

ALBANIA 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of conscience and religion. It stipulates there is no official religion, and the state is neutral in matters of belief, recognizes the equality and independence of religious groups, and prohibits discrimination based on religion. The government has agreements with the Sunni Albanian Muslim Community (AMC), Bektashi Muslim community, Roman Catholic Church, Albanian Autocephalous Orthodox Church (AOC), and the Evangelical Brotherhood of Albania (VUSH), an evangelical Protestant umbrella organization, that recognize these groups as the country's main faith communities and address property restitution and other arrangements. By law, the government gives financial support to four of these faith communities, but not to VUSH or other religious groups.

In May, Jehovah's Witnesses filed a court appeal, pending at year's end, against what it said was the government's failure to respond to repeated requests for an agreement similar to those obtained by the five faith communities, which left the group subject to certain tariffs. In July, Imam Ahmed Kalaja of Tirana's Dine Hoxha Mosque reported to authorities that a police officer was intimidating members of the mosque. An evangelical Christian pastor filed a legal suit, pending at year's end, challenging a 2021 finding that he was guilty of hate speech for comments he had made against proposed amendments pertaining to same-sex unions. The five religious communities with agreements with the government continued to express concern over delayed restitution of property seized under the former communist regime. The State Agency of the Cadaster (SAC) reported problems returning property to religious communities, stating that this was mainly because properties were occupied with other legally and illegally constructed buildings, and it said in-kind compensation was limited by insufficient available property. The Bektashi community, AOC, and AMC again reported problems defending their titles to some properties. The government legalized 97 buildings owned by religious groups that had been built without construction permits, compared with 104 in 2021; 28 additional properties remained under review. In May, the government and the Albanian-American Development Fund chose an Israel-based firm to build a museum in Vlora dedicated to the country's efforts to protect Jews during World War II.

Religious communities said interfaith relations were positive. Jehovah's Witnesses said there was some negative media coverage of the group, which they said stemmed from its lack of status as an officially recognized religious organization. According to Jehovah's Witnesses, criminal and civil defamation cases they filed against four media companies in 2021 remained pending in court. The Interfaith Council, a forum for leaders from the five religious communities with agreements with the government, held several online and in-person meetings on faith-related and other issues.

The U.S. embassy urged government officials to accelerate the handling of property claims and to return religious groups' buildings and other property confiscated during the communist era. Embassy officials met with representatives of religious communities to discuss interfaith and governmental relations and the challenges they faced regarding property legalization and restitution. Embassy-sponsored programs, including youth programs, focused on developing community inclusivity and cohesiveness, promoting women's empowerment in religious communities, and emphasizing the compatibility of religious faith and democracy.

Section I. Religious Demography

The U.S. government estimates the total population at 3.1 million (midyear 2022). According to the most recent census, conducted in 2011, Sunni Muslims constitute nearly 57 percent of the population, Roman Catholics 10 percent, members of the AOC 7 percent, and members of the Bektashi Order (an Islamic Sufi order) 2 percent. Other groups include Protestant denominations, the Baha'i Faith, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints, and Jews. Nearly 20 percent of respondents declined to answer an optional census question about religious affiliation. According to Boston University's 2020 World Religion Database, Muslims constitute approximately 59 percent of the population, Christians 38 percent, atheists or agnostics 2.5 percent, and Baha'is 0.6 percent. In 2017, the World Jewish Congress estimated there were 40-50 Jews.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states there is no official religion, recognizes the equality of all religious communities, and articulates the state's duty to respect and protect religious coexistence. It declares the state's neutrality in questions of belief and recognizes the independence of religious groups and their status as legal entities. According to the constitution, relations between the state and religious groups are regulated by agreements between these groups and the Council of Ministers and ratified by the Assembly (parliament).

