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I. LAND AND PEOPLE

A. Geographic position

1. Albania is situated in the western part of the Balkan Peninsula. It borders Montenegro and Kosovo to the north, The former Yugoslav Republic of Macedonia in the north-east and Greece on the south and south-east. On the west and south-west, it borders the Adriatic and Ionian seas. Albania has 28,748 km² of terrain of which approximately 30 per cent is over 1,000 metres above sea level. It is mainly a mountainous country, where hills and mountains make up two thirds of the territory, and the rest is fields. The total longitude of the borderline is 1,049 km, of which 316 km are seaboard, 657 are land borders, 48 are river borders, and 73 are lake borders.

2. Albania has in total 2,875,000 hectares of land, of which 24 per cent (699,000 hectares) is arable land, 36 per cent (1,027,000) forest, 15 per cent pasture and 25 per cent other types of lands.

3. In coastal plains, the weather is Mediterranean, with hot and dry summers and cool and humid winters. The quantity of rainfall per year varies from approximately 1,000 mm in the plains to 3,000 mm in the highlands. Almost 90 per cent of the rain falls between April and December.

B. Population

4. Albania has a population of 3,069,275 inhabitants (census of 2001), with a density of 106.8 inhabitants per kilometre. From this census it resulted that 1,530,443 inhabitants (49.9 per cent) are males and 1,538,832 inhabitants (50.1 per cent) are females. Also, 1,294,196 inhabitants, or 42.2 per cent, live in the cities and 1,775,079, or 57.8 per cent, in villages.

5. The population of Albania is ethnically homogeneous. According to the census of 1989, only 2 per cent of the population, or 64,816 of a total of 3,182,417 inhabitants, were of a different nationality: Greek, Macedonian or Montenegrin.

6. Two religions peacefully coexist in Albania, Islam and Christianity, with four main religious communities, Muslim, Bektashi, Orthodox and Catholic. From 1967 until 1990 religion in Albania was prohibited.

7. The official language is Albanian.

8. During the 1950-1980 period the population increased by 2.4 per cent. In the period between the two censuses of 1979 and 1989, the increase of the population was 1.9 per cent. During the last decade, 1989-1999, this figure has dropped approximately 1 per cent.

9. In 1990 births in the urban areas made up 32 per cent of the total, and in rural areas 68.8 per cent, whereas in 1999 births in the urban areas were 44.6 per cent compared to 55.4 per cent in the rural areas. The birth rate has dropped from seven children per woman

in 1960, to less than 2.6 children per woman in 1995, and 2.5 in 1997. In 1996 the birth of males made up 51.4 per cent and of females 48.6 per cent of the total. The birth rate at the end of 1998 dropped to 60,000 from 77,000 in the year 1991. The birth rate is approximately 25 per cent higher in rural areas than in urban areas.

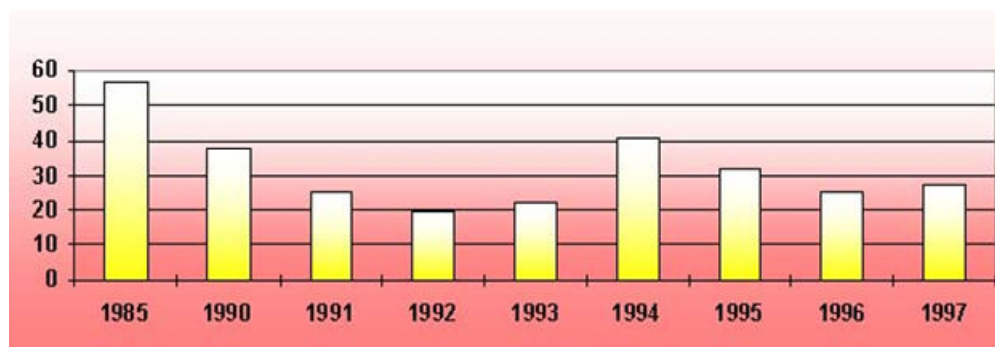
10. The mortality rate remained the same during the period 1990-1999. This has directly influenced the natural growth rate of the population. In 1999 out of 16,720 mortality cases in total, 9,695 were males and 7,025 females. Sixty-five per cent of the mortality cases were 60 years old and up. The highest mortality rate has been registered in the rural areas. Of 16,720 mortality cases in 1999, 7,837, or 46.9 per cent, occurred in urban areas and 8,883, or 53.1 per cent, in the rural areas.

11. The law on abortion was approved in 1992. Until the end of 1996 the number was 450 abortions per 1,000 births, whereas in 1997 the ratio dropped to 358 per 1,000 births. In 1998 there were 315 abortions per 1,000 births.

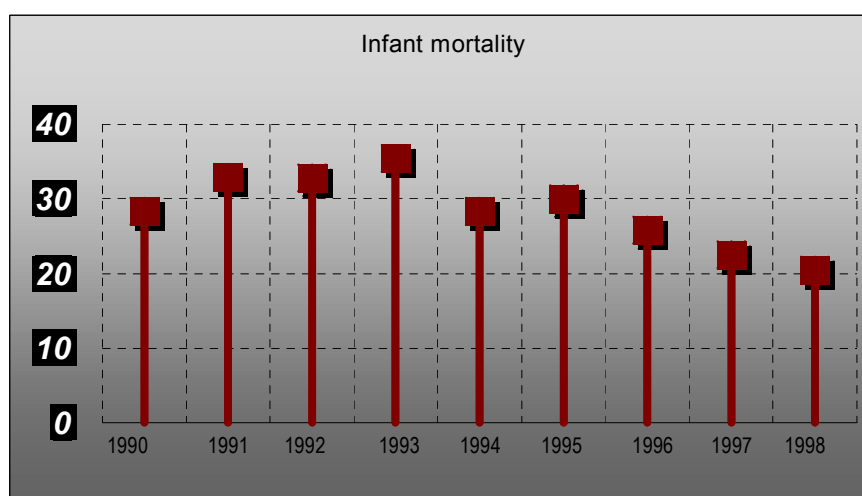
12. In 1989, 55 per cent of female mortality during birth was caused by illegal abortions, whereas in 1992 this figure dropped by half due to the liberalization of the termination of unwanted pregnancy. The mortality rate during child delivery for females during the last decade is cut in half but still remains high: approximately 16.5 per 100,000 live births in 1997.

