



Home Office

# **Country Information and Guidance**

## **Albania: Sexual orientation and gender identity**

**Version 2.0**  
**August 2016**

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, 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 make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

Updated 17 August 2016

## 1. Introduction

### 1.1 Basis of claim

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

### 1.2 Points to note

1.2.1 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.

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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 Decision makers must note that 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 Particular social group

2.2.1 Lesbian, gay, bisexual and trans (LGBT) persons form a particular social group (PSG) in Albania within the meaning of the Refugee Convention because they share a common 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

- 2.3.1 Decision makers must establish whether or not the person, if returned to their country of origin, will live freely and openly as a LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why the person will do so. If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. But if the reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.
- 2.3.2 For further guidance, see the [Asylum Instruction on Sexual Identity Issues in the Asylum Claim](#).
- i. Treatment by the state
- 2.3.3 In the country guidance case of [IM \(Risk – Objective Evidence – Homosexuals\) Albania CG \[2003\] UKIAT 00067 \(8 September 2003\)](#) 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).
- 2.3.4 In the subsequent country guidance case of [MK \(Lesbians\) Albania CG \[2009\] UKAIT 00036 \(September 2009\)](#), the Tribunal concluded that ‘In general terms in Albania women of lesbian orientation are able to carry on lesbian relationships discreetly without attracting the risk of serious harm. A lesbian woman, whose sexual orientation becomes known, may be at risk of harm from members of her family, particularly if she is from a traditional family from the north of Albania, but each case must be determined on its merits. In such a case, however, it is likely that there would be an adequacy of state protection.’(para 384).
- 2.3.5 The Tribunal in [MK](#) also went on to conclude ‘In our view the evidence supports the proposition that homosexuals known to be members of gay associations and those who visit cruising areas in the centre of Tirana are likely to be harassed and on occasions ill-treated by the police but we are not satisfied that merely being effeminate or butch, being unmarried or living with a person of the same sex who was not a member of the family, would in itself attract the risk of serious harm from the police for reasons of sexual orientation.’ (para 339).
- 2.3.6 In the years since both [IM](#) and [MK](#) were 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. Anti-discrimination laws in Albania expressly protect LGBT persons and make hate crimes a criminal offence (see [Legal framework](#)).

2.3.7 There are no longer reports that the Albanian police ill-treat known members of LGBT associations as was found by the Tribunal in [MK](#). Decision makers should therefore depart from the caselaw in that regard. There are now legal protections and 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 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](#)).

#### ii. Societal treatment

2.3.8 Despite the law and the government's formal support for LGBT rights, 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 possible rejection from their families (see [Societal treatment and attitudes](#)). Transgender individuals – especially transgender women – are reported to be more vulnerable to violence due to their visibility and presentation (see [Societal violence](#)).

2.3.9 In general the level of discrimination is not such that it will reach the level of being persecutory or otherwise inhuman or degrading treatment. This was also the finding in the country guidance case of [IM](#). Decision makers need to consider each case on its facts. The onus is on the person to demonstrate why they were at risk of persecution or serious harm.

2.3.10 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 at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 Where the person's fear is of persecution or serious harm at the hands of the non-state actors (including rogue state actors), there are protections in law and avenues of redress. As mentioned above the Albanian government has passed some of the most progressive LGBT laws in the region (see [Legal framework](#)). The Commissioner for Protection from Discrimination (CPD) has reported having registered complaints from LGBT persons and organizations and has issued sanctions. There are similarly effective avenues for submitting a complaint against police for misconduct (see [Avenues of redress](#)).

- 2.4.3 There are also non-governmental organisations in Albania who advocate for LGBT rights and the LGBT community and can potentially assist the person to avail themselves of the protection of the state (see [Support groups](#)).
- 2.4.4 Decision makers need to 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.
- 2.4.5 See also the country information and guidance on [Albania: Background \(including actors of protection and internal relocation\)](#).
- 2.4.6 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 the person's fear is of persecution or serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.5.2 Where the person's fear is of persecution or serious harm at the hands of non-state actors – including rogue state agents – internal relocation is likely to be an option to escape such risk.
- 2.5.3 The onus will be on the person to demonstrate why they would be unable to internally relocate to a part of the country where they would not face difficulties even without concealing their sexual orientation in the proposed new location.
- 2.5.4 Decision makers must also take account that the Supreme Court in the case of [HJ \(Iran\)](#) made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.
- 2.5.5 See also the country information and guidance on [Albania: Background \(including actors of protection and internal relocation\)](#).
- 2.5.6 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 is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because in general the mistreatment feared, even if it did occur, is unlikely to amount to persecution or serious harm and effective state protection is likely to be available.
- 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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### 3. Policy Summary

