



Home Office

Country Policy and Information Note

Albania: Sexual orientation and gender identity

Version 6.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 2 December 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state or by non-state actors due to a person's actual or perceived sexual orientation/gender identity.

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1.2 Points to note

- 1.2.1 This note provides policy guidance on the general situation of gay men, lesbians, bisexuals and transgender persons. They are referred hereafter collectively as 'LGBT persons', though the treatment and experiences of each group may differ.
- 1.2.2 Where a claim is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albania is listed as a designated state.
- 1.2.3 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For information on assessing credibility see the Asylum Instruction on Assessing Credibility and Refugee Status.
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).
- 2.1.4 The British Embassy in Tirana is in a position to respond to queries from UK asylum decision makers via a referral process. In cases where a person is not subject to state persecution (as would usually be the case in sexual orientation / gender identity claims), local checks can verify details of the person and all Albanian court judgements can be verified through the Prosecutor General's office in Tirana (see [Identity checking and family tracing via the Albanian Authorities](#)).

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2.2 Refugee Convention reason

- 2.2.1 LGBT persons form a particular social group (PSG) in Albania within the meaning of the Refugee Convention because they share a common innate

characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

- 2.2.2 Although LGBT persons form a PSG, this does not mean that establishing such membership will be sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution because of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

a. General points

- 2.3.1 Paragraphs 82 and 35 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#) has set out the approach to take and established the test that should be applied when assessing such a claim. For further information, see the [Asylum Policy Instruction on Sexual orientation in asylum claims](#).

b. Treatment by the state

- 2.3.2 The country guidance case of [BF \(Tirana – gay men\) Albania \[2019\] UKUT 93 \(IAC\) \(26 March 2019\)](#) was heard on Tuesday 16 October to Thursday 18 October 2018 and Tuesday 23 October 2018. In the country guidance case of [BF](#) the Tribunal found that, 'Discrimination on grounds of sexual orientation is unlawful in Albania and there are avenues to seek redress. Same-sex relationships are not legally recognised in Albania. However, there is no evidence that this causes serious legal difficulties for relationships between openly gay men.' (Paragraph 251)
- 2.3.3 The Court of Appeal subsequently [upheld the decision](#) on 25 October 2019 and refused permission to appeal in BF on all grounds; it found that, ' [...] the tribunal considered the evidence before it and the issues with which it had to deal comprehensively and with patent and commendable care, and made no error of law' (paragraph 62).
- 2.3.4 In the country guidance case of [IM \(Risk – Objective Evidence – Homosexuals\) Albania CG \[2003\] UKIAT 00067 \(8 September 2003\)](#), heard on 15 July 2003, the Tribunal concluded that '... there is no country background evidence which supports a reasonable likelihood that homosexuals as such in Albania are subject to any action on the part either of the populace or the authorities which would amount to persecution for the purposes of the Refugee Convention or would be in breach of their protected human rights'(para 7).
- 2.3.5 In the years since [IM](#) was determined, the Albanian government has passed some of the most progressive LGBT laws in the region and its public officials have demonstrated a willingness and ability to partner with LGBT activists to pass reforms. There is, however, low awareness of LGBT rights within the LGBT community itself as well as the wider general public. It has also been reported that Albanian anti-discrimination case-law needs to be further developed and implementation of the new laws improved. The Albanian

government have adopted a national action plan for the period 2016–2020 which provides for the development of a range of measures including legislation, strategies and policies for improving the inclusion of LGBT persons (see [Legal framework](#), [Awareness of the law](#) and [National Action Plan](#)).

2.3.6 There have been a few reported incidents of LGBT persons facing harassment by some members of the police. However, these are not sufficiently serious by their nature and repetition as to amount to persecution or serious harm (see [Police](#)).

2.3.7 In general there remains no real risk of state persecution. Each case must however be considered on its facts with the onus on the person to demonstrate that they would be at real risk from the state on return.

c. Societal treatment

2.3.8 In the country guidance case of [BF](#), the Tribunal found that, ‘An openly gay man may face discrimination in Tirana, particularly in the areas of employment and healthcare. However, whether considered individually or cumulatively, in general the level of such discrimination is not sufficiently serious to amount to persecution.’ (Paragraph 251)

2.3.9 The Court of Appeal subsequently [upheld the decision](#) on 25 October 2019 and refused permission to appeal in BF on all grounds; it found that, ‘[...] the tribunal considered the evidence before it and the issues with which it had to deal comprehensively and with patent and commendable care, and made no error of law’ (paragraph 62).

2.3.10 In the country guidance case of [IM](#), the Tribunal found that in general the level of societal discrimination in Albania as a whole is not sufficiently serious by its nature and repetition that it will reach the threshold of being persecutory or otherwise inhuman or degrading treatment.

2.3.11 Nevertheless, Albania remains a conservative society in which homophobic attitudes persist – particularly in northern areas of the country. There have been incidents of LGBT people in Albania being subject to intolerance, discrimination, physical and psychological violence, job loss, evictions, threats and rejection by their families (see [Societal treatment and attitudes](#)).

2.3.12 There is no reliable data on hate crime and it is believed that many cases go unreported. Almost all violence in public is targeted towards men who are, as one source describes, stereotypically gay and towards transgender people. However most ill-treatment occurs within the family - often involving psychological violence from parents who feel that their child might be gay or lesbian (see [Societal treatment and attitudes](#)).

2.3.13 Decision makers must consider each case on its facts. The onus is on the person to demonstrate why, on return, they would be at real risk of persecution or serious harm from non-state actors.

2.3.14 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 Where the person's fear is of persecution or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 In the country guidance case of [BF](#), the Tribunal found that:
'Particular care must be exercised when assessing the risk of violence and the lack of sufficiency of protection for openly gay men whose home area is outside Tirana, given the evidence of openly gay men from outside Tirana encountering violence as a result of their sexuality. Such cases will turn on the particular evidence presented. [...]
'There exists in Tirana a generally effective system of protection should an openly gay man face a risk of harm in that city or from elsewhere in Albania' (paragraph 251)
- 2.4.3 The Court of Appeal subsequently [upheld the decision](#) on 25 October 2019 and refused permission to appeal in BF on all grounds; it found that, '[...] the tribunal considered the evidence before it and the issues with which it had to deal comprehensively and with patent and commendable care, and made no error of law' (paragraph 62). The Court of Appeal found that the Tribunal 'unarguably, properly' considered the effectiveness of steps being taken to provide adequate protection, stating, 'No doubt more could be done – but the law does not require perfection, only that there is sufficient protection for those at risk of persecution on the basis of, in this case, their sexual identity' (paragraph 43).
- 2.4.4 Where the person's fear is of persecution or serious harm by non-state actors (including rogue state actors), there is, in general, protection in law and avenues of redress, although the situation in areas outside Tirana must be considered carefully and on the particular evidence presented. Anti-discrimination laws in Albania expressly protect LGBT persons and make hate crimes a criminal offence. As mentioned above the Albanian government has passed some of the most progressive LGBT laws in the region (see [Legal framework](#)).
- 2.4.5 The government has shown formal support for LGBT rights. The collaborative spirit generated by the extensive discussions between the government and LGBT activists has drawn praise from LGBT organisations. On several occasions there have been minor incidents caused by non-state actors at public LGBT events, however protection and cooperation with the police has been reported as very positive. Awareness events have been attended by high-ranking government officials and supporters (see [Public events](#) and [Treatment by, and attitudes of, state authorities](#)).
- 2.4.6 The Commissioner for Protection from Discrimination (CPD) has reported having registered complaints from LGBT persons and organisations and has issued sanctions. The People's Advocate (Ombudsman), although having no enforcement powers, monitors the situation and treatment of LGBT people by public institutions, may initiate an investigation in some cases where a victim is unable to come forward to do so and make recommendations for legislative changes. There are similarly effective avenues for submitting a

complaint against police for misconduct (see [Commissioner for Protection from Discrimination](#), [Peoples Advocate \(Ombudsman\)](#) and [Police](#)).