Figure 1

Female mortality per 100,000 births



13. Infant mortality in the period 1990-2001 decreased by half. In the south-eastern regions infant mortality is 4 per cent higher than the national level. It is observed that males of this age group die more in comparison with females. In 1999 out of a total of 708 deaths of the under 1-year-old age group, 408, or 57.6 per cent, were males and 300, or 42.4 per cent, were females. Of these, 331 mortality cases, or 46.8 per cent, occurred in urban areas and 377, or 53.2 per cent, in rural areas. Currently infant mortality is 20 per 1,000 live births, with a continuous tendency of reduction in the death rate. In the north-eastern regions infant mortality is 4 per cent higher than the national level.

Figure 2**Infant mortality per 1,000 live births**

14. The average age of the population is 29 years old. Over 64 per cent of the population consists of young people up to 34 years old. At the end of 1998 the category of the population that reached retirement age (55 years old for females and 60 for males) was 11 per cent of the population.

15. Average life span in 1999 in Albania was 76.4 years for females and 71.7 years for males.

16. Free and uncontrolled movement of the population has affected the balance between rural and urban populations. The majority of the population lives in rural areas. In 1989 the population living in rural areas made up 64.5 per cent of the population, whereas the population living in urban areas was 35.5 per cent. In 1996 the population of the rural areas decreased to 56 per cent. At the end of 1999 the population living in urban areas made up 45.9 per cent of the population.

17. In 1998 the number of families with one parent was 34,050, or 4.6 per cent of the total number of families, respectively 28,174 were females and 5,877 males.

C. Socio-economic data

1. The economy

18. The level of inflation at the end of 1992 was 240 per cent. By the end of 1995 this ratio was 6 per cent. In 1997 it was 11 per cent. In 2000 inflation was 4.2 per cent. During the period 1992-2001, the gross domestic product (GDP), inflation and budget deficits were as follows:

Table 1
GDP, inflation and budget deficits*

Time frame	1992-1996	1997	1998	1999	2000	2001	1997-2001
Annual increase of GDP (in per cent)	9.33	-7.00	8.00	7.26	7.76	7.28	6.78
Average annual inflation (in per cent)	35.0	33.17	20.65	0.39	0.04	2.18	8.29
Inflation at the end of the period in per cent		42.07	8.69	1.03	4.02	2.94	
Budget deficit (in per cent):							
- Total		12.90	10.44	11.49	9.6	9.18	
- Inner		10.5	6.4	5.45	3.7	3.1	

* Inflation index to March 2001, other figures are predictions.

Table 2
Economic growth for different sectors of economy

Year	1997	1998	1999	2000
GDP growth	-7.00	8.00	7.26	7.76
Industry	-5.60	4.10	6.40	5.00
Agriculture	1.00	5.00	3.65	4.50
Construction	6.30	21.00	15.00	18.00
Transportation	-20.50	20.00	15.00	15.00
Services	-25.00	10.00	12.00	10.00

19. In 1994 the contribution of industry to the GDP was 12.4 per cent compared to 37.2 per cent in 1990, when GDP was 25 per cent higher than in 1994.

20. Economic growth was approximately 7.8 per cent in 2000. Savings in 1999 were approximately 7.5 per cent of GDP, whereas in 2000 they were 12 per cent. Investments in 2000 were 19 per cent of GDP.

21. Total budget for salaries in 2000 was US\$ 141.6 million, which consists of an increase of 14.6 per cent or US\$ 18.1 million compared with the previous year.

22. Foreign direct investments for the year 2001 are evaluated to be US\$ 143 million.

23. The total foreign debt in 2000 was US\$ 614 million; from this amount US\$ 402 million to multilateral creditors, US\$ 194 million to creditors, US\$ 18 million foreign debts rescheduled from the Paris Club.

Table 3
Economic-financial data for the period 1999-2001

	1999	2000	2001
Economic growth (in per cent)	7.26	7.76	7.28
Inflation (average annual, per cent)	0.39	0.04	2.00
Inflation (end of the year, per cent)	-1.03	4.02	4.00
Foreign currency (in millions of US\$)	481	550	620
in month import and services)	4.1	4.4	4.6
Deficit of current account (in per cent of GDP)	8.0	7.0	7.3
Total budget deficit (in per cent of GDP)	11.5	9.5	9.2
Domestic financing of the budget deficit (in per cent of GDP)	5.2	3.3	2.7
Gross domestic product	17 748	19 125	20 516
GDP in real terms (million leks)*	506 205	239 210	594 346
GDP in nominal terms (million leks)			
GDP per capita in US\$			

* Lek/dollar exchange values for the period 1992-2000:

	1992	1993	1994	1995	1996	1997	1998	1999	2000
Value of \$1 in lek	75.03	102.06	94.66	92.79	104.50	148.93	150.64	137.69	143.71

24. Foreign debt according to the economic sectors consists firstly to budget support with US\$ 175 million, then transportation (road transport, railroad and air transport) with US\$ 114 million, agriculture and irrigation with US\$ 64 million.

25. The most important sectors of the economy are agriculture and the service sector. Approximately 70-80 per cent of the income of the State budget is provided by the customs. The most important sectors of the economy are agriculture, the service sector and services.

2. Social data

26. In 1989 the labour market was characterized by a high level of employment, especially in the rural areas. Males made up the majority of the employed persons with over 53 per cent. The level of unemployment, even if it was not declared, was approximately 7 per cent.

