

## NATIONAL CONVENTION ON EU INTEGRATION

### *Working Group II (Justice, Freedom and Security)*

**Topic: "Cyber crime and cyber security in Albania : New challenges in the framework of EU integration process."**

**Tuesday, 24 May 2016**

#### Recent Developments

While digital technology and the internet are regarded by the EU as an important link of the European society and economy, information systems and communication networks can be affected by numerous incidents of the human and technical nature or deliberate attacks, which have now become increasingly greater. For this reason the security of these networks takes on a special importance.

Albania is among the countries where the development of telecommunications, internet access and computerization of the society progress very quickly. The adoption of a set of laws in this field such as Law No. 9880 date 25.02.2008 "On electronic certification", Law No. 9918 date 19.5.2008, "On electronic communications in the Republic of Albania", Law No. 10128 date 11.05.2009, "On electronic trading", Law No. 10325 date 23.09.2010, "On fundamentals of state database", Law No. 72 2012 date 20.06.2012 "On the organization and function of the national infrastructure of the geospatial information in the Republic of Albania" and a series of sub-laws pursuant to them have sanctioned legally as well Albania's involvement in this new global approach.

The hazards for the children when using the internet can be many, depending on age, stage of development and the way they connect to the internet, such as: virtual bullying, meetings with strangers, exposure to pornographic content, online games, as the misuse of personal data. Since 2012 in Albania, at the initiative of the responsible Ministry for information and innovation the Week for Safe Internet is developed with the aim of a series of awareness campaigns for children and parents for a secure internet. The legal framework has been regulated through the adoption of a number of laws, as Law No. 9834 date 22.11.2007 for the accession of the Republic of Albania to the Optional Protocol of the UN Convention "On children's rights", sale of children, prostitution and children pornography, Law No. 10071 date 09.02.2009

“On the ratification of the Council of Europe Convention for the protection of children from sexual exploitation and abuse” or Law No. 10437 date 04.11.2010 “On the protection of children’s rights”. Meanwhile in 2012 the initiative for drafting a safer Internet was undertaken, and the signing of the Code of Ethics to collaborate for the protection of children from harmful content on the internet.

But the increased use of online communication even though it is an added value to the economic and social development of the country, at the same time, it exposes it to hazards of the cyber nature with state and non-state actors. Cyber attacks have the potential to severely damage the exchange of information of state institutions, telecommunications and financial and banking system, by causing even the disruption of vital services. In order to cope with security issues of cybercrime, Albania has undertaken a number of steps of the institutional and legal character in an effort to deal with this phenomenon.

Since 2002 Albania has signed the Convention of the Council of Europe through the Law No. 8888 date 25.05.2002 “On the ratification of the Convention in the field of cyber crime”. Intensive meetings were held with representatives of the General Prosecutor, Prosecutor for Serious Crimes and Forensic Police related to the Protocol of Investigation of cybercrime offenses. The Sector of Cybercrime Investigation in the General Prosecutor has increased close to 10 prosecutors and in the Serious Crimes Prosecutor and the Sector of Cybercrime at the General Directorate of Police in the Department of Economic Crime is to investigate 18 offenses stipulated by the Criminal Code.

In 2011 the Albanian government established the National Agency of Cyber Security, through the DCM No. 766 date 24.09.2011. On the other hand the Albanian government drafted a series of policy documents and strategies which highlight/show (spikat) particularly the draft of a strategy in national level for cyber security and underlines the aspect of cyber security as a hazard of the first level in National Security Strategy (Law No. 103/2014 date 31.07.2014 “On the adoption of the National Cyber-security Strategy of the Republic of Albania”). At the same time this approach was strengthened further with the Document of Cyber Security Policy that was adopted by DCM No. 973 date 02.12.2015 taking into consideration that since Albania’s membership in NATO, critical cyber security infrastructures of the flow and exchange of information in between different security agencies or even external services need special security protocols.

Currently the most important moment is the discussion of the Cyber Security Draft that is expected to adapt to the new EU Directive for Cyber Security, for which the Ministry of Innovation and Public Administration and the Cyber Security Agency will launch a consultation process with different actors. In the process of Albania in the European Union, Albania reports for aspects of cyber security as part of chapter 10 Society of Information, while reporting on cybercrime in chapter 24 related to internal security issues.

