

## **Muslims, Law and Religious Freedom in Albania**

Jochen Töpfer\*

### **Abstract:**

Freedom of religion is commonly defined via three dimensions, as the freedoms to choose, to criticize, or to not follow a religion. Hereby, social, political, and legal regulations are the main forces limiting and enabling the exercise of this specific human right. This article describes the current tripartite relationships between state, law, and religious organizations in Albania, focussing on the major institutions and issues. The basic and underlying assumption is that there is a high level of willingness for religious harmony and integrative behaviour on the part of organized religions, which is met by the state through a regulatory framework favouring acknowledged communities, but which also shows significant delays in decision-making and implementation processes. These findings are also valid for the relationship between the state as a guarantor of religious freedom and Muslim organizations.

**Key words:** Albania, Freedom of religion, Islam, Religious Organisations

### **Introduction: Religion and society in Albania**

Describing the position of religion in its various dimensions (Riis 2011, 230) in present-day Albanian society, one has to take into account the latest historical path-dependencies of the second half of the 20<sup>th</sup> century as crucial impact factors. In Albania, religion in general and Islam in particular were severely prosecuted by the communist regime between 1944 and 1990, such that today religious organizations are still in the stage of re-establishing internal structures and enduring external

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\* PhD, Freie Universitaet Berlin, e-mail: [jochen.toepfer@fu-berlin.de](mailto:jochen.toepfer@fu-berlin.de)

channels of communication that would enable them to gain and maintain a certain influence over general developments in society.

The Republic of Albania is a comparatively small country of approximately 28,800 km<sup>2</sup>, divided into twelve administrative regions (*qark*), within which 65 cities and 308 rather rural administrative municipalities are organized (Instituti i Statistikave 2014, 13). Albania's status as one of the poorest countries in Europe<sup>1</sup> directly influences every sphere of society, including religion and its practice. These circumstances led to massive emigration after the collapse of the single-party state in 1991. Population numbers have since recovered somewhat, and since 2010 have remained very consistent at approximately 2.9 million (Instituti i Statistikave 2016, 8). The latest census (2011) showed a relatively homogenous ethnic structure, with 82.6% of the population declaring themselves as Albanians<sup>2</sup>. Contrary to this ethnic homogeneity, the religious sphere is characterized by two factors: a multi-religious structure; and a generally open orientation of the population in spiritual matters towards different religions, which to some extent can be explained by the location and specific history of the territory, which had certain effects on religiosity, religions, and religious communities in Albania.

The fact that most of the Albanian population identifies with the religion of Islam in its Sunni interpretation positions the society as an interesting research topic in the area of practices of the fundamental human right of religious freedom, since it combines a multi-religious structure, a traditionally Muslim society and a European context (with Muslims forming a minority in the overwhelming majority of European societies). The multi-religious background of Albanian society additionally illustrates the increasing importance of a functioning relationship between state, law, and religion in Europe, since most societies on the continent are affected by profound processes of

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<sup>1</sup> Albanian GDP in 2016 was 4,125 US per capita/year; see World Bank: GDP per capita (current US\$), [https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?year\\_high\\_desc=true](https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?year_high_desc=true) (01.11.2018).

<sup>2</sup> Instituti i Statistikave 2012. *Censuri i Popullsisë dhe Banesave 2011, Popullsia banuese sipas përkatësisë etnike dhe kulturore ("Census of Population and Housing 2011, resident population by ethnicity and cultural background")*, see <http://www.instat.gov.al/en/themes/censuses/census-of-population-and-housing/#tab2> (15.11.2018). Additionally Greeks 0.87%, Macedonians 0.2%, Roma 0.3%, other 2.3%, no answer 13.96%.

pluralization in the religious sphere. When analysing religion and religious freedom, one should remain mindful of Albania's limited socio-economic development (in European terms), which is connected to widespread poverty and a high susceptibility of state institutions to corruption, which affect every sphere of society including the religious one.

Therefore, this article describes the current relationships between state, law, and religious organizations in Albania until 2018, focussing on the major institutions and issues. The basic and underlying assumption initially follows the findings of contemporary scientific observation of religion and its organized forms in the Republic of Albania, which highlights the high level of willingness to religious harmony and integrative behaviour on the part of organized religions; as well as active exchange, communication and a certain situation of concurrence between them (Endresen 2012, 241). The results of the present analysis underline that these findings are also valid for the assessment of the current relationship between religious freedom and Muslim organizations.

However, looking more closely at the micro- and meso-levels of everyday religious life in Albania, some unsolved issues may limit the practice of all facets of religious freedom of individuals and religious communities. In general, these circumstances are located in the area of religion and politics: the first point is the restitution of property to religious communities, the second a still ineffective state administration, and the third the politicization of religion.

### **Historical remarks on religious freedom in Albania**

From the historical macro-perspective, the territory of present-day Albania and its people were mostly situated in a peripheral region of the great empires governed from Rome, Constantinople, Vienna, or Istanbul. Despite strong influence of these centres on religious matters in the region until the beginning of the 20<sup>th</sup> century, the spiritual characteristics of the people maintained a mixture of clanship (Siebertz 1910, 46) and traditional spirituality (with strong references to ancestor worship and nature) at the micro-level, which consequently led to an overall multi-religious understanding and individual syncretism. When the Ottoman Empire conquered vast territories of present-day Albania around 1423, the first conversions of the native population to

Islam were noticed (Young 1999, 7). Thereafter, in addition to the mentioned widespread traditional forms of spirituality and the two major Christian denominations (Catholic and Eastern-Orthodox), another component was added to the religious life of the country, which subsequently became dominant among the population.

Within the historical macro-perspective, five periods of political development can be identified since the beginning of modernity, which also help to structure findings for the issue of religious freedom: the period of the Ottoman Empire (1423–1912), the first independent Albania (1912–1939), the Italian occupation (1939–1944/45), the rigid socialist system (1944–1991) and the phase of democratization (1991 to present). The rule of the Ottomans, which lasted for almost 500 years from the end of the 14<sup>th</sup> century, meant in fact the belonging to a religious state of Islamic character (see the concept of caliphate) for many parts of Albania. Accordingly, the population was primarily defined and categorized from this very perspective; Non-Muslim groups, if religiously legitimized by the Ottoman Empire, were assigned and organized along the category of recognized religious communities, so-called '*millet*s' (Zaffi 2006, 132). Despite the generally humble position of their members within the social system of the Ottoman Empire, these communities also enjoyed some privileges – such as the right to largely regulate their internal affairs in the field of religion (theology, rites, education) (*ibid.*, 134). Therefore, despite the majority adoption of Islam by the inhabitants of the territories (which in some cases also included instrumental causes; Siebertz 1910, 108–09)<sup>3</sup>, Orthodox Christianity, with its official recognition, had the opportunity to hold itself as an identity-forming element in parts of the population<sup>4</sup>. The fundamental state order of the Ottoman Empire allowed those recognized (religiously defined) groups to live together peacefully within its borders (Zaffi 2006, 152); however, general societal integration<sup>5</sup> did not take place, as later reform attempts of the Tanzimat in the 19<sup>th</sup> century failed to solve major questions of societal disintegration.

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<sup>3</sup> Tax incentives or adjustments to local customs.

<sup>4</sup> The Orthodox dioceses of Albania were organized under the jurisdiction of the Ecumenical Patriarchate of Constantinople in the 19<sup>th</sup> century. The Catholic Church was persecuted long after the conquest of the territory by the Ottoman Empire.

<sup>5</sup> This is despite a certain level of integration occurring within institutions of the state, such as in the military.

As the 19<sup>th</sup> century progressed, national movements developed in South-Eastern Europe, which were often closely tied to a religion (mostly a Christian denomination) and consequently to a church organization; the latter developed into a factor that would create identity, and therefore also become a central political factor. In opposition to this trend, the idea of nation in the case of Albania was based on that of an ethnic and linguistic cultural nation; i.e. on an overarching understanding of the community beyond religious affiliation, due to the multi-religious structure of the inhabitants, the syncretistic-individual handling of religious practice at the micro-level (Siebertz 1910, 107), and the predominant harmony between the four major religions in connection to their political involvement.