27. According to data from the census of the population in 1989, the population able to work consisted of 57 per cent of the total population. Over 53 per cent of the population able to work were males. Only 38 per cent of the population able to work lived in the urban areas. In 1989 the number of employed persons was 1.5 million. The level of employment was approximately equal for both sexes.

28. Since 1991, with the beginning of the privatization process, the labour market has changed. During 1990-1993 the country experienced a drop in the employment level, of respectively 2 per cent at the end of 1990, 4 per cent at the end of 1991, 25 per cent at the end of 1992 and over 30 per cent at the end of 1993.
29. At the end of 1996 the employment rate dropped by 5 per cent compared with the end of 1994. Females were subjected to loss of workplace; as a result, at the end of 1996, 10 per cent fewer females were working in Albania in comparison with 1994. The employment rate decreased in the Government sector as well as in the private non-agricultural sector, respectively 23 per cent and 3 per cent. Within the governmental, public and local administration, employment decreased by 12 per cent in comparison with 1994.
30. At the end of 1997, for every 100 persons capable of working, only 59 were employed. Of every 100 females able to work, only 45 were employed. Seventy per cent of the employed persons operated in the agricultural sector, approximately 22 per cent in services and only 8 per cent in industrial activities.
31. At the end of 1998, employment dropped 2 per cent compared with the previous year, and 7 per cent compared with 1994. The employment rate of females was 43 per cent, whereas for males 71 per cent.
32. The employment level in the governmental sector was reduced by 9 per cent in comparison with the previous year (2000), and 20 per cent compared with 1994. Within the governmental sector the employment level dropped 3 per cent compared with the end of 1997 and 45 per cent compared with 1994. Participation of females in the governmental sector was 39 per cent. High-ranking officials made up approximately 7 per cent of the employed in this sector, 24 per cent of which are females, 51 per cent are technicians and specialists, 45 per cent of which are females, and 36 per cent are workers, 27 per cent of which are females. Employment in the private non-agricultural sector in 1998 has dropped by 8 per cent compared with 1997.
33. In 1999, employment dropped 2 per cent compared with the previous year. The biggest drop was noticed in the private non-agricultural sector, almost 7 per cent, and in the governmental sector, approximately 5 per cent. In 2000, the total employment rate was 55 per cent, whereas by gender, it was 44 per cent for females and 56 per cent for males.
34. The majority of the Albanian labour market is committed in the private sector. A considerable part of the Albanian labour market consists of the informal market, the so-called "black market", because of the uninsured employers. According to the investigations of the Government Inspectorate of Labour, the informal labour market makes up 30 per cent of the labour market. The controls done in this sector have made possible the reduction of 5-10 per cent of this phenomenon.
35. The minimum wage is defined by a decision of the Council of Ministers. In 1990 this salary was 345 leks per month, whereas in 1999 it was 6,800 leks, and in 2000, 7,018 leks.

36. The average monthly salary for an employee of the government sector has increased from 570 leks in 1990 to 12,708 leks in 1999 and 14,963 leks in 2001. On 1 July 2001 the average salary was 20,212 leks per month in the governmental sector and the minimal salary was 7,580 leks per month.

37. At the end of 1994 the unemployment rate was approximately 18 per cent. Of the unemployed registered in 1994, 46 per cent were females and 80 per cent were from urban areas. Among the long-term unemployed, over 50 per cent are males. More than half of them have graduated from university and over 60 per cent of them belong to the below 34-year-old age group. The geographical area with the highest unemployment level during this period is the north-eastern area with 20-25 per cent unemployment.

38. In 1995 the unemployment rate was 13 per cent. The unemployment structure at the end of 1995 consisted of 46 per cent females, 12 per cent of the registered unemployed were under the age of 20 years old. Over 50 per cent of the unemployed registered until the end of 1995 had graduated from high school or university. At the end of 1995 unemployment dropped approximately 35 per cent compared to the previous year. At the end of 1997 unemployment reached 15 per cent. At the end of 1997 long-term unemployment made up 84 per cent of the registered unemployed persons.

39. In 1996 the unemployment rate was 12 per cent. Long-term unemployment was 75 per cent of the total registered unemployed. The number of the unemployed that received unemployment treatment (remuneration) was 24 per cent of the total registered unemployed. The highest registered unemployment rate was in the central part of the country, almost 14 per cent.

40. In 1998 the unemployment level was approximately 16 per cent. The application of new programmes concerning the treatment of the unemployed started in 1998.

41. By the end of 1999 the number of unemployed individuals increased by 2 per cent compared with the previous year. The unemployment level at the national level reached 18.4 per cent. At the end of 1999, 58 per cent of the unemployed belonged to the below 34-year-old age group. Long-term unemployment made up 86 per cent of the registered unemployed.

42. In 2000, the unemployment rate reached 16.8 per cent, 19.3 per cent females and 14.9 per cent males.

43. In May 2001, the official level of unemployment was 14.3 per cent. Within the time frame of four years as a result of the active encouragement of employment policies, unemployment dropped by 10 per cent.

44. Before 1990, during the Communist regime, emigration was completely prohibited. During the last 10-year period there has been a considerable wave of emigration, mainly to Greece, Italy, Germany, the United States of America and Canada. There is no precise official figure for the number of refugees and their location, based on the spontaneous nature of

emigration. The evaluations of the Ministry of Labour and Social Affairs estimate this figure to a total of 700,000 in the period 1990-1997. The number of Albanian emigrants in Greece is considered to be 400,000, out of which 160,000 are females, whereas in Italy there are 150,000 Albanian emigrants, 30 per cent of which are females.

45. Before 1990 in-country migration was characterized by the movement of the population from the rural areas to different cities and mainly towards the capital city. It is estimated that there are 600,000 people living in Tirana, only 424,300 of which are registered.