- 2.4.7 In February 2017, the European Parliament passed a resolution that, amongst other things, welcomed the improvement of the protection of the rights of LGBT people and the adoption of the National Action Plan for LGBT people 2016-2020 (see [Treatment by, and attitudes of, state authorities](#)).
- 2.4.8 There are also a number of non-governmental organisations in Albania who advocate for LGBT rights and LGBT community and enjoy good co-operation with the police. These organisations may be able to assist the person to avail themselves of the protection of the state (see [Support groups](#)).
- 2.4.9 There are therefore laws and systems in place and operating which demonstrate that there is, in general, sufficiency of protection for LGBT persons in Albania. However, particular care should be taken when assessing the risk of violence and sufficiency of protection outside Tirana; the general sufficiency of protection for openly gay men in Tirana itself was confirmed in the country guidance case of [BF](#), and permission to appeal against BF dismissed on all grounds by the Court of Appeal, in 2019. A person's reluctance to seek protection, or lack of knowledge of it, does not mean that the protection is not available. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.4.10 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).
- 2.4.11 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 Where a person has a well-founded fear of persecution from the state, internal relocation will not be reasonable.
- 2.5.2 Where a person has a well-founded fear of persecution from a non-state actor – including 'rogue' state agents – internal relocation is likely to be an option to escape such risk.
- 2.5.3 In the country guidance case of [BF](#), the Tribunal found that:
[...] in Tirana, in general, an openly gay man, by virtue of that fact alone, would not have an objectively well-founded fear of serious harm or persecution on return to Tirana.

'There is only very limited evidence that an individual would be traced to Tirana by operation of either the registration system or criminal checks at the airport. However, it is plausible that a person might be traced via family or other connections being made on enquiry in Tirana. Whether an openly gay man might be traced to Tirana by family members or others who would wish him harm is a question for determination on the evidence in each case depending on the motivation of the family and the extent of its hostility. [...]

'In general, it will not be unduly harsh for an openly gay man to relocate to Tirana, but each case must be assessed on its own facts, taking into account an individual's particular circumstances, including education, health and the reason why relocation is being addressed' (paragraph 251).

- 2.5.4 The Court of Appeal subsequently [upheld the decision](#) on 25 October 2019 and refused permission to appeal in BF on all grounds. The Tribunal had concluded that 'the situation in Tirana is far from perfect and [...] discrimination against gay men does arise, in particular, as regard employment...; but [...], even when considered cumulatively, such discrimination is not at a level that would make it unduly harsh for a gay man to relocate to Tirana' (paragraph 50). The Court of Appeal found that 'the tribunal's analysis and conclusion are not arguably wrong in law' (paragraph 51) and stated, '[...] the tribunal considered the evidence before it and the issues with which it had to deal comprehensively and with patent and commendable care, and made no error of law' (paragraph 62).
- 2.5.5 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and / or gender identity in the proposed new location for fear of persecution.
- 2.5.6 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).
- 2.5.7 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albania is listed as a designated state, and a claim based on sexual orientation and gender identity is likely to be certifiable as 'clearly unfounded.'
- 2.6.2 For further information on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country Information

Updated: 5 April 2017

3. Legal framework

3.1 Context

- 3.1.1 The European Commission's Albania 2016 progress report, dated 9 November 2016, noted that:

'In June 2014, the European Council granted Albania candidate status. The Stabilisation and Association Agreement (SAA) has been in force since April 2009 and Albania has implemented smoothly its obligations. Regular political and economic dialogue between the EU and Albania has continued through the relevant structures under the SAA. The government engaged in EU-related reforms and continued to make progress in meeting the objectives set out in the five key priorities for the opening of accession negotiations.'¹

- 3.1.2 The same source also stated:

'The legal framework for the protection of human rights is broadly in line with European standards. Albania has ratified most international human rights conventions. However, enforcement of human rights protection mechanisms remains to be strengthened. As regards freedom of expression, Albania has some level of preparation / is moderately prepared. The overall environment is conducive to the freedom of expression, but better implementation of the legislation is needed.'²

- 3.1.3 The 2016 ILGA-Europe Rainbow Map places Albania in the 24th position (out of 49 European countries) with 34.4% of the index which reflects the national legal and policy human rights situation of LGBTI people in Europe. Countries are positioned on a scale between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality). Albania's ranking is higher than for example Switzerland and nine EU states.³

- 3.1.4 In its 2016 annual report ILGA-Europe stated:

'The LGBTI community in Albania celebrated several encouraging advances in 2015. The collaborative spirit generated by the extensive 2015-2020 action plan discussions with various ministries gave LGBTI activists a

¹ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 4. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

² European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 5. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

³ ILGA-Europe Rainbow Map. May 2016 <https://rainbow-europe.org/country-ranking>. Date accessed: 22 March 2017.

confidence boost. The parliament also passed a resolution in support of LGBTI rights which noted the positive developments that have been made, including the peaceful Pride in Tirana. However, despite these public events, general awareness of the LGBTI community remains low. Opinion polls revealed that LGBTI people continue to be harassed and a majority of the electorate stated they wouldn't support political parties whose manifestos included issues related to LGBTI equality.⁴

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3.2 Legal rights

3.2.1 As noted by the Astrea Lesbian Foundation for Justice in its 2015 report 'Landscape Analysis of Political, Economic and Social Conditions':

'Over the last five years, the Albanian government has passed some of the most progressive LGBTI protections in the Western Balkans, and its public officials have demonstrated a unique willingness and ability to partner with LGBTI activists to pass reforms. In 2013, Albania became the first of the four Western Balkans countries in this study to reform its criminal code to incorporate sexual orientation and gender identity into existing hate crime and hate-speech laws. The CSOs Aleanca LGBT (Alliance Against LGBT Discrimination) and Pro LGBT lobbied for the reforms and helped draft the amendment to the criminal code. Today, these LGBTI organizations are working with the Albanian public to monitor the debate on partnerships between same-sex couples.'⁵

3.2.2 LGBTI Equal Rights Association for Western Balkans and Turkey (ERA) - an association formed in September 2015 of leading LGBTI organizations in the region – gave the following information in April 2016:

'International agreements, declarations and resolutions

'Albania has signed the UN Declaration on Sexual Orientation and Gender Identity in 2008. It has signed and ratified Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms for a General Prohibition of Discrimination.

'Albania has ratified Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. While this Protocol does not mention LGBTI rights or SOGI-based discrimination specifically, the Court has ruled they are incurred directly.

'Albania was among one of the co-signatories of the join-statement of the Ministers of the region at the 2015 IDAHOT Forum in Montenegro.

'Constitution

Up to date the Constitution of the Republic of Albania offers no specific protection to LGBTI people. Article 18 which states grounds for prohibition of

⁴ ILGA Europe. Rainbow Europe 2016. http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf. Date accessed: 22 March 2017.

⁵ Astrea Lesbian Foundation for Justice, 'Western Balkans LGBTI: Landscape Analysis of Political, Economic and Social Conditions' (page 7), 2015, <http://www.astraeafoundation.org/uploads/files/Reports/Astraea%20Western%20Balkans%20Landscape%202015.pdf>. Date accessed: 23 March 2017.

discrimination does not make mention of sexual orientation and gender identity.

'The Albanian Constitution does not prohibit same-sex marriage. Article 53 states that "everybody has the right to get married and have children". However the Family Code of the Republic of Albania clearly defines marriage between a man and a woman.

'Decriminalization

'Albania legalised same-sex relations on 20 January 1995. Up until then homosexual acts were punishable with up to 7 years imprisonment.

'Age of Consent

'The age of sexual consent for same-sex applies equally to heterosexual ones, 14-15 years old. However there are differences between males (14 years old) and females which is either 14 years old or after the age of sexual maturation, whichever comes last.

'Anti-Discrimination legislation

'In 2010 the Parliament unanimously adopted a non-discrimination law which prohibits discrimination based on sexual orientation and gender identity (among other attributed). The law explicitly promotes equal access to employment, education, goods and services, health services and housing.'⁶

- 3.2.3 The June 2015 report by the European Commission Against Racism and Intolerance (ECRI), welcomed the positive developments in Albania in recent years. However, despite the progress achieved, ECRI identified a number of concerns:

'There are some gaps in the criminal law protection against racism and homo-/transphobia. The LPD [Law on Protection from Discrimination] seems to address only discrimination in the enjoyment of fundamental rights and its rule on the burden of proof is not properly applied. In practice, victims of discrimination lack access to free legal aid.

'In recent years, there have been several incidents of hate speech by high-level politicians which have had a negative impact on public discourse in general. Internet is increasingly used for spreading racism, intolerance and bullying. However, no reliable data on hate crime is available with many cases going unreported. There is no information about self-regulation and systematic monitoring of the Internet. The implementation of the legal duty to prevent and combat discrimination at school, which was introduced in 2010, needs to be improved.'⁷

- 3.2.4 European Commission against Racism and Intolerance (ECRI) stated that they were informed by the Commissioner for the Protection against Discrimination and civil society that 'the courts do not apply Article 36.6 LPD

⁶ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁷ Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

[Law on Protection from Discrimination] on sharing the burden of proof in discrimination cases. Courts would, referring to two decisions of the Constitutional Court from 2007 and 2010, rather apply the general rule according to which it is up to the plaintiff to prove that discrimination has taken place.’⁸

- 3.2.5 The European Commission’s 2016 report on Albania (covering the period October 2015 to September 2016) noted that ‘Anti-discrimination case-law needs to be further developed and its implementation improved.’⁹
- 3.2.6 A copy of the [2010 Law on Protection from Discrimination](#) can be accessed on the UN International Labour Organisation’s website.¹⁰

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3.3 Transgender and intersex rights

3.3.1 The April 2016 ERA report stated:

‘Currently the only law that offers some degree of protection to trans and intersex people is the Law for Protection from Discrimination. However, no other legislation offers the possibility for gender reassignment procedures. In December 2014 the Ombudsman and Council of Europe held a peer exchange workshop for Albanian officials on legal gender recognition. This was followed by a first draft law of Legal Gender Recognition. So far the Albanian government has failed to submit an official draft proposal in Parliament.

