



Queer Refugee Hearings Program Country of Origin Information Report

Albania
April 2021

The Queer Refugee Hearings Program (QRHP) is a hearing preparation program for individuals in Ottawa claiming refugee protection based on sexual orientation, gender identity and expression (SOGIE). This report serves to provide counsel, claimants, and adjudicators with detailed and nuanced information on the treatment of SOGIE-diverse individuals in Albania in accordance with the Immigration and Refugee Board's *Chairperson's Guideline 9: Proceedings Involving Sexual Orientation, Gender Identity, and Expression*. QRHP cannot guarantee the veracity of the cited information or a positive outcome in any SOGIE-diverse refugee claims.

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I. General Information

Population

The population of Albania is 3, 074, 579 (July 2020 est.)¹ The capital and largest city in the country is Tirana (374, 801). The next largest cities are Durres (122, 034), Elbasan (100,902), Vlore (89,546) and Shkoder (88,245).² As of 2019, approximately 38.8% of the population resided in rural areas.³

Government and Legal System

Albania is a Parliamentary Republic. The country is governed by a 140-seat Assembly elected once every four years by proportional representation. Albania has a multiparty system where parties must collaborate and form coalition governments in order to hold power. The two major parties in Albania are the Socialist Party of Albania (PS) and the Democratic Party of Albania (PD). Other prominent parties include the Party for Justice, Integration and Unity (PDIU), the Social Democratic Party (PSD), and the Socialist Movement for Integration (LSI).⁴

The Assembly elects a president for a five-year term for up to two terms. The President is the head of state, representing the country abroad, and commander-in-chief of the military. The President also appoints the Prime Minister—the head of Government—following a proposal from the Assembly.⁵ The current President and Prime Minister of Albania are respectively Ilir Meta (elected 24 July 2017) and Edi Rama (elected 13 September 2013), who is the Chairman of the Socialist Party of Albania.

The judiciary of Albania is a civil law system. The highest courts are the Supreme Court—seating 19 judges (including the chief justice), and the Constitutional Court—seating nine judges. Subordinate courts include Courts of Appeal, District Courts (Courts of First Instance), and the specialized Court for Corruption and Organized Crime. The Constitutional Court is responsible for Constitutional Interpretation as well as cases concerning alleged human rights abuses.

¹ Tab 1.4 - Central Intelligence Agency, “Albania,” (21 July 2020), online: *The World Factbook* <<https://www.cia.gov/the-world-factbook/countries/albania/>>

² World Population Review, “Population of Cities in Albania,” (2020) online: *World Population Review* <<https://worldpopulationreview.com/countries/cities/albania>>

³ The World Bank, “Rural population (%of total population) – Albania,” (2020) online: *The World Bank* <<https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=AL>>

⁴ Tab 1.4 - Central Intelligence Agency, “Albania,” (21 July 2020), online: *The World Factbook* <<https://www.cia.gov/the-world-factbook/countries/albania/>>

⁵ Tab 1.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Background information including actors of protection, and internal relocation,” (2017) online: *United Kingdom Home Office*, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/632457/Albania_-_Bkgnd_-_CPIN_-_v2_0_July_2017_.pdf> p 10.

While independent, the Albanian judicial system is reportedly tainted by “politicisation, intimidation, limited accountability, poor inter-institutional cooperation, insufficient resources, lengthy proceedings, and backlogs.”⁶ In 2016, Albania passed constitutional amendments reforming the judicial system to strengthen the rule of law and to combat corruption.⁷ These include:

- (1) The vetting law examining the assets, professionalism and possible ties with organized crimes of all judges, prosecutors, and candidates for posts in the judicial system; and
- (2) Special Prosecution against Corruption (SPAK) which investigates and adjudicated all corruption and organized crime offenses by former and current senior officials, including political leaders.⁸

Religion

In 1967, Albania’s head of state, Enver Hoxha, declared Albania to be the first atheist state of the world—all mosques and churches were closed and religious observances were prohibited. In 1990, however, Albania began allowing private religious practice.⁹

The establishment of the constitution of Albania in 1998 has since guaranteed freedom of religion, which, according to Freedom House, is generally upheld in practice. Freedom House noted that Pope Francis praised Albania’s religious tolerance following a public mass on September 2014, attended by up to 300,000 Muslims and Christians.¹⁰

The religious breakdown in Albania is as follows: Muslim (56.7%) Roman Catholic 10%, Orthodox 6.8%, atheist 2.5%, Bektashi (a Sufi order) 2.1%, other 5.7%, unspecified 16.2% (2011 est.).¹¹ However, when asked about their religion, people usually refer to their family’s historical religious legacy and not their own choice of faith.¹²

⁶ Tab 1.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Background information including actors of protection, and internal relocation,” (2017) at 6, online: *United Kingdom Home Office*, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/632457/Albania_-_Bkgnd_-_CPIN_-_v2_0_July_2017_.pdf>.

⁷ Tab 1.4 - Central Intelligence Agency, “Albania,” (21 July 2020), online: *The World Factbook* <<https://www.cia.gov/the-world-factbook/countries/albania/>>

⁸ *Ibid* at 23.

⁹ *Ibid* at 8-9.

¹⁰ European Asylum Support Office, “EASO Country of Origin Information Report: Albania: Country Focus,” (November 2016) online: *European Asylum Support Office* <https://coi.easo.europa.eu/administration/easo/PLib/EASOCOI_Albania_Nov2016.pdf>.

¹¹ Tab 1.4 - Central Intelligence Agency, “Albania,” (21 July 2020), online: *The World Factbook* <<https://www.cia.gov/the-world-factbook/countries/albania/>>.

¹² Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 40, online: *United Nations Development Programme*

Language

The primary and official language spoken in Albania is Albanian (98.8%). Other languages spoken include Greek 0.5%, Other 0.6% (Macedonian, Romani, Vlach, Turkish, Italian and Serbo-Croatian), unspecified 0.1%. (2011 est.)¹³

Ethnicities

The majority of Albanians identify as Albanian (82.6%), while the rest of the population identifies as: Greek 0.9%, Other 1% (Vlach, Romani, Macedonian, Montenegrin, and Egyptian), or unspecified 15.5%. (2011 est.).¹⁴

Culture

Albanians have a strong sense of traditional forms of solidarity such as familial, regional or clan loyalties, which has shaped Albanian culture, even under Enver Hoxha's 40-year communist rule in the 20th century.¹⁵ This sense of solidarity, however does not extend to trust in people in general or to state institutions.¹⁶

The social mores of Albanian society trace their origin to the Kanun, a collection of customary laws that, for centuries, governed all aspects of life, particularly in northern Albania. These laws were codified in the 15th century but remains ingrained in the psyche of many Albanians today.¹⁷

The Kanun is based on four pillars: honor, hospitality, proper conduct and kin loyalty. It also covers property rights, which includes land and women. While many terms of the Kanun are not practiced today, hospitality has remained a trait practiced in all areas of the country with the use of the phrase, *shpija është e Zotit e e mikut* (the house belongs to God and guests).¹⁸

The Kanun has also, however, been used to justify murder with the continuation of blood feuds. Accordingly, revenge killings have continued between families in the name of honor, and for fear bringing shame on one's family.¹⁹ Under the Kanun, women were also considered property

<https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹³ Tab 1.4 - Central Intelligence Agency, "Albania," (21 July 2020), online: *The World Factbook* <<https://www.cia.gov/the-world-factbook/countries/albania/>>.