46. Social protection is provided through three main programmes:

- Social assistance: currently 145,000 families with very low income are treated with social assistance. Approximately 41 per cent of the families receive full assistance;
- Incapacity payment: currently 45,000 persons are receiving it;
- Residential social services for individuals carried out in 22 specialized centres.

Table 4
Monthly income in leks for 2000

	In urban areas	In rural areas
Retired persons	5 197	1 022
Invalids	3 757	1 109
Family pension	2 637	475

Table 5
Minimal and maximal retirement pension for 2000

	Minimal pension	Maximal pension
Urban areas	5 148	10 296
Rural areas	1 328	1 328

47. Insurance includes free medical service, family doctor and reimbursement of a defined range of pharmaceutical products. The group of people that profits from full contribution are the 1-6-year-old age group, students, the unemployed who receive assistance, retired people, handicapped persons, pregnant women and mothers for a year after delivery, military members, veterans, the incapacitated and individuals who have cancer or TB receive 100 per cent reimbursement. All medicine is free for children from 0-1 year old.

48. Medical service is public and private. Currently Albania has 600 medical centres, which constitute the basis of the activity for first medical care institutions. Seventy-five per cent of these centres are in the rural areas and 25 per cent in urban areas.

49. A medical centre in the village provides health care to an average of 4,000 inhabitants, whereas in the city one medical centre provides care for 9,000 people.

Table 6

Education level: population 10 years and older according to ability to read and write

	Population 10 years old and above		Male		Female	
	Number	In per cent	Number	In per cent	Number	In per cent
Total	2 458 063	100	1 259 979	51.3	1 198 084	48.7
Can read and write (in the age group 10 and up)	2 257 667	91.84	1 203 378	53.3	1 054 289	46.7
Illiterate	194 873	7.93	53 850	27.63	141 023	72.37
Incapable	3 822	0.16	2 047	53	1 835	47
Unknown	1 641	0.07	704	42.9	937	57.1

Table 7

Population in the urban areas aged 10 years old and above by gender and ability to read and write

	Population age group 10 and above	Can read and write	Illiterate	Incapable	Unknown
Total	908 556	864 902	42 256	1 047	351
Male	457 490	491 629	8 806	555	154
Female	451 066	416 927	33 450	492	197

Table 8

Population in villages of the age group 10 years and older by gender and ability to read and write

	Population age group 10 and above	Can read and write	Illiterate	Incapable	Unknown
Total	1 549 507	1 392 765	152 617	2 835	1 290
Male	802 489	755 403	45 044	1 492	550
Female	747 018	637 362	107 573	1 343	740

II. GENERAL POLITICAL STRUCTURE

A. Brief historical overview

50. Illyrians were the predecessors of modern Albanians. For centuries, Albania experienced the Roman invasion and later the Ottoman invasion. Albania was proclaimed independent from the Ottoman Empire on 28 November 1912.

51. After the First World War the country was established as a parliamentary republic, which was later transformed into a constitutional monarchy. King Zog I ruled the country until 1939, when Albania was invaded by fascist Italy. Albania was accepted as a member of the League of Nations on 17 December 1920, whereas on 9 November 1921 the League of Nations recognized the Albanian borders defined by the Conference of Ambassadors in London in 1913.

52. After the liberation of the country from the Nazi occupiers, in November 1944, Albania for almost 50 years experienced a single-party system, isolated and in total poverty.

53. The democratic changes in Eastern Europe and the increasing pressure from the people and especially from the students of the universities forced the Government to allow the establishment of independent political parties, marking the end of the half century of single-party rule.

54. After the 1990s, Albania won basic civil and political rights. Through a long and difficult process of transition, the country is taking important steps ahead towards the consolidation of the democratic institutions and the State where the law rules.

B. Information on the State structure

55. Albania is a parliamentary republic. The Republic of Albania is a unitary State (article 1 of the Constitution). The system of Government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers (article 7 of the Constitution).

1. Legislative power

56. Legislative power belongs to the Assembly. The Assembly is one chamber and it has 140 members elected every four years. One hundred members are elected directly by the people in single-member electoral zones and 40 are elected from the multi-name list of parties or party coalitions (article 64 of the Constitution).

57. Elections for the Assembly are held 30 to 60 days before the end of the mandate and not later than 45 days after its dissolution. The mandate of the Albanian Assembly continues until the first meeting of the new Assembly. In this interval the Assembly may not issue laws or take decisions, except when extraordinary measures have been established (article 65 of the Constitution).

58. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected as a deputy (article 45 of the Constitution). Without resigning from duty, the following categories may not run as candidates nor be elected as members of the Assembly: (a) judges, prosecutors; (b) military servicemen on active duty; (c) staff of the police and National Security; (d) chairmen of municipalities and communes as well as prefects in the places where they carry out their duties; (e) chairmen and members of the electoral commissions; (f) the President of the Republic and the high officials of the State administration contemplated by law (article 65 of the Constitution). A member of the Assembly may not be criminally prosecuted without the authorization of the Assembly (article 73 of the Constitution).

59. The Council of Ministers, every deputy, and groups of 20,000 electors each has the right to propose draft-laws to be discussed in Assembly. Some important laws, like the Election Law, need to be approved by three-fifths of all the members of the Assembly. The Law enters into force after the President signs it and the publication in the *Official Gazette* (article 81 of the Constitution).

(a) The President of the Republic of Albania

60. The Head of State is the President of the Republic, who is elected by the Assembly by a majority of three-fifth of all its members for a five-year mandate. When this majority is not reached, even after five rounds of voting, the Assembly is dissolved. The new Assembly elects the President with the same majority as in the first one. If even the new Assembly does not reach this majority, the Assembly is dissolved and the President will be elected from the subsequent Assembly by a majority of all its members.

61. 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 powers (article 87 of the Constitution).

