



THE COMPENSATION PROCESS FOR FORMERLY POLITICALLY PERSECUTED PERSONS IN ALBANIA

A historical, legal and social analysis

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FORMERLY POLITICALLY PERSECUTED
PERSONS IN ALBANIA**

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Prof. Asoc. Dr. Enkeleda Olldashi

United Nations Declaration of Basic Principles of Justice for
Victims of Crime and Abuse of Power

“Victims are entitled to prompt reparation for the harm they have suffered. Moreover, states should commit to providing effective measures for the financial compensation of victims by establishing appropriate and accessible mechanisms for this purpose.”

UN General Assembly Resolution 40/34, 29 November 1985

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Translation: Mimoza Gjika

Legal Editing: Erjola Likaj

Editing: Atea Kamenica

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In Place of the Introduction

The analysis of the policies and procedures for *compensating* formerly politically persecuted persons is an essential process for understanding how the state has addressed *justice* for the victims of the communist regime. These policies have played a crucial role in restoring, however partially, a sense of justice for those who suffered *political persecution* and were deprived of their fundamental rights. By examining in detail how the compensation procedures for these individuals and their families were designed and implemented, we can assess not only their legal and practical effectiveness but also the extent to which they have contributed to fostering *social justice* and *national reconciliation*.

In this context, it is important to evaluate the concrete outcomes of these processes by addressing several key questions throughout this analysis: *Have they improved the quality of life of formerly politically persecuted persons? Have they offered opportunities for the social and economic rehabilitation of victims?* Exploring these questions allows us to gain deeper insight into whether the compensation efforts have contributed to building a fairer and more equitable society.

Furthermore, comparing Albania's practices with those of other countries that have undergone similar authoritarian or totalitarian periods is imperative for drawing *lessons* from their experiences. Different states in Central and

Eastern Europe have adopted different approaches to compensating formerly politically persecuted persons and restoring property rights. By analyzing how these countries have addressed similar issues, Albania can learn from their models and improve its own policies, ensuring a fairer and more effective process for victims of the communist era.

This material aims to provide, through an in-depth historical, legal, and social analysis of the compensation process for formerly politically persecuted persons, a clear presentation of the problems encountered over the years, highlighting the challenges and consequences this process has had for victims and for Albanian society as a whole. It also seeks to serve as a call for greater *engagement* from state institutions to improve the compensation process and ensure that all individuals who suffered unjustly are able to exercise their rights. At the same time, this material aims to stimulate academic debate among scholars in the field of human rights, as well as students of law and related disciplines.

Through this analysis, concrete recommendations will be put forward for the further *improvement* of the compensation process. These recommendations aim to underline the need for enhanced social and economic support for victims, ensuring that they do not remain merely symbolic figures within a framework of formal reconciliation, but that they genuinely benefit from justice and rehabilitation.

I. The Importance of Compensation for Formerly Politically Persecuted Persons

Compensation for the victims of the communist regime holds *extraordinary significance*, functioning not only as a legal action but also as an essential tool for correcting *historical injustices*. For many formerly politically persecuted persons, the compensation process represents an acknowledgment of their suffering and a step toward restoring their lost dignity. Whether symbolic or material, this form of justice is an attempt to address the harm inflicted by a regime that persecuted people for decades because of their political, religious, or intellectual beliefs. A report by the Council of Europe (CoE)¹ examines whether every wrongfully convicted person must pursue an individual process to overturn the original court ruling, or whether certain political and judicial decisions should be annulled more broadly. The report underscores

1 By the Committee on Legal Affairs and Human Rights. Rapporteur: Mr. Severin, Romania, Socialist Group -

The report is based on a twofold approach. First, it seeks to demonstrate why it is so important to dismantle the legacy of former totalitarian communist regimes and how this can be achieved. Second, it addresses the challenge of achieving justice without violating human rights. It also outlines solutions to this issue, including concrete guidelines for ensuring that lustration laws and similar administrative measures comply with the requirements of a rule-of-law state, in a manner that is intended to be acceptable to a broad audience.

that material compensation for victims of totalitarian regimes is a necessity and must be fair and proportional. In this context, compensation for formerly politically persecuted persons should not be lower than that offered today to individuals wrongfully convicted of ordinary crimes.² Thus, recognizing and compensating formerly politically persecuted persons remains both a moral and legal obligation for democratic societies, serving as a means to repair past harms and strengthen trust in justice and equality. A report on *Justice for Uncompensated Survivors Today*, published by the U.S. Department of State in 2020, further highlights the importance of continuing efforts to support survivors still affected by past injustices.³

Compensation for formerly politically persecuted persons should not be seen solely as a financial or legal matter, but also as a crucial mechanism for their psychological and social rehabilitation. Studies on transitional justice emphasize that repairing historical injustices is closely linked to reconciliation and restoring public trust in democratic institutions (Teitel, 2000).⁴ According to Lederach (1997)⁵, the social and psychological recovery of individuals affected by political repression cannot be achieved through material compensation alone; it also requires public recognition of their suffering and efforts to rebuild damaged social bonds. Such recognition can play an important role in restoring dignity and enhancing the participation of formerly politically persecuted persons in public life. Often, these individuals have suffered not only physically and economically, but also emotionally and psychologically.⁶ A well-structured compensation process can also positively influence the relationship between the state and its citizens who have been harmed. When the state acknowledges past mistakes and takes concrete steps to address them, it strengthens public

2 Council of Europe. Measures to Dismantle the Heritage of Former Communist Totalitarian Systems. Accessed December 2, 2024. <https://www.coe.int>

3 The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, [Section 1. Respect for the Integrity of the Person](https://www.state.gov/reports/just-act-report-to-congress/) can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>

4 Teitel, R. G. (2000). *Transitional Justice*. Oxford University Press.

5 Lederach, J. P. (1997). *Building Peace: Sustainable Reconciliation in Divided Societies*. United States Institute of Peace Press.

6 During their time in the prisons of the regime, a total of 984 individuals lost their lives due to harsh conditions and torture, while 308 others suffered severe mental injuries, resulting in the loss of their intellectual and psychological capacities.

trust. In turn, this contributes to *national reconciliation* and *social stability*. A fair and transparent approach in the compensation system can send a powerful message that the state is willing to confront its past and build a more just future for all its citizens.

Compensation for formerly politically persecuted persons is a complex issue and is often confused with other concepts of justice, such as restorative or distributive justice. The *compensation* process for formerly politically persecuted persons in Albania is a key component of *transitional justice* efforts and of restoring the dignity of individuals who suffered under the communist regime. The principle of providing *reparations* to those who experienced political persecution is essential for protecting human rights and rectifying historical injustices. Cohen (2016) argues that the reasons for undertaking corrective reforms - aimed at addressing past injustices - should not be used to justify other types of justice, such as restorative or distributive justice. This is because compensation for former political prisoners should not be viewed as a benefit within the framework of restorative and distributive justice.⁷ Restorative and distributive justice focus primarily on the allocation of goods and responsibilities within a society. In this sense they address issues related to collective welfare and social equality. By contrast, compensation for former political prisoners targets specific injustices of the past and provides a form of reparation for the harm inflicted. In other words, Cohen emphasizes that corrective interventions should remain focused on rectifying past injustices, without being conflated with justice mechanisms that aim at the equal distribution of resources in society. This distinction helps clarify the aims and reasoning behind each form of justice. Ruti Teitel, in her book *Transitional Justice*, argues that transitional justice responds to serious human rights violations occurring during periods of political and social transition. She defines it as a process that helps societies confront painful pasts, promoting reconciliation and stability during times of significant change. Through this, transitional justice acts as a crucial tool for addressing historical trauma and building a more just future.⁸ Similarly, Jon Elster, in *Closing the Books*:

7 Cohen, Andrew I. *Philosophy, Ethics, and Social Justice: Critical Perspectives*. New York: Routledge, 2016

8 Teitel, Ruti G. *Transitional Justice*. New York: Oxford University Press, 2000

Transitional Justice in Historical Perspective, analyzes the various mechanisms used to implement transitional justice, such as trials, truth commissions, and reparative measures designed to address past injustices. He also explores the political and social impacts that these mechanisms can have on a society. According to him, these processes are not merely tools for delivering justice, but also factors that influence how a society transitions from a repressive regime to a more democratic and stable system.⁹

