



Australian Government
Migration Review Tribunal

Country Advice

Albania

Albania – ALB37139 – Homosexual men –
Police – Harm
18 August 2010

1. Please provide current information on the extent to which gay men in Albania are at risk of violence or other forms of serious harm.

An RRT Research Response from April 2004 provided some relevant information on this question. Information was provided on the legal status of homosexuality in Albania, on the existence of discrimination and the level of tolerance of homosexual behaviour, the situation in Tirana, and the existence of support networks.¹

A limited amount of new information on this topic was found. Albania de-criminalised homosexuality in 1995, and the Albanian Gay Association was formally registered in the same year. Social attitudes do not appear to have changed significantly since then and Albanian society remains generally hostile towards homosexual men and women, in part the legacy of the repressive Communist regime of Enver Hoxha.² There remains very limited visibility to gay relationships, associations or social activities.³ A volunteer with the US Peace Corps Alumni, a US LGBT rights group, writing in 2009 noted that

The LGBT community in Albania is very underground and there are no gay bars in any city in Albania including the capital city, Tirana. It is very difficult to even find any information about the LGBT community there. Similar to many other developing countries, the term “gay” is generally not used in Albania but instead it’s “men who have sex with men.” Although homosexuality exists in Albania, few individuals have a “gay” identity similar to what we find in the United States or other developed countries.

My search for the LGBT community began even before I left the US for Peace Corps in Albania (March, 2007). My search was conducted on the internet. I was disappointed to find virtually no information, but I did find a postal address for a gay NGO (non-governmental organization). So I mailed them a letter. And after about five months in Albania, I met the

¹ RRT Country Research 2004, Research Response ALB23326, 27 April - Attachment 1

² e.g. ‘Tough times for homosexuals in the Balkans’ 2006, Café Babel, <http://www.asylumlaw.org/docs/sexualminorities/070706%20Albania,%20overview3.pdf> – Accessed 10 August 2010 - Attachment 2

³ e.g. [unverified weblog article] ‘In Albania gays lead a hidden life’ 2008, Serbia Forum, <http://www.topix.com/forum/world/serbia/T9EA06GSQ3N0N7Q70> - Accessed 9 August 2010 - Attachment 3

director of this gay Albanian NGO. It had been created shortly after communism ended in Albania in 1992, but had been inactive for several years due to a lack of funding.⁴

Reports indicate that to openly acknowledge a homosexual orientation or identity exposes individuals to possible hostility, discrimination - including denial of access to or loss of employment - and ostracism by family and friends. The Albanian Human Rights Group has supported a small number of individuals who have sought asylum in other European countries on the basis that if their sexual orientation is revealed, their safety will be endangered. In addition to the 'constant abuse and discrimination' as described in a 2007 *Balkan Insight* report, gay people are marginalised, have nowhere to meet and are reduced to poverty.⁵

The European Commissioner for Human Rights painted a similar picture in his report following a visit to Albania in 2008, also referring to the risk of physical abuse and maltreatment by police;

96. LGBT persons are routinely subject to intolerance, physical and psychological violence and seen by many as persons suffering from an "illness". There were reports from the OSCE Mission, human rights NGO's and LGBT groups whom the Commissioner met that the LGBT community suffers abuses not only from the general public, but that there have also been cases of mistreatment by the police. The recent *Naser Muhed Saidik Almalak case* (relating to the arrest of five individuals in Tirana) highlighted shortcomings in police arrest and detention procedures when dealing with LGBT persons, but also discrimination, arbitrariness, maltreatment and the public disclosure of the health status of some of the arrested persons.⁶

In evidence given by a member of the Group for Social Integration in Albania (Grupi per Integrim Shoqeror) (GISH) to the UK Asylum and Immigration Tribunal in 2008, the experience of this witness was at some variance with the experience elsewhere described in the publicly available country information. In his statement, 'Mr DK' reported that he knew 20-30 gay men in Albania, although only two of these declared their sexuality openly;

...He said in his case he had never experienced problems. It was important that he was part of the privileged social class in Albania. He was "out" to people generally. He was "out" to his good friends and also his doctors and his mother. His father knew but his other relatives did not know.

266. He knew about twenty, maybe thirty, gay men in Albania who had good jobs and were highly educated. They had good incomes and had the resources to have a computer at home. They met people on the internet and travelled abroad a lot. From the privacy of their own homes and by virtue of having access to the internet, they could meet other like minded people. Like him they tended not to have problems.

