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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

DRAFT CONSTITUTION OF ALBANIA

as of 9 June 1998

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DRAFT ALBANIAN CONSTITUTION

As of June 9, 1998



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Administrative Center for Cooperation of Assistance and Public Participation (ACCAPP)
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DRAFT ALBANIAN CONSTITUTION

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PREAMBLE

We, the people of Albania, proud of our history and with faith in the future;

with determination to build a state that is democratic, social and juridical;

with the aim of respecting universal human values;

with a spirit of tolerance and religious coexistence;

with belief that human dignity and personhood should be protected, as well as the prosperity of the whole country, toward the goals of peace, well-being, culture and social solidarity;

with the centuries-old aspiration of Albanianism, and national identity and unity;

with a deep belief 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

Albania is a parliamentary republic.

Article 2

The Republic of Albania is a unitary state.

Article 3

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

Article 4

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty directly or through their representatives.
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 the majority of the members of Parliament. [Variant for future discussion: approved by two-thirds of the members...]

Article 5

The independence and integrity of the territory, human dignity and human rights and freedoms, social justice, the constitutional order, pluralism, national identity and the national inheritance, as well as religious co-existence are the bases of this state, which has the duty of respecting and protecting them.

Article 6

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 applicable directly, except when the Constitution provides otherwise.

Article 7

The Republic of Albania respects international law applicable to it. [Variant for discussion: The Republic of Albania recognizes and respects the generally accepted norms of international law as well as the principles and norms of treaties and international agreements in which it takes part].

Article 8

The organization and functioning of the organs contemplated by this Constitution are regulated by law, except when provided otherwise in it.

Article 9

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

Article 10

1. The Republic of Albania recognizes and 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 in emigration in order to preserve and develop their ties with the national cultural inheritance.

Article 11

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 rely on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use force for taking power or influence state policies, as well as those with a secret character are prohibited.
3. The financial sources of parties as well as their expenses shall be made public at all times.

Article 12

1. The Republic of Albania does not have an official religion.
2. The state is impartial in questions of belief and conscience and also it guarantees the freedom of their expression in public life.
3. The state guarantees the equality of religious communities.
4. The state and the religious communities respect the independence of one another mutually and work together for the good of each of them and of all.
5. Agreements between the state and religious communities are regulated by law, on the basis of agreements entered into between their representatives and the Government.
6. Religious communities are juridical persons. They have independence in the administration of their properties according to their principles, rules and canons.

Article 13

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

Article 14

1. The armed forces secure the independence of the country, and also protect the territorial integrity and [the constitutional order -- will be reviewed together with the discussion of the respective chapter].
2. The armed forces preserve impartiality in political questions and are subject to civilian and democratic control.
3. No foreign military force may be accepted into Albanian territory, except by a law approved by a majority of the members of Parliament.

Article 15

Local governance in the Republic of Albania is exercised according to the principle of decentralization of public power.

Article 16

The official language in the Republic of Albania is Albanian.

Article 17

The national flag is red with a two-headed black eagle in the center.

Article 18

The seal of the Republic of Albania presents a black two-headed eagle, set on a red background. At the top of the seal is the headdress of Skanderbeg.

Article 19

The national anthem is "United around our flag."

Article 20

The National Holiday of the Republic of Albania is Flag Day, November 28.

Article 21

The capital city of the Republic of Albania is Tirana.

PART TWO--THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

CHAPTER I--GENERAL PRINCIPLES

Article 1

1. The fundamental human rights and freedoms are indivisible and inalienable and stand at the basis of the entire juridical order.
2. The state organs, in fulfillment of their duties, shall respect the fundamental rights and freedoms, as well as contribute to making them a reality.

Article 2

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 attaches the exercise of particular rights and freedoms, in a special manner, 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 3

1. The limitation of these rights and freedoms may be established only by law for a public interest or for the protection of the fundamental rights of others. A limitation shall be in proportion with the situation that has dictated it and shall fall as soon as the situation ends.
2. These limitations may not infringe the core of the rights and freedoms and in no case may exceed the limitations contemplated in the European Convention on Human Rights.

