

<i>Risks / opportunities to:</i>	Yes / moderately / no	Human Rights	Democratic principles	Security
Issues:				
Regulatory				
Law and regulations are applied	Moderately	Risk: Although there exists low to no risk for abuse of the rights of citizens, the law on protection of labour rights is not applied fully and properly, leading to abuses of the rights of PSC's employees, particularly the guards.	Risk: The moderate application of laws especially the one regarding control and application of punishments has triggered a high level of corruption and abuse in the public and private sector which has distorted the principle of free and fair competition and corruption money extracted from budgets dedicated to procuring security services are channelled to corrupt officials and politicians.	Risk: A dysfunctional market leads to poor services, weakens security and prevents the development of the sector.
Laws applicable to the operations of PSCs protect human rights	Yes	Opportunity: The law obliges the PSCs to respect a series of internationally recognized principles, such as human rights, anti-discrimination, legality, professionalism, objectivity as well as to prevent conflict of		Opportunity: The obligation to respect human rights and abide by the principles of anti-discrimination, legality, professionalism increases the legitimacy of the PSCs and contribute better to crime prevention.

		<p>interest during the exercise of their duty.</p> <p>Opportunity: In terms of employees rights the law provides for a wage of 50% higher than the minimum wage in addition to the rights provided by the labour law applicable to all employees.</p>		<p>Opportunity: Decent payment and motivation of employees contribute to the strengthening of the integrity of PSCs and improved performance.</p>
The same limitations and safeguards apply to private security forces as to public security forces	No	<p>Opportunity: The law provides for a stricter use of force (beating, teasers and pepper sprays) and weapons by PSCs. The PSCs do not have the right to search arrest or detain people. They should report incidents to the ALBANIAN STATE POLICE. The human rights of the public are not at risk for abuse.</p>		
PSCs operate in a clearly delineated area, they do not spill-over to usurp police functions such as	Yes	<p>Opportunity: The PSCs do not have the right to search arrest or detain people. The right for</p>	<p>Opportunity: As the PSC operate on strict limitations, the monopoly of force and security of the state is not</p>	

searches, detention and arrest		privacy of individuals is preserved.	abused by the PSCs.	
Weapon laws are stringent prevent illegal possession and use of weapons	Yes	Opportunity: Weapons should be declared and should be used only in case all other means fail to ensure compliance, ensuring and protecting natural rights of citizens.		
PSC law is applied in a manner to provide strong oversight over the PSCs	No		Risk: No publicly available reports exist on the ministerial oversight in performing its control competences creating potential abuse from the Albanian State Police as a controlling body.	
Oversight of the sector is efficient	No		Risk: The Parliament has never organized specific hearings on issues related to the PSCs and does not seem to understand deeper issues surrounding the private security sector leading to poor oversight from the parliament.	
Conceptual				
The availability of security is not limited to those who pay for it on a private basis	Moderately			Risk/Opportunity: private security is mostly available to

				<p>those who subscribe to it (Though, spill-over effects from patrols and presence may benefit wider public). Some of the guards by their own initiative decide to react and provide security outside the perimeter of the contract.</p>
<p>PSCs are performing services that the State would not otherwise provide</p>	<p>Moderately</p>			<p>Opportunity: PSCs have taken up securing various areas in which public security was not able to counter crime due to remoteness or lack of access and resources.</p> <p>Opportunity: The PSCs offer camera surveillance and rapid intervention services, making it possible to detect incidents and intervene faster than the state police contributing to</p>

				improving the overall security, particularly in the areas of operation.
Licensing criteria ensure vetting of personnel and ownership	YES / but not properly applied		<p>Opportunity/Risk: The law of 2014 regulated the certification and licensing of the PSCs and their employees. In order to receive the license, both personnel and ownership should have a clear record. The security personnel employed in the grey market are not vetted according to the law and do not enjoy any legal protection in cases of incidents that might involve injury or death.</p> <p>Risk: As the law is not properly applied, license criteria have been a driver of corruption and abuse.</p>	
Licensing ensures transparency by demanding record keeping and inspection.	Moderately	Risk: Given the extensive use of video surveillance, the PSCs have access to personal data, which poses a risk for misuse.	<p>Opportunity: Pursuant to the Law on Personal Data Protection, the PSCs must inform the IDPC office of their compliance with the processing, retention and transfer of personal data.</p> <p>Opportunity: The companies</p>	Opportunity: The Law obliges PSCs to use electronic surveillance equipment when providing security services and to save the data for a six-month period starting from the registration date. This

			are obliged to give access to the equipment and the data stored to the law enforcement agencies when requested.	data can be used by the police in cases of incidents inside the perimeter of visibility of the cameras.
Other oversight bodies are instigated and empowered	Moderately		<p>Opportunity: Independent oversight bodies' mandates focus mainly on government agencies. The only independent institution that has oversight competences is the Information and Data Protection Commissioner (IDPC).</p> <p>Risk: The IDPC is the only institution mandated to conduct oversight which poses the risk for malpractices going unchecked in other areas.</p>	
Mechanisms for monitoring and inspection are efficient	No		<p>Risk: All controlling institutions apart from the Competition Authority are not allowed to conduct unexpected inspections leading to difficulties in detecting problems.</p> <p>Risk: The Administrative sanctions used are fines and licence removal, both triggering</p>	

