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## Situation and treatment of homosexuals; state protection and support services (2007- September 2010)

Homosexual acts were decriminalized in Albania in 1995 (*Balkan Insight* 24 June 2010; Pink News 24 June 2010; Freedom House 2010).

Media sources and human rights organizations indicate that there are high levels of homophobia in Albania (Human Rights Watch 16 Feb. 2010; *The Human Rights Brief* 3 Mar. 2010; *Balkan Insight* 5 Dec. 2007). Media sources report that the gay community has been primarily underground (BBC 30 July 2009; Reuters 5 Feb. 2010). In a telephone interview with the Research Directorate on 10 September 2010, an LGBT rights activist from the US with a Ph.D. in Anthropology, who lived in Albania, participated in the US embassy speakers program and was a founding member of the Tirana-based LGBT rights organization Aleanca Kunder Diskriminimit te LGBT (Gay-Straight Alliance Against LGBT Discrimination), stated that there are no gay clubs or neighbourhoods in Albania and that hardly anyone is public about being LGBT. According to *Balkan Insight*, an online publication produced by the Balkan Investigative Reporting Network (BIRN), most homosexuals in Albania do not reveal their sexual orientation, "fearing that if it is discovered their safety will be endangered" (24 June 2010).

According to human rights observers, LGBT people in Albania are subject to "intolerance, physical and psychological violence" (*Balkan Insight* 24 June 2010; *Human Rights Brief* 3 Mar. 2010; Council of Europe 18 June 2008, No. 96). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2009* indicates that during 2009 there were cases where individuals were beaten, harassed, fired from employment, or denied services because of their sexual orientation (US 11 Mar. 2010, Sec. 6). *Balkan Insight* similarly states that those who are open about their sexual orientation have faced job loss, threats and possible rejection from their families (5 Dec. 2007).

*Country Reports 2009* states that in June 2009, a man pled guilty to murdering his brother because of his sexual orientation, and was sentenced to eight years in prison (US 11 Mar. 2010, Sec. 6). *Balkan Insight* reports that in September 2009, a transgender person was stabbed to death in Tirana (21 Sept. 2009). The LGBT Rights Activist corroborated that these two murders of LGBT people occurred in 2009 (10 Sept. 2010). She also reported that a woman was injured in 2010 when she was stabbed because of her sexual orientation (LGBT Rights Activist 10 Sept. 2010). In addition, she noted a case where a gay man was in hiding for one and a half years because of death threats made by his family and a case where a woman was beaten by family members and then confined to her home when they discovered that she was a lesbian (*ibid.*). However, she indicated that there has been almost no research or data collection on LGBT issues or hate crimes in Albania (*ibid.*). She stated, "[m]uch of the mistreatment and violence faced by LGBT people is not documented. There are few NGOs that document these issues, there is little governmental interest, and most LGBT people would be too fearful to report cases of discrimination, violence or mistreatment" (*ibid.*).

According to the LGBT Rights Activist, transgender people face particular difficulties in Albania; the few people who are visibly transgender are regularly denied services and have few opportunities for employment other than prostitution (*ibid.*).

Media sources state that there were a series of small protests against homosexuals in the northern Albanian town of Lezha after a gay man from Lezha publicly declared his sexual orientation on a popular reality television show in February 2010 (*Balkan Insight* 24 June 2010; Pink News 24 June 2010). According to the LGBT Rights Activist, the protests occurred over the course of three weeks and the police did not take any action, even though the protestors did not have a permit and used hate speech (LGBT Rights Activist 10 Sept. 2010). The LGBT Rights Activist also stated that this man has received death threats and his family moved out of Lezha because they felt unsafe (*ibid.*). Further information about this incident could not be found among the sources consulted by the Research Directorate.

### State Protection

The Albanian parliament approved an anti-discrimination law on 4 February 2010 which protects Albanians from a number of forms of discrimination, including on the grounds of sexual orientation and gender identity (Human Rights Watch 16 Feb. 2010; ILGA Europe 5 Feb. 2010; *Human Rights Brief* 3 Mar. 2010). Article 1 of the law, which outlines the law's objective, states:

This law regulates the implementation of and respect for the principle of equality in connection with gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, restricted ability, affiliation with a particular group or for any other reason. (Albania 2010)

The law outlines detailed provisions for the protection from discrimination in employment, in education, and in the field of goods and services (Albania 2010, Chapters II, III, IV). The law calls for the establishment of an independent, state-funded Commissioner for Protection from Discrimination who "assures the effective protection from discrimination and from every other form of conduct that incites discrimination" (*ibid.*, Chapter V, Art. 21, 22).