‘Article 113, Section VIII of the Criminal Code of the Republic of Albania criminalises sex work by a fine or up to three years of imprisonment. Article 114 punishes exploitation of prostitution [encouragement, mediation or receipt of compensation by two to five years of imprisonment.

‘As many Trans individuals have no other choice of survival but through sex work, this law makes their lives more difficult. They are forced to take more risks and several have already paid the consequences of this law.

‘In its 2015 report the European Commission against Racism and Intolerance (ECRI) called for the introduction of legal gender recognition measures.

‘Albania’s health system does not cover medical operations for transgender people and hospitals are ill-equipped to handle any trans related operations. This forces trans individuals to go abroad for surgery and/or treatment. It is

⁸ Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Para 16 available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

⁹ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 65. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

¹⁰ Republic of Albania, The Assembly, Law no. 10221 dated 4 February 2010 "On Protection against Discrimination" http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_178702.pdf . Date accessed: 22 March 2017.

unclear how the healthcare system currently supports this surgery and treatment, following the non-discrimination law.’¹¹

- 3.3.2 The European Commission’s 2015 progress report on Albania called for discrimination against transgender and intersex persons to be removed from the legislation.¹²

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3.4 Same sex marriage/civil partnership

- 3.4.1 The People’s Advocate of Albania (the Ombudsman), Mr. Igli Totozani, noted in May 2016 on the International Day Against Homophobia and Transphobia (IDAHOT) that: ‘There is also no legal framework and the right not provided to enable coexistence, civil partnership or same sex marriages.’¹³
- 3.4.2 The European Commission’s 2016 report on Albania (covering the period October 2015 to September 2016) found that ‘Amendments to the family code to introduce the concept of cohabitation of same-sex couples have not yet been adopted.’¹⁴
- 3.4.3 In February 2017 Human Rights Watch reported that the Albanian NGO, Pro-LGBT, had announced that the organisation would be filing a lawsuit requesting recognition of same-sex partnerships.¹⁵

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3.5 Awareness of the law

- 3.5.1 The Swedish based organisation, Civil Rights Defenders, stated in 2015 that ‘[t]here is low awareness of LGBTI rights within the LGBTI community itself and the general public. Bullying is prevalent in schools and many LGBT people face social isolation especially if they live outside of Tirana.’¹⁶

¹¹ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

¹² European Commission: Albania 2015 Report [SWD(2015) 213 final], 10 November 2015. Page 60. http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf. Date accessed: 23 March 2017.

¹³ The People’s Advocate. The People’s Advocate on the International Day Against Homophobia and Transphobia. 17 May 2016. <http://www.avokatipopullit.gov.al/en/content/17052016-people’s-advocate-international-day-against-homophobia-and-transphobia> Date accessed: 23 March 2017

¹⁴ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 65. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

¹⁵ Human Rights Watch. Albanian Courts Asked to Recognize Same-Sex Partnerships. 8 February 2017. <https://www.hrw.org/news/2017/02/08/albanian-courts-asked-recognize-same-sex-partnerships>

¹⁶ Civil Rights Defenders. Albania Country Report. 13 August 2015. <https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/>. Date accessed: 22 March 2017.

3.5.2 ERA's April 2016 report also noted that public awareness remains low and that few victims report acts of discrimination based on sexual orientation or gender identity, due to fear of reprisal or lack of trust in public officials.¹⁷

3.5.3 The European Commission's 2016 report on Albania (covering the period October 2015 to September 2016) similarly noted that 'Public awareness and social acceptance remained low, particularly in rural areas.'¹⁸

3.5.4 In March 2017 the Council of Europe announced:

'The EU/CoE Joint Programme "Enhancing the Effectiveness of the Albanian System of Human Rights protection and Anti-discrimination" is preparing a nation-wide public awareness campaign against discrimination and on the existing complaints procedure. The awareness campaign represents one of the three main pillars of the joint programme action and an international consultant visited Tirana to this end on 9 and 10 March 2017. The aim of the consultant's first mission was to collect relevant information with a view to conceptualising the detailed awareness campaign, identify relevant activities and stakeholders to be involved in the awareness raising activities and also main channels of communication in order to get across relevant messages.

'Several meetings with the programme's stakeholders, i.e. representatives of the Commissioner for Protection from Discrimination, the People's Advocate, the Ministry of Social Welfare and Youth and the Albanian Audio-visual Media Authority (AMA) took place during this visit, along with several focus groups with the School of Magistrates, the Albanian School of Public Administration, the Police Academy, the NGOs active in the area, students and professors of the Social Sciences Faculty.'¹⁹

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4. Treatment by, and attitudes of, state authorities

4.1 National Action Plan

4.1.1 ERA's April 2016 report stated:

'In July 2015 Ministry of Social Welfare and Youth of Albania held the biggest consultative meeting on LGBTI rights with the participation of one international expert, two national experts, all LGBTI organizations and more than 30 human rights organizations in Albania and all relevant ministries and equality bodies, to present and provide inputs on the action plan for non-discrimination of LGBTI people 2015-2020. By October [2015] the Ministry

¹⁷ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

¹⁸ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 67. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

¹⁹ Council of Europe. CoE preparing nationwide awareness campaign on anti-discrimination and on the existing complaint procedure. 13 March 2017. <http://www.coe.int/en/web/national-implementation/-/coe-preparing-nationwide-awareness-campaign-on-anti-discrimination-and-on-the-existing-complaint-procedure> Date accessed: 5 April 2017.

sent the final draft for final comments. The NAP is still expected to be launched. What is of concern is the effective implementation of the action plan, allocation of budget, monitoring and evaluation etc.

‘One of the main challenges of LGBTI CSO’s [civil society organisations] continues to remain poor funding by state and regional entities. As the Bertelsmann Stiftung’s Transformation Index points out in the Albania Country Report, LGBT progress is not exclusively legal advances. “Existing discrimination and de-facto marginalisation of vulnerable groups such as gays, lesbians and Roma do not primarily constitute a problem of legal rights. They also reflect insufficient resources and social services to support such groups”. Funding of LGBT organizations should be better tracked and scaled-up by aid agencies.’²⁰

4.1.2 The European Commission’s 2016 report on Albania (covering the period October 2015 to September 2016) reported that ‘On the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, a 2016-2020 action plan on rights of LGBTI persons was adopted in May [2016].’²¹

4.1.3 The Albanian NGO, Pink Embassy, in welcoming the adoption of the national action plan, said:

‘Albania marks another milestone towards advancing the rights of LGBTI community. Today the Albanian Government approved the National Action Plan for LGBTI people in the Republic of Albania for the years 2016 - 2020. The adoption of this document is a tremendous victory for the LGBTI community since the adoption of the Law on Protection from Discrimination, in early 2010, as the government had not passed many political initiatives in support of human rights of every LGBTI individual in Albania.

‘The national plan foresees a model of change, including measures for legislation, social policy, public administration and services, in order to create a culture of inclusion and openness to diversity and contribute further to the strengthening of the LGBTI community.

‘PINK Embassy welcomes the adoption of the National Action Plan and wishes to exceptionally thank the Ministry of Social Welfare and Youth, which lobbied and supported this initiative from the first day.

‘To achieve the goals and objectives of the Plan interventions at several levels are foreseen including legislative developments, policies, aligning with other policies and strategies of inclusion, programming and provision of standardized training of professional staff and service providers.’²²

²⁰ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

²¹ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 67. https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/pdf/key_documents/2016/20161109_report_albania.pdf. Date accessed: 21 March 2017

²² Pink Embassy. Council of Ministers approves the national action plan for LGBT persons. 25 May 2016. <http://www.pinkembassy.al/en/council-ministers-approves-national-action-plan-lgbt-persons>. Date accessed: 23 March 2017

- 4.1.4 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

'The Ministry for Social Welfare and Youth (MSWY) invited civil rights organisations to be part of the process of drafting a Plan of Actions. This plan was finally approved by the Government in May 2016. It indicates the strategic approach that Albania will follow until 2020 on LGBTI related issues. The Plan (which according to Albanian law is now legislation to be enforced) will be focused on three main interventions:

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

'This is the first time that the Government not only adopts a plan like this, but it also provides a concrete budget for all the activities. The overall cost for the plan is estimated at around 2.2 million Euros (extended in a 4 year period) of which the state budget will be able to cover around 37 percent of overall costs. The largest proportion of the plan itself will aim in strengthening LGBTI organisations and supporting the services that these organisations are providing and will provide for the community. The rest of the costs should be covered by international donors.

