Tirana, 3 November 2026

PUBLIC STATEMENT BY CIVIL SOCIETY ORGANIZATIONS

Combating violence should not restrict the right to peaceful protest

The civil society organisations signing this statement express their serious concern about the package of normative acts having the force of law and the by-laws adopted by the Council of Ministers on October 28, 2026, which directly affect the exercise of the right to peaceful assembly, freedom of expression, freedom of movement, personal data protection and the principle of individual responsibility.

The package includes:

- A normative act having the force of law amending Law No. 8773/2001, "On Assemblies";
- A Decision of the Council of Ministers establishing a special electronic register of persons referred to the prosecution authorities or under investigation for criminal offences involving violence committed during public gatherings and demonstrations;
- A normative act having the force of law on compensation for civil damages caused by violent acts during assemblies.

Our organizations condemn all acts of violence against citizens, journalists and State Police officers, as well as any damage to public or private property. Violence must be prevented, independently investigated and punished in accordance with the law, regardless of who commits it.

However, violent acts committed by particular individuals cannot be used to impose general restrictions on citizens' right to peaceful assembly or to establish collective responsibility for protest participants or organisers.

The right to peaceful assembly is guaranteed by Article 47 of the Constitution, Article 11 of the European Convention on Human Rights (ECHR) and Article 21 of the International Covenant on Civil and Political Rights.

Under Article 17 of the Constitution, restrictions on fundamental rights and freedoms must be imposed only by law, in the public interest or to protect the rights of others, must be proportionate to the circumstances that led to them, and must not undermine the essence of those rights.

Our concern relates not only to the procedure through which the package was adopted, but also to the specific consequences its provisions may have for citizens and the exercise of democratic freedoms.

I. The use of normative acts having the force of law

Article 101 of the Constitution allows the Council of Ministers to issue normative acts having the force of law only in cases of necessity and urgency, for the adoption of temporary measures.

According to the case law of the Constitutional Court, necessity and urgency must exist simultaneously and must be objective, specific, verifiable and independent of the government's will.

The proposed amendments to the Law on Assemblies establish a legal framework with lasting effects, including new restrictive powers for the State Police and substantial increases in administrative penalties.

For this reason, the Council of Ministers must publicly explain why these amendments cannot be considered through the ordinary legislative procedure, including the possibility of expedited parliamentary consideration.

The need for an immediate response to violent acts, however important, does not automatically satisfy the constitutional requirement of urgency.

The normative act on compensation for damage, although relating to a limited period, also requires a specific justification about the necessity of using this exceptional instrument.

Parliament has a duty to exercise genuine and effective scrutiny of the existence of the constitutional conditions, the substance of the measures and their proportionality, rather than merely formalising executive decisions, in accordance with the principle of the separation and balance of powers and the rule of law.

A normative act having the force of law is an exceptional instrument. It should not be used as an alternative to the ordinary legislative procedure to bypass parliamentary debate and public consultation on matters that have an impact on fundamental rights.

II. Restrictions on assemblies and the powers of the State Police

1. Prohibiting assemblies within designated perimeters

Article 12/1 provides for the possibility of prohibiting or restricting assemblies around state institutions, educational establishments and healthcare facilities for up to 72 hours, renewable for one time.

Although the provision requires a real, serious and imminent risk, it allows restrictions that may last up to six days.

Such a restriction must be supported by concrete evidence, must be necessary, must apply to the smallest possible geographical area and should last no longer than what is required to prevent the risk.

The signatory organizations consider that effective and timely judicial review must be guaranteed, particularly where an appeal does not automatically suspend the enforcement of the measure.

A judicial decision delivered after an assembly has concluded, or after a restriction has already taken effect, may fail to provide sufficient practical protection.

2. Orders to leave protected areas

Article 12/2 empowers police officers to order a person to leave certain areas for a period of up to 48 hours.

Although the provision includes certain safeguards and requires specific conduct by the person concerned, it must clearly establish the mechanism for appeal and prompt judicial review.

The designation of protected areas must be clear, foreseeable and limited to what is strictly necessary.

These powers must not be used to remove people solely because of their participation in a protest, their beliefs or their peaceful exercise of freedom of expression.

III. Fines and the risk of discouraging protest

The adopted amendments provide for substantial increases in fines, which in some cases reach ALL 500,000.

The signatory organisations consider that administrative penalties must be proportionate to the nature and seriousness of the violation, its actual consequences, the degree of individual responsibility and the circumstances of the case.

Of particular concern is the possibility of fining people for participating in a prohibited assembly or failing to comply with a dispersal order without ensuring a full assessment of their individual conduct and the lawfulness of the order.

