

# ALBANIAN CONSTITUTION

*Approved by the Albanian Parliament  
on 21 October 1998*

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We, the people of Albania, proud and aware of our history, with responsibility for the future, and with faith in God and/or other universal values,

with determination to build a social and democratic state based on the rule of law, and to guarantee the fundamental human rights and freedoms,

with a spirit of tolerance and religious coexistence,

with the pledge for the protection of human dignity and personhood, as well as for the prosperity of the whole nation, for peace, well-being, culture and social solidarity,

with the centuries-old aspiration of the Albanian people for national identity and unity,

with a deep conviction that justice, peace, harmony and cooperation among nations are among the highest values of humanity,

***We establish this Constitution:***

**PART ONE--BASIC PRINCIPLES**

**Article 1**

1. Albania is a parliamentary republic.
2. The Republic of Albania is a unitary and indivisible state.
3. Governance is based on a system of elections that are free, equal, general and periodic.

**Article 2**

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty through their representatives or directly.
3. For the maintenance of peace and national interests, the Republic of Albania may take part in a system of collective security, on the basis of a law approved by a majority of all the members of the Assembly.

**Article 3**

The independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them.

**Article 4**

1. The law constitutes the basis and the boundaries of the activity of the state.
2. The Constitution is the highest law in the Republic of Albania.
3. The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise.

**Article 5**

The Republic of Albania applies international law that is binding upon it.

### **Article 6**

The organization and functioning of the organs contemplated by this Constitution are regulated by their respective laws, except when this Constitution provides otherwise.

### **Article 7**

The system of government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers.

### **Article 8**

1. The Republic of Albania protects the national rights of the Albanian people who live outside its borders.
2. The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.
3. The Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their ties with the national cultural inheritance.

### **Article 9**

1. Political parties are created freely. Their organization shall conform with democratic principles.
2. Political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.
3. The financial sources of parties as well as their expenses are always made public.

### **Article 10**

1. In the Republic of Albania there is no official religion.
2. The state is neutral in questions of belief and conscience, and also, it guarantees the freedom of their expression in public life.
3. The state recognizes the equality of religious communities.
4. The state and the religious communities mutually respect the independence of one another and work together for the good of each of them and for all.
5. Relations between the state and religious communities are regulated on the basis of agreements entered into between their representatives and the Council of Ministers. These agreements are ratified by the Assembly.
6. Religious communities are juridical persons. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed.

### **Article 11**

1. The economic system of the Republic of Albania is based on private and public property, as well as on a market economy and on freedom of economic activity.
2. Private and public property are equally protected by law.
3. Limitations on the freedom of economic activity may be established only by law and for important public reasons.

### **Article 12**

1. The armed forces secure the independence of the country, as well as protect its territorial integrity and constitutional order.
2. The armed forces maintain neutrality in political questions and are subject to civilian control.

3. No foreign military force may be situated in, or pass through, the Albanian territory, as well no Albanian military force may be sent abroad, except by a law approved by a majority of all members of the Assembly.

### **Article 13**

Local government in the Republic of Albania is founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy.

### **Article 14**

1. The official language in the Republic of Albania is Albanian.
2. The national flag is red with a two-headed black eagle in the center.
3. The seal of the Republic of Albania presents a red shield with a black, two-headed eagle in the center. At the top of the shield, in gold color, is the helmet of Skanderbeg.
4. The national anthem is "United Around Our Flag."
5. The National Holiday of the Republic of Albania is Flag Day, November 28.
6. The capital city of the Republic of Albania is Tirana.
7. The form and dimensions of the national symbols, the content of the text of the national anthem, and their use shall be regulated by law.

## **PART TWO--THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

### **CHAPTER I--GENERAL PRINCIPLES**

#### **Article 15**

1. The fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order.
2. The organs of public power, in fulfillment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to their realization.

#### **Article 16**

1. The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.
2. The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for juridical persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

#### **Article 17**

1. The limitation of the rights and freedoms provided for in this Constitution may be established only by law for a public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it.
2. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.



### **Article 18**

1. All are equal before the law.
2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.
3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist.

### **Article 19**

1. Everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship. Albanian citizenship is gained also for other reasons provided by law.
2. An Albanian citizen may not lose his citizenship, except when he gives it up.

### **Article 20**

1. Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms.
2. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity.

## **CHAPTER II--PERSONAL RIGHTS AND FREEDOMS**

### **Article 21**

The life of a person is protected by law.

### **Article 22**

1. Freedom of expression is guaranteed.
2. The freedom of the press, radio and television are guaranteed.
3. Prior censorship of a means of communication is prohibited.
4. The law may require the granting of authorization for the operation of radio or television stations.

### **Article 23**

1. The right to information is guaranteed.
2. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
3. Everybody is given the possibility to follow the meetings of collectively elected organs.

### **Article 24**

1. Freedom of conscience and of religion is guaranteed.
2. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.
3. No one may be compelled or prohibited to take part or not in a religious community or in religious practices or to make his beliefs or faith public.

### **Article 25**

No one may be subjected to cruel, inhuman or degrading torture, punishment or treatment.

**Article 26**

No one may be required to perform forced labor, except in cases of the execution of a judicial decision, the performance of military service, or for a service that results from a state of emergency, war or natural disaster that threatens human life or health.

**Article 27**

1. No one's liberty may be taken away except in the cases and according to the procedures provided by law.
2. Freedom of a person may not be limited, except in the following cases:
  - a. when he is punished with imprisonment by a competent court;
  - b. for failure to comply with the lawful orders of the court or with an obligation set by law;
  - c. when there are reasonable suspicions that he has committed a criminal offense or to prevent the commission by him of a criminal offense or his escape after its commission;
  - d. for the supervision of a minor for purposes of education or for escorting him to a competent organ;
  - e. when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society;
  - f. for illegal entry at state borders or in cases of deportation or extradition.
3. No one may be deprived of liberty just because he is not in a condition to fulfill a contractual obligation.

**Article 28**

1. Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights.
2. The person whose liberty has been taken away, according to article 27, paragraph 2, subparagraph c), must be sent within 48 hours before a judge, who shall decide upon his pre-trial detention or release not later than 48 hours from the moment he receives the documents for review.
3. A person in pre-trial detention has the right to appeal the judge's decision. He has the right to be tried within a reasonable period of time or to be released on bail pursuant to law.
4. In all other cases, the person whose liberty is taken away extrajudicially may address a judge at anytime, who shall decide within 48 hours regarding the legality of this action.
5. Every person whose liberty was taken away pursuant to article 27, has the right to humane treatment and respect for his dignity.

**Article 29**

1. No one may be accused or declared guilty of a criminal act that was not considered as such by law at the time of its commission, with the exception of cases, which at the time of their commission, according to international law, constitute war crimes or crimes against humanity.
2. No punishment may be given that is more severe than that which was contemplated by law at the time of commission of the criminal act.
3. A favorable criminal law has retroactive effect.

**Article 30**

Everyone is considered innocent so long as his guilt is not proven by a final judicial decision.

**Article 31**

During a criminal proceeding, everyone has the right:

- a. to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;
- b. to have the time and sufficient facilities to prepare his defense;
- c. to have the assistance without payment of a translator, when he does not speak or understand the Albanian language;
- d. to be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be assured of free defense when he does not have sufficient means;
- e. to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.

