

# **Statute of the Association<sup>1</sup>**

## **"ALBANIAN HELSINKI COMMITTEE"**

### **Introduction**

The Albanian Helsinki Committee was created on December 19, 1990, initially as the “Forum for the protection of human rights.” In 1992, it was admitted as a member of the International Helsinki Federation and therefore was named the “Albanian Helsinki Committee.” According to legislation in force at the time, the relevant documentation for its creation and for allowing its activity was submitted to the Ministry of Justice.

In spite of the above, to assume the attributes of a legal entity, registration in court needed to be conducted in 1995. Since this legal obligation at the time was omitted, upon approval of law no. 8788, dated 07.05.2001 “On the registration of non-profit organizations,” the need arose to draft a new and complete statute of the association “Albanian Helsinki Committee.”

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The Albanian Helsinki Committee is a non-governmental and non-profit organization, created upon the free will of its members.

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<sup>1</sup> Reflecting amendments made in the meeting of May 15, 2019.

## **Article 1**

### **Name of the association**

The name of the association shall be “Albanian Helsinki Committee”

## **Article 2**

### **Purpose and object of the activity of the association**

2.1 The object of the association shall be:

- a) the observation of the situation of fundamental human rights and freedoms and the implementation of the principles of the rule of law, denunciation of any violation that is against Albanian legislation and the norms of international law that are universally accepted;
- b) the opposing of any form of discrimination of a person due to political beliefs, religious faith, ethnic background, language, or social and economic standing;
- c) raising the awareness of public opinion for the protection of the legitimate rights and freedoms of citizens;
- d) the legal education of citizens both about domestic and international legislation in the field of human rights;
- e) observing the respect for the rights of minorities and other communities in Albania in accordance with international standards;
- f) the provision of free legal counseling to citizens claiming that their freedoms and rights have been violated;
- g) the provision of legal opinion and free legal aid in various cases of violations of human rights at the European Court of Human Rights and Albanian courts.

2.2 In order to realize the above objectives as well as possible, the organization shall implement programs in the field of human rights by collaborating in this regard with other non-profit organizations inside and outside the country.

- 2.3 Throughout its activity, the Albanian Helsinki Committee shall abide by the domestic constitutional norms and legislation as well as by the principles formulated in international universally recognized principles and ratified by the Albanian state.
- 2.4 Special attention shall be devoted to further perfecting domestic legislation, particularly those provisions guaranteeing the fundamental human rights and freedoms of citizens.

### **Article 3**

#### **Headquarters and Territory of the Activity**

The headquarters of the association shall be in Tirana, at “Gjin Bue Shpata” Street, Building 5/1, Apt. 4, Tirana. Its activity shall extend throughout the territory of the Republic of Albania.

### **Article 4**

#### **Length of Activity**

The length of activity of the “Albanian Helsinki Committee” shall have no limit.

### **Article 5**

#### **Conditions for admitting and removal of members**

- 5.1 Membership in the “Albanian Helsinki Committee” is on a voluntary basis.
- 5.2 The person seeking membership in this organization shall accept its program and statute and not be part of any party or organization that pursues political goals or engage in their activities.
- 5.3 The request for membership in the organization shall be reviewed in the General Meeting of AHC and approved by open voting of the majority of all members of the AHC.
- 5.4 Membership is terminated upon:
- a) Voluntary departure of the member
  - b) The member’s unjustifiable absence from three consecutive meetings of the Committee; decision on this instance shall be made upon initial verification and contact with the absent member.

- c) When the person acts in contravention of the goals of the organization as established in the statute.
- 5.5 In cases envisaged in letters “b” and “c,” a vote in favor by the majority of the decision-making body (AHC) is required.
- 5.6 The Albanian Helsinki Committee has 3 – 5 honorary members. Any member of the General Meeting shall have the right to propose honorary members. Approval shall be made in the General Meeting, by votes in favor by the majority of all members.

## **Article 6**

### **Inalienability**

The right to membership in the association shall be inalienable and not possible to transfer by heritance.