The constitution prohibits religious discrimination and guarantees freedom of conscience, religion, and expression. It affirms the freedom of all individuals to choose or change religion or beliefs and to express them individually or collectively, in public or in private, and it explicitly recognizes the right of persons belonging to national minorities to freely express their religion without prohibition or compulsion. The constitution states individuals may not be compelled to participate in or be excluded from participating in a religious community or its practices, nor may they be compelled to make their beliefs or faith public or be prohibited from doing so. It prohibits political parties and other organizations whose programs incite or support religious hatred.

The criminal code prohibits interference in an individual's ability to practice a religion, and it prescribes punishments of up to three years in prison for obstructing the activities of religious organizations or for willfully destroying objects or buildings of religious value. It imposes imprisonment up to one year for obstructing participation in religious ceremonies or impeding the free expression of religious beliefs.

By law, the Office of the Commissioner for Protection from Discrimination receives and processes discrimination complaints, including those concerning religious practice. The commissioner may issue decisions and impose fines, which the affected parties may appeal in court.

The law specifies that the State Committee on Religion, under the authority of the Office of the Prime Minister, is charged with regulating relations between the government and religious groups, protecting freedom of religion, and promoting interfaith cooperation and understanding.

The government does not require registration or licensing of religious groups, but a religious group must register with the Tirana District Court as a nonprofit association to qualify for certain benefits, including the right to open a bank account or own property and exemption from certain taxes. To register, a group must submit information on the form and scope of the organization, its activities, the identities of its founders and legal representatives, the nature of its interactions with other stakeholders (e.g., government ministries and civil society organizations), and the address of the organization, as well as a registration fee of 2,000 lek (\$19). A judge is randomly assigned to adjudicate an application within four days of submission and typically completes the adjudication in one day.

The government has agreements with the AMC, Bektashi community, Catholic Church, AOC, and VUSH. The agreements codify arrangements pertaining to official recognition, property restitution, tax exemptions on income, donations, and religious property, and exemption from submitting accounting records for religious activities. A 2009 law directs the government to provide financial support to the four religious communities with which it had agreements at the time – the AMC and Bektashi communities, the Catholic Church, and the AOC. This law does not apply to VUSH, whose agreement with the government dates from 2011. There is no provision in the law to provide VUSH with government financial support.

Although the government's agreements with the five religious communities stipulated the government would return religious objects and property, subsequent legislation delegated this role to the courts. Religious communities must file claims in court for restitution of, and compensation for, property confiscated by the former communist government, as must all other claimants. To reclaim property, a religious community must first obtain ownership title from the court and then register the properties with the SAC in the official register established in 2020 to show quantity, value, and ownership of real estate. By law, bailiff offices must execute court rulings in property cases. According to law, court rulings in civil cases, including those involving property, expire if they are not executed within 10 years. If the property cannot be restituted because it is occupied, in use by the government, or otherwise unavailable, the community may, upon demonstrating ownership title, petition the Agency for the Treatment of Properties (ATP) for financial compensation, which, until February 2021, the government paid based on a legislatively determined formula. A February 2021

Constitutional Court ruling abrogated the formula. The ruling mandated a legislative amendment to reestablish a compensation formula within six months, but the government has not passed an amendment.

The 2016 law that established the ATP imposed a three-year deadline for the agency to address financial compensation claims by all claimants, including religious groups, for properties confiscated during the communist era. As of February 2019, ATP's jurisdiction in these cases ceased and the law required claimants take their cases to court for judicial review. Claimants may challenge the ATP's value of the compensation at the Administrative Court of Appeals within 30 days from the date of the publication of the valuation. The ATP retains jurisdiction over, and continues to address compensation for, properties that cannot be returned to the recognized landowner because they are occupied with "informal" buildings constructed without permits and subsequently legalized by the government.

The law allows the five religious communities with agreements with the government to operate educational institutions as well as build and manage religious cemeteries on land the communities own.

Religious groups, including religious communities, foundations, and missions, must have building permits to construct new houses of worship. The law allows the government post facto to legalize informal buildings constructed prior to 2014 without permits.