#### **Article 32**

1. No one may be obliged to testify against himself or his family or to confess his guilt.
2. No one may be declared guilty on the basis of data collected in an unlawful manner.

#### **Article 33**

1. No one may be denied the right to be heard before being judged.
2. A person who is hiding from justice may not take advantage of this right.

#### **Article 34**

No one may be punished more than one time for the same criminal act nor be tried again, except for cases when the re-adjudication of the case is decided on by a higher court, in the manner specified by law.

#### **Article 35**

1. No one may be obliged, except when the law requires it, to make public data connected with his person.
2. The collection, use and making public of data about a person is done with his consent, except for the cases provided by law.
3. Everyone has the right to become acquainted with data collected about him, except for the cases provided by law.
4. Everyone has the right to request the correction or expunging of untrue or incomplete data or data collected in violation of law.

#### **Article 36**

The freedom and secrecy of correspondence or any other means of communication are guaranteed.

#### **Article 37**

1. The inviolability of the residence is guaranteed.
2. Searches of a residence, as well as the premises that are equivalent to it, may be done only in the cases and manner provided by law.
3. No one may be subjected to a personal search outside a criminal proceeding, with the exception of the cases of entry into the territory of the state and the leaving of it, or to avoid a risk that threatens public security.

#### **Article 38**

1. Everyone has the right to choose his place of residence and to move freely to any part of the territory of the state.
2. No one may be hindered to go freely out of the state.

#### **Article 39**

1. No Albanian citizen may be expelled from the territory of the state.
2. Extradition may be permitted only when it is expressly provided in international agreements, to which the Republic of Albania is a party, and only by judicial decision.
3. The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.

#### **Article 40**

Foreigners have the right of refuge in the Republic of Albania according to law.

#### **Article 41**

1. The right of private property is guaranteed.
2. Property may be gained by gift, inheritance, purchase, or any other classical means provided by the Civil Code.
3. The law may provide for expropriations or limitations in the exercise of a property right only for public interests.
4. The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation.
5. For disagreements connected with the extent of the compensation, a complaint may be filed in court.

#### **Article 42**

1. The freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process.
2. Everyone, to protect his constitutional and legal rights, freedoms, and interests, or in the case of an accusation raised against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law.

#### **Article 43**

Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.

#### **Article 44**

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an unlawful act, action or failure to act of the state organs.

### **CHAPTER III--POLITICAL RIGHTS AND FREEDOMS**

#### **Article 45**

1. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected.
2. Citizens who have been declared mentally incompetent by a final court decision do not have the right to elect.
3. Convicts that are serving a sentence that deprives them of freedom have only the right to elect.
4. The vote is personal, equal, free and secret.

#### **Article 46**

1. Everyone has the right to organize collectively for any lawful purpose.
2. The registration of organizations or societies in court is done according to the procedure provided by law.
3. Organizations or societies that pursue unconstitutional purposes are prohibited pursuant to law.

#### **Article 47**

1. Freedom of peaceful meetings and without arms, as well the participation in them is guaranteed.
2. Peaceful meetings in squares and places of public passage are held in conformity with the law.

#### **Article 48**

Everyone, by himself or together with others, may direct requests, complaints or comments to the public organs, which are obliged to answer in the time periods and conditions set by law.

### **CHAPTER IV--ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FREEDOMS**

#### **Article 49**

1. Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification.
2. Employees have the right to social protection of work.

#### **Article 50**

Employees have the right to unite freely in labor organizations for the defense of their work interests.

#### **Article 51**

1. The right of an employee to strike in connection with work relations is guaranteed.
2. Limitations on particular categories of employees may be established by law to assure essential social services.

#### **Article 52**

1. Everyone has the right to social security in old age or when he is unable to work, according to a system set by law.
2. Everyone, who remains without work for reasons independent of their volition, and has no other means of support, has the right to assistance under the conditions provided by law.

#### **Article 53**

1. Everyone has the right to get married and have a family.
2. Marriage and family enjoy special protection of the state.
3. The entering into and dissolution of marriage are regulated by law.

#### **Article 54**

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have equal rights with those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

### **Article 55**

1. Citizens enjoy in an equal manner the right to health care from the state.
2. Everyone has the right to health insurance pursuant to the procedure provided by law.

### **Article 56**

Everyone has the right to be informed for the status of the environment and its protection.

### **Article 57**

1. Everyone has the right to education.
2. Mandatory school education is determined by law.
3. General high school public education is open for all.
4. Professional high school education and higher education can be conditioned only on criteria of abilities.
5. Mandatory education and general high school education in public schools are free.
6. Pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of law.
7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

### **Article 58**

1. Freedom of artistic creation and scientific research, placing in use, as well as profit from their results are guaranteed for all.
2. Copyright is protected by law.

## **CHAPTER V--SOCIAL OBJECTIVES**

### **Article 59**

1. The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with:
  - a. employment under suitable conditions for all persons who are able to work;
  - b. fulfillment of the housing needs of its citizens;
  - c. the highest possible standard of health, physical and mental;
  - d. education and qualification according to ability of children and the young, as well as unemployed persons;
  - e. a healthy and ecologically adequate environment for the present and future generations;
  - f. rational exploitation of forests, waters, pastures and other natural resources on the basis of the principle of sustainable development;
  - g. care and help for the aged, orphans and persons with disabilities;
  - h. development of sport and of recreation activities;
  - i. health rehabilitation, specialized education and integration in society of disabled people, as well as continual improvement of their living conditions;
  - j. protection of national cultural heritage and particular care for the Albanian language.
2. Fulfilment of social objectives may not be claimed directly in court. The law defines the conditions and extent to which the realization of these objectives can be claimed.

## **CHAPTER VI--PEOPLE'S ADVOCATE**

### **Article 60**

1. The People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.
2. The People's Advocate is independent in the exercise of his duties.
3. The People's Advocate has his own budget, which he administers himself. He proposes the budget pursuant to law.

#### **Article 61**

1. The People's Advocate is elected by three-fifths of all members of the Assembly for a five-year period, with the right of reelection.
2. Any Albanian citizen with higher education, and with recognized knowledge and recognized activity in the field of human rights and law may be the People's Advocate.
3. The People's Advocate enjoys the immunity of a judge of the High Court.
4. The People's Advocate may not take part in any political party, carry on any other political, state or professional activity, nor take part in the management organs of social, economic and commercial organizations.

#### **Article 62**

1. The People's Advocate may be discharged only on the reasoned complaint of not less than one-third of the deputies.
2. In this case, the Assembly makes a decision with three-fifths of all its members.

#### **Article 63**

1. The People's Advocate presents an annual report before the Assembly.
2. The People's Advocate reports before the Assembly when it is requested of him, and he may request the Assembly to hear him on matters he determines important.
3. The People's Advocate has the right to make recommendations and to propose measures when he observes violations of human rights and freedoms by the public administration.
4. Public organs and officials are obligated to present to the People's Advocate all documents and information requested by him.

### **PART THREE--THE ASSEMBLY**

#### **CHAPTER I--ELECTION AND TERM**

#### **Article 64**

1. The Assembly consists of 140 deputies. One-hundred deputies are elected directly in single-member electoral zones with an approximate number of voters. Forty deputies are elected from the multi-name lists of parties or party coalitions according to their respective order.
2. The total number of deputies of a party or a party coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections.
3. Parties that receive less than 2.5 per cent, and party coalitions that receive less than 4 per cent, of the valid votes on the national scale in the first round of elections do not benefit from their respective multi-name lists.