- 3.1.1 There are laws prohibiting discrimination against LGBT persons and the government supports LGBT rights.
- 3.1.2 Albania is a conservative society where homophobic attitudes persist, but in general the level of discrimination is not such that it will reach the level of being persecutory or otherwise inhuman or degrading treatment.
- 3.1.3 Personal circumstances place some gay men and lesbians at risk from non-state actors but effective protection is generally available.
- 3.1.4 Where it is not provided in individual cases, there are avenues or redress and the Commissioner for Protection from Discrimination (CPD) has registered complaints from LGBT individuals and organisations and issued appropriate sanctions.
- 3.1.5 Additionally or alternatively a person could relocate to less conservative areas of the country where they would not face such difficulties even without concealing their sexual orientation.
- 3.1.6 As a consequence, a person who fears persecution on the basis of their sexual orientation or gender identity is unlikely to qualify for the grant of asylum or humanitarian protection.
- 3.1.7 Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded'.

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## 4. Legal framework

### 4.1 Context

#### 4.1.1 The European Commission's Albania 2015 progress report, dated 10 November 2015, noted that:

'In view of the progress made by Albania, the Commission recommended in October 2013 that Albania be granted candidate status, on the understanding that it continues to take action in the fight against organised crime and corruption, and the Commission identified five key priorities for opening accession negotiations. In December [2013], the Council stated that it would decide on whether to grant candidate status in June 2014, in the light of a report by the Commission focusing on Albania's implementation of its judicial reform strategy and on the fight against organised crime and corruption. The Council stressed that sustained implementation of reforms and fulfilment of all key priorities would be necessary for the opening of negotiations.

'In a report published in June 2014, the Commission confirmed its recommendation that the Council should grant Albania candidate status. The European Council of June 2014 endorsed the decision of the General Affairs Council granting Albania candidate status.'<sup>1</sup>

#### 4.1.2 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.'<sup>2</sup>

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<sup>1</sup> European Commission, Brussels, 10.11.2015 SWD(2015) 213 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 - EU Enlargement Strategy [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_albania.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf). Date accessed: 22 July 2016.

<sup>2</sup> 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%20Analysis%20of%20Political%20Economic%20and%20Social%20Conditions.pdf>

4.1.3 The 2016 ILGA-Europe Rainbow Map places Albania in the 24<sup>th</sup> 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.<sup>3</sup>

4.1.4 In its 2016 annual report ILGA-Europe state:

'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 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.'<sup>4</sup>

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## 4.2 Legal rights

4.2.1 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

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[pe%202015.pdf](#). Date accessed: 22 July 2016.

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

<sup>4</sup> ILGA Europe. Rainbow Europe 2016. [http://www.ilga-europe.org/sites/default/files/Attachments/annual\\_review\\_2016-for\\_web.pdf](http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf). Date accessed: 22 July 2016.

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.’<sup>5</sup>

4.2.2 The European Commission’s 2015 report on Albania (covering the period October 2014 to September 2015) recorded that “In May [2015], parliament approved a resolution on the protection of rights and freedoms of persons belonging to the LGBTI community, which calls for an action plan, legislative amendments and other measures in support of LGBTI persons, and made the Ombudsman responsible for monitoring its implementation.”<sup>6</sup>

4.2.3 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

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<sup>5</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>6</sup> 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](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf). Date accessed: 22 July 2016.

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. In 2011, a major racist criminal offence was committed: an arson attack on Roma dwellings. LGBT persons fall regularly victims of violence.<sup>7</sup>

- 4.2.4 A copy of the [2010 Law on Protection from Discrimination](#) can be accessed on the UN International Labour Organisation's website.<sup>8</sup>

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### 4.3 Trans and Intersex rights

- 4.3.1 The April 2016 ERA reports 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 unclear how the healthcare system currently supports this surgery and treatment, following the non-discrimination law.'<sup>9</sup>

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<sup>7</sup> 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 July 2016.