After the fall of authoritarian regimes, many Central and Eastern European countries, including Albania, faced the complex challenge of addressing the consequences of wrongful *expropriations* and political *persecutions* affecting numerous individuals and families. Countries such as *Poland*, which enacted a *compensation law for former political prisoners* in 1997,¹⁰ and the *Czech Republic*, which established a similar system in 2000,¹¹ implemented processes to provide comprehensive support to victims of former regimes. In post-communist states, the injustices committed during the communist era became fundamental issues of justice. Various constitutional courts have issued positions on the legal frameworks governing compensation and reparations for victims of political persecution. The Constitutional Court of Lithuania, in case No. 04-01(99) of 1999, emphasized that the primary purpose of the law in a democratic state - including the law determining the status of persons politically persecuted under the communist regime - is justice and the assurance of its implementation. The Constitutional Court of Hungary has dealt extensively with issues related to compensation for former political prisoners, emphasizing that such compensation must respect the dignity and equal treatment of all individuals harmed by political persecution. In its decision No. 1-001-1995, the Constitutional Court stresses that any compensation scheme must be based on the principle of respecting the equal dignity of each person. This is an essential element for justice, ensuring that every individual who suffered injustice, whether through imprisonment or political persecution, must have equal rights to compensation. In its decision No. 46/2000, the Hungarian Constitutional Court further emphasizes that although the compensation

9 Elster, Jon. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge: Cambridge University Press, 2004.

10 Law no. 106/1997, On the Compensation of Former Political Prisoners

11 Law no. 215/2000, On the Improvement of the Status of Former Political Prisoners

scheme for former political prisoners is necessary, any compensation law must comply with the Constitution and respect the state's available budget, emphasizing that the legislator has broad competence to determine how this issue should be regulated and what the amount of compensation should be. This interpretation of the Hungarian Constitutional Court demonstrates how efforts at compensation for survivors of past injustices are not only about correcting the past, but also about respecting the equal dignity and rights of individuals equally.

1.1. The Nature of the Compensation Process

The nature of the compensation process for former political prisoners represents an important issue in discourse surrounding the construction of the compensation mechanisms. At the heart of the discussion lies the question of whether the law will construct this process as a judicial or administrative process. The legislator retains discretion for assessment on criteria such as: appropriateness, effects, costs, speed, nature of the procedures and the burden of decision-making for the jurisdiction.

In most Southeast European countries, this mechanism has been structured as an administrative process. However, there are states such as the Czech Republic, that have entrusted the compensation process to the judicial system (Roman, 2005).¹² The Czech Republic stands out as one of the countries in the region that has successfully completed this transitional justice reform, not only due to the state's active financial support for its implementation, but also because of the legal nature of court decisions.

12 Roman, D. (2005). *The Transitional Justice Mechanism: Compensation for Former Political Prisoners in Central and Eastern Europe*. *Central European Review*, 6(2), pp. 45-67.

II. Historical and Legal Context

According to data published by the Institute for the Study of Crimes and Consequences of Communism in Albania (ISKK), a total of 34,135 people¹³ were imprisoned for political reasons during the communist regime, of whom 26,768 were men and 7,367 women. These figures reflect the extensive suffering and persecution endured by Albanians under the communist dictatorship. The harsh conditions in prisons and labor camps led to tragic consequences, including:

- Deaths in prison: 984 people lost their lives due to inhumane conditions and torture;
- Mental disorders: 308 individuals suffered mental illness as a result of cruel treatment during imprisonment;
- Executions: 6,027 people were killed during the communist regime, including 5,577 men and 450 women were sentenced to death and executed.¹⁴ Methods of execution included shooting or hanging, the bodies of the victims were rarely returned to their families for burial.

¹³ [Institute for the Study of Crimes and Consequences of Communism – Institute for the Study of Crimes and Consequences of Communism](#)

¹⁴ [Institute for the Study of Crimes and Consequences of Communism – Institute for the Study of Crimes and Consequences of Communism](#)

Category	Number of Victims	Description
Deaths in prison	984	Individuals who died due to inhumane conditions and torture
Mental disorders	308	Individuals who suffered psychological harm from mistreatment in prison
Executed men	5,577	Men sentenced to death and executed for political reasons, most without fair trial
Executed women	450	Women sentenced to death and executed for political reasons, most without fair trial
Total executions	Over 6,000	People executed for political reasons during the communist regime (1944–1991)
Execution methods	–	Included shooting or hanging; bodies were rarely returned to families for burial

In addition to imprisonment, the communist regime interned about 59,009 citizens in concentration camps,¹⁵ where 7,022 of them lost their lives. These statistics reveal a dark period in Albanian history, marked by widespread human rights violations and political repression affecting thousands of families.

According to data from the Institute for the Integration of Formerly Politically Persecuted Persons, the total number of individuals granted the status of *politically persecuted person* since 1993 is approximately 43,000. They fall into several categories, including: politically executed persons (5,548); individuals suffering mental disorders due to communist repression (273); political prisoners (14,563); political prisoners who died in prison (987); and the politically interned or exiled (21,401).¹⁶

Given this historical context, it is essential to examine the legal framework regulating the recognition, treatment, and rehabilitation of politically persecuted persons, including the laws in force, the compensation process,

15 [Institute for the Study of Crimes and Consequences of Communism – Institute for the Study of Crimes and Consequences of Communism](#)

16 [Institute for the Integration of Former Political Persecutees - Statistics](#)

and the challenges in their implementation. Despite the provisions of Law no. 7514 of 30.09.1991, "On innocence, amnesty and rehabilitation of formerly convicted and persecuted persons"¹⁷, amended, rehabilitation of formerly politically persecuted persons should have been completed by now. The law envisioned a clear and necessary process to restore the dignity and rights of those who suffered under the communist regime,¹⁸ including financial compensation.¹⁹ Amendments introduced over time also determined the inclusion of those interned for political reasons in certain internment camps, respectively until the end of 1954, 1958, 1961 and 1966, as subjects who benefit from some of the rights recognized by the law, including the right to compensation.

Law no. 7748 of 29.07.1993, "On the status of formerly politically convicted and persecuted persons of the communist system", as amended, represented another major step toward recognizing and guaranteeing the rights of these individuals for compensation. The law envisioned that the compensation process would conclude in 1994 and granted additional financial, economic, and social facilities and advantages for individual and collective demands²⁰. The Council of Ministers Decision No. 184, dated 04.05.1994, "On the provision of property compensation to former political convicts and persecuted persons under the communist system," issued pursuant to this law, also defined the method and

17 Amended by Law no. 7660, dated 14.1.1993; by Law no. 7719, dated 8.6.1993; by Law no. 7772, dated 7.12.1993; by Law no. 8997, dated 30.1.2003.

18 The financial and non-material rehabilitation of formerly politically persecuted persons was considered an essential process for restoring dignity and justice to those who suffered under the communist regime. Equally important was facilitating the return of formerly politically persecuted persons to their places of residence, providing them with opportunities for social reintegration. This also included offering training linked to employment programs, aimed at helping individuals secure work and regain economic stability.

19 In point 'dh' of Article 5 of this law, it is stipulated that: "*Compensation for the damages caused shall also be granted to the families or lawful heirs of former political prisoners who are no longer alive, as well as to those who were executed without trial or who died without having been sentenced by a court.*"

20 Article 7 of this law defines the concept of property compensation for these individuals as "*an immediate monetary reward, a lifelong pension, wage compensation, land, premises, and other forms of material benefits, which shall be granted to the persecuted person or his family, ..., as compensation for life, loss of liberty, unpaid labor, and suffering ...*". Article 8 further clarifies that this property compensation is granted to the categories mentioned in Article 3, letters "a, b, c," and that this right does not extend to the individuals under letter "c" (those interned or expelled), who, during the period in which they enjoyed restricted freedom, were paid for the work they performed.

form of financial compensation.²¹ However, delays and institutional negligence in the law's implementation hindered progress of the compensation process.