Sources indicate that the anti-discrimination legislation was unanimously approved by parliament (Human Rights Watch 16 Feb. 2010; Human Rights Brief 3 Mar. 2010; ILGA Europe 5 Feb. 2010). Several sources report that when the legislation was proposed in 2009 by the Prime Minister, he also stated support for legalizing same-sex marriage, which faced opposition from religious leaders (*Balkan Insight* 31 Aug. 2009; BBC 30 July 2009; Reuters 5 Feb. 2010). Several sources note that the anti-discrimination legislation is meant to facilitate European Union (EU) integration (LGBT Rights Activist 10 Sept. 2010; *Balkan Insight* 31 Aug. 2009; BBC 30 July 2009; *Human Rights Brief* 3 Mar. 2010).

According to the LGBT Rights Activist, whether there is willingness to implement the anti-discrimination law remains questionable since Albanian laws are sometimes not implemented (10 Sept. 2010). She noted that the new legislation has not yet had an effect on the day-to-day lives of LGBT people in Albania, has not increased their sense of security, nor changed the possibility of discrimination in employment, housing, healthcare, or other sectors (LGBT Rights Activist 10 Sept. 2010).

She stated that as of August 2010, the government had appointed the Commissioner for Protection from Discrimination, but that there was no office or supporting staff for the Commissioner (*ibid.*). She was not aware of any training sessions for police regarding the anti-discrimination law or LGBT rights (*ibid.*). Further information on government actions to implement the new legislation could not be found among the sources consulted by the Research Directorate.

*Country Reports 2009* indicates that, according to NGOs, the police "routinely harassed" homosexual persons (US 11 Mar. 2010, Sec. 6). Similarly, the Council of Europe's Commissioner for Human Rights reports that LGBT people have been subject to "mistreatment" by police (Council of Europe 18 June 2008, No. 96). Freedom House notes that discrimination against homosexuals by law enforcement "remains strong" (Freedom House 2010). A 2007 *Balkan Insight* article provides details on two cases in which homosexuals were subject to mistreatment by Albanian police (5 Dec. 2007). In one example, a member of the LGBT community stated that police officers dragged him away from a park and kicked him repeatedly while calling him a "faggot" (*Balkan Insight* 5 Dec. 2007). In another example, the Director of the Albanian Human Rights Group (AHRG), a non-profit and non-governmental organization (NGO) based in Tirana (AHRG n.d.), cited a case where a person was "harassed and tortured by police" and prevented from attending school (*Balkan Insight* 5 Dec. 2007). The LGBT Rights Activist stated that LGBT people are still reluctant to go to the police with their problems and view the police as a source of harassment rather than protection (LGBT Rights Activist 10 Sept. 2010).

### Support Services

According to the LGBT Rights Activist, services for LGBT people in Tirana are very limited; there are no social supports or counsellors and little assistance for people facing difficulty (*ibid.*). She was aware of four organizations, all based in Tirana, which work specifically on LGBT issues: Aleanca, LGBT Pro, the Albanian Lesbian Gay Association, and Society for Gay Albania, although the latter two organizations are involved mainly in condom distribution (*ibid.*). She stated that LGBT Pro is a new organization affiliated with the Children's Rights Centre and receives funding from a Dutch NGO (*ibid.*). According to their website, Aleanca was founded in 2009 and "strives to support and empower a

visible and inclusive lesbian, gay, bisexual, and transgender community while increasing public understanding, education, and awareness of issues of sexual orientation and gender identity" (Aleanca n.d.). According to the LGBT Rights Activist, Aleanca is a grassroots organization and organizes weekly lesbian and gay parties (LGBT Rights Activist 10 Sept. 2010). Their website also indicates that they are involved in public education campaigns and organized activities for the 2009 International Day Against Homophobia (IDAHO) (Aleanca n.d.).

According to the LGBT Rights Activist, there are no LGBT organizations outside Tirana, and the current LGBT organizations have little capacity to do outreach beyond Tirana (LGBT Rights Activist 10 Sept. 2010). She characterized the situation for LGBT people in these areas as "bleak" (ibid.). The LGBT Rights Activist expressed the opinion that someone facing threats because of his or her sexual orientation would have difficulty finding security in a different region or city of Albania (ibid.). In her view, Albania is a small country which is "intensely social networked," and people are identified by their accents and recognized through connections with their hometowns and families (ibid.). She believes that it would be difficult for someone to remain anonymous and find a way to make a living, since unemployment is high and most jobs are found through social connections rather than based on merit (ibid.). This information could not be corroborated by the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** Attempts to contact representatives of the Albanian Helsinki Committee, the Albanian Human Rights Group (AHRG), Aleanca Kunder Diskriminimit te LGBT (Gay-Straight Alliance Against LGBT Discrimination), and officials from the Albanian Embassy in Ottawa were unsuccessful within the time constraints of this Response.

**Internet sites, including:** Albanian Helsinki Committee, Amnesty International (AI), European Country of Origin Information Network (ecoi.net), Human Rights First, International Crisis Group, International Gay and Lesbian Human Rights Commission (IGLHRC), Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld.

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