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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE  
TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 18 January 1990 from the Chargé d'affaires of the  
Permanent Mission of the Socialist People's Republic of Albania  
to the United Nations Office at Geneva, addressed to the  
Under-Secretary-General for Human Rights

I have the honour to transmit herewith information on the rights of  
citizens in the Socialist People's Republic of Albania (see annex).

I should be grateful if you would circulate the text of this letter and  
the annex as a document of the Commission on Human Rights, under agenda  
item 13, at the forty-sixth session.

(Signed) Alfred Papuçiu  
Chargé d'affaires

ANNEX

THE RIGHTS OF CITIZENS IN THE SOCIALIST PEOPLE'S REPUBLIC OF ALBANIA

1. The people's rule, established after Albania was liberated, on 29 November 1944, brought the Albanian people independence, freedom and genuine democracy. Over the past four and a half decades, the structure of the economy and of society has been wholly transformed, production capacity has increased, independence has been guaranteed and all citizens have been ensured a decent living. Human rights have been guaranteed de jure and de facto and this has paved the way for emancipation in all fields. The historical fact that the anti-fascist National Liberation Council, at its first meeting, held in October 1944, approved the declaration of the rights of citizens as its first document, is significant.

2. The economic and social development and progress of Albania are based on attaining the most humane objectives, on endeavouring to make the life of the people as happy and prosperous as possible, on fulfilling the growing needs of the worker and on safeguarding the rights and freedoms of all citizens. Democracy and human rights in Albania are attributes of the system and constitute the very essence of the people's rule. Albanian society is a society in which justice reigns, it experiences no social conflicts or national oppression, and it respects the honest worker.

3. The new order in Albania has done away with the exploitation of man by man, with unemployment and emigration. In Albania there are no rich people who live off the workers and peasants, nor are there any poor people who live off the charity of others. Everyone lives by the fruits of his labour and the sweat of his brow. Citizens are placed on an equal footing in all domains. The development of productive forces and material production is intended to secure a constant rise in the material and cultural standard of living of the people.

4. Every citizen is assured by law, and guaranteed in practice, the right to work, to education, to medical care and to national equality.

5. Albanian citizens enjoy the right to guaranteed work suited to their occupation and their personal abilities. The right to work goes hand in hand with a number of material and legal guarantees that make it real and effective. The working man lives with his mind at ease, without the least fear of losing his job, of being dismissed or arbitrarily transferred. The worker is free to leave his job when he deems it appropriate (Labour Code, art. 96), and the competent authorities are obliged to find him another suitable one. Under the Criminal Code (art. 229), it is a punishable offence to engage in any arbitrary practice and for leaders of enterprises, institutions or social organizations knowingly to violate any rights afforded to the workers by the Constitution and by other legislative provisions on labour relations.

6. The realization of a large number of other rights, such as the right to paid daily, weekly and annual leave and guaranteed material assistance necessary for the aged in the event of sickness or loss of working capacity, falls under the right to work. In Albania, the principles of "each according to his ability, each according to his work, and equal pay for equal work" apply.

7. There is no unemployment in Albania. Parasitism, appropriation of the fruits of the labour of others, speculation, etc., are prohibited and punishable by law. The law guarantees and protects the freedom of scientific work and literary and artistic creativity, as well as copyright.

8. The Constitution of the Socialist People's Republic of Albania lays down the right to education; eight years' education is compulsory. The State aims to raise the standard of compulsory education for all (art. 52). The system of education in Albania guarantees every opportunity for schooling for the masses, which is unrestricted and entirely free of charge.

9. In Albania, the State takes all steps to protect the health of the people. Medical care is free of charge for everybody, without exception (Constitution, art. 47). Approximately two thirds of costs of day nurseries and kindergartens are covered by the State.

10. Albania is the country where the workers pay no taxes, direct or indirect, of any kind. Approximately 80 per cent of the population live in newly built housing put up in the 45 years since the Liberation.

11. The organization and the activity of rule by the people are based on broad participation by the working masses in building the country. In Albania, democracy is something concrete. It is expressed through the right, enjoyed by all workers, to direct exercise of their power, by shaping plans and methods for developing the economy and culture, and also deciding on production and on the distribution of material goods. They speak freely on all important economic, political and social problems, they take an active part in elaborating the laws, and they play a crucial role in applying them.

12. One of the fundamental rights of citizens is the right to vote and to stand for election to the organs of power. This right is reflected in elections which are held by universal, direct, equal vote and secret ballot. During the electoral campaign, the Democratic Front organization, after receiving proposals from the Workers' Unions, the Union of Women, the Union of Young People, the Organization of Veterans, and the Party organization, present candidatures and they are discussed by the people in each electoral district. More than one candidate is proposed for a seat to be filled. After wide-ranging debate, the candidatures which command most votes are accepted and a large number are proposed in the course of such meetings. This thorough examination of candidatures and the designation of candidates by the masses themselves is the real machinery of democracy in Albania. It is not the person who aspires to a post as a councillor or deputy who submits his candidature: the candidates are proposed by the masses themselves. This means that the people can, before going to the polls, reject any candidate who does not enjoy their trust.

13. Citizens are guaranteed political freedoms, such as freedom of expression, freedom of the press, freedom of association, freedom of assembly and freedom to hold public meetings. The freedoms of the individual also include the inviolability of his person and home, the confidentiality of correspondence, and so on.

14. Under the Constitution, citizens are entitled to make requests, comments and proposals and to lay complaints with the competent authorities in connection with personal, social and official questions. Moreover, they are

entitled to apply for compensation by the State or its officials for harm caused by unlawful acts by State bodies and officials in the performance of their duties.