Law No. 9260, dated 15.07.2004, "On certain amendments to Law No. 7748, dated 29.07.1993, 'On the status of formerly politically convicted and persecuted persons of the communist system' as amended," in Article 1 defined amendments to Article 9 of Law No. 7748, dated 29.07.1993, as follows: "*Financial compensation for former prisoners and politically persecuted persons who have been acquitted pursuant to Law No. 7514, dated 30.09.1991, 'On Innocence ...', ... and who hold the status under Law No. 7748, dated 29.07.1993, 'On the Status ...', former political convicts falling under category 'A' who have died or suffer from psychological illness as a result of persecution, or their first-degree heirs according to the Civil Code, as well as former political convicts falling under category 'B' as provided in Article 3 of Law No. 7748, dated 29.07.1993, 'On the Status ...', ... are entitled to financial compensation in a graduated manner based on the length of time they have served their sentence*". Article 1 excluded from the right to financial compensation those politically interned individuals who had obtained the status of group 'C', and who, pursuant to Article 6 of Law No. 7514, dated 30.09.1991, "On innocence...," Article 1 of Law No. 7772, dated 07.12.1993, "On certain amendments to the Law 'On innocence...'" and Articles 8 and 14 of Law No. 7748, dated 29.07.1993, "On the status of formerly politically convicted and persecuted persons of the communist system", are entitled to property compensation.

The Constitutional Court, by Decision No. 34, dated 20.12.2005, decided to annul as unconstitutional Article 1 of Law No. 9260, dated 15.07.2004, "On some additions and amendments to Law No. 7748, dated 29.07.1993, 'On the status of formerly politically convicted and persecuted persons of the communist system', as amended". In its analysis of the transitional context, the

21 Among other provisions, this decision specifies that "*Property compensation ... shall primarily be provided in the form of securities...*" (point 1); that "*formerly politically convicted and persecuted persons who have obtained the right to property compensation under the law 'On the Status ...', pursuant to Articles 7 and 9, shall receive an annual compensation of 120,000 lek in the form of securities*" (point 2); that they are entitled to participate without auction in the process of privatizing state-owned property; and that they have the right to sell, dispose of, or exchange the securities in any form permitted by law, etc. The decision also defines different categories of formerly politically convicted and persecuted persons who, based on certain objective criteria (age, severity of sentence, gender), would be entitled to receive part of the compensation in cash. Depending on the specific cases, this amount ranges from 100,000 to 300,000 lek.

Court emphasizes that, *despite the many problems inherited from the communist past and the difficulties faced by the state, Albanian society has a moral and historical obligation to respect the right to compensation for political convicts, in accordance with economic and social conditions, by taking concrete measures to find a rapid, appropriate, and sustainable solution* (Decision No. 34/2005). Through this decision, the Constitutional Court confirms that the compensation of former political prisoners cannot be based on the pre-transition legal framework, affirming the retroactive character of this legal reform. At the same time, it provides the legislator with guidance regarding the value of compensation, stressing that, *“the compensation of former political prisoners must be more than a symbolic and financial assessment. Its value must take into account the many sufferings of political convicts, their dignity, as well as the problems they encounter in their daily lives”*. The Court also stresses that the democratic state must compensate these individuals based on its economic and financial capacities, relying on the essential principles of justice and equality. Among other points, the Court underlines that the main objective must be to reduce as much as possible the consequences of the injustices committed during the communist regime, making it clear that the complete elimination of these injustices is impossible. The Constitutional Court emphasizes that *“... the right to compensation cannot be treated as a subjective right”*. The Court underlines the importance of respecting the principle of non-discrimination and the equal treatment of all victims of serious human rights violations. According to the Court’s case-law, discrimination occurs when subjects in the same situation are treated differently without a reasonable and objective legal justification.

In October 2006, the Albanian Parliament adopted the Resolution “On condemning the crimes committed by the communist regime in Albania,” which included 17 points aimed at condemning the regime’s crimes and rehabilitating formerly politically persecuted persons.²²

With the adoption of Law no. 9831 of 12.11.2007, “On the compensation of former political convicts of the communist regime”, as amended, the compensation process progressed further. However, the budget allocated for this process has proven insufficient, making it difficult to conclude within a reasonable timeframe.

22 [rezolute-206-11-03-2016.pdf](#)

III. Implementation and Challenges of Law No. 9831, dated 12.11.2007, “On the Compensation of Former Political Convicts of the Communist Regime,” as amended

This law represented an important step in acknowledging and remedying *past injustices* by providing a legal basis for compensating individuals who suffered due to political persecution. Under this law, *Article 6* determines the amount of financial compensation for former political prisoners and their family members, linking compensation to the period of serving the sentence. This measure seeks to compensate not only for the loss of freedom, but also for the traumatic experiences endured by these individuals and their families. Likewise, *Article 10* assigns the Ministry of Justice responsibility for reviewing compensation claims, thereby ensuring transparency and fairness throughout the process.

Based on the way the law has constructed the compensation mechanism, it should be noted that the final legal act for compensation is the collective administrative act, which is the decision of the Council of Ministers to approve

the list of beneficiaries of compensation for former political prisoners.²³ The second stage of the administrative procedure, related to the execution of the right to compensation, falls under the competence of the Minister of Finance.²⁴ Regarding the beneficiary entities, the legal framework for compensation of former political prisoners divides them into two categories of beneficiaries: the primary category, composed of former political prisoners of the communist regime who survived; and the non-primary category, which includes the family members of deceased prisoners, as well as the families of executed victims, and individuals who were interned or deported to camps. The law grants the right to compensation to heirs up to the third degree and excludes more distant heirs. (Article 8, *For the purposes of this law, family members shall mean, regardless of other legal regulations, the ancestors, spouse, descendants, brothers and sisters of the former political prisoner, as well as the child/children of brothers and sisters. Family members in the first statutory order of inheritance, according to Civil Code, exclude all others*).²⁵

The conditions and criteria for compensation are established in Articles 12 and 32 of the law. According to the law, the entire compensation process for formerly politically persecuted persons was to be completed within eight years (Article 32), based on several criteria and general principles set out in Article 12, such as priority based on submission date and equal distribution of funds among all beneficiaries. Under these provisions, compensation amounts should not be lower than 100,000 lek and not higher than one million lek.

The legal definition of general deadlines for the granting of compensation, according to certain criteria and principles, constituted a very important element of the principle of the rule of law and legal certainty, in the context of restoring the rights and human dignity of former political prisoners who had been unjustly harmed by the communist regime.

However, before the implementation of the law started in 2009, the

23 Article 9 of Law No. 9831, dated 12.11.2007, "On the compensation of former political convicts of the communist regime." https://arkiva.financa.gov.al/wp-content/uploads/2018/01/Ligji_per_demshperblimin_e_ish_te_denuarve_politike_i_azhurnuar1.pdf;

24 Article 13 of Law No. 9831, dated 12.11.2007, "On the compensation of former political convicts of the communist regime"

25 Law no. 10111, dated 2.4.2009, *On some amendments to Law No. 9831/2007 "On the compensation of former political convicts of the communist regime"*.

compensation scheme underwent major changes that fundamentally affected the legitimate expectations formed over nearly two decades by this category, creating a situation of ambiguity and complexity. This development was also highlighted in the 2013 Annual Report of the Ombudsperson, which noted the radical changes to the compensation scheme and their negative impact on formerly politically persecuted persons.²⁶

The 2009 legislative amendments affected several essential aspects of the compensation scheme for formerly politically persecuted persons. *First*, the principle of equality in the distribution of compensation funds was replaced with the principle of proportionality. *Second*, the compensation scheme was no longer determined by the law itself, but by by-laws (Decisions of the Council of Ministers). *Third*, and most importantly, the legal amendments removed the general eight-year deadline within which the state was obliged to complete the compensation process, leaving the process without a deadline for its completion.