In the course of the withdrawal of the Ottoman Empire from the region of today's Albania during the Balkan wars, the country declared itself independent in 1912. The country was subsequently recognized internationally and established as a monarchy by foreign powers at the London Conference and by the Protocols of Florence in 1913. The following occupation of Albania by various states during and after World War I prompted local elites to initiate joint action on issues of national concern, which in 1920 produced the first independently created constitutional text, the so-called Statute of Lushnja. However, its effective implementation was not possible, due to the then weak central power, the feudalistic character of the social and economic structure of the population, and the tribal fragmentation of the inhabitants. The text of the statute included an interesting detail concerning religious freedom: The internal structure of the second important body of the legislature of the state, the High Council (*'Këshilli i Lartë'*)<sup>6</sup>, which proposed the government, reserved seats for a high representative of each of the four recognized traditional religious communities in Albania (Sunni Muslim, Bektashi, Christian-Orthodox, and Christian-Catholic). This constitutional embedment emphasizes a high level of state recognition and therefore indicates the importance of the groups by already granting them political influence at the time the Albanian state was founded.

After several changes of government during the first half of the 1920s, the great landowner and former Prime Minister Ahmet Muhtar Zogolli (also Ahmet Zogu, 1895–1961) took power in January 1925 and

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<sup>6</sup> In addition to the first chamber, the National Council (alb. *'Këshilli Kombëtar'*).

declared a constitution that provided for a presidential system. The text made only a general reference towards religion: In article 5, the state was declared as separated from any particular religion and as the guarantor of freedom of religion and belief (*Statuti themeltar i Republikës Shqiptare* 1925). Due to Zogolli's politics, Albania became greatly dependent on Italy. In 1928, Albania transitioned to a constitutional monarchy (with Zogolli as king) following the example of Italy, and installed a new constitution with an extensive text comprising 234 articles. These developments affected the area of religion and religious freedom only slightly: A paragraph was added to the above-mentioned article 5, which stated that religion should not be used for political purposes (*Statuti themeltar i Mbretërisë Shqiptare* 1928). Furthermore, simple laws concerning the issue were put into effect between the two world wars. Together, these laws illustrate the increasingly autocratic control of religion during King Zog's rule: The law of 1922 on religious communities<sup>7</sup>, the Legal Statute of 1923<sup>8</sup>, and the decree of Zogolli of July 9, 1929, on the formation of religious communities<sup>9</sup>. The first text formally guaranteed individual freedom of belief (Art. 2) and the freedom to practice the religions of recognized communities (Art. 1), defined here as Catholic, Orthodox, Muslim, and Bektashi (Art. 5). In comparison, the 1929 document with its new articles on religion suggests a functionalizing of religion in order to foster a specific 'national cohesion', since it: requested an Albanian nationality of the leaders of religious communities in the country (Art. 7), stated the obligation of the communities to develop patriotic and national sentiments of their believers during sermons (Art. 25) and prohibited the wearing of religious clothing without governmental permission (Art. 26).

These laws on religion were introduced during the institutionalization of the nation state, immediately after independence. They were also reactions to important developments in the religious sector, where pluralism was also institutionalized and

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<sup>7</sup> Këshilli i Ministrave. Ligj për mbi komunitet fetare. ("Law on Religious Communities."), 1922. See State Committee for Cults, <http://kshk.gov.al/legjislacioni-per-fene-deri-ne-vitin-1939/>, accessed December 5, 2018.

<sup>8</sup> Këshilli i Ministrave. *Statuti legal i komiteteve fetare*. ("Legal Statute on Religious Communities."), 03.06.1923. See <http://licodu.cois.it/?p=285&lang=en/>, accessed December 4, 2018.

<sup>9</sup> Këshilli i Ministrave. Dekret - Ligje mbi formimin e komiteteve fetare. ("Decree - Laws on the Establishment of Religious Communities."), 09.07.1929. See <http://kshk.gov.al/legjislacioni-per-fene-deri-ne-vitin-1939/>, accessed December 5, 2018.

took national forms: The Muslim community of Albania gradually separated from the Islamic authorities in Istanbul and erected its own organization, beginning with a meeting in 1923 (Zaimi 2013); The Bektashi Order established its headquarter in Tirana in the years following its 1925 abolition in Turkey; and after many years of confrontation with the Ecumenical Patriarchate in Constantinople, the Orthodox Church of Albania issued its unilateral declaration of independence in 1929, a move towards autocephaly, which finally was confirmed by the Ecumenical Patriarchate after further conflicts in 1937.

Already before the beginning of the Second World War, Italy invaded Albania on April 7, 1939, forced the king into exile, and issued a new constitution that established the Italian King Victor Emmanuel III as the king of Albania. This phase was ended after five years by the victory of the communist partisans in Albania in 1944/45, who subsequently sought to rapidly control and contain the activities of the country's religious communities. In a first step, the Catholic Church was defined as a foreign organization and became the target of harsh persecution, while all its spiritual personnel were either deported, detained, or immediately murdered (Tönnies 1975: 5). Secondly, the communist leadership sought to expropriate from religious communities all land that was suitable for agriculture or forestry, which was enforced through agrarian reforms of August 1945<sup>10</sup>. Consequently, by 1947, the four main religious communities lacked any substantial material assets. In 1946, a new constitution was introduced based on that of the Stalinist Soviet Union, which, on the other hand, formally took a liberal position towards religion in its wording: Article 18 allowed the organization of traditional religions and the exercise to all citizens, guaranteed freedom of belief, and separated religion from state and politics. In the wake of the break with Yugoslavia in 1948, those regulations were also confirmed by the 1949 Act on Religious Communities<sup>11</sup>, which further limited the autonomy<sup>12</sup> and prohibited political activities (Art. 32-34) of these organizations. Based on the act,

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<sup>10</sup> Kryesija e Këshillit Antifashist. *Ligjë Nr. 108, "Mbi Reformën Agrare."* ("About Agrarian Reform."), 29.08.1945. See <http://licodu.cois.it/?p=5677&lang=en/>, accessed December 4, 2018.

<sup>11</sup> Presidiumi i Kuvendit Popullor. *Ligjë Nr. 743, "Mbi Komunitetet Fetare."* ("About Religious Communities."), 26.11.1949. See <http://kshk.gov.al/legjislacioni-per-fene-ne-periudhen-1939-1945/>, accessed September 10, 2018.

<sup>12</sup> According to article 13, religious leaders and their deputies had to be approved by the Council of Ministers immediately after their appointment.

further laws were implemented directly concerning the four traditional religious communities, through which the state effectively took over their supervision and control (Tönnies 1982, 248); in everyday life, however, the arbitrary persecution of religious dignitaries remained ubiquitous (Tönnies 1975, 6).

With the policy of severing ties with Yugoslavia (1948) and the Soviet Union (1968), the Albanian communist dictator Enver Hoxha (1908–1985) relied on cooperation with China between 1968 and 1978. From 1966 on, Mao Zedong (1893–1976) initiated a domestic ‘Cultural Revolution’ that was imitated by the Albanian regime. Henceforth, Albania’s leadership worked to tighten up and legalize the persecution of religions and their followers. Examples include decrees on the final nationalization of land<sup>13</sup> and real estate<sup>14</sup> assets of religious communities of April 1967, following in November 1967 by the revocation of previous laws on religion<sup>15</sup>, which led to the total prohibition of religious activity in the country. According to the logic of the regime, Albania was henceforth to be considered an ‘atheist state’ (ibid., 7), in which any religion had to give way to the ideology imposed by the Communist Party<sup>16</sup>. The existing arbitrary terror enacted against religious dignitaries and believers was thereby legalized and consequently enforced<sup>17</sup>.

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<sup>13</sup> Presidiumi i Kuvendit Popullor. Dekreteve Nr. 4252 / 4253, “Për shtetëzimin e pasurisë së paluajtshme të komuniteteve fetare.” (“On the nationalization of immovable property of religious communities”), 11.04.1967. See <http://licodu.cois.it/?p=349&lang=en/>, accessed October 4, 2018.

