE%98_v.3.pdf
133   Ibid
134   Lulamae, Josephine. (2023. December 19). Greece is planning a €40M automated surveillance system at borders with North Macedonia and Albania. AlgorithmWatch. https://algorithmwatch.org/en/greece-is-planning-a-e40m-automated-surveillance-system-at-borders-with-north-macedonia-and-albania/
135   Ekathimerini. (2004, July 21). Albania boosts border security. Ekathimerini. https://www.ekathimerini.com/news/23943/albania-boosts-border-security/

1.5.3 Bilateral Projects with the UK

In 2024, Albania installed a "sophisticated" network of cameras along its border with Kosovo that were supplied by the UK.[136] The UK has recently developed a number of projects with Albania due to the increasing number of Albanian nationals seeking asylum in the UK - in 2022, this number rose to 16,000 totalling 16% of all asylum applicants.[137] In line with this, the UK has initiated this project to "stem the number of migrants […] and to tackle criminal activity in the region".[138] The cameras were installed along with a fleet of drones and number plate recognition (NPR) cameras and the entire project cost €1.86 million.

In 2022, another project was initiated between Albania and the UK with the purpose of enhancing the exchange of biometric data.[139] Albanian police forces are to be deployed at the Dover port to help identify and deport Albanians entering irregularly through the Channel. They will collect individuals' biometric data and cross-reference it with Albanian criminal databases. As this report will demonstrate, there are a number of human rights concerns with data exchange between third countries - especially with the country an individual is seeking protection from. A Border Force source recognised this, stating "there may be a risk in sharing information about asylum seekers with the government of the country they are claiming to fear persecution from — at least before the claim is assessed."[140]

1.5.4 UN Projects

In 2009, the UN's Office on Drugs and Crime initiated a project with Albania with the aim of "strengthening border control capacities".[141] Whilst the aim of the project is stated as countering illicit trafficking and disrupting criminal activities such as drug smuggling, the project includes the provision of technical equipment and training. The focus is on the green border crossing points and as such could easily be used on people crossing that border under the guise of "illegal movement" or "people smuggling" claims. Under this project, a significant amount of technological equipment was procured - a large proportion of this related to the detection of drug smuggling however three off-road vehicles were also procured for the units in Lezha, Gjirokatser and Vlora. Additionally, a number of printers and laptops were supplied, 20 biometric passport readers, and the training facility in Vlora (the blue border) was renovated with assistance from Italy's Guardia di Finanza.[142]

136   Casert, R. (2022, November 14). Albania, Britain vow to tackle issue of illegal migration. AP News. https://apnews.com/article/albania-britain-illegal-migration-19e335a01efd7463072da5e8823e3c20
137   Sumption, M. (2022, November 9). Albanian asylum seekers in the UK and EU: A look at recent data. Migration Observatory. https://migration-observatory.ox.ac.uk/resources/commentaries/albanian-asylum-seekers-in-the-uk-and-eu-a-look-at-recent-data/
138   Casert, R. (2022, November 14). Albania, Britain vow to tackle issue of illegal migration. AP News. https://apnews.com/article/albania-britain-illegal-migration-19e335a01efd7463072da5e8823e3c20
139   Mascellino, Allesandro. (2022, September 14). Albanian police deployed at UK port for biometric migrant identification. Biometric Update. https://www.biometricupdate.com/202209/albanian-police-deployed-at-uk-port-for-biometric-migrant-identification
140   Ibid
141   United Nations Office on Drugs and Crime. (n.d.). UNODC in Albania. UNODC. https://www.unodc.org/southeasterneurope/en/alb/g70.html
142   Ibid

2. Methodology

2.1 Research and Data Gathering Methods

The research design adopted a mixed-methods approach. The purpose of the research was primarily to investigate the use of border surveillance technology at the Greek-Albanian border and the potential impacts on people crossing that border. However, as the BVMN does not have a partner organisation in Albania it was also important to map the broader situation in the country for people transiting it through mapping the key actors, understanding the routes and their varying challenges, and studying the legal framework and what rights are afforded to people seeking protection in the country.

2.1.1 Desk Research

The initial research phase was informed by desk research, looking at existing research available online, analysing key policy and legal documents, and obtaining other documents through Freedom of Information requests. For the purpose of the desk research, there was an extensive search of online source material (in English and Albanian) and reports by other NGOs (such as the extensive research done by La Cimade)[143] were also consulted. There was also a comprehensive content analysis of the testimonies in the BVMN database pertaining to pushbacks at the Greek-Albanian border. Additionally, footage of pushbacks that were available to the BVMN was analysed and visually investigated to establish further evidence of the procedures involved in pushbacks from Albania.

In order to investigate Frontex's activities related to the monitoring and management of the Greek-Albanian border, Freedom of Information (FOI) requests were submitted to Frontex using their online PAD (public access to documents) application portal. Numerous documents were disclosed in the context of these requests including, but not limited to, Serious Incident Reports (SIRs), reports from monitoring missions of the Fundamental Rights Office (FRO), copies of testimonies from deployed Frontex officers, and email exchanges between various Frontex employees. This corroborated evidence of pushbacks obtained through analysing testimonies on the BVMN website, as well as indicating Frontex involvement in the procurement and deployment of different technologies.

2.1.2 Field Research

This desk research helped to develop an understanding of the specific context of Albania, and informed decisions on which locations should be explored further and which stakeholders should be interviewed. A field visit was then conducted for a period of three weeks in January 2024 at various locations across Albania. This included Tirana, Durrës, Karrëc, Shëngjin, Gjader, Korcë, Bilisht, Kapshticë, Bitinckë, Gjirokaster, Libonik and Radat. These cities and villages were chosen for a number of reasons - either they had been mentioned in BVMN testimonies or during conversations with people on the move known to the researcher prior to the trip, they were recommended by key stakeholders, or they were meeting places to interview key stakeholders.

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143   Migreurop. (2021. November). Balkan Report 2021. https://www.lacimade.org/wp-content/uploads/2021/11/rapport_balkans_migreurop_2021_-_def.pdf

A total of 13 semi-structured interviews took place,[144] 11 during the field visit and two afterwards through online follow up with the stakeholders. All of the interviews that were conducted during the field research took place in Tirana. In key locations along the border or the West coastal line, informal conversations were had with local residents.

Semi-structured interviews were conducted with researchers, journalists, representatives of civil society, experts who have been consulted on national strategies, and the Albanian Ombudsperson. A further seven individuals were approached for interview but did not respond - these include IOM, UNHCR, a spokesperson for the police, and the Frontex Press Officer. During the interviews, questions were open-ended and focussed on migratory patterns, access to asylum, how procedures function in reality, and how border and migration control is managed in the country.

