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*Albania*

# CONSTITUTION of ALBANIA<sup>1</sup>

March 14, 1946, revised July 4, 1950, and amended in 1953,  
1954 and 1958

FIRST PART—BASIC PRINCIPLES

## CHAPTER I

### THE PEOPLE'S REPUBLIC OF ALBANIA

*Art. 1.* Albania is a people's republic.

*Art. 2.* The People's Republic of Albania is a state of workers and laboring peasants.

*Art. 3.* The political basis of the People's Republic of Albania are the people's councils which sprang up during the war of national liberation against fascism and reaction and were consolidated after the historic victory of this war and during the construction of the bases of socialism.

*Art. 4.* All power in the People's Republic of Albania belongs to the working people of town and countryside represented by the people's councils.

*Art. 5.* All the representative organs of state power are elected by the citizens in free elections and by general, equal, direct and secret ballots.

The representatives of the people in all the organs of state power are responsible to their electors.

The electors have a right to revoke their representatives at any time. The norms to exercise this power will be set by special law.

*Art. 6.* All the organs of state power exercise their functions on the basis of the Constitution, of the laws and general provisions issued by the high organs of state power.

<sup>1</sup> Published in English by the Albanian Committee for Cultural Relations and Friendship with Foreign Countries, Tirana 1964. Supplied by the Ministry of Foreign Affairs in January 1966. Ed.

## CHAPTER II

## THE SOCIAL AND ECONOMIC ORDER

*Art. 7.* The means of production in the People's Republic of Albania is made up of the common property of the people in the hands of the State, of the property of the people's co-operative organizations and of the property of the private persons, natural or legal.

All mines and other resources of the subsoil, waters, natural springs, forests and pasture-grounds, the means of air, rail and maritime communication, posts, telegraph, telephone, broadcasting stations and banks make up the joint property of the people.

Foreign trade is under the state control. The State also governs and controls the entire interior trade of the country.

*Art. 8.* In order to safeguard the vital interests of the people and to raise the level of their well-being as well as to make full use of all the economic possibilities and powers, the State directs the economic life and development on the basis of a general economic plan. Relying on the state economic and co-operative sectors it exercises a general control on the private sector of economy.

In fulfilling the general economic plan the State lays its trust on the trade unions of the workers and employees, on the co-operatives of the peasants as well as on the other organizations of the laboring masses.

*Art. 9.* The management of state property is governed by law. State property enjoys special support by the State.

*Art. 10.* The State shows special concern about the co-operative movement, sponsors and favors it.

*Art. 11.* Private property and private enterprise in economy are guaranteed. The right of succession to private property is guaranteed. No one can use the right of private property to the prejudice of the community.

Private property may be limited and expropriated by law when the common good demands it.

In what cases and how much the proprietor will be remunerated will be specified by law.

Certain branches of economy or enterprises may be nationalized by the State under the same conditions if public interests demand it.

Monopolies, trusts, combines and so forth set up for the purpose of dictating prices and of monopolizing markets to the prejudice of national economy are prohibited.

*Art. 12.* The land belongs to those who till it. When an institution or person who does not till the land may remain in possession of this land or of part of it, is specified by law.

Large estates can by no means be in the hands of private owners.

The maximum area of land that can be under private ownership is determined by law.

The State sponsors the socialist development of agriculture by setting up state agricultural enterprises, machine and tractor stations and by aiding agricultural co-operatives and other forms of union of laboring peasants created on the basis of free choice.

The State gives special protection and aid to the poor and medium peasants by its economic policy, its credits and its system of taxation.

*Art. 13.* Work is the basis of the social order of the People's Republic of Albania.

Work is both a duty and an honor for all able-bodied citizens according to the principle of "who works not, eats not".

The socialist principle of "from each according to his capacity and to each according to his work" is carried out in the People's Republic of Albania.

### CHAPTER III

#### THE RIGHTS AND DUTIES OF CITIZENS

*Art. 14.* All citizens are equal before the law. It is their duty to comply with the Constitution and the laws.

No privileges are recognized for reasons of origin, position, wealth or cultural standard.

*Art. 15.* All citizens are equal with no differences of nationality, race or religion. Any act which brings about privileges in favor of citizens or limits their rights on account of differences of nationality, race or religion is contrary to the Constitution and incurs punishment foreseen by law. Any attempt to sow hatred and cause dissension among nationalities, races and religions is contrary to the Constitution and liable to punishment according to law.

