

# CONSTITUTION FOR THE REPUBLIC OF ALBANIA

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## **Part I--Fundamental Principles**

### **Article I--The Form of the State**

The Republic of Albania is a sovereign, democratic, and unitary state. Its territory is indivisible and inalienable.

### **Article 2--Sovereignty**

1. Sovereignty belongs to the people, who exercise it through their representative bodies and by referendum.
2. Nobody apart from bodies explicitly defined in this constitution can exercise sovereignty in the name of the Republic of Albania.
3. The representative bodies are elected by free, general, and direct ballot.

### **Article 3--The Principle of Legality**

1. All the activity of the state is conducted on the basis of the constitution and the laws in force.
2. The exact observation of legal regulations is equally binding on all state bodies, political parties, associations, and organizations, and all other physical and legal persons.

### **Article 4--The Division of State Power**

The organization of the state is based on the principle of the separation of powers into the legislative, executive, and juridical.

### **Article 5--Political Pluralism**

The life of society in the Republic of Albania is based on the principle of political pluralism.

### **Article 6--The Political Parties**

1. The parties take part in and assist the formation and expression of the will of the people. They may be created freely in accordance with the law. Their organization and activity must accord with democratic principles.
2. The activity of parties that endanger the existence of the Republic of Albania or the institutions of democracy is forbidden.
3. Political parties on a religious or ethnic basis are not allowed in Albania.

### **Article 7--The Secular Character of the Albanian State**

1. Religion is separated from the state in the Republic of Albania.
2. The state guarantees the freedom of religious beliefs.
3. Religious activity that endangers the existence of the Republic of Albania or of democratic institutions and the use of religion for political purposes are forbidden.
4. The heads of large religious communities must be Albanian citizens born in Albania and permanently resident there for the past 20 years.

### **Article 8--Care for Albanians Living Abroad**

1. The Republic of Albania defends the rights of its citizens temporarily or permanently resident beyond its borders.
2. It supports the recognition and defense of the human and national rights of the Albanian population living beyond the state borders of the republic, in accordance with international documents and agreements.

### **Article 9--International Relations**

In its foreign relations, the Republic of Albania defends its national independence and interests, and applies a policy of cooperation, peace, and international security.

### **Article 10--International Law and Domestic Legislation**

1. The Republic of Albania recognizes and respects the generally accepted principles and standards of international justice, as well as the international treaties and agreements to which it is party.

### **Article 11--The Duties of the Armed Forces**

The Armed Forces ensure the sovereignty and independence of the Republic of Albania and defend its territorial integrity and constitutional order.

### **Article 12--The National Economy and Forms of Ownership**

1. The economy of the Republic of Albania is based on the principles of the market economy.
2. Ownership is private and public.

3. The exercise of free, private initiative is guaranteed by law.

### **Article 13--The Official Language**

Albanian is the official language in the Republic of Albania.

### **Article 14--The Coat of Arms**

The coat of arms of the Republic of Albania is a black two-headed eagle placed on a shield with a red field. Skenderbeg's helmet is placed above the coat of arms.

### **Article 15--The Flag**

The State flag of the Republic of Albania is a red field with a black two-headed eagle in its center.

### **Article 16--The National Anthem**

The national anthem of the Republic of Albania is "United Around Our Flag."

### **Article 17--The National Holiday**

The national holiday of the Republic of Albania is Flag Day, 28 November.

### **Article 18--The Capital City**

Tirana is the capital city of the Republic of Albania.

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## **Part II--Fundamental Human Rights and Freedoms**

### **Article 19--The Right to Life**

1. Every person's right to live is protected by law.
2. Nobody can be deprived of his life, except under the execution of a court sentence for an extremely serious and intentionally committed crime, for which the law provides the death Penalty.
3. Youths under the age of 18 at the time when their crime was committed and women cannot be subjected to the death penalty.

## **Article 20--Freedom of Expression of Opinion**

1. Freedom of expression of opinion is inviolable.
2. No law can be issued that restricts in advance freedom of speech, of the press, and of other communication media, except in order to protect the interests of children or human lives.
3. Everyone has the right to express opinions in speech, in writing, or through any other medium of communication, but is answerable under the law for the abuse of this right.
4. Nobody can be denied the right to be informed.
5. The exercise of these rights and freedoms cannot be restricted, except in cases provided for by the law, and which are considered as necessary for the interests of national security, the protection of public safety and order, the prevention of crime, the defense of health, morals, or the honor and rights of others, the prevention of the dissemination of information given in confidence, or in order to guarantee the authority and impartiality of the judiciary.

## **Article 21--The Prohibition of Torture**

Nobody can be submitted to torture or to inhuman or humiliating punishment or treatment.