<sup>14</sup> Presidiumi i Kuvendit Popullor. Dekret Nr. 4263, “Mbi shtetëzimin e lokaleve që janë ndërtuar për ushtrim tregëtie, industrie, zejtarie ose profesioni, për zyra ose depo, të cilat janë prone private, si edhe shtetëzimin e pasurisë së palujtëshme të komuniteteve fetare.” (“On the nationalization of premises built for the exercise of trade, industry, handicrafts or profession, for offices or warehouses, which are private property, as well as the nationalization of the immovable property of religious communities.”), 11.04.1967. See <http://licodu.cois.it/?p=349&lang=en/>, accessed October 4, 2018.

<sup>15</sup> Presidiumi i Kuvendit Popullor. Dekret Nr. 4337 “Mbi çfuqizimin e disa dekretëve” (“On the Enforcement of Certain Decrees”), 13.11.1967. See <http://licodu.cois.it/?p=291&lang=en/>, accessed October 4, 2018.

<sup>16</sup> According to the preamble of the 1976 constitution: “The Albanian people have found a constant inspiration in the great doctrine of Marxism-Leninism, (...) to later gradually pass into a communist society.” (own translation, see Presidiumi i Kuvendit Popullor 1976).

<sup>17</sup> Articles of that time report that of the 368 religious dignitaries belonging to the Catholic Church in 1938, only 14 remained alive in the country until 1971; of those, twelve were imprisoned during that year (see Tönnies 1982, 251).



Final measures were implemented with the new constitution of 1976 (Presidium i Kuvendit Popullor 1976), which explicitly stated that the state did not recognize any religions, and sought to establish a “(...) *scientific materialistic world view*.” among its citizens (Art. 37). Religion and religious organizations were no longer permitted to operate, since Art. 55 prohibited “(...) *any form of fascist, anti-democratic, religious and antisocial organization*.” Thus, in communist Albania, under intense pressure of persecution, religious communities were deprived of any personal or material foundations. The confiscated religious buildings, in many cases of considerable historical value, were either the target of purposeful destruction or earmarked for uses that imposed high degrees of deterioration (e.g. agricultural or military functions) (Tönnes 1982, 250). Even today, the consequences of nationalization and persecution constitute profound problems in the exercise of religious freedom (see also chapter 5).

### Democratization and freedom of religion after 1990

Influenced by the developments towards democratization in the reforming states of Eastern Europe, at the end of the 1980s the Albanian communist elite was no longer able to rebuff political changes. Thus, among several reform acts, the ban on practicing a religion or belief was lifted in December 1990; the spring of the following year, 1991, saw the first free elections for the national assembly (*‘Kuvendi Popullor’*, today *‘Kuvendi i Shqipërisë’*) of the Republic of Albania since the mid-1920s<sup>18</sup> (Kuvendi i Shqipërisë 2018). In contrast to the neighbouring states of former Yugoslavia, the country was not subsequently involved in violent conflicts or issues concerning sovereignty and international recognition. However, in common with these states, Albania nevertheless experienced great political instability during the 1990s. The first elections in March and April 1991 were won by the post-communist successor party (PS<sup>19</sup>), winning 169 of 250 seats in the assembly (Nohlen 2010, 137), while the second democratic poll just a year later in March 1992 was won by the opposition Democratic Party (PD<sup>20</sup>) (see Table 1). A long-term outcome has been the evolution of a dual split in the party system, which – supported by dependent family

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<sup>18</sup> See history of the National Assembly of Albania, <https://www.parlament.al/Kuvendi/Historiku>, accessed December 12, 2018.

<sup>19</sup> PS – Partia Socialiste e Shqipërisë (Socialist Party of Albania).

<sup>20</sup> PD – Partia Demokratike e Shqipërisë (Democratic Party of Albania).

and patronage networks – deeply influences the development of society until today.

The new transitional constitution, which was adopted only two weeks after the third round of the first parliamentary elections on April 29, 1991, only included short general statements about religious freedom (Kuvendi Popullor 1991). Article four confirmed that the state of Albania guarantees the fundamental human rights and freedoms as laid down in international documents. Article seven subsequently focused on religion directly, but included only two general sentences: In its first paragraph, it defined the relationship between religion and politics ('secular state'), and in the second it stipulated that "the state supervises religious freedom and creates conditions for its exercise" (ibid.).

Political competition intensified during the 1990s and grew into an open quarrel that directly affected the socio-economic sector. The inherited problem of widespread poverty could not be managed; instead, corruption and patronage networks connecting politics, economy, and crime led to social stagnation under the Democratic Party. This peaked in February and March 1997 with the collapse of financial pyramid schemes, in which a large proportion of the population lost all their savings. The consequences were a general implosion of societal and state structures: During the so-called 'lottery uprising', the state monopoly on law and order temporarily broke down, especially in southern Albania, and even the major religious communities were exposed unprotected to looting. The motifs had almost exclusively socio-economic/existential character and articulated frustration about the mentioned political-economic structures; the activities were not organized for ideological or religious reasons. The social disagreements led to early parliamentary elections in June and July 1997, which were won the opposition PS. Table 1 presents an overview of the election results of the national unicameral parliament between 1991 and 2017, since the polarization of the political system will be an important issue when discussing specific problematic areas of religious freedom in Albania.

Table 1: Second-round general election results (in percent) of Albania's two dominant political parties<sup>21</sup>

	<u>1991</u>	<u>1992</u>	<u>1996</u>	<u>1997</u>	<u>2001</u>
PS	56.2	25.7	20.4	52.7	41.5
PD	38.7	62.1	55.5	25.8	36.8

	<u>2005</u>	<u>2009</u>	<u>2013</u>	<u>2017</u>
PS	8.9	40.9	41.4	48.3
PD	7.7	40.2	30.6	28.9

A long-term perspective on the societal developments of 1991–2018 suggests that Albania is not only going through the transformation from a socialist to a market-based democratic system, but is also trying to leap from an agrarian to a service-based society. The results are intense processes of change, combined with background factors such as a high level of poverty, political-economic patronage systems, and family traditions.

Following failed attempts to implement a new constitution in previous years, a new text was drafted in the wake of the parliamentary elections of summer 1997 (Osterberg-Kaufmann 2016, 335) to replace the 1991 transitional document. The aim was, in the light of the experience of the transformation period so far, to re-adjust political power-sharing and control, thereby promoting further democratization of the country. On October 21, 1998, the national assembly voted to implement the new text, which was ratified by voters in a referendum on November 22. While the new document acknowledges fundamental democratic goals, everyday political practice (as well as subsequent constitutional changes 2007–2016) are widely interpreted as regressions of democratic standards (ibid., 349) – a trend that also affects the religious sphere in Albania.

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<sup>21</sup> Parties and Elections in Europe (2018): Albania, see <http://www.parties-and-elections.eu/albania.html> (01.05.2018).

If we shift the focus to the micro-level of religiosity, the identification of the anchoring of religious beliefs in the minds of the population (of Albania) and its structuring are complex issues (Riis 2011, 232). Religious affiliation, however, represents a significant contextual factor in the area of religious freedom and its governance. Various metrics note Albanian people’s ambivalent attitude towards religion.

According to the WVS survey conducted in 1998, a majority of citizens (53.7%) considered themselves non-religious<sup>22</sup>, while the results of the same survey show that almost the entire population associates with a religious group (compared to numbers in Table 2), thereby indicating identification with a cultural rather than a spiritual belonging. Within the same survey format four years later, 65.2% of respondents identified as being religious<sup>23</sup>; even the latest census of 2011 does not provide more precise information, since a high proportion of respondents (16.22%) did not disclose information about religion and so the results are questioned by several religious communities (see below).