*Art. 16.* All citizens, without distinction of sex, nationality, belief, cultural standard or residence, and who have reached the age of 18 years, have the right to vote and stand for election to all the organs of state power.

These rights are enjoyed also by citizens serving in the army.

The right of the ballot is universal, equal, direct and secret.

The right of the ballot is refused to persons who are excluded by law.

*Art. 17.* Women enjoy equal rights with men in all spheres of private, political and social life.

Women enjoy the rights of equal pay with men for the same work. They enjoy the same right in social insurances.

The State gives special protection to the interests of mother and child by securing the right for a paid leave before and after childbirth and by

setting up homes for expectant mothers and homes for bringing up and sheltering children.

*Art. 18.* All the citizens are guaranteed the freedom of conscience and of faith.

The church is separated from the State.

The religious communities are free in matters of their belief as well as in their outer exercise and practice.

It is prohibited to use the church and religion for political purposes.

Political organizations on a religious basis are likewise prohibited.

The State may give material aid to religious communities.

*Art. 19.* Marriage and the family are under the protection of the State. The State determines by law the legal conditions of marriage and the family.

Lawful marriage can be contracted only before the competent organs of the State. After the celebration of lawful marriage the citizens may also celebrate religious marriage according to the rules of their religion.

Only the state courts have jurisdiction on all the matters connected with marriage.

Parents have the same obligations and duties towards the children born outside their marriage as they have towards children born within their marriage. Children born outside marriage enjoy the same rights as children born within marriage.

*Art. 20.* All the citizens are guaranteed the freedom of speech, of the press, of organization, of meetings, of assembly and of public manifestations.

*Art. 21.* In order to develop the initiative of the working masses in the field of organization and their political activity, the State guarantees to the citizens the right to join in social organizations: the Democratic Front, the Trade Unions, the co-operatives, the organizations of Youth and of Women, the organizations of Sport and of Defence, cultural, scientific and technical societies; the more active and conscientious citizens of the working class and of the other working masses join the ranks of the Albanian Party of Labor, the vanguard organization of the working class and of all the working masses in their endeavors to build the bases of socialism and the leading nucleus of all the organizations of the working masses, both social as well as of the State.

*Art. 22.* All the citizens are guaranteed the inviolability of the person. No one can be detained under arrest more than three days without a decision of the court or without the approval of the public attorney.

Nobody can be condemned for a crime without a sentence of the court having jurisdiction according to the law which fixes the jurisdiction and specifies the crime.

No sentences can be passed except on the basis of law.

Nobody can be convicted without being heard and without being called

to defend himself according to the provisions of law, except when his absence is legally verified.

The organs of the state administration may, within bounds specified by law, pass sentences to imprisonment for slight violations of common law.

No citizen can be banished abroad or within the State except in cases considered by law.

The People's Republic of Albania protects the Albanian citizens residing abroad.

*Art. 23.* Dwelling houses cannot be violated.

Nobody can enter one's domicile and make searches without the consent of the owner of the house, except when he is in possession of a search warrant.

Searches cannot be made except in the presence of two witnesses. The owner of the house also has the right to be present.

*Art. 24.* The secrecy of correspondence and other means of communication cannot be violated, except in cases of inquiries on crimes, of mobilization and of a state of war.

*Art. 25.* The State guarantees to the citizens the right of work for a remuneration according to the amount and quality of the work they yield.

The State guarantees to the citizens the right to rest through a shortening of the hours of work, through granting an annual paid vacation, and through setting up sanatoria, rest homes, clubs, etc.

Through social insurance the State guarantees to the citizens likewise, the material means of subsistence in old age and in case of illness and disability.

*Art. 26.* Under conditions specified by law, all the citizens have equal rights to be admitted to state posts.

The citizens charged with public functions or appointed to public service are bound to carry out their missions conscientiously.

*Art. 27.* The State is duty-bound to provide better living conditions to the invalids of the war and make them capable of work at its own expense. The State shows special concern for the children of the fighters fallen in the battle-field and of the other victims of the war.

*Art. 28.* The State takes care of the health of the people by setting up and supervising health service, hospitals and sanatoria.