Article 4

1. All are equal before the law.
2. No one may be discriminated against because of sex, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education or social position or because of who his parents are.

Article 5

1. Albanian citizenship is gained of itself by birth if at least one of the parents is an Albanian citizen. 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 6

1. Persons who belong to national minorities have the right to exercise in full equality before the law the fundamental human rights and freedoms.
2. They have the right freely to express, preserve and develop their ethnic, cultural, religious and linguistic identity, to study and teach 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 7

Variant I - Every person has the right to life. This right is protected by law. No one may be deprived of life in an arbitrary manner.

Variant II -- The life of every person is protected by law.

Article 8

1. Freedom of expression is guaranteed.

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

Article 9

1. The right to inform oneself 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 10

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 [their own] sect, education, practices or the performance of rituals.
3. No one may be forced to take part or not in a religious community or in religious practices or to make his beliefs or faith public.

Article 11

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

Article 12

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] a service that results from a state of emergency, war or natural disaster that threatens human life or health.

Article 13

1. No one's liberty may be taken away except in the cases and according to the modalities provided by law.
2. 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. A person whose liberty has been taken away shall be sent within 48 hours before a judge, who shall decide on his pre-trial imprisonment or release not later than 24 hours from the time he receives the documents for review.
3. Every person who is detained or arrested 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.

4. A person in pre-trial detention has the right to appeal the judge's decision.
5. A person whose liberty is taken away other than by a judge may at any time direct himself to a judge, who shall decide within 24 hours on the legality of this measure.
6. No prisoner may be denied humane treatment and moral rehabilitation.

Article 14

1. No law may be issued to limit the freedom of a person, 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;
   ç) for the supervision of a minor for purposes of education or for accompanying him to a competent organ;
   d) when a person is the carrier of a contagious disease or is mentally incompetent and dangerous to society, an alcoholic, an addict or a vagrant;
   dh) for illegal entry into the state or in cases of deportation or extradition.
2. No one may be deprived of liberty just because he is not in a condition to fulfill a contractual obligation.

Article 15

1. No one may be accused or declared guilty of a criminal offense 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 offense.
3. A favorable criminal law has retroactive effect.

Article 16

No one may be considered guilty until his guilt is proven by a final judicial decision.

Article 17

During a criminal proceeding, no one may be denied the right:
   a) to be made aware immediately and in detail of the accusation made against him [and] 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 Albanian;

ç) 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;
d) to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can explain the facts.

Article 18

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 19

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

Article 20

No one may be punished more than one for the same criminal offense 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 21

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 only 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 22

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

Article 23

1. The inviolability of the residence is guaranteed.
2. Searches of a residence as well as the premises forming part of it may be done only in the cases and manners 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 an immediate risk that threatens public security.

Article 24

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. Each person may go out of the state freely.

Article 25

1. No Albanian citizen may be deported 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 deportation of individuals is permitted under the conditions specified by law.

Article 26

1. Foreigners have the right to live in the Republic of Albania according to law.
2. Foreigners who are in the Republic of Albania and who seek protection may be given refugee status in accordance with international agreements to which the Republic of Albania is a party.

Article 27

1. The freedom, property, and rights recognized in the Constitution and by law may not be infringed without due process [lit. without an ordered legal proceeding].
2. The judicial re-establishment of a right that has been infringed, as well as the right to a fair, public and speedy trial by a competent, independent and impartial court, are guaranteed.

Article 28

Everyone has the right to appeal a judicial decision to a higher court.

Article 29

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 30

1. Every citizen who has reached the age of 18, even on the date of the elections, has the right to vote.
2. Citizens who have been declared mentally incompetent by court decision do not have the right to vote.
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 31

1. No one may be denied the right to organize collectively for any lawful purpose.
2. The registration of organizations in court is done in the cases and according to the procedure provided by law.
3. Organizations that pursue unconstitutional purposes are prohibited.

Article 32

1. Freedom of peaceful meetings and without arms, and of the participation in them is guaranteed.
2. Peaceful meetings in squares and places of public passage are held in cases and according to the procedures contemplated by law.