Subsequently, in implementation of this law, Decision of the Council of Ministers No. 1253, dated 2.7.2008 was adopted, "On determining the criteria and assessment procedures for the compensation granted to former political convicts of the communist regime," and Decision of the Council of Ministers No. 933, dated 17.11.2010, "On determining the administrative procedures for reviewing requests and providing financial compensation for the families of victims convicted unjustly, without trial, for political reasons, from 30.11.1944 to 1.10.1991", as amended. According to Decision no. 933, "*the family members of victims executed without trial, for political motives, for their suffering and persecution, shall receive a financial compensation equal, in total, to the amount of 8 (eight) years of imprisonment compensation. Financial compensation is carried out on the basis of a calculation according to which, for each day of served imprisonment, the financial compensation amounts to 2,000 (two thousand) lek per day. From the total amount that each subject executed without trial, for political motives, is entitled to under this decision, the amount of compensation previously received under earlier laws shall be deducted*".²⁷

26 Av.Popullit.indd

27 Decision No. 933, dated 17.11.2010, Point II/1, <https://qbz.gov.al/share/zGoS900qTpCtFTwt-6eOVg>;

In April 2011, the Council of Ministers adopted Decision No. 419/2011, “On approving the deadlines and distribution scheme of compensation funds for politically persecuted persons,” which determined that compensation would be paid in eight installments, but without specifying a final deadline for completing the process.

The changes in the 2014 by-laws, although they brought some positive aspects in terms of accelerating compensation for the primary category, *worsened the normative framework of the compensation scheme and the relevant deadlines*. These acts do not contain any binding deadlines for the completion of the compensation process, nor do they define the scheme as required by law (Ombudsperson’s Annual Report 2015). In practice, the decision delegates to the Minister of Finance the discretion to authorize the disbursement of each installment based on available budget funds, without providing any legal guarantee as to when or how the promised compensation will be delivered.

Responsible Authorities for the Approval of Compensation

- Authority responsible for approving compensation: The Council of Ministers approves financial compensation (Article 9).
- Distribution of compensation: The Ministry of Finance distributes the compensation through bank deposits (Article 13). The budget is divided as 70% for former political prisoners and 30% for heirs (Article 12).
- Parliamentary oversight: The Parliament reviews the distribution of compensation annually (Article 17).
- Recording and creation of an electronic registry: All applications are registered at the Ministry of Justice. The Minister of Justice decides on the approval or rejection of each application (Article 29).
- Funds for implementation of the law: The annual budget for compensation is planned by the Council of Ministers (Article 32).
- Oversight by interest groups: Non-governmental organizations have the right to file complaints in cases of non-implementation of the law (Article 30).

Articles 6 and 7 of Law No. 9831 establish the right to compensation as a personal right, which may also extend to the heirs of former political prisoners

up to a certain extent. These provisions ensure that the right to compensation will not pass indiscriminately through all degrees of inheritance, as defined in the Civil Code²⁸, prioritizing the implementation of compensation rights over general inheritance rules.

Law No. 9831, besides serving as an attempt to address the consequences of the past, had to be accompanied by an efficient and fair implementation in order to achieve its primary objective.²⁹ The amendments to it introduced by Law No. 27/2017³⁰ established a new deadline for submitting compensation requests, creating an opportunity for those who may have missed the initial deadline.³¹

Financial compensation for formerly politically persecuted persons has been a long and complex process. Payments have been calculated on the basis of several criteria, including **years of imprisonment or internment**. The law established a specific value for each year spent in political imprisonment or internment during the communist regime. Initially, this amount was symbolic and was gradually increased to reflect inflation and economic difficulties. For certain **special categories**, such as minors or individuals who suffered physical injuries during imprisonment, additional compensation was foreseen. For example, for each year of imprisonment, individuals may receive approximately 200,000-500,000 lek, according to various assessments.³²

28 Law No. 7850, dated 29.7.1994, "On the Civil Code of the Republic of Albania," as amended, Article 360, "*The legal heirs are the children, the grandchildren, the spouse, the parents, the brothers and sisters and the children of predeceased brothers and sisters, the grandfather and grandmother and other ascendants, persons incapable of work who were supported by the decedent, other relatives up to the sixth degree, as well as the State.*"

29 Articles 17 and 30 provide for oversight by the Parliament and by non-governmental groups. This oversight is essential to ensure that compensation is granted in accordance with the law and that the rights of former political prisoners are fully respected. *Transparency* in the compensation distribution process is necessary to maintain public trust and to guarantee that compensation is administered fairly and equitably.

30 Pamja e dokumentit - Qendra e Botimeve Zyrtare

31 Article 4 further sets out clear criteria for compensation beneficiaries. The amendments emphasize that individuals who did not submit their compensation claims by the new deadline (31.12.2017) will lose the right to benefit.

32 Article 6, "*The amount of compensation for political prisoners, internees, or exiled individuals shall be as follows:*

a) *Each political prisoner shall receive financial compensation, according to the criteria of this law, in the amount of 2,000 (two thousand) lek per day for each day of served sentence in prison, psychiatric hospital, prison hospital, or investigative isolation, from 30.11.1944 to 1.10.1991.*

A frequent problem has been delays in the distribution of funds. In some cases, former political prisoners have waited for years to receive their payments, while the funds were limited and dependent on the annual state budget.

According to the 2016-2017 Annual Performance Report of the Supreme State Audit, the adopted legal framework and measures taken during the transition period for the rehabilitation of former political prisoners and politically persecuted persons have only partially achieved their objectives. The report emphasizes that these measures have failed to ensure full rehabilitation of this social group in an optimal timeframe. According to the document, legislation has been fragmented and not comprehensive, financial resources have been insufficient, and there has been a lack of effective coordination among state institutions in assisting this category. Meanwhile, Albanian society has the potential to provide material compensation and reasonable rehabilitation, in accordance with legal obligations and international conventions, thus aiming to close this historical social wound within an optimal timeframe.³³

During 2023³⁴, the Ombudsperson received a significant number of complaints from formerly politically persecuted persons. In one particular case, an elderly complainant was not notified in a timely manner about his inclusion in the list of beneficiaries, despite his name having been published over a year earlier. This incident represented a violation of the legal obligation to notify beneficiaries promptly through various communication channels. In this context, the Ombudsperson called for improved accountability within the Ministry of Finance and emphasized importance of improving cooperation for the implementation of recommendations. Additionally, the Ombudsperson highlighted the necessity of raising institutional awareness with the aim of faster review of documentation and timely notification of beneficiaries.

b) *For persons who were interned in camps surrounded by barbed wire up to the year 1954, the amount of compensation is 1,000 (one thousand) lek per day.*

c) *For other internees or exiled persons, a pension scheme is foreseen, which shall be regulated by a decision of the Council of Ministers. The compensation defined above shall also belong to the family members of the individual, in equal shares, when the convicted person is no longer alive. The right of family members to request compensation is a personal non-property right. From the total amount each political prisoner is entitled to under this law, any compensation previously received under earlier laws shall be deducted."*

33 Supreme State Audit, 2017, p. 124, <https://panel.klsh.org.al/storage/phpm7RnTr.pdf>

34 <https://www.avokatipopullit.gov.al/media/manager/website/reports/FINAL-RAPORTI%20VJETOR%202023.pdf>:

III.1. Statistics of Applications Submitted to the Ministry of Justice and Rules for Reinstating Requests Submitted Outside Legal Deadlines

Based on official data available from the Ministry of Justice,³⁵ a total of 21,900 requests were submitted within the legal deadlines, of which:

- Category: Capital punishment/Execution without trial, imprisonment, isolation in investigative detention/medical institution: **13,300** applications approved/completed under 30 Decisions of Council of Ministers (DCM); **728** applications under review; **2,986** applications that do not meet the legal criteria for compensation.
- Category: Internment/exile: **4,886** applications, for which a DCM is awaited to regulate treatment under the pension scheme, *in reference to Article 6, point (c) of Law No. 9831, dated 12.11.2007, "On the compensation of former political convicts of the communist regime" as amended*. This process has not yet progressed, and consequently, there is no by-law. The Ministry of Finance is the main institution responsible for drafting this act, as the superior institution of the Social Insurance Institute (ISSH), which oversees pension policies.