Table 2: Population of Albania according to religious affiliation 1927–2011 (in percent)

	Muslim	Christian-Orthodox	Christian-Catholic	Bektashi	Other	No answer
1927 <sup>24</sup>	67.5	22.3	10			
1938 <sup>25</sup>	69	20.7	10.3			
1942 <sup>26</sup>	54.17	20.7	10.3	14.73		

<sup>22</sup> Religious person 43.4%, non-religious person 47.8%, convinced atheist 4.9%, d.k. 3.8%. See Inglehart and Haerpfer et al. 2014 (“V182 – Are you religious?”).

<sup>23</sup> Religious person 65.2%, non-religious person 25.0%, convinced atheist 5.3%, d.k. 4.5%. See Inglehart and Haerpfer et al. 2014 (“V186 – Religious person”).

<sup>24</sup> The Orthodox Autocephalous Church of Albania 2012a.

<sup>25</sup> Tönnes 1975, 4.

<sup>26</sup> The Orthodox Autocephalous Church of Albania 2012a.

1998 27	70.7	20.4	7		1.8	0.1
2011 28	56.7	6.75	10.03	2.09	8.22	16.22

In the everyday life of the Albanian population, religiosity and faith are granted respectable interest but also great distance and relativization: Firstly, it is necessary to pay attention to the differentiation of underlying motifs of officially expressed religiosity in its specific context<sup>27</sup>; and secondly, that forms of religious affiliation overlap widely at the individual level in Albania (see the level of interreligious marriages, for example).

The religious structure of the Albanian population is dominated by that proportion who attribute themselves to the Sunni branch of Islam (56.7% in the 2011 census), which is the most widespread traditional religion in the country. Additionally, the followers of The Bektashi Order, who according to this census represent 2.09% of the population, are historically also largely attributable to the group more widely defined as Muslim. The Bektashi School is a specific form of Muslim Sufism that is close to the Shiite branch of Islam (and even closer to the group of Alevis) and which formally promotes liberal and humanistic values (for more information see the description of religious communities). From the historical and present-day perspective, the second-largest group after Sunni Muslims is Orthodox Christians, who always accounted for 20–25% of the population in the 20<sup>th</sup> century. The last census in 2011 showed that a remarkably low 6.75% of respondents reported belonging to this group – in turn, these data were directly rejected by the Orthodox Autocephalous Church of Albania (The Orthodox Autocephalous Church of Albania 2012). Furthermore, Catholic Christianity is represented by about 10% of the population. Other religions combined account for approximately eight percent, including the group of unbound believers (5.49%) and those of different Christian Protestant branches.

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<sup>27</sup> Inglehart and Haerper et al. 2014 (“V179 – Religious denomination”).

<sup>28</sup> Instituti i Statistikave 2012.

<sup>29</sup> A simple structure of motivations to state a certain religiosity incorporates the three categories which can be labelled ‘spiritual’, ‘cultural’, and ‘ancestry’.

Despite the described state-enforced atheism between 1945 and 1990, and the current low rates of attendance at religious places and rites<sup>30</sup>, the Albanian population today has no great aversion to religion in general, or to a specific denomination or community (Association of Religion Data Archives 2015). Thus, the power of religion to determine a certain social order in society is rather low. At the individual level, religion is used more integratively and it is common practice to visit the festivities of other religions (which are generally open) and to engage in interfaith marriages (Young 1999: 6).

The most important religious communities in Albania are the Muslim Community of Albania (*Komuniteti Mysliman i Shqipërisë*; KMSH), the Orthodox Autocephalous Church (*Kisha Orthodhokse Autoqefale e Shqipërisë*), the Catholic Church (*Kisha Katolike e Shqipërisë*), the Bektashi Community with its world headquarters (*Kryegjyshatës botëror Bektashi*), and the Evangelical Brotherhood (*Vëllazëria Ungjillore e Shqipërisë*; VUSH). The Muslim Community of Albania, as the largest religious organization, covers the entire territory of the country with currently 34 muftiates (*Komuniteti Mysliman i Shqipërisë* 2018). In addition, with the establishment of seven religious schools (*medresetë*) since 1991, and the University of Bedër since 2011 (*Universiteti Hëna e Plotë*), the community is able to offer the entire school curriculum within an Islamic framework. Belonging to the Muslim spectrum, the Bektashi religious group is a Sufi order that originated in the Ottoman Empire in the 14<sup>th</sup>/15<sup>th</sup> century and was founded by followers of the Islamic preacher and philosopher Haji Bektash Veli (1209–1271). Due to its openness and its ties to the state, the order also spread relatively quickly in South-Eastern Europe until the beginning of the 18<sup>th</sup> century, but it was always viewed with suspicion by the leading Sunni ulema of the Ottoman Empire. A first setback hit the community in 1826, when Sultan Mahmud II closed all Bektashi monasteries (*tekke*) and banned the order. However, it was able to recover quickly with the Tanzimat reforms in the Ottoman Empire and unfolded far-reaching activities until it was again banned following the abolition of the caliphate by Mustafa Kemal Pasha (1881–1938) in 1925 and finally banished from Turkey. Thus, the order

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<sup>30</sup> About 70.3% of respondents visited these less than once a month in the 2002 survey. See Inglehart and Haerperfer et al. 2014 (*V185.- How often do you attend religious services*).

established its world headquarters in 1931 in Tirana, which as such is recognized by the Albanian government in special regulations<sup>31</sup>.

The Orthodox Autocephalous Church of Albania, traditionally strongly represented in the south and east of Albania, is widely represented through its eight church districts (two episcopal seats, six dioceses) (The Orthodox Autocephalous Church of Albania 2012b). Its leader, Anastasios (Yannoulatos), Archbishop of Tirana, Durres and the whole of Albania, is a highly integrative personality and recognized as such worldwide. He is a Greek citizen by birth, and for this reason a target of criticism by some political actors (see chapter five). Due to the historical Greek-Orthodox influence in the south of the country, the Roman Catholic Church, as the fourth important religious community, was traditionally more active in the north and west of Albania. This also reflects their internal structure of six church districts in the country, where one is responsible for the whole of southern Albania<sup>32</sup>. The last important organization present in public life is the Evangelical Brotherhood of Albania, an umbrella organization that includes a large number of Christian-Protestant communities in the country. The organization dates its roots in Albania back to 1873 and was officially founded on November 14, 1892 (Vëllazëria Ungjillore e Shqipërisë 2018). It does not represent a significant proportion of the population in terms of absolute numbers, but with its diffusion among intellectuals, its traditional anchoring in cities (ibid.) and its broad media presence, it is a social factor not to be underestimated.

The relationships between religious communities are generally characterized by harmony and mutual understanding. Regular meetings at national level, as well as regional forums organized by the communities themselves<sup>33</sup>, ensure a respectful approach and perception as cooperative partners. Dissonances within Albania's religious sphere predominantly arise when political parties / the state claim interpretations in this area, foreign (financial) organizations try to gain influence or when controversies break out within the denominations about organizational or theological concerns (see also chapter 5).

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<sup>31</sup> See laws and regulations concerning the Bektashi Order in chapter four.

<sup>32</sup> The two archdioceses of Shkodra-Pult and Tirana-Durres, the three dioceses of Lezha, Sapa, Rreshen, and the Apostolic Administration of Southern Albania (Cheney 2018).

<sup>33</sup> See 'Inter-Religious Collaboration Center Elbasan' (<http://interreligiouscenter.com/>, accessed May 1, 2018).

## Muslims and religious freedom today

At the constitutional level, the case of Albania followed the general developments in Central and Eastern Europe, where, after the end of the socialist system, specific factors shaped the actual course of the implementation of new norms. The interim constitution, adopted in 1991, was replaced by a new text in 1998, which would also be subject to interpretation (Osterberg-Kaufmann 2016, 349). This new constitution (Kuvendi i Republikës së Shqipërisë 1998)<sup>34</sup> contains statements on religion in a number of passages; in this analysis, a distinction is made between the two dimensions: of general references on the one hand, and explicit regulations on individual and collective religious freedoms on the other. General references are to be found first in the preamble, which proclaims that the text is adopted “*with faith in God and/or other universal values*” and “*in the spirit of religious coexistence and tolerance*”. Furthermore, the first chapter, which refers to basic principles, defines religious coexistence as a basic value of the state (Art. 3) and prohibits political parties from initiating or supporting religious or ethnic hatred through their programmes or activities (Art. 9).