¹⁴ *Ibid.*

¹⁵ Tab 1.6 – Bertelsmann Stiftung, "BTI 2020 Country Report—Albania" (2020) online: *Bertelsmann Stiftung* <<https://www.bti-project.org/en/reports/country-report-ALB.html>>.

¹⁶ *Ibid.*

¹⁷ Robin Suerig Holleran, "The Kanun is about Much More than Just Blood Feuds," (3 January 2021) online: *Exit News* <<https://exit.al/en/2021/01/03/the-kanun-is-about-much-more-than-just-blood-feuds/>>.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

whose role is to produce children. In some northern villages, if a woman wishes not to marry she can become a ‘sworn virgin,’ making a promise of celibacy and taking on a male role in society.²⁰

General Human Rights Record

Besides human rights violations concerning SOGIE-diverse individuals, the primary human rights concerns in Albania include violence against women; violence against the press and members of the media; and discrimination against ethnic minorities—the Roma and Egyptian populations.

In July 2018, Albania’s Assembly amended the law on domestic violence to extend protection to victims in an active relationship or civil union.²¹ The same year, however, the UN Development Program released a report indicating that 52.9% of women surveyed had been subjected to violence or sexual harassment during their lifetimes.²² While 3,200 protection orders were issued to women abused by partners and relatives in 2019, the UN Human Rights Council notes concerns about the low rate of reporting of cases of gender-based violence against women in Albania. This is coupled with concerns regarding insufficient shelters and the frequent failure to enforce protection orders.²³

With respect to violence against the press, one in three journalists reported being physically or verbally assaulted because of their work in 2019. This includes an assault on journalist Enver Doci who was attacked by police officers while filming the arrest of demonstrators during a 2019 local election.²⁴ Journalists often practice self-censorship to avoid violence and harassment and are pressured by publishers and editors to advance political or economic interests.²⁵

Finally, members of the Roma and Egyptian populations face barriers in their access to a range of rights in Albania, including housing, education, employment and health services.²⁶ In 2019 allegations continued of resistance in schools to accept Romani and Balkan-Egyptian students. Reports also tell of these students being marginalized in classrooms, sometimes being physically

²⁰ *Ibid.*

²¹ Tab 2.1 – United States Department of State, “Albania: Country Reports on Human Rights Practices for 2019,” (11 March 2020) online: < <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/Albania>>

²² *Ibid.*

²³ Tab 2.3 – Amnesty International, “Albania. Human Rights in Europe: Review of 2019,” (16 April 2020) at 8, online: Amnesty International <https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF>>.

²⁴ *Ibid* at 9.

²⁵ Tab 2.1 – United States Department of State, “Albania: Country Reports on Human Rights Practices for 2019,” (11 March 2020) online: < <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/Albania>>

²⁶ Tab 2.3 – Amnesty International, “Albania. Human Rights in Europe: Review of 2019,” (16 April 2020) at 9, online: Amnesty International <https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF>>.

set apart from other students.²⁷ The Albanian government adopted legislation with respect to the protection of minorities in 2017, but has yet to pass all the implementing regulations.²⁸

II. Legal Environment for SOGIE-Diverse Individuals

A. Legal Framework

General Criminality

Albania legalized same-sex relations in 20 January 1995, repealing Article 137 of the old Criminal Code, which provided that homosexuality was punishable by up to ten years of imprisonment. Presently, the only article of Criminal Code that exclusively speaks to same-sex relations is Article 102/a, which prohibits engagement in homosexuality by use of force.²⁹

Laws Protecting SOGIE-Diverse Individuals from Discrimination

Article 18 of The Constitution of the Republic of Albania states: (1) All are equal before the law; and (2) No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.³⁰ In 2016, constitutional amendments were proposed to include SOGIE as a prohibited ground of discrimination in Article 18, but these were struck down after political and public debate which suggested that such action would pose a risk to the family by greenlighting approval of same-sex marriage.³¹

In 2008, Albania signed the “Statement on Sexual Orientation and Gender Identity” presented to the UN General Assembly and has since also signed and ratified Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms for a General prohibition of Discrimination.³²

²⁷ Tab 2.1 – United States Department of State, “Albania: Country Reports on Human Rights Practices for 2019,” (11 March 2020) online: < <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/Albania> >

²⁸ *Ibid.*

²⁹ Criminal Code of The Republic of Albania, Law No 7895, 1995, articles 102, 137.

³⁰ Constitution of the Republic of Albania, 1998, s 18.

³¹ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 42, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

³² Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 13, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

In 2010, Albania adopted a comprehensive Law on Protection from Discrimination (LPD). The law regulates the implementation of and respect for the principle of equality on many grounds, including gender identity and sexual orientation.³³ The law explicitly promotes equal access to employment, education, goods and services, health services and housing.³⁴ In 2012, the Law on Pre-Education was also enacted to prohibit discrimination on the basis of gender and sexual orientation in schools.³⁵

In 2013, Albania amended the Criminal Code's scope of aggravate circumstances to include offences motivated by gender identity and sexual orientation, among other grounds.³⁶ Article 265 was additionally amended the same year to prohibit hate speech in regard to sexual orientation.³⁷ There is no protection for transphobic speech.³⁸

The Labour Code was amended in 2015, prohibiting discrimination in employment and professions on the grounds of sexual orientation and gender identity.³⁹

Laws Relating to Marriage, Cohabitation, and Family

Same-sex marriages are not recognized in Albania. While Article 53 of Albania's constitution states that everyone has the right to marry and have a family, the Family Code of Albania states that marriage is between a man and a woman.⁴⁰

Articles 163 and 164 of the Family Code additionally speak to cohabitation in regards to a union between a man and a woman. In 2013, the Ministry of Social Welfare and Youth started the process to amend Articles 163 and 164 to redefine cohabitation as between two adults regardless

³³ Law on Protection from Discrimination, Republic of Albania, Law No 10 221, 2010, Article 1.

³⁴ Tab 6.5 - United Kingdom Home Office, "Country Policy and Information Note: Albania: Sexual orientation and gender identity," (December 2019) at 14, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

³⁵ Tab 6.3 - United Nations Development Programme et al, "Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania," (28 November 2017) at 16, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

³⁶ Criminal Code of The Republic of Albania, Law No 7895, 1995, article 50.

³⁷ Tab 6.3 - United Nations Development Programme et al, "Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania," (28 November 2017) at 15, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

³⁸ *Ibid.*

³⁹ *Ibid* at 36.