Category	Application Status	Number
Capital Punishment/ Extrajudicial Execution	Applications approved/completed (30 DCM)	13,300
	Applications under review/verification	728
	Applications not meeting legal criteria	2,986
Internment/Exile	Applications awaiting DCM and pension scheme treatment	4,886

³⁵ The information was provided by the Ministry of Justice in compliance with Law no. 119/2014, On the right to information, as amended, in response to an online request submitted on 3 December 2024.

Applications submitted outside legal deadlines result in 3,036 requests were (submitted by heirs of former political prisoners) whose documentation is administered in the protocol-archive sector. This documentation was accepted until 2017, taking into consideration the possibility that the law might change again and these requests could be reinstated within the deadline.

The deadline for submitting applications has changed three times since the adoption of Law no. 9831, dated 12.11.2007, “On the compensation of former political convicts of the communist regime”, as shown below:

1. With *Law no. 10111/2009, On some amendments to Law No. 9831/2007*, the deadline for submitting requests was changed, from one year from the entry into force of the law to 01.07.2009.
2. DCM no. 933, dated 10.11.2010, “*On determining the procedures for the administrative review of requests and the amount of financial compensation for the families of victims unjustly executed, without trial, for political reasons, during the period 30.11.1944 to 1.10.1991*”, as amended, reinstated the deadline only for the category of extrajudicial executions, up to six months after the entry into force of this decision.
3. With *Law No. 27/2017, dated 23.03.2017, On some amendments to Law No. 9831/2007*, the deadline for requests only regarding the primary category was restored until 31.12.2017 (former prisoners still alive).

No.	Legal Act	Main Changes	Application Deadline
1.	Law no. 10111/2009, On some amendments to Law no. 9831/2007	Changed the application submission deadline	Until 01.07.2009
2.	DCM no. 933, 10.11.2010, as amended	Reinstated deadlines for extrajudicial execution cases	Up to 6 months after entry into force of this decision
3.	Law no. 27/2017, 23.03.2017, On some amendments to Law no. 9831/2007	Reinstated deadlines only for the primary category (former prisoners still alive)	Until 31.12.2017

Changes in the financial compensation amounts are approved by DCMs, in accordance with the last paragraph of Article 29 of Law no. 9831/2007, as amended, which provides that, *“Errors in data or in calculating the compensation amount, or any obvious inaccuracies in the Council of Ministers’ decision approving financial compensation, may be revised by decision of the Council of Ministers”*. In line with these legal provisions, the Ministry of Justice has taken subsequent action, requesting amendments according to the relevant DCMs. The compensation process is divided into installments, giving priority to specific groups: former political prisoners still alive, particularly those over 75 years old, women, and those with serious illnesses.

Regarding the administration of documentation proving imprisonment for political reasons, in accordance with Article 11 of Law no. 9831/2007, as amended, the Ministry of Justice coordinates its work with the Ministry of Interior, Ministry of Defense, State Intelligence Service, General Directorate of State Archives, and judicial archives.

Regarding the documentation administered by the above-mentioned institutions, with the establishment of the Authority for Information on the Former State Security Documents, in implementation of Law no. 45/2015 *“On the right to information on the documents of the Former State Security of the People’s Socialist Republic of Albania”* and the Decision of the Council of Ministers no.98, dated 15.02.2017, *“On defining the procedure for transferring to the administration of the Authority for Information on the Former State Security Documents the archival materials of the Former State Security, which are held by the Ministry of Defense, the Ministry of Internal Affairs, the State Intelligence Service, and other public authorities,”* these records, covering the period from 29 November 1944 to 2 July 1991, have been transferred for administration to this institution.

According to Chapter IV of Law No. 9831, dated 12.11.2007, *“On the compensation of former political convicts of the communist regime”*, as amended, the decision-making on the distribution and budgeting of compensation payments for this category is carried out through a special Decision of the Council of Ministers, while the Ministry of Justice, in coordination with the relevant institutions, determines the number of beneficiaries and the amount of financial compensation, which it then submits

for approval to the Council of Ministers. In accordance with this law and the regulatory acts in force, including Instruction of the Ministry of Finance No. 30, dated 07.12.2023, and the Joint Instruction of the Ministry of Finance and the Ministry of Health No. 273/1, dated 27.08.2012, the Ministry of Finance executes the compensation payments proportionally for each beneficiary until the full amount is disbursed. These provisions and regulatory procedures constitute the legal basis on which the analysis of data provided by the Ministry of Finance, in response to the request for this study, is based.³⁶

1. Total number of approved files: To date, 13,518 files have been approved for compensation.
2. Financial obligation: The total government liability for these payments amounts to 52,632,790,205 lek (approximately 520 million Euros).
3. Categorization of beneficiaries:
 - Former prisoners (primary beneficiaries, alive at the time of payment): 11,144 files;
 - Former convicts with capital punishment (death): 2,114 files;
 - 82.4% of the approved files belong to former prisoners, **while** 15.6% involve capital punishment;
 - **260 files with a zero value** indicate that previous payments had been made. Nevertheless, these cases were included in the decision-making process to ensure complete documentation of the process.

³⁶ The information was provided by the Ministry of Finance and Economy, in compliance with Law no. 119/2014, On the right to information, as amended, in response to an online request submitted on 4 December 2024.

IV. Allocation and Use of the Annual State Budget Fund for the Compensation of Formerly Politically Persecuted Persons (2005–2025)

During the period 2005-2009, funds allocated for this category increased progressively, peaking in 2009. In the following years (2010-2011)³⁷, the budget for formerly politically persecuted persons remained at a lower and stable level, while in 2012³⁸, a significant decline in funds was observed. Consequently, the share of Gross Domestic Product (GDP) dedicated to this category followed an upward trend until 2009, and then decreased. However, actual expenditure was generally lower than the initial budget estimates. In some cases, the amounts disbursed did not meet the budgetary objectives. For example, in 2007³⁹, only 50% of the planned amount was realized by November, whereas in 2009, the realization was around 69%. In subsequent years, actual expenditure continued to be low, for instance, in 2010, only half

37 http://www.minfin.gov.al/minfin/pub/buxheti_2010_tabelat_e_miratuara_ne_kuvend_141209_306_1.xls

38 http://www.minfin.gov.al/minfin/pub/buxheti_2012_tabelat_kuvendi1_2890_1.xls

39 http://www.minfin.gov.al/minfin/pub/treguesit_fiskale_sipas_buxhetit_te_konsoliduar_nentor_2007_1225_1.pdf

of the allocated fund was disbursed.

According to a study by the Institute for Democracy, Media and Culture (IDMC) published in 2019, from the start of the process until that time, around 19 billion lek (approximately 180 million Euros) had been distributed as compensation, while another 32.3 billion lek (around 300 million Euros) remained to be disbursed. If funds continued to be allocated at the same pace as in the years leading up to the study, it was expected that the compensation process could continue for more than another decade.⁴⁰

According to Law no. 70/2019, “On the approval of the actual budget for 2018”, compensation for formerly politically persecuted persons in 2018 was realized at 49.9% of the initial annual plan. Compared with the same period in 2017, expenditures for this category fell by 56.6%, or about 1.3 billion lek less in nominal terms. This reflects new changes in the respective legal framework, which were approved only during the second half of 2018, thereby slowing down the execution of the fund for that year.⁴¹

According to the 2022 Budget Report, *expenditures for the compensation of formerly politically persecuted persons in 2022 amounted to 996 million lek, representing 99.6% of the annual plan according to both the original and revised budget, according to Normativ Act (NA) no. 19 and the annual plan with amendments, including reserve allocations. Compared with 2021, expenditures for this category increased by 9.1%, or 83 million lek more.*⁴²

According to the 2023 Budget Report, *expenditures for compensation in 2023 amounted to approximately 1.1 billion lek, representing 109.8% of the original annual plan and 99.8% of the revised annual plan (including NA no. 6 and the annual plan with amendments, reserve allocations). Compared with 2022, expenditures for this category increased by 10.2%, or 101 million lek more.*⁴³

