

# ILGA-Europe's submission to the European Commission's 2010 Progress Report on Albania

Brussels, May 31, 2010

## 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 2009 and 2010 the LGBT community in Albania gained considerable visibility in contrast to the previous years. This was largely due to an excellent work done by a group of young LGBT people and their supporters who organized various community building activities. The mentioned group has registered an organization called Aleanca Kunder Diskriminimit LGBT (Aleanca) in November 2009. Apart from regular parties and groups discussions organized for LGBT community, Aleanca<sup>1</sup> volunteers also do awareness raising campaigns and public actions. On 17 May, 2010, the International Day Against Homophobia and Transphobia, they organized public action painting old benches in one of the parks in Tirana in rainbow colors with 'Stop homophobia' signs.<sup>2</sup> Another LGBT organization called LGBT Pro has been registered in 2010. There are some other organizations who work specifically with MSM community within HIV/AIDS programmes.</p> <p>There have been no attempts to organize Pride parades in Albania so far.</p> |
| <b>Homophobic and transphobic violence/hate crime and hate speech</b> | <p>There is no hate speech and hate crime legislation in Albania. The Albanian Criminal Code does not contain provisions that expressly enable the bias motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing.<sup>3</sup></p> <p>The increased visibility of the LGBT people and the adoption of a comprehensive anti-</p>  |

<sup>1</sup> Aleanca is also a partner organization with ILGA-Europe within the framework of 'Step Up! Stronger LGBT movements for equality in the Western Balkans'.  
[http://www.ilga-europe.org/europe/what\\_we\\_do/developing/projects/step\\_up](http://www.ilga-europe.org/europe/what_we_do/developing/projects/step_up)

<sup>2</sup> [http://www.gaylbania.com/index.php?option=com\\_content&view=article&id=610&catid=44&Itemid=183&lang=en](http://www.gaylbania.com/index.php?option=com_content&view=article&id=610&catid=44&Itemid=183&lang=en)

<sup>3</sup> <http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>

discrimination law (presented to public as a 'gay rights law' or 'gay marriage law') triggered aggressive public reaction. 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 were threatening to beat him up and even to kill him, 'burn him with benzene' etc. 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.<sup>4</sup>

The Report by the Commissioner for Human Rights Thomas Hammarberg on his visit to Albania in 2007 states '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'.<sup>5</sup>

Indeed, violence and maltreatment of LGBT people by the police is a serious concern in Albania. In one case, the victim describes in a gay portal how he has been beaten up by 2 police officers in a park while called 'faggot' and other derogatory words<sup>6</sup>.

The results of the small-scale survey conducted in 2006 by GISH with LGBT community revealed that 10% had experienced violence at the hands of the police and, evidently, trust in state institutions to uphold their rights was very low, with only 9% trusting the courts, and only 4% trusting the police<sup>7</sup>.

Indeed, most cases of violence and discrimination in the country go unreported.

<sup>4</sup> Report by Aleanca to ILGA-Europe, May 5, 2010

<sup>5</sup> Report by the Commissioner for Human Rights Mr. Thomas Hammarberg, Strasbourg, 18 June 2008-

<https://wcd.coe.int/ViewDoc.jsp?id=1327977&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>6</sup> <http://gayswithoutborders.wordpress.com/2007/12/05/homophobia-in-albania/>

<sup>7</sup> "Survey Research With The LGBT Community In Albania" – GISH – Albania, Summer 2006. There were 87 respondents to the survey.

*Economic and social rights*

**Discrimination/  
Anti-discrimination  
policies**

Comprehensive anti-discrimination law was adopted on February 4, 2010 and took effect on March 13. 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.

The adoption of the law opened up a public discussion on LGBT rights but as mentioned in the report by Aleanca 'The debate on homophobia and discrimination of LGBT individuals has no proper moderator, that would know how to create a public area for different actors, such as the Human Rights organizations, media and participants from the civil society to meet and openly discuss a strategy to eradicate the Albanian intolerance toward sexual diversity. This role is trying to be fulfilled by foreign diplomatic representations in the country, while in fact should be under the direction of anti-discrimination and gender mainstreaming governmental strategies. These strategies are almost completely missing in the Albanian educational and cultural institutions, also regarding the states administration and private enterprises.'

Although, as mentioned earlier LGBT people in Albania gained some visibility in recent, many still conceal their sexual orientation and gender identity and refrain from speaking about their rights out of a legitimate fear of discrimination and stigmatization. The same survey by GISH showed that 90% of respondents concealed their sexual orientation from family and friends and 93% concealed their sexual orientation in the workplace or at school.<sup>8</sup>

Although no official date is available on discrimination cases, LGBT organizations have received informal reports from individuals who were beaten, harassed and insulted on the streets; denied services; fired from their employment, or subjected to discrimination due to their gender expression and sexual orientation. Most discrimination cases, however, go unreported.<sup>9</sup>

<sup>8</sup> ibid

<sup>9</sup> <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136016.htm>