ALBANIA
Constitution of the Republic of Albania (1998)

Chapter II—Personal Rights and Freedoms
Article 21. The life of the person is protected by law.

Chapter IV—Economic, Social and Cultural Rights and Freedoms
Article 54.
1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have rights equal to those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation … which could damage his health and morals or endanger his life or normal development.

Law No. 8045 of 7 December 1995 on the interruption of pregnancy.
(Fletorja Zyrtare, No. 26, December 1995, pp. 1144-1148.)

In accordance with article 16 of Law No. 7491, dated April 29, 1991, "On the Main constitutional dispositions," with the proposal of the Council of Ministers,

People's Assembly of the Republic of Albania decided:

Chapter I. General Dispositions

Article 1. The law guarantees respect of any human being from the beginning of life. This principle should not be breached, except in cases when it is indispensable and in circumstances foreseen in this law.

Observance of this principle, information on problems of life and national demography, education with social responsibilities, being of child in the society and family planning are national duties. Bodies of central and local governments realize these duties and encourage any initiative in favor of their accomplishment.

Article 2. The law is based on the following principles:

1. Health services of all levels should use family planning services as a means of avoiding unwanted pregnancy. Abortion will in no case be considered as a method of family planning.

2. A woman has a right to be accurately informed and counseled prior to the interruption of pregnancy.

3. In cases when abortion does not contradict provisions of this law, it must

be effected in safe conditions for women's health

4. Women should be provided in all cases with health service for treatment of eventual complications after abortion.

5. Family planning counseling and service after abortion should be immediate with the view of avoiding unwanted pregnancies.

6. Termination of pregnancy is allowed only when circumstances envisioned in this law are certified and in any case with agreement of women.

Chapter II. Interruption of Pregnancy

Article 3. Interruption of pregnancy on request is performed by a physician-specialist, obstetrician-gynecologist, in public and private health institutions, in compliance with conditions defined in the pertinent instructions of the Minister of Health and Environment Protection.

Article 4. The physician addressed for abortion on request, should inform the woman from the very first visit about:

1. Health hazards resulting from abortion for future pregnancies and biological problems of medical intervention.
2. Rights, assistance and advantages for family, mother and child as well as possibilities of adopting children which are to be born, are protected by law.
3. Institutions and bodies which may offer moral and financial support to women.
4. Clinics and hospitals performing abortion.

Article 5. The Minister of Health and Environmental Protection shall define special instructions on the content, design, and distribution of informative materials provided for in Article 4.

Article 6. In case a woman, after being informed of provisions contained in article 5, repeals the request for abortion, she is asked by the physician to confirm her request in writing. This confirmation is asked at least after seven days from the first request.

When possible, in physician and taking the decision on abortion, the husband or parent participates.

If the time span of seven days surpasses the periods envisaged in this law, the physician may decide to reduce it in two days.

Article 7. In case of (completed certificate of) confirmation, physician may

perform the abortion in conditions defined in article 3. When the physician who is addressed is not the one to perform intervention, the request is given back to the woman, and she must complete a new certificate on (to authorize the) procedures of articles 4 and 6, which is then presented to the physician who will perform the abortion.

The public or private institution where a woman is accepted, should include in her file her request and the certificate for observation of procedures.

Article 8: In cases of non-matrimonial pregnancies in young girls up to 16 years old, for abortion, consent of the person exercising parental authority or legal protection is requested.

The request of the girl should be made not in presence of persons mentioned in the paragraph above.

To the newly married young girls provisions of article 7 are applied.

Article 9. Abortion for medical reason can be made up to the certificate week of pregnancy, provided a commission of three physicians decides, after examination and consultation, that continuation of pregnancy and/or childbirth would put woman's life or health at risk.

When commission decides that deformity of the fetus is incurable or treatment of handicap is unsure, the termination of pregnancy can be performed at any time.

The Minister of Health and Environment Protection defined by a special order cases of the above-mentioned paragraph of this article, as well as conditions required for physicians of the commission.

Article 10. In cases when a woman considers that pregnancy causes psychological and social problems, abortion on request may be performed up to the end of the 12th week of pregnancy.

Article 11. Abortion for social reason can be performed up to the end of the 22nd week, provided a commission of three specialists, physician, social worker, lawyer, after examination and consultation decides that pregnancy is result of a rape or other sexual crime or other social reasons are present.

Instructions on treatment of such cases and composition of the commission will be given on the consent of the Minister of Health and Environment Protection.

Article 12. Any interruption of pregnancy will be subject of a statement confirmed by the physician performing it and sent by the concerned institution to the Institute of Statistics. Information on abortion is sent by public or private institution, corresponding appropriate instructions, to the Ministry of Health and

Environment Protection.

Identity of the woman is not included in the statement or other information.

Article 13. All counseling women centres are obliged to provide women requesting abortion with information and counsel envisaged by this law and other by-law acts for its implementation.

Article 14. In all cases of termination of pregnancy, the physician performing it is obliged to inform women of family planning services and advise them about contraceptive methods offered by the institution where he works and/or other public or private institutions.

Chapter III. Special Dispositions

Article 15. Any kind of propaganda or advertisement, direct or indirect, by words or images, on medications or products causing interruption of pregnancy, except those in scientific publications advertisement for physicians or pharmacists, is prohibited.

Article 16. No physician can be imposed to perform abortion against his will.

Article 17. Violation of provisions foreseen in articles 4, 6, 7, 12, 13, 14 and 16 of this law, when it is not considered a penal crime, is punished as administrative infringement with a fine from 50 thousand to 100 thousand leks.

Violation of provisions envisaged in article 15 is fined up to 100 thousand leks.

Fines are issued by control bodies appointed by the Minister of Health and Environment Protection.

Article 18. Appeal against the control body and the execution of decisions is made in compliance with the law no. 7697 dated 7.4.1993 "On Administrative Infringements".

Article 19. The Council of Ministers approves public tariffs for interruption of pregnancy.

Article 20. All dispositions which are not in conformity with this law become invalid.

Article 21. This law shall enter into force 15 days after it has been published in the Official Journal.