

# ILGA-Europe's submission to the European Commission's 2011 Progress Report on Albania<sup>1</sup>

Brussels, April 29, 2011

## Political criteria

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| Human rights and the protection of minorities                              |   |
| <i>Civil and political rights</i>  |   |
| <b>Freedom of assembly and association</b>                                 | <p>The Constitution and law provide for freedom of assembly and association.</p> <p>In the course 2010 LGBT community in Albania gained considerable visibility. There are currently two registered LGBT organization in Albania: Alliance against Discrimination (Aleanca) and LGBT Pro. There have been a number of public actions organized by Aleanca throughout 2010 and in 2011. During one of the public actions in Durres seven members of Aleanca were attacked by a group of men who used derogatory language threatening to hit them with a handspike.</p> <p>No Pride march or demonstration was organized or planned during the reporting period due to the high level of homophobia in the country and the lack of trust in law enforcement.</p>  |
| <b>Hate crime and hate speech, public statements targeting LGBT people</b> | <p>There is no hate speech and hate crime legislation in Albania.</p> <p>The increased visibility of the LGBT people and the adoption of a comprehensive anti-discrimination law (presented to public as a 'gay rights law' or 'gay marriage law') triggered aggressive public reactions. In March 2010, after a participant in a Big Brother reality show publicly came out as gay, protests were organized in his home town Lezhe. The participants of the protests have threatened to beat him up and kill him. Threatening messages were also posted in the internet. The family of the gay man had to leave the city for security reasons. Although those protests were not authorized (the law requires that the protestors seek permit from the authorities before holding a demonstration) they took place with no restrictions from the authorities and with no actions from the police. Additionally, many face book groups were formed calling for violence against LGBT people.</p> |

<sup>1</sup> The submission is made based on the contributions from Alliance against Discrimination (Aleanca), LGBT organization based in Tirana.

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|  | <p>Alenaca also documented a number of cases of homo/transphobic attacks as well as domestic violence against young LGBT people.</p> <p>Transgender people are particularly targeted for hate crimes while LGB people suffer more from domestic violence. The testimonies of transgender people show that they often receive death threats. In September 2009 a transgender woman was killed by a man who declared: “I took him for a woman, but it turned out to be a man and in the heat of the moment I killed him and I don’t know what I did”. In June 2010 another trans woman was stabbed with a knife and taken to a hospital with serious injuries. While in the hospital she further suffered a discriminatory treatment by the medical staff. She also reported that she is often subjected to violence and humiliating treatment by the police.</p> <p>These are the few cases that came to the attention of the LGBT organizations due to their media coverage. However, most cases of violence against LGBT people in the country go unreported.</p> <p>LGBT activists themselves have been threatened on a number of occasions. During one of their street actions/ campaigns in September 2010 in Durres seven members of Aleanca were attacked by a group of men who used derogatory language threatening to hit them with a handspike. The activists managed to escape the physical assault by leaving the place in a rush.</p> <p>Intolerance and homophobia in the country is further exacerbated by ill informed and homophobic statements made by political figures. In December 2010 during the session of the Parliamentary Committee on Labour, Social issues and Healthcare, the vice chair of the committee Tritan Shehu announced that “homosexuality should be treated either from the medical point of view as a hormonal issue or physiologically”.</p> |
| <i>Economic and social rights</i>                                  |  |
| <p><b>Discrimination/<br/>Anti-discrimination<br/>policies</b></p> | <p>Comprehensive anti-discrimination law was adopted on the 4th of February, 2010 and took effect on the 13th of March, 2010. The Commissioner for Protection from Discrimination was appointed on the 22nd of April 2010 and the budget for the Commissioner for 2011 was approved by the government. The enforcement and implementation of the law is still to be seen. According to the LGBT organizations in Albania, the public needs to be educated on the law and about its enforcement mechanisms. Many in general public still believe that the law approved gay marriage</p>   |

due to inadequate and incorrect media coverage and many LGBT people are not aware about the rights and protections the law provides them with. Awareness raising is necessary not only among general public but also among professional groups, employers in private and public sectors as well as among government officials themselves.

In a conference on educational reform, the former head of the Regional Directorate of Education of Tirana publicly stated that she could not possibly hire somebody who “twists and turns” as a teacher, alluding to the sexual orientation of an applicant she had interviewed for a teaching position, adding that this is an inappropriate role model for children.

School textbooks in Albania still refer to homosexuality as a disorder that needs to be treated and many professional groups such as teachers, health care professionals, psychologist as well as law enforcement authorities are not educated on the issue.

Although no official data is available on discrimination cases yet, LGBT organizations have received a number of informal reports from individuals who suffered discrimination and violence based on their actual or perceived sexual orientation and/or gender identity.

In one case documented by Aleanca, a gay teenage boy was rejected a registration in Sami Frasheri High School in Tirana in September 2010 by the director of the school who justified her decision saying that she ‘could not decide if the person in the photo was a male or a female’ and stating that ‘he didn’t look normal’. The boy had to cut his hair to get registered in another high school. Aleanca could not take action in this case because the boy was afraid of disclosure as he is not open about his sexual orientation to his family.

In another case, documented in December 2010 a transgender person, L.K. went to the emergency unit of the Tirana Student Hospital (QSUT) with food poisoning requesting urgent medical attention. L.K. was first refused to be allowed in by the guard who, 20 minutes later called the doctor asking if he can allow ‘a pederast in’ to which the doctor allegedly replied ‘one pederast less, let him die’. L.K. was provided with the needed medical care with 45 minutes delay after she threatened to call media. Most discrimination cases, however, go unreported.