In the area of explicit regulation of individual and collective religious freedom, four articles are of central importance. First, the relationship between state and collectively organized religion is defined (Art. 10; no official religion, state neutral, religions equal, mutual independence, agreements governing relations, legal status of organized religion). Art. 24 guarantees freedom of religion for every individual, applies this principle also to collectives, and prohibits the compulsion to participate in a religion or to make one’s religion public. Furthermore, Art. 18 states that all persons are legally equal and that no-one is to be discriminated against on grounds of religion. These individual and collective rights in the exercise of religious freedom also explicitly apply to national minorities (Art. 20, 2).

On a lower legal level, several laws and agreements are applied in Albania in the field of religious freedom. Here, they are structured

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<sup>34</sup> Adopted by the assembly on October 21, 1998, and by a national referendum on November 22, 1998. Result proclaimed by decree No. 2260 of November 28, 1998, by the President of the Republic.



according to the three areas of: a) general regulations for non-governmental organizations, b) treaties of the state with individual religious communities, and c) further regulations on the religious sector. In the area of non-governmental organizations, the state initially does not require registration of religious individuals or communities operating on its territory. However, in order to obtain the status of a legal entity and thereby exercise rights of ownership of land and real estate, religious communities must apply for a registration at a district court (*'Gjykatat e Rrethit Gjyqësor'*) under the 1994 Non-Governmental Organizations Reform Act, which was reformed in 2001 (Kuvendi i Shqipërisë 2001a). Consent is usually granted through a court decision within 3–4 days; to date, there have been no reports of recognition being refused (U.S. Dept. of State 2018, 3). In order to achieve official recognition of charitable status, special laws are applied to charitable organizations and their registration (Kuvendi i Shqipërisë 2001b), which comprise a total of 93 individual regulations and to some degree intervene in the structure of the organizations (founding, internal development, financing).

The religious communities themselves, and especially the Catholic Church with its history of state–church treaties in Europe, pushed for specific regulations and individual contracts for their organizations alongside these general laws. Compared to non-governmental organizations of modern character, they had specific characteristics (such as non-commercial revenues [donations] and buildings, historically evolved structures), which they considered were not sufficiently acknowledged in previous legal arrangements. Hence, Albania's first comprehensive agreement with a religious organization<sup>35</sup> was the agreement with the Holy See of May 23, 2002 (Kuvendi i Shqipërisë 2002a, 836–838), in which the state recognized the structures constituted by the Catholic Church as having legal capacity (Art. 2, 5, and 6) and allowed the formation of Catholic schools, universities, and charitable institutions (Art. 7). Furthermore, the mission of the Catholic Church in Albania (Art. 1) and the use of its

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<sup>35</sup> Earlier agreements were limited to specific projects, such as cooperation between the government and the Catholic Church in constructing a hospital in Tirana in 2000. See Qeverisë së Republikës të Shqipërisë 2000.

own means of communication (Art. 3, 4) were permitted, and the peaceful resolution of possible disputes was envisaged (Art. 9, 10).

Table 3: Laws on religion and state treaties with religious communities, 1991–2017<sup>36</sup>

Regulation	Date	Specifics
Establishment of State Secretariat for Religion ( <i>'Sekretariati Shtetëror për Fenë'</i> )	1992	- 4 members - Close links to DP and KMSH
Establishment of State Committee for Cults ( <i>'Komiteti Shtetëror për Kultet'</i> )	23.09.1999	- 5 members; PM confirms - No registration required
Agreement with the Holy See to regulate mutual relations	23.05.2002	- First agreement with religious community
Law on the status of legal entities of the Catholic Church	31.03.2005	
Agreement with community Sant'Egidio about activities in Albania	30.10.2006	- Exemption from customs and taxes on goods of humanitarian activities
Agreement with the Holy See on economic and fiscal matters	31.01.2008	- Exemption from taxes on domestic and foreign contributions
Agreement with Muslim Community in Albania (KMSH) to regulate mutual relations	22.01.2009	- Confessional and basic political orientation / extremist trends - Comprehensive cooperation with state (taxes, education, construction, restitution, tourism) / most extensive text
Agreement with Autocephalous Orthodox Church of	22.01.2009	- Religious education with state - Restitution: specific objects

<sup>36</sup> For the first three arrangements see Komiteti Shtetëror për Kultet 2014.

Albania to regulate mutual relations		
Agreement with Bektashi World Community to regulate mutual relations	22.01.2009	- Recognition: world headquarters; part of national culture > close bond to the state
Law on state funding of religious communities	15.05.2009	- Art. 1: only those with agreements
Agreement with Evangelical Brotherhood of Albania to regulate mutual relations	10.03.2011	- No statements about national culture; no state funding

The document was followed by the Law on the Legal Status of Entities of the Catholic Church of March 31, 2005 (Kuvendi i Shqipërisë 2005) and the agreement with the Catholic community of Sant'Egidio (concerning its headquarter in Albania and its humanitarian activities in the country), of October 30, 2006 (Kuvendi i Shqipërisë 2006). In the latter, humanitarian goods were exempted from import customs duty, (Art. 6), the community of Sant'Egidio was granted a degree of immunity (Art. 4), and was able to regulate other tax matters. Furthermore, the additional agreement with the Holy See on economic and fiscal matters of January 31, 2008 (Kuvendi i Shqipërisë 2008) guaranteed organizations of the Catholic Church exemption from taxes on domestic and foreign donations (Art. 2), and from taxes on real estate (Art. 3) insofar as they are not used for commercial purposes (Art. 4); and includes reductions in contributions to social and health insurance for its religious personnel (Art. 7). In the overall view of all four texts on the Catholic Church, the following specifics can be identified in comparison to the other four agreements that the state subsequently arranged with the other religious communities: No statements are made as to whether the Catholic Church, together with the state, has its educational institutions certified, whether the church belongs qualifies as a 'national cultural asset', or on what basis and to what extent it can receive state support (see also chapter 5). Moreover, the restitution of previously nationalized goods is not addressed.

The fifth agreement made between the state and a religious community is that with the Muslim Community of Albania (KMSH) of

January 22, 2009 (Kuvendi i Shqipërisë 2009a), regulating the mutual relations. As with the state's agreements with the Orthodox Church and the Bektashi Order, the treaty may be traced back to a certain need for action by the state, to also establish arrangements with the larger traditional religious communities. This text has the broadest scope (containing 25 articles) and offers significant state support to the Muslim community. On the other hand, unlike the other four agreements, the state influences the doctrine of the religious community by assigning the organization to a specific school of Islamic law (Hanafi, Art. 2) and imposing actions on KMSH against "extremist trends and deformations of faith" (Art. 3). Similarly to the case for the Orthodox Church, the community is entitled to build-up religious school curricula in cooperation with the state and to certify its teaching personnel (Art. 17). The most urgent problem, the restitution of nationalized property, is more detailed in comparison to the other agreements; here, the state promises to comply with the principle of return before compensation (Art. 22) and to help with legalization of religious buildings (Art. 21). In addition, the state intends to participate in the restoration, design, and construction of cult objects of the community and in their touristic marketing (Art. 23).

The following agreement with the Autocephalous Orthodox Church of Albania (AOC) regulating the mutual relations, which was concluded on the same day (Kuvendi i Shqipërisë 2009b), is also comparatively extensive, and contains all the regulations on taxation, restitution and education mentioned for the KMSH. This also applies to the agreement with the Bektashi World Community (Kuvendi i Shqipërisë 2009c), in which only the statements on education are not mentioned in regard to those of the KMSH and AOC. However, the agreement also contains a number of specific peculiarities: The document recognizes the prominent position of the Bektashi community in Albanian society and its seat in Tirana as the world headquarter of the order (Art. 7). Additionally, the moral and material heritage of the Bektashi community for the country (Art. 23) are praised<sup>37</sup>. On the other hand, the community is required to carry out its collective rituals in the Albanian language and to assign persons of

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<sup>37</sup> Based on these arguments, the Bektashi community is considered to be eligible for financial support from the state under the law on state funding of religious communities of May 15, 2009.

