

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: ALB31389
Country: Albania
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Keywords: Albania – Catholics - Shkoder – Shkodra – Police – Italy – Asylum seekers -
Permesso di Soggiorno – Permessi di Soggiorno per Stranieri – Permit of stay

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Please provide religious demographic information on Catholics in Albania.**
- 2. Please provide up to date information on the rights and positions of Catholics in Albania and any reports of persecution of Catholics.**
- 3. Please provide relevant information about any Catholic majority areas of Albania.**
- 4. Please provide information on Shkoder and its ethnic and religious makeup.**
- 5. Please provided information on the police in Shkoder.**
- 6. Please provide information on the police in Albania.**
- 7. Question deleted.**
- 8. Please provide information in the Permesso di Soggiorno.**
- 9. Please provide information on asylum procedures in Italy.**

RESPONSE

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All Albanian religious institutions were closed in 1967. In May 1990 the prohibition on religious activities was revoked and from 1990 mosques and churches were reopened. According to the Albanian constitution of 1998, Albania is a secular state which observes freedom of religious belief. Data concerning declared affiliation as at 1945, indicates that 10 per cent of its population is Roman Catholic Christian who are mainly in the north (Albania 2005, *Europa Publications*, 46th edn, London pp471 – Attachment 1).

The US Department of State report corroborates this figure: that 10 percent of the Albanian population of 3.6 million, are Roman Catholic; furthermore it notes:

Section. 1 Religious Demography

The Orthodox lived mainly in the south and Roman Catholics in the north of the country; this division was not strict, however, particularly in the case of many urban centers, which had mixed populations.

...

Section II. Status of Religious Freedom

All [religious groups] reported that they freely carried out their religious activities.

...the predominant religious communities (Sunni Muslim, Bektashi, Orthodox and Roman Catholic) enjoy a greater degree of official recognition (e.g national holidays) and social status based on their historical presence in the country.

There is no law or regulation forcing religious organizations to notify the Cults Committee of their activities, however Article 10 of the constitution calls for separate bilateral agreements to regulate between the Government and religious communities. At the end of the period covered by this report, only the Roman Catholic Church has finalized such an agreement with the Government; this agreement entered into force in March 2005.

...

Both the Roman Catholic and Muslim groups operated numerous state-licensed schools and have reported no problems in obtaining new licenses for new schools.

Section II. Restrictions on Religious Freedom

Additionally, both the Orthodox Church and the Roman Catholic Church were still trying to regain possession of their archives that were seized by the communist government and continued to held in the national archives.

Although the Roman Catholic Church had substantial outstanding property claims, it indicated that it was actively pursuing these and had decided to focus its efforts in other areas.

...

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion...

(US Department of State 2006, *International Religious Freedom Report – Albania*, September – Attachment 2).

4. Please provide information on Shkoder and its ethnic and religious makeup.

Shkoder is a northern city with a mixed Muslim, Orthodox and Roman Catholic population:

A European would stare with astonishment when he saw in the very centre of the city, a mosque built next to the Orthodox church and 500 metres away a Catholic church.

...

What impresses in Shkoder is not in the least problematic co-existence of these three religions. This is a tradition in this city, one of the oldest and the most celebrated ones in the Balkans, where marriage among persons of different creed has not been surprising for anybody. It still is not.

...

During communist rule, repression was especially cruel there, primarily against the Catholic clergy which was the main representative voice of Shkoder culture, regardless of the fact that the Catholic community formed not more than 40 per cent of the city population.

(Nano, Mustafa 2000, 'Shkoder – City in Expectation' *Aim Press website*, 22 February.