			corruption.	
Operational soundness				
Guards are paid sufficiently to ensure commitment and motivation	No	Risk: In order to become more attractive to customers the PSCs tend to minimize labour costs. The guards are underpaid, are not paid overtime, no extra payment for working on the weekend, at night or on holidays as well as unpaid social security contributions.		Risk: Unmotivated guards has led to bossy and disinterested guards which sleep on the workplace posing a risk for incidents and a high potential of the grey market taking over.
PSCs perform functions for which they are appropriately trained	Moderately	Risk: In private security schemes, guards are not properly trained, thereby risking excessive violence.		Risk: In private security schemes, guards are not properly trained, risking to not properly reacting to potential threats.
An effective training regime is either issued or overseen by the state	Moderately		Opportunity/Risk: Although the Albanian State Police offers and/or controls the training processes and allows for private security education centres, the basic training has turned into mere formality. Many companies do not necessarily see training as a worthwhile	Risk: The on-the job training is considered more important although the quality of the in-house training, however, depends very much on the company's priorities, their capacities and

			investment.	resources leading to a potential risk on security.
Communication between PSCs and public security is done in a manner that makes aligns tasks and improves efficiency. Their respective roles and responsibilities are enshrined in law.	Moderately	Opportunity: The Albanian State Police and PSCs have worked side by side in sport events and protests managing the crowds and respecting human rights alongside.	Opportunity: The Albanian State Police responsibilities are enshrined in the law and the guidelines by the Minister of Interior. Risk: The Albanian State Police is the one which takes an active and main role in the drafting of the law for the PSC's and this has brought a moderate level of hostility between the two actors.	Risk: Due to some cases of discordance the two security providers have not managed to achieve full partnership and a fully effective and efficient cooperation leading to non-efficient security provision.
Use of Force & firearms				
Use of force training is part of the obligatory training	Yes	Risk: The guards might use the force against the law and deliver potential harm to the civilians/ use it for personal purposes.		Opportunity: The guards are trained on how to respond and provide more security.
Use of force rules are clearly set out in laws or by-laws	Yes	Opportunity: The laws and guidelines from the Minister of Interior define that force should be used in case negotiating fails. The use of teasers in	Opportunity: As use of force and weapons is clearly set out in laws and by-laws it is easier to held accountable the guards/ employees in cases of incidents.	

		<p>forbidden.</p> <p>Opportunity: Weapons should be used only in case all other means fail to ensure compliance. and Kalashnikovs have been removed by law. In both cases the risk for injuries are minimized.</p>		
Weapons are subject to licenses and monitored	Moderately		<p>Opportunity: By law, the Albanian State Police is responsible for the licence and monitoring of the weapons although there is no guideline on the storage of these weapons.</p>	<p>Risk: Kalashnikovs have been provided to the PSCs by the Albanian State Police until 2015. New regulations stipulate that the PSCs should not use this type of firearm anymore but the Albanian State Police has prolonged process of withdrawing until replacement takes place.</p>
Weapons management rules cover how weapons are stored and marked	Moderately		<p>Opportunity/Risk: The company's technical director or technical directors are responsible to ensure that the company's employees have received adequate education and training, including on the</p>	

			<p>legal framework and the rules and procedures on the storage and use of weapons.</p> <p>On the other hand, the companies have not managed to design and apply a strict procedure on the distribution of weapons leading to poor accountability in cases of incidents.</p>	
Transparency				
Affiliations with political parties are made public	No		<p>Risk: As affiliation are not made public, this may lead to corruption and favouritism in public tenders (As seen in 2014 only 5 companies won 70% of tenders in Albania and in 2015 the number was reduced to 3 companies.)</p>	
Management of PSC's are publicly known	Yes		<p>Opportunity: Management of PSC's are not hidden from the public. It is easy to find the owner and technical director on the National Registration Centre (NRC) webpage by typing the name of the company.</p>	
Procurement				
Bids are all made public, unless there is an exception by law	Yes		<p>Risk/Opportunity: Bids are made public in the weekly bulletins of the Public</p>	

			Procurement Agency, except bids which use the negotiated procedure (institutions invite up to 5 companies to bid). Unfortunately, more than 50% of bids use the negotiated procedure meaning that most bids are not transparent.	
Exceptions to the tender process are applied restrictively	No		Risk: Even though the negotiated procedure is used in case of emergency or failure of 3 consecutive bids, more than 50% of bids use this method of procuring leading to transparency problems.	
The winners of bids are made public	Yes		Opportunity/Risk: All winners are published in the weekly bulletins of the Public Procurement Agency and in the online platform of the PPA. Unfortunately, the lists of the winners, which are published in the online platform, are only available for a period of 3 months. It is very difficult to find a specific winner in the weekly bulletins leading to accountability and transparency problems.	
The best value for money	No	Risk: Only few bids use	Risk: There exists lack of	Risk: The lowest price

criteria is used over just lowest price		the best value criteria, in fact there is exists no measure of “quality” for security provision. Cost of services is often calculated based on the minimum salary. The lowest price leads to underpayment of guards.	accountability from the PSC’s in terms of quality as it is not possible to measure.	might lead to distorted competition and poor security provision, and potential damage especially when it comes to critical infrastructure.
Controlling institutions are efficient.	Moderately	Risk: Inefficiency of the controlling institutions lead to overuse and underpayment of guards.		Risk: Inefficiency of controls leads to abuse in the workplace and potential harm and threat to security.
Punishment of abusers is a common practice.	No		Risk: In 2014 from 218 complaints to the PPC and PPA only 1 case has been fined and there is no information whether it was paid. The stimuli for abuse/corruption is higher when punishment of abusers is not a common practice.	