Albanian nationality and “patriotic morality” to its leadership positions in the country (Art. 9).

The most recently concluded agreement with a religious community is that with the Evangelical Brotherhood of Albania (VUSH) of March 10, 2011 (Kuvendi i Shqipërisë 2011). The community had long pushed for the document, as it regards itself as a traditional religious group in Albania (see above) and consider itself disadvantaged in key issues (such as taxation, restitution and financial support) compared to the four large associations. Coming two years after the other four communities, the agreement granted the Brotherhood state recognition but omitted any article regulating the receipt of financial support from the state<sup>38</sup>.

In sum, the agreements convey tax advantages on all five religious communities. Furthermore, the problem of restitution is addressed in all texts except those with the Catholic Church. The contracts with the Muslim Community, the Orthodox Church, and the Bektashi Order explicitly include the provision of state financial support (Art. 13 in each case). In addition, in relation to the KMSH and Orthodox Church, the state is willing to organize denominational education and to make efforts toward restitution; the document signed with the KMSH contains further statements on the theological orientation of the organization and on additional material state support (building of places of worship, tourism marketing). Hence, the differing relations that the state has established with the five communities certainly influence the practice of religious freedom in Albania.

Other regulations relating to the religious sector highlight the leading position of the four traditionally recognized religious communities (excluding VUSH) in their relationship with the state. The first important factor in this context is the decree made by the Social Democratic government of Ilir Meta (PS) of May 5, 2000<sup>39</sup>, which

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<sup>38</sup> In contrast, article 13 addresses wider economic activity. Furthermore, the VUSH, unlike the other four communities, does not receive any state support (see below).

<sup>39</sup> Këshillit të Ministrave. Vendim Nr. 226, Për një ndryshim në vendimin nr.335, datë 2.9.1997, të Këshillit të Ministrave, “Për lëshimin e pasaportave diplomatike dhe të shërbimit” (“Decision Nr. 226, For amendment of decision No.335, dated 2.9.1997, of the Council of Ministers, ‘On issuing diplomatic passports and service’”). Fletorja Zyrtare, 2000 (13): 618.

provides for the issuing of diplomatic passports to the leaders of the four groups mentioned. The decree was extended with the decision of the government of Sali Berisha (PD) of January 14, 2009<sup>40</sup>, so that today three persons from the top leadership of each of the four religious communities are issued diplomatic passports by Albania.

The second regulation in the religious sector goes beyond symbolic measures. The law on the local tax system of December 12, 2002 (Kuvendi i Shqipërisë 2002b) sets out local taxes on religious buildings (Art. 11) and on real estate inherited by the religious communities (Art. 18). The financial aspect is also addressed in the third legal framework, with the law (May 15, 2009) on financing religious communities from the state budget<sup>41</sup>. After four months, this complemented the aforementioned financial support regulations in the 'bilateral' agreements with the four major communities from the side of the state. In the latter document, the first article states that only those religious communities that have concluded an agreement with the government receive financial support, and explicitly names the four groups mentioned here. Furthermore, it stipulates that the state supports the maintenance and reconstruction of their places of worship (Art. 2), allocates social security funds for the personnel of the religious communities (Art. 3), and provides salaries to its (recognized) teachers at all educational levels (Art. 4). The government grants are still reserved only for four recognized communities; beside that issue, the final calculation of state funding was rather arbitrary during recent years. An additional important point within the field of financial support is the position of the State Committee for Cults (KSHK), which functions as a key institution when a religious community applies for a project under Article 2, because it has the right to submit selected projects to the government for decision (Art. 6). The committee is also responsible for supervising the use of financial resources (Art. 10).

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<sup>40</sup> Këshillit të Ministrave. Vendim Nr.49, Për një shtesë në vendimin Nr. 335, datë 2.9.1997, të Këshillit të Ministrave, "Për lëshimin e pasaportave diplomatike dhe të shërbimit" ("Decision No. 49, For amendment of decision No. 335, dated 2.9.1997, of the Council of Ministers, 'On issuing diplomatic and service passports'"). Fletorja Zyrtare, 2009 (4): 58.

<sup>41</sup> Kuvendi i Shqipërisë. Ligj 10140, Për financimin nga buxheti i shtetit të bashkësive fetare, që kanë nënshkruar marrëveshje me këshillin e ministrave ("Law 10140, On Financing from the State Budget of Religious Communities, which have signed agreements with the Council of Ministers"). Fletorja Zyrtare 2009 (87): 3822-3824.

The fourth state measure concerning other regulations on religion was to establish an institution as a point of contact for and cooperation with religious communities. Thus, in 1992, the government first established the State Secretariat for Religion (*'Sekretariati Shtetëror për Fenë'*), which was assigned to the Ministry of Culture, Youth, and Sports (Komiteti Shtetëror për Kultet 2014). It consisted of four members appointed by the Prime Minister (three of whom were required to work with a specific traditional religious community KMSH, Orthodox Church, Catholic Church). The leadership was assigned to the secretariat's contact person with the KMSH. During the first years, the position was filled by the prominent Muslim, Z. Bardhyl Fico (1932–2015), who, together with the first grand mufti of democratic Albania, Hafiz Sabri Koçi (1921–2004), revived and substantially shaped Islamic religious life in the country after 1990<sup>42</sup>. Following a government decision of September 23, 1999 (Këshillit të Ministrave 1999), the secretariat was transformed into the State Committee for Cults (*'Komiteti Shtetëror për Kultet'* - KSHK), which today coordinates the dialogue of state institutions with all religious communities, monitors their registration and communication, and oversees government-funded projects in the field (Art. 2). The committee now consists of five members (Art. 3), each working on a specific religious community and an additional, independent topic in the field of religion and politics (Komiteti Shtetëror për Kultet 2018).

Summarizing this chapter on state regulations on religion, an ambivalent 'set of interests' of this actor comes to the fore: On the one hand, the major goal is to promote religious harmony and liberality as a national cultural asset – which includes financial support for those religions recognized as being traditional (with their indisputable contribution to a constructive understanding of history and to an inclusive present-day society). This means, on the other hand, that the state even formally prefers certain religious communities, which deviates from the ideal-typical perspective of separation of religion and politics.

### **Current issues of religious freedom**

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<sup>42</sup> Fico gained a reputation among wide parts of the population as his actions were socially inclusive; nevertheless, the constellation also expresses certain links between (a particular) religion and politics.

After the end of the socialist period, the area of religious freedom was marked by five main factors in the case of Albania, which were similar to those in other societies of Eastern and South-Eastern Europe: (1) the need to rebuild places of worship and equivalent infrastructure, a process which still is in progress due to extensive, targeted destruction during socialist times; (2) the question of restitution of property to religious communities; (3) far-reaching atheistic attitudes among the population, one consequence of which is difficulty recruiting appropriate leadership personnel to religious communities; (4) widespread poverty that increased dependence on foreign actors; and (5) the political interpretation and instrumentalization of religion from various interest groups.

In the following discussion of current problem areas in the field of religious freedom, it is always important to keep in mind the general context of broad pluralism in the structure of the religious field in Albania; the peaceful cooperation of organized, traditional religions; and the inter-religious orientation and tolerance of the population. Those facts are underlined at the institutional level, since the state does not require registration of religious groups. In order to obtain legal recognition associated with further (property) rights, including the ownership of religious buildings and a degree of tax relief, they must register as non-governmental organizations that do not pursue commercial interests. For Albania, there are no known cases of a religious community being denied registration at this level (U.S. Dept. of State 2018, 3). Additionally, the State Committee for Cults developed a catalogue of religious communities operating in Albania, so that it might contact them and maintain an updated overview<sup>43</sup>.

The first issue is the advanced status of the five religious communities that have concluded agreements with the state. They enjoy constitutionally anchored privileges (Art. 10 constitution; Kuvendi i Shqipërisë 1998), which in practice mean a multitude of consequences for religious freedom in the country (Elbasani 2016, 263).