2.1.3 Testimony Collection

Since 2020, BVMN has been documenting pushbacks from Albania resulting in 22 testimonies detailing the ill-treatment and abuse of 524 individuals. These recorded pushback testimonies likely represent only a fraction of the actual number of pushbacks occurring. The testimonies in the database were downloaded and analysed to identify specific patterns or trends. We searched through the testimonies using terms associated with technology, such as 'drone' or 'infrared camera'. An anonymous member of the network adopted their pushback testimony methodology to include questions related to border surveillance and technology.

2.2 Limitation of the study

The most noticeable limitation in the research was the researcher's inability to speak Albanian. Whilst this did not hinder meetings with stakeholders in Tirana, it noticeably impacted informal conversations with local people in key locations along the border. The researcher's ability to speak Arabic - a key language of transit populations - was not as helpful as anticipated. As transit has declined in Albania, there were no groups of people on the move identified at any point during the field research that might have provided an insight to the situation in the country. The main way this limitation was tackled was by teaming up with local collectives and researchers who wanted to travel to some of the same destinations. However, given the fact that the Rama - Meloni deal had recently been announced at the time the research was conducted, most local groups were interested to assist the research on a trip to Gjader and Shëngjin, where the centres would I be built, rather than to the Greek border. In the future, a local researcher should be supported to carry out the research wherever possible as they have the necessary language skills and a more intimate understanding of the context.

A further limitation was the fact that stakeholders who were approached for an interview did not respond to emails and calls. This was particularly concerning at the start of the research, however the researcher used the snowball method to counteract this. In each interview, the stakeholder was asked for recommendations of other stakeholders and was asked to recommend the researcher. This proved very fruitful as five of the 11 interviewed stakeholders were identified with this technique.

The lack of transparency regarding specific technologies and their application in the mi-

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144   See Annex I for further details

gration context was also identified. Requesting documents from the Commission, Frontex and the European Migration Liaison Officers proved difficult, with many of the documents being sent with heavy redactions. Some of this could be mitigated with confirmatory applications which allowed us to see more information in the given documents, however this process is time consuming. Generally, the lack of transparency is worrying. If the EU is funding projects in a third country in Albania, and Frontex as an agency is assisting in the implementation of those projects, there must be the possibility for researchers to gain clarity on how those projects are operating and what potential rights violations are perpetrated as a result.

Additionally, the relatively small number of testimonies in the BVMN database relating to the Greek-Albania border proved to be another limitation. This meant there was less data - both quantitative and qualitative - to analyse with regards to pushback processes at this border. The closest BVMN member is situated more than 230 kilometres from the Kapshticë crossing point meaning there isn't close or direct access to people who have experienced pushbacks. Civil society actors in Ioannina, just 60 kilometres from the Kakavijë crossing point, were reached out to for comments. However they all stated that they didn't have any information on the situation at the Albanian border. Although there are not many testimonies on the BVMN database for this border, the ones we have are rich in detail and several of them describe the same pushback event which corroborates certain details. Additionally, the footage we have of a pushback incident again provided further evidence for the pushback procedure. Finally, the 14 investigations into pushback incidents conducted by Frontex's Fundamental Rights Office provided further details and evidence to support what has been established as the standard pushback procedure.

3. Tech in Albania

3.1. Border surveillance technologies in Albania

3.1.1 Surveillance Tech at the Green Border

In the 2014-2020 IBM strategy for Albania, it is stated that the equipment for border surveillance and control was continuously improved and updated under the previous strategy period (2007-2013)[145] which was the initiating phase of the IBM strategy in Albania. In each of the following strategy documents, this sentiment is repeated. This border surveillance technology includes but is not limited to document control equipment, day and night surveillance equipment and a monitoring system with cameras in the BCPs. During the previous reporting period (2014-2020) support from the EXBS, German Federal Police, IOM, UNHCR, and the EU enabled Albania to acquire 70 border patrol vehicles - almost an entire fleet. Additionally, the Albanian State Police were able to purchase:

> *"fiberscopes, videoscopes, thermal cameras, long-range day and night binoculars, magnifying glasses with different light sources, a laboratory for scanning travel documents, two border surveillance systems, a mobile radioactivity detection system (donated by the US Department of Energy), a portable scanner, truck and bus control equipment, density control equipment, 16 microbuses, flashlights."[146]*

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145   Minister of Internal Affairs and Council of Ministers. (2014, 5 March). STRATEGJIA KOMBËTARE PËR MENAXHIMIN E INTEGRUAR TË KUFIRIT DHE PLAN-VEPRIMI Strategji ndërsektoriale (2014-2020). https://www.mb.gov.al/wp-content/uploads/2018/01/Strategjia_e_Menaxhimit_te_Integruar_te_Kufijve_2014-2020.pdf
146   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311

Additionally, in 2018 under the project "For strengthening the capacities of the Border Police to fight illegal migration" Albania received 6,000,000 euros from the European Commission. This went towards the purchase of "navigational vehicles of different capacities for surveillance, border surveillance systems (TVV Vans), mobile devices for border surveillance (thermal cameras, day and night binoculars) as well as devices for border checks at BCPs".[147]

In a 2017 information exchange with the Office for Security and Cooperation in Europe (OSCE), the Permanent Mission of Albania states that they have worked in cooperation with international partners to "increase the number of equipment, maintenance and extension of coverage to the border with technological equipment".[148] They list SMARTDEC, GPS, day and night binoculars as key pieces of equipment that have been procured or maintained during 2016.

3.1.2 SMARTDEC System

One key system deployed for border monitoring and surveillance at both the green and blue borders in Albania is SMARTDEC - a situational awareness system - which was installed during the 2014-2020 period of the IBM strategy. In the evaluation it is noted that the system achieved positive results, but must be improved and extended so that it can be accessed remotely with portable devices for the real-time exchange of information.[149] The SMARTDEC website describes the equipment as a "perimeter guard/situation awareness system for use in remote areas [...] to easily monitor and protect land borders, coastal areas and remote locations".[150] It uses custom AI to analyse the received images, classify recognised objects, add movement, direction and speed estimates. The overall system is composed in four parts: a ground sensor/detector network, communication bridges, a mobile command centre and a UAV platform.[151] These are used to provide almost instantaneous alerts of human or vehicle movements.[152] The system itself has 400 days of battery powered sensor coverage and encrypted radio based communication, making it adept in monitoring remote border areas. [153]