62. The President exercises the main functions of the Head of State: he or she sets the date of the general parliamentary elections; exercises the right of pardon according to the law; nominates the Prime Minister and other ministers; nominates and confirms the judges; accepts letters of credentials of the diplomatic representatives; signs international agreements (article 92 of the Constitution), exercises the right of the legislative initiative and gives the right for political asylum. The President of the Republic has the right to return the law for review only once (article 85/1 of the Constitution).

2. Executive power

(a) The Council of Ministers

63. The Council of Ministers is the highest body of the executive and it consists of the Prime Minister, the deputy Prime Minister and ministers. The Prime Minister is the Head of the Council of Ministers. He is appointed by the President of the Republic at the beginning of a legislature on the proposal of the party or coalition of parties that has the majority of seats in the Assembly. The ministers are appointed and dismissed by the President of the Republic on the proposal of the Prime Minister. The Council of Ministers defines the principal directions of the general State policy. It takes decisions upon the proposal of the Prime Minister or the respective

minister. The Council of Ministers, in cases of necessity and emergency, may issue acts having the force of law for taking temporary measures. These acts are immediately submitted to the Assembly, and if the Assembly does not approve them within 45 days they lose force retroactively.

(b) Local government

64. The units of local government are communes, municipalities and regions. (Law No. 8652, of 31 July 2000, “On organization and functions of the local government”). The Republic of Albania is divided into 12 regions, 65 municipalities and 309 communes. Each commune, municipality or region has its own local governmental bodies. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people and by secret ballot. The Council is elected in the same way, which is the representative body of the unit of local government. The prefect is the representative of the Government in the region.

65. Article 13 of the Constitution provides for the decentralization and the autonomy of local government. Articles 108-115 of the Constitution provide for the right of the local government to administer in an independent manner the income created and to issue orders and decisions with general obligatory force for the unit.

3. Judicial power

66. The judicial power solves disputes related to the interpretation and implementation of the laws. The Supreme Court, as well as the Courts of Appeal and Courts of First Instance exercise the judicial power. The courts exercise three types of jurisdiction: civil jurisdiction, penal jurisdiction and administrative jurisdiction.

67. The Supreme Court has original jurisdiction and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, members of the Assembly, judges of the Supreme Court, and judges of the Constitutional Court (article 141 of the Constitution). It has review jurisdiction in those cases when it examines the complaints against the decisions of the first instance and appeals courts.

68. The Supreme Court consists of civil, penal and military colleges and it has 17 judges appointed by the President of the Republic with the consent of the Assembly, for a nine-year mandate, without the right of re-appointment.

69. The Court of Appeal is a court that examines all the issues judged by the Courts of First Instance, which are appealed by the parties. In these cases three judges compose the court. The Court of Appeal judges the issue in general and is not limited to the reasons presented in the legal action.

70. The appeals courts are established in the regions appointed by the President of the Republic on the proposal of Minister of Justice and with the consent of the High Council of Justice. Actually there are six appeals courts established in the following districts: Tirana,

Shkodra, Durres, Korçe, Gjirokaster and Vlora. The total number of the judges in these courts is 52. The judges of the appeals court are appointed in their position by the President of the Republic on the proposal of the High Council of Justice.

71. Courts of First Instance are established in every judicial district (their total number is 29 and actually there are 293 judges working there). Their competence is widespread over the districts to which they belong. Only one judge presides over the trials, but in different judgements it may be organized trials in college consisted by three judges.

72. Military courts consist of the military courts of first instance and of the appeals ones. Actually, although it is foreseen in the law, courts near the judicial districts exercise the functions of the military courts of first instance. While the military court of appeal exercise its functions on its own (the headquarter is in Tirana city).

73. The High Council of Justice consists of the President of the Republic, the Chairman of the High Court, the Minister of Justice, three members elected by the Assembly and nine judges of all levels elected by the National Judicial Conference and it stays in office for five years. The Council decides on the transfer of judges as well as their disciplinary responsibility pursuant to law.

74. The Office of the Prosecutor exercises criminal prosecution and represents the State in court. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly (articles 148 and 149 of the Constitution), and may be discharged by him upon the proposal of the Assembly. In the exercise of their powers, the prosecutors are independent and subject to the Constitution and the laws.

75. "High State Control" supervises the economic activity of State institutions, the use and preservation of State funds by the organs of central and local government and the economic activities of legal persons in which the State owns more than half the units or shares (articles 162-165 of the Constitution). The head of High State Control is appointed and dismissed by the Assembly on proposal by the President of the Republic for seven years.

4. Constitutional Court

76. Constitutional Court is subject only to the Constitution. It has full organizational, administrative and financial independence to carry out the appointed duties by Constitution and law.

77. The Constitutional Court is composed by nine members (lawyers with high qualifications and with at least 15 years' work experience), who are appointed by the President of the Republic with the consent of the Assembly for nine years without re-appointment.

78. In order to execute its power, the Constitutional Court seized only on request of the President of the Republic, the Prime Minister, not less than one-fifth of the deputies as well as the Chairman of High State Control. Also it may put into motion by the People's Advocate, organs of local government, organs of religious communities; political parties and other organizations when they argue that the issue is related with their interests as well as every judge when during the examination of the issue he finds that a law comes into conflict with the Constitution or the international agreement ratified from the Republic of Albania. The

Constitutional Court has these main functions: it interprets the Constitution and laws, judges the incompatibility of the acts and provisions, of the international agreements, as well as the incompatibility of laws with the acts of the international law and the agreements in which the Republic of Albania is party.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Authorities who have jurisdiction affecting human rights

1. Legislative authorities

79. The Albanian Parliament:

- discusses and approves laws in accordance with the Constitutional provisions for the human rights and basic freedoms;
- hears the reports to the General Prosecutor and Chairman of the High Court of Justice, reports that have to do with the respecting of the basic human rights and freedoms;
- summons the Prime Minister and the Ministers, on issues that are related to the respect of human rights and basic freedoms; and
- ratifies international conventions in the areas of protection of human rights and basic freedoms.

