



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Albania - Researched and compiled by the Refugee Documentation Centre of Ireland on Tuesday 1 & Wednesday 2 August 2017**

### **Information on available state protection for LGBT**

A report issued in April 2016 by the *LGBTI Equal Rights Association for Western Balkans and Turkey* points out that:

“Albanian LGBTI individuals continue to experience discrimination from individuals as well as institutions” (LGBTI Equal Rights Association for Western Balkans and Turkey (28 April 2016) *LGBTI Equal Rights Association Country Profile: Albania*)

In November 2016 the *European Commission* states in a report that:

“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” (European Commission (9 November 2016) *Albania 2016 Report*, p.65).

CPD is an acronym for Commissioner for Protection against Discrimination.

A report issued in November 2016 by the *European Asylum Support Office* states using secondary sources that:

“Albania legalised same-sex relations on 20 January 1995. However, the Constitution of the Republic of Albania offers no specific protection to LGBTI people, according to the LGBTI Equal Rights Association for Western Balkans and Turkey (ERA). Article 18 states: ‘1. All are equal before the law. 2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage...ERA pointed, however to the fact that the grounds for prohibition of discrimination in article 18 are not exhaustive...In 2010 a law against discrimination based on, among other reasons, race, sexual orientation and gender identity (SOGI), was put into effect. The law ‘explicitly promotes equal access to employment, education, goods and services, health services and housing...Additionally, a 2013 reform of the criminal code includes protection against hate crimes and hate speech based on SOGI...In May 2015, parliament adopted ‘with an overwhelming majority...a resolution entitled ‘On Protection of Rights and Freedoms of persons belonging to the LGBT community in Albania’. The resolution called for an action plan with legislative amendments, policy reforms and other measures such as awareness training for teachers and police officers. The Ombudsman was made responsible for the monitoring of this action plan...The National Action plan, for which the government held a large consultative meeting with LGBTI organisations in July 2015, has yet to be launched...” (European Asylum Support Office (November 2016) *Albania Country Focus*, p.40).

*ILGA Europe* in 2017 states:

“Albania is a prime example of the difference between laws on paper and realities experienced by LGBTI people in their daily lives. Further legislative progress was

made in 2016, with adoption of an action plan to promote and protect the human rights of LGBTI people, adding to an already comprehensive legal package protecting the human rights of LGBTI people. However, no efforts were made to address pervasive homophobic attitudes in society. As a candidate country, Albania is annually assessed by the European Commission on its progress towards joining the European Union. The low levels of social acceptance of LGBTI people was one of the areas highlighted by the Commission officials as an area of concern. In spite of Albania's existing legislation in the areas of equality and hate crime, implementation of this legislation, including training of relevant staff and officials, is lacking. This was emphasised by several surveys, demonstrating that public officials do not think they are coming into contact with LGBTI people in their daily work. Even where legislation does exist, people may not be aware that its protections extend to LGBTI people, as was revealed by a report on young people's understanding of anti-discrimination law. However, LGBTI activists are attempting to change the public narrative and create greater awareness. Milestones reached in 2016 included a rainbow family featuring on a television ad for the first time, displaying the rainbow flag prominently during IDAHOT, and continuing efforts to collect data on public opinion" (ILGA Europe (2017) *Albania*, p.1).

In March 2017 the *United States Department of State* issued a report commenting on events of the previous year including stating:

"The law prohibits discrimination based on sexual orientation, including in employment. Through August 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. In May the Council Of Ministers adopted the National Plan of Action for the LGBTI 2016-20, and in August an order of the prime minister established the National Group of Implementation and Coordination to implement the action plan. The action plan seeks to improve the legal and institutional framework for protecting LGBTI persons; eliminate all forms of discrimination; and improve access to employment, education, health, and housing services. 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 that families evicted LGBTI persons from their homes during the year. Through August the country's first shelter for evicted LGBTI persons, opened in 2014, accommodated 12 individuals" (United States Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices: Albania*).

A report released in 2017 by the *Albanian Helsinki Committee* reviewing events of 2016 states:

"In the field of rights of lesbian, homosexual, bisexual, transsexual and intersex persons (LGBTI), the approval of the action plan for the rights of this category of citizens for the period 2016 – 2010 represents a positive step. The following years will be decisive in terms of evaluating the efficiency and implementation of this plan with regard to envisaged interventions at several levels, including legislative, policy, programming and service developments, training of professional staffs and service providers, as well as of actors dealing with public education/information and awareness, with special focus on LGBTI and human rights NPOs. In spite of a series of sensitizing activities carried out during 2016, public awareness and societal acceptance of this community remains at low levels. Also, there have been cases of

discriminating behavior by public administration employees toward members of this community in the course of carrying out their public functions” (Albanian Helsinki Committee (April 2017) *Report on the situation of respect for human rights and freedoms in Albania during 2016*, p.25).

## References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

## Sources Consulted

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