### **Article 65**

1. The Assembly is elected for four years.
2. Elections for the Assembly are held within 60 to 30 days before the end of the mandate and not later than 45 days after its dissolution.
3. The mandate of the Assembly continues until the first meeting of the new Assembly. In this interval, the Assembly may not issue laws or take decisions, except when extraordinary measures have been established.

### **Article 66**

The mandate of the Assembly is extended only in the case of war and for so long as it continues. When the Assembly is dissolved, it recalls itself.

### **Article 67**

1. The newly elected Assembly is called to its first meeting by the President of the Republic no later than 20 days from the conclusion of the elections.
2. If the President of the Republic does not exercise this power, the Assembly must convene itself within 10 days from the end of the term provided in paragraph 1 of this article.

## **CHAPTER II--THE DEPUTIES**

### **Article 68**

1. Candidates for deputy may be presented only by political parties, coalitions of parties, and voters.
2. The rules for the designation of candidates for deputy, for the organization and conduct of the elections, as well as the definition of electoral zones and the conditions of validity for elections, are regulated by the electoral law.

### **Article 69**

1. Without resigning from duty, the following may not run as candidates nor be elected deputies:
  - a. judges, prosecutors;
  - b. military servicemen on active duty;
  - c. staff of the police and of National Security;
  - d. diplomatic representatives;
  - e. chairmen of municipalities and communes as well as prefects in the places where they carry out their duties;
  - f. chairmen and members of the electoral commissions;
  - g. the President of the Republic and the high officials of the state Administration contemplated by law.
2. A mandate gained in violation of paragraph 1 of this article is invalid.

### **Article 70**

1. Deputies represent the people and are not bound by any obligatory mandate.
2. Deputies may not simultaneously exercise any other public duty with the exception of that of a member of the Council of Ministers. Other cases of incompatibility are specified by law.
3. Deputies may not carry out any profit-making activity that stems from the property of the state or of local government, nor may they acquire their property.
4. For every violation of paragraph 3 of this article, on the motion of the chairman of the Assembly or one-tenth of its members, the Assembly decides on sending the issue to the Constitutional Court, which determines the incompatibility.



#### **Article 71**

1. The mandate of the deputy begins on the day when he is declared elected by the respective electoral commission.
2. The mandate of the deputy ends or is invalid, as the case may be:
  - a. when he does not take the oath;
  - b. when he resigns from the mandate;
  - c. when one of the conditions of inelectability contemplated in articles 69, and 70, paragraphs 2 and 3 is ascertained;
  - d. when the mandate of the Assembly ends;
  - e. when he is absent for more than six consecutive months in the Assembly without reason.
  - f. when he is convicted by a final court decision for commitment of a crime.

#### **Article 72**

Before beginning the exercise of the mandate, the deputies take the oath in the Assembly.

#### **Article 73**

1. A deputy does not bear responsibility for opinions expressed in the Assembly and votes given. This provision is not applicable in the case of defamation.
2. A deputy may not be criminally prosecuted without the authorization of the Assembly. Authorization is also required when he is to be arrested.
3. A deputy may be detained or arrested without authorization when he is apprehended during or immediately after the commission of a serious crime. In these cases, the General Prosecutor immediately notifies the Assembly, which, when it determines that the proceeding is misplaced, decides to lift the measure.
4. For issues contemplated in paragraphs 2 and 3, the Assembly decides by secret vote.

### **CHAPTER III--ORGANIZATION AND FUNCTIONING**

#### **Article 74**

1. The Assembly conducts its annual work in two sessions. The first session begins on the third Monday of January and the second session on the first Monday of September.
2. The Assembly meets in extraordinary session when it is requested by the President of the Republic, the Prime Minister or by one-fifth of all the deputies.
3. Extraordinary sessions are called by the Speaker of the Assembly on the basis of a defined agenda.

#### **Article 75**

1. The Assembly elects and discharges its chairman.
2. The Assembly is organized and functions according to regulations approved by the majority of all the members.

#### **Article 76**

1. The Chairman chairs debates, directs the work, assures respect for the rights of the Assembly and its members, as well as represents the Assembly in relations with others.
2. The highest civil employee of the Assembly is the General Secretary.
3. Other services necessary for the functioning of the Assembly are carried out by other employees, as is specified in the internal regulations.

#### **Article 77**

1. The Assembly elects standing committees from its ranks and may also establish special committees.
2. The Assembly has the right and, upon the request of one-fourth of its members is obliged, to designate investigatory committees to review a particular issue. Its conclusions are not binding on the courts, but they may be made known to the office of the prosecutor, which evaluates them according to legal procedures.
3. Investigatory committees operate according to the procedures set by law.

#### **Article 78**

1. The Assembly decides with a majority of votes, in the presence of more than half of its members, except for the cases where the Constitution provides for a qualified majority.
2. Meetings of the deputies, which are convened without being called in accordance to the regulations, do not have any effect.

#### **Article 79**

1. Meetings of the Assembly are open.
2. At the request of the President of the Republic, the Prime Minister or one-fifth of the deputies, meetings of the Assembly may be closed, when a majority of all its members have voted in favor of it.

#### **Article 80**

1. The Prime Minister and any other member of the Council of Ministers is obligated to answer interpellances and questions of the deputies within three weeks.
2. A member of the Council of Ministers has the right to take part in meetings of the Assembly or of its committees; he is given the floor whenever he requests it.
3. The heads of state institutions, on request of the parliamentary committees, give explanations and inform on specific issues of their activity to the extent that law permits.

### **CHAPTER IV--THE LEGISLATIVE PROCESS**

#### **Article 81**

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.
2. The following are approved by three-fifths of all members of the Assembly:
  - a. the laws for the organization and operation of the institutions provided for in the Constitution;
  - b. the law on citizenship;
  - c. the law on general and local elections;
  - d. the law on referenda;
  - e. the codes;
  - f. the law for the state of emergency;
  - g. the law on the status of public functionaries;
  - h. the law on amnesty;
  - i. the law on administrative divisions of the Republic.

#### **Article 82**

1. The proposal of laws, when this is the case, must always be accompanied by a report that justifies the financial expenses for its implementation.
2. No non-governmental draft law that makes necessary an increase in the expenses of the state budget or diminishes income may be approved without taking the opinion of the Council of Ministers, which must be given within 30 days from the date of receiving the draft law.
3. If the Council of Ministers does not give an answer within the above term, the draft law passes for review according to the normal procedure.

#### **Article 83**

1. A draft law is voted on three times: in principle, article by article, and in its entirety.
2. The Assembly may, at the request of the Council of Ministers or one-fifth of all the deputies, review and approve a draft law with an expedited procedure, but not sooner than one week from the beginning of the procedure of review.
3. The expedited procedure is not permitted for the review of the draft laws contemplated in Article 81, paragraph 2, with the exception of subparagraph Af.®

#### **Article 84**

1. President of the Republic promulgates the approved law within 20 days from its presentation.
2. A law is deemed promulgated if the President of the Republic does not exercise the rights provided for in paragraph 1 of this article and in paragraph 1 of article 85.
3. A law enters into force with the passage of not less than 15 days after its publication in the Official Journal.
4. In the case of extraordinary measures, as well as in cases of necessity and emergency, when the Assembly decides with a majority of all its members and the President of the Republic gives his consent, a law may enter into force immediately, but only after it is made known publicly. The law must be published in the first number of the Official Journal.