80. The Parliamentary Commission on Human Rights, Minorities, and Petitions:

- reviews the compatibility of draft laws with human rights and basic constitutional rights;
- presents a written report at the plenary session of the Albanian Parliament on issues that have come up from reviewing the draft laws;
- reviews the complaints and petitions connected with human rights and fundamental freedoms, presents them for resolution to the respective institutions and follows their resolution;
- controls the activity of all government institutions for the carrying out of the legislation in the area of human rights and fundamental freedoms; and
- carries out public activities for making widely known and respected all human rights and fundamental freedoms.

2. Executive authorities (Council of Ministers and local government)

81. The executive authorities propose laws, issue provisions to implement laws and take administrative measures.

3. Judicial authorities

82. The Constitutional Court:

- protects the constitutional right for a regular legal process (article 131, point f of the Constitution). The individual has the right to appeal before the Constitutional Court for violations of the right in a regular legal process, after he has used all appeals instruments; and
- reviews the requests for the abrogation of laws and other normative acts that can violate human rights and fundamental freedoms, when these complaints are presented by the President of the Republic, Prime Minister, one-fifth of the members of parliament, the Chairman of High State Control, Ombudsman, local government authorities and non-governmental organizations (article 49 of Law 8577/2000 on the Constitutional Court).

83. Court of First Instance, Court of Appeal and the Supreme Court protect the rights, freedoms and legal constitutional interests of the individual through the complaints of the individual, against any act or attitude of the public administration, that are considered a violation of the rights, freedoms and legal constitutional interests and against charges against him.

4. Ombudsman

84. The Peoples' Advocate is a new institution based on the Constitution of 1998, and the activity of this institution started during 2000. The Ombudsman protects the rights, freedoms, and legal interests of the individual (Albanians or foreigners) from the actions or lack of actions, illegal and irregularities of the institutions of public administration. The Ombudsman is independent while carrying out his duties (article 60 of the Constitution).

85. The duties of the institution of the Ombudsman, besides the Constitution, are defined in Law No. 8454 of 1999, "For the Ombudsman".

86. This institution:

- (a) Reviews the complaints that individuals or groups of individuals submit for the violation of their rights;
- (b) Seizes the Constitutional Court in relation to legal and normative acts when it judges that these acts violate fundamental human rights and freedoms;

(c) Makes recommendations to the institutions of the public administration to answer to the complaints made by individuals or groups of individuals; and

(d) Makes recommendations on how to remedy the infringement to the authority supervising the administrative organ that has committed the violation.

87. The Ombudsman is not a decision-making institution and has no executive powers.

**B. Remedies available to an individual who claims
that his or her rights have been violated**

88. Everyone has the right to be protected, to complain, to be rehabilitated and/or reimbursed in accordance with the Constitution and legislation in effect, in cases when they are damaged as a result of an action, or illegal lack of action, on the part of the government institutions (article 44 of the Constitution).

89. Legal instruments give the right for administrative and legal appeals. Every citizen, or legal entity has the right to address the public administration for the protection of his direct legal interests, as well as in cases when his interests are not directly infringed and he has a general interest in the issue, as in cases for example, of public health, education, cultural heritage (Law No. 8485 of 12 May 1999, Code of Administrative Procedures of the Republic of Albania).

90. A person is compensated following illegal detention in prison. At the end of the interrogation the prosecutor has the right to declare the suspension of the case or to request that the detained person who has been subjected to interrogations be declared innocent (article 328 of the Code of Penal Procedure). The person who is declared innocent has the right to request compensation for illegal detention. The reimbursement for illegal detention is 5,000 leks.

91. A person is compensated even in cases when he is declared innocent after the sentence is carried out. The Code of Penal Procedure (1996) foresees reviewing of decisions, even in cases when the sentence has been carried out or the case is closed, in particular cases as described by law. The condemned person or his relatives have no time limitations for the request to review the decision that has been taken. The prosecutor has the right that within the time frame of five years from the day when someone has been declared innocent for a crime that has happened, to appeal for a case review (article 449/2 of the Code of Penal Procedures).

92. When the court declares someone innocent, it orders the return of all sums paid as fines, for the procedural expenses and for the detention, the relief from security measures, and the return of all valuables and things confiscated from the person who has been declared innocent, with the exception of the things whose carrying, circulation, use, transport or production causes penal offence.

93. Article 459 of the Code of Penal Procedure foresees the right for compensation as a result of an unjust decision. The person who has been declared innocent during the review of a decision has the right to compensation in comparison with the duration of the sentence and the family problems caused by it.

C. Fundamental human rights and freedoms and the Constitution

94. The Albanian legal system recognizes and guarantees all the rights and fundamental freedoms recognized in international instruments on human rights. These rights are sanctioned for the first time after the democratic changes in the Law for General Constitutional Provisions in 1991 (amended in 1993) and later with the Constitution of 1998. They are also sanctioned by a complete framework of international conventions ratified by the Republic of Albania and laws adopted to implement them.

95. The Constitution provides that human rights and freedoms are supported by the State, which has to protect and respect them (art. 3):

- article 15: human rights and freedoms are inseparable, unchangeable, and inviolable and they stand in the foundation of all the juridical order;
- article 18: “all are equal before the law” and no one will be discriminated against for reasons such as sex, race, faith and ethnic origin, language, political, religious or philosophical beliefs, education, economic or social situation. This article does not prohibit positive discrimination and allows special treatment or support for certain categories of individuals, for example, educational enrichment for talented students from families with low incomes;
- article 20 foresees protection for minorities while guaranteeing “equal rights before the law” for them. This article foresees that “they have the right to declare freely, without being stopped or forced, their ethnical origin, culture, religion and language”; and
- articles 15-58 guarantee the civil, political, cultural, economic rights for everyone but do not define the term of discrimination.