<http://www.aimpress.ch/dyn/trae/archive/data/200003/00310-002-trae-tir.htm> – Accessed 1 March 2007 – Attachment 3)

A study group states:

Population

The region of Shkodra has a population of 280 000 inhabitants, of which about 110 000 live in the city of Shkodra, 3000 in the city of Koplik and 177 000 in the villages. The number of villages is 190. The number of the families of the region is 60 400, of which 23 100 live in the city of Shkodra, 700 in the city of Koplik, and 36 600 in the villages. In the past years the distribution of the population was irregular and as a result 2/3 lived in the villages. Another characteristic of the distribution of the population is the major concentration of the village population in the field areas in the west, and a minor concentration in the mountainous areas. The mountainous area is composed of 6 Communes, which are: Vig, Shllak, Temal, Pult Shosh and Shalë with 442 villages, and a total population of 25000 inhabitants; the rest of the population is concentrated in the low field areas. ('The Possibility that Shkodra Region presents in the development of Tourism Hospitality' undated, ROMUALDO DEL BIANCO FOUNDATION, Shkodra University, <http://www.fondazione-delbianco.org/seminari/default.asp?tiporiga=A3&idprog=27&label-> Accessed 2 March 2007 – Attachment 4)

A recent incident which occurred in Shkoder involved destruction of crosses and a dispute about a statue of Mother Teresa:

Section III. Societal Abuses and Discrimination

The Catholic Church, however, reported that there were two cases in which public crosses were destroyed, both in the Shkodra region. That city was also the location of a controversy regarding the public placement of a statue of Mother Theresa (an ethnic Albanian born in Macedonia). A leader of the Islamic community of Shkodra initially objected, claiming that Mother Theresa was a Catholic figure and therefore her statue should not be placed on public property. The national leadership of the Albanian Islamic Community, however, announced that it supported erection of the statue on the ground that Mother Theresa was a national figure. Ultimately the Shkodra Islamic community rescinded its objections, stating that it, too, recognized that Mother Theresa was a national symbol. (US Department of State 2006, *International Religious Freedom Report – Albania*, September – Attachment 2).

5. Please provide information on the police in Shkoder.

6. Please provide information on the police in Albania.

In its most recent advice the U.S. Department of State's Bureau of Consular Affairs provided the following warnings for its own citizens:

The U.S. Government maintains security procedures regarding the travel of U.S. Government employees to the administrative districts of Malesi E Madhe, **Shkoder**, and Tropoje (with the exception of cities along the national road) and to the southern town of Lazarat, with such travel restricted to secure vehicles with escort. In most cases, police assistance and protection is limited. A high level of security awareness should be maintained at all times.

...

Armed crime is common in Shkoder and frequent in other towns in northern and northwestern Albania. Throughout the country, street crime is fairly common, and occurs particularly at night.

('State Department Issues Consular Information Sheet on Albania' 2007, US Fed News, 19 January – Attachment 5)

A Research Response addressing the issue of law and order in Shkoder notes that in comparison to previous years, there has been an improvement (RRT Country Research 2006, *Research Response ALB30175*, 1 June – Attachment 6).

The *International Helsinki Federation for Human Rights* outlined the types of abuses committed by the police force:

Police Violence

According to Amnesty International (AI), a gap continued to exist between law and practice with regard to torture. It stated that it believed there was a pattern of police ill-treatment of detainees, which at times amounted to torture.[14] AI reported in 2005 that it had received information about approximately 35 torture cases annually since 2002 and estimated the true number to be much higher. Most incidents took place during, or in the hours immediately following, arrest. Victims complained of punches, kicks and beatings – some of them suffered injuries so severe that they required medical treatment or even hospitalization.[15]

Official figures showed that prosecutors were reluctant to bring charges of “torture or other inhuman and degrading treatment,” except in the most extreme cases which resulted in “handicap, mutilation, permanent injury or death” (article 87 of the criminal code). If charges were brought at all, the defendants were usually accused of the vaguely formulated crime of “arbitrary acts,” a lighter offence, which in practice often resulted in the imposition of a mere fine.[16]

AI especially criticized violations of the rights of detainees which facilitate torture and ill-treatment; failure to investigate promptly, thoroughly and impartially complaints of torture and ill-treatment and to bring those responsible to justice; the fact that articles 86 and 87 of the criminal code (dealing with torture) do not correspond with the definition of torture given in the UN Convention against Torture; and the lack of state reparation, including fair and adequate compensation, for victims of torture and ill-treatment.[17]