*Art. 29.* The State takes care of the physical culture of the people, particularly of the youth, so that the health and the vigor of the people for work and the defence of the State may be improved.

*Art. 30.* The freedom of scientific and art work is guaranteed. The State supports science and arts so that the culture and welfare of the people may develop.

Copyright is protected by law.

*Art. 31.* In order to raise the general cultural standard of the people

the State provides opportunities to attend schools and other cultural institutions for all ranks of the people.

The State shows special concern for the education of youth.

Children of tender age are under the protection of the law.

The schools are under the dependence of the State. No private schools can be opened except by law. Their activity is under the supervision of the State.

Primary education is compulsory and is given free of charge.

The school is separated from the church.

*Art. 32.* Citizens have a right to lodge petitions and complaints to the state organs.

Citizens have a right to complain against all decisions contrary to law or irregular, taken by the organs of state administration as well as when functionaries act unlawfully.

*Art. 33.* Every citizen has the right to claim for damages before the competent courts against the state employees for unlawful deeds they incur in the exercise of their functions.

*Art. 34.* Under conditions specified by law, citizens are entitled to indemnities from the State or its employees for damages incurred due to carrying out of services contrary to law or in an irregular way.

*Art. 35.* Every citizen is duty-bound to safeguard and consolidate social property (state and co-operative property), the sacred and inviolable basis of the people's democracy, the source of power of the Fatherland, of the welfare and culture of all the working people.

Those who lay hands on social property are enemies of the people.

*Art. 36.* Protection of the Fatherland is the supreme duty and the highest honor of every citizen.

Betrayal of the people is the greatest felony.

Military service is compulsory for all citizens.

*Art. 37.* All citizens are obliged to pay taxes in proportion to their economic possibilities.

State taxes and exemptions from payment of taxes are stated by law.

*Art. 38.* Citizens are not entitled to use the rights granted to them by this Constitution, in order to change the constitutional order of the People's Republic of Albania for anti-democratic purposes.

Every act in this direction is considered contrary to law and incurs punishments foreseen by law.

*Art. 39.* National minorities in the People's Republic of Albania enjoy all the rights, the protection of their cultural development and the free use of their language.

*Art. 40.* The People's Republic of Albania grants the right to asylum in its territory to foreign citizens persecuted on account of their activity in favor of democracy, of the struggle for national liberation, of the rights of working people or in favor of the freedom in scientific and cultural work

## SECOND PART—ORGANIZATION OF THE STATE

## CHAPTER I

## THE HIGH ORGANS OF STATE POWER

**(a) The People's Assembly**

*Art. 41.* The People's Assembly is the highest organ of state power in the People's Republic of Albania.

*Art. 42.* The sovereignty of the nation and of the State is invested in the People's Assembly which exercises its sovereign rights on the basis of the Constitution with the exception of those rights which the Constitution itself has left to the competence of the Presidium of the People's Assembly or of the Government.

*Art. 43.* Legislative power is exercised only by the People's Assembly.

The Presidium of the People's Assembly, the Government and the representatives have the exclusive right of proposal of new laws.

*Art. 44.* The People's Assembly is elected by universal suffrage in electoral districts in the ratio of one representative for every 8,000 inhabitants.

*Art. 45.* The People's Assembly is elected for a term of four years.

*Art. 46.* The People's Assembly elects one chairman, two vice-chairmen and a secretary. The chairman presides at the meetings in conformity with the rules.

*Art. 47.* The People's Assembly is convened by decree of its Presidium in two regular sessions a year.

It may be convened in extraordinary sessions by decision of the Presidium of the People's Assembly or at the request of one third of the representatives.

*Art. 48.* The People's Assembly draw up their own rules and regulations.

*Art. 49.* No draft law can have legal power if it is not voted upon by the relative majority of the representatives at a meeting of the People's Assembly attended by the majority of its members.

*Art. 50.* Laws become effective fifteen days after they have been published in the Official Gazette, except when the law provides otherwise.

*Art. 51.* The People's Assembly appoints special committees for specific missions.

At its first meeting the People's Assembly appoints a committee to verify the mandates of the representatives.

On the proposal of this Committee the People's Assembly confirms or annuls the mandates of the representatives.

*Art. 52.* The People's Assembly may hold inquests on matters of general importance through a committee of investigation.