#### **Article 85**

1. The President of the Republic has the right to return a law for review only once.
2. The decree of the President for the review of a law loses its effect when a majority of all the members of the Assembly vote against it.

### **PART FOUR--THE PRESIDENT OF THE REPUBLIC**

#### **Article 86**

1. The President of the Republic is the Head of State and represents the unity of the people.
2. Only an Albanian citizen by birth who has been a resident in Albania for not less than the past 10 years and who has reached the age of 40 may be elected President.

#### **Article 87**

1. A candidate for President is proposed to the Assembly by a group of not less than 20 of its members. A member is not permitted to take part in more than one proposing group.
2. The President of the Republic is elected by secret vote and without debate by the Assembly by a majority of three-fifths of all its members.
3. When this majority is not reached in the first voting, a second voting takes place within 7 days from the day of the first voting.
4. When this majority is not reached even in the second voting, a third voting takes place within 7 days.

5. When there is more than one candidate and none of them has received the required majority, within 7 days, a fourth voting takes place between the two candidates who have received the greatest number of votes.
6. If even in the fourth voting neither of the two candidates has received the required majority, a fifth one takes place.
7. If even in the fifth voting neither of the two candidates has received the required majority, the Assembly is dissolved and new general elections take place within 60 days.
8. The new Assembly elects the President pursuant to the procedure contemplated by paragraphs 1 to 7 of this article. If even the new Assembly does not elect the President, the Assembly is dissolved and new general elections take place within 60 days.
9. The subsequent Assembly elects the President of the Republic by a majority of all its members.

#### **Article 88**

1. The President of the Republic is in every case elected for 5 years, with the right of reelection only once.
2. The procedure for the election of the President begins no later than 30 days before the end of the previous presidential mandate.
3. The President begins his duties after he takes the oath before the Assembly, but not before the mandate of the President who is leaving has been completed. The President swears as follows:  
    "I swear that I will obey to the Constitution and laws of the country, that I will respect the rights and freedoms of citizens, protect the independence of the Republic, and I will serve the general interest and the progress of the Albanian People." The President may add: "So help me God!"
4. A President who resigns before the end of his mandate may not be a candidate in the presidential election that takes place after his resignation.

#### **Article 89**

The President of the Republic may not hold any other public duty, may not be a member of a party or carry out other private activity.

#### **Article 90**

1. The President of the Republic is not responsible for acts carried out in the exercise of his duty.
2. The President of the Republic may be discharged for serious violations of the Constitution and for the commission of a serious crime. In these cases, a proposal for the discharge of the President may be made by not less than one-fourth of the members of the Assembly and must be supported by not less than two-thirds of all its members.
3. The decision of the Assembly is sent to the Constitutional Court, which, when it verifies the guilt of the President of the Republic, declares his discharge from duty.

#### **Article 91**

1. When the President of the Republic is temporarily unable to exercise his functions or his place remains vacant, the Chairman of the Assembly takes his place and exercises his powers.
2. In case the President cannot exercise his duty for more than 60 days, the Assembly by two-thirds of all its members decides on sending the issue to the Constitutional Court, which verifies conclusively the fact of his incapacity. In case of verification of incapacity, the place of the President remains vacant and the election of the new President begins within 10 days from the date of verification of incapacity.

#### **Article 92**

The President also exercises these powers:

- a. addresses messages to the Assembly;
- b. exercises the right of pardon according to the law;

- c. grants Albanian citizenship and permits it to be given up according to the law;
- d. gives decorations and titles of honor according to the law;
- e. accords the highest military ranks according to the law;
- f. on the proposal of the Prime Minister, he appoints and withdraws plenipotentiary representatives of the Republic of Albania to other states and international organizations;
- g. accepts letters of credentials and the withdrawal of diplomatic representatives of other states and international organizations accredited to the Republic of Albania;
- h. signs international agreements according to the law;
- i. upon proposal of the Prime Minister, he appoints the director of the intelligence service of the state;
- j. nominates the Chairman of the Academy of Sciences and the rectors of universities pursuant to law;
- k. sets the date of the elections for the Assembly, for the organs of local power and for the conduct of referenda;
- l. requests opinions and information in writing from the directors of state institutions for issues that have to do with their duties.

#### **Article 93**

The President of the Republic, in the exercise of his powers, issues decrees.

#### **Article 94**

The President of the Republic may not exercise other powers besides those recognized expressly in the Constitution and granted by laws issued in compliance with it.

### **PART FIVE--THE COUNCIL OF MINISTERS**

#### **Article 95**

1. The Council of Ministers consists of the Prime Minister, deputy prime minister, and ministers.
2. The Council of Ministers exercises every state function that is not given to other organs of state power or to local government.

#### **Article 96**

1. The President of the Republic, at the beginning of a legislature, as well as when the position of Prime Minister remains vacant, appoints the Prime Minister on the proposal of the party or coalition of parties that has the majority of seats in the Assembly.
2. If the Prime Minister appointed is not approved by the Assembly, the President appoints a new Prime Minister within 10 days.
3. If even the newly appointed Prime Minister is not approved by the Assembly, the Assembly elects another Prime Minister within 10 days. In this case, the President appoints the new Prime Minister.
4. If the Assembly fails to elect a new Prime Minister, the President of the Republic dissolves the Assembly.

#### **Article 97**

The Prime Minister appointed according to article 96, article 104 or article 105 presents to the Assembly for approval, within 10 days, the policy program of the Council of Ministers together with its composition.

#### **Article 98**

1. A minister is appointed and dismissed by the President of the Republic, on the proposal of the Prime Minister, within 7 days.

2. The decree is reviewed by the Assembly within 10 days.

#### **Article 99**

Before beginning duties, the Prime Minister, deputy prime minister, and ministers swear before the President of the Republic.

#### **Article 100**

1. The Council of Ministers defines the principal directions of the general state policy.
2. The Council of Ministers takes decisions upon the proposal of the Prime Minister or the respective minister.
3. Meetings of the Council of Ministers are closed.
4. Acts of the Council of Ministers are valid when signed by the Prime Minister and the proposing minister.
5. The Council of Ministers issues decisions and instructions.

#### **Article 101**

The Council of Ministers, in cases of necessity and emergency, may issue, under its responsibility, normative acts having the force of law for taking temporary measures. These normative acts are immediately submitted to the Assembly, which is convened within 5 days if it is not in session. These acts lose force retroactively if they are not approved by the Assembly within 45 days.

#### **Article 102**

1. The Prime Minister:
  - a. represents the Council of Ministers and chairs its meetings;
  - b. outlines and presents the principal directions of general state policy and is responsible for them;
  - c. assures the implementation of legislation and policies approved by the Council of Ministers;
  - d. coordinates and supervises the work of the members of the Council of Minister and other institutions of the central state administration;
  - e. performs other duties prescribed in the Constitution and the laws.
2. The Prime Minister resolves disagreements between ministers.
3. The Prime Minister, in the exercise of his powers, issues orders.
4. The minister, within the principal directions of general state policy, directs, under his responsibility, actions for which he has powers. The minister, in the exercise of his powers, issues orders and instructions.