⁴⁰ Family Code of Albania, Law No 9062, 2003, article 7.

of their sex.⁴¹ This amendment has continually been encouraged and supported by LGBTI organizations such as Aleanca LGBT (Aleanca) and PINK Embassy/LGBT Pro Albania (PINK Embassy).⁴² In 2019, Albania rejected five recommendations from the UN Human Rights Council relating to amendments to the Family Code, stating that Albania is currently not planning to make such changes within the following four years.⁴³

Same-sex partners cannot adopt children together, as minors cannot be adopted by more than one person unless they are husband and wife (Article 242).⁴⁴

Laws Concerning Transgender and Intersex Persons

Articles 107 and 113 of the Criminal Code disproportionately impacted transgender individuals. Under these articles, sexual relations and sex work in public places are considered criminal offences and punishable by up to three years in prison. This creates a risk for transgender persons who rely on engaging in sex work to financially support themselves.⁴⁵

As of 2013, the Law on Civil Status allows a person to change their gender identity marker and name in official status documentation. However, both name and gender identity marker can only be changed on the basis of a court decision. Applicants must provide medical reports proving they have undergone gender affirmation surgery. As of 2017, only one individual had changed the gender identity marker on their civil status documents.⁴⁶

In June, 2020, the Ministry of Health and Social Protection prohibited surgical intervention on intersex children unless it is necessary for their health.⁴⁷

⁴¹ Tab 6.4 - LGBTI Equal Rights Association for Western Balkans and Turkey, “Albania,” (28 April 2016) online: *LGBTI Equal Rights Association for Western Balkans and Turkey* <<https://www.lgbti-era.org/content/albania>>

⁴² *Ibid.*

⁴³ Aleanca Kunder Diskriminimit LGBT “Albania Rejects 5 of the UN Recommendations on LGBTI Rights” (translates) (23 September 2019) online: Aleanca Kunder Diskriminimit LGBT <<https://www.aleancalgbt.org/lajme/68-shqiperia-refuzon-5-nga-rekomandimet-e-okb-mbi-te-drejtat-lgbti>>.

⁴⁴ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 18, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁴⁵ *Ibid* at 15.

⁴⁶ *Ibid* at 18.

⁴⁷ Alice Taylor, “Albania’s Intersex Children: Bringing Back Bodily Autonomy,” (6 July 2020) online: *Exit News* <<https://exit.al/en/2020/07/06/albanias-intersex-children-bringing-back-bodily-autonomy/>>.

Laws Concerning SOGIE- Diverse Organizations

There are no restrictions on SOGIE-diverse organizations in Albania. The Ministry of Social Welfare and Youth adopted its first National Plan of Action (NPA) on LGBTI rights for the 2012-2014 period. This action plan focused on strengthening LGBTI organizations and their contributions towards improving the lives of LGBTI people in Albania.⁴⁸ Aleanca, one such organization, is involved in implementing and monitoring the 2016-2020 National Plan of Action.⁴⁹

B. Application of the law

Oversight of Anti-Discrimination Laws

In 1999, Albania established the People's Advocate (PA), a constitutional ombudsman, led by an individual elected by parliament for five years. The PA is responsible for protecting the rights, freedoms, and lawful interests of individuals from unlawful acts or irregular omissions by public administrative bodies, or third parties acting on their behalf.⁵⁰ This is done through inspecting institutions and dealing with citizen complaints about alleged discrimination and ill treatment by public institutions. The PA has worked with the media to raise public awareness of LGBTI issues, has made recommendations for strengthening LGBTI rights, and issues recommendations to stop infringements on the rights of LGBTI individuals.⁵¹

In 2010, the Commissioner for Protection against Discrimination (CPD) was also established as the central institution for protection against discrimination. The areas of discrimination covered by the CPD are employment, education, goods and services.⁵² CPD receives and investigates complaints, imposes administrative sanctions, examines cases upon a court request, and represents complainants in court.

In 2015, the CPD only handled four complaints of discrimination on the basis of sexual orientation and one on gender identity.⁵³ LGBTI organizations have criticized the CPD for processing such a low number of cases. However, the CPD has published reports on

⁴⁸ Tab 6.3 - United Nations Development Programme et al, "Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania," (28 November 2017) at 12, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁴⁹ *Ibid* at 29.

⁵⁰ *Ibid* at 25.

⁵¹ *Ibid* at 23.

⁵² *Ibid*.

⁵³ *Ibid*.

discrimination on the basis of SOGIE in Albania, awareness training materials, and has organized trainings and workshops in cooperation with PINK Embassy.⁵⁴

Underreporting of Human Rights Violations by SOGIE-Diverse Individuals

Human rights violations are generally still unreported, pointing to the inadequacy of protection measures. At the 42nd session of the Human Rights Council at the United Nations in September 2019, the ‘International Lesbian, Gay, Bisexual, Trans and Intersex Association: Europe’ (ILGA) noted that the situation of LGBTI people in Albania remains worrisome. They note the National Action Plan of Action lacks design and implementation of an institutional protection mechanism and there has been no increase in the reported levels of discrimination towards, and violence and harassment against LGBTI communities.⁵⁵

Aleanca documented 421 cases of discrimination against LGBTI member in Albania in 2018. The types of discrimination range from direct physical violence to psychological pressure such as insults, ridiculing, labeling, malicious gossiping, humiliation on the street, denial of service in bars, gyms, supermarkets, and physical attacks of violence by clients (on sex workers) or by homophobic persons. Of these cases, only three cases of violence were reported to the police and two cases of discrimination were reported to the CPD.⁵⁶

In its 2019 “Enlargement package” for potential European Union (EU) candidates, the EU noted there were no court rulings in cases related to sexual orientation and gender identity in Albania. It also found that the National Plan of Action for LGBTI persons (2016-2020) lacks a budget and has not yet produced visible results.⁵⁷

Aleanca attributes the low reporting numbers to a lack of trust in state institutions to respond and prosecute accordingly to crimes against LGBTI individuals. They note that police failed to follow through with an investigation in reported cases. Failure from state institutions to perform their duty, combined with a lengthy complaint procedure to report cases of discrimination, force many LGBTI community members to withdraw from reporting cases of violence altogether.⁵⁸

⁵⁴ *Ibid.*

⁵⁵ Aleanca Kunder Diskriminimit LGBT “Albania Rejects 5 of the UN Recommendations on LGBTI Rights” (translates) (23 September 2019) online: *Aleanca Kunder Diskriminimit LGBT* <<https://www.aleancalgbt.org/lajme/68-shqiperia-refuzon-5-nga-rekomandimet-e-okb-mbi-te-drejtat-lgbti>>.

⁵⁶ IREX Europe, “Report On Situation of LGBTI Community During 2018,” (10 June 2019) at 8-9, online: *IREX Europe* <<https://irex-europe.fr/2019/06/10/2018-report-on-the-situation-of-the-lgbti-community-in-albania/>>.

⁵⁷ LGBTI Equal Rights Association for Western Balkans and Turkey, “What Does 2019 EU Enlargement Package Say on LGBTI Rights?” (25 June 2019) online: *LGBTI Equal Rights Association for Western Balkans and Turkey* <<https://www.lgbti-era.org/news/what-does-2019-eu-enlargement-package-say-lgbti-rights>>.

⁵⁸ IREX Europe, “Report On Situation of LGBTI Community During 2018,” (10 June 2019) at 8-9, online: *IREX Europe* <<https://irex-europe.fr/2019/06/10/2018-report-on-the-situation-of-the-lgbti-community-in-albania/>>.