1. Individual rights and freedoms

96. The Constitution guarantees these individual rights:

- article 21: the right of a person to life;
- articles 22 and 23: freedom of expression and the right to information;
- article 24: freedom of religion;
- article 25: prevention of torture or inhuman or derogatory treatment;
- article 26 prevents forced labour;
- article 27: freedom of the person, with the exception of the cases described by law;
- articles 28 and 29: the right to a fair trial and for legal protection of the person who is deprived from freedom;

- article 30: presumption of innocence for the accused person;
- articles 31-35: the rights of the accused person during the penal process;
- article 36: freedom and secrecy of correspondence;
- article 37: inviolability of the residence;
- article 38: the right to free movement and choice of residence;
- article 39: the right not to be expelled from the State, individually or collectively, for individuals with Albanian nationality as well as for individuals with foreign nationality, with the exception of cases defined by law;
- article 40: the right to housing;
- article 41: the right to property;
- article 43: the right to appeal a legal decision; and
- article 44: the rights to rehabilitation or reimbursement.

2. Political rights and freedoms

97. These rights include:

- article 45: the right to vote and be elected to office;
- article 46: the right to organize collectively for legal purposes;
- article 47: the right to peaceful and unarmed gatherings and participation in those gatherings; and
- article 48: the right to seek legal redress.

3. Economic, social and cultural rights and freedoms

98. These rights include:

- article 49: the freedom to choose a profession, place of work and personal system of professional training;
- article 50: the right of employees to unite in unions for the protection of their work interests;
- article 51: the right to strike;
- article 52: the right to social insurance;

- article 53: the right to marry and have a family;
- articles 53-54: the right to special protection from the State for marriage, family, children, youth, pregnant women and young mothers;
- article 54: the right of children to be protected from violence, maltreatment, and abuse, use in the labour process especially for the underaged, that can result in damages to the health, moral or risk the life or normal development;
- article 55: the right to medical care by the State and health insurance;
- article 56: the right to be informed regarding the environment and its protection;
- article 57: the right to education; and
- article 58: the right to artistic creation and scientific research and to their copyright.

99. The Albanian Constitution does not have any provisions regarding cases related to the derogation from international instruments for human rights. Derogation is done only according to the provisions of derogation that are defined by these conventions.

D. Legal acts for the protection and respect of fundamental human rights

100. In compliance with the Law for the Main Constitutional Provisions No. 7491, of 29 April 1991, completed with the chapter “On the fundamental human rights and freedoms” (Law No. 7693 of 31 March 1993) important laws were drafted on the protection and respect of fundamental rights and freedoms of the individual. Some of the most important laws in this area are:

- Law No. 7495 of 2 August 1991, “On the organization of the State Secret Service”;
- Law No. 7574 of 24 June 1992, “On the organization of the legal system and some changes in the Codes of the Civil and Penal Procedures”;
- Law No. 7824 of 31 May 1994, “On the institution of the Defence Advocate in the Republic of Albania”;
- Penal Code, No. 7895 of 21 July 1995;
- Code of Penal Procedure, No. 7905 of 21 March 1995;
- Civil Code, No. 7850 of 27 July 1996;
- Code of Civil Procedure, No. 8116 of 25 March 1996;
- Labour Code, No. 7961 of 12 July 1995;
- Electoral Code, No. 8609 of 8 May 2000;

- Law No. 7502 of 25 July 1991, “On political parties”;
- Law No. 8553 of 25 November 1999, “For State police”;
- Law No. 8389 of 5 August 1998, “On Albanian nationality”;
- Law No. 8432 of 14 December 1998, “On asylum in the Republic of Albania”;
- Law No. 8492 of 27 May 1999, “On foreigners”;
- Law No. 8668 of 23 November 2000, “On issuing passports for Albanian citizens”;
- Law No. 8773 of 23 April 2001, “On gatherings”;
- Law No. 8378 of 30 July 1998, “On the post-university educational system”; and
- Law No. 7810 of 6 April 1994, “On university education in the Republic of Albania”.

101. The Family Code, even though adopted in 1982, provides equal rights and obligations for man and woman in the family.

E. International conventions on human rights to which Albania is party

102. Albania has been a member of the United Nations since 14 December 1955, and has ratified almost all main conventions of this organization concerning the protection of human rights. Albania has ratified the following conventions (year in parentheses):

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1947 (1957);
- The Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (1955);
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949 (1957);
- Geneva Convention on the Treatment of Prisoners of War, 1949 (1957);
- Geneva Convention for the Protection of Civilians During Time of War, 1949 (1957);
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1951 (1958);
- Convention relating to the Status of Refugees, 1951;
- Convention on the Nationality of Married Women, 1957 (1960);
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1957;

- Convention Against Discrimination in Education (UNESCO), 1960 (1963);
- International Covenant on Civil and Political Rights, 1966;
- Protocol relating to the Status of Refugees, 1967;
- Convention on the Non-applicability of Statutory Limitations to the War Crimes and Crimes against Humanity, 1968 (1971);
- International Convention on the Elimination of All Forms of Racial Discrimination, 1969 (1994);
- International Covenant on Economic, Social and Cultural Rights, 1976 (1991);
- Convention on the Elimination of All Forms of Discrimination against Women, 1980 (1996);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 (1994); and
- Convention on the Rights of the Child, 1989 (1992).