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<sup>43</sup> Information on the current scope and criteria of admission were not communicated despite several requests to the KSHK. For 2007, the list comprised 249 registered religious groups, including four traditional communities, 34 Islamic organizations, and 189 Christian Protestant groups that were mostly associated with the VUSH (United States 2008: 1).



Firstly, with the exception of VUSH, there is financial support from the state, although in recent years this has been relatively modest (in total €826,000 per annum between 2015 and 2018 for all four communities<sup>44</sup>). Also covered by the treaties, the Catholic and Orthodox Churches and the Muslim Community maintain state-licensed schools, while the KMSH, the Orthodox Church, and the Bektashi Order additionally provide educational facilities for their own staff (U.S. Dept. of State 2008, 7). The partial state funding of selected communities, which together represent the vast majority of the population in spiritual matters, was introduced parallel to promised government assistance in restitution. The general assessment of financial state support to traditional religious communities is ambivalent, since, on the one hand, it has a limited pluralistic design, corresponds to historical and current facts within the country, and also allows the preservation of cultural heritage, which in fact is also national historical heritage (often open to the public). On the other hand, minor religious groups – even those that are long-established in Albania and may therefore also be considered as traditional<sup>45</sup> – presently have no prospect of an agreement at that level or accompanying state support.

This point is connected to the second problem, which focuses on unequal state treatment among the five organizations that have signed agreements. Here, the Evangelical Brotherhood is recessed because it receives no state funding in practice. The community feels that this situation should change, and therefore works, according to its own statement (Komitetit Shtetëror për Kultet 2015), towards achieving equal financial support from state authorities. Furthermore, despite state concessions, the Brotherhood still reports problems in securing property rights for places of religious worship (U.S. Dept. of State 2018,

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<sup>44</sup> “According to representatives of the Catholic, Sunni Muslim, Orthodox, and Bektashi communities, the total government financial support for these four groups remained at 109 million lek (\$850,000), the same as in 2015, with the Muslim community receiving a 28 percent share and the remaining three each receiving a 24 percent share.” (U.S. Dept. of State 2018, 4).

<sup>45</sup> See, for example, the United Methodist Church in Albania, which has been active in the country since the 19<sup>th</sup> century through missionaries who were instrumental in integrating the Albanian dialects into a single alphabet, and who initiated the first girls' school at that time (World Methodist Council 2018).

5)<sup>46</sup>. A second indicator of hierarchization within the group of five acknowledged communities can be found in the reactions of the Autocephalous Orthodox Church of Albania to the most recent census results of 2011 (see Table 2). The Church claims serious shortcoming in the survey methodology and consequently disputes the results (The Orthodox Autocephalous Church of Albania 2012); similar concerns were raised by the Bektashi community and the Catholic Church. Accordingly, within that group, the Muslim Community of Albania has the closest political bonds, which means a higher level of state support as well as state control.

The third problem in the field of religious freedom is the restitution to religious communities of property that was nationalized during the communist era, which also greatly affects the Muslim community. In general, the state's response is characterized by inaccurate legislation, purposeful political slowdown, and slow legal implementation, combined with poor staffing and material equipment of the responsible authorities (Tg 2012). First of all, in the course of democratization and the introduction of the market economy, the government adopted a law on the restructuring of farms on October 17, 1992 (Këshillit i Ministrave 1992), which provided for compensation before return, the formation of new farms based on the old units of cooperatives (Art. 2), and established a central restructuring agency for privatization ('*Agjencia qendrore e ristrukturimit*'). On July 13, 1994, the national assembly set up a real estate registration office ('*Zyra e Regjistrimit të Pasurive të Paluajtshme*' - ZRPP) (Kuvendi Popullor 1994) to increase organizational efficiency.

However, all institutions worked with significant delays; approximately 25 years later, many cases are still unresolved and uncertainty increases among the non-state actors involved. Due to the slowdown and unclear legal situation, private individuals and (religious) organizations often took legal action to settle property issues

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<sup>46</sup> "VUSH members said they continued to rent existing buildings to use as places of worship, and reported continued difficulties in acquiring land on which to construct their own buildings, due to local government tax assessments and regulations. They stated these difficulties impeded their ability to hold religious services and to run youth and social activities." (U.S. Dept. of State 2018, 5).

concerning ownership of land and real estate<sup>47</sup>. In some cases, religious communities were involved; here, three cases can be proved at the higher legal level. Firstly, the Constitutional Court (*Gjykata Kushtetuese*) ruled in two legal disputes (*Gjykata Kushtetuese* March 7, 2002; *Gjykata Kushtetuese* January 25, 2010) between private individuals and religious communities (here, the Muslim Community and the Orthodox Church), thereby clarifying property claims on land in the capital Tirana. Assessed from an outside perspective, the two decisions were based on the facts and the affected religious communities as actors were not better or worse off than the private individuals on the other side. Secondly, the decision of the Supreme Court (*Gjykata e Lartë* March 30, 2005) dealt with a lawsuit filed by three individuals against the Catholic Church, concerning a property in Tirana; the claim was ultimately dismissed due to acknowledged historic property rights of the church. Given the complexity of the restitution question, it can be assumed that many proceedings were filed at a lower legal level (Jazexhi 2012, 13).

The protracted legal process, as well as non-transparent mechanisms applied in the decision-making process of re-privatizing previously nationalized property, led domestic and foreign actors to publicly demand improvement of the situation (Venice Commission 2016, 19). Thus, in the wake of new, extensive legislation on privatization, which was prepared with advice of foreign actors and implemented in May 2015<sup>48</sup>, an Agency for the Treatment of Real Estate (*Agjencia e Trajtimit të Pronave* - ATP) was founded, which began its work in 2016. That reform also removed bureaucratic and legal barriers that prevented the return of confiscated property, with the most prominent measure being the requirement that religious communities should provide full evidence of original ownership of the property in question<sup>49</sup>. According to foreign observers, there are notable positive developments concerning the restitution of places of worship, with quicker conclusion of land restitution and legalization of mosques in recent years (6 mosques in 2015; 137 in 2016) (U.S. Dept. of State 2017, 4). In order to gain a positive evaluation in the mentioned legalization

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<sup>47</sup> See also the files for Albania at the European Court of Human Rights, most of which deal with the two topics of the right to a fair trial and ownership of real estate (<https://hudoc.echr.coe.int/eng>, accessed May 5, 2018).

<sup>48</sup> Kuvendi i Shqipërisë. Ligj 133/2015, Për trajtimin e pronës dhe përfundimin e procesit të kompensimit të pronave. 05.12.2015. Fletorja Zyrtare, 2015 (255): 18035-18047.

<sup>49</sup> For further details on the restitution procedure and the role of the ATP, see Hoti 2016.

process, the government demanded confirmation of KMSH-membership from the specific mosque community, which indicates consequences for equal treatment of religions and for religious freedom in Albania. The Autocephalous Orthodox Church of Albania also notes improved willingness by the state to cooperate in the process of restitution of land and places of worship since 2016 (Mlloja 2018). However, in other areas of restitution, disputes with the state could not be solved (see historical writings, archives claimed by the Orthodox and Catholic Churches) (U.S. Dept. of State 2008, 3).

Overall, all four major religious communities in Albania have substantial claims in the area of restitution that, so far, have only partially been dealt with by the state. The vast majority of cases remain in an undefined state to date (U.S. Dept. of State 2018, 5). Future developments in this area will continue to be one of the most important issues in the relationship between politics and religion (religious communities) in Albania, a situation that also affects the relationship of Islam and religious freedom in the country.