In the three cases of violence reported to the police in 2018—which were documented by Aleanca—each victim reported that they were mocked and ridiculed by officers. Moreover, in each case police neglected to provide copies of complaints to victims, as required by law. In one specific case, a person transgender person was pressured by a police officer to withdraw charges even though the case involved a physical assault against the victim.⁵⁹

Finally, crimes against SOGIE-diverse individuals may be underreported because the Commissioner for Protection against Discrimination (CPD) will not process anonymous complaints.⁶⁰ SOGIE-diverse Albanians have felt apprehensive to report crimes for fear of reprisal if their SOGIE becomes known to others.⁶¹

Accessibility of Laws to Protect Rights of SOGIE-Diverse Individuals

SOGIE-diverse individuals may file complaints through the CPD at one of their regional offices, by email, or mail. CPD staff are available to assist complainants in filling out appropriate forms.⁶²

The CPD has confirmed, however, that legal aid services are not intended to assist victims of discrimination (including LGBTI victims) in making their claims. Low-income victims of discrimination must therefore rely on legal support from NGOs.⁶³ However, legal aid is available for LGBTI victims of domestic violence who receive or eligible for social welfare.⁶⁴ Court fees in compensation cases, however, still act as barriers to accessing justice through the court system. In 2013, the Constitutional Court ruled that judges can decide to exempt plaintiffs from paying court fees. Judges, however, have been reluctant to make use of this power.⁶⁵

See also Tab 1.7 – European Commission against Racism and Intolerance, “ECRI Report on Albania (sixth monitoring cycle)” (2 June 2020) at 16, online: *Council of Europe* <<https://www.ecoi.net/en/file/local/2030756/ALB-CBC-VI-2020-023-ENG-color+version.pdf>>.

⁵⁹ *Ibid* at 9.

⁶⁰ Commissioner for Protection from Discrimination, “How You Can Complain,” (translated) (Retrieved 17 February 2021) online: *Commissioner for Protection from Discrimination* <<https://www.kmd.al/si-mund-te-ankoheni/>>.

⁶¹ *Ibid*.

⁶² *Ibid*.

⁶³ Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 22, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

⁶⁴ Tab 6.3- United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 18, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁶⁵ *Ibid* at 22-23.

III. Treatment by State Actors

Political Climate Toward SOGIE-Diverse Individuals

As mentioned above, the Ministry of Social Welfare and Youth adopted its First National Plan of Action (NPA) on LGBTI rights for the 2012-2014 period. In May 2015, the Albanian parliament further adopted a resolution entitled “On Protection of Rights and Freedoms of Persons Belonging to the LGBT Community in Albania.” The document detailed a number of legal and policy reforms that the government should take to improve the lives of LGBTI people, including the adoptions of a national LGBTI action plan, diversity training for teachers and greater support for the People Advocate (See above). 75 members of parliament voted in favor of the resolution, two against, and one abstained.⁶⁶

The National Plan of Action launched in 2016 and ran until 2020. Its three main objectives are:

1. Improvement of legislation and raising awareness on LGBTI issues
2. Elimination of all forms of discrimination of LGBTI people; and
3. Improvement of access of LGBTI people to employment services, education, healthcare, housing and sports by guaranteeing them equal opportunities.⁶⁷

Despite such strong support for the plans of action, politicians largely oppose granting same-sex couples the right to enter into marriage and common-law relationships. This is most evident by the failed constitutional amendment to the Family Code in 2016, when the government did not adopt changes to the Family Code as it did not want to offend social mores.⁶⁸

In 2019, Albania received 14 recommendations in a Universal Periodic Review (UPR) by United Nations member states pertaining to improving the rights of SOGIE-diverse individuals. During its previous UPR in 2014, Albania only received three recommendations, suggesting that the rights and safety of SOGIE-diverse individuals deteriorated.⁶⁹

⁶⁶ ILGA- Europe, “2016 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia: Albania,” (2016) at 30, online: *ILGA Europe* <<https://ilga-europe.org/sites/default/files/2016/albania.pdf>>.

⁶⁷ Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 19, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

⁶⁸ Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 42, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

⁶⁹ LGBTI Equal Rights Association for Western Balkans and Turkey, “Albania Received 14 SOGIESC Recommendations within 3rd Cycle of UPR,” (28 May 2019) online: *LGBTI Equal Rights Association for Western Balkans and Turkey* <<https://www.lgbti-era.org/news/albania-receives-14-sogiesc-recommendations-within-3rd-cycle-upr>>.

Further, while the adoption of national action plans to improve the lives of LGBTI individuals in Albania signals a positive political environment, LGBTI organizations in Albania note that political support has generally rung hollow and unreflective of the lived experiences of the SOGIE-diverse people.

During his speech at the UN General Assembly on September 27, 2019, Prime Minister Edi Rama claimed that actions plans for LGBTI community, among other action plans, are the most important foundational stones for his agenda, “for which there are concrete plans that are being implemented and which will guarantee the rights of these groups that often happen to be marginalized in a dishonest, unjust manner.”⁷⁰ LGBTI groups quickly denounced Rama’s statements, claiming:

Prime Minister Edi Rama used the cause of LGBTI and other marginalized communities to further nourish the false and untrue image of Albania as an accepting country... The empty promises of the government and the hypocritical statements of the past says, undermine significantly our efforts to cooperate with state institutions... In our day-to-day work we see that the institutional commitment to take concrete measures to improve the living conditions of the LGBTI community remains very low.⁷¹

On May 16, 2020 Aleanca released a statement condemning the use of the LGBTI community for political gain by political parties. They state that LGBTI citizens’s rights are not represented by any parties in Albania and they have all systematically failed to protect their human rights in Albania.⁷²

Hate speech by politicians continues to target the LGBTQ community. In 2013, the leader of the Legality Movement Party, Ekrem Spahiu—a coalition deputy in the 2013 election—stated that his party would hinder any effort to legitimize the rights of LGBTI people. In 2012, as deputy minister of defence, he also stated that if a gay pride parade took place in Tirana, he would beat homosexuals with a baton. No sanctions were imposed against him.⁷³

⁷⁰ Vincent WJ van Gervan Oei, “LGBT Organizations Denounce Rama’s Pinkwashing and Religious Hate Speech,” (10 October 2019) online: *Exit News* <<https://exit.al/en/2019/10/10/lgbt-organizations-denounce-ramas-pinkwashing-and-religious-hate-speech/>>.

⁷¹ *Ibid.*

⁷² Aleanca Kunder Diskriminimit LGBT, “LGBT and Pro-LGBT Alliance Condemns Hate Speech and Use of LGBTI Community For Political Purposes and Benefits By Political Parties in the Country,” (16 May 2020) online: *Aleanca Kunder Diskriminimit LGBT* <<https://www.aleancalgbt.org/lajme/125-aleanca-lgbt-dhe-pro-lgbt-denojne-gjuhen-e-urrejtjes-dhe-perdorimin-e-komunitetit-lgbti-per-qellime-dhe-perfitime-politike-nga-partite-politike-ne-vend>>.