Public schools are secular, and the law prohibits instruction in the tenets of a specific religion. The law allows the teaching of the history of religion or comparative religions as part of a humanities curriculum. Private schools may offer religious instruction. According to the Committee on Religion, the Catholic, Muslim, AOC, and VUSH religious communities manage 113 educational institutions, including universities, primary and secondary schools, preschools, kindergartens, vocational schools, and orphanages. By law, the Ministry of Education and Sport must license these institutions, and nonreligious curricula must comply with national education standards. Most of these do not have mandatory religion classes but offer them as an elective. The AMC runs four madrassahs that teach religion in addition to the state-sponsored curriculum,

while the AOC runs one religious high school in Gjirokaster and the Resurrection of Christ theological academy.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Jehovah's Witnesses reported the government did not respond to repeated requests for an agreement similar to those established with other faith communities. In January, the government stated it had never received a request, which Jehovah's Witnesses said it had submitted by mail. The group stated the government's refusal to conclude an agreement was discriminatory, denying it recognition as a faith community and obliging its foreign missionaries and volunteers to pay fees for residency permits, from which religious groups with agreements were exempt. The Jehovah's Witnesses also stated that inquiries to the government regarding their request for an agreement were unanswered. In 2021, Jehovah's Witnesses filed a lawsuit in the First Instance Administrative Court of Tirana seeking a response from the government and a court order mandating the government to negotiate an agreement. The court ruled that national laws did not require the government to enter into an agreement with any contractual party and dismissed the claim. On May 6, the group appealed the ruling to the Tirana Administrative Court of Appeal, and the appeal was pending at year's end.

In July, Imam Ahmed Kalaja of Tirana's Dine Hoxha Mosque reported police officer Bashkim Lamnica to the Tirana muftiate and to authorities for aggressive behavior and offensive language inside the mosque. Kalaja said Lamnica was pressuring individuals who prayed and worked at the mosque to become police informants. Kalaja published his statement and footage of what he said was Lamnica intimidating individuals inside the mosque on social media. The Tirana prosecutor's office said it had opened an investigation into the case, which was ongoing at year's end.

Media outlets reported that in December 2021, Akil Pano, pastor of the evangelical Gospel of Christ Church and a philosophy professor at the State University of Tirana, challenged in the First Instance Administrative Court an antidiscrimination commissioner finding that Pano had engaged in hateful

rhetoric against lesbian, gay, bisexual, transgender, and queer persons earlier that year and calling on him to make a public statement distancing himself from those remarks and not repeat them. On television, Pano had said that a proposal to change “father and mother” in the family code to “parent 1 and parent 2” would dehumanize persons and that a change in the code would eventually allow persons to claim the right to marry animals or multiple partners. According to press reports, Pano denied that he had engaged in hate speech and said his views were based on Biblical teachings. The court case was ongoing at year’s end.

The government continued the process of legalizing buildings constructed by religious groups – primarily Sunni mosques, Catholic and AOC churches, and Bektashi *tekkes* (centers of worship) built without government approval after the fall of communism in the early 1990s. The SAC reported that it legalized 97 such buildings during the year (compared with 104 in 2021): Twenty-one churches and other buildings of the Catholic Church, 45 mosques and other buildings of the AMC, 21 churches and other buildings of the AOC, eight tekkes, and two buildings used for religious purposes. Twenty-eight other buildings remained under review. There were discrepancies between the figures reported by the SAC and those of the religious communities. The AMC reported it obtained legalization papers for 92 mosques during the year, compared with 32 in 2021, with 336 applications outstanding. The AOC reported no new legalizations during the year and criticized the slow process. The Catholic Church did not report any property legalizations during the year.

The SAC stated there were intractable challenges to providing restitution to religious communities for property seized under the former communist regime. According to the SAC, among these persistent challenges were the refusal by current owners – private owners and the government – to relinquish property, necessitating time-consuming litigation, and a lack of government funds to pay compensation in cases where the government had transformed the properties into space that was no longer usable for religious purposes. SAC said in-kind compensation was limited by insufficient available property.