147   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
148   Organization for Security and Co-operation in Europe. (2017). Guidebook on intelligence-led policing. OSCE. https://www.osce.org/files/f/documents/2/2/312886.pdf
149   Minister of Internal Affairs and Council of Ministers. (2014, 5 March). STRATEGJIA KOMBËTARE PËR MENAXHIMIN E INTEGRUAR TË KUFIRIT DHE PLAN-VEPRIMI Strategji ndërsektoriale (2014-2020). https://www.mb.gov.al/wp-content/uploads/2018/01/Strategjia_e_Menaxhimit_te_Integruar_te_Kufijve_2014-2020.pdf
150   AT Communication. (n.d.). SMARTDEC: Smart detection and decision support system. https://at-communication.com/en/atsystems/na/smartdec.html
151   Ibid.
152   Defaiya. (2016, March 28). Defendec wins sales in cooperation with US government. Defaiya. https://www.defaiya.com/news/International%20News/North%20America/2016/03/28/defendec-wins-sales-in-cooperation-with-us-govern
153   Ibid.
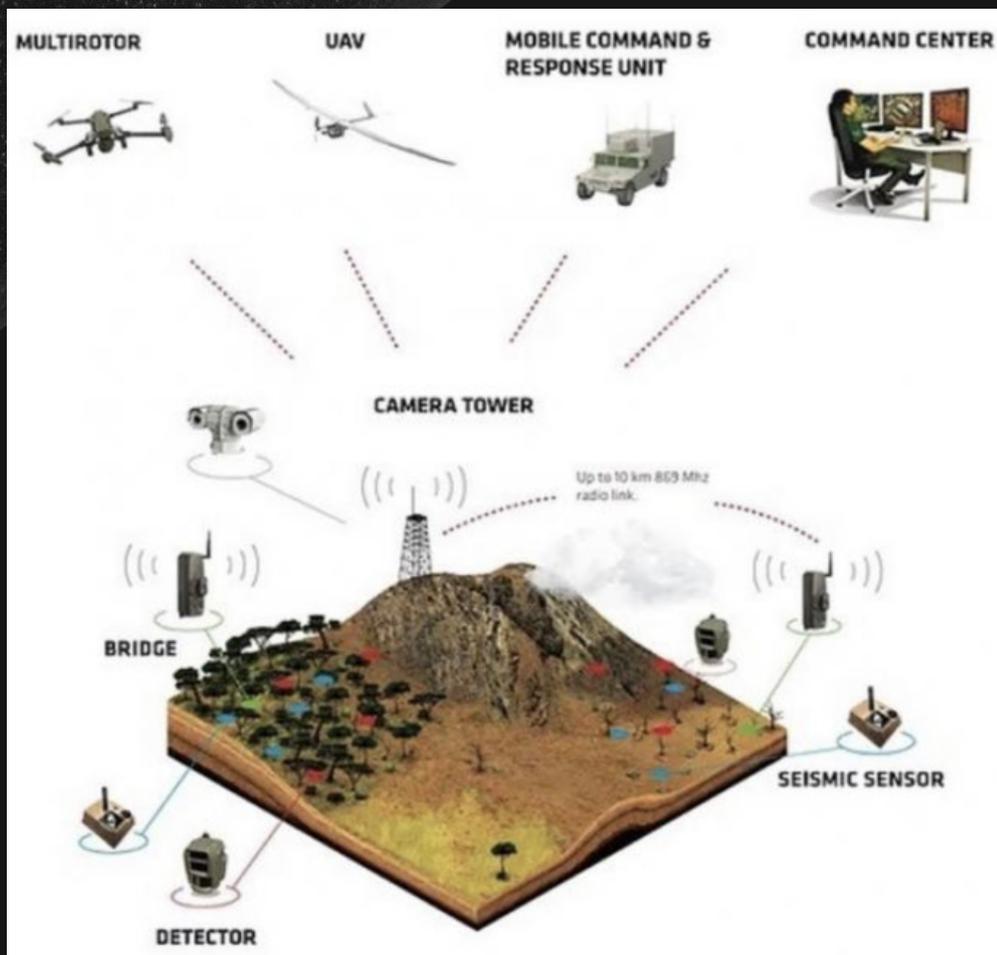
Figure 11: Screengrab from SMARTDEC website regarding system function [154]

SMARTDEC was developed by Defendec, an Estonian defence company, who have been working with the US government to provide the system to third countries.[155] In 2016, SMARTDEC was already operational in 20 countries, including Albania, but new sales were recently brokered with Finland, Bulgaria, Romania, Lithuania and Colombia[156] indicating substantial growth in system sales.

Later, in 2017, Albania received equipment from the US government valued at 155,107 US Dollars (approximately 140,000 EUR). Included in this donation were new imaging detectors for the SMARTDEC system to support "the identification of traffickers or irregular migrants".[157] Again, in 2023 the US donated further border surveillance equipment under the collaboration with EXBS.[158] As in 2017, this donation included more SMARTDEC cameras with which to update the system.[159]

154   SMARTDEC: Smart detection and verification support system. https://al-communication.com/en/alsystems/na/smart-

155   Defaiya. (2016, March 28). Defendec wins sales in cooperation with US government. Defaiya. https://www.defaiya.com/news/International-al%20News/North%20America/2016/03/28/defendec-wins-sales-in-cooperation-with-us-government
156   Ibid.
157   Koha. (2022, January 4). Mjetet që SHBA i dha policisë kufitare në Shqipëri [The equipment that the US gave to border police in Albania]. Koha. https://www.koha.net/en/arberi/6588/mjetet-qe-shba-i-dha-policise-kufitare-ne-shqiperi
158   Albanian Daily News. (2023, August 29). US donates equipment to Albanian border police. Albanian Daily News. https://albaniandailynews.com/news/us-donates-equipment-to-albanian-border-police
159   Ibid.

3.1.3 Surveillance Tech at the Blue Border

This research was focussed for the most part on the green border between Albania and Greece, however the IBM National Strategy Plan for 2021-2027 and interviews conducted by the researcher offered some insights into the technologies deployed at the blue border between Albania and Italy which are outlined below.

The management and control of Albanian maritime borders, safety at sea, and the coordination of state institutions that have interests at sea is carried out by the Maritime Interinstitutional Operational Centre (QNOD)[160]. The QNOD's participating institutions are the Ministries of Interior, Defence, Finance, Environment, Public Work, Agriculture and Tourism.[161] Within the QNOD lies a joint operational team with representatives of the Border Police, the Navy, the Coast Guard, the Customs Directorate, the General Maritime Directorate and the Fisheries Inspectorate. This team works together to harmonise their work and its efficiency, analyse common risks collectives, provide each other technical assistance as well as facilitate the exchange of data and information.

