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# THE ALBANIAN LEGAL AND INSTITUTIONAL FRAMEWORK AGAINST VIOLENT EXTREMISM IN CYBERSPACE

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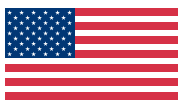
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January 2023

**The project “Trusted flaggers for a safe cyber  
ecosystem against violent extremism”**



**U.S. EMBASSY**  
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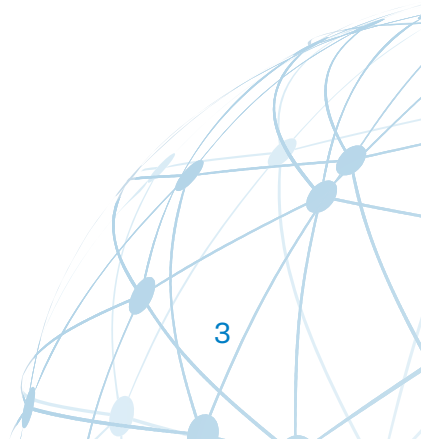
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## I. INTRODUCTION

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The violent extremism and all forces that incites radicalism, which are becoming more sophisticated every day by exploiting not only the legal gaps but also technological innovations, remain the most difficult challenges of our time. New threats of terrorists that use the internet in order to realize their objectives continue to increase. The high level of the internet access and the spread of new technologies, as well as their necessity to be connected, increases exposure to the risk of extremism. At the same time, the reasons why violent extremists and terrorists radicalize are complex.

According to various studies, there is no safe way to predict who will be radicalised to violence, although researchers have identified a wide range of different factors that contribute to the phenomenon of radicalization. These can create a wider field for new technologies through which manipulative messages that create persuasion are transmitted to users who, due to various circumstances, are more susceptible and vulnerable to radicalization, violent extremism or terrorism.

For these reasons, Albania made war against violent extremism an important priority. Albania is committed to fulfill the objectives of the national security, in order to have stability and resilience as well as to prevent and fight violent extremism. On this purpose, the legal and institutional framework has been developed and consolidated in accordance with the EU acquis and international anti-terrorism developments, strengthening internal institutional mechanisms and investing in regional and international partnerships and initiatives in the fight against terrorism.

The National Strategy and the Action Plan against Violent Extremism in Albania (2015), as well as additional decisions of the Council of Ministers (2019-2020), have oriented the state policies towards a dedicated plan to increase information and awareness of the community and the involved action.

As well as rehabilitation and reintegration of family members of foreign fighters returned from the conflict zones of Syria (northeast) and Iraq, as well as, raising/increasing the capacities of frontline actors (front-line actors) for referral systems (case management system), and handling cases related to violent extremism and many other aspects.

Following the last developments, Albania adopted the Inter-sectoral Strategy of the War against Terrorism 2021-2025, and the Action Plan 2021-2023 according to the recommendations of the European Union. These positive developments, regarding the fight against terrorism were also reflected in the European Commission Report for 2021.

According to the Report of the European Commission for Albania for 2021<sup>1</sup>: *“Albania made very good progress in the implementation of the bilateral agreement with the EU on the operationalization of the Joint Action Plan against terrorism for the Western Balkans.*

*However, further more efforts needed to tackle cybercrime, human trafficking and money laundering cases. Albania should use in a more proactive way the products, services and capacities of the communication platforms of the European Counter-Terrorism Center as well*

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<sup>1</sup> Raporti i Komisionit Evropian për Shqipërinë, 2021

<https://op.europa.eu/en/publication-detail/-/publication/6e2fcf17-30ea-11ec-bd8e-01aa75ed71a1/language-en>

*as the Internet Reference Unit of Europol. Albania should also, continue to investigate the links between organized crime and terrorism. It actively participated in the implementation of the initiative of the war against terrorism of the Western Balkans.”*

Due to several changes in the legal and institutional framework adopted after the entry into force and implementation of the cross-sectoral strategy of the fight against terrorism 2021-2025, this strategic document is currently in the process of revision, integrating the comprehensive approach of policies for the prevention of violent extremism and the fight against terrorism. This strategic document was completed with strategic objectives and other specific objectives for the issues of violent extremism, in the pillar (approaches) of prevention and response.

