

Albania - Constitution

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Chapter I General Provisions

Article 1 [Republic, Sovereignty]

Albania is a parliamentary republic. National sovereignty stems from the people and belongs to them.

Article 2 [Foundations]

(1) The Republic of Albania is a juridical and democratic state.

(2) Man's dignity, his rights and freedoms, free development of his personality as well as the constitutional order, equality before the law, social justice, and pluralism are the foundations of this state, whose duty is to observe and defend them.

Article 3 [Division of Powers, Representation, Rule of Law]

(1) The fundamental principle of state organization is the division of the legislative, executive, and judicial power.

(2) The people exercise their power through their representative organs and referendum as well.

(3) The representative organs are elected by free, general, equal, direct, and secret ballot.

(4) State activity is exercised only by the state organs recognized by law.

Article 4 [Human Rights, Minorities]

The Republic of Albania recognizes and guarantees the fundamental human rights and freedoms, those of national minorities, admitted in the international documents.

Article 5 [Powers]

(1) The legislative power belongs to the People's Assembly of the Republic of Albania.

(2) The head of the state is the president of the Republic elected by the People's Assembly.

(3) The rights and duties of the president are set by this law.

(4) The supreme organ of the executive power is the Council of Ministers.

(5) The rights and duties of the Council of Ministers are set by this law.

(6) The judicial power is exercised by courts which are independent and are guided only by law.

Article 6 [Pluralism, Political Parties]

(1) Political pluralism is one of the fundamental conditions of democracy in the Albanian state.

(2) The political parties and other organizations are created and exercise their activity according to the law. They are

fully separated from the state.

(3) It is prohibited the activity of political parties in military units and institutions of the Ministry of Defence and the Minister of the Interior, the Ministry for Foreign Affairs and diplomatic representations abroad, the attorney's offices, investigation offices, courts, etc. The departization and depoliticization of organs is achieved by law.

Article 7 [Secular State, Religion]

(1) The Republic of Albania is a secular state.

(2) The state observes the freedom of religious belief and creates conditions to exercise it.

Article 8 [International Law, Equality]

(1) The legislation of the Republic of Albania considers, recognizes, and observes the principles and norms of the international law generally accepted.

(2) The strict and similar application of juridical norms is compulsory for all state organs, political parties, other organizations, employees as well as for other physical and juridical persons.

(3) All the citizens are equal to the law.

Article 9 [Foreign Relations, Albanians Abroad]

(1) Concerning the relations with foreign countries, the Republic of Albania defends the national independence and interests and pursues the policy of cooperation and good neighborliness, international peace, and security.

(2) The Republic of Albania takes care of the recognition and observation of the national and democratic rights of the Albanians residing outside the state borders of the Republic.

Article 10 [Economy]

(1) The country's economy is based on the diversity of ownership, free initiative of all economic subjects, and the regulatory role of the state.

(2) Economic initiative of juridical and physical persons cannot develop contrary to the social interest and should not impair the security, freedom, and dignity of man.

Article 11 [Property]

(1) The state, juridical, and physical persons have the right to ownership.

(2) All kinds of ownership are equally defended by law.

(3) The assets which are objects of the state property are set by law.

Article 12 [Property for Foreigners]

(1) The foreign juridical and physical persons may gain the right to ownership under the conditions foreseen and guaranteed by law.

(2) The foreign physical and juridical person are guaranteed the right to carry out independent economic activity, to invest at home, to form joint ventures and their own under the circumstances set by law. They are also guaranteed the right to transfer profits.

Article 13 [Taxation]

(1) It is compulsory for juridical and physical persons to contribute to carry the state expenditure in relation to their income.

(2) No tax or levy can be established, but by law.

Article 14 [Unions]

The trade unions recognized by law are juridical persons and may sign collective working contracts with the public or private subjects. The way of reaching contracts is defined by law.