(‘IHF Annual Report on human rights violations’ 2006, *The International Helsinki Federation for Human Rights* Internet site: www.ihf-hr.org, 5 April – Attachment 7)

This is corroborated by the *Operation Guidance Note* issued by the UK Home Office:

The government generally respected the human rights of its citizens during 2005, however, there were serious problems in several areas including police beating and abuse of suspects, detainees, and prisoners, arbitrary arrest and detention, lengthy pre-trial detention, police corruption and impunity, societal killings and an atmosphere of fear in some areas due to traditional blood feuds, societal violence and discrimination against women and children and societal discrimination against Roma, Egyptians, and gay men.

2.4 The law prohibits torture and ill-treatment, however the police at times beat and abused suspects. The Albanian Helsinki Committee and the Albanian Human Rights Group (AHRG) continued to report that police nationwide used excessive force or inhumane treatment. According to the AHRG, most mis-treatment took place at the time of arrest or initial detention.⁴

2.5 Amnesty international reported that police officers or prison guards allegedly beat detainees during arrest or subsequently in detention during 2005. Prosecutors did not always investigate complaints of ill-treatment or did so only after a delay. Even when an investigation was formally opened, it was often inconclusive. Prosecutors were reluctant to apply provisions of the Criminal Code dealing with “torture and any other degrading or inhuman treatment”, preferring to invoke lesser charges, such as “arbitrary acts”, which usually resulted in non-custodial sentences. Amnesty International were not aware of any convictions for these offences, although there were several reports that police officers had received disciplinary punishments for ill-treating detainees. (UK Home Office 2006, *Operational Guidance Note Albania*, 17 July 2006 – Attachment 8)

The *Country Reports of Human Rights Practices* assessed that although police impunity remained a problem, it was becoming increasingly less so; nevertheless there were several instances of unprofessional behaviour:

Section 1 Respect for the Integrity of the Person, Including Freedom From:

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such actions; however, the police at times beat and abused suspects. The Albanian Helsinki Committee and the Albanian Human Rights Group (AHRG) continued to report that police nationwide used excessive force or inhumane treatment. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma and members of the Egyptian community were particularly vulnerable to police abuse.

...

In July Frendi Ndoci filed charges against Pjerin Lazri and other **Shkodra** police officers for alleged beating him at the police commissariat. A preliminary investigation confirmed that police stopped Ndoci for driving a car without a driver's license or license plates and the medical examiner verified that Ndoci was beaten and unable to work for nine days. The local prosecutor was investigating the case at year's end.

Prison and Detention Center Conditions

Conditions inside the prisons and detention centers remained poor and were marked by food shortages and a lack of medicine. During the year prisoners and detainees rioted in Tirana and **Shkodra** and held hunger and other strikes at prisons in Kruja, Lushnje, Tirana, Peqin, and Burrel to protest poor living conditions, the slow transfer of prisoners from pretrial facilities to prisons, and other shortcomings.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. According to the interior ministry, only 40 percent of police officers received training beyond basic, despite assistance from foreign governments. The ASP Office of Internal Control engaged in the prevention, discovery, and documentation of criminal activity committed by police. Through November the office conducted 172 investigations that led to the arrest of 47 police officials and the dismissal of 68 others for misconduct.

Corruption remained a problem among police forces, and low salaries and widespread corruption throughout society made the problem difficult to combat. The ASP Office of Internal Control reported at least 81 cases of corruption to the prosecutor's office through November that involved 118 police officers, 16 of whom were arrested.

From January through September the general prosecutor's office investigated 20 cases involving 26 police officers for performing arbitrary acts or abusing duty. The office terminated its investigation in 11 cases, dismissing 9 cases and suspending 2 because of failure to identify the perpetrator. The other 9 cases were under investigation at year's end.