⁷³ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 43, online: *United Nations Development Programme*

In October 2019, member of parliament Kujtim Gjuzi of the Conservative Party publicly threatened LGBT people on a prime-time political show. The host also made negative statements. Both cases were reported to the Council of Complaints at the Albanian Media Authority, which issued a warning but did not impose a fine on the channel.⁷⁴

In their 2020 report, the European Commission against Racism and Intolerance (ECRI) noted that hate speech against members of LGBTI communities is still far too often considered to be an acceptable feature of public debates.⁷⁵ This is consistent with a rude, divisive and antagonistic tone towards LGBTI individuals in both public and political discourse.⁷⁶ ECRI further notes there has been no information that would indicate an improvement in the situation concerning hate speech in Albania from 2015 to 2020.⁷⁷

IV. Treatment by Non-State Actors

Terminology Used to Describe SOGIE-Diverse Individuals

The following represent derogatory terms used to identify gay men in Albania:

Bythëqirë (faggot)

Homo (short form for homosexual)

Pederast (relating male homosexuality to pedophilia).

Societal Attitudes Towards the SOGIE-Diverse Community

In Albania, rigid gender stereotypes and cultural expectations mean that men and women are expected to conform to rather inflexible ideas of masculinity and femininity in their behaviour and appearance. Deviations from these binary gender stereotypes are strongly discouraged and are considered morally wrong. As a patriarchal society, there are high levels of social disapproval for any form of sexuality falling outside of the heterosexual norm.⁷⁸

<https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁷⁴ ILGA Europe, “2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia”, (February 2020) at 22, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

⁷⁵ Tab 1.7 – European Commission against Racism and Intolerance, “ECRI Report on Albania (sixth monitoring cycle)” (2 June 2020) at 7, online: *Council of Europe* <<https://www.ecoi.net/en/file/local/2030756/ALB-CBC-VI-2020-023-ENG-color+version.pdf>>.

⁷⁶ *Ibid* at 15.

⁷⁷ *Ibid*.

⁷⁸ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 32, online: *United Nations Development Programme*

Attitudes amongst the general population towards LGBTI people's rights to marriage and family life are generally very conservative. Opinion polls reveal that a majority of the electorate in Albania would not support political parties whose platforms include issues related to LGBTI equality.⁷⁹ In a 2018 United Nations study, only 28% of men respondents and 43% of women respondents in Albania showed any willingness to take action to prevent violence against LGBTI individuals.⁸⁰

The United Nations Trust Fund to End Violence against Women notes that lesbian, bisexual and transgender women in Albania experience high levels of violence in families and in the public sphere. Flavia Tiona, psychology expert, notes that in Albania, “Patriarchal mentality makes people believe it’s ‘OK’ to violate a lesbian, bisexual or transgender [person], because they are different.”⁸¹

PINK Embassy noted that in 2019, approximately 94% of LGBTI persons in Albania conceal their SOGIE as a result of public opinion.⁸² This is supported by Amnesty International, which notes that most LGBTI people conceal their SOGIE in Albania to escape ostracism and various forms of discrimination.⁸³

Religious Attitudes Towards Sexual and Gender Diversity

Albania is a secular state and religion is not a major component of social, political and cultural life. When asked about religion, people refer to their family’s historical religious legacy and not to their own choice of faith.⁸⁴ In a 2016 study on the perceptions of the rights of LGTBI people by members of the public administration, 87.5% of employees stated that they do not practice

<https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁷⁹ Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 13, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

⁸⁰ Tab 5.16 - United Nations Entity for Gender Equality and the Empowerment of Women, “2018 Public Perceptions of Gender Equality and Violence Against Women. Albania,” (2019) at 7, online: *United Nations Entity for Gender Equality and the Empowerment of Women* <<https://irb-cisr.gc.ca/en/country-information/ndp/Pages/index.aspx?pid=10598>>.

⁸¹ United Nations Trust Fund to End Violence against Women, “Case Study: Support for LBT survivors of violence in Albania,” 2 June 2017 <<https://unf.women.org/en/news-and-events/stories/2017/06/support-for-lbt-survivors-of-violence-in-albania>>.

⁸² Ambasada Pink, “Tirana says Yes to Equality!” (10 May 2019) online: *Ambasada Pink* <<https://www.pinkembassy.al/en/tirana-says-yes-equality>>.

⁸³ Tab 2.3 - Amnesty International, “Albania. Human Rights in Europe: Review of 2019,” (16 April 2020) at 9, online: *Amnesty International* <<https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF>>.

⁸⁴ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 40, online: *United Nations Development Programme*

any religion. In effect, religion was found to have no impact in public attitudes towards LGBTI people.⁸⁵

Despite the secular status of Albania, Catholic and Muslim leaders in Albania have used their platform to denounce sexual and gender diversity. In 2016, leaders of faith-based organizations in Albania united to call the government to prohibit same-sex marriages to “protect the family from destruction.”⁸⁶

Further, following the Netherlands legalization of same-sex marriages in 2019, and the subsequent approval of this action by ministers of Rama’s government, Archbishop George Frendo stated:

True, they are MPs, they are ministers. But who gave them the right to speak on behalf of all Albanians?... (is) gay marriage a sign of an emancipated society? Is it a sign of progress? Dear Ministers, please: the Albanian family is distinguished as a very united and stable nucleus. Protect human life, protect the Albanian family!⁸⁷

Speaking to the same events, the Mufti of Tirana stated, “[e]ncouraging and promoting such phenomena contradicts not only the divine principles, but also social principles and the Albanian tradition. Albania does not need to destroy the basic cell of society, the family, in order to integrate into Europe.”⁸⁸

In response to these statements, LGBTI organizations noted that Albania is a secular state and that, “these individual’s themselves do not have the right to speak on behalf of the Albanian... such discriminatory language has no place in today’s society.”⁸⁹

Media Portrayals of SOGIE-Diverse Individuals

The United Nations Development Programme (UNDP) notes that Albanian media continues to exacerbate and amplify homophobia in the country. Examples include an article in the daily

⁸⁵ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 40, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁸⁶ *Ibid.*

⁸⁷ Gazeta Express, “The letter of the Rama Ministers to the Netherlands brings strong reaction from the Church and the Mosque” (translated) (9 October 2019) online: *Gazeta Express* <<https://www.gazetaexpress.com/letra-e-ministreve-te-rames-per-holanden-sjell-reagimin-e-forte-nga-kisha-dhe-xhamia/>>.

⁸⁸ *Ibid.*

⁸⁹ Vincent WJ van Gervan Oei, “LGBT Organizations Denounce Rama’s Pinkwashing and Religious Hate Speech,” (10 October 2019) online: *Exit News* <<https://exit.al/en/2019/10/10/lgbt-organizations-denounce-ramas-pinkwashing-and-religious-hate-speech/>>.

newspaper TELEGRAF, which reported that the police had finally caught “immoral homosexuals” describing a band of “troublesome drugged prostitutes.” In 2010, the newspaper SHEKULLI also portrayed LGBTI people as deviant criminals, responsible for the spread of HIV.⁹⁰

From October 1 to December 15, 2018 Pro LGBT documented hate and discriminative speech in online media in Albania from four media news channels. Throughout that time, 14 articles were published using such language against gay individuals, whereas four articles targeted transgender individuals. One such example from shqiptarja.com was titled, “They are gay but they keep it a secret. The famous businessman exposes Albanian politicians.”⁹¹

The newspaper PANORAMA, conversely, made positive comments concerning requests made to include LGBTI rights in political platforms during the 2013 general election. PANORMA also denounced a case of discrimination against a transgender person by police officers.⁹²

Safety of SOGIE-Diverse Events and Organizations

The principles of freedom of association and assembly are secured in Articles 46 and 47 of the Albanian Constitution. While neither of these articles explicitly mention sexual orientation or gender identity, they are generally applicable. Public allies or gatherings must notify the police of pride parades three days in advance if they place place in streets or public crossings.⁹³

In 2012, the LGBTI community held its first pride parade in Tirana on the International Day Against Homophobia. In 2019 PINK Embassy, Human Rights House and CRCA Albania organized the 10th Diversity Festival and 4th Tirana Pride. The city of Tirana set up a rainbow installation to support the march ,which attracted around 300 supporters. Tirana’s mayor and

⁹⁰ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 38, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁹¹ IREX Europe, “Report On Situation of LGBTI Community During 2018,” (10 June 2019) at 32-33 online: *IREX Europe* <<https://irex-europe.fr/2019/06/10/2018-report-on-the-situation-of-the-lgbti-community-in-albania>>.