103. Albania has ratified the following International Labour Organization conventions:

- Night Work of Young Persons (Industry) Convention, 1919 (No. 6), ratified on 17 March 1932;
- Right of Association (Agriculture) Convention, 1921 (No. 11), ratified on 3 June 1957;
- Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), ratified on 3 June 1957;
- Forced Labour Convention, 1930 (No. 29), ratified on 25 June 1957;
- Holiday with Pay Convention, 1936 (No. 52), 3 June 1957;
- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), ratified on 3 June 1957;
- Medical Examination of Young Persons (Non-Industrial Occupations) Conventions, 1946 (No. 78), ratified on 3 June 1957;
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified on 3 June 1957;

- Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified on 3 June 1957;
- Equal Remuneration Convention, 1951 (No. 100), ratified on 3 June 1957;
- Abolition of Forced Labour Convention, 1957 (No. 105), ratified on 27 February 1997;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified on 27 February 1997; and
- Minimum Age Convention, 1973 (No. 138), ratified on 16 February 1998.

104. Since 13 July 1995, Albania has been a member of the Council of Europe. Albania has signed and ratified a great number of important documents adopted by the Council of Europe, among which we can mention:

- Convention for the Protection of Human Rights and Fundamental Freedoms, 1951 (ratified by Law 8137 dated 31 July 1996) and Protocols 1, 2, 4, 6, 7, 11 of this Convention;
- the Framework Convention for the Protection of National Minorities, 1995 (ratified with Law 8496 of 3 June 1999, without any reservations);
- European Convention on Trans-border Television 1999 (ratified by law No. 8525 dated 9 September 1999); and
- “Partial Agreement of the European Centre for Modern Languages” in Graz, Austria (ratified by law No. 8706 of 1 December 2000).

F. Instruments for the protection of human rights, as part of the national legal system

105. Every international instrument to which Albania is party, is part of the domestic juridical system. Article 5 of the Constitution foresees the carrying out of obligatory international acts by the Republic of Albania. Article 116 of the Constitution defines ratified international agreements as “normative acts that are in force throughout the territory of the Republic of Albania”.

106. Article 122 of the Constitution foresees that every international agreement that has been ratified “becomes part of the in country juridical system after it is published in the *Official Gazette*”. According to this article “international agreements that have been ratified have priority over the laws of the country that are not in accordance with them, these agreement are directly mandatory”. The norms that result from an international organization have priority, in case of conflict, over the domestic law, in cases when the agreement that has been ratified by the Republic of Albania for participation in that organization, foresees expressly the direct obedience.

107. Article 121 of the Constitution foresees international agreements that need ratification and have to do with (a) territory, peace, alliances, political and military affairs; (b) human rights and freedoms, and the obligations of nationals, as defined by the Constitution; (c) membership of the Republic of Albania in international organizations; (d) fulfilment of financial obligations by the Republic of Albania; (e) approving, changing or amending of laws.

108. Several provisions of the conventions that have to do with fundamental human rights and freedoms are reflected in different codes like in the Civil or Penal Codes, i.e., article 86 of the Penal Code defines torture as a penal offence: “the torture and any other inhuman or derogatory act is sentenced with 5-10 years’ imprisonment”. Article 20 of the International Covenant on Civil and Political Rights defines “every call for national, racial or religious hatred that serves as an incentive for discrimination, animosity or violence” as “forbidden by law”. Referring to this provision, article 265 of the Penal Code says that “hatred and racial, national or religious quarrels and their preparation, protection or distribution of writings with such a content is sentenced by the law with fines or imprisonment up to 10 years”.

109. Mechanisms to control the application of human rights include the Parliament, the court system, the Prosecutor’s Office, the Ombudsman, the Civil Service Commission, and the Government Labour Inspectorate

IV. INFORMATION AND PUBLICITY

A. Consciousness-raising of the public and authorities

110. Ratifying an international convention requires an official translation. As a result, all the Conventions on human rights are translated by national and international organizations that operate in the Republic of Albania, but there are no official translations yet.

111. Law No. 8678 of 14 May 2001 obliges the Department of International and Juridical Relations of the Ministry of Justice to deal with the official translation of the international instruments.

112. Until 1999 only the appropriate laws were published in the *Official Gazette* unaccompanied by the text in Albanian of the ratified instrument. After 1999 these instruments were published in the *Official Gazette*, in 4,200 copies. These copies are distributed in all government institutions in central and local level, in all court system and for the public.

113. The most important non-governmental organizations that have a broad activity for raising the awareness of the public on issues related to the protection and respect of human rights are: the Albanian Centre for Human Rights, the Albanian Forum of NGO’s, the Albanian Foundation for a Civil Society, the Albanian Youth Council, the Albanian Helsinki Committee, the Albanian Human Rights Group, the Albanian Media Institute, the Independent Forum of Albanian Women, the Board of Women NGO’s, and the Centre for Women Advising.

B. Government institutions responsible for the reporting process

114. Until recently, Albania did not have any institution whose duty would be the compilation of reports on the implementation of international conventions for human rights. As a result the first report (on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women) was submitted in May 2002, followed by the report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

115. Based on Order No. 134, issued by the Prime Minister on 5 May 2000, the duty to prepare the national reports for the United Nations conventions on human rights has been assigned to an inter-ministerial working group, which is coordinated by the Ministry of Foreign Affairs. This Ministry starts the procedures for ratifying different international instruments, from the moment that they are approved for signature from the different countries.

116. This group consists of representatives from different ministries: the Ministry of Justice, the Ministry of Public Order, the Ministry of Labour and Social Affairs, the Ministry of Education and Science, the Ministry of Local Government and Decentralisation, the Institute of Statistics, the Committee for Equal Opportunities and the Children's Human Right Centre (NGO).

117. It is the responsibility of this group to provide the data needed to draft the reports, to organize advising and keep contacts with physical and legal entities, thus ensuring their assistance in drafting of such reports.

118. The authorities assigned to this function will be assisted by the NGOs that are active in the areas of human rights while drafting these reports.

119. As Albania is at the beginning of the reporting process, and the time when the drafting of these reports is subjected to a broad public discussion has not yet been reached.