## **Article 22--The Prohibition of Forced Labor**

Nobody can be called upon to do forced labor, except under the execution of a court sentence, during military service, or in the course of service necessitated by a state of emergency or natural disaster threatening people's lives and health.

## **Article 23--Freedom and Personal Security**

1. Human freedom and security are inviolable.
2. Nobody can be detained or arrested without adequate evidence. 3. Nobody can be detained for more than 48 hours.
4. The detainee or person under arrest must be informed immediately of the reason for his detention or arrest and within 48 hours must appear before a judge, who will issue a decision within 48 hours.
5. Every detainee or person under arrest must be told at the moment of his detention or arrest that he is not obliged to make any statement and has the right to communicate immediately with a lawyer.

6. The person under arrest has the right to a court appeal against his arrest.

7. The maximum period of detention on remand is defined by law.

### **Article 24--The Prohibition of Unlawful Convictions**

1. Nobody can be accused or declared guilty of a crime that was not considered a crime under the law at the time when the act was committed.

2. No punishment can be meted out that is in excess of that provided for **by the law at the time** when a crime was committed.

3. Concessions made in the penal code have a retroactive effect.

### **Article 25--Presumption of Innocence**

Nobody can be considered guilty until his guilt has been proved by a **court verdict in** a final form.

### **Article 26--Guarantees of Penal Procedure**

During criminal procedures, nobody can be deprived of the right:

a) to be informed immediately and in detail about the accusation against him;

b) to have adequate time and facilities to prepare his own defense;

c) to have the free services of a translator, if he does not speak or understand Albanian;

d) to defend himself or to be defended with the assistance of legal defense counsel chosen by himself, to communicate freely and privately with this counsel, and to be guaranteed defense by a lawyer free of charge, if he does not possess sufficient funds;

e) to ask questions of witnesses that are present and to demand the appearance of witnesses, experts, and other persons and the submission of material evidence that may elucidate the facts.

### **Article 27--Freed From Any Obligation to Admit Guilt**

Nobody can be obliged to testify against himself or to admit his own guilt.

### **Article 28--The Inadmissibility of Illegal Evidence**

Nobody can be declared guilty on the basis of evidence collected in an illegal way.

### **Article 29--The Right To Be Heard in Court**

Nobody can be denied the right to be heard in court before being convicted.

### **Article 30--The Prohibition of Being Tried Twice for the Same Offense**

Nobody can be tried or convicted more than once for the same offense, except when the retrial of a case is decided upon by a higher court.

### **Article 31--The Right to Appeal**

Everybody has the right to appeal to a higher court against a court decision.

### **Article 32--The Right to Rehabilitation and Compensation**

1. Nobody can be denied the right to rehabilitation and compensation in accordance with the law, if he has suffered because of irregularities in the course of justice or because of an illegal administrative act.
2. Everybody has the right to compensation in accordance with the law for damage he suffers from the acts of others.
3. No person under arrest or imprisonment can be denied the right to humane treatment and moral rehabilitation.

### **Article 33--The Inviolability of Private Life and Personal Dignity**

1. Private life and personal dignity cannot be violated.
2. Data about a person's private life may only be collected with his permission, when it is necessary to investigate a crime, or with the approval of the responsible state body as defined by law, when necessary for national security. The collection, handling, and ultimate use of personal data, as well as the control and preservation of the secrecy of these data, are regulated by law.
3. Nobody can be denied the right of access to the data collected concerning him, except in cases in which a court decision exists to protect the interests of criminal procedures or national security.
4. The use of personal data for purposes other than those for which they were collected is prohibited.

### **Article 34--Privacy of the Home and the Individual**

1. The home is inviolable. A home can be entered without the permission of the person dwelling in it only following a court decision in cases provided for by law, or, without such a decision, in order to avert an immediate danger to people's lives and health or to property, when a crime is being committed, or immediately after it has been committed.

2. Nobody can be submitted to a personal search except on entering or leaving the territory of the state or in order to avert an immediate threat to public security. Personal searches may be carried out only by the state authorities defined by law.

### **Article 35--Privacy of Correspondence**

There can be no encroachment on the privacy of correspondence or other means of private communication except following a court decision in order to protect the interests of criminal procedure, or with the approval of the responsible state body defined by law, when this is necessary for national security.

### **Article 36--Freedom of Thought, Conscience, and Religion**

1. Freedom of thought, conscience, and religion is inviolable.

2. Everybody is free to change his religion or convictions and to exercise them individually or collectively in public and private life through religious denominations, in education, or in the performance of practices and ceremonies

3. The freedom to exercise religious beliefs and convictions cannot be restricted, except in cases provided for by law, involving measures vital for the interests of public security, the protection of public order, health, morality, and human rights and freedoms.