The fourth issue is the close bond between certain political factions and religion in Albania. Due to the bipartisan political dominance of 'post-communists' and 'democrats' during the transition period, there was a high degree of substantive and personal ties between the first major oppositional party PD and the Muslim Community in Albania (KMSH). During the demise of the Communist Party in 1990/1991, religious dignitaries participated in demonstrations and openly called upon their communities to support the PD party (Elbasani 2016, 259/260). During the immediate transition until 1992, this political situation had a positive effect on religious life, as it enabled the flourishing of Islam and religion in general in Albania. With the close attachment of the KMSH to the state (institutional, support) and to the PD party, there was also greater expectation that its dignitaries would preach a "politically correct Islam" (ibid., 257), especially after the changes in government in 1992 and 2001. As a result, cultural-religious organizations such as '*Kultura Islame*' (Islamic Culture)<sup>50</sup> evolved after the collapse of communism, which were founded by political actors of

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<sup>50</sup> Today, a journal named '*Kultura Islame*' exists in Albania, but no cultural organization of that name can be found.

the PD, with individuals in leading positions who had a biographical background in state security services (ibid., 260). This created a form of “*government sponsored religion*” (ibid., 262), which was also closely linked to the Albanian nation concept (Rama 2018). According to observers, however, recent attempts at political mobilization in the religious sphere have not found fertile ground (Misha 2012, 31)<sup>51</sup>. This is also evident in the case of the Christian-Orthodox supreme dignitary in Albania, Anastasios, who has been repeatedly criticized by political actors for his Greek nationality (U.S. Dept. of State 2018, 6). He submitted an application for Albanian citizenship in 2003, which was approved in late 2017 after more than 14 years of examination by state institutions (The Orthodox Autocephalous Church of Albania 2017).

However, when assessed from an ideal-type perspective, a certain degree of politicization of the religious sector is evident at this point with regard to the major religious organization, KMSH, considering the content of its 2009 agreement with the state, and that a certain continuity of personal entanglement of state and religious institutions still persists (ibid.).

An additional factor in the politicization of religion should also be addressed here: that of an integrative political instrumentalization. Albania’s religious harmony is often emphasized by political actors, and presented within and outside the country as a defining feature of society (U.S. Dept. of State 2017, 7). Conversely, anti-religious sentiments articulated by political actors are also reported from Albania, mostly containing elements of biased atheism that openly opposes traditional religious communities (Elbasani 2016, 264).

The fifth issue has a more socio-economic character. Albania’s widespread poverty also affected public and non-governmental organizations, which opened up to the outside world in search of funding after 1991. Similarly, religious communities, also cooperated with various foreign (and partly denominationally oriented) partners. Thus, the Catholic Church received funds for its own reconstruction

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<sup>51</sup> “The pledge to build or return property was used by politicians on both sides, but these efforts have remained limited, although recent attempts have been made to create parties with clear religious beliefs aimed at mobilizing voters for themselves.”

and aid projects in Albania almost exclusively through its own international networks; the Autocephalous Orthodox Church of Albania raised funds throughout Europe for similar purposes<sup>52</sup>; and the Bektashi community received aid from diaspora communities such as that in North America. Albania's Muslim community attracted the attention of Arab states of the Middle East (e.g. Kuwait, Qatar, United Arab Emirates), which donated to Albania in the 1990s and facilitated the education of Albanian Muslim dignitaries in their countries. Since the 1990s, a flourishing of Islam in Albania can be observed, with the majority of new mosques<sup>53</sup> built with the support of foreign donors (ibid., 261)<sup>54</sup>.

Albania's rigid communist system until 1990 left the KMSH with very meagre human resources and needing a new generation of religious Islamic dignitaries. Albania's lack of domestic structures meant that these individuals were educated in the mentioned donor states, which often represented a different tradition of (state) Islam than the Albanian form. This led to organizational and content-related theological disagreements between these new Muslim dignitaries and their counterparts from the older Albanian Islamic tradition which emphasized patriotism and religious tolerance. Subsequently, following the riots and political changes of 1997/1998, the KMSH was reorganized and reoriented towards a national concept that distanced itself somewhat from Arab influence, but was also considered to be more heavily controlled by the state (ibid., 263). The change in KMSH's political stance also brought new leadership to the organization in 2004: Senior positions were filled, with an emphasis on educated dignitaries making a "national commitment" (ibid., 264/265). As a result, three groups have emerged within the organization (national traditionalists, and Turkish- and Arab-educated), although everyday necessities and common interests mean that their borders are currently rather blurred and not hardened. On the other hand, Turkish funding also increased

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<sup>52</sup> According to the Archbishop of the Autocephalous Orthodox Church of Albania, Anastasios, in an interview with the author (March 31, 2017).

<sup>53</sup> Despite the efforts of local communities to preserve their old places of worship and the latest efforts of the state to restore mosques as cultural heritage.

<sup>54</sup> Elbasani reports that between 1992 and 1998, 500 new mosques were built in Albania by these donors. The numbers seem high, since Jazexhi (2012, 5) states 535 mosques for the KMSH for 2011 based on government resources.

in recent years, as the new Great Mosque of Prayer (*Xhamia e Namazgjasë*) of the KMSH in Tirana, in the immediate vicinity of the National Assembly of Albania, is currently being constructed with Turkish financial support and advice<sup>55</sup>. Furthermore, the government initiated a protocol between the KMSH and the Turkish International Cooperation and Development Agency (TIKA), signed on February 16, 2010, which regulates that the latter “(...) will finance the restoration of historical mosques.” (Jazexhi 2012, 5).

The processes within the KMSH also point to developments in Albanian Islam outside the organization. Since 1990, other Muslim religious communities have emerged, which somehow challenged the position of the KMSH (ibid., 4/5)<sup>56</sup>, but which to date have not gained access to state aid. In a few cases, they felt empowered to take legal action against this perceived unequal treatment, but such attempts have so far failed (Elbasani 2016, 266).

The last two issues concerning Muslims and religious freedom in Albania are of comparatively minor importance and related to the criminal field. Firstly, forms of violent Islamism have spread in Albania in recent years, which can constitute a de facto threat to other religious dignitaries. Thus, there were reports between 1998 and 2004 of Islamist attacks on representatives of traditional Albanian Islam (ibid., 264). As a result, the state reacted harshly, arresting some Muslim preachers on dubious charges (Kalaja 2010). The last issue discussed here is the vandalism that affects all religious communities on a regular basis, as the Bektashi Order complained in 2002 and the Autocephalous Orthodox Church in 2004 (U.S. Dept. of State 2006, 5). Both issues are located on an individual rather than organizational level, and do not restrict religious freedom in general.

## Conclusion

The article described the history of religious freedom and the evolving relationships between politics and various religions in the predominantly Muslim society of Albania during the last 100 years. In summary: Political entanglement, control, and suppression of religion prevailed before 1990, but since then the traditional harmony between

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<sup>55</sup> According to a senior official of KMSH, in an interview with the author (March 29, 2017).

<sup>56</sup> Individual worshippers outside the KMSH also faced state persecution, see Kalaja 2010.

the religious communities themselves has been maintained as a national characteristic. The previous chapter focussed on current forms of tension between law, politics, and the freedoms of religious organizations in Albania. Although five traditional religious communities are favoured by the state in various dimensions, the religiously open social context with its large atheistic and overarching components generally enables religious freedom in Albania on a comprehensive level, from both the individual and organizational perspectives. Nevertheless, comprehensive legal guarantees (as determined in the constitution or in international agreements) are idealized frameworks, which in practice can only be partly fulfilled when confronted with the low level of societal development in Albania, characterized by difficult economic conditions on the side of the state, civil organizations, and the vast majority of the population (European Commission 2018, 27).

Some of the aforementioned aspects remain for discussion. The first and currently most significant issue concerns the restitution of property nationalized after 1944. The first laws to address this were implemented during an early phase of transition in 1990/1992; ever since, the establishment of corresponding state institutions (see ATP, ZRPP) has remained incomplete, such that delays in the final settlement of this question can still be expected. In practice, the state is currently unable to allocate sufficient financial resources to adequately compensate the affected religious communities – in effect, all parts of society are affected by that issue.

The second issue concerns the definition of equal treatment of religious communities: Significant financial and reputational differences are evident, between groups that signed agreements with the state and those that did not. On the other hand, all five favoured communities fulfil an integrating function for Albanian society that should not be underestimated; nevertheless, the issue is certain to lead to future debates in Albania.



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