Changes and additions to the existing strategy, aim to reflect the responsibilities of the structures, agencies and institutions that have responsibility in the fight against terrorism and violent extremism and will also aim to further strengthen the capacities of preventing and opposing violent extremism.

The emphasis of the specific objectives related to the prevention and countering of violent extremism, is oriented to the strengthening of the structures preventing and countering violent extremism by mandating their additional roles that will help to carry out periodic needs assessments, perform analyzes and functional assessments to the phenomenon, the exchange of necessary information with intelligent and law-enforcement structures. The expansion of responsibilities is expected to support and guarantee the coordinative and coordinating role at the national level, as a central core, due to the new mandate and utilizing the practical experience and positive aspects gained in the work done with communities at risk and families of foreign fighters returned to Albania and the prevention of the phenomenon.

## II. LEGAL FRAMEWORK DEVELOPMENT

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The national policies against online violent extremism in Albania are guided by the following essential documents:

### **National Security Strategy (2014)<sup>2</sup>**

The National Security Strategy reflects the state policies developments on the security of people, society and the Albanian democratic state against internal and external risks and threats.

Terrorism is defined in this strategic document as a real transnational danger for the security of the Republic of Albania (Item 29.3, p. 12). “Albania’s geo-strategic position is an additional element of our country to be used as a communication and logistics route. Militant and extremist groups, which use violence as a way to reach their political objectives, are a serious danger to the safety of human lives and to the functioning of the state in the Republic of Albania”.

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<sup>2</sup> Qeveria shqiptare po harton strategjinë e re 2020-2024, e cila ende nuk është vendosur për konsultim publik.

## National Strategy against Violent Extremism (2015)

The National Strategy against Violent Extremism and the National Action Plan addresses the phenomenon as a comprehensive approach to the prevention of inciting and driving factors and empower the implementation of concrete actions.

These actions are - violent and radical acts that can lead to violent extremism and terrorism (VERLT), access to strategic communications and dissemination of extremist propaganda using forms of digital communication on the Internet, as well as the reintegration of citizens returned from Syria and Iraq or living in the country who have joined these extremist/terrorist groups.

## Inter-sectoral Strategy of the War Against Terrorism 2021–2025, and the Action Plan 2021–2023

The Inter-sectoral Strategy of the War Against Terrorism 2021-2025 represents the basic national strategic document in the fight against terrorism. It combines the integration agenda in the European Union in relation to the fulfillment of the obligations of chapter 24, in the field of the fight against terrorism, with the sustainable economic and social development of the country, including the connection with the development objectives stable.

The purpose of drafting this document is to guide policies and strengthen the comprehensive approach to prevention, protection, prosecution and response to terrorism. The drafting of this strategy, which is based on the EU strategy against terrorism, aims at harmonizing the activity of the structures, agencies and institutions that have the responsibility of the fight against terrorism.

One of the purposes of this strategy it is expressed through Policy 1, and the specific objectives, which have in focus prevention of radicalization via internet through:

- Interrupting the activities of digital sites and platforms, as well as individuals who attract people to terrorism;
- Increase the presence of anti-terrorism structures in the virtual environment through the control and monitoring of virtual spaces including the “darknet”.

Another specific objective of the strategy is preventing terrorism radicalization and recruitment increasing bilateral, regional and international collaboration with the web application makers.