'According to the plan, a special working group will be established to monitor its implementation. The government, the independent institutions like the Ombudsman, Commissioner of Protection from Discrimination and all LGBTI organisations will be members of this working group.'²³

- 4.1.5 In a resolution adopting the European Commission's 2016 report, the European Parliament in February 2017 stated, amongst other things:

'25. Welcomes the improvement of the protection of the rights of LGBTI people and the adoption of the National Action Plan for LGBTI people 2016-2020, and encourages the government to continue to further implement measures of the programme and further consolidate the government's cooperation with LGBTI civil society organisations; encourages, furthermore, the government and lawmakers to ensure that gender recognition conditions will meet the standards set in Recommendation CM/Rec(2010)5 by the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.'²⁴

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²³ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

²⁴ European Parliament. European Parliament resolution of 15 February 2017 on the 2016 Commission Report on Albania (2016/2312(INI)). 15 February 2017. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0036+0+DOC+XML+V0//EN&language=EN>. Date accessed: 22 March 2017

4.2 Commissioner for Protection from Discrimination

4.2.1 ERA's April 2016 report stated 'As part of the Law for Protection from Discrimination a Commissioner is appointed and serves for a five year term and submits an annual report. Parts of the Commissioner's competencies are: to examine complaints, take polls in connection with discrimination, publish reports, make recommendations and meet with civil society. As of 2016 Commissioner for Protection from Discrimination is Mrs.Irma Baraku.²⁵

4.2.2 According to Equinet, European Network of Equality Bodies:

'The Commissioner for the Protection from Discrimination (CPD) is the equality body in Albania, established since 2010, by an organic law, fully aligned/approximated with the European Directives in the field of non-discrimination. The CPD is a public legal person, independent in performing its duties and the responsible authority to ensure effective protection from discrimination in the country.

'Litigation powers:

- Representing in front of courts
- Formally deciding on complaints (e.g. decision or recommendation addressed to the parties) legally binding
- The CPD takes part in judicial processes in the quality of the defendant. In these cases the plaintiff may object to the court the Decisions of the CPD (including the decisions on Discrimination and those imposing sanctions by fine) and ask for their cancellation. Assistance of the victims of discrimination to the court by the CPD in the quality of a third or interested party on the judicial process, related to cases which have been handled before administratively by the CPD, based on the Albanian Code of Civil Procedures. The CPD has initiated judicial processes to the competent Administrative Courts for issuing the execution procedures of fines imposed by the CPD.

	2010	2011	2012	2013	2014	2015
Number of inquiries handled per year (all contact even if not resulting in a formal complaint)	4	15	90	166	172	180
Number of cases handled per year (case files opened and processed)	1	18	110	181	209	288

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4.2.3 The European Commission's 2016 report on Albania (covering the period October 2015 to September 2016) stated: 'On non-discrimination, the Commissioner for Protection against Discrimination (CPD) handled a slightly decreased number of cases, while it increased the amount of actions it

²⁵ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017..

²⁶ Equinet, European Network of Equality Bodies. Albania: Commissioner for the Protection from Discrimination. Undated. <http://www.equineteurope.org/CommissionerforProtectionfromDiscrimination> Date accessed: 24 March 2017

brought of its own initiative. Its participation in judicial processes doubled compared to 2014. In the reporting period, the CPD issued 11 sanctions.²⁷

- 4.2.4 The US State Department's (USSD) Country Reports on Human Rights Practices covering events in 2016 stated: 'The law prohibits discrimination based on sexual orientation, including in employment. Through August [2016] the government's commissioner for the protection against discrimination received five complaints from lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals and organizations. Enforcement of the law was generally weak.'²⁸
- 4.2.5 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).

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4.3 People's Advocate (Ombudsman)

4.3.1 According to the Peoples Advocate website:

'The People's Advocate (Ombudsman) Institution is provided for the first time in the Albanian Constitution adopted in November 1998, while the Law No. 8454 "On the People's Advocate Institution" (amended later on) was firstly adopted by the Albanian Parliament in February, 4. 1999. This law is designed to take into consideration the legislation of other countries of Europe, which have previously created such an institution. The direction of the People's Advocate is a monocratic one. The Ombudsman is elected by a three-fifths majority of all members of the Assembly for a period of 5 years with the right of re-election.'²⁹

4.3.2 ERA's April 2016 report stated: 'Albania has also an Ombudsman that is required to address human rights, including LGBT rights. As of 2016 the Ombudsman is Igli Totozani. The Ombudsman can make reports on situation of LGBTI people, recommendations for legislative changes, and monitor the situation and treatment of LGBTI people by public institutions.'³⁰

4.3.3 The US State Department's (USSD) Country Reports on Human Rights Practices covering events in 2016 stated:

'The Office of the Ombudsman is the main independent institution for promoting and enforcing human rights...The office may initiate an investigation in some cases where a victim is unable to come forward to do

²⁷ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 65. https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

²⁸ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

²⁹ Peoples Advocate. About Us. Undated. <http://www.avokatipopullit.gov.al/en/rreth-nesh-0>. Date accessed: 24 March 2017

³⁰ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017..

so. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The Office of the Ombudsman was underfunded and understaffed. The ombudsman reported to the Assembly annually. Although the Assembly distributed copies of some of the ombudsman's annual and special reports or posted them online, it rarely discussed the reports in plenary or committee sessions. The Assembly consulted the ombudsman's office on draft legislation related to human rights, but often this was only at the last minute or at the request of the ombudsman.'³¹

- 4.3.4 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).

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4.4 Legal aid

- 4.4.1 The June 2015 report by the European Commission Against Racism and Intolerance (ECRI) stated:

'The State Commission on Legal Aid (SCLA), which is charged with the implementation of Law No. 10 039 of 22 December 2008 on Legal Aid (LLA), was set up in 2010. It established six local offices, only in 2014. The law provides that all persons benefitting from social aid or eligible for social aid are entitled to legal aid.

'However, several international experts have recently expressed their concerns about the enduring ineffectiveness of the free legal aid system. Civil society informed ECRI that persons in need of legal aid are not able to present the required detailed application documents to the SCLA; the SCLA only deals with a small number of cases per year; and its budget would be too low to hire lawyers for all persons in need. Furthermore, according to Article 15.1 LLA, the SCLA shall evaluate several rather open criteria before awarding free legal aid such as the value of the claim, the merits of the legal arguments, the probability of success and the complexity of the case. As a result, legal aid is mostly provided by NGOs and few discrimination cases have been brought before the courts. The CPD confirmed that victims of discrimination do not obtain legal aid and that only some NGOs provide legal aid. The People's Advocate has also been redirecting complainants to NGOs in recent times.

'In addition, the court fees in compensation cases are still too high. The Constitutional Court ruled in February 2013 that judges can decide to exempt plaintiffs from paying court fees. According to civil society representatives judges were however reluctant to make use of this power. ECRI welcomes that in 2014 the judge's power to exempt plaintiffs from

³¹ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

court fees and to grant free legal aid in urgent cases was enshrined in law. ECRI expects that the judges will make use of this power.³²

- 4.4.2 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).

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4.5 Police: Effectiveness

- 4.5.1 The US State Department's (USSD) Country Reports on Human Rights Practices covering events in 2016 also noted that:

'Civilian authorities generally maintained effective control over police [...].

'Police did not always enforce the law equitably. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, or inadequate supervision often influenced law enforcement. Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contributed to continued corruption and unprofessional behavior. Authorities made efforts to address these problems by renovating police facilities, upgrading vehicles, introducing the use of in-car and body cameras, and publicly highlighting anticorruption measures.

'Impunity remained a serious problem, although the government made greater efforts to address it, in particular by increasing the use of camera evidence to document and prosecute police misconduct.

'While the government had mechanisms to investigate and punish abuse and corruption, police corruption remained a problem. The Service for Internal Affairs and Complaints conducted audits, responded to complaints, and carried out investigations with increased emphasis on human rights, prison conditions, and adherence to standard operating procedures. This office fielded 2,202 complaints, including 1,777 phone calls via the anticorruption "green line." As of September [2016] authorities dealt with 34 cases involving 46 officers as administrative violations and handled eight cases involving eight officers as criminal offenses, forwarding them for prosecution. During the year the ombudsman also processed complaints against police officers, mainly relating to problems with arrests and detention.'³³

- 4.5.2 See also the country policy and information note on [Albania: Background \(including actors of protection and internal relocation\)](#).