The monitoring of maritime space is facilitated through the Integrated Maritime Space Observation System (SIVHD) which is coordinated by the Albanian Navy but all state institutions in the QNOD have access to and receive information from the system.[162] There were several plans to update and improve the SIVHD during the previous IBM strategy period (2014-2020) which were not realised. Firstly, the reconstruction of the QNOD building was not carried out due to a lack of funding. Secondly, although the TETRA communication system for maritime space - which creates a database for all vessels for law enforcement agencies in Albania - was set up with EU funding, it was not working at the time of the report in 2021.[163] Thirdly, the installation of two radars for the exchange of real-time information in Cape Rodon and Gjuza were not carried out as planned due to a lack of funds.[164] Lastly, the Fishing Vessel Monitoring System has been out of order since March 2013. However, in 2020 the Ministry of Defence signed an agreement with the private company Lockheed Martin relating to the maintenance and management of the SIVHD.[165] The American firm was awarded a 750,000 US Dollar (676,465 EUR) contract to modernise all aspects of the system.[166]

Under the Instrument for Pre-Accession Assistance (2007-2013) the EU granted Albania's Ministry of Interior, General Directorate of State Police and Department for Border and Migration Police €4 million between October 2009 and 2012 for a project aimed at enhancing border security at Albania's blue border.[167] This project was labelled as an IPA success story and entailed the procurement of eight modern high-speed vehicles (at €400,000 each), the renovation of 17 border police stations and the creation of 10 new BCPs.[168] Alongside the enhancement of capacities through equipment, the funding also went towards training personnel engaged in managing the blue border, ensuring closer cooperation between the police, military, coast guard and other agencies involved in the QNOD.[169]

160   Ministry of Defense of Albania. (n.d.). Integrated Monitoring Operations Centre (IMOC). https://www.mod.gov.al/eng/ministry/subordinate-structures/imoc
161   Ibid
162   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
163   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
164   Ibid.
165   Ministry of Defense of Albania. (2023, October 5). The management of the integrated maritime surveillance system. https://www.mod.gov.al/eng/index.php/newsroom/1171-the-management-of-the-integrated-maritime-surveillance-system
166   Exit. (2024, May 10). Lockheed Martin to maintain Albania's sea surveillance system. https://exit.al/en/lockheed-martin-to-maintain-albanias-sea-surveillance-system/
167   European Commission. (2014). Success stories: Albania – Blue Border [PDF]. European Commission. https://neighbourhood-enlargement.ec.europa.eu/document/download/d5b9ef4d-6884-4f0a-af0e-30ea1149e91c_en?filename=140618_success_stories_albania_blueborder_en.pdf
168   Ibid
169   Ibid

In March 2021, as part of their operations in the country Frontex launched "Joint Operation Albanian Sea" which included "arial border surveillance and support at Albanian sea ports".[170] Furthermore, for joint bilateral sea operations between Albania and Italy, a helicopter from the Italian Guardia di Finanza has been deployed to detect boats crossing between the countries' shores.[171] According to the Frontex website, *'the agency also deploys a plane over the Adriatic and the Ionian Sea.'*[172] In the IBM Strategy 2021-2027 document, it is noted that "throughout all these years, as a result of the measures taken and uninterrupted control of the coastline, there is no case of illegal immigrants crossing via sea routes towards Italy".[173] Data from BVMN lies in contradiction to this statement, particularly when considering the series of testimonies discussed in Section 1.4 which detail collective expulsions from the port down of Durrës where individuals were crossing via boats to Italy.

Additionally, the Intersectoral Strategy for 2021-2027 points out that the SIVHD system has some weak points, especially near the land in certain ports which are not sufficiently covered by surveillance assets and have been used for 'illegal activities'.[174] One key objective to realise the national strategy is the improvement of the system for surveillance of maritime space, border control and search and rescue at sea. Currently, whilst the Border Police have 49 maritime vessels, only 19 are in working condition. Additionally the technical and logistical capacities to maintain and utilise these vessels are currently not met. As such, the maritime border and its surveillance seems to be a greater gap that needs addressing from the perspective of border management.

3.1.4 ICMPD in Albania: EU4SAFEALB

In March 2021, as the EU and Frontex were renewing their working agreement with Albania, their cooperation was financially supported by 6 millions euros from the European Union funded through the project, *'EU Support for the Effective Management of Green and Blue Borders in Albania' (EU4SAFEALB)*. It was implemented by the International Centre for Migration Policy Development (ICMPD) for a duration of 24 months[175] from February 2020 to April 2022 with the main objective *'to contribute to an enhanced BMP (...) through the provision of modern specialised technical means and the capacity building of BMP staff.'*[176] These funds were granted under the Instrument for Pre-Accession Assistance (Grant Contract No. IPA/219/412-401) and also include financial means for the provision of equipment for border surveillance and control (further developed in sub-section c).[177] According to ICMPD this fund *'is the latest in the line of other EU support projects for the Albanian Police and Customs, which amounts to more than EUR 20 million in the last five years only.'*[178]

The project was carried out by four companies which were awarded contracts worth a total of 1.5 million euros - these were Lebanon's Intertech, Bulgaria's Opticoelectron, Slovenia's

170   European Parliament. (2021). Annex to the written question on migration and asylum: Response to question P9_RE(2021)001943. https://www.europarl.europa.eu/RegData/questions/reponses_qe/2021/001943/P9_RE(2021)001943(ANN02)_XL.pdf
171   Frontex. (2021.) Twitter. https://twitter.com/Frontex/status/1391759409450295296
172   Frontex. (2022.) Three years of operation in Albania. https://frontex.europa.eu/media-centre/news/news-release/three-years-of-operation-in-albania-Uot4JP
173   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
174   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
175   European Union Agency for Asylum (EUAA). (2022). Albania: Report on the situation of refugees and migrants. https://euaa.europa.eu/sites/default/files/2022-02/AL_RM_Cover.pdf
176   ICMPD. (2021.) EU Support for the effective management of green and blue borders in Albania (EU4SAFEALB). https://www.icmpd.org/news/import-news-september/countering-cross-border-organised-crime-eu4safealb-steering-committee-meeting
177   Ibid.
178   ICMPD. (2021). EU4SAFEALB Newsletter 1. https://www.icmpd.org/file/download/52887/file/EU4SAFEALB%2520Newsletter%25201%2520ENG.pdf

Dat-Con and the US Company KVG.[179] The Bulgarian Opticoelectron company is NATO certified and supplies the Bulgarian national and border police forces with equipment and the Slovenian company Data-Con specialises in mobile and stationary observation systems and recently supported in the modernisation of the Indian-Pakistani border.[180] The inception report for the project outlines that, in spite of Frontex's operational support, the country still faces challenges in its border management and surveillance linked to the shortage of Border and Migration Police staff, insufficient budget, and a lack of blue border surveillance equipment. The EUSAFE4ALB project was specifically designed to address these needs. The project began with an assessment of the needs and created a consolidated list of equipment planned for procurement within the project in November 2020. The preparation for procurement started in December 2020. For the purpose of this research we were unable to get access to the full list of equipment, however through FOI requests and research in the EU's Tenders Electronic Daily (TED) logs we were able to find some information through an evaluation of contracts.