All organs of the State are obliged to respond to the queries of the Committee with regard to establishing facts and gathering evidence.



*Art. 53.* The representatives to the People's Assembly enjoy parliamentary immunity.

They cannot be arrested or prosecuted without the approval of the People's Assembly or its Presidium, except when caught in the act.

*Art. 54.* In case of war in or similar cases of emergency the People's Assembly may prolong their legislature beyond the normal term as long as the state of emergency lasts.

The People's Assembly may take a decision to dissolve itself before the end of the term for which it is elected.

*Art. 55.* Elections for a new People's Assembly must be held not later than three months after the day of the dissolution of the People's Assembly.

*Art. 56.* Amendments or additions to the Constitution can be made only by decision of the People's Assembly.

Bills on amendments or additions to the Constitution may be submitted by the Presidium of the People's Assembly, by the Government or by two thirds of the number of representatives.

Bills on amendments or additions to the Constitution are adopted by a two-thirds majority of all the representatives of the People's Assembly.

#### **(b) The Presidium of the People's Assembly**

*Art. 57.* The People's Assembly elects its Presidium which is made up of a President, two Vice-Presidents, a secretary and ten members.

*Art. 58.* The Presidium of the People's Assembly exercises the following functions:

- (1) Convenes the sessions of the People's Assembly;
- (2) Decrees the elections to the People's Assembly;
- (3) Decides on the conformity of laws to the Constitution provided that this decision is later approved by the People's Assembly;
- (4) Interprets laws;
- (5) Promulgates laws that have been enacted;
- (6) Issues decrees. When decrees contain juridical rules they must be submitted for approval to the People's Assembly at its next session;
- (7) Exercises the right of pardon in conformity with the provisions of the law;
- (8) Grants decorations and titles of honor;
- (9) Ratifies and denounces international treaties except in cases when it deems it advisable to have these ratifications or denunciations passed on by the People's Assembly;
- (10) Appoints or recalls Envoys Extraordinary and Ministers Plenipotentiary on the proposal of the Government;
- (11) Receives credential letters and letters of recall of the diplomatic representatives of foreign states;

- (12) Appoints and discharges the Supreme Command of the Armed Forces of the People's Republic of Albania;
- (13) During the interval between two sessions of the People's Republic of Albania decrees general mobilization and a state of war in case of an armed aggression against the People's Republic of Albania or when this is necessary to fulfil the obligations that arise from international treaties of mutual defence against an aggression;
- (14) Appoints and discharges ministers between two sessions of the People's Assembly on the proposal of the Head of the Government;
- (15) On the proposal of the Head of the Government it sets up committees within the Government and appoints their chairmen;
- (16) On the proposal of the Government it designates which enterprises of general importance to the State should come under the direct supervision of a ministry or of a government committee;
- (17) Decrees people's referendums on various questions, on the basis of the decision of the People's Assembly or on the proposal of the Government.

The decrees of the Presidium of the People's Assembly are signed by the President and the Secretary.

*Art. 59.* The Presidium of the People's Assembly is responsible to the People's Assembly for its doings. The latter may revoke its Presidium and elect another, may revoke its members and may substitute them also before the end of the term for which they are elected.

*Art. 60.* In case of the dissolution of the People's Assembly the Presidium remains in power until the new Presidium of the People's Assembly is elected.

The Presidium convenes the newly-elected People's Assembly not later than three months after its election.

## CHAPTER II

### ORGANS OF THE STATE ADMINISTRATION

*Art. 61.* The Government is the highest executive organ and authority of the People's Republic of Albania.

The Government is appointed and discharged by the People's Assembly.

The Government is responsible to the People's Assembly and should render account to it for its activity. During the interval between two sessions of the People's Assembly it is responsible to the Presidium of the Assembly to which it should render account for its activity.

*Art. 62.* The Government acts on the basis of the Constitution and in conformity with the laws.

The Government issues decisions and orders on the basis of and for the implementation of the laws in force and checks on their implementation.

The decisions and orders of the Government are signed by the Head of the Government and are published in the Official Gazette.

*Art. 63.* The Government directs and co-ordinates the work of the Ministries, of the committees and of the services of other institutions which are under its direct supervision.