Chapter II The Supreme Organs of State Power

[Part] A The People's Assembly

Article 15 [Legislative Power]

(1) The People's Assembly is the highest organ of state power and the only law-making organ.

(2) The People's Assembly exerts sovereignty in the name of the people and state, in the forms and boundaries foreseen by this law.

Article 16 [Competences]

The People's Assembly has the following main competences:

1. It defines the main directions of internal and foreign policy of the state.
2. It approves and changes the Constitution and the laws, decides definitely upon the reconciliation of the laws with the Constitution, and makes their interpretation.
3. It approves the economic and social draft programs of the country's development and the synthetic indices, as well as the state budget.
4. It decides on the partial and general mobilization, the state of emergency, and the state of war in case of armed aggression against the Republic of Albania or when this is necessary to fulfill obligations deriving from the international treaties.
5. It ratifies and denounces: the treaties of political character; the treaties or agreements of military character; the treaties or agreements which have to do with the borders of the Republic of Albania; the treaties or agreements which have to do with the fundamental rights and duties of the citizens; the treaties from which derive financial obligations for the state; treaties of agreements leading to changes to the legislation; treaties and other agreements which foresee that their ratification or denunciation be done by the People's Assembly.
6. It grants amnesty.
7. It decides on people's referendums.
8. It elects and discharges the president of the Republic of Albania.
9. It elects, appoints, and discharges the Supreme Court, the attorney general, and his substitutes.
10. It controls the activity of the Council of Ministers and

the attorney's general office.

11. It controls the activity of RTV, ATA, and other official media of public information, depending on it. The status of these organs is set by law.

12. It defines the administrative-territorial structure of the country.

13. It decides on the creation or dissolution of the ministries or other organs equal to them.

Article 17 [Election, Term]

(1) The People's Assembly is made up of 250 deputies. The People's Assembly is elected for a 4 year period.

(2) The People's Assembly convenes the first session no later than two months from the day it is elected.

(3) The elections to the People's Assembly are held no later than 3 months from the day its mandate expires.

(4) In case of war or state of emergency the People's Assembly can prolong its activity beyond the fixed limit as long as the war or the state of emergency continues.

Article 18 [Presidency, Organization]

(1) The People's Assembly elects its Presidency, which is made up of the chairman and two deputy chairmen.

(2) The activity of the People's Assembly and its Presidency is conducted according to the regulation it has adopted.

Article 19 [Sessions]

(1) The People's Assembly convenes its sessions no less than 4 times a year.

(2) The sessions of the People's Assembly convene on the decision of its Presidency. The Presidency convenes the session of the People's Assembly when this is also required by the president of the Republic, the Council of Ministers, or by one fourth of the deputies.

(3) The meetings of the People's Assembly start when the majority of the deputies is present.

(4) The meetings of the People's Assembly are open, except in special cases when the People's Assembly decides otherwise.

Article 20 [Commissions]

(1) The People's Assembly elects from its ranks permanent and temporary commissions.

(2) In its first session the People's Assembly elects a commission to examine the mandates of the deputies. At the proposal of this commission, the People's Assembly confirms or annuls the mandates of the deputies.

(3) It is incumbent upon the permanent commissions to examine the draft laws and normative decrees of the president of the Republic, to follow and control the activity of the ministries and other state organs according to the respective sectors, and to forward problems to the People's Assembly or the Council of Ministers. The temporary commissions are created for certain questions.

Article 21 [Duties of Deputies]

It is the duty of the deputy to the People's Assembly in his activity to serve the people and homeland conscientiously. The

rights and duties of the deputy are defined by law.

Article 22 [Immunity, Information, Indemnity]

- (1) The deputy to the People's Assembly enjoys immunity.
- (2) The deputy cannot be prevented from accomplishing his duties and obtaining the data which are not state secret.
- (3) The deputy cannot be controlled, detained, arrested, or penally prosecuted without the consent of the People's Assembly. The deputy may be detained without the consent of the People's Assembly only in cases when he commits an apparent and grave crime.
- (4) The deputy has no legal responsibility for the acts he makes and the stands he adopts while performing his duty as deputy or for the vote he casts.