15. Among the basic principles of the system of rights and duties of citizens, the principle of equality has a special place. The Constitution and legislative and sub-legislative provisions deriving from it do not recognize any kind of privilege for any citizen in the exercise of his rights and the fulfilment of his duties on the grounds of sex, race, nationality, level of education, social position or financial situation.

16. One of the major changes that have taken place in Albanian society is the development of the status of women. At present, women account for 46 per cent of workers, 29.2 per cent of deputies to the People's Assembly, 32 per cent of the members of the Supreme Court, 41 per cent of the leaders of grass-roots organizations, 50 per cent of students and 42.5 per cent of managers having received higher education.

17. National minorities in Albania enjoy "the same rights as all other Albanian citizens". In recognizing the equality of national minorities, the Constitution stresses that "any privilege, inequality or action contrary to the rights of national minorities is anti-constitutional and condemned by law" (art. 42).

18. National minorities are guaranteed the protection and development of their culture and their popular traditions, the use of their mother tongue and instruction in it in schools and equal opportunities for development in all spheres of social life.

19. Article 56 of the Criminal Code prohibits "incitement to hatred and to racial or national conflicts, as well as the preparation, dissemination or preservation for the purpose of dissemination of written material having such content". Article 107 of the Criminal Code guarantees further protection of the interests of national minorities by characterizing as a crime any action that is contrary to the rights of these minorities, even when such action does not constitute a crime against the State.

20. The Criminal Code also characterizes as crimes acts which undermine justice and guarantees of the protection of the individual.

21. In Albania, the main purpose of a sentence is not to punish, but to educate offenders through work and to influence unstable elements in order to prevent them from committing unlawful acts. In determining penalties, the courts thus tend to take measures of an educational nature, as well as less severe measures which allow offenders to continue to be members of their work collective. It is also strictly prohibited to subject persons sentenced to terms of imprisonment to ill-treatment or any other method or measure that impairs the dignity of the individual.

22. A sentence means that the offender is deprived of his freedom for the period of time determined by the court. The individual's right to freedom of movement is thus restricted, but he is not spiritually isolated, since he is not deprived of the possibility of developing intellectually in cultural and occupational terms and maintaining links with society and the members of his family. In this connection, it should be recalled that detainees have the

right to visit their families for a few days from time to time and the right to meet periodically and spend up to 24 hours with their spouse in hotels built specifically for this purpose near prisons.

23. Albanian legislation guarantees the protection of the individual in every respect. Specific provisions of the Criminal Code state that any action against the life, health or dignity of the individual is punishable. The courts and the court of appeal apply the same rules to everyone and investigate each case in an entirely objective, comprehensive and detailed manner in order to protect all citizens against unfair prosecution or sentencing and in order to determine the responsibility of the real offender. With regard to the conduct of investigations, the Code of Criminal Procedure categorically states that "during investigations, the use of physical or mental violence, as well as of other measures of the same kind, are prohibited" (art. 7).

24. The Constitution guarantees all accused persons the right of defence during trial. The Code of Criminal Procedure provides that accused persons are entitled to use any procedural means to clear themselves of unfounded charges, fully shed light on the circumstances of the case in an objective manner and, in a spirit of justice, define their responsibility for the commission of criminal acts. "An accused person shall be entitled to lodge a complaint against action by the examining magistrate which may violate or restrict his rights" (art. 107).

25. The Constitution of the Socialist People's Republic of Albania empowers the Presidium of the People's Assembly to proclaim amnesties and grant pardons for any persons who have committed, and been convicted of, criminal offences. Broad amnesties have been proclaimed periodically, especially in recent years. The most recent one was promulgated by the Presidium of the People's Assembly on the occasion of the forty-fifth anniversary of the country's liberation. Under Decree No. 7338 of 13 November 1989, a broad amnesty was thus proclaimed for a large number of persons detained for crimes against the State, attempts to escape, agitation and propaganda, etc. On the proposal of grass-roots organizations or the judiciary or at the request of a convicted person and his family, the Presidium of the People's Assembly is also empowered to pardon persons convicted of various criminal offences.

26. There is genuine freedom of conscience in Albania. Religious belief, like matters of conscience, is regarded as a right and as a matter for each individual to decide. The Albanian people have decided on their attitude towards religious institutions of their own free will, without any constraints. This does not, however, mean that believers cannot practise their religion because, ultimately, that is a personal and family matter.

27. The Constitution and the laws in force do not provide either for the protection of religion or for its suppression by administrative measures. By guaranteeing freedom of conscience, the State does not allow administrative means to be used to undermine the religious beliefs of citizens.

28. No one in Albania may be convicted for his religious beliefs. The factors and reasons which unite the Albanian people are very strong and go beyond religious prejudices.

29. The Albanian system of justice has convicted persons who, on the pretext of protecting religion and religious practices, have acted against the higher interests of the country by collaborating with occupiers, traitors, terrorists and fascists and using churches and mosques to store weapons and engage in corruption.

30. In addition to the rights and freedoms they enjoy, all citizens have duties to society, including the enforcement of the rule of law, the protection and strengthening of property and the defence of the country.

31. Democracy in the Socialist People's Republic of Albania is reflected not only in its domestic policies, but also in its foreign policy, which is designed to protect and strengthen the country's freedom and independence, to establish peaceful conditions for overall development and to ensure citizens a safe and happy life.

32. Albania's foreign policy is free, independent and sovereign. Albania is in favour of the establishment of relations and co-operation with all countries which apply the principles of equality, non-interference in internal affairs, respect for sovereignty and mutual advantage. It strongly supports the right of peoples to self-determination and the freedom of all countries to choose their pattern of free and independent development and it is opposed to policies of war, aggression, oppression and diktat, thus making its modest contribution to the cause of safeguarding international peace and security, freedom, independence and progress.

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