⁹² Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 38, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

⁹³ COWI The Danish Institute for Human Rights, “Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity: Legal Report: Albania,” (2010) at 8, online: *COWI The Danish Institute for Human Rights* <https://www.coe.int/t/Commissioner/Source/LGBT/AlbaniaLegal_E.pdf>.

former Minister of Social Welfare, Erion Veliaj, publicly expressed his support for the event, which was unexpected given his lack of support previously.⁹⁴

Altin Hazizaj, lawyer, activist and chairman of PINK Embassy, notes that while pride parades have been given negative attention on social media and by politicians, participants in pride parades have generally not been subject to violence. The exception to this was in 2013, when someone threw smoke bombs at participants who were sitting in a café after the parade. There was no thorough investigation into the incident. Hazizaj additionally stated that those who participate wear ordinary clothes and not “loud” clothing which, “would be certainly too much a provocation for the people here (in Tirana).”⁹⁵

Protection and cooperation of state police has been positive during pride events, which have also been attended by high-ranking government officials and supporters.⁹⁶

While LGBTI organizations have freedom to operate and are supported by the Albanian government, LGBTI activists have been vulnerable to hate speech and threats. In June 2019, the office of Aleanca was attacked.⁹⁷ In 2020, LGBTI activist Xheni Karaj was attacked while on the beach with her partner. The alleged assailant was a doctor who told her that he should have left “people like you” to die when he had the chance in hospital.⁹⁸

Treatment of SOGIE-Diverse Individuals at Home

The UNDP notes that the difficult family situation for LGBTI people is almost unknown outside the family home. Parents of LGBTI people tend to keep their children's SOGIE to not “lose their honour,” and they often force their children to suppress their SOGIE. Sometimes, families break off relations with the LGBTI person, or force them to move away from home. Physical violence is considered to be an effective form of discipline and is pervasive. Fathers are especially likely

⁹⁴ Tab 6.1 - ILGA Europe, “2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia”, (February 2020) at 2, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

⁹⁵ Ambasada Pink, “Pink Embassy, a non-profit organisation, supports the cause of the Albanian LGBT community,” (19 November 2018) online: *Ambasada Pink* <<https://www.pinkembassy.al/en/pink-embassy-non-profit-organisation-supports-cause-albanian-lgbt-community>>.

⁹⁶ Tab 6.5 - United Kingdom Home Office, “Country Policy and Information Note: Albania: Sexual orientation and gender identity,” (December 2019) at 37, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

⁹⁷ Tab 6.1 - ILGA Europe, “2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia”, (February 2020) at 23, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

⁹⁸ Alice Taylor, “One in Two Albania LGBT Experienced Psychological Violence in 2020,” (16 February 2021) online: *Exit News* <<https://exit.al/en/2021/02/16/one-in-two-albanian-lgbt-experienced-psychological-violence-in-2020/>>

to use violence against their LGBTI children, while mothers are more likely to ask LGBTI children to change their behaviour.

LGBTI people who have told their parents about their SOGIE have in some cases been beaten and abandoned.⁹⁹ One in three LGBTI people have reported being victims of domestic violence.¹⁰⁰ As domestic violence is often unreported due to a lack of trust in police to resolve such cases (see ‘Underreporting of human-rights violations’ above) any efforts to tackle the violence are undermined.¹⁰¹

In 2019, ILGA noted that LGBTI children and youth are regularly harassed and lack, which is psychological support to reduce abandonment rates by their families.¹⁰² To this end. Altin Hazizaj of Pink Embassy states:

Being accepted by the family is a serious problem. And it will be a long time before things change in that regard... It is very difficult to reach parents. In politics you’ve got laws, you can hold someone accountable and so on. When it comes to parents, however, nobody has the right to go to their house and get involved.¹⁰³

The Covid-19 pandemic has additionally led some LGBT individuals to move back in with their families due to economic issues, which has resulted in increased psychological, verbal, and physical violence due to the family’s non-acceptance of their status.¹⁰⁴

Treatment of SOGIE-Diverse Individuals in Education

In Albania, formal protection in the school environment is ensured by legal provisions in the Law on Protection from Discrimination LPD and the Law on Pre-University Education ; however, effective protection lags behind the laws. Further measures taken against bullying and extremism in schools have, “so far consisted only of general anti-bullying awareness-raising

⁹⁹ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 32, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² Aleanca Kunder Diskriminimit LGBT “Albania Rejects 5 of the UN Recommendations on LGBTI Rights” (translated) (23 September 2019) online: *Aleanca Kunder Diskriminimit LGBT* <<https://www.aleancalgbt.org/lajme/68-shqiperia-refuzon-5-nga-rekomandimet-e-okb-mbi-te-drejtat-lgbti>>.

¹⁰³ Ambasada Pink, “Pink Embassy, a non-profit organisation, supports the cause of the Albanian LGBT community,” (19 November 2018) online: *Ambasada Pink* <<https://www.pinkembassy.al/en/pink-embassy-non-profit-organisation-supports-cause-albanian-lgbt-community>>.

¹⁰⁴ Alice Taylor, “One in Two Albania LGBT Experienced Psychological Violence in 2020,” (16 February 2021) online: *Exit News* <<https://exit.al/en/2021/02/16/one-in-two-albanian-lgbt-experienced-psychological-violence-in-2020/>>

measures,” which do not contain modules covering vulnerable groups like SOGIE-diverse children.¹⁰⁵

SOGIE-diverse individuals face prejudice, discrimination, and verbal, psychological and physical abuse in school. Teachers' perceptions of SOGIE-diverse students are often based on stereotypes. When violence occurs, they often recommend the bullied victim for therapy rather than disciplining the bully. About 35% of LGBTI students experiencing violence say that it is from their friends and schoolmates. Additionally, many LGBTI students are reluctant to come out to their friends and peers out of fear of discrimination, mistreatment and exclusion.¹⁰⁶

According to a 2018 report by PINK Embassy, 70% of Albanian teachers would not accept or support their own child if they were LGBTI. Further, 9.3% states that they could not tolerate LGBTI teenagers in class or school.¹⁰⁷

ILGA reports that in 2019, a high school student in Vlora was repeatedly harassed, kicked, beaten and strangled by his peers after coming out. The school placed the student in the cleaner's room during recess, allegedly to protect him. The school did not report the violence to the police. The student later dropped out of school. The Ministry of Education refused to provide the contacts of school psychologists to Streha LGBT, who wanted to hold a training for them on LGBTI issues.¹⁰⁸

Adding psychological support measures to reduce the dropout rates of LGTBI students is included in the recommendations made to Albania in the United Nations Human Rights Council's 2019 Universal Periodic Review.¹⁰⁹

¹⁰⁵ Tab 1.7 – European Commission against Racism and Intolerance, “ECRI Report on Albania (sixth monitoring cycle)” (2 June 2020) at 7, online: *Council of Europe* <<https://www.ecoi.net/en/file/local/2030756/ALB-CBC-VI-2020-023-ENG-color+version.pdf>>.