### **Article 37--Election Rights**

1. Every citizen over the age of 18 possesses election rights, with the exception of citizens no longer of sound mind.

2. Persons under arrest and persons serving a prison sentence possess only the right to vote.

3. Voting is individual, equal, and secret.

### **Article 38--The Right to Organize**

1. Nobody can be denied the right to collective organization for any legal purpose.

2. Restrictions to the exercise of this right may be defined by law for public service employees.

### **Article 39--The Right to Assembly**

1. Peaceful and unarmed assemblies cannot be restricted.

2. Gatherings in public squares and thoroughfares may be held with the prior permission of the responsible authority, which may fail to allow them only for good reasons involving a danger to public order and security.

### **Article 40--The Right to Mobility**

1. Everybody has the right to choose his place of residence and to move freely in any part of the territory of the state, except in cases where restrictions are imposed by law for reasons of health or public security.

2. Everybody may freely travel abroad and return.

### **Article 41--The Prohibition of Deportation and Extradition**

1. No Albanian citizen can be deported.

2. Extradition is permitted only when explicitly provided for in international agreements to which the Republic of Albania is a party.

3. The collective deportation of foreigners is forbidden. Individual foreigners may be deported under conditions defined by law.

### **Article 42--Citizenship**

1. Nobody can be deprived of Albanian citizenship or the right to surrender citizenship without his agreement.

2. Conditions for the acquisition and surrender of citizenship are regulated by law.

### **Article 43--Equality Before the Law**

Everybody is equal before the law, regardless of sex, race, ethnicity, language, religion, economic and social position, political convictions, or parentage.

### **Article 44--The Rights of National Minorities**

1. Persons belonging to national minorities have the right to exercise fundamental human rights and freedoms in complete equality under the law. They have the right to freely express, preserve, and develop their ethnic, cultural, religious, and linguistic identity, to learn or be taught in their mother tongue, and to join in organizations and associations for the protection of their interests and identity.

2. Nationality is defined on the basis of internationally accepted norms.

### **Article 45--The Right to Private Property and Inheritance**

1. Nobody can be denied the right to possess private property in his own right or together with others, as well as the right to inherit. The acquisition, enjoyment, and sequestration of property and the right to inheritance are regulated by law.

2. Nobody's property can be expropriated except in the public interest and against full compensation.

### **Article 46--The Right to Labor**

Each person has the right to earn his livelihood by lawful work which he himself has chosen or accepted. He is free to choose his profession, workplace, and manner of professional qualification.

### **Article 47--Trade Union Freedom**

Employees have the right to freely associate in trade union organizations in defense of their work and social security interests.

### **Article 48--The Right to Strike**

1. The right of employees to strike in pursuit of improved working conditions, pay, or any other benefit from their work cannot be restricted.

2. The conditions and regulations for the exercise of this right as well as guarantees in order to ensure indispensable social services are defined by law.

### **Article 49--The Right to Social Security and Assistance**

1. Everybody has the right to social security in old age or when unable to work, according to a system approved by

2. Employees left without work for reasons unconnected with their own will have the right to recompense under conditions provided for by law.

## **Article 50--Marriage and the Family**

1. Everybody who has reached marriageable age has the right to freely select a spouse and to create a family. Marriage and the family enjoy the special protection of the state
2. Marriage and divorce are regulated by law.

## **Article 51--The Protection of Women and Children**

1. Children, young people, pregnant women, and young mothers have the right to the special protection of the law.
2. Children born out of wedlock enjoy exactly the same rights as children born in wedlock.

## **Article 52--Health Care**

1. All persons enjoy an equal right to health care from the state.
2. Compulsory medical treatment can be carried out solely for the patient's benefit and in cases defined by the law.
3. Nobody can be subjected to a medical or scientific experiment without his consent.

## **Article 53--The Right to Education**

1. Everybody has the right to free education lasting not less than eight years.
2. General secondary education is open to everybody.
3. Entry into secondary-level vocational training and higher education is governed solely by professional criteria.
4. Schoolchildren and students also have the right to be educated at private schools.
5. The autonomy of universities is guaranteed.

## **Article 54--Freedom of Creativity and the Right to Intellectual Property**

1. Each person enjoys freedom of creativity in the fields of science, technology, literature, and the arts.

2. An author's rights are protected by law.

### **Article 55--The Right of Petition**

1. Everybody either individually or together with others, has the right to submit requests, complaints, and criticisms to the responsible state bodies.

### **Article 56--Due Legal Process**

Freedom, property, or rights admitted by law cannot be encroached upon without due legal process.

### **Article 57--The Rectification of Justice Through the Courts**

Nobody whose rights recognized under this constitution have been violated can be denied the rectification of justice through the courts.

### **Article 58--The Guarantee of a Fair Trial**

1. Nobody can be deprived of the right to a fair, public, and fast trial by a competent, independent, and impartial court.