40 Vukaj, Erblin. “(Non-)Rehabilitation of Formerly Politically Persecuted Persons in the Transitional Justice Process (1991–2018).” Institute for Democracy, Media and Culture (IDMC), 2019. <https://www.idmc.al/media/files/IDMC-mos-rehabilitimi-ish-perndjekurve-politike.pdf>

41 Law No. 70/2019, “On the Approval of the Actual Budget for 2018,” p. 68. https://arkiva.financa.gov.al/wp-content/uploads/2020/05/Ligji-Nr.70_2019-Per-miratimin-e-buxhetit-Faktik-te-vitit-2018.pdf

42 [Raporti-per-zbatimin-e-buxhetit-vjetor-situaten-makroekonomike-dhe-fiskale-gjate-vitit-2022-FINAL.docx](#)

43 [Raporti per përdorimin e Fondit Rezervë dhe Kontigjencave për vitin 2023](#)

According to the 2025 budget, compensation for formerly politically persecuted persons is projected to increase by 17% in 2025, reaching 1.4 billion lek (0.05% of GDP, around 13 million Euros)⁴⁴, up from 1.2 billion lek in 2024 (around 11 million Euros).⁴⁵ For 2026, the budget is projected at 1.6 billion lek (around 15 million Euros), while in 2027, it is expected to reach 2 billion lek (around 19 million Euros).

From the latest published data, it results that the financial treatment of formerly politically persecuted persons for 2026, based on the explanatory report on the Draft Law “On the budget for 2026”, deposited in the Parliament, and which reflects the official data on the financial treatment of formerly politically persecuted persons⁴⁶:

- A fund of 1.5 billion lek has been foreseen for 2026, which represents about 0.1% of the GDP. However, this fund results in a smaller value than what was foreseen/promised or declared. This fund aims to continue the process of financial compensation for formerly politically persecuted persons and their heirs, in accordance with the legal framework in force.
- Budget execution data for the 9-month period of 2025 show that expenditures for compensation for former political prisoners were realized in the amount of 595 million lek, representing 65.5% of the plan for the period and 42.5% of the revised annual plan.

According to publications, the Ministry of Finance has begun the disbursement of the fifth installment, based on the Order of the Minister of Finance No. 12, dated 20.08.2025. This procedure is carried out in accordance with Law No. 9831, dated 12.11.2007, “On the compensation of former political convicts of the communist regime”, as amended, as well as the Decision of the Council of Ministers No. 419, dated 14.01.2011, “On the approval of the deadlines and the scheme for the distribution of compensation funds for former political prisoners of the communist regime”, as amended.⁴⁷

44 [202410281010351699RELACION - BUXHETI 2025.pdf](#)

45 [Law of Normative Act no.5, dated 19.12.2024](#)

46 Report on the Draft Law “On the Budget for 2026”, pages 18 & 83, Parliament of Albania; <https://kuvendwebfiles.blob.core.windows.net/webfiles/202511041330558470RELACION%20-%20BUXHETI%202026.pdf>;

47 <https://financa.gov.al/newsroom/ministria-e-financave-nis-procedurat-e-pageses-se-kestit-te-pestre-per-trashegimtarete-ish-te-denuarve-politike/>;

A problem identified also by the MoJ data results in the fact that for 2025, around 3,036 files were submitted outside the legal deadline, excluding these entities from benefiting from financial compensation.⁴⁸

Fund Planning Table

Year	Fund (Billion lek)	Increase (%)
2024	1.2	-
2025	1.4	16.67
2026	1.6	14.29
2027	2.0	25.0

IV.1. Analytical Review of Compensation Distribution for Formerly Politically Persecuted Persons⁴⁹

In this section, we will analyze the categories and number of opened installments, the payments made and the remaining financial obligation, as well as the status of the files approved for compensation.

- Categories and Number of Installments Issued:
 - Primary category (former politically convicted individuals who are still living): **22 installments issued**, covering **2,487 individuals**.
 - Non-primary category (family members of executed victims, internees, the exiles, and heirs of deceased convicts): **4 installments issued**.
- Payments made and remaining financial obligation: From **2008** to the present, a total of **24.64 billion lek** (approximately 230 million Euros) has been paid, representing **47% of the total** approved by DCM. The **remaining financial obligation** amounts to **27.85 billion lek** (approximately 260 million Euros), or **53% of the total**.

⁴⁸ Information made available by the Ministry of Finance and Economy, pursuant to Law No. 119/2014 “On the Right to Information”, as amended, through a request sent electronically, dated 4.12.2024.

⁴⁹ Data provided by the Ministry of Justice, in implementation of Law No. 119/2014 “On the Right to Information”, as amended, through the request sent electronically dated 04.12.2024.

- Status of approved compensation files:
 - **Total approved files: 13,518.**
 - **Compensated: 1,985 (primary) + 323 (non-primary) = 2,308 files**
 - **Lost rights: 545 files** (due to failure to submit documents within the legally specified timeframe)
 - **In judicial process: 25 files**
 - **Closed definitively: 3,138 files**
 - **Pending payment: 10,380 files**

IV.2. Administration and Use of the Budget Fund for the Institute for the Integration of Formerly Politically Persecuted Persons⁵⁰

The Institute for the Integration of Formerly Politically Persecuted Persons (IIP) operates based on a dedicated budget fund, which is part of the rehabilitation program for formerly politically persecuted persons. This fund was initially approved as part of the budget of the Ministry of Social Welfare and Youth for 2018, and later included in the budget of the Ministry of Health and Social Protection under the program “Rehabilitation of Formerly Politically Persecuted Persons”.

The fund was established under Law no. 7598, dated 01.09.1992,⁵¹ and consists of:

- Annual allocations from the state budget;
- A percentage of wage funds paid by non-budgetary state enterprises;
- Part of humanitarian aid determined by the Council of Ministers;
- Contributions from charitable institutions and private donors, domestic or foreign.

⁵⁰ Supreme Audit Institution, Final Report on the Audit Conducted at the Institute for the Integration of Formerly Political Persecuted Persons and the Institute for the Study of Crimes and Consequences of Communism, pg. 49. <https://panel.klsh.org.al/storage/php9dj5fg.pdf>;

⁵¹ Law no. 7598, dated 01.09.1992, On the establishment of the special monetary fund for formerly politically persecuted persons, as well as DCM No. 392, dated 12.08.1999, On the administration of the special monetary fund established under Law No. 7598, dated 01.09.1992.

The administration of the fund is based on Decision of the Council of Ministers no. 392, dated 12.08.1999, and follows these criteria: **50% of the fund** is spent on economic and material assistance for persecuted families, aimed at social integration and meeting urgent needs; **50% of the fund** is used to finance associations of formerly politically persecuted persons, based on the number of their members.

These measures aim to support and improve the quality of life of formerly politically persecuted persons and their families, ensuring a transparent and effective fund distribution process.

Fund Distribution Table (in thousand lek)⁵²

Year	Economic Assistance	Sponsorship	Associations	Total
2018	6,040	1,532	15,060	22,632
2019	7,480	508	36,540	44,528
2020	4,800	155	34,130	39,085
2021	4,345	40	37,330	41,715
2022	1,695	584	1,520	3,799

Funds allocated for economic assistance, sponsorships and associations show significant changes over the years, reflecting an overall declining trend, especially after 2019. Economic assistance funds peaked in 2019, totaling 7.48 million lek, marking an important moment of support for this category. However, after that year, the funds followed a downward trajectory. By 2022, the allocated amount had fallen to a minimum of only 1.695 million lek, reflecting a significant reduction in economic support. In 2021, sponsorships saw a sharp decline, reaching only 40 thousand lek. This situation improved slightly in 2022, with a modest increase to 584 thousand lek, although this amount remains low compared to other categories. Financial support for associations peaked in 2021 at 37.33 million lek, indicating a strong

⁵² Supreme Audit Institution, Final Report on the Audit Conducted at the Institute for the Integration of Formerly Politically Persecuted Persons and the Institute for the Study of Crimes and Consequences of Communism, p. 152. <https://panel.klsh.org.al/storage/php9dj5fg.pdf>

commitment to promoting social and organizational activities during that year. However, in 2022, there was a dramatic drop in this category, with funds falling to just 1.52 million lek, a stark difference compared to previous years. The total distribution of funds has also seen a substantial decrease over the years. In 2019, the total reached its highest value of 44.528 million lek, marking a record year for financial support across all categories. By 2022, total funds shrunk significantly to only 3.799 million lek. This sharp decline reflects economic challenges and changes in the priorities for fund distribution.