267. It was right to describe them as an elite, as Ms Schwandner-Sievers had done. This did not necessarily mean that they had been born rich, but they all had very good jobs, normally as professionals and lived on their own, rather than with their parents. It was important to note that

⁴ Trunk, Bill 2009, 'LGBT Advocacy in Albania', 9 August, LGBRPCV website, http://www.lgbrpcv.org/articles/08_09_albania.html - Accessed 10 August 2010 - Attachment 4

⁵ 'Albania: Albania's gay flight' 2007, *Balkan Insight*, 5 December - Attachment 5

⁶ Commissioner for Human Rights 2008, 'Report by the Commissioner for Human Rights Mr Thomas Hammarberg on his visit to Albania 27 October – 2 November 2007', Council of Europe website, https://wcd.coe.int/ViewDoc.jsp?id=1327977&Site=COE#P309_63009 – Accessed 10 August 2010 – Attachment 6

there were only two people that he knew of who were ever completely “out”...They were very frequently arrested...⁷

In 2009, the Prime Minister announced that the government would introduce legislation recognising homosexual marriage,⁸ and whilst this has not occurred, the government did introduce legislation early in 2010 which outlawed various forms of discrimination, including on the basis of sexual orientation and gender identity.⁹ The new bill was the culmination of work by Albanian human rights organisations over the previous year, and supported by US Human Rights Watch, which hailed as an important step the legislation that was passed on 4th February 2010.¹⁰

In the following month, media reports began to appear of two protests that took place in the northern Albanian town of Lezhë in early March.¹¹ The protests were held in response to the open declaration by a member of the Albanian ‘Big Brother’ reality TV series, Klodian Çela, that he was gay; protestors claimed that Klodi should be removed from the program and that ‘Lezhe is clean – we have no homosexuals’.

The protesters in Lezhë demonstrated in the town’s main square, shouting “Klodi out, out,” and insisted that if he is not removed from the Big Brother house, they will step up their protests and continue them in Tirana. According to Shekulli, the protesters “felt compelled to defend the honour of their town and its long-standing traditions.”

Their slogans included, “Lezhë does not deserve the stain of homosexuality” and “Klodi has tarred the civilized reputation of Lezhë.” One demonstrator was quoted as saying that if a condition for Albania’s entrance to the EU is a law permitting homosexuality, he would rather the country did not join the EU at all.

The Tirana-based Alliance Against LGBT Discrimination has responded with a media statement describing the protests as a “witch hunt”, and finding them “laughable but above all saddening.” The Alliance states that the protesters “would do better to think how they will be educated, how they will find work, and how they will grow up healthy in a society whose backwardness leads to such savagery and discrimination.”¹²

The significance of Klodian Cela’s declaration on Albanian public television can not yet accurately be assessed fully. In an article which was published on the Italy-based Monitoring the Balkans and Caucasus website in April 2010, the immediate reaction to the emotional pleas made by Klodian were reviewed. The aim of generating a television audience by using him in accordance with the program format was clearly acknowledged whilst at the same time

⁷ UK Asylum and Immigration Tribunal 2008, *MK (Lesbians): Albania CG [2009] UKAIT 00036*, http://www.tribunals.gov.uk/ImmigrationAsylum/utiac/Documents/Caselaw/cg_list_last_updated_14_07_10.pdf - Accessed 11 August 2010 - Attachment 7

⁸ ‘Albania to legalise gay marriage’ 2009, *Balkan Insight*, 29 July, <http://www.balkaninsight.com/en/main/news/21397> - Accessed 9 August 2010 - Attachment 8

⁹ Republic of Albania, The Assembly 2010, Law No. 10 221 ‘On Protection from Discrimination’ 4 February <http://www.equalrightstrust.org/newsstory25feb2010/index.htm> - Accessed 12 August 2010 - Attachment 9

¹⁰ Human Rights Watch 2010, ‘Albania: anti-bias law a victory’, 16 February - Attachment 10

¹¹ The main protest occurred on 11th March, involving approximately 400 mainly young males, although there was also an earlier protest on 6th March, possibly much smaller. See ‘Lezhë, sërish protestë kundër homoseksualizmit’ 2010, *Balkan Web*, 11 March, <http://bw.balkanweb.com/shqiperi/2685/lezhe-serish-proteste-kunder-homoseksualizmit-7968.html> - Accessed 13 August 2010 - Attachment 11