2. The presence of the public and the information media may be restricted during a trial, when the interests of public order or morality, national security, the private lives of the parties concerned, or of justice demand it.

### **Article 59--The Temporary Limitation of Rights**

The exercise of specific rights may be temporarily limited by law when war or a state of emergency is declared, with the exception of the rights provided for by this constitution under Articles 19 (The Right to Life), 20 (Freedom of the Expression of Opinion), 21 (The Prohibition of Torture), 24 (The Prohibition of Unlawful Convictions), 26 (Guarantees of Penal Procedure), 27 (Freedom From Any Obligation To Admit Guilt), 36 (Freedom of Thought, Conscience, and Religion), 43 (Equality Before the Law), 57 (The Rectification of Justice Through the Courts), and 58 (The Guarantee of a Fair Trial).

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## **Part III--High-Level State Bodies**

### **A. Legislature**

#### **Article 60--Its Role and Structure**

1. Legislative power is exercised by a legislature which consists of one chamber of 140 deputies.
2. The electoral system is defined by the law.

### **Article 61--Length of Mandate**

1. The legislature is elected for four years.
2. This mandate may be extended with the approval of the president of the republic only in case of war or a state of emergency and as long as these circumstances continue.
3. A new legislature is elected no later than 60 days after the expiry of the mandate or dissolution of the previous legislature.
4. A legislature's mandate continues until the first meeting of a new legislature.

### **Article 62--The Sessions**

1. The legislature is summoned to its first meeting by the president of the republic no later than 20 days after the day on which the elections are concluded.
2. The legislature conducts its annual proceedings in two sessions. The first session is opened on the third Monday in January, and the second session is opened on the first Monday in September.
3. The legislature meets in an extraordinary session when summoned by the president of the republic, one-third of its deputies, or the prime minister.

### **Article 63--Conditions for the Election of Deputies**

Every Albanian citizen, permanently resident in Albania for at least the previous two years, and who enjoy electoral rights, may be elected a deputy.

### **Article 64--The Incompatibility of a Deputy's Seat With Other Posts**

1. The occupation of a deputy's seat is incompatible with any other state office apart from that of a member of the government.
2. A deputy's rights and duties are defined by law.

### **Article 65--The Nature of a Deputy's Representation**

A deputy represents the entire people and is not bound by any other obligatory mandate.

### **Article 66--A Deputy's Immunity**

1. A deputy enjoys immunity. He cannot be subjected to criminal prosecution except with the approval of the legislature on the basis of a request from the procurator general. A deputy may be subjected to criminal prosecution without this approval only when he is caught in the flagrant commission of a serious crime.

2. A deputy cannot be called to account for his views expressed during the exercise of his function, or for a vote he has cast.

### **Article 67--The Legislature's Internal Organization**

1. The legislature elects from among its members its chairman and his deputies, permanent and temporary commissions, and the bureau of the interlegislative group.

2. The legislature functions according to procedures it establishes.

### **Article 68--The Public Character of Its Sessions and the Presence of a Majority**

1. The legislature's sessions are open. The legislature may hold closed sessions at the request of the president of the republic, the prime minister, or one-fifth of the deputies, when a majority of all the deputies have voted

2. The legislature may conduct its proceedings when more than one-half of the deputies are present.

### **Article 69--The Approval of Laws**

1. Laws and other legislative acts are considered approved when more than one-half of the deputies present, but no fewer than one-third of the deputies, have voted for them.

2. Voting is individual.

### **Article 70--Interpellations and Questions**

Deputies have the right to hold interpellations and to put questions to the prime minister and the ministers according to schedules and regulations defined by the procedures.

### **Article 71--The Presence of Members of the Government**

1. Members of the government have the right to take part in every meeting of the legislature and its commissions. Following a submitted request, they must be given a priority hearing.

## **Article 72--Legislative Prerogatives**

The legislature:

1. approves, changes. and revokes laws:
2. examines and approves the draft state budget and the report on the implementation of the preceding budget. Any further law involving new expenditure must define the source for this expenditure.
3. decides on the holding of referendums. No referendum is permitted for the revocation of laws prescribing taxation, laws on the state budget, laws proclaiming amnesties, or normative acts authorizing the ratification of international treaties,

The manner of holding a referendum is defined by law.

4. elects and discharges the president of the republic.
5. approves the prime minister and the program of the government, and controls the government's activity.
6. elects the Constitutional Court, the Supreme Court, and the procurator-general and his deputies.
7. issues amnesties.
8. declares partial and general mobilization, a state of emergency, and a state of war in case of armed aggression against the Republic of Albania, or when this is necessary in order to fulfill obligations arising out of international treaties.
9. ratifies and renounces by law:
  - a) treaties of a political or military character;
  - b) treaties or agreements relating to the borders of the Republic of Albania;
  - c) treaties or agreements concerning fundamental human rights and freedoms;
  - d) treaties entailing financial obligations for the state or legislative changes;

e) other treaties or agreements explicitly stating that they must be ratified or renounced by the legislature.