Article 33

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

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

Article 34

Agreed on principle for first three points:
[1. The right of property and inheritance are guaranteed.
2. No one can be denied arbitrarily from his property.
3. Expropriation may be done only for a public interest and always against full compensation.
4. *(The issue of the return and of the compensation of the property was left open for discussion).*

Article 35

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 and place of work as well as his own system of professional qualification.
2. Employees have the right to social protection of work.

Article 36

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

Article 37

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

Article 38

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. Employees who remain without work involuntarily [lit. for reasons independent of their volition] have the right to compensation under the conditions provided by law.

Article 39

1. Marriage and the family enjoy the special protection of the state.
2. The entering into and dissolution of marriage are regulated by law.

Article 40

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. Everyone has the right to request the state organs to protect children from violence, ill treatment, exploitation and their use for work that could damage their health and morals or endanger their life or normal development.

Article 41

1. All enjoy health care from the state in an equal manner.
2. Compulsory medical treatment is done only for the good of the patient in the cases specified by law.
3. No one may be subjected to medical or scientific experimentation without his consent

Article 42

Every one has the right to be informed for the state of the environment and of its protection.

Article 43

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 the higher one can be conditioned only on criteria of abilities.
5. Education in public schools is free. The law can provide payments for services performed by the higher public education institutions.
6. Pupils and students may also be educated in private schools of all the levels, which are created and function on the basis of law.
7. The autonomy and academic freedom of higher education institutions are guaranteed by law.

Article 44

1. Freedom of artistic creation and scientific research, putting [the products] into use and profiting from them are guaranteed for all.
2. Copyright is protected by law.

CHAPTER V--SOCIAL OBJECTIVES

Article 45

1. To supplement private initiative and responsibility, the state aims, within its constitutional competencies and the means at its disposal:
   a. To assure all persons who are able to work employment under suitable conditions.
   b. To develop policies for the fulfillment of the housing needs of its citizens.
   c. To achieve necessary medical treatment for its citizens.
   ç. To assure the education of children and the young, as well as persons able to work, according to their abilities.
   d. To construct and follow a policy to assure a suitable environment for the present and future generations.
   dh. To establish conditions and to design stimulating policies for the development of sport and of recreating activities.
2. The law specifies conditions and extent to which the realizations of these objectives may be sought.

CHAPTER VI--PEOPLE'S ADVOCATE

Article 46

1. The People's Advocate defends human rights and freedoms from unlawful actions or failures to act of the organs of public administration.
2. The Advocate is independent and responsible only to the Assembly.
3. The People's Advocate has his budget, the draft of which is presented to the Assembly.

Article 47

1. The People's Advocate is elected by three-fifths of the Assembly for a five year period, with the right of re-election.
2. Any Albanian citizen with knowledge and recognized activity in the field of human rights may be the People's Advocate.
3. The People's Advocate enjoys immunity and the privileges of a minister.
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. He may be an author and teacher. [Lit. exercises the right as author and teacher].

Article 48

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 its members.

Article 49

1. The People's Advocate makes an annual report to the Assembly.
2. The People's Advocate reports to the Assembly when it is requested of him, and may also ask to be heard by the Assembly for questions that he considers 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 materials requested by him.

PART THREE--THE ASSEMBLY [LEGISLATIVE PART]

CHAPTER I--LEGISLATIVE POWER

Article 1

1. The legislative power is exercised by the Assembly.

Article 2

1. The Assembly examines all draft laws, approves, discharges, and also exercises control over the Government.
2. It also exercises other competencies contemplated in the Constitution.

CHAPTER II--ELECTION AND TERM

Article 3

1. The Assembly consists of not less than 140 deputies.
2. 100 deputies are elected directly in single-member electoral zones with approximately the same number of voters specified by law.
3. Supplemental mandates are given to the parties from their multi-name lists in proportion to the votes won by the candidates on the national scale in the first round.
4. Parties that receive less than 3% (variant - 4%) of the valid votes on the national scale do not benefit from supplemental mandates.