3.1.4.1 Blue Border Surveillance System

One contract was awarded in October 2021 under the title "Supply of coastal radar surveillance system in the scope of the EU Support for effective management of green and blue borders in Albania (EU4SAFEALB)" for the title "Radar Towers". The contract was valued at 187,000 EUR excluding VAT and was awarded to R&T sh.p.k.[181] This is also logged in the EU's TED system with the same details.[182] A letter of intended support was sent from TERMA to the ICMPD in September 2021 where they confirmed their knowledge that ICMPD planned to engage with the company Centrul Pentru Servicii de Radiocomunicatii S.R.L. (CSR) for the procurement of SCANTER radar sensor systems. As such, TERMA confirmed their intent to support and cooperate with CSR as a subcontractor. Indeed, TERMA's website gives further information about SCANTER radar sensor systems, which are are described as:

> "Complete radar sensor systems with proven small target detection capability to assist navies and other authorities in efficiently monitoring illegal activities such as drug trafficking, smuggling, illegal immigrants, piracy, illicit fishing, terrorism, etc. It is perfectly suited for high-definition ship navigation, sea surface surveillance and short-medium-range air surveillance."[183]

In the EU's TED logs, there is a contract for the "Supply of Surveillance Radars in the scope of the EU4SAFEALB" project worth 978,979.53 EUR awarded to TCN sh.p.k.[184] The contract is for the provision of two surveillance radars in 2022[185] which indicates the ongoing deployment of radars since the first contract identified above.

179   Intelligence Online. (2021, July 13). Albania's EU-funded border protection programme goes to Lebanese, US, Bulgarian, and Slovenian companies. https://www.intelligenceonline.com/international-dealmaking/2021/07/13/albania-s-eu-funded-border-protection-programme-goes-to-lebanese-us-bulgarian-and-slovenian-companies,109679437-art
180   Ibid.
181   RT Group Website can be found at https://rt-grp.com/
182   TED. (2021). Contract notice: Supply and installation of border surveillance equipment [Notice No. 545922-2021]. TED. https://ted.europa.eu/en/notice/-/detail/545922-2021
183   Terma (N.d.). Naval Radar. https://www.terma.com/products/maritime/naval-radar/
184   Company website can be found here: https://www.tcn.al/
185   TED. (2022). Contract notice: Supply of border surveillance equipment for Albania [Notice No. 131557-2022]. TED. https://ted.europa.eu/en/notice/-/detail/131557-2022

3.1.4.2 Green Border Surveillance System

Mobile Surveillance System (MSS)

In addition, a contract was obtained between Opticoelectron group and the ICMPD for a Mobile Surveillance System and off-road vehicle. The MSS was designated for both land and sea borders and set to be used for monitoring, detection and recognition of objects, and for determining a target's location and position for situational awareness. Several pieces of technology were procured for this including a 4x4 off-road vehicle, a thermal vision camera with 12 hours usage capacity per day, a daylight camera and a laser rangefinder. wo computer monitors and consoles, a data recording system, and a data transfer system were acquired for the control system to integrate and visualise data and information, as well as GPS sensors, an electronic unit to control operation of the sensors, dual band mobile antenna, and a VHF or TETRA mobile terminal. A video image analyser and data recording system was procured to support staff not to miss possible detections in an image. To do so, the equipment uses algorithms to 1) detect and classify humans and vehicles 2) highlight the detections on the images that the operator is watching 3) use separate colours for each class of item to help the operator classify them 4) produce a snapshot of each detection that can be easily extracted from the system.[186] The system is called MUSON and allows for the monitoring, guarding and observation of large land areas through its integrated daytime optical system and Thermal Imaging optical system which has a range of 20+ km.[187] The system itself is integrated onto a telescopic tower which can be lengthened to different heights, and is independent of the vehicle which can be operated remotely. The system is currently deployed at the borders of Bulgaria, North Macedonia, Finland, Sweden, Austria and Germany.[188]

3.2 Collection of (biometric) data and the role of databases

3.2.1 Communication and Data Exchange Technology

In 2007, Albania began using the Total Information Management System (TIMs)[189] which was introduced as part of efforts to modernise the management of information related to border control and law enforcement. The system plays a central role in managing data relating to the movement of people and goods across borders and, as such, contributed to Albania's broader efforts to align with EU standards on border management. The development and management of the TIMS has been in large part funded by the United States Government through the Export Control and Related Border Security (EXBS) programme. On their website, the US Government states that the TIMS "will ultimately provide national coverage and greatly enhance case management, criminal analysis, border control, investigative support, and access and reporting of data".[190] According to the 2021-2027 Integrated Border Management Strategy, all Border Crossing Points (BCPs) are connected to the TIMS and are functioning at almost all of the locations.[191]

The other system used for data management and exchange is Interpol's Advanced Security for Field 2 (ASF2) system which all Albanian BCPs have had direct access to since September 2009. The system is designed to manage and share critical information related to crime in real-time by facilitating the rapid and secure exchange of criminal information between

186   Information from documents on ICMPD procurement through FOI. Copy with the authors.
187   Ibid
188   Ibid
189   U.S. Department of State. (2007). Albania: 2007 SEED report. https://2009-2017.state.gov/p/eur/rls/rpt/seedfy07/116194.htm
190   Ibid.
191   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311

Interpol and any member country. It allows the country of operation to access a wide range of information, including biometric data and is often used at BCPs to check border crossers against Interpol databases and to identify individuals linked to criminal activities.

Albania is currently in the process of implementing the Personal Identification Secure Comparison and Evaluation System (PISCES) system in collaboration with the United States Government which would entail the Albanian cross-referencing the biometric data of each person entering the territory with the system. The system is part of the USA's Terrorist Interdiction Programme (TIP) which seeks to "constrain terrorist mobility globally by helping countries at risk from terrorist activity enhance their border security capabilities".[192] The system however, has also overlapped with migration governance for example in Guinea where the IOM connected its Migration Information and Data Analysis (MIDAS) system to the US' PISCES system. The 2021-2027 IBM Strategy states that the eight largest BCPs are in the process of being ratified in the PISCES system in order to allow the real-time verification of identity through fingerprints and other biometric info.[193] However, in the Commission's 2023 Enlargement Report on Albania it is stated that Albania needs to ensure that the PISCES system is being operated in alignment with the EU acquis on personal data protection indicating that the system is now up and running.[194]

3.2.2 Migration Database Systems Interoperable with Eurodac

It seems that Albania is developing ways to share real-time information and data within the country's borders, but also internationally using Interpol and US Government systems and technology. However, as of yet it remains challenging for real-time information to be changed with the EU and its Member States. In the 2021-2027 IBM Strategy it is explicitly stated that "measures have not been taken to exchange information with EU countries in real time [...] due to the status of our country as a third country, not part of the EU, and therefore without access to EU databases".[195] Nevertheless, the development of various EU information and data exchange systems, such as the European Entry/Exit System (EES) and the Schengen Information System (SIS) are to be the basis for future planning around border controls.[196]