V. Compliance with International Human Rights Standards

The compensation process for formerly politically persecuted persons in Albania must comply with international human rights standards, which require full, fair, and effective reparation for victims of serious human rights violations. The International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights, and the European Convention on Human Rights (ECHR) provide a comprehensive framework for the protection of human rights and require states to ensure:

- Compensation for any human rights violation, including arbitrary arrests and unjust imprisonment;
- The right to effective reparation for victims of serious violations; and
- Fair and proportional compensation, which should include financial payments, restitution of property, and other social and moral benefits.

In 2004, the United Nations Human Rights Committee,⁵³ by analyzing the legal obligations of states provided for by the International Covenant on Civil and Political Rights, made a clear definition of the right to reparation, sanctioning, inter alia, that “*the obligation to provide effective remedies to individuals whose rights under the Covenant have been violated is not fulfilled if such individuals are*

53 United Nations Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004)

not offered compensation". General Assembly Resolution 60/147 (2006) further defined what the right to reparation includes, specifically:

- Restitution: measures aimed at restoring victims to the original situation before the serious violations of international human rights occurred, such as the restoration of freedom, enjoyment of human rights, reinstatement in employment, and return of property;
- Compensation: economic measures for physical or mental harm, lost opportunities, material and moral damages caused by widespread human rights violations;
- Rehabilitation: measures including medical and psychological care, and the provision of legal and social services;
- Moral satisfaction: measures that shift the focus from victims to perpetrators of violations through efforts to prosecute them and establish the truth at political, legal, scientific and cultural levels;
- Guarantees of non-repetition: including institutional reforms and measures aimed at consolidating democracy and the rule of law, reducing the likelihood of further widespread human rights violations.

In this context, Albania has the obligation to implement these standards by ensuring a transparent and fair compensation process for formerly politically persecuted persons, in accordance with the conventions it has ratified.

The 2023 report on Albania's progress toward European Union (EU) accession⁵⁴ emphasizes that the implementation of compensation schemes for formerly politically persecuted persons and former property owners remains a major challenge for the country. The EU has recommended improvements in the transparency and efficiency of this process to meet international human rights standards.

According to an analysis by DWP Balkan, Albania has made progress in certain aspects of transitional justice, but still faces challenges in meeting international standards. In particular, the analysis highlights the need for stronger rehabilitation programs addressing the psychological and social needs of victims, in addition to financial compensation.⁵⁵

54 [ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en](#)

55 [Profili "shumëfytëresh" i drejtësisë tranzitore në Shqipëri, Kosovë dhe Maqedoni e Veriut - DWP-BALKAN](#)

VI. Issues and Challenges in the Implementation of Legal Acts

Since 2009, the Ombudsperson has placed particular emphasis on the payment of installments for compensation of former political prisoners and their heirs. The office has also addressed the necessity of legislative amendments and the adoption of by-laws to ensure other rights for this category (Ombudsperson Reports, 2020-2023), highlighting the following issues:

- Lack of fulfillment of legal obligations: There is no precise deadline for completing the compensation process, thus delaying the rehabilitation of this segment of society.⁵⁶
- Insufficiency of the budget: The Ombudsperson notes that the annual budget allocation for compensating formerly politically persecuted persons is insufficient to complete the process within an optimal timeframe. In 2022, only one billion lek was allocated for this category, a figure that has been decreasing in recent years. This significant reduction

⁵⁶ <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20vjetor%20i%20verpimtaris%C3%AB%20s%C3%AB%20institucionit%20t%C3%AB%20AP%20p%C3%ABr%20viti%202021.pdf>; pg.72.

“The annual budget allocation for the compensation of formerly politically persecuted persons is at an insufficient level to complete this process within an optimal timeframe, and the process is expected to continue with delays for years, failing to conclude within reasonable deadlines.”

in funds highlights the urgent need to review the budget for the coming years.⁵⁷

- Effective implementation of rights: Beyond recognizing the rights of this category, the state must ensure their effective implementation within reasonable deadlines.
- Failure to provide compensation for individuals subjected to *internment* and *exile*, despite the law recognizing their right to treatment, remains a concern.
- Another obstacle is the statute of limitations for applications to compensation, which has created discrimination and limited access for many individuals entitled to this benefit.

The 2023 Ombudsperson Report emphasizes the importance given to former political prisoners and their heirs. The report notes that the percentage allocated in the state budget for compensating this category remains insufficient. As a result, the compensation process is expected to be delayed for several years, making its completion within an optimal timeframe impossible.⁵⁸ The institution has issued a specific recommendation to the *Council of Ministers*, addressing concerns related to the effective payment of compensation, the scope of *heirs*, the legal premises, and the obligation to issue subordinate acts. This is essential to ensure that all affected groups have equal opportunities to benefit from the law.

VI.1. Criteria for Evaluating the Effectiveness of the Process

Below, some criteria for evaluating the effectiveness of the process will be presented.

- *Implementation Timeline and Transparency*: One of the primary criteria for evaluating the effectiveness of the compensation process is the

⁵⁷ <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20Vjetor%202019%20-%20Avokati%20i%20Popullit.pdf>

⁵⁸ FINAL-RAPORTI VJETOR 2023.pdf; <https://autoritetidosjeve.gov.al/raport-vjetor-2023>;

implementation timeline. In Albania, the process has been prolonged, with many cases of delays spanning decades, directly affecting the well-being of former political prisoners. Transparency is another important factor. Although there have been efforts to implement a clear compensation system, the Ombudsperson has reported a lack of information and concerns regarding the method of fund distribution in some cases.

- *Justice and Efficiency:* In terms of justice, the process has included several categories of beneficiaries in a differentiated manner. Formerly politically persecuted persons who spent longer periods in prison or labor camps have been included in various schemes, while some individuals, particularly those with shorter periods of persecution, have benefited less. Efficiency has been a major issue due to bureaucracy and the lack of sustainable funding, which has caused the process not to function as expected.

A 2012 World Bank report on compensation processes in post-communist countries highlights that Albania's mechanisms for compensation are slower and more complex compared to countries such as Poland or the Czech Republic. Poor implementation has affected citizens' trust in the system and created a strong sense of injustice.

- *Impact on the Economic Life of Victims:* Delays in the compensation process have consequences for the lives of former political prisoners. Many have aged without receiving the promised compensation, facing significant economic hardships. Due to old age and health problems caused by persecution, many were unable to work to maintain a decent living. Reports from human rights organizations indicate that a significant number of formerly politically persecuted persons passed away without receiving any compensation, leaving their situation unresolved and creating problems for their heirs.

In October 2024, six former political prisoners began a hunger strike near the Parliament of Albania, demanding special pensions and payments for work

performed during their imprisonment, which they claim were not paid.⁵⁹ On the fourth day of the strike, one of the protesters, 84-year-old, was rushed to the hospital due to deteriorating health, worsened by heart problems and lack of food.⁶⁰

The work of the ISKK⁶¹ and other organizations aims to document and remember communism crimes, ensuring that they are neither forgotten nor repeated. In efforts to address these issues, online platforms have also been created, providing information and services for former political prisoners, aiming to facilitate their access to rights and benefits provided by law.⁶²

59 [Balkanweb](#), 14 October 2024, "For the past four days, six former political prisoners have been staging a hunger strike outside the building of formerly politically persecuted persons, just a few meters from the Parliament".

60 [A2 News](#), 17 October 2024

61 The Institute for the Study of Crimes and Consequences of Communism in Albania (ISKK) is an institution established to document, research, and publicly disclose data on crimes and human rights violations that occurred during the communist regime in Albania (1944–1991). It serves as a mechanism to shed light on the totalitarian period and to provide symbolic justice for the victims of the regime.