Article 23

- (1) The law-making initiative belongs to the president of the Republic, the Council of Ministers, to every deputy, as well as to a group of 20,000 nationals enjoying the right of voting.
- (2) The laws and other acts of the People's Assembly besides the constitutional ones, are considered approved, when voted by the majority of the present deputies, but no less than one third of deputies.
- (3) The laws are declared no later than 15 days following the approval and enter into force 15 days after being published in the official gazette, except for the cases when foreseen differently by the laws as well as the cases of organic laws.

[Part] B The President of the Republic of Albania

Article 24 [Head of State, Representation]

The president of the Republic of Albania is the head of state and represents the whole unity of the people.

Article 25 [Election]

- (1) The president of the Republic of Albania is elected by the People's Assembly having no less than two candidates for 5 years, by a secret ballot, and by a two-thirds majority of the votes of all the deputies. In case the required majority is not ensured in the first ballot, a second voting is held in which the president of the Republic is elected by the absolute majority all the deputies' votes.
- (2) The candidate for president is proposed to the People's Assembly by a group of no less than 30 deputies.
- (3) In case there are more than two candidates for the post of the president of the Republic, in the second voting the two candidates that have won the greatest number of votes in the first voting have the right to be put up. The candidate that wins the absolute majority of all the deputies' votes is considered elected.

Article 26 [Eligibility, Incompatibility]

- (1) As President of the Republic may be elected every Albanian national who has reached the age of 40 and fulfills the conditions to be elected as deputy.

- (2) The president of the Republic, after being elected by the People's Assembly, takes the oath before it.
- (3) The election of the president of the Republic is conducted no later than 30 days before the mandate of the former president of the Republic expires.
- (4) The same person cannot be elected president of the Republic more than twice in succession.
- (5) In case the president is elected from among the ranks of the deputies, he gives up the mandate of the deputy.
- (6) The function of the president is irreconcilable with any other function, besides those foreseen by this law.

Article 27 [Discharge]

The president of the Republic is discharged or released before the expiry of his mandate only when:

- a) He has committed the crime of betrayal to the homeland or has violated this law.
- b) His health condition prevents him from performing the duties.
- c) He has put up his resignation on his free will.

Article 28 [Competences]

The following are the main competences of the president of the Republic:

1. He guarantees the observation of this law, other laws, and rights and freedoms of citizens.
2. He convenes the first session of the new legislature of the People's Assembly.
3. He fixes the date of elections to the People's Assembly and local power organs.
4. He declares the laws and referendums decided upon by the People's Assembly.
5. He enjoys the right, within 15 days since the approval of the law by the People's Assembly, to put it up for reexamination by the People's Assembly only once.
6. He appoints the chairman of the Council of Ministers and accepts his resignation.
7. Upon the proposal of the chairman of the Council of Ministers, between the two sessions of the People's Assembly, he appoints, discharges, or releases separate members of the government. The president of the Republic submits this decree for approval to the People's Assembly in its nearest meeting.
8. He appoints and discharges upon the proposal of the chairman of the Council of Ministers leaders of other central institutions.
9. Having the opinion of the chairman of the Council of Ministers and the chairman of the Presidency of the People's Assembly, he may dissolve the People's Assembly prior to the expiry of the legislature, when its composition does not allow the performance of the functions of the assembly itself and makes impossible the country's running. On this occasion, the elections to the People's Assembly are held again no later than 45 days since the day of dissolution. The president cannot exercise this competence over the last six month period of his mandate.
10. He signs international treaties, ratifies and denounces those not examined by the People's Assembly itself.

