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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**REPUBLIC OF ALBANIA**

**LAW ON POLITICAL PARTIES**

REPUBLIC OF ALBANIA  
THE PRESIDENT

L A W  
ON POLITICAL PARTIES

Upon to Articles 6 and 16 of the Law Nr.7491, dated 29 April, 1991 "On the Basic Constitutional Provisions".

THE PEOPLE'S ASSEMBLY  
OF THE REPUBLIC OF ALBANIA

D E C I D E D :

CHAPTER I

GENERAL PROVISIONS

Article 1

Political parties are voluntary unions of the citizens on the basis of common ideas, convictions and political opinions. They influence the life of the country through participation in the elections and the representation of the people in the law-making organs of the state power.

Article 2

Political parties play a part in the shaping of the political will of the people in all fields of public life mainly:

a) through influencing the formation of public opinion and establishment of political ethics;

b) through urging people to take part actively in the country's political life and through evidencing and increasing

the ability of individuals to take on responsibility in the public field;

c) through participation in the national and local elections.

### Article 3

Political parties are an integral constitutional part of a free and democratic system of government. Their activity is free and protected by the law "On the basic constitutional provisions".

### Article 4

To attain their goals political parties resort only to democratic means and methods.

### Article 5

Political parties cover with their activity the entire territory of the Republic of Albania, or certain areas alone.

### Article 6

The law prohibits the creation of a party or bans its activity when:

a- the party publicises and attempts to materialise its goals through the use of violence, the force of arms and other antidemocratic and warmongering methods;

b- the program and the activity of the party has a racist, totalitarian, chauvinistic and anti-national character, and incite national hatred,

c- the goals and the activity of a party disregard the constitutional principles on which rest the legal, democratic and

social state, the sovereignty of the people, pluralism and equality of the parties, the principles of the delegation of powers and the independence of the court system;

d- the inner organisation of a party fails to conform to democratic principles such as the building of a party from the bottom to the top, inner democratic elections for leading positions in the party, the right to free expression, the right to join and abandon the party at will, publication of monetary and financial sources and openness for control of these sources;

e- the party affiliates clandestine organisations or organisations of a military character.

The law bans the creation of parties on religious, ethnical and regional basis.

Political parties created outside the territory of the Republic of Albania will not be recognised.

#### Article 7

The name of every party should be distinctively clear from the names of other existant parties. Their initials and emblem should likewise be different.

Only registered names and official initials of the parties are legal for use during election campaigns and in the elections.

### CHAPTER II

#### CREATION OF POLITICAL PARTIES

#### Article 8

The citizens who create a political party should present an application to the Ministry of Justice together with the relevant documents (the program and the statutes of the party).

## Article 9

Documents for the recognition of a political party should contain:

- a) the name and the seat of the party;
- b) its goals and responsibilities;
- c) the leading organs and the building of the party;
- d) financial sources

## Article 10

Petition for the recognition of a political party should be signed by a minimum of 300 people.

## Article 11

The Ministry of Justice should decree the approval or refusal for the creation of a political party within 45 days from the date of the presentation of the petition to the said Ministry.

In case the Ministry of Justice determines that the documents do not satisfy any of the requirements of this law, it returns the documents for the necessary improvement within 20 days.

This provision has retro-active effects.

## Article 12

When political parties recognised by law make substantial changes in their programs, their constitutions or their names, they should notify the Ministry of Justice to make the necessary amendments.

If the Ministry of Justice determines that the intended changes do not comply with this law, and does not ratify them, it should notify the interested party within 20 days from the day of application.

## Article 13

The decisions of the Ministry of Justice to refuse the creation of a political party, to ban its activity or disapprove of changes in the program, the constitution or the name of the party can be appealed within 15 days from the day of notification with the High Court of Justice which should make its decision within 15 days. Decisions by the High Court of Justice are irrevocable.

## Article 14

Foreign citizens with no permanent residence in the Republic of Albania are banned from participation and membership in political parties.

## Article 15

Political parties cannot create organisations of children and youngsters to affiliate with them.

## Article 16

Organisations that have not been registered as political parties cannot conduct their activity as such.

Political parties cannot start their activity prior to registration.

## CHAPTER III

FINANCIAL AND MATERIAL MEANS OF THE POLITICAL PARTIES

## Article 17

Political parties are juridical persons. They are entitled to ownership for the purpose of carrying out their activity.

Political parties have their own press and other media as well as other relevant institutions to assist their activity.

#### Article 18

Financial and material means of political parties include:

1. membership dues;
2. property gained through legal ways;
3. revenues from the economic and social and cultural activities;
4. financial subsidies from the state budget in the measure determined by the laws approved by the People's Assembly.

#### Article 19

The state also provides material aid to the political parties at the time of their creation.

#### Article 20

The amount of the initial financial and material aid supplied by the state to the newly created political parties is determined by the Council of Ministers by taking into account the number of members and the territorial spread of the parties.

Initial aid should not exceed 2 per cent of the entire amount in the state budget allotted to the financment of political parties.

#### Article 21

The annual state budget allows also for financial aid to the political parties to carry out their activity on annual basis.

Ten per cent of the share is divided equally among political parties with a minimum of 5000 members.

The rest is divided among the other political parties in accordance with the number of votes gained in the last elections. Parties with less than 2 per cent of the votes are not entitled to financial aid.

#### Article 22

During national or local election campaigns, in accordance with the rules of the election law, the state budget provides for extra financial aids.

#### Article 23

Political parties are not allowed to accept financial and material aid from foreign countries and foreign public or private institutions.

Donations and aids can be accepted when they come from parties or international unions of parties in a measure that does not exceed the financial aid given by the state.

#### Article 24

Financial and material aids are also banned when they are supplied by domestic public enterprises and by enterprises which comprise state capital.

#### Article 25

The state facilitates the activity of political parties in the following ways:

1. by entitling the parties to free use of the mass media .



2. by exempting from taxes economic activities that assist the realisation of party goals such as publications for inner use in the party, etc.

These facilities do not apply to economic activities set up for the purpose of making profits.

#### Article 26

At the end of the calendrical year the political parties submit reports on their financial and economic activities to a Committee of experts set up for this purpose by the People's Assembly. This committee is empowered to inspect the entire economic financial activity of the parties.

The final report of this Committee is presented to the People's Assembly.

### CHAPTER IV

#### EXPIRATION OF POLITICAL PARTIES

#### Article 27

Political parties expire in the following cases:

1. When it joins or merges with other parties.
2. When it splits into two or more parties.
3. When it dissolves in accordance with its statutory rules.
4. When its activity is banned by decision of the relevant

organ.

The Act on the expiration of a party is recorded in the book of the Ministry of Justice.

## CHAPTER V

ORGANISATIONS AND ASSOCIATIONS

## Article 28

Articles 4, 5, 6 (paragraphes I and III), 7 (paragraph I) 8 to 15, 16 (paragraph II), 17, 18 (points 1, 2 and 3), 23 to 25 and 27 of this law apply to organisations and associations which partake in the shaping of the political will of the people in certain fields of public life and define themselves as such in their statutes.

## CHAPTER VI

CLOSING PROVISIONS

## Article 29

Employees in the apparatuses of political parties are entitled to all rights under the law "On State and Social Securities" and to wage increases instituted by the economic reform.

## Article 30

Decree number 7442, dated 17 December, 1990 "On the creation of political organisations and associations" is repelled.

## Article 31

This law comes into force immediately.

PRESIDENT OF THE REPUBLIC

Ramiz Alia

Tirana, 25 July, 1990

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