¹⁰⁶ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 16, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹⁰⁷ Ambasada Pink, “Tirana says Yes to Equality!” (10 May 2019) online: *Ambasada Pink* <<https://www.pinkembassy.al/en/tirana-says-yes-equality>>.

¹⁰⁸ Tab 6.1 - ILGA Europe, “2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia”, (February 2020) at 22, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

¹⁰⁹ LGBTI Equal Rights Association for Western Balkans and Turkey, “Albania Received 14 SOGIESC Recommendations within 3rd Cycle of UPR,” (28 May 2019) online: *LGBTI Equal Rights Association for Western Balkans* <<https://www.lgbti-era.org/news/albania-receives-14-sogiesc-recommendations-within-3rd-cycle-upr>>.

Treatment of SOGIE-Diverse Individuals in Employment

Employment remains a challenge, particularly for transgender individuals. School dropouts as the result of bullying for the LGBTI community have led to low levels of education, which limit their access to employment. Members of the LGBTI community may also have limited access to employment due to isolation, lack of self-confidence and lack of basic life skills. In 2018, Aleanca reported that employed LGBTI individuals did not talk openly with their colleagues or managers about their SOGIE because they were afraid of losing their jobs or becoming subject to bullying, insults or gossip.¹¹⁰

In 2018, 39 cases of discrimination in the workplace were reported to Aleanca. None were reported to state institutions due to fear of being fired or fear that one's SOGIE would be made public.¹¹¹

Discrimination against transgender people has led many in the transgender community to engage in sex work as a means of survival. Involvement in this profession includes a risk of violence from homophonic and/or aggressive clients.¹¹² As noted above, there is a lack of protection against such violence given that sex work is illegal in Albania.

Treatment of SOGIE-Diverse Individuals in Health Services

The right to healthcare is granted by the Albanian Constitution and the Law on Protection from Discrimination (LPD) prohibits discrimination on the grounds of sexual orientation and gender identity. In theory, rights to reproductive health, health insurance, and mental health are accorded to everyone equally. Legislative documentation in the area of healthcare, however, is generic and no attention is given to the specific health needs of LGBTI people. For example, LGBTI people do not have access to assisted reproductive technology (ART) or—in the case of transgender persons—gender confirmation surgery.¹¹³

LGBTI people may additionally experience discrimination from health care professionals. In Albania, the perception that LGBTI people are sick and in need of a medical cure is very

¹¹⁰ IREX Europe, “Report On Situation of LGBTI Community During 2018,” (10 June 2019) at 15-16, online: *IREX Europe* <<https://irex-europe.fr/2019/06/10/2018-report-on-the-situation-of-the-lgbti-community-in-albania/>>.

¹¹¹ *Ibid* at 15.

¹¹² *Ibid* at 16.

¹¹³ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 19, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

widespread among both the general public and health professionals.¹¹⁴ Rather than focusing on an LGBTI person's health needs, health professionals often try to convince LGBTI people to change their sexual behaviour, presuming that their lifestyle is the cause of their health problem. Only 15% of LGBTI people consider health professionals to be open and sensitive to LGBTI issues.¹¹⁵

The national Albanian health scheme does not cover medical operations for transgender individuals. There are no reported cases of requests for gender reassignment in Albania.¹¹⁶

On May 20, 2020, Albania's Order of Psychologists announced that it will prohibit members from offering "conversion therapy" or pseudo-therapeutic attempts to change a persons' sexual orientation or gender identity.¹¹⁷ This decision effectively bans conversion therapy in Albania, as registered therapists are required to be members of the group in order to legally practice. This action, along with the prohibition of surgical intervention on intersex children (detailed above), represents a recent positive trend concerning LGBTI treatment in the health care sector.

Police Treatment of SOGIE-Diverse Individuals

ProLGBT and Aleanca have been conducting LGBTI awareness training for police officers in Tirana since 2015. While police collaboration with the LGBTI groups has been positive, the police have not introduced internal protocols to deal with hate crimes towards SOGIE-diverse people. Outside of the capital, signs of police being more sensitive to LGBTI individuals are mixed. While there has been sporadic collaboration with LGBTI groups in the south, incidents of harassment and transphobia have been documented in the north.¹¹⁸ COC Netherlands, Aleanca and Pro LGBT concluded that more training is needed outside of Tirana, where hate crimes are most common.¹¹⁹

Despite LGBTI groups working with the police, there is little perception among the LGBTI community that police will offer them protection. In 2019, Aleanca documented 65 cases of sexual violence, 152 cases of physical violence and 232 cases of psychological violence. Of

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid* at 18.

¹¹⁷ Tab 6.6 – Ryan Thoreson, "Albanian Psychologists Prohibit Anti-LGBT 'Conversion Therapy,'" (20 May 2020) online: *Human Rights Watch* <<https://www.hrw.org/news/2020/05/20/albanian-psychologists-prohibit-anti-lgbt-conversion-therapy#>>

¹¹⁸ Tab 6.5 - United Kingdom Home Office, "Country Policy and Information Note: Albania: Sexual orientation and gender identity," (December 2019) at 24, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

¹¹⁹ Tab 6.1 - ILGA Europe, "2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia", (February 2020) at 23, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

these cases, only 34 were reported to the authorities—due to fear of coming out or lack of trust in institutions—and the authorities only investigated one case.¹²⁰

Treatment Specific to Lesbian and Bisexual Women

Violence against women in Albania is pervasive and lesbian and bisexual women face double discrimination, as a result both of their gender and sexual orientation. Domestic violence, on the grounds of SOGIE, is criminalized by the Penal Code. Nevertheless, lesbian and bisexual women are among the frontline victims of domestic violence. Family members may additionally restrict movement with friends and lovers or threaten to cut off financial support. As a consequence, they may often attempt suicide to escape their unbearable family circumstances. A fear of violence and ostracism may also keep them from disclosing their SOGIE.¹²¹

Trina, a 22-year old photographer in Shkodra, experienced violence in her family for expressing her sexual orientation. She states, “women in Shkodra are beaten by their fathers and brother if they try to speak or act their mind. I was one of them but thousands of women in my city are victims of the patriarchal mentality that the men have full rights on their sisters or mothers.”¹²²

Bisexual people in general have very little space for representation and political activism. Their sexual behaviour means that they often face mistrust both from the LGBTI community and from heterosexual people as well.¹²³

Treatment Specific to Transgender Men and Women

In 2019, six transgender women reported to Aleanca that their landlords evicted them for being perceived as gay men. Additionally, ten transgender women reported living in a motel because

¹²⁰ *Ibid* at 22.