### **Article 73--Legislative Initiatives**

1. Legislative initiatives are the property of the president of the republic, the government, every deputy, and 20,000 electors.
2. Only the government may submit to the legislature bills with financial implications.

### **Article 74--The Procedure for Discussing and Voting on Laws**

1. Every bill put before the legislature is first examined by the relevant commissions, which submit their amendments and views. After being discussed by the legislature, the bill is subjected to no less than two votes.
2. The legislature may define in its procedure a different method for the examination of individual bills.

### **Article 75--The Promulgation of a Law**

1. A law is considered promulgated when the president of the republic has not exercised his veto within 15 days after the day on which it is submitted to him.
2. The president of the republic may return a law for reexamination only once. In this case, a majority of the total number of deputies must vote for the approval of the law.

### **Article 76**

A law comes into effect 15 days after its publication in the FLETORJA ZYRTARE [Official Gazette], except in cases in which a different date is laid down by law.

### **Article 77**

In cases of the declaration of a state of war or a state of emergency, the legislature may decide that a law comes into effect immediately after it is reponed by the mass media of communication.

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## **B. The President of the Republic**

## **Article 78--The President's State Position and Personal Conditions**

1. The president of the republic is head of the state and represents the unity of the people.
2. Only an Albanian citizen resident in Albania for no less than 10 years previously and over the age of 40 can be elected president of the republic.

## **Article 79--The Election of the President**

1. The president of the republic is elected by the legislature by secret ballot and by a majority of two-thirds of the votes of all the deputies. When this majority is not achieved in a first ballot, a second ballot is held, in which the president is elected by an absolute majority of the votes of all the deputies.
2. Every presidential candidate is proposed to the legislature by a group of no fewer than 30 deputies. A deputy may not take part in more than one of the groups proposing presidential candidates.
3. When there is more than one candidate for president of the republic, the second ballot is held with only the two candidates who have gained the largest number of votes in the first ballot. The candidate who wins the absolute majority of votes is considered to be elected.
4. If the president is not elected even at the second ballot, a third ballot is held. If no candidate achieves an absolute majority even at the third ballot, the president dissolves the legislature. New elections will be held within (? 30) days. The new legislature elects as president of the republic the candidate who wins the most votes.

## **Article 80--The President's Mandate**

1. The president of the republic is elected for five years with the right to be reelected only once. The election of a new president of the republic takes place no later than 30 days after the expiry of the mandate.
2. The mandate of the president of the republic can be extended only when the legislature cannot meet because of war or a state of emergency.
3. The president of the republic, having been elected by the legislature, takes the relevant oath before the legislature and embarks on his duties but not before the outgoing president's mandate expires.

## **Article 81--Incompatibility With Other Posts**

The function of president of the republic is incompatible with any other state or public post and with the post of party chairman.

## **Article 85--Attributes in the Field of Defense**

The president of the Republic of Albania is the commander-in- chief of the Armed Forces and chairman of the National Security Council.

## **Article 86--The National Security Council**

1. The National Security Council is created in order to direct, organize, and mobilize all the country's forces and resources in the defense of the homeland.
2. The composition of the National Security Council is approved by the People's Assembly on the proposal of the chairman of the National Security Council.

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## **C. The Government**

### **Article 87--Its Role and Manner of Formation**

1. The government determines and directs the policy of the state and exercises general leadership of the state administration.
2. The prime minister is appointed by the president of the republic and is approved by the legislature. Ministers are proposed by the prime minister and approved by the president of the republic.
3. If the prime minister appointed by the party that has gained the most votes is not approved, the president of the republic appoints a prime minister from the second largest party according to the number of seats in the legislature. If the prime minister is still not approved, he is appointed from the third-largest party in the largest. If it still remains impossible to approve a prime minister the president of the republic dissolves the legislature. New elections are held within 30 days. In order to prepare the new elections, the president of the republic creates a working government with representatives of all the parties represented in the legislature.

### **Article 88--Respective Oaths and Start of Mandate**

1. The prime minister and the ministers take their respective oaths individually in front of the president of the republic.
2. The government's mandate begins on the day this oath is taken and continues until a new government takes its oath.

## **Article 89--Vote of Confidence**

The government must win a vote of confidence from the legislature within 10 days of taking its oath.

## **Article 90--Composition**

1. The government is composed of the prime minister, his deputies. the ministers. and persons equal to them.
2. The prime minister and the members of the government may not exercise any other state duty or private activity. apart from the duties of deputy.