¹² ‘Albania: 400 join homophobic street protests against Big Brother contestant’ 2010, *LGBT Asylum News* website [sources: Shekulli.com.al; Korrieri, Panorama.com.al], 20 March, <http://madikazemi.blogspot.com/2010/03/albania-homophobic-street-protests.html> - Accessed 6 August 2010 – Attachment 12 Note: Klodi was originally from this town, although had been resident in Italy for some years.

the ensuing debate and controversy was seen as, if civil rights representatives in the country were correct, 'a new phase in the history of human rights in Albania'.

The approval of the law against discrimination of the LGBT community had proposed only theoretically integration of members of this community in Albanian society. Now what happened to Big Brother puts the Albanians in front of the other side of the coin that goes beyond the adoption of legislative measures whose main goal seems to show in Brussels on its civil side to better fit the canons of the EU.

The controversy raised by the public to come out Klodi have shown that the road is still long. The Albanian media in recent days have spoken of the matter, proposing also interviews and testimonies of other gay and opinions of civil society activists. At the same time in his hometown of Klodi repeatedly homophobic demonstrations took place, the limits of public lynching. On national TV screens appeared angry men who said bluntly: "Lezha is clean, there are no homosexuals" and "Out Klodi from Big Brother." Also among the respondents is not who wanted to remember that the young homosexual who is now the house of Big Brother, is resident in Lezha, but his family is not "native". Among the outraged voices someone has gone to state: "If this is what they want us to join the EU, then rinunciamoci!

A Lezha many were surprised by the ability to organize and gather in the square by the inhabitants of one of the poorest parts of the country whose citizenship despite poor living conditions, and poor services received by the central government, had never took to the streets before. The local pride and machismo offended by homosexuality declared a citizen seem to mobilize its more than unemployment or lack of services.¹³

Shortly after the screening of the Big Brother program on 5th March, the US Ambassador John Withers expressed his support for him on television, also paying him a visit to invite him to a function, in order to express the respect the United States had for his courage. This was acknowledged by Hilary Clinton, US Secretary of State, in an address to staff on 22nd June 2010.¹⁴

Klodi subsequently wrote an open letter to Prime Minister Berisha and opposition mayor of Tirana Edi Rama in which he wrote of the pressure which had been brought to bear on his family and requests for his mother to not run a stall in a mall which provided income for support of her family.¹⁵

There was otherwise little information found to indicate that there was a high level of assaults, beatings or other violence directed towards gay men. This may be due to various reasons, including non-reporting of such incidents.

2. Please provide current information on whether the police provide protection to gay men, and if not, whether the reason for this failure of State protection is the police attitude towards gay men or alternatively a lack of resources.

¹³ Rukaj, Marjola 2010, 'The Courage to Klodi', 2 April, *Osservatorio balcani, e caucaso*, <http://www.balcanicaucaso.org/ita/Tutte-le-notizie/Il-coraggio-di-Klodi> - Internet online translation from Google translate website - . Attachment 13

¹⁴ Clinton, H. R., 2010 'Remarks at an event celebrating Lesbian, Gay, Bisexual and Transgender (LGBT) Month, US Department of State website, <http://www.state.gov/secretary/rm/2010/06/143517.htm> - Accessed 6 August 2010 - Attachment 14

¹⁵ 'Klodi letër Berishës e Ramës: Ndihejm i internuar në vendin tim' 2010, *Balkan Web*, 24 June, <http://bw.balkanweb.com/shqiperi/2685/klodi-leter-berishes-e-rames-ndihem-i-internuar-ne-vendin-tim-14152.html> - Accessed 12 August 2010 - Attachment 15

Despite the de-criminalisation of homosexuality in 1995, many sources have reported since that time the continuing hostility expressed by police towards gay men in Albania. For example in reporting on events in 2006 the US Department of State noted the frequency of the arbitrary arrest of homosexuals who were then subject to abuse and mistreatment;

NGOs claimed that police targeted the country's homosexual community for abuse. According to the Albanian Gay and Lesbian Association, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. In August police arrested the secretary general of Gay Albania, a gay rights NGO, and three others on prostitution charges. The AHRG carried out an investigation and reported that while in detention the four were mistreated by other prisoners and insulted by prison forces. The AHRG also reported that media coverage of this arrest did not respect the privacy of the arrested, including their HIV status, and was manipulated to propagate antihomosexual stereotypes and further discrimination. A 2006 UN Development Program report on HIV/AIDS in the country stated that citizens perceived little confidentiality in their HIV test results. Social stigmatization and severe discrimination against persons with HIV/AIDS were also common.