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4.6 Police: Training

- 4.6.1 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

³² Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Para 20-22 available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

³³ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 1. Role of the police and security apparatus. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265388> Date accessed: 24 March 2017

'From 2014 on, ProLGBT (in 2015 together with Aleanca) has been training police officers in Tirana; all chiefs of all six police stations in Tirana and 20 to 30 policemen and policewomen per police station, plus 30 police from the elite forces The Eagles. The organisations believe that the police in Tirana have become more professional, but there is no data available on the situation outside Tirana. The signs are mixed: there is great sporadic collaboration in some southern municipalities, but also a report of a transphobic incident with the police in Shkodra, a northern city in early 2016. Police officers there harassed a group of LGBTI activists and one transgender woman in particular. [For further information about this incident see [Police: Ill-treatment](#)]

'In general the impression of police collaboration is positive, but it is important that newly trained police officers also receive LGBT awareness training in their education. Also, it remains doubtful that the police have proper internal protocols to deal with hate crimes, even though hate crimes are now addressed by the Penal Code.'³⁴

- 4.6.2 In March 2015 Historia-ime.com, an on-line media outlet and initiative of the NGO ProLGBT, reported on a training event for the state police:

'15 policewomen and policemen from the "Eagle" squad had the possibility to debate and to acquire more information regarding the LGBTI community by Mrs. Xheni Karaj (Alliance Against Discrimination), by Mrs. Martha Bacile Findlay (ICITAP), by Mr. Kristi Pinderi (ProLGBT) and by Mr. Michael Kane (British Embassy and Spectrum).

'The "Eagle" squad were introduced not only with the proper terminology regarding the LGBTI community and with the legislation that protects human rights, but they had the opportunity to work in small working to better understand the problems which LGBTI community face today in Albania.

'[ProLGBT, Alliance Against Discrimination and Albanian Helsinki Committee] have just published a manual for police on LGBTI issues, supported by the Small Projects program of Swedish Support for the State Police.

'Karaj focused on the abusers profile based on concrete cases, which two LGBTI organizations (ProLGBT and Alliance) have documented during their work.

"It is very important to note that," [Mrs. Xheni Karaj - Alliance Against Discrimination] said, "we have had very good cooperation, particularly after the opening of shelter 'STREHA' with the State police".'³⁵

- 4.6.3 The Organization for Security and Co-operation in Europe (OSCE) also reported that: 'The OSCE Presence in Albania trained 120 police officers on addressing hate crimes and worked with the Albanian State Police to include

³⁴ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

³⁵ [Historia-ime.com](http://historia-ime.com). Training of Police officers on LGBTI issues. 28 March 2015. <http://historia-ime.com/2015/03/28/training-of-police-officers-on-lgbti-issues/> Date accessed: 24 March 2017

a hate crime curriculum in the basic police school training courses. The OSCE Presence also supported the appointment of a State Police Focal Point on Hate Crimes.³⁶

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4.7 Police: Ill-treatment

- 4.7.1 The June 2015 report by the European Commission Against Racism and Intolerance (ECRI) noted that the Commissioner for Protection from Discrimination (CPD) 'reports that some LGBT persons have faced harassment by the police when asking for protection or help.'³⁷
- 4.7.2 The June 2015 report by the European Commission Against Racism and Intolerance (ECRI) stated: 'ECRI considers that it is of the utmost importance that the police actively build sustainable relations with vulnerable groups, including representative NGOs, to be able to protect them better against hate crime. ECRI welcomes that some cooperation agreements have been concluded with NGOs.'³⁸

4.7.3 In commenting on the ECRI report, the Albanian government said:

'Regarding paragraph 49 on the CPD reports that some LGBT persons have faced harassment by the police when asking for protection or help, the State Police clarify that has not registered any case reported by any citizen whose rights have been violated or has been mistreated in police premises, due to ethnicity, gender, religion and sexual orientation. Police also treats equally, without discrimination all citizens, as defined in Article 18 of the Constitution of the Republic of Albania.

'Regarding paragraph 37 of the Report, the State Police clarify that, in order to prevent hate crimes, particularly those against vulnerable groups, the local police structures have established links and cooperation with groups such as the Roma, Egyptians and representatives of LGBT organizations by conducting the following activities:

[...]

'Identification and legal treatment of cases of rights violations, mistreatments or abuses committed by the police personnel against the citizens of these communities.

'The State Police have supported the initiative/proposal made by the organization "ProLGBT" to draft and sign a joint act (cooperation agreement), so that the police structures increase the degree of

³⁶ Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR). Albania. Undated. <http://hatecrime.osce.org/albania>

³⁷ Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Para 49-50. available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

³⁸ Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Para 49-50. available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

responsibility for the protection and respect of the rights of the LGBT community.

'The police have taken all measures to ensure the full exercise of the right to freedom of assembly, whenever associations that represent and protect the rights of the LGBT community, such as "Pro-LGBT", Pink Embassy, etc., have submitted requests for holding peaceful assemblies in public places.'³⁹

- 4.7.4 In a post on 'Historia ime' on 20 January 2016, lesbian and activist Xheni Karaj details her and her transgender friend's first-hand experience of what was described as 'terror from the state police':

'When we were going back, still not having left the city, I had to stop the car, because one of our colleagues has to go often to the bathroom, for health reasons. While we were waiting for her to come, two cops watch us from a police car and seconds later decide to drive backwards and stop right next to us. The cop comes out of the car quickly, goes to the back door where Anxhela was sitting, violently opens the door and asks: "Who are you? Give me your ID."

'While Anxhela and the other colleague try to make him understand that she doesn't have an ID and that's also why they had come in Shkodër, the other cop asks me in a rude way, whether Anxhela was a man or a woman. The first cop continued to shout to Anxhela, even after we gave him the papers where it was clearly said that she lost her ID card. "You're coming with us to the police station. Out of the car!" he screamed. Right then, comes my other colleague that just came out, and with the same arrogance he asks her: "What are you?" Kej tells him that she is a girl and gives him her ID. 3.000 lekë fine- he said to the other cop with no further explanation. We started opposing them, and pointed out their totally unprofessional and discriminative behavior.

'During these years of activism, I've been spit on, menaced, insulted, but never have I ever been more humiliated than today, where people representatives of the entity, that are supposed to offer their protection and safety to their citizens, those same people were the ones terrorizing us that day.

'That's what I also said to the cop in front of me, giving my word that I wouldn't keep my mouth shut, and would file a complaint against him. In that moment, another police car comes. One of the newly comes cop came near the window and tried to justify the behavior of his colleague, who was still shouting at my face. He pushed him away and asked him to leave, while he and the other policewoman would try to resolve the situation. "You know we are living in tough times, where we have to ask for the ID, because of terrorism, and maybe this man- he said pointing at Anxhela- has his picture somewhere and is wanted.

'The absurdity of that situation made me raise my voice to the loudest. In front of us were standing four representatives of the state, trying to justify

³⁹ Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Page 52. available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

their unprofessional behaviors by comparing homophobia to terrorism. And if this wasn't enough, the first cop gives me the fine. I refused to sign, and asked them to tell me where was the nearest police station, because I was going to file a complaint. When they left, like cowards from a battlefield, the policewoman came near the window and said that she had seen me in television and that she appreciated the work I had done so far, but it would be better to not file that complaint. "That would have no value" she said. I insisted on knowing where the police station was, and as soon as we started driving, we noticed that the police car was following us. I managed to avoid them due to traffic, and we returned to the organization of women rights, where we parked and tried to calm down. I was told to file the complaint in Tirana, because if we went back to that police station, they would perhaps continue their maltreatment, or even keep us there for an amount of time.

'Me, my colleagues, Anxhela, or Us "the different", know terror very well because we experience it all the time, in our families, schools, hospitals, jobs, societies, etc. But today, the representatives of our state, the ones that should protect us, treated us as terrorists, as the most dangerous kind of terrorists. Those people should have provided for Anxhela the safety the safety to walk freely in the streets of a country that insists in being a European one. Those people terrorized her, for being inside a car.

'So what started as a normal day of work, became a beautiful trip to the past and future, and all of a sudden it turned into a nightmare.'⁴⁰

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4.8 Education

4.8.1 The 2016 ILGA-Europe annual report stated 'In April [2015], for the first time in its history, the Ministry of Education signed a cooperation agreement with LGBTIQ NGO PINK Embassy/LGBT Pro Albania. This agreement allows the NGO to hold lectures, presentations and other awareness-raising activities in high schools. A study on homophobic discrimination and bullying will also be conducted as part of the agreement.'⁴¹

4.8.2 ERA's April 2016 report stated:

'Article 13 on the Law on Prevention and Control of HIV/AIDS/STIs provides that the Ministry of Education and Science is obliged to include curriculums and text books regarding the prevention and control of HIV/AIDS in the national education program on sexual and reproductive health.