Article 4

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 dissolution.
3. The mandate of the Assembly continues until the first meeting of the new Assembly.

Article 5

1. The mandate of the Assembly is extended only in the case of war and for so long as it continues.
2. When the Assembly is dissolved, the conduct of elections is suspended until the end of the war.
3. A dissolved Assembly recalls itself during time of war.

Article 6

1. The Assembly that has just been elected 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 competency, the Assembly meets its within 10 days from the end of the term provided in point 1 of this article.

CHAPTER III--THE DEPUTIES

Article 7

1. Candidates for deputy may be presented only by political parties or voters.
2. The rules for the designation of candidates for deputy, for the organization and conduct of the elections, as well as for the conditions of validity of the elections shall be set by law.

Article 8

1. Without resigning from office, the following may not run as candidates nor be elected deputies:
   a) judges, prosecutors;
   b) soldiers on active duty;
   c) employees of the police and of National Security;
   ç) chairmen of municipalities and communities as well as prefects in the places where they carry out their duties;
   d) chairmen and members of the electoral commissions;
   dh) the President of the Republic, high officials of the state Administration contemplated by law, except for members of the Government, the People's Advocate [the Ombudsman], the Chairman and vice chairmen of the High State Control, the General Director of Radio Television.
2. A mandate gained in violation of point 1 of this article is invalid.

Article 9

1. Deputies represent the people and are not connected to any obligatory mandate.
2. They may not at the same time exercise any other public duty; a deputy may be a member of the Government. Other cases of incompatibility shall be set by law.
3. Deputies may not carry out any profit-making activity that stems from the property of the state or of local power, nor may they gain this property [lit. property of these, i.e., the state or local power].
4. For every violation of point 3 of this article, on the motion of the chairman of the Assembly or one tenth of its members, the Assembly sends the question to Court, which determines the incompatibility.

Article 10

1. The mandate of the deputy begins on the day when he is elected.
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 8 and 9 (points 2 and 3) is ascertained;

ç) when the Assembly is dissolved;
d) when he is absent for more than six consecutive months in the Assembly;

Article 11

Before beginning the exercise of the mandate, the deputies take this oath before the Assembly: (Formula of the oath of the rules).

Article 12

1. A deputy does not bear responsibility for opinions expressed and votes given. This provision is not applicable in the case of defamation.
2. A deputy may not be detained or arrested without the authorization of the Assembly. In this case, the Assembly decides by secret vote.
3. He may be detained or arrested without authorization in the act of committing a crime only when he is caught during or immediately after the commission of a serious crime. In these cases, the minister of Justice (variant: General Prosecutor) immediately notifies the Assembly, which when it determines that the proceeding is out of place, shall decide to lift the measure.

CHAPTER IV--ORGANIZATION AND FUNCTIONING

Article 13

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 special session when it is called by the President of the Republic, the Prime Minister or by one fifth of the deputies.
3. Special sessions are called on the basis of a specified agenda.

Article 14

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

Article 15

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

Article 16

1. The Assembly selects standing committees from its ranks and may also designate special [ad hoc] committees.
2. The Assembly may designate investigatory committees to examine a particular question. Its conclusions are not binding on the courts, but they may notify the office of the prosecutor, which evaluates them according to legal procedure.
4. [Sic] Investigatory committees operate according to the procedures set by law.

Article 17

1. The Assembly makes decisions by a majority of votes, when more than half of its members are present, except for the cases where the Constitution provides for a special majority.
2. Meetings of the deputies held without being called according to the regulations do not have any effect.

Article 18

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 its members have voted for this.

Article 19

1. The Prime Minister and every other member of the Government is obligated to answer interpellances and questions of the deputies within three weeks.
2. A member of the Government has the right to take part in meetings of the Assembly; he is given the floor whenever he requests it.

CHAPTER V--THE LEGISLATIVE PROCESS

Article 20

1. The Government, every deputy and 20,000 voters have the right to propose laws.
2. The following laws are approved by an absolute majority of the Assembly:
   a) laws for the organization and functioning of the institutions contemplated by the Constitution;
   b) a law on citizenship;
   c) a law on elections;
   ç) a law on referenda;
   d) codes;
   dh) a law for a state of emergency;
   e) a law on the status of public officials;

ë) a law on amnesty.

