

ILGA-Europe's submission to the European Commission's 2012 Progress Report on Albania

Brussels, May 11, 2012

Political criteria

Human rights and the protection of minorities	
Freedom of assembly and association	<p>The Constitution and law provide for freedom of assembly and association.</p> <p>There are currently three registered LGBT organisations in Albania: <i>Aleanca LGBT</i>, <i>Pink Embassy</i>, and <i>Pro LGBT</i>.</p> <p>No pride event has been organised during the reporting period.</p> <p>On 24 March 2012, Pink Embassy announced its plan to hold a Festival of Diversity to mark the International Day Against Homophobia (IDAHO). This has been erroneously presented in the media as a 'gay pride' and prompted homophobic reactions and outright incitement to violence by prominent political figures (see below).</p> <p>During the IDAHO week -14-18 May 2012- all 3 organisations are planning to conduct a number of street actions and awareness raising campaigns.</p>
Hate crimes and police misconduct	<p>Criminal law in Albania doesn't refer to sexual orientation or gender identity as bias motives of crimes. There are a number of cases of bias motivated crimes committed against LGBTI people in 2011. Transgender people have been particularly targeted for such crimes including by police.</p> <p>In August 2011, 6 police officers seriously assaulted a transwoman in Tirana during the investigation of the theft of a necklace in a Tirana park. The woman was part of a group of trans persons who intervened when police wanted to detain a young man as part of their theft investigation. The victim was beaten by police whilst in custody. She was forced to wear a helmet to avoid marks of bruises on her while she was severely beaten up. Despite being unable to read or write, she was asked to sign documents. At no time was she offered access to legal representation. In September 2011, another transwoman was assaulted by the police during the investigation of the same theft.</p>

	<p>Testimonies of transgender people show that they often receive death threats but when they report them, the police don't respond adequately.</p> <p>In October 2011, a gay couple from Tirana, reported to an LGBT organisation about the violence faced at home and harassment by police when seeking help. When the brothers of the gay person learned about his relationship, they have attacked and threatened to kill them. The couple then went to police to complain and seek protection only to be detained and ridiculed by police for more than 10 hours without any explanation. The organisation has filed a complaint to the office of the Commissioner for Protection from Discrimination in Albania and requested Tirana Police to investigate and punish the responsible officers for their misconduct.</p> <p>Most cases of homophobic and transphobic violence remain unreported due to the lack of trust in law enforcement authorities.</p> <p>In December 2011, Aleanca LGBT has established cooperation with police with the aim to raise their awareness on LGBTI issues. In 2012 the organisation was invited to be part of a working group established by the State police academy and Albanian State Police at the International Criminal Investigative Training and Assistance Program (ICITAP) to revise the curricula of the police academy. In 2012 Aleanca will be working closely with the ICITAP to continue training the police.</p>
<p>Hate speech</p>	<p>The level of homophobia and transphobia stays high including amongst public professionals and political leaders who sometimes blatantly call for discrimination and violence against LGBTI people.</p> <p>In October 2011, MP Tritan Shehu stated that 'homosexuality is a deviation from the norm'.</p> <p>In March 2012, in response to the announcement of the Festival of Diversity by Pink Embassy Albania's Deputy Defense Minister Mr. Spahiu called to homophobic violence against the participants of the gathering. He told media that "My only commentary on this gay parade is that they should be beaten with batons". His party members supported him by stating that homosexuality was a "vice, misfortune and a curse". During a TV debate the vice president of the party threatened one of the LGBT activists present in the debate to 'cut her throat'. To the question on what he would do if his son was gay he responded that he 'would shoot him in the head.'</p>

	<p>The Prime Minister, Mr. Berisha, rebuked the Deputy Minister's remarks, saying that Albania and its capital were a place of tolerance and diversity. In some cases- as the one by Deputy Defense Minister, mentioned earlier-those statements call for violence against LGBTI people. 48 Human Rights organisations and activists signed a joint letter in support of LGBT cause condemning the unacceptable statement of the vice Minister for Defence Mr. Ekrem Spahiu and requesting his resignation. Aleanca LGBT and Pro LGBT made a criminal charge against Mr. Ekrem Spahiu under Article 226 of the Criminal Code in the Republic of Albania.</p>
<p>Equality and non-discrimination</p>	<p>Since 2010 Albania has a comprehensive anti-discrimination law and a Commissioner appointed to enforce that law. LGBT organisations in Albania have submitted a number of discrimination complaints to the Commissioner since.</p> <p>In October 2011, the Commissioner for Protection against Discrimination upheld the complaint by LGBT organisations against a Member of Parliament and Vice Chairman of the Commission of Labour, Social Issues and Health, who, during a hearing of the Commission on the International Day Against HIV/AIDS, had said that homosexuality was a disease and should be treated with hormones. The Commissioner for Protection against Discrimination sent a letter to the MP concerned recommending that he avoid discriminatory remarks, which cause an atmosphere of tension and unfriendliness towards the LGBT community in Albania. The letter also recommended that all possible guarantees be put in place so that the thoughts, opinions and remarks of the LGBT community are heard, evaluated and taken into consideration, when they are directly involved on specific topics, in order to help the community to fully enjoy its rights and freedoms.</p> <p>The Commissioner also started ex officio investigations on the statements made by Minister for Defence Mr. Ekrem Spahiu on 24 March, 2012.</p> <p>The Ministry of Labour, Social Affairs and Equal Opportunities established a working group to devise a strategy regarding the needs of the LGBT community. In July 2011, a conference was organised by the Ministry of Labour, Social Affairs and Equal Opportunities for the purpose of creating the strategy and the action plan on LGBT. LGBT organisations have been consulted and contributed to the strategy.</p>