Similarly, the provision for a fine of ALL 5,000 for each day of road obstruction requires a clear distinction between deliberate and unlawful obstruction of traffic and temporary disruption that may naturally accompany a peaceful assembly.

The case law of the European Court of Human Rights has emphasised that assemblies in public spaces may cause a certain degree of disruption to everyday life and traffic without automatically losing the protection of Article 11 of the Convention.

Fear of substantial financial penalties may have a chilling effect on the exercise of the right to assembly, even where that right is not expressly prohibited.

Administrative responsibility must be individual and evidence-based. Mere presence at a protest where others engage in violence cannot, in itself, constitute grounds for penalizing peaceful participants.

IV. Freedom of expression and communication on social media

Article 19/1 provides for the State Police to request that users delete content containing calls for violence during the organization or conduct of assemblies.

Direct incitement for violence does not enjoy the same protection as peaceful political expression. However, interference with public communication must be based on clear legal criteria and safeguards against arbitrariness.

The provision must clearly distinguish between actual calls for violence and harsh political criticism, protest rhetoric, satire or expressions that may be disturbing or offensive but do not constitute incitement to violence.

The criteria for assessing content, the procedure for challenging a police request and the mechanisms for independent oversight must also be clearly defined.

The signatory organisations stress that protecting public order must not become a means of restricting political debate and criticism of institutions.

V. The special register, personal data protection and freedom of movement

One of the most serious concerns raised by the package relates to the decision to establish a special electronic register of persons referred to the prosecution authorities or under investigation for criminal offences committed during public demonstrations.

The register provides for the processing and exchange of data concerning people who have not necessarily been convicted by a court.

The mere referral of case materials to the prosecution office does not establish a person's criminal responsibility.

For this reason, the establishment and use of the register must be assessed for compliance with Article 35 of the Constitution, Article 8 of the ECHR, the presumption of innocence and personal data protection legislation.

1. Administrative restrictions on leaving the country

Paragraph 5 of the Decision provides for the possibility of administratively preventing a person from leaving the country even in cases when no judicial preventive measure prohibiting travel abroad has been imposed.

This provision raises serious concerns regarding compatibility with Article 38 of the Constitution and Article 2 of Protocol No. 4 to the ECHR.

Restrictions on freedom of movement must have a clear legal basis, must be necessary and proportionate, and must be accompanied by effective procedural safeguards and judicial review.

Referring a person to the prosecution authorities, without an individualized assessment and sufficient safeguards, must not serve as automatic grounds for preventing that person from leaving the country.

2. Disclosure of personal data to foreign authorities and private entities

Paragraphs 5 and 6 of the Decision also provide for notifying the authorities of countries to which the persons concerned intend to travel, as well as private entities operating accommodation facilities.

These provisions raise concerns about the necessity and proportionality of disclosing information about people who have not been found guilty.

Notifying private entities may affect the reputation, private life and equal treatment of registered persons, including through the risk of stigmatisation and discrimination.

The purpose of processing, the categories of data, the entities granted access, retention periods, conditions for international transfers, oversight mechanisms and the individual's rights to information, rectification, erasure and an effective remedy must be clearly defined.

Furthermore, the provision requiring a review of the need to retain data within 30 days does not replace the need for clear maximum retention periods and safeguards against unjustified retention.

No person should face restrictions on freedom of movement or consequences for their private and professional life solely because their name appears in a police register.

VI. Compensation for damage and individual responsibility

The signatory organisations support, in principle, prompt and effective compensation for individuals and businesses that have suffered damage from violent acts.

However, the proposed scheme must be transparent, fair and consistent with the principles of civil liability.

The normative act having the force of law limits compensation to material damage caused between 13 and 22 October 2026 and to private entities meeting the turnover threshold of up to ALL 14 million.

These restrictions require an objective and transparent justification to ensure that differences in the treatment of those who suffered damage are not arbitrary.

Another concern relates to the role assigned to the State Police in verifying whether damage was caused by protesters. The procedure must guarantee an impartial assessment of evidence and effective opportunities to appeal compensation decisions.

Joint and several liability of organisers

Article 5, paragraph 3, provides for the joint and several liability of the legal entity or organisation that organised the violent assembly.

The signatory organisations consider that organisers' liability cannot arise automatically from the fact that they organised a protest. This measure may have a chilling effect on the exercise of freedom of assembly, as guaranteed by Article 47 of the Constitution and Article 11 of the ECHR.

