



# Albania



Albania continued to make progress at the institutional level towards greater recognition and protection of LGBTI people. This was clearly demonstrated through amongst others: (i) the Ombudsman's *Special Report on the situation of the LGBT community* and subsequent follow-up work; (ii) the Ministry of Labour, Social Affairs and Equal Opportunities' drafting of a *National Activity Plan* towards the promotion of greater LGBT equality; and (iii) the State Police's development of a *Memorandum of Cooperation* with LGBT civil society. At the same time, homophobia and transphobia remain widespread, and unfortunately at times fuelled by public officials, as was the case with the Deputy Defence Minister's call for violence against LGBT people. In this context, the level of social stigma remains high, including among young people who harbour high levels of negative attitudes.

## Bias motivated speech

- In March, Deputy Defence Minister Ekrem Spahiu stated that “they [LGBTI people] should be beaten with a batons”, thereby endorsing violence against people participating in the *Festival of Diversity* planned to take place on the *International Day against Homophobia and Transphobia* (IDAHO). The statement was condemned by the European Union, Prime Minister Sali Berisha and the People’s Advocate (the Ombudsperson), as well as by various human rights and civil society organisations. The Deputy Minister’s Party, Legality Movement, supported his claims and stated that, “homosexuality is a vice, misfortune and a curse”. The comments were discussed within the Committee of Ministers of the Council of Europe, of which Albania was holding the Presidency. Following these incidents, Aleanca LGBT and Pro LGBT signed a complaint requesting that Minister Spahiu be charged under Article 226 of the *Criminal Code* for making the statement. However, the prosecutor responded that Article 226 does not refer to hate speech against LGBT people and therefore was not applicable to this case. The Commissioner for Protection from Discrimination subsequently started an *ex officio* investigation on the statements by Minister Spahiu but failed to issue any recommendation because she could not collect ‘sufficient proof’ that the statement was made by the Minister.
- During the march of the *Festival of Diversity*, a ‘pro-family’ counter demonstration was held by an Islamic group. In their statements in the media they condemned homosexuality and asked for homosexuals to leave Albania. Similarly, representatives of the Catholic Church demonstrated their institutionalised homophobia through bias motivated comments about a potential Pride Parade in Tirana. There were no incidents or clashes between the marchers and participants of either counter demonstration.
- In May, the Deputy Minister stated that the Ambassador of the Netherlands, Henk van den Dool, should be declared persona non grata due to his support for the rights of LGB people. The Deputy Minister said the “too gay friendly” attitude of van den Dool did not fit with Albanian culture. Once again, the EU Delegation in Tirana condemned this the Deputy Minister’s statement.

## Bias motivated violence

- The Ombudsperson issued a *Special Report on the situation of the LGBT community* and recommended to Parliament that the Criminal Code be reviewed to include definitions of hate speech and hate crime. He also recommended the introduction of a bias motive, including on the basis of sexual orientation, as an aggravating circumstance. The Ministry of Justice has responded positively to these recommendations.
- In May, during the *Rainbow Bike Ride* held on IDAHO, a gas bomb was thrown at the participants by a group of five men. Two of them were arrested by the police and prosecuted.
- In June, the United States’ Government sponsored the Regional LGBT Workshop *Stop the violence: LGBT rights are Human Rights*, held in Tirana. This two-day event brought together various LGBT organisations from Southeast Europe to discuss ideas and share best practices; to facilitate future collaborative efforts; to build skills for effective advocacy work and inform international stakeholders’ decisions on how to engage host-country governments and societies to develop tolerance and encourage greater understanding.
- ILGA-Europe collected information on 10 hate crimes perpetrated during the year. These crimes included an attack directed at LGBTI events, various cases of physical violence and of violent physical or death threats targeting LGBTI people. In three of these cases, the perpetrator of the offence belonged to the family of the victim. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

## Education

- Aleanca LGBT, the alliance against LGBT discrimination, conducted a study on high school textbooks. This study focused on the existing texts on LGBT issues in high school with a view to making recommendations for improvement. The exercise revealed a great lack of information regarding LGBT issues in the textbooks.

- In his *Special Report on the situation of the LGBT community*, the Ombudsperson recommended that the Ministry of Education and Sciences: (i) include information on LGBT issues in school curricula and education programmes; and (ii) train academic staff on LGBT issues. These recommendations aim to create a safe education environment and to fight discrimination in schools.
- In December, the Commissioner for Protection from Discrimination issued a positive decision on a complaint by PINK Embassy/LGBT Pro Albania with regards to discriminatory texts in university textbooks of the Faculty of Medicine and Law. The Commissioner concluded that the content of the book *Legal Medicine* discriminates against LGB people and recommended that the text of the book be modified or the book be removed from sale and from libraries.