According to the ombudsman's office, in 2005 police at the Tirana police commissariat detained, insulted, and physically mistreated a member of the Gay Albania association. Medical experts verified the mistreatment, and the ombudsman's office started an investigation. No action had been taken against the police by year's end.¹⁶

In its most recent report the US Department of State noted the continuance of reports concerning the harassment of LGBT persons on the street and who 'often did not report criminal or civil offenses committed against them from fear of economic and physical reprisals.' NGOs claimed homosexuals were routinely subject to harassment by police.¹⁷

The Executive Director of Grupi per Integrim Shoqeror (GISH) told the Research Directorate of the Canadian Immigration and Refugee Board in 2006 that Albanian courts had never heard cases of homosexuals until that time, except on one occasion concerning a homosexual man in March 2005, but the case was not pursued by police and later closed.¹⁸

The open declaration of his homosexuality on the Albanian Big Brother reality television program in early 2010 by Klodian Çela provoked widespread discussion about LGBT rights. One 48 year old man interviewed in March who was familiar with life as a gay man living in Tirana both before and after the end of the communist regime believed that very little had changed and that police were still perpetrators of violence against homosexuals;

"Discrimination against homosexuals in Tirana is neither sophisticated nor secret. It is open in public places and at work, and it is vicious. I have been present when homosexuals have been abused in public places, beaten up in the most bestial fashion. The police not only do not protect homosexuals but beat them up themselves."

¹⁶ US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Albania*, March, Section 5 - Attachment 16

¹⁷ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Albania*, March, Section 6 - Attachment 17

¹⁸ Immigration and Refugee Board of Canada 2006, *ALB101493.E - Albania: Treatment of homosexuals by society, police, judiciary and government; protection available to homosexuals who have been subject to ill-treatment; existence of establishments catering to homosexual clientele (2005 - 2006)*, 8 September - Attachment 19

So Erion keeps his homosexuality secret. He has to conceal his sexuality from society and from his family, although he does not feel guilty about it. However, one change has arrived for Albanian homosexuals, these “blameless sinners.”

The Law Against Discrimination comes into effect this month. The law has come as an initiative of civil society and has been drawn up with the cooperation of international experts.

For Erion, it is a positive step, but not enough to stop discrimination and to change the homophobia of Albanian society.

“The law was approved just to keep in line with our international partners and to fulfill the conditions for EU entry. I don’t think this law will be enforced, because society is aggressive, and not even the authorities themselves feel persuaded of the need to protect the rights of homosexuals.”¹⁹

A 2007 Canadian Immigration and Refugee Board Response to Information Request indicated that individuals could file complaints against police, however Amnesty International and other organisations in that and other years have commented on incidents of ill-treatment of detainees.²⁰

3. Please provide current information on whether there are areas in Albania where a gay man could relocate to remove the risk of serious harm and/or obtain police protection.

Some information concerning the possibility of re-location is provided in question 1 above. There is a general lack of acceptance of homosexual men, lesbians and transgender people in Albania, although further legal reform as described above has recently taken place providing protection against discrimination on the basis of sexual orientation through the passing of the February 2010 anti-discrimination bill by the Albanian parliament.

Various sources confirm the limited understanding and acceptance of homosexuals. A 2006 Refugee and Immigration Board of Canada Response to Information Request provides a representative description;

The Professor of History at Indiana University commented that Albanian society is highly patriarchal and hostile to homosexuals (14 June 2006; see also OMCT Apr. 2005, 68). Similarly, the Director of HRDC and the Executive Director of GISH asserted that Albanian society has not accepted homosexuals and regards homosexuality as a sickness (HRDC 26 June 2006; GISH 20 June 2006). The United Kingdom Home Office also concluded in its 12 January 2006 Operational Guidance Note for Albania that there is societal discrimination against homosexual men in Albania (para. 3.11.8). The World Organisation Against Torture (Organisation Mondiale Contre la Torture, OMCT) stated in its April 2005 report on Albania that racist groups and the police were violating the rights of homosexuals, although the report did not name the racist groups or the areas of Albania in which this was the case (61).