Such liability must rest on a clear legal basis and proof of unlawful conduct, fault and a causal link to the damage caused, in accordance with the requirements of civil liability.

International standards on freedom of assembly emphasize that peaceful organisers and participants must not be held responsible for the unlawful acts of others solely because of their role or presence in an assembly.

This safeguard is particularly important for spontaneous protests and civic movements, where organization may be decentralized and participants have no control over the conduct of every individual.

The provision allowing fines to be imposed on persons whose arrest has been found lawful must also be reviewed to avoid any automatic link between the lawfulness of an arrest and administrative responsibility.

The lawfulness of an arrest does not, in itself, establish that an administrative offence has been committed.

The state's right to recover amounts paid as compensation must be exercised through due legal process, on the basis of proven individual responsibility.

VII. The state's positive obligations to protect peaceful assemblies

The signatory organisations recall that the state's obligations extend beyond maintaining public order and the prevention of violence.

Under Article 11 of the ECHR and international standards, the authorities also have a positive obligation to create the conditions for the effective exercise of the right to peaceful assembly.

This obligation includes protecting participants from violence, facilitating assemblies, using force only where necessary and proportionate, and ensuring the safety of journalists, observers and others who are present.

Violent acts committed by particular individuals do not automatically deprive an assembly of its peaceful character and do not justify general punitive measures against all participants.

Likewise, any allegation of unlawful or disproportionate use of force by State Police officers must be investigated promptly, independently, impartially and effectively.

Protecting public order and respecting fundamental rights are not mutually exclusive obligations. Both must be guaranteed at the same time.

VIII. Requests of the signatory organisations

In these circumstances, the civil society organisations:

1. **Call on the Parliament of Albania** to conduct a full and transparent examination of each normative act having the force of law, verifying whether the constitutional conditions of necessity and urgency are satisfied, whether the measures are proportionate, and how they affect fundamental rights and freedoms.
2. **Urge Parliament not to approve the normative acts having the force of law** if compliance with the conditions of Article 101 of the Constitution has not been demonstrated, in keeping with the rule of law and the principle of the separation and balance of powers, and to ensure that lasting legislative changes are addressed through a proper legislative process and public consultation.
3. **Request that the Council of Ministers** publish the specific justification for the necessity and urgency of the restrictive measures—some of which, such as the amendments to the Law on Assemblies, are not temporary—along with the explanatory memoranda and an assessment of their impact on human rights.
4. **Call for a review of the provisions** allowing administrative refusal of permission to leave the country for persons who are not subject to a restrictive measure imposed by the competent authority, ensuring a clear legal basis, proportionality and effective judicial review.
5. **Call for a review of the provisions governing the special electronic register,** particularly the disclosure of personal data to foreign authorities and private entities, retention periods, and the right to information and appeal.

6. **Call for a review of the provisions on fines and the joint and several liability of organisers,** to ensure that penalties and civil obligations are based on proven individual conduct and do not create disproportionate obstacles to the exercise of the individual's right to protest.

7. **Request clear safeguards for freedom of expression**, so that measures against incitement to violence in electronic communications are not used to restrict political criticism, satire and the peaceful expression of opinions.

8. **Call on the People's Advocate, the Commissioner for the Right to Information and Personal Data Protection, and other independent institutions** to assess the package's provisions within their respective mandates and make their positions public.

9. **Urge law enforcement authorities** to ensure that any restriction on assembly or freedom of movement, and any processing of personal data, has a clear legal basis, is necessary and proportionate, and is accompanied by effective safeguards against arbitrariness.

10. **Call for an effective and impartial investigation into all acts of violence during the protests,** including allegations of unlawful use of force by State Police officers, with due respect for the principle of individual responsibility.

Our organisations will continue to monitor the review and implementation of this package, as well as its impact on the exercise of fundamental rights and freedoms.

In a democratic state, protecting public order and guaranteeing human rights must not be mutually exclusive.

Violence must be investigated and punished, regardless of who commits it. However, responsibility for violence cannot be collective, and measures to prevent it must not become an obstacle to the exercise of the right to peaceful protest.

The state has a duty to stop violence, not to discourage protest.

Respectfully,

The signatory organisations:

1. Albanian Helsinki Committee
2. CRCA-ECPAT Albania
3. Institute for Political Studies (ISP)
4. Science and Innovation for Development Centre (SCiDEV)
5. Erasmus Network Tirana
6. Albanian Center for Economic Research (ACER)
7. All Green Centre
8. European Movement Albania
9. Civil Rights Defenders
10. Res Publica
11. Partners Albania
12. ALTRI Centre
13. Civic Resistance