'While as of now Albania has no content on LGBTI rights, except for a few fragments on homosexuality, the Ministry of Education and Sciences and public Universities have held open lectures and presentations on LGBTI rights regularly.

⁴⁰ Historia-Ime. Terror from the Police of State to "the Lesbian and Transgender terrorists". 20 January 2016. <http://historia-ime.com/2016/01/20/terror-from-the-police-of-state-to-the-lesbian-and-transgender-terrorists/> Date accessed: 24 March 2017

⁴¹ ILGA Europe. Rainbow Europe 2016. http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf. Date accessed: 24 March 2017.

'LGBTI organizations have travelled across country and have held lectures with high schools teachers, university and high schools students. Experiences with these lectures have been mostly positive.

'Reports reveal that the use of homophobic slurs in addition to bullying against LGBT students is frequent in Albania.'⁴²

- 4.8.3 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

'Ten members of the community reported 38 incidents of discrimination in schools. None of these incidents were reported to the authorities. Bullying in schools remains a major problem for young LGBTI people. Two of these 10 young LGBTI people have left school, due to discrimination and bullying from peers and teachers. The remaining eight LGBTI people were hiding their sexual orientation or gender identity in order to stay in school, but they expressed concern that if they came out at school their peers would bully them and subject them to physical and psychological violence.'⁴³

- 4.8.4 The People's Advocate of Albania (the Ombudsman), Mr. Igli Totozani, noted in May 2016 on the International Day Against Homophobia and Transphobia (IDAHOT), that, amongst other things:

'Many teenagers have problems with homophobia in schools, where they face the peers expressing their hatred and psychological and physical violence. This requires for the Ministry of Education and Science to include in curricula and teaching programs, knowledge and information about LGBT community, targeting education in a safe environment, free of violence, insults, social exclusion or inhuman treatment related to sexual orientation or gender identity.'⁴⁴

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4.9 Health

- 4.9.1 In its April 2016 report ERA stated:

'According to a 2013 study conducted in Albania no law regulating health-care makes specific reference to LGBT individuals. Due to the fact that almost all legislation has no categorisation for different groups nothing specific can be found for LGBTI people. The Law for Protection from Discrimination offer protection also in the field of health. However no specific amendments have been made so far in subsequent legislation.

'In a survey conducted in 2013 only 27% of surveyed LGBTI people in Albania would feel comfortable to share their sexual orientation, gender identity or same-sex experiences with a doctor. The identified factors

⁴² ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁴³ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

⁴⁴ The People's Advocate. The People's Advocate on the International Day Against Homophobia and Transphobia. 17 May 2016. <http://www.avokatipopullit.gov.al/en/content/17052016-people-s-advocate-international-day-against-homophobia-and-transphobia> Date accessed: 24 March 2017

influencing the hesitation are related to lack of relevance, lack of trust in confidentiality, prejudices suffered in daily life and expectation that health practitioners would do the same, presumption of heterosexuality etc.

'In 2011, the Commissioner for Protection against Discrimination heard a case brought forth by Pink Embassy. Pink Embassy issued a formal complaint against a Member of Parliament/Chairman of the Commission of Labour, Social Issues and Health after he publicly stated homosexuality was a disease and homosexuals should be given hormones for treatment. The Commissioner upheld the complaint and issued a letter to the Member of Parliament in reprimand. (However, the sanctions were ignored since the commissioner's ability to enforce is weak).

'In the above mentioned 2013 survey, 41% of Albanian LGBTI people were not satisfied with the quality of health care in their country. Among reasons they included prejudices of health practitioners, lack of knowledge or information on the specific health needs of LGBTI people.'⁴⁵

- 4.9.2 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

'Alliance LGBT has had thirteen cases of discrimination with regards to accessing health care. In one case a member of the community was not able to access necessary health services without being accompanied by a representative from Alliance LGBT. In another case a gay man reported that he had never accessed the healthcare system because everyone knew his sexual orientation in the city where he lived. In the other cases, LGBTI people reported being discriminated against and that they felt that the doctors prejudged them.'⁴⁶

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5. Societal treatment and attitudes

5.1 Social perceptions

- 5.1.1 According to ERA's April 2016 report:

'Albanian LGBTI individuals continue to experience discrimination from individuals as well as institutions. Public visibility of LGBTI individuals continues to remain very low, even though several individuals and activists have spoken up openly about their sexual orientation and gender identity in media and public forums.

'Since 2010 with the adoption of the non-discrimination law and the organized work of LGBT CSO's the situation has changed drastically. Public debate over this topic has been very present and Albanian government has made significant efforts in the inclusion and protection of LGBT people.

⁴⁵ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁴⁶ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

'Despite these changes, homophobic and transphobic sentiments remain very high and a culture of heteronormativity and patriarchy is still pervasive. High ranking politicians have often made scandalous remarks against LGBT people. Following reactions and recommendations from civil society, government officials and equality bodies however, cases of hate speech from high ranking officials in the country have been much rare'.⁴⁷

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5.2 Polls and surveys

5.2.1 ERA's April 2016 report states:

'In a 2011 survey on perceptions of Albanian youth it was concluded that "Albanian youth are generally tolerant and more open to different social groups, but they have a strong prejudice on homosexuals (they are homophobic). Specifically 50.6% would not like to live near a homosexual and 39.5% were "not interested". Male respondents showed higher levels of antipathy (67%) than females (46%). Respondents from rural areas showed higher levels of antipathy (58%) than Tirana (45%). Only 8.6% of all respondents would welcome a homosexual neighbour.

'The 2012 European Social Survey asked "should gays and lesbians be free to live as they wish" and 23% disagreed while 30% strongly disagreed. This was the highest level of antipathy of any country in the survey. It was also the only country in the Western Balkans that was included.'⁴⁸

5.2.2 In its 2016 annual report ILGA-Europe state:

'From June – August 2015, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined the results of online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public.

'42% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual.

'58% said they would not vote for a political party that championed the rights of LGBTI people.

'76% of the LGBTI people surveyed in Albania had been verbally harassed or abused because of their sexual orientation or gender identity.

'32% of the LGBTI people surveyed in Albania had suffered physical violence because of their sexual orientation or gender identity.

'76% of the LGBTI people surveyed in Albania felt that Pride parades have improved the position of the LGBTI community in society.'⁴⁹

⁴⁷ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁴⁸ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁴⁹ ILGA Europe. Rainbow Europe 2016. Page 30 - 31. http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf. Date accessed: 24 March 2017

5.3 Media

- 5.3.1 ProLGBT and Historia-Ime conducted a study monitoring the use of discriminatory language and hate speech more widely in the Albanian online media between the periods November-December 2016. The study showed:
- Around 21% of the articles contained hate speech and discrimination language.
 - Approximately 57% of those cases contained hate speech/ discriminatory language toward specific individuals, whilst the other 43% was directed at different communities (LGBT, Roma community, women, political-oriented and ethnic groups).
 - 73% of victims of the discrimination and/ or hate speech used in the online media were women and 27% were men
 - In 11% of the cases, the discriminatory language and hate speech was based on sexual orientation and/ or gender identity.⁵⁰
- 5.3.2 The European Commission's 2016 report on Albania (covering the period October 2015 to September 2016) found that: 'The rules on hate speech are in line with international standards. There were three cases of hate speech registered by police and prosecution in the reporting period. Five complaints on hate speech were submitted to the Commissioner for the protection against Discrimination on the grounds of sexual orientation.'⁵¹

5.4 Societal violence

- 5.4.1 The June 2015 report by the European Commission Against Racism and Intolerance (ECRI) stated:
- 'There is no data from the authorities on hate crime towards LGBT persons. However, reports from the CPD, the EU and civil society show that there are regular incidents of homo/transphobic violence. For 2011, the NGO Pink Embassy reported to the OSCE one arson attack against a house inhabited by five transgender people and an assault against a transgender person resulting in serious injury. For 2012, the OSCE received reports of a group attack on 14 May with explosives used against participants in the first ever Pride event in Tirana. Fortunately it did not result in serious harm and the subsequent public debate led to amendments in the CC. Concerning the same year the NGO Pink Embassy reported three cases of physical assault,

⁵⁰ Historia-Ime. Key findings of the Hate Speech and discriminatory language monitoring in Albanian Online Media. 20 February 2017. <http://historia-ime.com/2017/02/20/key-findings-of-the-hate-speech-and-discriminatory-language-monitoring-in-albanian-online-media/> Date accessed: 24 March 2017

⁵¹ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 22. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

including one by a group. Civil society and the CPD also refer to several cases of violence against young LGBT people by members of their family. In addition, ECRI was informed of an attack on 25 February 2013 on two transgender persons with a glass bottle and other sharp objects. Moreover, the police refused to consider an attack with tear gas on LGBT activists on 17 May 2013 as a hate crime, on the ground that no participant had been physically injured.⁵²

5.4.2 The 2015 Albania Helsinki Committee report on Albania stated:

‘During this year there were no cases of violence or serious violations of life and health of persons belonging to the LGBT community, however the awareness of the general public regarding the specifics of the citizens of this community, remains low, due to the taboos that exist and the minimal treatment of the problem at a social level.