#### **Article 103**

1. Anyone who has the capacity to be a deputy may be appointed a minister.
2. A minister may not exercise any other state function nor be a director or member of the organs of for-profit companies.
3. Members of the Council of Ministers enjoy the immunity of a deputy.

#### **Article 104**

1. If a motion of confidence presented by the Prime Minister is refused by a majority of all the members of the Assembly, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.
2. When the Assembly does not succeed in electing a new Prime Minister, the President of the Republic dissolves the Assembly.
3. The vote for the motion cannot be done if three days have not passed from the day it was presented.

#### **Article 105**

1. In cases where a motion of no confidence presented by one-fifth of the members of the Assembly is approved by the majority of all its members, the Assembly elects another Prime Minister within 15 days. In this case, the President appoints the new Prime Minister.
2. When the Assembly fails to elect the new Prime Minister, the President of the Republic dissolves the Assembly.
3. The vote for the motion cannot be done if three days have not passed from the day it was presented.

#### **Article 106**

The Prime Minister and the ministers are obligated to stay on duty until the appointment of the new Council of Ministers.

#### **Article 107**

1. Public employees apply the law and are in the service of the people.
2. Employees in the public administration are selected through examinations, except when the law provides otherwise.
3. Guarantees of tenure and legal treatment of public employees are regulated by law.

### **PART SIX--LOCAL GOVERNMENT**

#### **Article 108**

1. The units of local government are communes or municipalities and regions. Other units of local government are regulated by law.
2. The territorial-administrative division of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of the inhabitants.
3. Communes and municipalities are the basic units of local government. They perform all the duties of self-government, with the exception of those that the law gives to other units of local government.
4. Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the organization of local referenda are provided by law in accordance with article 151, paragraph 2.

#### **Article 109**

1. The representative organs of the basic units of local government are councils that are elected every three years by general direct elections and with secret voting.
2. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people in the manner contemplated in paragraph 1 of this article.
3. Only citizens who have a permanent residence in the territory of the respective local entity have the right to be elected to the local councils and as chairman of the municipality or commune.
4. The organs of local government units have the right to form unions and joint institutions with one another for the representation of their interests, to cooperate with local units of other countries, and also to be represented in international organizations of local powers.

#### **Article 110**

1. A region consists of several basic units of local government with traditional, economic and social ties and joint interests.
2. The region is the unit in which regional policies are constructed and implemented and where they are harmonized with state policy.
3. The representative organ of the region is the Regional Council. Municipalities and communes delegate members to the Regional Council in proportion to their population, but always at least one member. The chairmen of communes and municipalities are always members of the Regional Council. Other members are elected through proportional lists from among the municipal or communal councillors by their respective councils.
4. The Regional Council has the right to issue orders and decisions with general obligatory force for the region.

#### **Article 111**

1. The units of local government are juridical persons.
2. The units of local government have an independent budget, which is created in the manner provided by law.

#### **Article 112**

1. Units of local government may be delegated by law powers of state administration. Expenses that are incurred in the exercise of the delegation are covered by the state.
2. Only duties in compliance with law or according to agreements entered into by them may be put to the organs of local government. The expenses that are connected with the duties put by law to the organs of local government are covered by the budget of the state.

#### **Article 113**

1. The councils of the communes, municipalities and regions:
  - a. regulate and administer in an independent manner local issues within their jurisdiction;
  - b. exercise the rights of ownership, administer in an independent manner the income created, and also have the right to exercise economic activity;
  - c. have the right to collect and spend the income that is necessary for the exercise of their functions;
  - d. have the right, in compliance with law, to establish local taxes as well as their level;
  - e. establish rules for their organization and functioning in compliance with law;
  - f. create symbols of local government as well as local titles of honor;
  - g. undertake initiatives for local issues before the organs defined by law.
2. The organs of units of local government issue directives, decisions and orders.
3. The rights of self-government of the units of local government are protected in court.

#### **Article 114**

The Council of Ministers appoints a prefect in every region as its representative. The powers of the prefect are defined by law.

#### **Article 115**

1. A directly elected organ of a local government unit may be dissolved or discharged by the Council of Ministers for serious violations of the Constitution or the laws.
2. The dissolved or discharged organ has the right to complain, within 15 days, to the Constitutional Court, and in this case, the decision of the Council of Ministers is suspended.
3. If the right to complain is not exercised within 15 days, or when the Constitutional Court upholds the decision of the Council of Ministers, the President of the Republic sets a date for holding of elections of the respective unit of local government.

### **PART SEVEN--NORMATIVE ACTS AND INTERNATIONAL AGREEMENTS**



## CHAPTER I--NORMATIVE ACTS

### Article 116

1. Normative acts that are effective in the entire territory of the Republic of Albania are:
  - a. the Constitution;
  - b. ratified international agreements;
  - c. the laws;
  - d. normative acts of the Council of Ministers.
2. Acts that are issued by the organs of local power are effective only within the territorial jurisdiction exercised by these organs.
3. Normative acts of ministers and steering organs of other central institutions of the state are effective in the entire territory of the Republic of Albania within the sphere of their jurisdiction.

### Article 117

1. The laws, normative acts of the Council of Ministers, ministers, other central state institutions, acquire juridical force only after they are published in the Official Journal.
2. The promulgation and publication of other normative acts is done according to the manner provided by law.
3. International agreements that are ratified by law are promulgated and published according to the procedures that are provided for laws. The promulgation and publication of other international agreements is done according to law.

### Article 118

1. Subordinate legal acts are issued on the basis of and for implementation of the laws by the organs provided in the Constitution.
2. A law must authorize the issuance of subordinate legal acts, designate the competent organ, the issues that are to be regulated, as well as the principles on the basis of which these subordinate legal acts are issued.
3. The organ authorized by law to issue subordinate legal acts as specified in paragraph 2 of this article may not delegate its power to another organ.

### Article 119

1. The rules of the Council of Ministers, of the ministries and other central state institutions, as well as orders of the Prime Minister, of the ministers and heads of other central institutions, have an internal character and are binding only on the administrative entities that are subordinate to these organs.
2. These acts are issued on the basis of law and may not serve as a basis for taking decisions connected with individuals and other subjects.
3. The rules and orders are issued on the basis of, and for implementation of, acts that have general juridical force.

### Article 120

The principles and procedures for the issuance of local juridical acts are provided by law.

## CHAPTER II--INTERNATIONAL AGREEMENTS

### Article 121

1. The ratification and denunciation of international agreements by the Republic of Albania is done by law if they have to do with:
  - a. territory, peace, alliances, political and military issues;
  - b. freedoms, human rights and obligations of citizens as are provided in the Constitution;
  - c. membership of the Republic of Albania in international organizations;
  - d. the undertaking of financial obligations by the Republic of Albania;
  - e. the approval, amendment, supplementing or repeal of laws.
2. The Assembly may, with a majority of all its members, ratify other international agreements that are not contemplated in paragraph 1 of this article.
3. The Prime Minister notifies the Assembly whenever the Council of Ministers sign an international agreement that is not ratified by law.
4. The principles and procedures for ratification and denunciation of international agreements are provided by law.