## **Article 91--Principal Prerogatives**

The governments:

1. issues decisions. orders. and instructions on the basis of the laws and in pursuit of their enforcement. They are signed by the prime minister and, when they are of a normative character. are published in the FLETORJA ZYRTARE:
2. directs and controls the activities of the ministries and other central institutions of the state administration;
3. directs activities for the performance of national defense duties, on the basis of an in pursuit of the enforcement of decisions of the National Security Council;
4. coordinates and supervises the activities of local authorities of the state administration:
5. drafts economic and social programs for the country's development and the state budget, besides coordinating, disciplining, and controlling the state finances and the monetary and credit system;
6. ensures the preservation and protection of the environment, appropriate working conditions, and protection for the health of the population:
7. signs international agreements and approves and renounces those that are not subject to ratification.
8. orders the revocation of unlawful acts by ministers and directors of central institutions of the state administration .

## **Article 82--Discharge Before Expiry of Mandate**

1. The president of the republic cannot be held to account for acts committed in the exercise of his duty, except for treachery to the homeland or serious and intentional violation of the constitution.
2. In such cases, the president's discharge may be demanded by no fewer than one-fourth of the total number of deputies, and decided by now fewer than two-thirds of the total number of deputies.

### **Article 83--Replacement of the President**

1. In the case of the discharge or death of the president, a serious illness rendering him unfit to perform his duties, or his resignation, the chairman of the parliament takes his place and exercises his prerogatives, apart from the dissolution of the legislature.
2. In such cases, a new president is elected within 20 days.

### **Article 84--The President's Prerogatives**

The president of the republic:

1. guarantees respect for the constitution and the laws;
2. determines the dates of legislative and local government elections and of referendums;
3. promulgates laws and decisions to hold referendums made by the legislature;
4. proposes popular referendums to the legislature;
5. with good reason, within 15 days of a law being submitted to him, may return this law to the legislature once for reconsideration;
6. appoints the prime minister and receives his resignation;
7. on the proposal of the prime minister, appoints or discharges ministers, other individual members of the government, and directors of central institutions;
8. in special instances, chairs meetings of the government, placing on the agenda matters he considers require consideration and settlement. In such cases, he signs the relevant decisions;
9. on the proposal of or with the countersignature of the prime minister, and after taking the counsel of the chairman of the legislature, may dissolve the legislature before the conclusion of the period of the legislature, when its composition does not allow the legislature to exercise its own functions and makes the government of the country impossible. In this case, legislative elections are held no later than 45

days after the dissolution.

The president may not exercise this prerogative in the final six months of his mandate;

10. on the proposal of or with the countersignature of the prime minister, signs international treaties and agreements, and ratifies and renounces those that parliament itself does not examine;

11. appoints and discharges diplomatic representatives, on the proposal of or with the countersignature of the prime minister;

12. receives the letters of credential and letters of summons of the diplomatic representatives of foreign states;

13. approves requests for the grant or surrender of Albanian citizenship;

14. exercises the right of pardon;

15. awards decorations and honorific titles;

16. on the proposal or with the countersignature of the prime minister. awards the highest military ranks;

17. when it is impossible for the legislature to meet, declares partial and general mobilization, and a state of emergency. In such cases. the relevant decree is submitted to the legislature for approval within five days;

18. when it is impossible for the legislature to meet, declares a state of war in the case of armed aggression against the Republic of Albania;

19. communicates with the legislature through messages that are read out at plenary sessions;

20. issues decrees of an individual nature and decisions;

in cases of urgency, on the proposal of the prime minister or the relevant minister, or with their countersignatures, issues decrees of a normative character that are submitted to the legislature for approval within 15 days;

21. creates advisory bodies of an auxiliary nature, dependent on him;

22. seeks opinions and information in writing from the directors of state institutions over matters relating to their duties;

23. exercises other prerogatives provided for in this constitution.

### **Article 92--Submission of the Budget Bill**

The prime minister, on behalf of the government, must submit the budget bill during the autumn session, which cannot conclude without approving it. If the bill is not approved by the start of the next financial year, the government implements the budget of the previous year, until the new budget is approved.

### **Article 93--Approval of Expenditures**

The government must submit to the legislature the expenditures of the past year for examination and approval during the first session of the following year.

No expenditure can be authorized except by law.

Taxes and duties are defined by law and are solely for public purposes.

### **Article 94--The Functions of the Prime Minister and the Members of the Government**

1. The prime minister represents the government, chairs its meetings, and directs its general activity, as well as answering for it.
2. The ministers and directors of the central institutions direct the relevant ministry or central institution of the state administration. Each one of them is responsible for the activity of the ministry or other central institutions entrusted to his direction.
3. The ministries and directors of central institutions issue orders, regulations, and instructions concerning matters within their competences, on the basis of and in enforcement of the law and the decrees and orders of the government. Their acts possessing a normative character are published in FLETORJA ZYRTARE.
4. The ministers and directors of central institutions revoke the unlawful orders and instructions of their subordinate institutions and authorities.