‘During 2015, the AHC has received only one complaint and request for legal assistance from the community. The complaint related to alleged discrimination of a person from Fier, who was living in a shelter in Tirana, but at the same time was wanted by the police. AHC carefully followed the case and the claim resulted [to be] not true.’⁵³

5.4.3 ERA’s April 2016 report stated:

‘Albania has no official data collection on hate crimes.

‘According to the Danish Institute for Human Rights transgender individuals – especially transgender women – are particularly vulnerable to violence due to their visibility and presentation of self.

‘Violent attacks are underreported in Albania in part due to police abuse or ridicule.

‘Since 2010 LGBT organizations in the country have successfully organized trainings and presentations with the State Police and several Law Enforcement agencies including the Police Academy. However a lot remains to be done and more awareness needs to be increased with prosecutors and courts.’⁵⁴

5.4.4 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016, the organisations stated that: ‘Almost all violence in public is targeted towards men who are more stereotypically gay and towards trans people.’⁵⁵

⁵² Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Albania (fifth monitoring cycle), 9 June 2015, CRI(2015)18, Para 49-50. available at: <http://www.refworld.org/docid/55b25bb24.html>. Date accessed: 22 March 2017.

⁵³ Albanian Helsinki Committee. Report on the situation of respect for human rights in Albania for 2015. December 2015. Page 33. http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf. Date accessed: 24 March 2017

⁵⁴ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁵⁵ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

5.4.5 The People's Advocate of Albania (the Ombudsman), Mr. Igli Totozani, noted in May 2016 on the International Day Against Homophobia and Transphobia (IDAHOT), that, amongst other things: '... violence against the LGBT community is still a present phenomenon. Members of this community in many cases face violence in domestic and public environments. Albania does not yet collect data on violence related to sexual orientation and this remains a problem.'⁵⁶

5.4.6 The European Commission's 2016 report on Albania (covering the period October 2015 to September 2016) stated:

'On hate crimes, the state police appointed a dedicated focal point. However, the number of reported cases remained insignificant and no judicial prosecution has yet been initiated. Data collection on hate crime continued to be lacking. The CPD dealt with hate speech cases targeting the LGBTI community and in two cases decided to fine the perpetrators. The CPD continued to organise awareness campaigns and training activities. Anti-discrimination case-law needs to be further developed and its implementation improved.'⁵⁷

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5.5 Family attitudes and treatment

5.5.1 In March 2015 Historia-lme, an on-line media outlet and initiative of the NGO ProLGBT, reported on a training event for the state police:

'Dennis, 21 years old, did not have an easy life with his family in a city in the south of Albania. One afternoon, his father took a kitchen knife and followed him around the home, threatening him because he couldn't stand anymore his son's sexual orientation. Denis managed to get refuge in the bathroom and waited there in panic for the help of his older brother. His brother housed him in a friend's house that night and in the morning he accompanied him to Tirana.

'On the first Monday of January 2015, Denis arrived in the LGBTI shelter in Tirana only with what he was wearing.

'Such stories of extreme violence in families, violence which in most of the cases are not reported, served to LGBTI activists to illustrate their first training that they had with the elite police squad "Eagle" in Tirana, in the framework of a project that the organization "ProLGBT" developed with the help of Swedish Support for the State Police and of the government of Sweden.

'The most flagrant violence against LGBTI occurs in ... family!

⁵⁶ The People's Advocate. The People's Advocate on the International Day Against Homophobia and Transphobia. 17 May 2016. <http://www.avokatipopullit.gov.al/en/content/17052016-people's-advocate-international-day-against-homophobia-and-transphobia> Date accessed: 24 March 2017

⁵⁷ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 65. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

'Karaj [Alliance Against Discrimination] and Pinderi [ProLGBT] explained that the biggest challenge is to address the domestic violence.

“The violence against LGBTI is unreported because unfortunately, the most part of it is exercised directly by the family members. The family is presumed to be the most safe, and yet it can be the most violent place for many of the members of our community, “said Pinderi.

'Since December when it was officially opened “STREHA”, the shelter for LGBTI persons has welcomed at least 7 cases of extreme physical and psychological domestic violence. The most flagrant case that is presented in the shelter is the case of a gay teenager who was detained in the house of his family members and who wanted to “cure” him, until local police intervened. ⁵⁸

5.5.2 According to the Astraea Western Balkans Landscape 2015:

'The threat of violence against LGBTI people within families is as concerning to activists as public abuse. In 2013, ILGA-Europe recorded three cases of intra-familial violence directed against LGBTI people in Albania, though rates are likely much higher because they are seldom reported. An activist with the LGBTI organization Pink Embassy/LGBT Pro states that even if a family accepts a family member's orientation or identity, it tends to “not want the issues to be known outside the family walls.” ⁵⁹

5.5.3 A documentary made by VICE Greece in December 2015 called 'Struggle of being gay in Albania' highlighted testimonies from young people in the STREHA shelter who have been forced to leave their families because of their sexuality. The owner of a nightclub for LGBTI Artan Karolli stated that 'most people frequenting the club are young and their families don't know about their sexuality, so they have to come here in secret'. ⁶⁰

5.5.4 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

'Domestic violence remains an issue for the LGBTI community. Cases of domestic violence are very common. In 2015, 15 cases of domestic violence were reported to Aleanca, mostly involving psychological violence from parents who felt that their child might be gay or lesbian. In six cases, members of the community reported that they had experienced physical violence because their family had found out they were LGBT. Aleanca has supported victims of such violence, either through providing psychological

⁵⁸ [Historia-ime.com](http://historia-ime.com). Training of Police officers on LGBTI issues. 28 March 2015. <http://historia-ime.com/2015/03/28/training-of-police-officers-on-lgbti-issues/> Date accessed: 24 March 2017

⁵⁹ Astrea Lesbian Foundation for Justice. Western Balkans LGBTI: Landscape Analysis of Political, Economic and Social Conditions. 2015. page 7. <http://www.astraeafoundation.org/uploads/files/Reports/Astraea%20Western%20Balkans%20Landscape%202015.pdf>. Date accessed: 24 March 2017.

⁶⁰ Vice. Struggle of being gay in Albania. 8 December 2015. <https://www.youtube.com/watch?v=kbdNh6p8RKo> Date accessed: 24 March 2017

support or by providing shelter at STREHA. In several cases, Aleanca also collaborated with other NGOs that operate in Albania.’⁶¹

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5.6 Housing

- 5.6.1 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016, the organisations stated ‘In recent years there has been a rise in the number of LGBT youth who have problems with housing. This is a result of a few factors: coming out to the family and in some cases this resulting in being kicked out of the family house, harsh living conditions in discriminatory and aggressive communities (especially in small cities), inability to find a job, or inability to rent a house as a result of discrimination because on sexual orientation or gender identity.’⁶²
- 5.6.2 The People’s Advocate of Albania (the Ombudsman), Mr. Igli Totozani, noted in May 2016 on the International Day Against Homophobia and Transphobia (IDAHOT), that, amongst other things: ‘Another problem encountered in cases of LGBTI people is the lack of housing when they are forced to leave their families due to violence and rejection.’⁶³
- 5.6.3 The US State Department’s (USSD) Country Reports on Human Rights Practices covering events in 2016 also noted that: ‘NGOs reported that families evicted LGBTI persons from their homes during the year.’⁶⁴

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5.7 Employment

- 5.7.1 The US State Department’s (USSD) Country Reports on Human Rights Practices covering events in 2016 noted ‘Labor laws prohibit employment discrimination because of race, skin color, gender, age, physical or mental disability, political beliefs, language, nationality, religion, family, living with HIV/AIDS, and social origin. Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation and gender identity, nationality, and ethnicity.’⁶⁵
- 5.7.2 In its April 2016 report ERA stated:

⁶¹ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

⁶² Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

⁶³ The People’s Advocate. The People’s Advocate on the International Day Against Homophobia and Transphobia. 17 May 2016. <http://www.avokatipopullit.gov.al/en/content/17052016-people-s-advocate-international-day-against-homophobia-and-transphobia> Date accessed: 24 March 2017

⁶⁴ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

⁶⁵ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 7d Worker rights. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

'In 2013 Albania amended its Labour Code prohibiting discrimination based on sexual orientation, gender identity and HIV status.