11. He appoints and discharges the diplomatic representatives upon the proposal of the chairman of the Council of Ministers.
12. He accepts the credentials and letters of call of the diplomatic representatives of foreign states.
13. He endorses the requirements for granting or casting off Albanian nationality.
14. He exercises the right of pardon.
15. He awards decorations and honorable titles.
16. He grants the right for political asylum.
17. When it is impossible for the People's Assembly to convene, he declares the partial and general mobilization as well as the state of emergency. In such cases the declaration is submitted for approval to the People's Assembly within five days.
18. When the convocation of the People's Assembly is impossible, he declares the state of war in case of armed aggression against the Republic of Albania.
19. He issues decrees of individual character and decisions, and in urgent cases issues even decrees of normative character, which are submitted for approval to the People's Assembly in its nearest session.

Article 29 [Enforcing Presidential Acts]

The acts issued by the president of the Republic on the extension of competences foreseen in the items 10, 11 and 19 of Article 28, assume juridical power and are countersigned, accordingly, by the chairman of the Council of Ministers or by the respective minister or the persons equalled with them.

Article 30 [Vacancy]

(1) When the seat of the president of the Republic is vacant for any reason whatsoever, his competences are exercised temporarily by the chairman of the Presidency of the People's Assembly, excluding those foreseen in the items 5, 6, 7, 9 and 19 of Article 28.
(2) The election of the president of the Republic takes place no later than 15 days from the day when the seat of the president has remained vacant.

Article 31 [Liability]

(1) The president of the Republic does not respond for the acts committed during his function, the cases of treason to the homeland or violation of this law excluded.
(2) In such cases, the question of responsibility might be discussed at the People's Assembly at the request of no less than one fourth of the deputies. The respective decision is adopted by secret ballot with a majority of two thirds of the deputies.

Article 32 [Armed Forces, Council of Defence]

(1) The president of the Republic of Albania is general commander of the Armed Forces and chairman of the Council of Defence.
(2) The Council of Defence is created to direct, organize, and mobilize all the forces and the country's resources for the defence of the homeland.
(3) The composition of the Council of Defence is assigned by

the People's Assembly on the proposal of the chairman of the Council of Defence.

Chapter III Supreme Organs of State Administration

Article 33 [Council of Ministers]

(1) The Council of Ministers is the highest executive and legislative organ.

(2) The Council of Ministers is assigned in the first session of the People's Assembly.

(3) The president of the Republic assigns the chairman of the Council of Ministers and upon the proposal of the latter the ministers too.

(4) The composition of the government and its program are adopted by the People's Assembly with majority of votes, within 5 days from the date it is submitted.

(5) In case he does not get the vote of confidence, the chairman of the Council of Ministers immediately submits his resignation to the president of the Republic, who assigns the new chairman of the Council of Ministers.

(6) Before resuming the functions, the chairman of the Council of Ministers and the ministers swear before the president of the Republic.

Article 34 [Vote of No Confidence]

(1) The deputies enjoy the right to forward at any time a lack of confidence motion towards the Council of Ministers or its separate members. The lack of confidence motion should be signed by at least one tenth of the deputies and can be examined by the People's Assembly only after three days of its presentation.

(2) Non-approval by the People's Assembly of a proposal forwarded by the government does not necessarily bring about the compulsory resignation of the government.

Article 35 [Composition]

(1) The Council of Ministers is made of: the chairman, vice-chairmen, the ministers, and other persons defined by law.

(2) Any Albanian citizen residing permanently in the Republic of Albania and enjoying the right to be elected might be in the composition of the Council of Ministers.

(3) The members of the Council of Ministers should not have, except for the mandate of the deputy, any other state or professional function and should not take part in leading organisms of economic and trade organizations.

(4) The member of the Council of Ministers may leave his seat vacant even when he does not ensure the vote of confidence or when he resigns. The Council of Ministers is a collegial organ. Decisions are adopted when approved by the absolute majority of its members.