The Government draws up the general economic plan of the State and the general budget of the State which it submits to the People's Assembly for approval and supervises their implementation; directs the system of credits and the monetary system; takes all the necessary measures to assure and protect the constitutional order and the rights of citizens; directs the general organization of the army; maintains relations with foreign states; sees to it that international treaties and obligations are carried out; submits to the People's Assembly the drafts of laws drawn up by it or by the different ministers; determines the internal organization of the ministries and of the institutions dependent on it; sets up committees and institutions to carry out economic, cultural and national defence measures.

*Art. 64.* The Government is made up of the chairman, the deputy chairmen, the ministers, the Chairman of the State Committee of Control and the Chairman of the Planning Committee.

The members of the Government take oath before the People's Assembly.

*Art. 65.* The Head of the Government represents the Government, presides at its meetings and directs the affairs of the Government.

*Art. 66.* The members of the Government head the various departments of the state administration.

The Government may also have ministers without portfolio.

*Art. 67.* The members of the Government are penally responsible for the violation of the Constitution and the laws in force in connection with the exercise of their functions.

They are responsible also for damages they may cause to the State through their activities contrary to the law.

The norms on the responsibility of the members of the Government will be specified in detail by a special law.

*Art. 68.* Within the bounds of the competence of their departments, the Ministers issue orders and directions based on the laws and aiming at carrying out the laws in force, the decisions and orders of the Government and supervise their execution.

The orders and instructions of the Ministers are published in the Official Gazette.

*Art. 69.* The Ministries of the People's Republic of Albania are:

- (1) The Ministry of Foreign Affairs;
- (2) The Ministry of Internal Affairs;
- (3) The Ministry of People's Defence;

- (4) The Ministry of Justice;
- (5) The Ministry of Finances;
- (6) The Ministry of Education and Culture;
- (7) The Ministry of Industry;
- (8) The Ministry of Commerce;
- (9) The Ministry of Agriculture;
- (10) The Ministry of Health and Sanitation;
- (11) The Ministry of Construction;
- (12) The Ministry of Communications;
- (13) The Ministry of Mines and Geology.

The Committee of State Control and the State Planning Committee are of ministerial rank.

Other ministries may be set up or those already in existence may be suppressed only by law.

*Art. 70.* The Government may decide to charge a more restricted ministerial council to take up certain matters concerning economy and national defence.

The decision to set up a restricted ministerial council will determine its make-up and its competence.

### CHAPTER III

#### ORGANS OF STATE POWER OF THE LOCAL ADMINISTRATIVE UNITS

*Art. 71.* The people's councils are the organs of state power in villages, counties, cities, townships and districts.

The people's councils of villages, counties, cities, townships and districts are elected by the citizens for a term of three years.

The above administrative units may be suppressed or new administrative units may be set up, too, by law.

*Art. 72.* The people's councils direct the affairs of the administrative organs dependent on them, they are charged with economic and cultural matters within the bounds of their competence, keep public order, supervise the implementation of laws, protect the rights of citizens and draw up the local budgets.

*Art. 73.* Within the bounds of their competence the people's councils issue decrees and orders in conformity with the Constitution, the laws and general provisions of the higher organs of state power.

*Art. 74.* In the exercise of their general and local functions the people's councils must collaborate with the people and the organizations of the laboring masses and be inspired by their initiatives.

*Art. 75.* The executive committees of the people's councils are the executive organs of authority of the people's councils.

The composition and functions of the executive committees of the people's councils are specified by law.

The executive organs of authority in minor administrative units may be made up of the chairman and the secretary of the people's councils.

*Art. 76.* The local people's councils call meetings of their electorate at the times set by law before which they render account of their activity.

*Art. 77.* The executive committees of the people's councils are dependent on both the people's councils which have elected them as well as the executive organs of authority of the higher organs of state power.

*Art. 78.* In order to direct the various departments of administration the people's councils may set up offices or sections. The activities of these offices or sections are directed by the executive committees and supervised by the people's councils and at the same time by the corresponding offices and sections of the higher people's councils and the competent ministry.

## CHAPTER IV

### COURTS OF JUSTICE AND PUBLIC ATTORNEYS

#### (a) Courts of Justice

*Art. 79.* Justice in the People's Republic of Albania is administered by the High Court of the People's Republic of Albania, by district courts, by people's courts and by courts-martial.