## **Article 7**

### **Rights and duties of the member**

- 7.1 Every member of AHC shall have the right to discuss and freely display his/her views, seek explanations about the implementation of projects and the use of funds, present claims on decisions of the association that run counter to its statute.
- 7.2 Every member shall have the duty to rigorously abide by the laws in force and the association statute, raise issues that have to do with the violation of citizens’ freedoms and rights, engage in the fulfillment of duties pursuant to decisions and projects of this Committee.
- 7.3 Every member shall have the obligation to submit once ever year the relevant quota, on the set date.

## **Article 8**

### **Leading body, its formation and competences**

- 8.1 The highest leading body of the association shall be the general meeting (AHC) of its members, which consists of 11 up to 15 persons. The *General Assembly shall elect from its own ranks a leader who shall be named the “President of the Assembly.” That person shall have the competence to convene a meeting of the General Assembly, upon*

- consultation with the members and the Executive Director; lead meetings of the General Assembly; and represent it in relations with third parties.*
- 8.2 The general meeting shall be the highest decision making body. As a rule, it convenes once every six months, but in any case, not less frequently than once per year.
- 8.3 ***The general meeting shall have the following competences:***
- a) shall decide the admission and expulsion of members;***
  - b) shall review and check issues of the activity of the organization, including economic and financial ones and approve relevant annual reports;***
  - c) shall appoint and dismiss the Executive Director of AHC***
  - ç) shall elect from its ranks the decision-making Board of the organization and delegate to it duties, besides competences set in this statute***
  - d) shall approve amendments to the statute***
  - dh) upon proposal by the Executive Director, shall approve and amend:***
    - AHC's 3-year strategic plans***
    - Internal regulations of AHC***
    - Organizational structure of AHC***
    - Level of payments and the criteria for salaries of AHC staff***
- 8.4 AHC shall convene by the participation of more than half of its members and decide by the majority of members present.
- 8.5 The highest decision-making body (AHC) shall elect the Executive Director. His/her election shall be done by the vote of the majority of AHC members.

## **Article 9**

### **Executive Director**

The Executive Director shall carry out the following duties:

- a) Follow and check the implementation of programs, projects, and decisions made by the general meeting
- b) Check the implementation of programs and projects and act-agreements with donors
- c) Assign staff for the implementation of programs and projects, taking into consideration the structure approved by the general meeting. In rare and emergency cases, he/she may make changes in the organization and structure that has been approved and, therefore, in the relevant staff, but needs to inform the highest decision making body (AHC) about this
- d) Represent AHC in external relations and domestically. In special cases, he/she may authorize other persons, members of AHC, for this purpose
- e) Assign, on a case by case basis, new members of AHC, its staff or AHC activists, to participate in various activities in and out of the country.

*Article 10 has been invalidated by decision of the General Meeting of the Assembly on May 15, 2019.*

## **Article 11**

### **Financial means of the association**

11. 1 The financial and material resources of AHC shall be the donations awarded by private or public subjects, domestic or foreign, as well as income from legal economic activity. They shall be used solely for the fulfillment of the purpose and target of the association.
- 11.2 Financial relations, rights and mutual obligations with donors shall be established in the relevant agreements.
- 11.3 The person tasked with duties of the accountant shall present to the general meeting the balance sheet of incomes and expenses.

## **Article 12**

### **Amendments in the statute**

- 12.1.1 Amendments in the statute may be only made by decision of the general meeting when the majority of all AHC members vote in favor.
- 12.1.2 The initiative to make amendments to the statute may be taken by the Executive Director or not less than 5 members of AHC.

## **Article 13**

### **Salary or reward**

- 13.1 AHC members as a rule carry out their activities without reward. They are rewarded in cases when they fulfill certain duties pursuant to association programs or projects.

*Article 13, item 2 has been invalidated by decision of the General Meeting of the Assembly on May 15, 2019.*

13. 3 The Executive Director and staff of the Committee, shall earn wages, rewards, or reimbursement, on a case-by-case basis, for the work they carry out.

## **Article 14**

### **Dissolution of the association**

14.1 The association may be dissolved upon its own initiative when:

- a) The number of members is less five persons;
- b) the purpose why it was created has been fulfilled;
- c) it does not possess funds to continue its activity.

14.2 It may be dissolved by decision of the Court in cases envisaged in article 44 of the law  
“On non-profit organizations.”

14.3 In case of dissolution of the association, it is deregistered and ceases its activity.