(5) The ministers respond collegially for the acts of the Council of Ministers and individually for acts of their institutions.

(6) The composition, attributes, and organization of the Council of Ministers are arranged by law.

Article 36 [Competences]

The Council of Ministers has the following main competences:

1. Directing the activity for the realization of the domestic and foreign policy of the state.
2. Issuing the decisions, ordinances, and instructions in compliance with the Constitution and laws and on their implementation. They are signed by the chairman of the Council of Ministers and, when having a normative character, are published in the official gazette, excluding separate cases foreseen by law.
3. Guiding and controlling the activity of ministries and other central organs of the state administration.
Coordinating and monitoring the activity of local organs of administration ensuring the compulsory and similar implementation of the laws and acts of the government.
4. Directing the activity for the fulfillment of the tasks in the field of the country's defence, conforming to the decisions of the Council of Defence.
5. Adopting measures on security, the preservation and strengthening of juridical order, and of the citizens' rights.
6. Reaching international agreements, adopting and denouncing those that are not subjected to ratification.
7. Working out economic and social programs of the country's developments and the synthetic economic indices, the state budget, pursuing and controlling their implementation, coordinating, disciplining and controlling the state finances and the monetary and credit system.
8. Making the division or unification of the administrative-territorial units.
9. Adopting measures to ensure the protection of the environment, the suitable working conditions, and the protection of the citizens' health.

Article 37 [Invalidation of Illegitimate Acts]

The Council of Ministers invalidates the illegitimate acts of the ministries and other central organs of state administration.

Article 38 [Presidency]

- (1) The chairman and the vice-chairmen of the Council of Ministers constitute the Presidency of the Council of Ministers.
- (2) By the decision of the Council of Ministers, the Presidency may be charged to examine and solve various questions under its competences.
- (3) The chairman of the Council of Ministers represents the Council of Ministers, presides over its meetings, directs its general activity and responds for it, ensures the unity of political and administrative management of the government, and coordinates the affairs of the ministries and other central institutions.

Article 39 [Ministers, Ministerial Orders]

- (1) The ministers and other persons equalled with them, direct the ministries and the other central institutions in certain branches of the respective ministries.
- (2) The ministers bear responsibility for the activity of

respective ministries.

(3) The ministers, on questions under their competences, issue orders, regulations, and instructions based on the laws and ordinances and decisions of the Council of Ministers and on their implementation. The acts of ministers of normative character are issued in the official gazette, special cases foreseen by law excluded.

Article 40 [Abrogation of Unlawful Orders]

The ministers abrogate unlawful orders and instructions of the subordinate organs, enterprises, and institutions.

Article 41 [Responsibility]

The members of the Council of Ministers respond penally to the violation of this law as well as of other laws related to the exercise of their function. The penal prosecution is approved by the People's Assembly.

Chapter IV Final Provisions

Article 42 [Local Administration, Investigator]

(1) The creation, organization, and activity of the local organs of power, administration, courts, and attorney-general are made according to certain regulations with existing legal provisions, excluding those that run contrary to this law.

(2) The investigator's office depends administratively on the minister of justice.

Article 43 [Amendment]

(1) The drafts for amendments to this law might be forwarded by the president of the Republic of Albania, the Council of Ministers, or one fourth of all the deputies.

(2) The adoption of amendments is done by the People's Assembly with a majority of two thirds of all the deputies.

Article 44 [Constitution, Constitutional Commission]

(1) The provisions of this law operate till the adoption of the Constitution of the Republic of Albania, whose draft will be worked out by the special commission charged by the People's Assembly.

(2) The composition of the commission and the schedule of the presentation of the draft-constitution is defined by special decision of the People's Assembly.

Article 45 [Invalidation of 1976 Constitution]

The Constitution of the People's Socialist Republic of Albania, adopted on 28. Dec 1976, as well as its later amendments are invalidated.

Article 46 [Entering Into Force]

This law enters into force immediately.