'A study conducted by GISH in 2006 reveals that "as regards the employment of LGBT persons, the hiding of the sexual orientation can be explained with an inner fear of potential loss of the job, the discriminatory treatment in the working environment or difficulties with finding a new employment".

'In 2010 the Danish Institute noted that LGBT individuals are not open about their sexual orientation or gender identity in the workplace, out of fear of being fired or facing discrimination. It is unclear how prevalent this fear is following the non-discrimination law as data on the topic still needs to be collected.

'Transgender individuals have lower employment opportunities and often utilise sex work to survive. This line of work increases their likelihood of contracting STI's and makes them more vulnerable to violence.'⁶⁶

5.7.3 The People's Advocate of Albania (the Ombudsman), Mr. Igli Totozani, noted in May 2016 on the International Day Against Homophobia and Transphobia (IDAHOT), that, amongst other things: 'LGBT community members are discriminated against in work environments and in other cases not hired because of their sexual inclinations.'⁶⁷

5.7.4 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, the organisations stated:

'Forty-three cases of discrimination in workplaces and/or discrimination in job recruitment and selection were reported to Aleanca LGBT. These are cases of LGBTI people having difficulties in finding work because of stigma and prejudice, experiencing sexual harassment based on sexual orientation and gender identity during job interviews, or being fired because the employer has found out about the employee's sexual orientation or gender identity. Only one case was reported to the authorities.

'For the first time in this period, the Head-hunter group, a human resources company in Albania, launched and implemented the LGBTIQ Employment Equality Index, the first non-EU country to have such a system in the Balkans. The Index is a ranking system that determines how well companies respect the rights and dignity of LGBTIQ persons in their hiring, training, development and general employment practices. The Albanian Government is encouraged to support this index by promoting it, and to have state owned companies be part of the Equality Index.'⁶⁸

⁶⁶ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁶⁷ The People's Advocate. The People's Advocate on the International Day Against Homophobia and Transphobia. 17 May 2016. <http://www.avokatipopullit.gov.al/en/content/17052016-people-s-advocate-international-day-against-homophobia-and-transphobia> Date accessed: 24 March 2017

⁶⁸ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

- 5.7.5 The US State Department's (USSD) Country Reports on Human Rights Practices covering events in 2016 also noted 'In May [2016] the job placement company Headhunters Albania released an LGBTI employment equality index rating the compliance of private companies with recruitment laws that protect sexual orientation. The index of 71 companies indicated that 62 percent had inclusive human resource policies but only 3 percent specifically addressed non-discrimination of LGBTI job candidates.'⁶⁹

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5.8 Public events

- 5.8.1 According to ERA's April 2016 report:

'Albania held the first Pride in the capital on May 2014. The Second Pride in June 2015 went on without incidents.

'An opinion poll carried out by the US-based National Democratic Institute revealed that 76% of LGBTI people surveyed in Albania felt that Pride parades have improved the position of the LGBTI community in society.

'Albanian LGBT organizations have held public events quite successfully since May 2012. Activities such as "Diversity Festival" and Tirana Gay (P)ride are now regular annual events and the number of participants have increased significantly. On several occasions there have been minor incidents, however protection and cooperation with State Police has been very positive. Awareness events have been attended by high-ranking government officials and supporters.'⁷⁰

- 5.8.2 The 2016 US Department of State Country Report similarly reported that 'On May 14 [2016], activists participated in the fourth Tirana Gay (P)Ride against Homophobia, a short bicycle ride on Tirana's main boulevard, and Albanians witnessed the first television spot on family equality rights. As part of a "diversity festival," activists organized other activities, such as the public recognition of 30 persons who supported the LGBTI cause. Police ensured activists' safety during the events.'⁷¹

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6. Support groups

6.1 Non Governmental Organisations (NGOs)

- 6.1.1 The US Department of State stated in the 2016 Country Report on Human Rights Practices (Albania), that a number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

⁶⁹ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

⁷⁰ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁷¹ US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

Government officials generally were cooperative and responsive to their views.⁷²

6.1.2 The 2015 Albania Helsinki Committee report on Albania similarly stated that ‘[The] LGBT community was organized also through its own organizations that are increasingly better protecting their rights as citizens... Also, it is noted with satisfaction the cooperation and support that this community receives from the rest of civil society. A good cooperation has begun between NGOs of LGBT community with the State Police authorities and media institutions.’⁷³

6.1.3 According to the April 2016 ERA report, the following LGBTI specific NGOs are present and active in Albania:

‘Aleanca kundër Diskriminimit LGBT (Alliance against Discrimination LGBT - Aleanca): Active since 2009 Aleanca was formed by a group of volunteers and later registering as a non-governmental organization. It works proactively with the LGBTI community in the country, manages one social centre, the LGBTI shelter (the only one in the country) as well as lobby, advocacy and awareness raising programs at national level.

‘Ambasada PINK / LGBT Pro Shqipëri (PINK Embassy / LGBT Pro Albania): Works for promotion and protection of LGBT rights. Mainly focuses on advocacy and lobby, capacity building with public institutions and awareness raising activities. Since 2012 it organizes the “Diversity Festival” and since 2014 the Tirana Pride.

‘Te Bashkuar Pro Kauzës LGBT – (United for LGBT Cause – Pro LGBT): Works on advancement of LGBT rights especially through alternative media and progressive public displays.

‘Open Mind Spectrum Albania (OMSA) – Promotes legal and social protection of marginalised groups including LGBTIQ. Works with parents and families of LGBTI people.’⁷⁴

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6.2 Shelter

6.2.1 ERA’s April 2016 report stated:

‘Since December 2014 Albania has one LGBTI residential centre “STREHA” which started as a pilot project by two LGBT organizations in the country Alliance against Discrimination LGBT and Pro LGBT. The centre is a temporary transitional service for young LGBTI people (18-25) years who have been evicted from their homes or are under threats of violence and

⁷² US Department of State: Country Report on Human Rights Practices 2016 - Albania, 3 March 2017. Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388> Date accessed: 24 March 2017

⁷³ Albanian Helsinki Committee. Report on the situation of respect for human rights in Albania for 2015. December 2015. Page 33. http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf. Date accessed: 24 March 2017.

⁷⁴ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

need shelter. The shelter is sponsored through varied donors and food is provided by Albanian government.’⁷⁵

- 6.2.2 ‘STREHA’ describes itself on its website as a shelter for LGBT youth who are homeless, or living in a hostile environment.⁷⁶
- 6.2.3 In a contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016, the organisations stated: ‘The first residential shelter STREHA for homeless young people aged 18 to 25 years, which was founded by Aleanca LGBT and ProLGBT, was able to assist to 18 beneficiaries in 2015. It was officially acknowledged by the state as a national service and received the official license for the service it offers.’⁷⁷
- 6.2.4 The European Commission’s 2016 report on Albania (covering the period October 2015 to September 2016) reported that: ‘The shelter for LGBTI people, which is almost entirely donor-supported, continued to provide services to members of the community in need. In February [2016], a cooperation agreement was signed between the Ministry of Social Welfare and the shelter. A fundraising event was held in May [2016] to collect the resources needed to continue the functioning of the shelter.’⁷⁸

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⁷⁵ ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/content/albania> Date accessed: 22 March 2017.

⁷⁶ STREHA. Home page. Undated. <http://strehalgbt.al/sq/rreth-qendres-streha/> Date accessed: 24 March 2017

⁷⁷ Contribution to the European Commission from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016. Submitted: 12 May 2016, updated 1 June 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf Date accessed: 24 March 2017

⁷⁸ European Commission, Brussels, 9.11.2016 SWD(2016) 364 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2016 Communication on EU Enlargement Policy. 9 November 2016. Page 67. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf Date accessed: 21 March 2017

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal framework
 - Context
 - Legal rights
 - Transgender and intersex rights
 - Same sex marriage/civil partnership
 - Awareness of the law
- Treatment by, and attitudes of, state authorities
 - National Action Plan
 - Commissioner for Protection from Discrimination and Peoples Advocate (Ombudsman)
 - Legal aid
 - Police: Effectiveness
 - Police: Training
 - Police: Ill-treatment
 - Education
 - Health
- Societal treatment and attitudes
 - Social perceptions
 - Polls and surveys
 - Media
 - Societal violence
 - Family attitudes and treatment
 - Housing
 - Employment
 - Public events
- Support groups
 - Non Governmental Organisations (NGOs) and shelters

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Version control

Clearance

Below is information on when this note was cleared:

- version **6.0**
- valid from **2 December 2019**

Changes from last version of this note

Assessment updated to take account of the decision of the Court of Appeal of October 2019 to uphold the decision made in the country guidance case of BF and to refuse permission to appeal on all grounds.

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