## The National Strategy on Cyber Security 2020-2025

One of the main policy measures of this strategy (Policy 1, Objective 4) aims to improve the information infrastructure to fight cybercrime, radicalism and violent extremism. To achieve this goal, it is intended to establish two mechanisms for:

- Ongoing identification of the harmful elements that circulate on the Internet and violate cyber security in the country through cooperation with civil society organizations and businesses;
- Providing internet service in public areas, through certification by the cyber security regulatory authority



The intended sub-objectives are:

- Monitoring and preventing phenomenon that incites violent extremism and radicalization in the vulnerable users in cyberspace.
- Ongoing identification of the contaminating elements that circulates in the internet and that threat cyber security in the country.
- Establishing mechanism to have safe internet in public environments, certified by the regulatory authority of the field of cyber security.
- Building capacities of the responsible authorities against cybercrime.

## Ratified International Convents

The Republic of Albania signed and ratified the Convents and Protocols of the United Nations on Terrorism and is also sponsor of the Resolution 2178 of the Security Council of the United Nations (2014) as well as of the Convention of the **Council of Europe on Preventing Terrorism** (CETS Nr.196).

Albania also approved the **Resolution 1267 and 1373 of the Security Council of the United Nations**, which define procedures for the confiscation of the assets for the terrorist activities.

Albania was one of the sponsors of the **Resolution 2178 of the United Nations** (2014) for

“Condemning violent extremism, underlying the need to prevent travel and support for foreign terrorist fighters”, adopted by the Security Council in September 2014.

Regarding the cybercrime sector, Albania has harmonized its legislation with the **Council of Europe Convention on Cybercrime** (ETS No.185). **The Budapest Convention on Cybercrime** was transposed into national law in Albania in 2008. Albania aims to use the Budapest Convention as a global system for measures against cybercrime. Albania ratified in 2004 the “Additional Protocol of the Convention on Cybercrime for the criminalization of acts of a racial and xenophobic nature realized through computer systems” (ETS No. 189).

Albania drafted and adapted a significant number of laws and regulations in order to implement these strategic approaches, such as:

- **Law no. 7895, date 27.01.1995**, “Penal Code of the Republic of Albania” (changed with law no. 36/2017, law 89/2017). In the article 28 of this law “Special forms of cooperation”, the definition of the terrorist organization is given in point 2, and the criminal offenses committed with terrorist purposes are provided for in Chapter VII of this code, as well as articles 265/a, 265/b and 265/c. These articles provide sanctions for participants in military actions in a foreign country, (amendments according to law no. 98, dated 31.07.2014);
- **Law no. 7905, date 21.03.1995**, “The Code of Criminal Procedure of the Republic of Albania”, amended. This law defines the competence of the investigation of criminal offenses related to terrorism, as well as the law no. 95/2016 “On the organization and operation of institutions to fight corruption and organized crime”, on the basis of which the Special Prosecutor’s Office was created, which has the competence to investigate the crimes committed by terrorist groups;



- **Law no. 9918, date 19.05.2008**, “On electronic communications in the Republic of Albania”, amended, according to law no. 102/2012 in line with the latest legal developments in the EU “acquis”;
- **Law no. 9887, date 10.03.2010**, “On the protection of personal data”, amended, according to Law no. 48/2012 and Law no. 120/2014;
- **Law no. 10325, date 23.09.2010**, “On State Databases”;
- **Law no. 72, date 28.06.2012**, “On the Organization and Operation of the National Geospatial Information Infrastructure in the Republic of Albania”;
- **Law no. 72, date 28.06.2012**, “On Cyber security”, aligned with Directive (EU) 2016/1148 of the European Parliament and of the Council, dated July 6, 2016;
- **Law no. 8457/1999** “For information classified as “State Secret”, amended by law no.9541, dated 22.5.2006 “On some additions and changes to law no.8457, date 11.2.1999 “On information classified as ‘State Secret’”;
- **“On classified information “State Secret”**, changed with law no. 9541, date 22.5.2006 “For some changes in law no. 8457, date 11.2.1999 “On classified information “state secret”;
- Law no. 45/2019 “On Civil Protection”;
- DCM No. 761, date 12.12.2022, “On some changes in the Decision no 553, Date 15.7.2020, of the Council of Ministers, “For the approval of the list of critical infrastructures of information and the list of important infrastructure of information”