Parliament again did not pass pending legislation to provide a new formula for the ATP to use for property compensation, as required by the 2021 Constitutional Court ruling. Absent an amendment establishing a new formula, the ATP did not pay any new property compensation claims not involving informal buildings

during the year. An EU progress report on the country, released in October, assessed as “unresolved” the restitution of religious properties confiscated by the state during communism. The report stated, “The dependence of some religious groups on financial support from third parties creates vulnerabilities.” The Committee on Religion proposed establishing an ad hoc body to address religious communities’ property claims, but the government had not taken action on the proposal at year’s end.

The ATP stated that it was processing 13 requests filed by religious communities during the year for compensation for informal buildings built by others on land belonging to the religious community. In April, it paid the AMC 12.3 million lek (\$116,000) as compensation constituting 70 percent of the total value of a 375 square-meter (4,034 square-foot) property. The ATP was still reviewing the 12 other requests at year’s end. In addition, the ATP reported that at year’s end, there were 100 unprocessed compensation claims based on recognized deeds of ownership. The AOC reported it filed for compensation for approximately 890 properties, only 10 percent of which the ATP considered; for the rest, the AOC had to pursue its claims in court. The Bektashi community’s requests for compensation for 20 properties occupied with informal buildings remained pending with the ATP at year’s end.

The AMC, Bektashi community, and AOC continued to state there were lengthy delays in court proceedings that could make it difficult to enforce an eventual restitution ruling before the 10-year statutory limit on the execution of civil judgments expired. The AOC said it won some property cases in court, but that outside influence – often involving corruption – on bailiff offices by interested parties, including businesses, private individuals, or government officials, was slowing bailiffs’ execution of court rulings. Bektashi representatives reported that at least seven cases of property restitution and compensation involving the Bektashi community and the government or individuals were still pending in court at year’s end, while the AMC reported it had 140 property cases pending in court.

The Catholic Church and the AOC stated that the government had not implemented its agreements with these communities to return religious objects and properties. The Catholic Church said the government had not created the ad hoc commission stipulated in the agreement to handle the restitution of objects and property, nor had it returned properties. The AOC reported it was still

seeking restitution for several properties owned by different government ministries that it previously owned.

Religious communities reported hundreds of property cases remained pending in various courts due to vacancies caused by slow judicial vetting, hampering religious communities' ability to advance claims to their property or compensation. Citing the judicial backlog, the AMC and AOC said it would take years for the courts to hear their cases. The AMC reported that since 2016, it had submitted approximately 500 applications for the return of properties or compensation encompassing approximately 23,000 hectares (57,000 acres) of property worth what AMC estimated to be approximately six billion euros (\$6.4 billion). The AMC reported that it withdrew the compensation applications at the ATP's request and would take to court cases the ATP failed to address. The AMC reported the government had not yet paid compensation on four judgments in its favor from 2020. In one case, the government filed a lawsuit during the year in the Vlora Regional Court challenging the AMC's title – recognized by the government in 2008 – to a property in the village of Borsh near the city of Saranda. The AMC questioned the government's standing to file the suit and said it doubted the government's willingness to solve religious property issues.

The SAC reported that during the year, the government paid the AMC approximately 14.3 million lek (\$134,000) in compensation for 527 square meters (5,673 square feet) of land; the Bektashi community approximately 122 million lek (\$1.1 million) for 5,076 square meters (54,638 square feet) of land; and the Orthodox Church approximately 8.7 million lek (\$81,700) for 453 square meters (4,876 square feet) of land.

The AOC again said that despite numerous requests, the government had not returned all sacred objects, relics, icons, and archives confiscated during the communist regime. The AOC stated that although the legal procedures were almost finalized, the government had not taken steps to return the Church of Entry into the Temple of the Holy Mary in Permet, the Church of the Evangelization of Mary Mother of God in Tepelena, and the Church of Saint Nicolas in Saranda. By year's end, authorities had not allowed reconstruction of the Saint Procopius Church in Tirana to begin, even though the Ministry of Culture returned the land where the church is located to the AOC in 2020.