### **Article 95--Motions**

1. A reasoned motion of no confidence in the prime minister over specific issues must be signed by no fewer than one-sixth of the deputies.
2. A further motion of no confidence may be submitted only after six months. This interval need not be observed when the motion is put forward by more than one-half of the deputies.

3. A motion of no confidence is examined by the legislature not earlier than three days after the date on which it is submitted.

### **Article 96--Request for a Vote of Confidence**

The prime minister may ask the legislature to give him a vote of confidence over a specific aspect of the government's activity.

### **Article 97--Resignation**

When the legislature approves a motion of no confidence or refuses to give a vote of confidence, the prime minister and the ministers immediately tender their resignations.

### **Article 98--Immunity and Criminal Responsibility**

The members of the government enjoy immunity. They cannot be subjected to criminal prosecution without the authorization of the president of the republic.

The Supreme Court is responsible for the trial of these cases.

### **Article 99--Expiry of Mandate**

The government's mandate expires:

- a) when the legislature has passed a vote of no confidence in the prime minister;
- b) when the president has accepted the prime minister's resignation;
- c) when the prime minister has died or can no longer perform his functions because of his serious state of health.

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## **Part IV--Organization of Justice and the Constitutional Court**

### **A. Judicial System**

#### **Article 100**

1. The power of the judiciary is independent. It is exercised by the Supreme Court and by other courts

defined by the law.

2. In the exercise of their duties, judges confine them selves solely to the constitution and the law.
3. the organization and prerogatives of the courts are regulated by law
4. The pay and perquisites of judges cannot be reduced.

### **Article 101--The Prohibition of Special Courts**

The legislature may create courts for special fields, but on no account for individual cases.

### **Article 102--The Supreme Court**

1. The Supreme Court is the highest judicial authority. It consists of nine judges. The chairman and members of the Supreme Court are elected by the legislature on the proposal of the president of the republic.
2. The conditions for a person's election as a member of the Supreme court are defined by law.
3. The chairman of the Supreme Court remains in office for four years with the right to reelection only once. He is replaced by the aforementioned procedure by one of the court's members.
4. The judges of the Supreme Court can be removed from office and subjected to criminal prosecution under circumstances provided for by the law on the basis of an argued decision by the legislature on the proposal of the president of the republic. and when the majority of all the members of the legislature have voted for it.

### **Article 103**

The courts may directly apply the constitution in cases connected with fundamental human rights and freedoms. These cases are necessarily examined by the Supreme Court, which decides them by a majority of all its members.

### **Article 104--The Argumentation of Judicial Verdicts**

1. Judicial verdicts must be argued.
2. The Supreme Court publishes its decisions.

### **Article 105--The Immunity of Judges**

1. Judges may be criminally prosecuted or removed from office only by a decision of the Supreme Council of Justice. under conditions provided for by law.
2. They have the right to appeal to the Supreme Court.

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## **B. The Procurator's Office**

### **Article 106--The Role and Judicial Position of the Procurator's Office**

1. The procurator's office is the authority conducting criminal prosecutions during investigations and in the court.
2. The procurator's office is organized and operates as a single centralized authority.
3. The procurators are subject to the law in the exercise of their competences.

### **Article 107--The Procurator-General and His Deputies**

1. The procurator-general and his deputies are elected and released from their duties by the legislature on the proposal of the president of the republic.
2. The organization and other competences of the procurator's office are regulated by law.
3. The directors of the procurator's offices at every judicial level enjoy the immunity provided by Article 105.

### **Article 108--Incompatibility With Other Posts**

The posts of judge and procurator are incompatible with any other state or private function.

### **Article 109--The Supreme Council of Justice**

1. The Supreme Council of Justice is headed by the president of the republic and consists of the minister of justice, the chairman of the Supreme Court, the procurator-general, and nine lawyers well known for their high level of professional ability and who are elected by a joint meeting of the members of the Supreme Court and the Prosecutor-General's Office, for a five-year period, and without the right of immediate reelection.

2. The Supreme Council of Justice is the sole authority deciding on the appointment, promotion, demotion disciplinary responsibility, and transfer of judges and directors of procurator's offices at every judicial level.
3. The manner in which the Supreme Council of Justice conducts its work is defined by law.

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## **C. The Constitutional Court**

### **Article 110--Its Role and Independence**

The Constitutional Court is an independent body with the task of guaranteeing respect for the constitution.

### **Article 111--Its Composition and Manner of Formation**

The Constitutional Court consists of nine members. The chairman and members of the court are elected by the legislature, on the proposal of the president of the republic.

### **Article 112--Incompatibility With Other Posts and Activities**

The post of member of the Constitutional Court is incompatible with any other state, party, or private position.