<sup>8</sup> 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](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_178702.pdf) . Date accessed: 22 July 2016. date accessed 28 May 2014

<sup>9</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

- 4.3.2 The European Commission's 2015 progress report on Albania called for discrimination against transgender and intersex persons to be removed from the legislation.<sup>10</sup>

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## 5. Treatment by, and attitudes of, state authorities

### 5.1 National Action Plans

#### 5.1.1 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 the Ministry 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 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.'<sup>11</sup>

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### 5.2 Education

#### 5.2.1 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.'<sup>12</sup>

#### 5.2.2 ERA's April 2016 report states:

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<sup>10</sup> 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](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf). Date accessed: 22 July 2016.

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

<sup>12</sup> ILGA Europe. Rainbow Europe 2016. [http://www.ilga-europe.org/sites/default/files/Attachments/annual\\_review\\_2016-for\\_web.pdf](http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf). Date accessed: 22 July 2016.

'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.

'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.'<sup>13</sup>

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### 5.3 Employment

5.3.1 The 2015 Country Report on Human Rights Practices (Albania), published on 13 April 2016 stated: 'Labo[u]r laws prohibit employment discrimination because of race, skin colo[u]r, gender, age, physical or mental disability, political beliefs, nationality, religion, family, and social origin. Discrimination in employment and occupation occurred with respect to gender, presence of a disability, sexual orientation and gender identity, nationality, and ethnicity.'<sup>14</sup>

5.3.2 In its April 2016 report ERA stated:

'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.

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<sup>13</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>14</sup> United States Department of State, '2015 Country Reports on Human Rights Practices – Albania' (Section 7d. Discrimination with Respect to Employment or Occupation), 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252815>. Date accessed: 22 July 2016.

'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.'<sup>15</sup>

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## 5.4 Health

### 5.4.1 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 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.'<sup>16</sup>

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## 5.5 Avenues of redress

### 5.5.1 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.

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<sup>15</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>16</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

'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. 17

5.5.2 The 2015 Country Report on Human Rights Practices (Albania), published on 13 April 2016 stated:

'The Office of the Ombudsman is the main institution for promoting and enforcing human rights. The ombudsman institution has the authority and is required by law to monitor and report on prisons and detention centers. It may initiate an investigation in some cases where a victim is unable to come forward to do 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 parliament annually, but although the parliament 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 parliament consulted the ombudsman institution on draft laws directly affecting or involving it but generally did so at the last minute.

'There is a parliamentary committee on legal issues, public administration, and human rights. The parliament approved a few laws aimed at addressing human rights problems and resolutions addressing lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues and blood feuds.<sup>18</sup>

5.5.3 The same source continued:

'The law prohibits discrimination based on race, gender, age, disability, language, religion, gender identity and/or sexual orientation, health, and family economic or social status. The government did not effectively enforce these prohibitions.

'Cases of discrimination on any of these grounds may be brought to the commissioner for protection from discrimination; the commissioner has the authority to issue sanctions and did so in several cases during the year. The law allows the commissioner to testify in court as an expert witness, even in appeals on cases the commissioner's office initially rejected. Through September [2015] the commissioner participated in 20 judicial proceedings.

'The law prohibits discrimination on the basis of sexual orientation, including in employment. During the year the government's Commissioner for the Protection against Discrimination received several complaints from LGBTI individuals and organizations. Enforcement of the law was generally weak.

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

<sup>18</sup> United States Department of State, 2015 Country Reports on Human Rights Practices - Albania, 13 April 2016. 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=2015&dliid=252815>. Date accessed: 22 July 2016.



'Sexual orientation and gender identity are among the classes protected by the country's hate-crime law. Despite the law and the government's formal support for LGBTI rights, homophobic attitudes persisted in private and public life. Public officials sometimes made homophobic statements. NGOs reported an increase in families evicting LGBTI persons from their homes during the year [2015]. Since 2014 the first shelter for evicted LGBTI person accommodated eight individuals. The NGOs Aleanca and ProLGBT opened it in 2014.'<sup>19</sup>

#### 5.5.4 See also:

IRB - Immigration and Refugee Board of Canada: [Albania: The Albanian State Police \(ASP\), including its structure and locations; police corruption; police misconduct; procedures to submit a complaint against police and responsiveness to complaints \(2011-2015\) \[ALB105256.E\]](#), 15 September 2015.<sup>20</sup>

Country information and guidance on [Albania: Background \(including actors of protection and internal relocation\)](#).