¹⁹ ‘Gay man’s coming out on TV has Albanians in emotional debate over homosexual rights’ 2010, SDGLN Website [source: *Korrieri* (Tirana)], 23 March, <http://sdgln.com/news/2010/03/22/gay-mans-coming-out-tv-has-albanians-emotional-debate-over-homosexual-rights> - Accessed 17 August 2010 - Attachment 20

²⁰ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Albania*, March, e.g. Section 1c - Attachment 17; Immigration and Refugee Board of Canada 2007, *ALB102601.E - Albania: Procedures for registering a complaint against the police; effectiveness of such procedures; statistics on police abuse of authority*, 5 October – Attachment 18

The Executive Director of GISH explained that discrimination at home, school, work and in religious institutions is a part of daily life for homosexuals (20 June 2006). Likewise, the director of HRDC stated that homosexuals are subject to insults and violence from the general public, making it difficult to gather for social activities (HRDC 26 June 2006). According to the director of HRDC, homosexuals have also encountered difficulties securing employment, and have been turned down for employment by government departments on account of their sexual orientation (ibid.).

The media also portrayed homosexuals in a negative light.²¹

In a 2007 article published by Gays Without Borders the difficulty of being openly gay in Albania remained unchanged with Genci Terpo, a lawyer with the Albanian Human Rights Group (AHRG), stating that “attitudes toward homosexuality have not changed much, and they have to protect themselves... They continue to be subjected to discrimination in all walks of life, and that includes state institutions.” One member of the Albanian Gay and Lesbian Association interviewed for the article commented

“Our biggest problem is identifying ourselves and the possibility of having a shared space where we can meet without fear. There are gay and lesbian clubs all over the world, even in Arab countries which are historically more traditional than ours, and yet here we live in fear” says S.L., a member of the Albanian Gay and Lesbian Association, ALGA.

S.L. says he has good reason for such fear. “We were sitting in a park when two police vans pulled over. The officers got out of the van and dragged us away. One of the drivers came over to me and kicked me repeatedly, his boot hitting my stomach. When I begged him to stop, he just shouted ‘Shut up you faggot’, and continued kicking me”, adds S.L., recalling the incident.²²

The US Department of State Albania human rights report for 2009 noted that the small number of LGBT organisations in the country operated ‘without interference from police’ because they were largely discreet. However the report also stated that there “were repeated reports that individuals were beaten, fired from their employment, or subjected to discrimination due to their sexual orientation. Often these cases went unreported.”²³

The UK Home Office advice on conditions for gay men issued via its *Operational Guidance Note* published in July 2010 is under review. Previous policy (December 2008) was that relocation could be considered due to country law providing freedom of movement. Potential difficulties associated with the need to transfer civil registration in order to obtain access to government services were not seen as impediments to relocation.²⁴

²¹ Immigration and Refugee Board of Canada 2006, *ALB101493.E - Albania: Treatment of homosexuals by society, police, judiciary and government; protection available to homosexuals who have been subject to ill-treatment; existence of establishments catering to homosexual clientele (2005 - 2006)*, 8 September - Attachment 19

²² Andoni Ben, 2007, ‘Homophobia in Albania’ 5 December, Gays Without Borders website, <http://gayswithoutborders.wordpress.com/2007/12/05/homophobia-in-albania/> - Accessed 9 August 2010 - Attachment 21

²³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Albania*, March, Section 6 - Attachment 17

²⁴ UK Home Office 2008, *Operational Guidance Note – Albania*, December, p. 18 - Attachment 22

Attachments

1. RRT Country Research 2004, Research Response ALB23326, 27 April.
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14. Clinton, H. R., 2010 ‘Remarks at an event celebrating Lesbian, Gay, Bisexual and Transgender (LGBT) Month, US Department of State website, <http://www.state.gov/secretary/rm/2010/06/143517.htm> - Accessed 6 August 2010.
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16. US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Albania*, March.
17. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Albania*, March.
18. Immigration and Refugee Board of Canada 2007, *ALB102601.E - Albania: Procedures for registering a complaint against the police; effectiveness of such procedures; statistics on police abuse of authority*), 5 October. (REFINFO)
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22. UK Home Office 2008, *Operational Guidance Note – Albania*, December.