Article 21

1. The proposal of laws that have financial effects is done only by the Government.
2. The proposal of laws, when this is the case, shall always be accompanied by a report that justifies the financial expenses for its implementation.
3. No non-governmental draft law that increases the state budget or diminishes income may be approved without taking the opinion of the Government, which shall be given within 30 days from the date of receiving the draft law.
4. If the Government does not give an answer within the above term, the draft law passes for examination according to the procedure.

Article 22

1. A draft law is voted on three times.
2. The Assembly may, on the request of the Government, examine and approve a draft law with an expedited procedure within 10 days from the date of presentation, but not sooner than one week from the beginning of the procedure of examination.
3. The expedited procedure is not permitted for the examination of the draft laws contemplated in Article 20.

Article 23

1. A law is considered promulgated if within 15 days the President of the Republic does not exercise the right of veto.
2. A law enters into force with the passage of not less than 15 days after its publication in the Official Journal.
3. In cases of a state of emergency or war, when Parliament [sic] decides with an absolute majority of votes and the President of the Republic gives his consent, a law may enter into force immediately, but only after it is made public. The law shall be published in the first number of the Official Journal.

Article 24

1. The President of the Republic has the right to return a law for re-examination only once.
2. The veto of the President may be overturned when a majority of the members of the Assembly vote against it.

Article 25

1. The Prime Minister, in the name of the Government, presents a draft law for the budget at the beginning of the fall session, which may not close without approving it.

2. If the draft law does not succeed in being approved by the beginning of the next financial year, the Government implements the budget of the prior year until the new budget is approved.
3. The Government is obligated to present the expenses of the prior year to the Assembly for examination and approval within the first session of the following year.

PART IV--THE PRESIDENT OF THE REPUBLIC

Article 1

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

Article 2

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.
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 third 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, within 60 days new general elections take place.
8. The new Assembly elects the President of the Republic by a majority of its members.

Article 3

1. The President of the Republic is elected for 5 years, with the right of re-election only once.
2. The election of the President is done no later than 30 days before the end of the presidential mandate.
3. The President begins in office officially 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 respect the Constitution and laws of the country, that I will protect the independence of the Republic, the rights and freedoms of citizens and I will serve the general interest and the progress of the Albanian People."

4. The mandate of the President may be extended only when the Assembly cannot meet because of war and only for so long as it continues.
5. 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 4

The President of the Republic may not carry out any other public, party or private activity.

Article 5

1. The President of the Republic is not responsible for acts [using the word "aktet" and not "veprimet"] carried out in the exercise of his duty.
2. The President of the Republic may be discharged for willful violations of the Constitution and the laws. A proposal for the discharge of the President in these cases may be made by not less than one fourth of the members of the Assembly and shall be supported by not less than two thirds of 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 office.

Article 6

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 competencies.
2. If the President cannot exercise his duty for more than 60 days, the Assembly by two thirds of its members decides on sending the question to the Constitutional Court, which verifies conclusorily the fact of his incapacity.
3. When the place of the President remains vacant, the election of the new President is done within 20 days.

Article 7

The President also exercises these competencies:

a) he sends messages to the Assembly;
b) he exercises the right of pardon;
c) he grants Albanian citizenship and permits it to be given up according to the law;
ç) he gives decorations and titles of honor;
d) accords the highest military rank;
dh) on the proposal of the Prime Minister, he appoints and withdraws representatives plenipotentiary of the Republic of Albania in other states and international organizations; accepts letters of credential and their withdrawal for

diplomatic representatives of other states and international organization accredited within it [if "it" means the Republic of Albania, it should be the feminine form, shouldn't it?];
e) he grants political asylum;
f) [what happened to ë?] he sets the date of the elections for Parliament, for the organs of local power and for the conduct of a popular referendum.

Article 8

The President of the Republic may not exercise other competencies besides those recognized expressly in the Constitution and in laws issued in compatibility with it.