### **Article 113--Mandate**

1. The mandate of a member of the Constitutional Court lasts for eight years.
2. The composition of the Constitutional Court is renewed at the end of every four years, on the first occasion for four of its members, and on the second occasion for the remaining five.

### **Article 114--Immunity**

1. A member of the Constitutional Court bears no legal responsibility for his views and decisions issued in the course of his duties.
2. A member of the Constitutional Court enjoys immunity. He cannot be subjected to criminal prosecution without the consent of the Constitutional Court given by a majority of votes and under a decision explained by a general meeting of the court.

## **Article 115--Prerogatives**

The Constitutional Court has the following prerogatives:

1. It interprets the constitution and decides on the compatibility of laws, decrees, and bye-laws with the constitution. It decides on the suspension of these akt when it observes that serious consequences may result from their enforcement.
2. It decides whether an international agreement signed on behalf of the Republic of Albania, but still not ratified, is compatible with the constitution. It also decides upon the compatibility of the legal dispositions in force with universally accepted norms of international law, and with the content of agreements to which the Republic of Albania is a party.
3. It resolves disagreements among the powers of the state regarding prerogatives.
4. It decides issues relating to the constitutionality of the activities of parties and other political or social organizations.
5. It resolves requests [line missing] the legitimacy of the election of the president of the republic and of deputies. It also examines the legitimacy of a popular referendum announcing the final results.
6. It examines the constitutionality of a criminal charge that the legislature has laid against the president of the republic.

## **Article 116--Subjects Entitled To Submit Requests**

The following have the right to submit requests for the judgment of cases by the Constitutional Court: the president of the republic, every legislative group, one fifth of the deputies, the Council of Ministers, and local government authorities.

## **Article 117--Decisions**

1. The Constitutional Court makes decisions by a majority of votes of all its members.
2. The decisions of the Constitutional Court are conclusive and final. They must be argued. In case of doubt or misunderstanding over the meaning of a decision, the court has the right to interpret it on its own initiative or at the request of the interested party, within 30 days of the notification of such a request.
3. Laws, decrees, bye-laws, and their individual dispositions that are declared incompatible with the dispositions of this constitution, with the law, with universally accepted norms of international law, or

agreements to which the Republic of Albania is a party, lose their power on the day after the publication of this decision in FLETORJA ZYRTARE.

4. In other cases, the decision of the Constitutional Court comes into effect at the time provided for by the decision.

5. When it is decided to revoke laws or other acts, and circumstances arise requiring judicial regulation, the Constitutional Court's decision is reported to the People's Assembly or to other responsible authorities, in order that they may undertake the measures provided for by the constitution.

### **Article 118--Organization and Operation**

The organization and operation of the Constitutional Court, its procedure for resolving cases, and other basic matters for the performance of its duties are regulated by law.

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## **Part V--Local Government**

### **Article 119--The Organization of Local Government**

1. The territory of the Republic of Albania is divided into communes, municipalities, and districts.

2. Local government is organized and operates in every commune, municipality, and district.

3. Local government is organized and operates according to the law, on the basis of the principles of decentralization, self- government, and autonomy.

### **Article 120--The Election of Local Government Bodies**

1. Local government bodies are directly elected by the people.

2. The manner of their election and their prerogatives are defined by law.

### **Article 121--Representative Bodies**

1. The representative bodies of local government are the communal council, the municipal council, and the district council.

2. The chairman of the commune and the chairman of the municipality are elected by a ballot of the local population.

3. A district council elects its own presidium and chairman.

### **Article 122--Economic Activities**

Local government bodies are legal persons. They possess property as recognized by law and conduct economic activities within and beyond their territory.

### **Article 123--Financial Sources**

1. Local government bodies have their own budgets.
2. Their financial sources, the manner of their use, and their obligations to the state are defined by law.
3. The state provides financial contributions for individual communes, municipalities, and districts.

### **Article 124--Dissolution**

Elected local government bodies may be dissolved by a decree of the president of the republic according to a proposal made by the prime minister, only in cases provided for by the law.

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## **Part VI--Transitional and Final Dispositions**

### **Article 125**

The constitutional institutions existing on the date this constitution comes into effect operate in accordance with the dispositions of this constitution.

### **Article 126**

The republican form of the state cannot be the object of constitutional changes.

### **Article 127**

This constitution comes into effect on the day following its approval.

### **Article 128**

Law No. 7,491 of 29 April 1991, "On the Main Constitutional Dispositions," and other constitutional laws involving changes, additions, and supplements to this law are superseded when this constitution comes into effect.

### **Article 129**

Other legal dispositions remain in force to the extent that they do not conflict with this constitution.

### **Article 130**

Amendments to change this constitution are approved by a referendum, after two-thirds of the number of deputies have voted for them.

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