The Ministry of Culture stated that although the law allowed religious communities to possess title to religious property listed as cultural heritage or a cultural monument, in some cases such property would remain property of the state, due to its national importance. The AOC cited as one example a property retained by the state under this provision, the Monastery of the Sleeping of the Virgin Mary in the village of Kodër, Tepelene. According to the Ministry of Culture, in some cases, religious communities did not seek title to the property because the law on cultural heritage places the burden of restoration, rehabilitation, and maintenance primarily on the owner, with potential financial penalties if the work is not completed as prescribed by law. The AOC again suggested the government establish a special agency and adopt special legislation to address religious communities' property.

The Bektashi community reported that it filed a lawsuit against the government in May 2021 seeking compensation for the construction of apartments without the community's permission for individuals who lost their homes during a 2019 earthquake on Bektashi property in Fushe-Kruja. The case remained pending in court. In addition, the Bektashi community reported that cases contesting a decision by the ATP not to recognize the community's property claims or to legalize tekkes in Frasher, Alipostivan, Ksamil, Berdanesh, and Turan continued to work their way through appeals in the court system.

The Bektashi community and the AOC again objected to paying the value added tax (VAT), as well as other taxes and fees, stating the payments violated their agreements with the government. The AOC reported it received 26.5 million lek (\$249,000) in government funding but paid 113 million lek (\$1 million) in annual taxes and social and health insurance, which had not been reimbursed as called for in its agreement with the government. The AOC stated the government had not responded to its request for reimbursement. The Bektashi community again reported that it had held meetings with the government regarding disputed VAT payments for past and ongoing building construction but had not yet reached a resolution.

VUSH's lawsuits against the Tirana municipal government and a construction company for allowing the construction of residential and commercial buildings owned by others on VUSH land after the government refused permits for VUSH to

build on its own land remained pending in the Tirana District Court. VUSH filed the lawsuits in 2020.

The Ministry of Education presented for consultation a draft governmental decision that would limit religiously affiliated universities to offering only theological educational programs, restricting secular educational majors. The Interfaith Council and the State Committee on Religion expressed concerns that such restrictions, if adopted, could result in the closure of religiously affiliated education institutions due to a decrease in student enrollment and the resulting loss of tuition. The AMC noted potential closures could force theological students to go abroad, while the AOC highlighted potential infringement of the constitutional right of religious communities to self-organize. At year's end, the government had not implemented the decision.

Under pressure from opposition groups, including religious communities, in March, parliament withdrew draft legislation that would have amended the family code and the law on adoptions to recognize same-sex civil unions and allow unmarried individuals to adopt.

The Commissioner for Protection from Discrimination reported three cases of complaints of discrimination based on religious grounds but ruled that there was no discrimination in any of the cases. In one case, the plaintiff said a private company had fired him because of his religious and political beliefs; the company said the dismissal was due to restructuring. The plaintiff challenged the commissioner's ruling that there was no discrimination in the Tirana Administrative Court. The case was ongoing at year's end. In another case, the plaintiff alleged religious and gender discrimination by a bailiff's office; the commissioner ruled that the case was outside of his jurisdiction. In the third case, a nongovernmental organization (NGO) had alleged that a public figure's Facebook post concerning Eid al-Fitr constituted hate speech.

The State Committee on Religion census of religious organizations remained unchanged from 2021. It counted 195 organizations, 174 of which were evangelical Christian. The AMC had one organization, the AOC four, and the Catholic Church 16. All of the organizations listed in the census were linked to of religion on forms for the next census, scheduled for 2023. The antidiscrimination commissioner expressed concern the government had not

properly informed the public about the upcoming census, which could result in an undercounting of some populations.