PART V--THE COUNCIL OF MINISTERS

Article 1

1. The Council of Ministers consists of the Prime Minister and the ministers.
2. The Council of Ministers exercises every state function that is not reserved to other state organs or to local governance.

Article 2

1. At the beginning of a legislature, as well as in case of vacancy, the Prime Minister is named by the President of the Republic, starting with the candidate presented by the party or coalition of parties that have more seats in the Assembly, and is approved by the Assembly.
2. The Prime Minister, within 10 days from his appointment, presents to the Assembly the political program of the Council of Ministers, as well as its composition.

Article 3

1. If the Prime Minister named is not approved, the Assembly elects a new Prime Minister within 15 days from the voting.
2. If the election does not take place within this time period, the Assembly within the next 7 days does a new election of the Prime Minister.
3. If the one elected receives the votes of a majority of all the members of the Assembly, the President of the Republic shall appoint him within seven days
4. When this majority is not achieved, the President of the Republic dissolves the Assembly within seven days.

Article 4

The Prime Minister elected according to point 1 or point 2 of article 3 and of article 11 presents to the Assembly for approval within 10 days the political program of the Council of Ministers together with its composition.

Article 5

1. A minister is appointed by the President of the Republic, on the proposal of the Prime Minister, within 7 days.
2. When the Assembly approves a motion of no confidence against a member of the Council of Ministers, the Prime Minister may ask the Assembly for a motion of confidence with respect to him. When the Prime Minister is given [the vote of] confidence, the motion of no confidence against the member of the Council of Ministers becomes invalid. If the Prime Minister receives a motion of no confidence, he presents the discharge of this member to the President of the Republic. The President of the Republic decrees the discharge within 3 days
3. The discharge of a member of the Council of Ministers by the Prime Minister is presented to the Assembly for approval. In the case of approval, the Prime Minister presents the discharge to the President of the Republic, who decrees it within 3 days.

Article 6

Before taking office, the Prime Minister and ministers swear before the President according to the following formula: (*Formula of the oath*)

Article 7

The Prime Minister names one of the ministers to the office of vice prime minister.

Article 8

1. The Prime Minister:
   a) represents the Council of Ministers and chairs its meetings;
   b) sets and is responsible for the principal directions of general policy;
   c) assures the implementation of legislation and policies approved by the Council of Ministers;
   ç) coordinates and checks the work of the members of the Council of Minister and other organs or institutions of the central state administration;
   d) carries out other duties prescribed in the Constitution and the laws.
2. Exercising his competencies, the Prime Minister can issue orders.
3. Every minister, within the principal directions of overall policy, directs in an independent manner and under his responsibility the activity that he has in his competency. The ministers may issue orders and recommendations.
4. The Council of Ministers resolves disagreements between its members.

Article 9

1. The Council of Ministers takes decisions on the proposal of the Prime Minister or the respective minister.

2. Meetings of the Council of Ministers are closed, except for cases when it decides otherwise.
3. Acts of the Council of Ministers are valid only when they are signed by the Prime Minister and, as the case may be, also by the respective minister.
4. The Council of Ministers takes decisions and issues recommendations.

Article 10

1. Anyone who has the capacity [lit. qualities] 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. [It would be better to say "shoqërive tregtare," that is, commercial companies].
3. The Prime Minister and ministers may be prosecuted [lit. penally pursued] only when a majority of the members of the Assembly have voted for this.

Article 11

1. If a motion of confidence presented by the Prime Minister is not approved by a majority of the members of the Assembly, the Assembly elects another Prime Minister within 15 days.
2. When the Assembly does not succeed in electing a new Prime Minister, the President of the Republic dissolves the Assembly.
3. Three days must pass between the motion and the voting.

Article 12

[Motion of confidence will have to be discussed again.]

Article 13

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

PART VI

[CHAPTER] I. JURIDICAL ACTS

[DOCUMENTS WITH JURIDICAL EFFECT]

Article 1

1. Juridical acts that are effective in the whole territory of the Republic of Albania are:
   a) the Constitution;
   b) the laws;
   c) ratified international agreements;

ç) 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. Juridical acts of ministers and other central institutions of the state are effective in the whole territory of the Republic of Albania within the sphere of their jurisdiction.