At the EU level, the idea of a fingerprinting system in the Western Balkans that is interoperable with the EU's Eurodac system has been developed over the last four years. The idea of creating such a system in the Western Balkans states (colloquially known as "BalkanDac") was mentioned in 2019, in a meeting including members of Frontex and the North Macedonian government.[197] In 2020, the European Council stated its intention to support its partners in the Western Balkans through the establishment of a data collection and processing system for people on the move that should be interoperable with Eurodac in order to enable future exchange of information.[198] In the beginning of 2021, Denmark decided to invest 3 million euros in the Western Balkans, to '"handle identity management and its improved digitalisation, [and] to establish electronic data transmission systems to facilitate the secure exchange of readmission data*

195   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
196   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
197   Sophie-Anne Bisiaux, Lorenz Naegeli. (2021.) Die EU lagert ihre digitalen Grenzen aus. Netzpolitik. https://netzpolitik.org/2021/westbalkan-die-eu-lagert-ihre-digitalen-grenzen-aus/
198   Migreurop. (2021.) Balkan Report 2021. https://www.lacimade.org/wp-content/uploads/2021/11/rapport_balkans_migreurop_2021_-_def.pdf; see also note of the Croatian presidency of the European Council: https://www.statewatch.org/media/documents/news/2020/feb/eu-council-croatian-presidency-wb-smuggling-proposals-5754-20.pdf

between CoO and the deporting country.'"[199]

Last year, representatives of the EU delegation in Albania attested that a data collection system aligning with Eurodac standards is being established, with the financial support of the EU IPA *"Regional support to protection-sensitive management in the Western Balkans and Turkey Phase II"* program.[200] While the EU is supporting the project, *'"[t]he Western Balkan partners expressed support to enhance information exchange with the EU, and in the region through the development of interoperable domestic information systems, modelled on Eurodac standards, to record data on migrants.'"*[201]

This would be beneficial to the EU as one of the key mechanisms for achieving the returns of people on the move from Member States to Western Balkan states is facilitating the interoperability of databases so that 'hits' can be shared across them. This would allow for the Member States to determine which Safe Third Country the individual has transited through in the Western Balkans and subsequently facilitate their return to that country, stating that the country has a functioning asylum system from which the individual could and should have applied for protection.[202] In the long term, such a system could result in returns of people who are not Albanian citizens to Albania where they are at risk of numerous different forms of rights violations.

According to Albania's national Law on Aliens, Albanian state authorities have the right to collect the personal and biometric data of people crossing its borders and record it in the national electronic registry for aliens[203] under a number of different circumstances related to their applications for visas or for international protection in the country. However, the use and exchange of this data must be in accordance with the principles of data protection and should only be accessed by national state authorities.[204] In 12 of the 22 testimonies (55%) collected by the BVMN, respondents' fingerprints were taken prior to being pushed back. In 11 of the 22 testimonies (50%) their photographs were taken, which is particularly concerning when considering the new recast of the Eurodac Regulation which expands the database to also include photo data of individuals.[205] It is clear that the collection of biometric data is already routine at the Albanian-Greek border, this could have extremely harmful implications if an individual attempting to cross the border is accused of 'unauthorised entry' and therefore is flagged in any of the national or international databases for criminal activity. Later on, if they reach an EU Member State and wish to apply for asylum this could negatively impact their claim.

There is also concern regarding to what extent information in the Albanian national electronic registry is already available to EU Agencies. Article 4 of the Frontex Status Agreement in Albania describes the tasks and powers of the agency in the country; paragraph 7 states that 'Albania may authorise members of the team to consult its national databases if necessary for fulfilling operational aims specified in the operational plan and for return operations.'[206] This would potentially give the agency's officers access to both databases (due to the establishment of Regulation (EU) 2019/818 on interoperability, Frontex has access to Eurodac). This would place Frontex in a connecting role between the two databases, despite the EU Commission stating that a connection between Eurodac and the data collection system created in alignment with EU standards in the third countries and could only take place in case of EU

199   EMLO FOI Document 7
200   Migreurop. (2021.) Balkan Report 2021. https://www.lacimade.org/wp-content/uploads/2021/11/rapport_balkans_migreurop_2021_-_def.pdf
201   Council of the European Union. (2020.) EU-Western Balkans Justice and Home Affairs Ministerial videoconference on 22 October 2020 - summary of discussions. https://www.statewatch.org/media/2450/annexe-1-clean.pdf
202   Border Violence Monitoring Network. (2024). Decoding Balkandac: Navigating the EU's Biometric Blueprint. https://borderviolence.eu/reports/balkandac/
203   Law on Aliens, Chapter IX, Article 140(1). https://adsdatabase.ohchr.org/IssueLibrary/ALBANIA_Law%20No%20108%20on%20Aliens.pdf
204   Law on Aliens, Chapter IX, Article 141. https://adsdatabase.ohchr.org/IssueLibrary/ALBANIA_Law%20No%20108%20on%20Aliens.pdf
205   European Union. (2024). Regulation (EU) 2024/1358 of the European Parliament and of the Council. https://eur-lex.europa.eu/eli/reg/2024/1358/oj
206   Paragraph 7 of Article 4 of the Status Agreement between the European Union and Albania. (2019. 18 February). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22019A0218(01)&from=EN

accession.[207] As the access to the national databases is planned to be facilitated by Frontex, and would therefore only allow EU bodies to have access to national databases and not visa versa, researchers additionally argue that 'this strategy has the advantage of circumventing the various restrictions on the protection of personal data and to keep these countries in a centre to periphery relationship, in which the EU can continue to serve its own interests in migration management.' [208]

4. Impact of technologies of surveillance, (biometric) data collection and databases on people on the move

4.1 Mismanagement of Data

As detailed above, there are a number of systems through which Albanian authorities collect, store and exchange the data of people crossing its borders. However, there have been numerous cases which demonstrate the insecurity of these data systems leaving people vulnerable to violations of their personal data rights. The Commission's 2023 Enlargement Report recommends Albania to "put in place strong legal and institutional safeguards to prevent further massive breaches of privacy by private companies and the public administration". [209]This mismanagement of data, and the insecurity of the technical systems, is demonstrated most clearly by the SKY ECC case. In this case, an operation led by the Special Prosecution Against Corruption and Organised Crime (SPAK) uncovered evidence that senior police officials and prosecutors were sharing information from the TIMS with organised crime groups using encrypted chat apps. Using this information, the groups were able to track and locate individuals and carry out attacks and, in some cases, killings.[210] Within the TIMS, there is no trace of who is accessing what information and at what time and this massive gap in communications security has left the system open for widespread abuse. Ervin Salianji, the head of the investigative commission on the case, stated that ministers and government had access to the TIMS for no clear reason, and were able to access it from their offices.[211] Technology that the government states is to increase border security and 'counter smuggling' is in fact utilised by corrupt individuals and organised crime groups to different ends. This clearly demonstrates how technology doesn't actually contribute to its stated goals, but is instead exploited for other means.

