

Law No. 8417, dated 21.10.1998
CONSTITUTION OF THE REPUBLIC OF ALBANIA

Article 1

Albania is a parliamentary republic.

The Republic of Albania is a unitary and indivisible state.

Governance is based on a system of elections that are free, equal, general and periodic.

..

Article 3

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

...

Article 8

The Republic of Albania protects the national rights of the Albanian people who live outside its borders.

The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.

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

Political parties are created freely. Their organization shall conform with democratic principles.

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.

The sources financing of parties as well as their expenses are always made public.

Article 10

In the Republic of Albania there is no official religion.

The state is neutral in questions of belief and conscience and guarantees the freedom of their expression in public life.

The state recognizes the equality of religious communities.

The state and the religious communities mutually respect the independence of one another and work together for the good of each and all.

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.

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 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

The official language in the Republic of Albania is Albanian.

...

Article 16

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.

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

Limitations of the rights and freedoms provided for in this Constitution may be established only by law, in the public interest or for the protection of the rights of others. A limitation shall be in proportion to the situation that has dictated it.

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 20

Persons who belong to national minorities exercise the human rights and freedoms in full equality before the law.

They have the right freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop them, to study and to be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity.

Article 21

The life of the person is protected by law.

Article 22

Freedom of expression is guaranteed.

The freedom of the press, radio and television is guaranteed.

Prior censorship of means of communication is prohibited.

The law may require authorization to be granted for the operation of radio or television stations.

Article 23

The right to information is guaranteed.

Everyone has the right, in compliance with law, to obtain information about the activity of state organs, and of persons who exercise state functions.

Everyone is given the possibility to attend meetings of elected collective organs.

Article 24

Freedom of conscience and of religion is guaranteed.

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.

No one may be compelled or prohibited to take part in a religious community or its practices or to make his beliefs or faith public.

...

Article 28

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 his lawyer, and he shall also be given the possibility to exercise his rights.

...

Article 31

In a criminal proceeding, everyone has the right:

- to be notified immediately and in detail of the charges against him, of his rights, and to have the possibility created to notify his family or relatives;
- to have sufficient time and facilities to prepare his defence;
- to have the assistance of a translator without charge, when he does not speak or understand the Albanian language;
- 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 provided free defence when he does not have sufficient means;
- to question witnesses who are present and to seek the appearance of witnesses, experts and other persons who can clarify the facts.

...

Article 46

Everyone has the right to organize collectively for any lawful purpose.

The registration of organizations or associations in court is done according to the procedure provided by law.

Organizations or associations that pursue unconstitutional purposes are prohibited pursuant to law.

...

Article 48

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

...

Article 57

Everyone has the right to education.

Mandatory education is set by law.

General high school public education is open to all.

Professional high school education and higher education can be conditioned only on

merit.

Mandatory education and general high school education in public schools are free of charge.

Pupils and students may also be educated in non-public schools at all levels, which are created and operate on the basis of law.

The autonomy of institutions of higher education and academic freedom are guaranteed by law.

Article 60

The People's Advocate defends the rights, freedoms and legitimate interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.

The People's Advocate is independent in the exercise of his duties.

The People's Advocate has a separate budget, which he administers himself. He proposes the budget pursuant to law.

Article 63

The People's Advocate presents an annual report before the Assembly.

The People's Advocate reports before the Assembly when so requested, and he may request the Assembly to hear him on matters he considers important.

The People's Advocate has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration.

Public organs and officials are obligated to provide the People's Advocate with all the documents and information requested by him.

...

Article 108

Communes or municipalities and regions are the units of local government. Other units of local government are regulated by law.

The territorial-administrative division of the units of local government is established by law on the basis of mutual economic needs and interests, and of historical tradition.

Their borders may not be changed without first hearing the opinion of their inhabitants.

Communes and municipalities are basic units of local government. They perform all the duties of self-government, with the exception of those that are given by law to other units of local government.

Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the conduct of local referenda are provided by law in accordance with article 151, paragraph 2.

Article 109

The representative organs of the basic units of local government are councils, which are elected every three years by general direct elections and by secret ballot.

The executive organ of a municipality or commune is the mayor, who is elected directly by the people in the manner contemplated in paragraph 1 of this article.

Only citizens with permanent residence in the territory of the respective local unit have the right to be elected to the local councils and as mayors of the municipality or commune.

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 governments.

Article 110

A region consists of several basic units of local government with traditional, economic and social ties and common interests.

The region is the unit where regional policies are made and implemented and where they are harmonized with policies of the state.

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 in any case at least one member. The mayors of communes and municipalities are always members of the regional council. Other members are elected through proportional lists from among the municipal or communal councilors by the respective councils.

The Regional Council has the right to issue ordinances and decisions with general binding force for the region.

Article 113

The communal, municipal and regional councils:

regulate and administer in an independent manner local issues within their jurisdiction; exercise property rights, administer their income independently, and entitled to exercise economic activity;

have the right to collect and spend income necessary for the exercise of their functions;

have the right, in compliance with law, to establish local taxes as well as their level;

establish rules for their organization and operation in compliance with law;

create symbols of local government and local titles of honour;

undertake initiatives for local issues before the organs set by law.

The organs of units of local government issue ordinances, decisions and orders.

The rights of self-government of the units of local government are protected in court.