#### **Article 122**

1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.
2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.
3. The norms issued by an international organization have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organization expressly contemplates their direct applicability.

#### **Article 123**

1. The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.
2. The law that ratifies an international agreement as provided in paragraph 1 of this article is approved by a majority of all members of the Assembly.
3. The Assembly may decide that the ratification of such an agreement be done through a referendum.

### **PART EIGHT--CONSTITUTIONAL COURT**

#### **Article 124**

1. The Constitutional Court guarantees respect for the Constitution and makes final interpretations of it.
2. The Constitutional Court is subject only to the Constitution.

#### **Article 125**

1. The Constitutional Court is composed of 9 members, which are appointed by the President of the Republic with the consent of the Assembly.
2. Judges are named for 9 years without the right to be reelected, among lawyers with high qualification and with work experience not less than 15 years in the profession.
3. One-third of the composition of the Constitutional Court is renewed every 3 years, according to the procedure determined by law.

4. The Chairman of the Constitutional Court is appointed from the ranks of its members by the President of the Republic with the consent of the Assembly for a 3-year term.
5. The judge of the Constitutional Court continues his duty until the appointment of his successor.

#### **Article 126**

The judge of the Constitutional Court cannot be criminally prosecuted without the consent of the Constitutional Court. The judge of the Constitutional Court can be detained or arrested only if apprehended in the commission of a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not give its consent within 24 hours to send the arrested judge to court, the competent organ is obliged to release him.

#### **Article 127**

1. The term of a judge of the Constitutional Court ends when he:
  - a. is sentenced with a final decision for commission of a crime;
  - b. does not show up for duty, without reason, for more than 6 months;
  - c. reaches 70 years of age;
  - d. resigns;
  - e. is declared incompetent to act with a final judicial decision.
2. The end of the term of a judge is declared with a decision of the Constitutional Court.
3. If the seat of a judge is vacant, the President of the Republic with the consent of the Assembly appoints a new judge, who remains on duty until the mandate of the dismissed judge ends.

#### **Article 128**

The judge of the Constitutional Court can be removed from office by the Assembly by two-thirds of all its members for violations of the Constitution, commission of a crime, mental or physical incapacity, acts and behavior that seriously discredit the position and reputation of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of these grounds, declares the removal from duty of the member of the Constitutional Court.

#### **Article 129**

The judge of the Constitutional Court starts the duty after he makes an oath in front of the President of the Republic.

#### **Article 130**

Being a judge of the Constitutional Court is incompatible with any other state, political or private activity.

#### **Article 131**

The Constitutional Court decides on:

- a. compatibility of the law with the Constitution or with international agreements as provided in article 122;
- b. compatibility of international agreements with the Constitution, prior to their ratification;
- c. compatibility of normative acts of the central and local organs with the Constitution and international agreements;
- d. conflicts of competencies between powers, as well as between central government and local government;
- e. constitutionality of the parties and other political organizations, as well as their activity, according to article 9 of this Constitution;

- f. dismissal from duty of the President of the Republic and verification of the impossibility for him to exercise his functions;
- g. issues related with the election and incompatibility in exercising the functions of the President of the Republic and of the deputies, as well as the verification of their election;
- h. constitutionality of the referendum and verification of its results;
- i. final adjudication of the individual complaints for the violation of their constitutional rights to due process of law, after all legal means for the protection of those rights have been exhausted.

#### **Article 132**

- 1. The decisions of the Constitutional Court have general binding force and are final. The Constitutional Court only has the right to invalidate the acts it reviews.
- 2. The decisions of the Constitutional Court enter in force the day of their publication in the Official Gazette. Constitutional Court can decide that the law or normative act is to be invalidated on another date. The minority opinions are published together with the decision.

#### **Article 133**

- 1. Acceptance of complaints for judgement is decided from a number of judges as determined by law.
- 2. The Constitutional Court decides with the majority of all its members.

#### **Article 134**

- 1. The Constitutional Court is put into motion only on the request of:
  - a. the President of the Republic;
  - b. the Prime Minister;
  - c. not less than one-fifth of the deputies;
  - d. the Chairman of High State Control;
  - e. every court according to article 145, paragraph 2 of this Constitution;
  - f. the People's Advocate;
  - g. organs of the local government;
  - h. organs of religious communities;
  - i. political parties and other organizations;
  - j. individuals.
- 2. The subjects provided for in subparagraphs a, b, c, d, e, and f of paragraph 1 of this article may make a request only for issues related with their interests.

### **PART NINE--THE COURTS**

#### **Article 135**

- 1. The judicial power is exercised by the High Court, as well as the courts of appeal and courts of first instance, which are established by law.
- 2. The Assembly may establish by law courts for particular fields, but in no case an extraordinary court.

#### **Article 136**

- 1. The members of the High Court are appointed by the President of the Republic with the consent of the Assembly.
- 2. One of the members is appointed Chairman following the procedure contemplated by paragraph 1 of this article.
- 3. The Chairman and members of the High Court hold the office for 9 years without the right of re-appointment.

4. The other judges are appointed by the President of the Republic upon the proposal of the High Council of Justice.
5. Judges may only be citizens with higher legal education. The conditions and procedures for selection are defined by law.

#### **Article 137**

1. A judge of the High Court may be criminally prosecuted only with the approval of the Assembly.
2. A judge of the High Court may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the Constitutional Court. If the Constitutional Court does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.
3. Other judges may be criminally prosecuted only with the approval of the High Council of Justice.
4. A judge may be detained or arrested only if apprehended in the course of committing a crime or immediately after its commission. The competent organ immediately notifies the High Council of Justice. If the High Council of Justice does not consent within 24 hours to the sending of the arrested judge before a court, the competent organ is obliged to release him.

#### **Article 138**

The time a judge stays on duty cannot be limited; their pay and other benefits cannot be lowered.

#### **Article 139**

1. The term of a High Court judge ends when he:
  - a. is convicted of a crime with a final judicial decision;
  - b. does not appear for duty without reason for more than 6 months;
  - c. reaches the age of 65;
  - d. resigns;
  - e. is declared incompetent to act with a final judicial decision.
2. The end of the term of a judge is declared with a decision of the High Court.

#### **Article 140**

A judge of the High Court may be discharged by the Assembly with two-thirds of all its members for violation of the Constitution, commission of a crime, mental or physical incapacity, or acts and behavior that seriously discredit the position and image of a judge. The decision of the Assembly is reviewed by the Constitutional Court, which, upon verification of the existence of one of these grounds, declares his discharge from duty.

#### **Article 141**

1. The High Court has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, deputies, judges of the High Court, and judges of the Constitutional Court.
2. For a unification or change of judicial practice, the High Court has the right to select specific judicial issues for examination in the joint college.

#### **Article 142**

1. Judicial decisions must be reasoned.
2. The High Court must publish its decisions as well as the minority opinions.
3. The organs of the state are obliged to execute judicial decisions.

### **Article 143**

Being a judge is not compatible with any other state, political or private activity.

### **Article 144**

The courts have a special budget, which they administer themselves. They propose their budget according to law.

### **Article 145**

1. Judges are independent and subject only to the Constitution and the laws.
2. If judges find that a law comes into conflict with the Constitution, they do not apply it. In this case, they suspend the proceedings and send the issue to the Constitutional Court. Decisions of the Constitutional Court are obligatory for all courts.
3. Interference in the activity of the courts or the judges entails liability according to law.

