

Restricting the Right of Movement of Citizens in Albania During the Communist Regime



History

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Abstract

The movement Albanian citizens, abroad and within the country, during the communist regime in Albania (1945-91) was limited to different forms. The right of movement was a fundamental right, but the communist regime, as we point out in this article for the first time, restricted it fully aware that it was violating a fundamental right of citizens. The right of the movement was not intentionally incorporated into the Constitution as a fundamental right, and later it lost even its status in legal act level and was left subject to government directives. The article reveals also the conflict within government leaders themselves, who acknowledged that the restriction of movement was an abuse of a fundamental right of citizens, but ultimately agreed on the adoption of arbitrary directives.

Restriction of the Right of Residence

The right of free movement, residence and employment of citizens in Albania did not exist as a (fundamental) right in any of the constitutions adopted during the communist regime. As for the last constitution (1976), we know that it was deliberately left out.

According to the reasoning of the drafting Commission of the last constitution, the right of free movement and residence had to be left out of the constitution, because it did not comply with the existing laws on organized labor force distribution and the law on the right of residence of citizens (the place of residence for everyone was stated on their passports). Thus, the Commission decided not to include the right of movement and residence in the chapter of the constitution on fundamental rights and duties of citizens, giving priority to several laws, Council of Ministers' instructions and other administrative acts, over the constitution.¹

The right to residence was regulated by several decrees over the years (1952, 1958), but, in 1964, the government proposed new amendments to the decree on passports (of 1958), because the existing decree was 'problematic.' It was not unusual that a person, because of his or her work, lived in a different city from his family and had gained over time the right of residence in that place. The existing decree (1958) allowed other members of the family to join their head of the family, mostly in the cities, by changing their place of residence. This, according to the government, had caused housing and supply problems in the city, because people who worked as workers in the city for a short time had withdrawn with them and the families. In the new draft decree, passport was given individual value, and the head of household, which could have passport in the city, could not take the other family members joining him or her. The passport of family

¹ AQSH [Albania's Central State Archive), F [Annals]. 490, V [Year]. 1976, D [File]. 438, Fl [Paper]. 75-76.

members was left to the executive committees (local institutions), which they would assess on a case-by-case basis. The disappearance of the binding norm for the committees made the passport giving subject to the will of the committees. This was done to stop moving from villages to cities, which could harm collective farms' workforce.²

Three years later (1967), the Council of Ministers was not pleased with this decree and requested its abolition, but for its replacement there were two opposing views of government ministers.

Some of the ministers thought that citizen's residence issue had to be regulated by a new decree. They acknowledged that the regulations of the residence were a restriction on the freedom of citizens, but they saw this as fully justified because, according to them, the general interest of society had priority over the individual one. The other group of ministers was of the opinion that this issue should not be regulated by law, but only by a government instruction. According to them, the draft government instruction did not contradict 'openly' with any existing legal provision. The new government instructions were designed with the aim of harmonizing the 'democratic freedoms of citizens with the general interests of society.' According to this project, the placement of permanent residents in cities and industrial centers was allowed only when they were chosen by state or social authorities for work reasons.³

The draft of the new government instructions allowed the specialists residing in the villages to move to cities, but, other village resident workers, who, in accordance with workforce planning, were working in different state enterprises, were granted only temporary residence permits in the city. At the end of their working time in the city, they had to go back to their villages.

The government's draft-instructions provided for 'necessary' rules to stop 'unnecessary' residence moving, and executive committees were given extensive powers, whose 'fair' use would limit the population's movement to the maximum.⁴

The Council of Ministers addressed the Politburo to get its approval on the matter, as it was, in its opinion, an issue that concerned 'the rights of citizens', although not sanctioned in the constitution. The document for the Politburo was sent to Hysni Kapo. In the copy addressed to him there is a handwritten note,⁵ which supported the idea of regulation by law, but, in the end, the decree was abolished, and replaced by the government instructions.

² AQSH, F. 489, V. 1964, D. 63, Fl 2-4.

³ AQSH, F. 490, V. 1967, D. 149, Fl. 11-12.

⁴ AQSH, F. 490, V. 1967, D. 149, Fl. 11-12.

⁵ AQSH, F. 490, V. 1967, D. 149, Fl. 11.

Restriction of Travel Inside and Outside the Country

All Albanian citizens, with the exception of a number of people in power, suffered from the restriction of freedom of movement by the state, albeit not all in the same measure. In terms of residence, which we have discussed above, the law was the same for all citizens. In terms of travel, can be noted some types of restrictions: interment, deportation, and restrictions for the citizens considered free, which was the general population.

Interment and deportations were punishments imposed on certain persons, mostly for political reasons. An interned person could not move out of his or her area of residence, which was very narrow one, a village mostly. A deported person and a free one had very little difference in movement; the person considered deported was only not allowed to return to the place (village, city) he was expelled from, while he could travel anywhere else, like the rest of other citizens. The movement for the rest general population, considered free persons, ended where the territories called the border area began. The border area was forbidden to be approached. The residents of those areas had a special status, but even they had tight restrictions. Only those citizens who had their permanent registration in the villages or towns included in the border areas could live in the border area. They could move freely in this territory, but only in the daytime, always with ID cards, and within the confines of their village or city. If they wanted to go to another border area within the same administrative district, they were required to be issued with permits by military border posts authorities. Residents of the border could move at night only for urgent needs, only within their area, according to the rules set by the Ministry of Interior. Persons, who were not resident at the border crossing, even when they were residents of the border area or had come there with permission, could only enter the border line with permission from the military border posts.⁶

Anyone travelling by vehicles on the roads along the border zone areas, excluding the border area residents, had to obtain a transit pass, which was issued by the local police office. Transport agencies or drivers (where there were no agencies) could provide tickets to citizens only after they had been certified by ID card that they were residents of the border area or who were provided with a permit to enter or transit through the border area. Any kind of vehicle that crossed the border area, if transporting passengers, should make sure that they were equipped with a permit from the police.⁷

Border zones were kept under strict control regime not only for ordinary citizens, but also for representatives of state, military, party, and other institutions. Employees of central institutions, geological expeditions, and employees of local party or executive bodies, military personnel of the Ministry of Defense etc., could go to the border areas only with permission from local police.

⁶ AQSH, F. 490, V. 1960, D. 45, Fl. 16-25.

⁷ AQSH, F. 490, V. 1960, D. 45, Fl. 16-25.

The violation of the rules of entry into the border area for all types of travelers was sentenced to up to two years of imprisonment under Article 257 of the Criminal Code, or a fine of up to 500 leke (\$50).⁸

Going abroad was an even bigger ordeal. The regime watched with fear the movement of citizens abroad. The idea that the outside world was filled with enemies of Albania, who were eager to recruit Albanian citizens for their 'malicious purposes' against the Albanian regime, had almost become paranoid for the leadership of the ALP (Albanian Labor Party) and its government.

In 1973, when the government reduced the number of cultural delegations going abroad, in order to cut financial costs, the Interior Minister welcomed it for other reasons. He was certain that the 'wolves' fighting against the Albanian regime were eagerly waiting to recruit such people.

Another reason for restricting the movement of Albanian citizens was to prevent their escape to other socialist countries or to the West.⁹

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⁸ AQSH, F. 490, V. 1960, D. 45, Fl. 25.

⁹ AQSH, F. 490, V. 1973, D. 17, Fl. 31.