¹²¹ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 33, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹²² United Nations Trust Fund to End Violence against Women, “Case Study: Support for LBT survivors of violence in Albania,” (2 June 2017) *United Nations Trust Fund to End Violence against Women* <<https://untf.unwomen.org/en/news-and-events/stories/2017/06/support-for-lbt-survivors-of-violence-in-albania>>

¹²³ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 35, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

no one would rent them an apartment. Such treatment represents one facet of the systematic discrimination that trans people experience in Albania.¹²⁴

Additionally, many homeless transgender people are forced into sex work to make a living. Because sex work is criminalized, they are at high risk of exploitation. With no police protection, transgender sex workers are subject to rape and other forms of brutal sexual violence, stalking and sexual harassment.¹²⁵

Violence against transgender individuals is persistent in Albania. In November 2019, Anxhela, a transwoman, was attacked in Tirana while sitting on a bench near the Albanian Parliament. Five men attacked Anxhela, beating her to the point of unconsciousness. Anxhela is frequently attacked as a well-known figure and target for transphobic groups. This attack happened following the Tirana Dyke March on November 8, aimed at increasing lesbian visibility in Albania.¹²⁶

Transgender individuals may additionally experience discrimination by healthcare professionals after they are subjected to violence. In 2014, Aleanca, reported bringing a transgender person to a hospital because of serious health problems. Instead of offering them help, the doctor responded with, “why don’t you let them die?”¹²⁷

Intersectional Treatment of Minority Groups

As noted above (See General: Ethnicity) the primary minority ethnic groups experiencing discrimination in Albania are the Roma and Egyptian populations. Such discrimination can, however, be amplified if an ethnic minority is also a member of the LGBTI community. In a study of the unique experiences of LGBTI Roma in Albania, it is noted that:

¹²⁴ Tab 6.1 - ILGA Europe, “2020 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia”, (February 2020) at 23, online: *ILGA Europe* <<https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>>.

¹²⁵ Tab 6.3 - United Nations Development Programme et al, “Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania,” (28 November 2017) at 35-36, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹²⁶ Norwegian Helsinki Committee, “Authorities must safeguard trans community in Albania,” (15 November 2019) online: *Norwegian Helsinki Committee* <<https://www.nhc.no/en/attack-on-trans-woman-in-tirana-after-public-event/>>.

¹²⁷ *Ibid* at 36.

Discrimination, racism, systematic disparity and historical trauma among ethnic/racial minorities with a different sexual orientation and gender identity are prevalent and more severe in experience compared to dominant ethnic groups or LGBTI groups.¹²⁸

The victimization and discrimination of LGBTI Roma in schools and places of employment have resulted in LGBTI Roma constituting one of the poorest groups in Albanian society.¹²⁹ Furthermore, racism and homophobia are among the reasons why LGBTI Roma experience a lack of access to adequate housing.¹³⁰

Forms of violence reported by LGBTI Roma and Egyptians, compared to the other Albanian LGBTI and heterosexual ethnic minorities are also noted as being more severe.¹³¹ As an example, in a Council of Europe report on Roma discrimination, Freju, a 36-year old gay Roma and Egyptian man, details the police response after his partner's brother beat him and his partner. When Freju and his partner went to the police to make a complaint, they were laughed at, held for 10 hours and undressed and beaten. Freju further reported the police action to the CPD but the case closed finding no relevant evidence of police misconduct.¹³²

Furthermore, LGBTI Roma and Egyptian persons lack support due to rejection from their broader LGBTI and ethnic communities. Freju notes that his former Roma friends discriminate against him because of his sexual orientation, while the LGBTI community discriminates against him because of his ethnicity.¹³³ As such, the majority of LGBTI Roma/Egyptian persons must live within three independent communities: the LGBTI community, the Roma/Egyptian community, and society in general.¹³⁴

V. Region/city-specific information

Tirana

In a 2011 survey, respondents from rural areas showed higher levels of antipathy towards LGBTI individuals (58%) than in the capital city of Tirana (45%).¹³⁵ The European Commission's 2016

¹²⁸ Mirjeta Ramizi, "The Unique Realities of Roma LGBTI in Albania," (2020) at 395, online IJSRM 8:6 <<https://www.ijsrm.in/index.php/ijsrm/article/view/2760/2074>>.

¹²⁹ *Ibid* at 390.

¹³⁰ *Ibid*.

¹³¹ *Ibid* at 396.

¹³² Council of Europe, "Barabaripe: Young Roma speak about multiple discrimination," (2014) at 72 online: Council for Europe <<https://rm.coe.int/168046cfd5>>.

¹³³ *Ibid* at 71.

¹³⁴ Mirjeta Ramizi, "The Unique Realities of Roma LGBTI in Albania," (2020) at 395 online: IJSRM 8:6 <<https://www.ijsrm.in/index.php/ijsrm/article/view/2760/2074>>.

¹³⁵ Tab 6.4 - LGBTI Equal Rights Association for Western Balkans and Turkey, "Albania," (28 April 2016) online: *LGBTI Equal Rights Association for Western Balkans and Turkey* <<https://www.lgbti-era.org/content/albania>>

report on Albania similarly noted that public awareness and social acceptance of the LGBTI community in Albania remained low, particularly in rural areas.¹³⁶

Despite lower levels of hostility in Tirana, LGBTI individuals are still not able to live openly in safety in the capital city. As noted by the United Nations Development Program:

Non-conformity with mainstream gender norms by LGBTI people can provoke verbal abuse, physical attacks and harassment from family members and in public places. There is no safe place where LGBTI people know that they can be free from fear of violence and abuse, except for in each other's company and when receiving support from LGBTI people's organizations.¹³⁷

Besides the violence in Tirana, many LGBT individuals from outside of the capital city do not consider Tirana to be a viable option for their livelihood due to fear that they will have difficulty living independently and a lack of work available.¹³⁸ This is particularly true for the transgender community, where engagement in sex work has been found as the only way for many in this community to survive in Tirana. In 2018, it was found that 19 members of transgender community that receive daily services at Aleanca in Tirana, are engaged as sex workers. Working as a sex worker is considered by members of the transgender community as a way of surviving and to provide incomes for themselves and their families.¹³⁹

¹³⁶ Tab 6.5 - United Kingdom Home Office, "Country Policy and Information Note: Albania: Sexual orientation and gender identity," (December 2019) at 17, online: *United Kingdom Home Office* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849856/Albania_-_SOGIE_-_CPIN_-_v6.0__December_2019_.pdf>.

¹³⁷ Tab 6.3 - United Nations Development Programme et al, "Being LGBTI in Eastern Europe: Albania Country Report: Reducing Inequalities & Exclusion and Combating Homophobia & Transphobia experienced by LGBTI people in Albania," (28 November 2017) at 33, online: *United Nations Development Programme* <https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html>.

¹³⁸ IREX Europe, "Report On Situation of LGBTI Community During 2018," (10 June 2019) at 8, online: *IREX Europe* <<https://irex-europe.fr/2019/06/10/2018-report-on-the-situation-of-the-lgbti-community-in-albania/>>.

¹³⁹ *Ibid* at 16.