4.2 Use of Border Surveillance Tech in Pushbacks

For several years BVMN has been investigating reports of states utilising new technologies to streamline the pushback process. Four of the 22 testimonies collected regarding pushbacks from Albania to Greece mention the use of different forms of technology during the pushback

207   Migreurop. (2021.) Balkan Report 2021. https://www.lacimade.org/wp-content/uploads/2021/11/rapport_balkans_migreurop_2021_-_def.pdf
208   Ibid
209   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
210   Albanian Post. (2024, August 24). SPAK places under investigation the family members of Mate Breçani and others involved in the Sky ECC wiretaps. https://albanianpost.com/spak-vendos-nen-lupe-familjare-te-mates-brecanit-dhe-te-perfshireve-te-tjere-ne-pergjimet-e-sky-ecc/
211   Politiko. (2024, September 10). Salianji: TIMS system data are bought and sold online. https://politiko.al/english/ditari-i-opozites/salianji-te-dhenat-e-sistemit-tims-shiten-e-blihen-online-perd-i511683

process.[212] The first testimony dates back to 2020 and the respondent reported that Frontex officers were involved, identified by their blue armbands and the fact they were communicating in German. The respondent stated that they were apprehended by officer "equipped with night vision goggles"[213] before being racially abused, beaten with batons, and returned to Greece. In another testimony from 2020, the respondent indicates "the use of thermal cameras, night vision goggles or some similar equipment and described them as having 'something For several years BVMN has been investigating reports of states utilising new technologies to streamline the pushback process.

Four of the 22 testimonies collected regarding pushbacks from Albania to Greece mention the use of different forms of technology during the pushback process. The first testimony dates back to 2020 and the respondent reported that Frontex officers were involved, identified by their blue armbands and the fact they were communicating in German. The respondent stated that they were apprehended by officer "equipped with night vision goggles" before being racially abused, beaten with batons, and returned to Greece. In another testimony from 2020, the respondent indicates "the use of thermal cameras, night vision goggles or some similar equipment and described them as having 'something to see you at night'".[214] This respondent reported being pushed back from Albania on five different occasions before returning to Thessaloniki to rest. In yet another testimony, the respondent stated that the officers who apprehended them were carrying binoculars.[215] In 2023, a respondent gave a detailed testimony of one of the seven pushback incidents he was subject to. The respondent stated that Frontex officers use "thermal imaging cameras and binoculars in order to search for people at night".[216] These mentions of different types of equipment are in keeping with the information we have managed to glean through desk research regarding the equipment that has been procured by Frontex and the Albanian Border and Migration Police for monitoring and surveillance of the green border (see Section 3.1). Unlike many other borders along the so-called Balkan Route, the Albanian-Greek border is not demarcated by a fence. Therefore, mobile I units conduct patrolsto locate individuals crossing irregularly at different points and, evidently, these units use technology to help them locate and apprehend transit groups. Whilst much of the technology in Albania isn't functioning, the use of basic surveillance equipment like thermal imaging cameras and binoculars still has devastating impacts on people crossing its borders. The technology renders groups visible at night and in the dense forests which ultimately means they are more susceptible to being apprehended and these apprehensions regularly lead to violence and pushbacks.

EU funding in Albania has gone towards the development and implementation of its national IBM strategy over the last 17 years. A large component of the functioning of the IBM is the development of technology by which different bodies and agencies can share information and data, as well as border surveillance equipment to ensure that individuals attempting to cross the border irregularly are apprehended and taken into the custody of Albanian authorities. As has been detailed above, this often leads to violent pushbacks within which people's requests for asylum are ignored, they are subject to physical violence, and returned to Greece without due process. As such, the EU is funding a border regime that routinely violates the rights of people on the move, most likely with the hopes that those people don't then make it deep into

212   Border Violence Monitoring Network. (2023). EU member states' use of new technologies in enforced disappearances. https://borderviolence.eu/reports/eu-member-states-use-of-new-technologies-in-enforced-disappearances/; Border Violence Monitoring Network. (2021). OHCHR submission: The role of technology in illegal push-backs from Croatia to Bosnia and Herzegovina and Serbia. https://borderviolence.eu/reports/ohchr-submission-the-role-of-technology-in-illegal-push-backs-from-croatia-to-bosnia-herzegovina-and-serbia/

213   Border Violence Monitoring Network. (2020). "[Frontex in Albania] They have no mercy" https://borderviolence.eu/testimonies/june-1-2020-0700-trestenik-albania/

214   Border Violence Monitoring Network. (2020). "Police take me back Greece and what I do? I stay in border...sleep and rest and I try again at night" https://borderviolence.eu/testimonies/june-4-2020-1300-near-poncare-alb/

215   Border Violence Monitoring Network. (2020). "They took us and put us in a point which is closer to the Albanian border" https://borderviolence.eu/testimonies/november-25-2020-1800-near-trestenik-albania/

216   Border Violence Monitoring Network. (2023). "Seven pushbacks in seven days" https://borderviolence.eu/testimonies/may-9-2023-near-bilisht-albania/

the EU's interior where asylum systems function more effectively and claims are more likely to be processed.

4.3 Rights Violations Associated with Data Collection and Exchange

In the 12 testimonies collected by the BVMN where the respondent had their photographs and/or fingerprints taken, not one of them was informed of the purpose of the collection of this biometric data, how it would be stored, used, or exchanged with other actors. This indicates another cluster of fundamental rights violations around personal data and is in contravention with the GDPR. Additionally, by setting up systems that are based on EU databases, there is a potential risk of the sharing of biometric data. Whilst this data is currently only accessible to border authorities in EU Member States, operating under the Eurodac system, the usages of such databases are being expanded. Sharing information and data with third countries is currently regulated under the Europol Regulation and the Law Enforcement Directive and there are safeguards around any exchanges with non-EU Member States. However, the current re-cast of the Europol Regulation - which is undergoing negotiations in the European Parliament and Council - seeks to reduce these safeguards and increase the types of situations in which data from EU databases can be shared with third countries and vice versa. One specific objective of the proposed Regulation is to develop "the exchange of information between the Member States, Europol, other EU agencies as well as third countries"[217] which clearly indicates the intention to develop further data sharing mechanisms with third countries like Albania. This is particularly concerning when we consider Albania's history of massive personal data breaches and the risk this might place certain individuals at, especially those who are fleeing persecution in their country of origin.