## Problems and Recommendations

### ➔ *Further completion of the legal framework for cyber security*

- The process of digitalization is challenging not only in drafting the laws but rather in the implementation of the legal framework. A positive step of the Albanian state is related to **the approvals of different laws** such as the Law on Protection of Personal Data, for Electronic Communication or the one on Electronic Trading, as well as the signing of a number of international agreements and conventions such as the ratification of the European Convention on Cybercrime in 2002.
- **There can't be achieved** the full harmonization of the law with *acquis* European since this process should be gradual and should be based in the Albanian context. As is the case of copyright in the internet, that if in Europe it is considered as a criminal offense in Albania has not yet been included in the Criminal Code.
- The difficulty with the Law in the field of Cyber Security is found in the fact that it is a new and dynamic legislation, since the field is alike as well because it changes rapidly. It complicates the process for the Albanian state to be in step with the legislative updates and changes of the EU.
- There is lack of proper information on legislation entities and individuals in relation with security and cybercrime. As is the Case of The Law for Electronic Trading, in which the subjects that offer this service do not know that they have been affected by the obligations of this law.
- *The Draft Law on Cyber Security* should have as its focus two key moments: 1. The establishment of a National Authority for Cyber Security and 2. Listing the information infrastructures that are considered as critical.
- **The process of the identification of the critical structures** is a new method introduced in Albania. The updating of information should be done at least once in two year and the incidents for all the critical structures should be reported. Because of the character of their liaison character the whole system could be jeopardized. Although the EU has a list of indicators for these critical structures, they should be adjusted to the technological development and that of the Albanian institutions. So some of these indicators such as spatial navigation can be ignored since it cannot be implemented in Albania. Also, new indicators can be created such as security and public order, which are priorities in Albania.

### ➔ *Strengthening human and technical capacities to combat cybercrime*

- Human capacities in this regard are scarce and lacking. Focus is needed not only in training of police experts but also **the judiciary and prosecutors** by deepening the cooperation among the institutions.
- It is recommended **to train at least one judge and one prosecutor** for every district court on cyber security and cybercrime, in order that coordination of work becomes easier among the police and the investigation and trial institutions across the country.

- An informer's network should be build **inside the state and abroad** for faster and accurate information exchange. During cooperation what are known as "contact point" should be established.
  - It is important that police and other institutions to have not only very good technical knowledge and high expertise in the field, in order to know how it functions, but a necessity appears to be and **the high level of the English language**. This can be achieved through training actualized inside the police institutions.
  - Trainings by experts of the **European police or even internationals** like Europol or Interpol are needed for exchange of experiences, methods and how to distinguish and investigate cyber crime. This is necessary even for judges and prosecutors to deliver after all the necessary information.
- ➔ *Cooperation with actors in national and international level*
- With **other social and economical sectors** such as the sector of banks, or other electronic subjects. For information exchange on threats and problems they may have faced. For this there can be held meetings between the police and representatives of these sectors for information exchange but also for building bridges of cooperation and coordination.
  - With **the civil society and non-governmental organizations**, to enable information campaigns through TV spots or different brochures, or information sessions. These organizations have also the necessary structures to enable contact numbers or online websites for informing and reporting incidents.
  - **With educational institutions** that can help educate and inform , especially children and young people that may become a victim of cyber hazards as well as pornography.
  - Further cooperation also **with entities and structures that should protect** electronic information and should share it in case of danger or threat.
  - With **international authorities** where it is noted that the police of the Albanian state has built a good cooperation with Europol and Interpol, which is also important due to the nature of cybercrime that knows no borders.
- ➔ *Informing and Monitoring for a safer internet*
- There is a lack of attention towards this sector, it is discussed little about it and this because of the fact of its technical and specific character. There is need for more **awareness and information campaigns on cyber risks** and how to protect ourselves from it.
  - It is important a constant process of monitoring and supervision using a particular register for all the cyber incidents and reports coming from the concerned subjects.

## Participants in Session 4 of WG II: State Institutions and Civil Society

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