Special courts may also be set up by law for a given category of questions.

*Art. 80.* Courts of justice are independent in the exercise of their functions. Courts of justice in all degrees are separated from the Administration. Their judgements and sentences cannot be changed except by the higher courts having jurisdiction.

Within the bounds of law the higher courts of justice have the right to control the lower courts.

The Minister of Justice directs and supervises the activity of the judiciary administration and sees to it that the courts of justice are organized and function as they should.

*Art. 81.* The courts of justice try cases on the basis of the law and pass sentences and judgements in the name of the people.

*Art. 82.* The courts as a rule try their cases in public sittings.

The accused is assured the right of defence.

*Art. 83.* The courts of justice try cases with the participation of the jury (assistant-judges) except cases specifically envisaged by law.

*Art. 84.* The Albanian language is used in all courts of justice. The citizens that do not speak Albanian may use their own language and make use of an interpreter.

*Art. 85.* The High Court is elected by the People's Assembly for a four-year term.

Courts-martial are elected by the People's Assembly and, between its two sessions, by the Presidium of the People's Assembly, for a three-year term.

District courts are elected by the people's councils of the district for a three-year term.

The people's courts are elected by citizens by universal, equal, direct and secret ballot for a three-year term.

*Art. 86.* The High Court of Justice is the highest organ of justice in the People's Republic of Albania.

It is determined by law when the High Court of Justice will hold trials of the first or of the second grade.

*Art. 87.* The High Court of Justice will decide whether the final judgments of all the courts of the Republic are lawful or not.

### (b) Public Attorneys

*Art. 88.* Public attorneys are organs of the People's Assembly whose mission it is to check on the exact implementation of the law by the Ministers and other administrative organs as well as by the public service men and by all the citizens.

*Art. 89.* The Attorney-General of the People's Republic of Albania and his assistants are appointed by the People's Assembly.

Public attorneys are appointed by the Attorney-General.

*Art. 90.* All public attorneys are independent towards all local organs and are dependent on the Attorney-General from whom they receive orders and instructions.

## CHAPTER V

### RELATIONS BETWEEN THE ORGANS OF STATE POWER AND STATE ADMINISTRATION

*Art. 91.* The Presidium of the People's Assembly may declare the decisions and the ordinances of the Government null and void when they are contrary to the Constitution and to the laws.

The Government may annul the orders and instructions of the Ministers when they are contrary to the Constitution and to the laws as well as to the decisions and orders of the Government.

*Art. 92.* The Presidium of the People's Assembly and the higher people's councils may annul every unlawful or irregular act of the lower people's councils. The Government may annul all unlawful and irregular acts of the executive committees of the people's councils. The executive com-

mittees of the higher people's councils have the same right towards the lower executive committees.

The people's councils may quash every unlawful or irregular act of their executive committees.

The Government and the executive committees of the higher people's councils may suspend the execution of all unlawful and irregular acts of the lower people's councils and propose to their people's councils or to the Presidium of the People's Assembly to declare these acts null and void.

*Art. 93.* The Presidium of the People's Assembly and the higher people's councils may dissolve the lower people's councils and order the election of new people's councils. They may likewise dismiss the executive committees of the lower people's councils and order the election of new executive committees.

## CHAPTER VI

### THE PEOPLE'S ARMY

*Art. 94.* The People's Army is the armed force of the People's Republic of Albania. Its function is to secure and protect the independence of the State and the freedom of the people.

Its stands guard over the state boundaries so that they should not be violated and serves the cause of peace and security.

#### THIRD PART—NATIONAL EMBLEM, NATIONAL FLAG, CAPITAL

*Art. 95.* The national emblem of the People's Republic of Albania represents a field wrapped by two sheaves of ears of wheat. The sheaf of wheat is bound at the lower end with a ribbon which bears the inscription of the date May 24, 1944. A five-pointed red star stands among the tops of the tufts of the ears of wheat. A black double-headed eagle stands in the center of the field.

*Art. 96.* The national flag of the People's Republic of Albania represents a red field with a double-headed eagle in the center. Above the eagle there is a five-pointed red star, gold-embroidered all around. The ratio between the width and the length of the flag is one to one and forty-hundredths.

*Art. 97.* The Capital of the People's Republic of Albania is Tirana.