### **Article 146**

1. Judges give decisions in the name of the Republic.
2. In every case judicial decisions are announced publicly.

### **Article 147**

1. The High Council of Justice consists of the President of the Republic, the Chairman of the High Court, the Minister of Justice, 3 members elected by the Assembly, and 9 judges of all levels who are elected by the National Judicial Conference. Elected members stay in office for 5 years, without the right of immediate reelection.
2. The President of the Republic is the Chairman of the High Council of Justice.
3. The High Council of Justice, with the proposal of the President, elects a vice-chairman from its ranks. The vice-chairman organizes the activity of the High Council of Justice and chairs its meetings in the absence of the President of the Republic.
4. The High Council of Justice decides on the transfer of the judges as well as their disciplinary responsibility pursuant to law.
5. The transfer of judges may not be done without their consent, except when the needs of reorganization of the judicial system dictate this.
6. A judge may be removed from office by the High Council of Justice for commission of a crime, mental or physical incapacity, acts and behavior that seriously discredit the position and image of a judge, or professional insufficiency. The judge has the right to complain against this decision to the High Court, which decides by joint colleges.

## **PART TEN--THE OFFICE OF THE PROSECUTOR**

### **Article 148**

1. The office of the prosecutor exercises criminal prosecution and represents the accusation in court in the name of the state. The office of the prosecutor also performs other duties set by law.
2. Prosecutors are organized and operate near the judicial system as a centralized organ.
3. In the exercise of their powers, the prosecutors are subject to the Constitution and the laws.

### **Article 149**

1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly.
2. The General Prosecutor may be discharged by the President of the Republic upon the proposal of the Assembly for violations of the Constitution or serious violations of the law during the exercise of his duties, for mental or physical incapacity, for acts and behavior that seriously discredit the position and reputation of the Prosecutor.
3. The other prosecutors are appointed and discharged by the President of the Republic upon the proposal of the General Prosecutor.
4. The General Prosecutor informs the Assembly from time to time on the status of criminality.

## **PART ELEVEN--REFERENDUM**

### **Article 150**

1. The people, through 50 thousand citizens who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.
2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the Council of Ministers, can decide that an issue or a draft law of special importance be presented for referendum.
3. Principles and procedures for holding a referendum, as well as its validity, are provided by law.

### **Article 151**

1. A law approved by referendum is promulgated by the President of the Republic.
2. Issues related to the territorial integrity of the Republic of Albania, limitations of fundamental human rights and freedoms, budget, taxes, financial obligations of the state, declaration and abrogation of the state of emergency, declaration of war and peace, as well as amnesty, cannot be voted upon in a referendum.
3. A referendum upon the same issue cannot be repeated before 3 years have passed since it was held.

### **Article 152**

1. The Constitutional Court reviews preliminarily the constitutionality of the issues put for a referendum according to article 150, paragraphs 1 and 2, Article 151, paragraphs 2 and 3, as well as article 177, paragraphs 4 and 5, within 60 days.
2. The importance of special issues, as provided in paragraphs 1 and 2 of article 150, is not subject to judgement in the Constitutional Court.
3. The date of the referendum is set by the President of the Republic within 45 days after the promulgation of the positive decision of the Constitutional Court or after the term within which the Constitutional Court had to have expressed itself has expired. Referenda can be held only in one day of the year.

## **PART TWELVE--CENTRAL ELECTION COMMISSION**

### **Article 153**

The Central Election Commission is a permanent organ that prepares, supervises, directs, and verifies all aspects that have to do with elections and referenda and declares their results.

#### **Article 154**

1. The Commission consists of 7 members who are elected with a mandate of 7 years. Two members are elected by the Assembly, 2 by the President of the Republic, and 3 other members by the High Council of Justice.
2. The membership of the Central Election Commission is renewed every three years pursuant to the procedure established by law.
3. The membership in the Commission is incompatible with any other state and political activity.
4. Electoral subjects appoint their representatives to the Commission. They do not have the right to vote.
5. A member of the Commission enjoys the immunity of a member of the High Court.
6. The Commission has its own budget.

### **PART THIRTEEN--PUBLIC FINANCES**

#### **Article 155**

Fees, taxes and other financial obligations, national and local, reductions or exemptions of certain categories of taxpayers from paying them as well as the method of their collection are specified by law. In such cases, the law may not be given retroactive effect.

#### **Article 156**

The State can take and guarantee loans and financial credits when so authorized by law.

#### **Article 157**

1. The budgetary system is composed of the state budget and local budgets.
2. The state budget is created by revenues collected from taxes, fees and other financial obligations as well as from other legal revenues. It includes all state expenses.
3. Local organs define and collect taxes and other obligations as provided by law.
4. State and local organs are obliged to make public their revenues and expenses.

#### **Article 158**

1. The Prime Minister, on behalf of the Council of Ministers, presents to the Assembly the draft law on the budget during the autumn session, which cannot close without approving it.
2. If the draft law is not approved until the beginning of the next financial year, the Council of Ministers implements every month one-twelfth of the budget of the previous year, until the new budget is approved.
3. The Assembly approves the new budget within three months from the last day of the previous financial year, except when extraordinary measures have been decided.
4. The Council of Ministers is obligated to present to the Assembly a report about the implementation of the budget and about the state debt from the previous year.
5. The Assembly takes a final decision after having also listened to the High State Control report.

#### **Article 159**

Principles and procedures for drafting the draft budget, as well as for implementing it are defined by law.

#### **Article 160**



1. During the financial year, the Assembly may make changes in the budget.
2. The changes in the budget are made based on defined procedures for drafting and approving it.
3. Expenses foreseen in other laws cannot be reduced as long as these laws are in force.

#### **Article 161**

1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian money, to independently implement monetary policy, and maintain and administer the exchange reserves of the Republic of Albania.
2. The Bank of Albania is directed by a council, which is chaired by the Governor. The Governor is elected by the Assembly for 7 years, upon proposal of the President of the Republic, with the right of reelection.

### **PART FOURTEEN--THE HIGH STATE CONTROL**

#### **Article 162**

1. The High State Control is the highest institution of economic and financial control. It is subject only to the Constitution and laws.
2. The Head of the High State Control is appointed and dismissed by the Assembly upon proposal of the President of the Republic. He stays in office for 7 years, with the right of reelection.

#### **Article 163**

The High State Control supervises:

- a. the economic activity of state institutions and other state juridical persons;
- b. the use and preservation of state funds by the organs of central and local government;
- c. the economic activity of juridical persons, in which the state owns more than half of the quotas or shares, or when their debts, credits and obligations are guaranteed by the state.

#### **Article 164**

1. The High State Control presents to the Assembly:
  - a. a report on the implementation of the state budget;
  - b. its opinion on the Council of Ministers-report about the expenses of the previous financial year before it is approved by the Assembly;
  - c. information about the results of controls any time it is asked by the Assembly.
2. The High State Control presents to the Assembly a yearly report on its activities.

#### **Article 165**

1. The Head of the High State Control may be invited to participate and speak in the meetings of the Council of Ministers when questions related to its functions are reviewed.
2. The Head of the High State Control has the immunity of a member of the High Court.