The AMC said it recommended that the government, as it had with the previous census, again enable self-declaration. The government continued to provide a total of 113 million lek (\$1 million) to the Catholic, AMC, AOC, and Bektashi communities, the same amount as in 2021. The AMC received 33.6 million lek (\$316,000), an increase of approximately 480,000 lek (\$4,500) over 2021, while the Catholic and AOC received 26.5 million lek (\$249,000), and the Bektashi community 26.4 million lek (\$248,000), compared with 26.64 million lek (\$250,000) for each of the latter three groups in the previous year. The communities continued to use the funds to cover part of the salaries of administrative and educational staff, as stipulated by a Council of Ministers' decision in May. In addition, the Bektashi community again used some of the funds to continue building the Grand Tekke of Elbasan and raise awareness of the Bektashi community domestically and internationally. The government did not indicate the basis on which it allocated the funds among the four communities. The AMC stated it believed the government was emphasizing equality among the religious groups rather than allocating funds based on the size of each community.

In May, Prime Minister Edi Rama announced the Israel-based firm Kimmel Eshkolot Architects, in collaboration with the Albanian-American Development Fund, would build a museum in Vlora dedicated to the country's efforts to protect Jews during World War II.

Media outlets reported that in June, then President Ilir Meta hosted, in cooperation with the Israeli embassy, a ceremony honoring Kasem Kocerri, who saved a Jewish couple in Vlora during World War II. Yad Vashem bestowed Righteous among the Nations status on Kocerri in 1996.

The *Jerusalem Post* reported that on October 24, during an event in Jerusalem honoring five Albanian families who protected Jews during World War II, Prime Minister Rama said, "Antisemitism is a cause for everyone, not just for Israel and Jewish people."

Section III. Status of Societal Respect for Religious Freedom

The five religious communities that have agreements with the government, as well as Jehovah's Witnesses, said interfaith relations were positive.

Jehovah's Witnesses said there was some negative media coverage of the group stemming from its lack of status as an officially recognized religious organization. Criminal and civil defamation lawsuits that Jehovah's Witnesses filed against three media outlets in 2021 remained pending in Tirana District Court, while criminal and civil lawsuits against a fourth media company were pending in Tirana Appeals Court. All the lawsuits pertained to media reports in 2020 about a double suicide among members of a family in Tirana. The reports, according to Jehovah's Witnesses, falsely stated that the family were members of Jehovah's Witnesses and portrayed the religious group as a dangerous sect.

The Interfaith Council held several meetings both in-country and abroad on faith-related issues, such as a conference on "Brotherhood in Humanism" organized during the UN World Interfaith Harmony Week on February 1-7, and it organized nine interfaith workshops throughout the country to promote active civic engagement and support for local religious communities.

Section IV. U.S. Government Policy and Engagement

In meetings with government officials, embassy officers continued to urge resolution to long-standing religious property claims and the restoration to religious groups of their property confiscated during the communist era.

Embassy officials met with representatives of the AMC, AOC, Catholic, Bektashi, VUSH, and Jehovah's Witnesses communities to discuss interfaith and governmental relations and urged faith communities to propose joint solutions to the problems they faced regarding property legalization and restitution. In February, the Ambassador gave remarks at the Interfaith Council's conference "Brotherhood in Humanism," organized for the UN World Interfaith Harmony Week.

The embassy funded local organizations through grants to implement programs, including two that focused on developing community inclusivity and cohesiveness, promoting women's empowerment in religious communities, and

emphasizing the compatibility of religious faith and democracy. Both projects, carried out in 25 municipalities, helped build community resilience and promoted moderate voices within the Muslim community. Through a continuing program implemented by the Institute for Democracy and Mediation, a local NGO, the embassy funded a program of engagement with youth and religious communities to promote religious tolerance, harmony, and civic participation. As part of these initiatives, more than 2,300 students at Islamic and AOC religious schools, as well as students from public schools, planned and carried out projects highlighting religious diversity and tolerance, focusing on youth activism and common civic values.