Article 2

1. The laws, normative acts of the Council of Ministers, ministers, other central state institutions, receive juridical force only after they are promulgated and 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 contemplated for laws. The promulgation and publication of other international agreements is done according to law.

Article 3

1. Regulations [sublegal acts] are issued on the basis of and for implementation of the laws by the organs provided in the Constitution.

2. A law shall authorize the issuance of regulations, designate the competent organ, the questions that are to be regulated, as well as the basic principles on the basis of which these regulations are issued.

3. The organ authorized by law to issue regulations as specified in point 2 of this article may not delegate its competency to another organ.

Article 4

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 under the organs that issues such acts.

2. These acts are issued on the basis of law and may not serve as the basis for taking decisions connected with citizens, juridical persons 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 5

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

[CHAPTER] II. INTERNATIONAL AGREEMENTS

Article 6

1. The ratification and rejection of international agreements by the Republic of Albania is done by law in cases that have to do with
   a) territory, peace, alliance, political and military treaties;
   b) freedoms, rights and obligations of citizens as are provided in the Constitution;
   c) membership of the Republic of Albania in international organizations;
   ç) the undertaking of financial obligations by the Republic of Albania;
   d) the approval, amendment, supplementing or repeal of laws.
2. The Prime Minister notifies the Assembly whenever the Council of Ministers is going to ratify an international agreement that is not ratified by law.
3. The principles and procedures for concluding and rejecting international agreements are provided by law.

Article 7

1. The Republic of Albania on the basis of international agreements delegates to international organizations state competencies for specific questions.
2. A law by which an international agreement is ratified as is provided in the first paragraph of this article is approved by a majority of the members of the Assembly.
2. The Assembly may decide that the ratification of such an agreement be done through a national referendum.

Article 8

1. An international agreement that has been ratified constitutes part of the internal juridical system only after it is published in the Official Journal of the Republic of Albania and is implemented in a direct manner, except for cases when its implementation depends on the issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of the members of the Assembly, aiming at 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. When it is expressly contemplated in an agreement for participation in an international organization ratified by the Republic of Albania that the norms issued by it are directly applicable, they have superiority over laws of the country in the case of a conflict between them.

PART VII--REFERENDUM

Article 1

1. The people, through (50 thousands) citizens who enjoy the right to vote, have the right to express themselves in a referendum about questions of special importance.
2. The Assembly upon the proposal of not less then one fourth of the deputies or the Council of Ministers, can decide with the majority of its members, that an issue or a draft law of special importance be presented for referendum.
3. The Constitutional Court does a prelimanary review of the issue presented for referendum according to paragraph 1 and 2 of this article and decides within 60 days.
4. The referendum is decided by the President of the Republic within 60 days after the declaration of the positive decision of the Constitutional Court or after the expiry of the term within which the Constitutional Court had to be expressed.
5. The referendum is valid when more than half of the voters participate in it.
6. Principles and procedures for holiding a referendum are regulated by law.

Article 2

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, fundamental human rights and freedoms, budget, taxes, financial obligations of the State, ratification and denouncement of international agreements, 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.

PART VIII--PUBLIC FINANCES

Article 1

Taxes and other financial obligations as well as reductions in taxes or the exemption of certain categories of taxpayers from paying taxes are decided by law.

Article 2

The State can borrow money and guarantee financial credits based on conditions defined by law.

Article 3

1. The budgetary system is composed of the state budget and local budget.
2. The state budget is created by revenues from taxes and from other financial obligations, as well as from other revenues from state (or public) property.

3. Local organs define and collect taxes and other financial obligations based on law.
4. State and local organs are obliged to make public their revenues and expenses.