62 [TLAS Portal](#)

VII. Prospects and Possible Legislative Improvements

The compensation process for former political prisoners in Albania has faced numerous challenges and delays, highlighting the need to review the legal framework. Current compensation laws, adopted after the fall of the communist regime, have undergone some amendments, but these have not been sufficient to address all the issues.

One essential improvement to be made is the creation of a sustainable financial mechanism that would ensure the continuity of payments to formerly politically persecuted persons without interruption. This would require a revision of the dedicated budget and the establishment of a special compensation fund, independent of political changes and financial crises.

The Authority for Information on Former State Security Files (AIDSSH) has proposed several changes to the law on the compensation of former political prisoners of the communist regime. These changes include increasing the compensation amounts for individuals and families who suffered as a result of political persecution, considering it an urgent need to address the situation of former internees in barbed-wire camps. The proposal also includes special provisions for individuals who were born in internment or were minors during the internment period.⁶³ This measure aims to eliminate discrimination and ensure that all those who

⁶³ <https://autoritetidosjeve.gov.al/raport-vjetor-2023>

suffered under these conditions have the opportunity to receive compensation, even if symbolic. Another recommendation is the prioritization of payments for the families of victims who were killed during the communist regime. This implies harmonizing the definitions in the law and aligning the compensation amount with years of imprisonment, increasing it from 8 to 25 years of incarceration.⁶⁴ According to Article 7 of Law No. 9831, dated 12.11.2007, as amended, family members of victims who were shot or unjustly executed on political convictions are entitled to financial compensation equivalent to compensation for eight years of imprisonment. This right to claim compensation is a personal and non-transferable right. For all these beneficiary groups, it is recommended to extend the application deadline to December 31, 2026, in order to provide sufficient time for verification and provision of compensation.

Another important aspect is the need to accelerate the compensation process, including recommendations to expedite the remaining payments, especially for those with health issues. For such individuals, it would be advisable to pay the the remaining amount in a single lump installment. Furthermore, an important proposal includes granting individuals who performed forced labor during internment the right to a fixed monthly payment as compensation for their work, which will not be affected by other benefits received to date.

Legislative initiatives have been submitted by Members of Parliament (on November 2, 2022 and June 6, 2023) for several amendments to Law No. 9831, dated 12.11.2007, "On the compensation of former political convicts of the communist regime," as amended. According to the parliamentary work calendar approved at the Conference of Chairpersons on October 9, 2024, the draft law was scheduled for discussion during the period October 14 - November 1, 2024. Nevertheless, despite its inclusion in this calendar and the fact that it was also planned for review in February 2025, it has not yet been examined by the relevant parliamentary committee.⁶⁵

64 The prioritization, for payment purposes, of the circle of family members of victims who were killed or executed during the communist period; the harmonization, in Article 8, of the definition of "circle of family members" and the circle of heirs with the Civil Code for the purposes of entitlement under Article 7 of the law; and the adjustment of the compensation amount under Article 7, not based on 8 years of imprisonment but on 25 years of imprisonment. <https://autoritetidosjeve.gov.al/raport-vjetor-2023>

65 [Kuvendi i Shqipërisë 202501301613581975Kalendar i punimeve të Kuvendit për periudhën 10 shkurt - 28 shkurt 2025.pdf](#);

VIII. Conclusions

Full and fair compensation for former political prisoners is not only a legal obligation, but also a moral duty and a necessary step to ensure a just and equitable society for all citizens. The rehabilitation and compensation of former political prisoners in Albania has been a focus of the state since the fall of the communist regime, but initial efforts to address this issue were fragmented and incomplete. Despite the adoption of several laws and government decisions between 1991 and 1993 (Law No. 7514/1991 and Law No. 7598/1992), the concrete effects were limited and often merely declarative.

With the adoption of Law No. 9831 on November 12, 2007, “On the compensation of former political convicts of the communist regime,” as amended, a more structured and sustainable process for financial and moral compensation began. However, the concrete implementation of the law was delayed until 2008, and its partial effects only started to be felt in 2009 and onwards. This delay has left a large number of formerly politically persecuted persons still awaiting full justice, and although some positive steps have been taken, it still remains a significant challenge for Albanian society to fully fulfill its commitments towards this category.

Compensation for affected groups remains a critical and complex issue. Even though the planned budget fund shows a slight increase, the exact period for

completing full payment is still unclear. This uncertainty is linked to several key factors, including the total number of beneficiaries, the dynamics of new applications, the size of funds allocated each fiscal year, and the efficiency of administrative processes for fund distribution. Furthermore, effective program implementation requires transparency and ongoing monitoring to ensure that fund allocation is fair and aligned with priority needs. A clearer, coordinated strategy for gradually increasing the budget could help accelerate the process and reduce the burden on beneficiaries who have been waiting for years to receive their entitlements.

In this context, it is essential that relevant institutions clearly define objectives and publish approximate timelines, providing greater certainty for citizens. The involvement of civil society organizations and broad public consultation would also contribute to increased trust and better planning and execution of the budget.

One of the main issues that requires attention is the creation of a sustainable financial mechanism, ensuring that payments to formerly politically persecuted persons are continuous independently of political or financial crises. For this reason, the dedicated budget should be reviewed, and a special fund should be established, operating independently of any changes in government or economic conditions.

A comprehensive review of the laws governing eligibility criteria and compensation calculations would also help ensure a fair, inclusive, and more transparent process, taking into account the difficulties and inequalities faced by formerly politically persecuted persons and their families. Only in this way can the primary objective of compensation - restoring justice and the lost dignity to this persecuted group under the communist regime - be achieved.

In conclusion, the compensation process has progressed, but at a slow pace, as only 47% of the funds (24.639 billion lek) have been paid, while 53% (27.848 billion lek) remains outstanding. A large portion of the cases (of the 13,518 approved compensation cases, payments have been completed for 3,138 cases/individuals, including 1,985 primary category cases and 323 non-primary category cases; 545 cases lost eligibility, and 25 cases are in judicial process) remains in process, with 10,380 cases, or 77% of the total,

still pending payment. Accelerating this process is essential to ensure the fulfillment of financial obligations to beneficiaries.

The compensation process for formerly politically persecuted persons in Albania has been characterized by long delays and bureaucratic obstacles, which have negatively affected its implementation. These problems have caused disappointment among beneficiaries and hindered the improvement of their living conditions, thereby undermining the effectiveness and purpose of this process.

IX. Recommendations

Based on the findings outlined above, some recommendations for improving the compensation process are as follows:

- Improvement of the payment system – Establishing a guaranteed and swift financial mechanism, with a special fund allocated in the annual budget, to ensure regular and timely payments.
- Expansion of non-financial compensation – Pension benefits⁶⁶ and social support measures should be implemented consistently and expanded to increase access for all beneficiaries.
- Consultation with international organizations – Using best international practices and collaborating with relevant organizations to ensure that the compensation process complies with human rights standards.

A. *Proposals for Improvement*

- Accelerating the implementation of legal decisions on compensation through the creation of fast-track mechanisms for reviewing and executing claims.

⁶⁶ The creation of a special compensation scheme for the years of internment of children, for whom the period of internment and exile for political reasons is not recognized as work experience for those born during internment or for those who had not yet reached the age of 15. <https://autoritetidosjeve.gov.al/raport-vjetor-2023>

- Harmonizing legislation with international best practices for the compensation of victims of political persecution, including the standards of the United Nations and the Council of Europe.
- Expanding beneficiary categories, including family members of victims who have not received compensation due to incomplete documentation or bureaucratic obstacles.

B. Opportunities to Accelerate the Process

- Digitization of procedures – By creating an online platform where formerly politically persecuted persons and their families can submit necessary documents and track the status of their applications, bureaucratic delays can be significantly reduced. This process would eliminate the need for in-person submissions and substantially shorten processing times.
- Regular allocation of funds – Ensuring that funds for compensation are planned and dedicated annually in the state budget is essential to accelerate the process. A dedicated, secure fund would prevent delays caused by political changes or financial difficulties.
- Collaboration with international organizations, such as the Council of Europe or OSCE, to obtain technical and financial expertise that can help improve internal capacities.

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