## Employment

- Following his Special Report on the situation of the LGBT community, the Ombudsperson recommended changes to the *Labour Code* through: (i) the inclusion of sexual orientation as a ground of discrimination in the workplace; and (ii) the addition of a paragraph on the burden of proof in accordance with the *EU Employment Framework Directive* (Directive 2000/78/EC). The Ministry of Labour has agreed to make these changes and a proposal has been sent to the Parliament.

## Enlargement

- Albania is a potential candidate country for EU membership. In October, the European Commission issued the *2012 Progress Report on Albania*, in which it acknowledged that the country has made moderate progress in the field of non-discrimination and equality. However, the report also highlighted that LGBT people, particularly trans people, continue to suffer from discrimination, including in access to social and health services. In view of this, the report recommended that additional measures should be taken by the Commissioner for Protection from Discrimination to process and conclude cases of discrimination against LGBT people, and that the legislation be reviewed with a

view to addressing potentially discriminatory provisions against LGBT people.

## Equality and non-discrimination

- The Ministry of Labour, Social Affairs and Equal Opportunities, with the participation of LGBT organisations, drafted a plan including measures to tackle discrimination on the basis of sexual orientation and gender identity. The initiative was part of the Council of Europe's regional project Combating discrimination based on sexual orientation and gender identity and part of the National Activity Plan for the country's potential accession to the EU. LGBT organisations participated in the meetings and roundtables and provided a training course on the rights of LGBT people to members of the public administration.
- In December, PINK Embassy/LGBT PRO Albania, in collaboration with the Ministry of Labour, Social Affairs and Equal Opportunities, the Ombudsperson, the Commissioner for Protection from Discrimination and with the participation of Aleanca LGBT, organised *The respect of LGBT rights: achievements and challenges*, a roundtable to mark *International Human Rights Day*. The organisation also published a brochure and held a summer school for the LGBT community with the aim of increasing the awareness of the community on their rights and protections under the existing legal framework of Albania.
- The Ombudsman has signed collaboration agreements with LGBT organisations on the following areas: (i) exchange of information; (ii) preparation of studies and special reports on Albanian legislation and its implementation; (iii) analysis of draft legislation prepared by the Parliament; (iv) undertaking common initiatives for the improvement of human rights; (v) treatment of specific cases of discrimination by the public administration; and (vi) the raising of awareness on LGBT rights among the general public.

## Freedom of assembly

- Plans for the first Pride Parade in Albania, during 2013, were drawn up during the year.

## Freedom of expression

- In May, to mark IDAHO, LGBT organisations held a number of public events including an exhibition called *Kukafshehti* (Hide and Seek), reflecting various aspects of the life of LGBT people in Albania, an exhibition called *City of Colours*, an LGBT themed film screening at the Marubi Academy in Tirana, a bike ride with rainbow flags and other visual displays, and a 'diversity fair' where human rights organisations distributed information. The events were attended and addressed by high level officials, international embassy representatives and institutional representatives, as well as local civil society and activists. The events generated a lot of media coverage.

## Police and law enforcement

- Aleanca LGBT, in cooperation with State Police, organised a training session for fifteen heads of sectors and specialists aiming to raise their awareness of LGBT issues and the existing legal framework protecting the rights of LGBT people. The trainers provided information on documented cases of discrimination and violence against LGBT people in Albania, and on the standards and methods of handling cases of violence against LGBT people. Furthermore, they emphasised the need for data collection and the introduction of hate crime legislation.
- The OSCE organised a training session on diversity with Heads of Police Units from Albania and invited PINK Embassy and Aleanca LGBT representatives to speak about LGBT issues and the organising of a Pride.
- A *Memorandum of Cooperation* between LGBT organisations and the State Police is expected to be signed during 2013.

## Public opinion

- A study entitled *Albanian Youth 2011: Between trust in the future and doubts for the present* conducted during the period of September-November 2011 and published in 2012 revealed that Albanian youth are strongly prejudiced against LGBT people. 50% of respondents would not welcome being neighbours with a homosexual couple and would feel bad or very bad about it.

## Member organisations of ILGA-Europe

Alliance against discrimination of LGBT  
[www.aleancalgbt.org](http://www.aleancalgbt.org)

Pink Embassy/LGBT PRO Albania  
[www.pinkembassy.al](http://www.pinkembassy.al)