Article 4

1. The Prime Minister, on behalf of the Government, presents the draft law on the budget in 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 Government implements the budget of the previous year, until the new budget is approved.
3. If the Assembly does not approve the new budget within three months from the last day of the previous financial year, the President of the Republic can dissolve the Assembly.
4. Within the first three months after the end of the previous financial year, the Government 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 5

1. During the financial year, the Assembly can 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 6

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

Article 7

1. The Central State Bank is the Bank of Albania. It has the exclusive right to issue and circulate the Albanian money, as well as to formulate and implement monetary policy.
2. The Bank of Albania is headed by its board, as well as by the Governor who is elected by the Assembly for 5 years, upon proposal of the President of the Republic.

[OTHER PROVISIONS]

CHAPTER--ARMED FORCES

Article 1

1. The Albanian citizens have the duty to participate in the defense of the Republic of Albania,

as foreseen by law.
2. The citizen, who for religious reasons refuses service with weapons in the armed forces, is obliged to perform an alternative service, as foreseen by law.

Article 2

1. Officers on active duty cannot be chosen or nominated for other 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, except those cases when the law provides differently.
3. The freedoms and rights contemplated in articles 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 18, 20, 21, 22, 25/1, 27, 29, 33, 34, 41, 43, 44 cannot be limited.

Article 3

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 4

1. The President of the Republic in peacetime exercises the command of the Armed Forces through the Minister of Defense.
2. The President of the Republic in wartime nominates and dismisses the Chief Commander of the Armed Forces upon request of the Prime Minister.
3. The President of the Republic, upon proposal of the minister of Defense, nominates and dismisses the Chief of the General Staff, and the commanders of the branches of the Armed Forces.
4. The competencies of the President of the Republic, as General Commander of the Armed Forces, and of the Chief Commander of the Armed Forces, their dependency from constitutional organs, are defined by law.

CHAPTER--THE HIGH STATE CONTROL

Article 1

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 5 years, with the right of reelection.

Article 2

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;
c) the use of state funds transferred to local self-governing organs;
ç) the economic activity of juridical persons, in which the state owns more than half of the quotas or of its shares, or when debt, credits and obligations are guaranteed by the State.

Article 3

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 4

1. The Head of the High State Control has the right 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 status of a minister.

Article 5

The Head of the High State Control can be criminally prosecuted only upon request of the General Prosecutor and with the approval of a majority of the members of the Assembly.

CHAPTER--EXTRAORDINARY MEASURES

Article 1

1. Extraordinary measures can be taken due to a state of war, state of emergency, or natural disaster.
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, will be set by law.
3. The law should define the principles, the scope, 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. Actions taken as a result of extraordinary measures should be in proportion with the risk level

and should aim to 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 law on extraordinary measures.
6. During the implementation period of extraordinary measures, and within the following 60 days, there may not be elections for the Assembly, local government organs, a referendum cannot be held, and a new President of the Republic cannot be elected. The elections on the local government organs can be held only in those places were the extraordinary measures are not implemented.

Article 2

1. In case of armed aggression against the Republic of Albania, the President of the Republic upon request of the Council of Ministers can declare the state of war for a part or all the state territory.
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 3

1. In case of risk for the constitutional order and for the public security, the President of the Republic upon request of the Council of Ministers can decide for a state of emergency in one part or in the whole state territory for a term not longer than 60 days.
2. When such a state is decided, the intervention of armed forces can be ordered only when police forces are not able to restore order.
3. The extension of the term of the state of emergency can be done only with the consent of the Assembly, for each 30 days, for a period of time not longer than 90 days.

Article 4

1. The President of the Republic presents to the Assembly the decree establishing the state of war or the state of emergency within 48 hours from its signing.
2. The Assembly, with the majority of its members, takes into account and immediately decides on the decree of the President.

Article 5

1. For the prevention or the avoidance of the consequences of a natural disasters or technological accidents, the Council of Ministers can 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 6

1. During the state of war or state of emergency the rights and freedoms contemplated by articles: 1, 4, 5, 6, 7, 10, 11, 15, 16, 17, 18, 20, 27, 28, 33, 40, 41/3 cannot be limited.
2. During the state of natural disaster the rights and freedoms contemplated by articles: 23, 24, 37, 34/3, 35 can be limited.

Article 7

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