The legal mechanisms projected to fight terrorism and violent extremism are actually present in the Penal Code of the Republic of Albania. According to Article 28/2 of the Code:

“A terrorist organization is a special form of criminal organization, consisting of two or more persons, who have a stable cooperation in time, with the aim of committing acts with terrorist purposes.” Chapter VII of the Criminal Code contains 17 other articles, which define the types of terrorist violence, the creation and financing of terrorist organizations, as well as the recruitment and training of individuals with the intention of committing terrorist acts.

The Article 230 of the Penal Code was changed in order to include terrorism crimes that aim to spread panic in the population or to force state institutions, Albanian or foreign, to perform or not to perform a certain action.

They aim to destroy or seriously destabilize the essential political, constitutional, economic or social structures of the Albanian state, of a other state, institution or international organization, including:

- i) Kidnapping of individuals;
- ii) Serious damage to public property, infrastructure, transport systems; hijacking of aircraft, ships, other means of transport or fixed platforms;
- iii) Production, possession, purchase, transport or trade of explosives, firearms, biological, chemical or nuclear weapons, as well as scientific research for the production of weapons of mass destruction and so on.

The Article 230 /a aims to prevent the financing of terrorism by punishing such behavior with 15 years in prison, while Article 230 imposes sanctions on individuals who hide funds that are used to finance terrorist activities.

Most of the changes in the Penal Code were approved in 2007. Specifically they are connected with the Article 231 of the Code, in order to include in the national law all the obligations undertaken by Albania in relation to the ratification of the **European Convention for the Prevention of Terrorism by condemning “Recruitment of persons for the commission of acts with terrorist purposes or financing of terrorism”**.

The same is even if such acts are addressed to another state, institution or international organization.

On October of 2013, the Assembly voted the law no.157 “On Measures against the Financing of Terrorist Activities” (amended by law no. 43/2017, dated 6.4.2017; no. 32, date 17.6.2019). This law is in accordance with the requirements of resolution 1373 (2001) of the United Nations Security Council.

A number of institutions and agencies such as; the Ministry of Justice, the Bank of Albania, the General Directorate for the Prevention of Money Laundering (DPPP) and the Financial Supervision Authority carried out the implementation of this law. While the administration of frozen/seized/confiscated accounts and assets is done by the Agency for the Administration of Seized and Confiscated Assets. These changes intends to fulfill the obligations arising from Recommendation 6 of FATF.

In recent years, changes have been made to Article 265 / a, b, c of the Criminal Code. These Articles set out the security measures applicable to **individuals fighting in a foreign country** (Article 256 / a); Organization for participation in fighting in a foreign country (Article 256 / b); Call for participation in violent acts in a foreign country (Article 265 / c). These articles complement an already broad legal framework regulating terrorist activities, violent extremism and financing of terrorist activities in Albania.

In accordance with the commitments of the Stabilization-Association Agreement there is the need to transpose the following EU directives and regulations in the national legislation:

- **Directive (EU) 2017/541/EU** of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA
- **Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- **Directive (EU) 2016/680** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA
- Commission Recommendation (EU) 2018/334 of 1 March 2018 ‘On measures for the effective treatment of illegal content on the Internet.
- **The European Parliament Regulation and of the Council (EU) 2021/784** “On measures to effectively tackle illegal content online”

### III. INSTITUTIONAL FRAMEWORK

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Concrete efforts were made to create and make functional several structures that ensures and guarantee the implementation of the legal framework in view of ensuring a safer cyberspace from illegal content:

**Coordination Center against Violent Extremism** was established by DCM no. 737, dated 13.12.2017. The CVE Center serves as a catalyst for capacity building, identifying needs, and functioning mechanisms with reference to the National Strategy for Combating Violent Extremism and the Action Plan. The concepts and measures drawn up in these two documents above have given certain obligations to all Line Ministries, institutions, and other relevant actors such as civil society, religious communities, the media and international partners. Through this Strategy the CVE Center has the opportunity to develop guiding principles, policies and actions to confront radicalism and violent extremism on the territory of Albania but also to coordinate with the region or wider to undertake joint prevention initiatives.