### **PART FIFTEEN--ARMED FORCES**

#### **Article 166**

1. The Albanian citizens have the duty to participate in the defense of the Republic of Albania, as provided by law.
2. The citizen, who for reasons of conscience refuses to serve with weapons in the armed forces, is obliged to perform an alternative service, as provided by law.

#### **Article 167**

1. Military servicemen on active duty cannot be chosen or nominated for other state duties nor participate in a party or political activity.
2. Members of the armed forces or persons who perform an alternative service enjoy all the constitutional rights and freedoms, apart from cases when the law provides otherwise.

#### **Article 168**

1. The Armed Forces of the Republic of Albania are composed of the army, navy, and air force.
2. The President of the Republic is the General Commander of the Armed Forces.
3. The National Security Council is an advisory organ of the President of the Republic.

#### **Article 169**

1. The President of the Republic in peacetime exercises the command of the Armed Forces through the Prime Minister and Minister of Defense.
2. The President of the Republic in wartime appoints and dismisses the Commander of the Armed Forces upon proposal of the Prime Minister.
3. The President of the Republic, upon proposal of the Prime Minister, appoints and dismisses the Chief of the General Staff, and upon the proposal of the Minister of Defense appoints and dismisses the commanders of the army, navy, and air force.
4. The powers of the President of the Republic, as General Commander of the Armed Forces, and those of the Commander of the Armed Forces, their subordination to constitutional organs, are defined by law.

### **PART SIXTEEN--EXTRAORDINARY MEASURES**

#### **Article 170**

1. Extraordinary measures can be taken due to a state of war, state of emergency, or natural disaster and last for as long as these states continue.
2. The principles for actions of public organs, as well as the extent of limitations on human rights and freedoms during the existence of such situations that require extraordinary measures, are defined by law.
3. The law must define the principles, the areas, and the manner of compensation for losses caused as a result of the limitation of human rights and freedoms during the period in which extraordinary measures are taken.
4. Acts taken as a result of extraordinary measures must be in proportion with the level of risk and must aim to re-establish the conditions for the normal functioning of the state, as soon as possible.
5. During the situations that require extraordinary measures to be taken, none of the following acts should be changed: Constitution, the law on the election of the Assembly and local government organs, as well as the laws on extraordinary measures.
6. During the implementation period of extraordinary measures, there may not be elections for local government organs, there may not be a referendum, and a new President of the Republic may not be elected. The elections for the local government organs can be held only in those places where the extraordinary measures are not implemented.

#### **Article 171**

1. In case of armed aggression against the Republic of Albania, the President of the Republic upon request of the Council of Ministers declares the state of war.
2. In case of external threat, or when a common defense obligation derives from an international agreement, the Assembly, upon proposal of the President of the Republic, declares the state of war, decides the state of general or partial mobilization or demobilization.

#### **Article 172**

1. In the case of paragraph 1 of article 171, the President of the Republic presents to the Assembly the decree for establishing the state of war within 48 hours from its signing, specifying the rights to be limited.
2. The Assembly takes immediately under review and decides, with the majority of all its members, upon the decree of the President.

#### **Article 173**

1. In case of danger to the constitutional order and to public security, the Assembly, with request of the Council of Ministers, may decide for a state of emergency in one part or in the whole state territory, which lasts for as long as this danger continues, but not longer than 60 days.
2. Upon establishment of the state of emergency, the intervention of armed forces is done with a decision of the Assembly and only when police forces are not able to restore order.
3. The extension of the term of the state of emergency may be done only with the consent of the Assembly, for each 30 days, for a period of time not longer than 90 days.

#### **Article 174**

1. For the prevention or the avoidance of the consequences of natural disasters or technological accidents, the Council of Ministers may decide for a period not longer than 30 days, on the state of natural disaster in one part or in the whole territory of the state.
2. The extension of the state of natural disaster can be done only with the consent of the Assembly.

#### **Article 175**

1. During the state of war or state of emergency the rights and freedoms contemplated by articles: 15; 18; 19; 20; 21; 24; 25; 29; 30; 31; 32; 34; 39, paragraph 1; 41, paragraphs 1, 2, 3, and 5; 42; 43; 48; 54; 55 may not be limited.
2. During the state of natural disaster the rights and freedoms contemplated by articles: 37; 38; 41, paragraph 4; 49; 51 may be limited.
3. The acts for declaring the state of war, emergency or natural disaster must specify the rights and freedoms which are limited according to paragraphs 1 and 2 of this article.

#### **Article 176**

When the Assembly cannot be convened during the state of war, the President of the Republic, with the proposal of the Council of Ministers, has the right to issue acts that have the force of the law, which have to be approved by the Assembly in its first meeting.

### **PART SEVENTEEN--REVISION OF THE CONSTITUTION**

#### **Article 177**

1. Initiative for revision of the Constitution may be undertaken by not less than one-fifth of the members of the Assembly.
2. No revision of the Constitution may be undertaken during the time when the extraordinary measures are taken.
3. The draft law is approved by not less than two-thirds of all members of the Assembly.
4. The Assembly may decide, with two-thirds of all its members, that the draft constitutional amendments be voted in a referendum. The draft law for the revision of the Constitution enters into force after ratification by referendum, which takes place not later than 60 days after its approval in the Assembly.
5. The approved constitutional amendment is put to a referendum when this is required by one-fifth of the members of the Assembly.
6. The President of the Republic does not have the right to return for review the law approved by the Assembly for revision of the Constitution.
7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.
8. Revision of the Constitution for the same issue cannot be done before a year from the day of the rejection of the draft law by the Assembly and 3 years from the day of its rejection by the referendum.

## **PART EIGHTEEN--TRANSITORY AND FINAL DISPOSITIONS**

### **Article 178**

1. Laws and other normative acts approved before the date this Constitution enters into force will be applied as long as they have not been abrogated.
2. The Council of Ministers presents to the Assembly draft laws necessary for implementing this Constitution.

### **Article 179**

1. The mandate of the existing constitutional organs with the entering into force of this Constitution ends pursuant to the terms contemplated by Law No. 7491, dated 29.4.1991, ~~On the Main Constitutional Provisions~~ and its respective amendments.
2. The members of the Court of Cassation continue their activity as members of the High Court pursuant to their previous mandate.
3. The members of the High Council of Justice elected from the ranks of the prosecutors are replaced with new members elected by a general meeting of the judges.
4. The organs of local government continue their activity until their mandate terminates.

### **Article 180**

1. International agreements ratified by the Republic of Albania before this Constitution enters into force are considered ratified according to this Constitution.
2. The Council of Ministers presents to the Constitutional Court the international agreements which contain provisions that come in conflict with the Constitution.

### **Article 181**

1. The Assembly, within two to three years from the date this Constitution enters into force, issues laws for the just resolution of different issues related to expropriations and confiscations done before the approval of this Constitution, guided by the criteria of article 41.
2. Laws and other normative acts, adopted before the date this Constitution enters into force, that relate to the expropriations and confiscations shall be applied when they do not contradict it.

### **Article 182**

Law No. 7491, dated 29.4. 1991, **On the Main Constitutional Provisions** as well as the other constitutional laws are abrogated the day this Constitution enters into force.

### **Article 183**

This Constitution enters into force with its promulgation by the President of the Republic.