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## 6. Societal treatment and attitudes

### 6.1 Social perceptions

#### 6.1.1 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.

'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,

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<sup>19</sup> United States Department of State, 2015 Country Reports on Human Rights Practices - Albania, 13 April 2016. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252815>

<sup>20</sup> IRB - Immigration and Refugee Board of Canada: Albania: The Albanian State Police (ASP), including its structure and locations; police corruption; police misconduct; procedures to submit a complaint against police and responsiveness to complaints (2011-2015) [ALB105256.E], 15 September 2015. <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456094&pls=1>. Date accessed: 22 July 2016.

government officials and equality bodies however, cases of hate speech from high ranking officials in the country have been much rare'.<sup>21</sup>

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## 6.2 Polls and surveys

### 6.2.1 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.'<sup>22</sup>

### 6.2.2 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. In Albania, 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.'<sup>23</sup>

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## 6.3 Societal violence

### 6.3.1 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

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<sup>21</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

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

<sup>23</sup> ILGA-Europe. Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2016. 4 May 2016. [http://www.ilga-europe.org/sites/default/files/Attachments/annual\\_review\\_2016-for\\_web.pdf](http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf). Date accessed: 22 July 2016.

community, remains low, due to the taboos that exist and the minimal treatment of the problem at a social level.<sup>24</sup>

‘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.’<sup>25</sup>

#### 6.3.2 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.’<sup>26</sup>

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## 6.4 Public events

6.4.1 The European Commission’s 2015 report on Albania (covering the period October 2014 to September 2015) recorded that The international day against homophobia, transphobia and biphobia (IDAHO) was celebrated in May 2015 with a number of awareness raising events but public awareness remains low. Albania was one of the signatories of the joint statement of Ministers of the region at the 2015 IDAHO forum. The second Tirana pride event was held in June 2015 without major incidents.<sup>27</sup>

6.4.2 The 2015 US Department of State Country Report similarly reported that “On May 17 [2015], activists participated in the fourth Tirana Gay Ride against Homophobia, a short bicycle ride on Tirana’s main boulevard, as well as a diversity fair, both of which proceeded without incident, unlike in previous

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<sup>24</sup> Albanian Helsinki Committee, ‘Report on the situation of respect for human rights in Albania for 2015’ (page 33), December 2015, [http://www.ahc.org.al/web/images/Raporte/AL/Report\\_on\\_the\\_human\\_rights.pdf](http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf). Date accessed: 22 July 2016.

<sup>25</sup> 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](http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf). Date accessed: 22 July 2016.

<sup>26</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>27</sup> 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](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf). Date accessed: 22 July 2016.

years. On June 11 [2015], a second pride event took place in Tirana as part of a "diversity festival." Police ensured activists' safety during the events.<sup>28</sup>

#### 6.4.3 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.'<sup>29</sup>

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## 7. Support groups

### 7.1 Non Governmental Organisations (NGOs)

7.1.1 The US Department of State stated in the 2015 Country Report on Human Rights Practices (Albania), published on 13 April 2016 (USSD 2015 Report) a number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.<sup>30</sup>

7.1.2 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."<sup>31</sup>

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<sup>28</sup> United States Department of State, 2015 Country Reports on Human Rights Practices - Albania, 13 April 2016. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252815>. Date accessed: 22 July 2016.

<sup>29</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>30</sup> United States Department of State, 2015 Country Reports on Human Rights Practices - Albania, 13 April 2016. 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=2015&dliid=252815>. Date accessed: 22 July 2016.

<sup>31</sup> Albanian Helsinki Committee. Report on the situation of respect for human rights in Albania for 2015. December 2015. Page 33.

- 7.1.3 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.’<sup>32</sup>

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## 7.2 Shelters

- 7.2.1 The European Commission’s 2015 report on Albania covering the period October 2014 to September 2015 noted that the first shelter for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons opened in Tirana in December 2014.<sup>33</sup>

- 7.2.2 ERA similarly noted the opening of the shelter stating in their April 2016 report:

‘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 need shelter. The shelter is sponsored through varied donors and food is provided by Albanian government.’<sup>34</sup>

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[http://www.ahc.org.al/web/images/Raporte/AL/Report\\_on\\_the\\_human\\_rights.pdf](http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf). Date accessed: 22 July 2016.

<sup>32</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

<sup>33</sup> 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](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf). Date accessed: 22 July 2016.

<sup>34</sup> ERA. LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April 2016. <http://www.lgbti-era.org/countries/albania>. Date accessed: 22 July 2016.

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **17 August 2016**

## Changes from last version of this guidance

Update of country information.

Transferred to new template.

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