CVE Center drafts recruitment and information programs within the framework of prevention and objection through police in community against to prevent extremism and radicalization leading to extremism (P/CVE), as well as reducing the impact of extremist propaganda on social networks and online recruitment, using social media as communication channels to promote alternative narratives and positive messages. Following the approval of VKM 826, dated 26.10.2020 regarding the process of repatriation of Albanian citizens returned from the conflict zones in Syria and Iraq, CVE Center is the national inter-institutional coordinator, to support and monitor the repatriation process and the development of rehabilitation and reintegration programs.

**National Authority for Electronic Certification and Cyber Security (NAECCS)** is a public body, which operate under the Prime Minister's authority, pursuant to Law No. 9880/2018 "On Electronic Signature", Law No. 107/2015, dated 1.1.2015 "On Electronic Identification and Trusted Services", Law No. 2 / 2017 "On cyber security". The Authority aims to ensure reliability and security in electronic transactions between citizens, businesses and public authorities, enhancing the effectiveness of public and private services and electronic commerce; sets minimum technical standards for data security and information society networks / systems in accordance with international standards in this field, with a view to creating a secure electronic environment.

**The Electronic and Postal Communications Authority (AKEP)** - is the regulatory and coordinating institution of the distribution networks of electronic communications services, mainly internet and telephone services. AKEP is responsible for the security supervision of physical networks, internet and telephone infrastructures from all kinds of attacks, including those with terrorist purposes. It aims to prevent damage, paralyzing or misuse of networks and physical services through which legal entities, public or private and citizens as well, have uninterrupted and quality access to the use of the Internet and telephone.

**The Albanian State Police** is the institution in charge of prevention, detection and investigation of the criminal offences, among which are included also the criminal offences in the area of ICT, which are dealt with by the Computer Crime Section.

**The General Prosecution Office** exercises criminal prosecution against criminal offences in the area of cybernetics through the Cyber Crime Section. This structure checks the activity of the special units that deal with cyber crimes, which are set up at District Prosecution Offices.

**The State Intelligence Service (SIS/SHISH)** via the Cyber Crime Section is in charge to search, detect and analyse cyber crimes that threaten the national security.

## IV. CONCLUSIONS AND NEXT STEPS

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Analyses of the current legal framework show the lack of legal acts for the regulation of relations and the clear definition of duties and rights between public and private actors in order to block or delete material with violent extremist content in time. Albanian legislation should be harmonized as soon as possible with the EU Acquis Communautaire, creating a complete and clear codified mechanism to properly address this issue.

In the strategy, currently under review, are foreseen measures such as:

- creating a system of controlled access for young age groups to sites and online pages that may have propaganda content;
- creating spaces for reporting suspicious pages/profiles on the official websites of the State Police, AKCESK, CVE Center, etc..;
- development of awareness spots to be distributed to internet users, through official profiles of state agencies or official internet websites;
- monitoring of internet websites by law-enforcement agencies for radical, extremist and terrorist messages/profiles aiming to block all pages (links; in certain cases also domains) or applications that contain terrorist propaganda, in the territory of the Republic of Albania, from electronic communications entrepreneurs (Internet service providers – ISP)
- monitoring social networks and electronic media regarding Albanian citizens (FTF) who may return from Syria/Iraq conflict areas and individuals suspected of terrorism;

It is necessary that all these mechanisms and measures find the appropriate support from the decision-makers and other actors and be implemented without wasting time, ensuring the appropriate cooperation between institutional actors as well as the expected coordination with private actors, service providers of online platforms as well as Internet users themselves.

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