217   European Commission. (2023). Proposal for a regulation of the European Parliament and of the Council on the European Health Union. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0754

5. Conclusion

The researcher Russel King described Albania as a "laboratory for the study of migration",[218] a description repeated by a number of the Albanian people interviewed for the purpose of this research. The country has historically been a nation deeply influenced by migration, both as a site of emigration and a transit point for people seeking to apply for protection in the EU. Its strategic location - bordering EU Member States by land and sea - has made it a significant player in movement along the so-called Balkan Route. Like many of the countries along this route, it is bound by an accession blackmail from the EU - being given millions of euros in funding to 'secure' its borders and promised eventual accession to the Union. After a decade in this position, the staunchly pro-EU position of Albania's Prime Minister Edi Rama does not seem to be waning. In February 2024, at the Regional Growth and Convergence Summit in Tirana, Rama's opening speech reaffirmed his commitment to joining the EU stating that "Albania has ushered in a new stage on its path towards EU membership, tripling our efforts to achieve this high strategic objective".[219] This is most clearly articulated when studying Albania's different intersectoral strategies for Integrated Border Management; the reports consistently note EU systems and   values as the underlying basis for all developments. It is also through these documents that we can build an understanding of exactly which equipment and systems are being deployed and where.

The focus on securing the border is in spite of the significant problems Albania faces in terms of running a fair and humane asylum system. On a baseline, access to the asylum system is non-existent for the many people who are subject to pushbacks and connected violence. For those who are able to request asylum and gain access to procedures, there are significant gaps in the system. Vulnerable groups often go undetected in the pre-screening process and, as such, are not referred to specialised procedures. Even in cases where unaccompanied minors are registered, there are no specialised accommodation centres for them. Whilst the EU's focus lies with preventing irregular entry to the country, there is little attention paid to the inadequate conditions for those inside the country and the significant shortcomings in the asylum system.

Since 2020, the number of people entering Albania irregularly or apprehended staying in the territory irregularly has decreased year on year. The Commission attributes this reduction to "the strengthening of border surveillance and control, especially in the Kakavijë/Kapshticë operational area where Frontex joint teams were deployed".[220] These regions, along with Durrës, are also where the BVMN have gathered evidence of pushbacks and interrelated rights violations, often facilitated by border surveillance technology. Documents obtained through Freedom of Information (FOI) requests show that Frontex have also obtained evidence of these practices, even labelling them systemic. If the Commission attributes the decrease in people entering Albania irregularly to these technologies, they must also concede that the apprehensions facilitated by these technologies go hand in hand with violations of international and Union human rights law.

218   King, Russel. (2014). Albania as a laboratory for the study of migration and development. ResearchGate. https://www.researchgate.net/publication/249003584_Albania_as_a_Laboratory_for_the_Study_of_Migration_and_Development
219   Kryeministria. (2024, September 15). Prime Minister Edi Rama and EU Commissioner for Neighbourhood and Enlargement Oliver Varhelyi at the regional summit on the growth and convergence plan. https://kryeministria.al/en/newsroom/kryeministri-edi-rama-dhe-komisioneri-i-be-per-zgjerim-in-dhe-fqinjesine-oliver-varhelyi-ne-samitin-rajonal-mbi-planin-e-rritjes-dhe-konvergjences/
220   European Commission. (2023). Staff working document: Albania 2023 report. https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf

However, it is also important to problematise the notion that data systems and border surveillance technologies create an panoptic all seeing, all knowing border line over which the Albanian Border and Migration Police then have full control. Especially in the case of Albania, the majority of the technology deployed is either non-functioning or in a state of severe disrepair. Whilst the IBM 2021-2027 Strategy states that the TIMS continues to function at almost all BCPs,[221] it then goes on to list 17 different BCPs and police stations where TIMS either has never been installed, doesn't have a functioning internet connection to operate, or is not working. Not only is the system sensitive to misuse, but it also doesn't function in a number of locations.

As detailed above, a number of the other systems and technology are not functioning including the TETRA communication system for the maritime space, radars at the blue border, and the Blue Box system for monitoring fishing vessels. One researcher interviewed during the field research, who acted as a consultant to Albania's 2021-2027 IBM Strategy, described the situation as a "cacophony of technology leading to a system that barely works". According to the researcher, there is a lack of trained personnel and Standard Operating Procedures (SOPs) for the system which renders the entire system inefficient. Additionally, the researcher stated that Albania often takes donations of technology and systems from third countries - especially the US - which don't function with their existing systems, meaning data is shared across multiple sites which are not interoperable with one another. In May 2015, an IT audit highlighted a critical need to redefine and redesign the operational communications technology platforms used by the Albanian State Police.[222]

Whilst the increase of technologies deployed for migration management and border surveillance are linked to 'modernisation' and 'Europeanisation' as a key step to move towards EU accession, the reality shows this to be a facade. The technologies are actually misused by organised crime groups, are barely functioning, or are too difficult to operationalise and use. Resources like money, time and personnel capacity, that could be spent on rectifying Albania's barely functioning asylum system, building specialised centres for unaccompanied minors, and ensuring the identification of vulnerable cases, is instead wasted on systems and technology which show a false picture of 'strong borders' to the outside world.

As this research focussed largely on the Greek-Albanian green border and given recent developments in Albania with the signing of an offshoring agreement with Italy, further research will be needed to monitor the development of new centres Italy to process asylum applications. One visit to this region was conducted, but construction had not yet begun at the time and information was scarce. In October 2024, just before publication of this report, the first centres in Albania were opened under the management of Italy, and with the presence of UNHCR to monitor the protection of rights of people hosted in the centres. Just days after their opening, Ursula von der Leyen endorsed the Italy-Albania agreement and encouraged this out-of-the box thinking as an example for migration management for other European countries.[223] However, as the first boat with migrants set off to Albania from Italy, a court in Rome ruled that 12 out of the 16 migrants would need to be taken back to Italy as returning them to their home countries would violate the principle of non-refoulement.[224] At the time of publication of this report it is not yet clear whether this will mean a closure of the centres.

221   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
222   Minister of Internal Affairs and Council of Ministers. (2020. 4 December). Strategjia Ndërsektoriale e Menaxhimit të Integruar të Kufirit 2021-2027. https://konsultimipublik.gov.al/Konsultime/Detaje/311
223   Semini, L. (2024. 24 October). EU stays on the sidelines over migrant deal between Italy and Albania. The Independent. https://www.independent.co.uk/news/albania-ap-italy-giorgia-meloni-ursula-von-der-leyen-b2634454.html
224   Kirby, P. (2024. 18 October). Italy faces big setback over migrant camps in Albania. BBC. https://www.bbc.co.uk/news/articles/c62dyzwze-0do

Annex I: Interview Respondents

Number:	Organisation:	Position:
1	Ombudsperson of Albania	Deputy Commissioner and External Expert
2	Save the Children	Administrative Assistant
3	Refugee and Migrant Services Albania	Executive Director
4	Independent	Security Consultant
5	Independent	Researcher and Journalist
6	Institute of Democracy and Mediation	Consultant
7	Balkan Insight Reporting Network	Journalist
8	Independent	Journalist
9	Centre for the Study of Democracy and Governance	Executive Director
10	Independent	Activist
11	Caritas	Programme Manager
12	Albanian Helsinki Committee	Legal Representatives
13	Independent	Local resident of Gjader