Impunity remained a problem, but increasingly less so. The government ombudsman received 14 complaints against police officers for use of excessive force or mistreatment through September. The ombudsman determined that 2 complaints were valid and dismissed the

others as groundless. There was no information available at year's end on whether any action had been taken on the valid complaints.

(US Department of State 2006, *Country Report on Human Rights Practices 2006: Albania*, 8 March – Attachment 9)

7. Question deleted.

8. Please provide information in the *Permesso di Soggiorno*.

According to previous research carried out by the Tribunal there is no automatic right of return. The Italian Consulate advised that the holder of a *permesso di soggiorno* is required to hand over this permit at the Italian border police:

When leaving the Italian territory a holder of a *Permesso di Soggiorno* is obliged to hand over to the border police the same permit. If leaving for holiday purposes and wishes to return to Italy he may do so, but he then retains the original version of the permit. Mr [APPLICANT'S NAMES DELETED] is holding a copy of a work permit valid until 16.11.2002. This will not allow him to re-enter Italy as it is not the original document. If he wishes to return to Italy with a Work Permit, he needs to approach his future employer in Italy who in turn has to apply for a Work Permit on his behalf.

(Consulate-General of Italy, Sydney, 2002, Fax to RRT Country Research 'Work Permits for [APPLICANTS' NAMES DELETED]', 7 August)

(RRT Country Research 2002, *Research Response ITA15326*, 7 August – Attachment 10)

An official from the Italian Consulate advised that citizenship rights are derived from parents who are Italian citizens themselves:

Citizenship must be possessed by the parent at the time of the child's birth.

If the parent has lost the citizenship before the birth (say, through naturalisation) the child will not possess it, even if subsequently the parent applies successfully to reacquire it (possibility that was available for former Italian citizens from 16 August 1992 to 31 December 1997).

The matter is rather complicated, and our experience in dealing with a great number of cases has taught us that almost every single case is different from the others, and needs to be examined individually and supported with a lot of documental evidence. The process will require a long time in order for the applicant to collect the relevant documents, and for the Italian authorities to ascertain the applicant's position.

(Consulate General of Italy in Sydney 2007, Email to RRT Country Research: 'Re: Refugee Review Tribunal: Request for information on Italian citizenship', 12 February.)

(RRT Country Research 2006, *Research Response ITA31310*, 12 February – Attachment 11).

9. Please provide information on procedures and process for asylum in Italy.

Information on the process of applying for asylum in Italy is contained in the following documents:

i) *Stranieri in Italia. Le Nostre Guide: Rifugiati*, 'General information for asylum seekers', (undated) *Stranieri In Italia* website [Foreigners in Italy] (Information website for asylum seekers in Italy) <http://www.stranieriinitalia.it/vademecumcir/index.htm> – Accessed 27 February 2007 - Attachment 12. However, this document contains the following caveat:

“Given the absence of a systematic law on the right to asylum implemented within the constitution, the duration and method of issuing Residence Permits as well as the rights and duties of the asylum seeker and those who obtain Refugee status are not yet established”.

ii) ‘Permit of stay’ undated *Stranieri in Italia website* [Foreigners in Italy website] – <http://www.stranieriinitalia.it/> – Accessed 27 February 2007 – Attachment 13.

This document includes the following warning:

“**PLEASE NOTE:** If your stay outside of Italy was for more than 6 months your permit of stay of two years or less cannot be renewed or extended; if you have been outside Italy for half or more of the period stated in your permit of stay which has a minimum of two years, this also cannot be renewed or extended.”

iii) *International Federation for Human Rights* 2005, ‘Right to asylum in Italy: Access to procedures and treatment of asylum seekers’, FIDH website, June http://www.fidh.org/IMG/pdf/eu_asylum419a.pdf – Accessed 26 February 2007 – Attachment 14. It notes:

II – THE LEGAL FRAMEWORK FOR ASYLUM

No specific legal mechanism for asylum exists in Italy. An organic draft law, which had been under discussion since 2002 and should have put an end to this situation, atypical within the European Union, was withdrawn from the parliamentary calendar in December 2004 due to the lack of consensus agreement between its promoters. Yet Italy has been party to the 1951 Geneva Refugee Convention since 1954, even though it was only in 1990 that it lifted the geographical reservation that restricted the granting of refugee status solely to persons of European origin. In addition to the Geneva Convention, the right to asylum in Italy is based on Article 14 of the 1948 Universal Declaration of Human Rights and Article of the Italian Constitution. In the absence of an organic law on asylum, points dealing with asylum have been included in legal texts and rulings that deal with immigration.

List of Sources Consulted

Internet Sources:

Government Information & Reports

Information website for Asylum Seekers in Italy <http://www.stranieriinitalia.it/>

UK Home Office website <http://www.ind.homeoffice.gov.uk>

US Department of State website <http://www.state.gov>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) website <http://www.unhcr.ch/cgi-bin/taxis/vtx/home>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch (HRW) website <http://www.hrw.org/>

International Helsinki Federation for Human Rights www.ihf-hr

ROMUALDO DEL BIANCO FOUNDATION <http://www.fondazione-delbianco.org>

International News & Politics

BBC News website <http://news.bbc.co.uk/>

Region Specific Links

Shkoder website <http://www.shkoder.net/en/history.htm>

Portal of Shkodra <http://www.shkoder.info/>

Shkodra In Your Pocket city guide <http://www.inyourpocket.com/city/shkodra.html>

Search Engines

AlltheWeb search engine <http://www.alltheweb.com/>

Google search engine <http://www.google.com.au/>

Ask.com search engine <http://www.ask.com>

Yahoo search engine <http://search.yahoo.com>

Copernic search engine

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Albania 2005, *Europa Publications*, 46th edn, London pp. 471. (RRT Library)
2. US Department of State 2006, *International Religious Freedom Report – Albania*, September.
3. Nano, Mustafa 2000, ‘Shkoder – City in Expectation’ *Aim Press website*, 22 February. <http://www.aimpress.ch/dyn/trae/archive/data/200003/00310-002-trae-tir.htm> – Accessed 1 March 2007.
4. ‘The Possibility that Shkodra Region presents in the development of Tourism Hospitality’ undated, ROMUALDO DEL BIANCO FOUNDATION, Shkodra University, <http://www.fondazione-delbianco.org/seminari/default.asp?tiporiga=A3&idprog=27&label> - Accessed 2 March 2007.
5. ‘State Department Issues Consular Information Sheet on Albania’ 2007, US Fed News, 19 January. (FACTIVA)
6. RRT Country Research 2006, *Research Response ALB30175*, 1 June.
7. ‘IHF Annual Report on human rights violations’ 2006, *The International Helsinki Federation for Human Right* Internet site: www.ihf-hr.org, 5 April. (CX151198)
8. UK Home Office 2006, *Operational Guidance Note Albania*, 17 July 2006.
9. US Department of State 2006, *Country Report on Human Rights Practices 2006: Albania*, 8 March.
10. RRT Country Research 2002, *Research Response ITA15326*, 7 August.
11. RRT Country Research 2006, *Research Response ITA31310*, 12 February.

12. Stranieri in Italia. Le Nostre Guide: Rifugiati, 'General information for asylum seekers', (undated) *Stranieri In Italia* website [Foreigners in Italy] (Information website for asylum seekers in Italy) <http://www.stranieriinitalia.it/vademecumcir/index.htm> – Accessed 27 February 2007.

13. 'Permit of stay' undated *Stranieri in Italia website* [Foreigners in Italy website] – <http://www.stranieriinitalia.it/> – Accessed 27 February 2007.

14. International Federation for Human Rights 2005, 'Right to asylum in Italy: Access to procedures and treatment of asylum seekers', FIDH website, June http://www.fidh.org/IMG/pdf/eu_asylum419a.pdf – Accessed 26 February 2007.