



The Alliance Against Discrimination of LGBTI and ILGA WORLD.

**Joint Written Contribution on the Position of LGBTI+ Women to the Consideration
of the 5th Periodic Report Submitted by Albania (CEDAW/C/ALB/5) to the
Committee on the Elimination of Discrimination against Women (CEDAW)**

09 September, 2023

List of Abbreviations

CEDAW- Committee on the Elimination of Discrimination against Women

CPD- Commissioner for Protection from Discrimination

CSO- Civil Society Organization

ECRI- European Commission against Racism and Intolerance

GNC- Gender Non-Conforming

GoA- Government of Albania

LBTI+- Lesbian, Bisexual, Transgender, Intersex Women

LGBTI+- Lesbian, Gay, Bisexual, Transgender, Intersex

NAP- National Action Plan

PEP- Post-Exposure Prophylaxis

PrEP- Pre-Exposure Prophylaxis

SOGIESC- Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

UPR- Universal Periodic Review

Statement of Interest

Aleanca LGBTI is an Albanian Civil Society Organization (CSO) that envisions an Albanian society devoid of discrimination; one that is open, egalitarian, and accommodating of diversity across all sexual orientations and gender identities. Our central mission is to promote and safeguard LGBTI+ human rights, extend support, empower, and amplify the visibility of LGBTI communities as well as LGBTI sex workers within Albania. This mission extends to bolstering advocacy tools and capacities to ensure a meaningful engagement at policy-making levels, while simultaneously facilitating the development and implementation of policies that squarely address the issues faced by LGBTI communities. Moreover, our pursuit encompasses the documentation of human rights violations encountered by the LGBTI+ communities in the country. Integral to our objective is securing legal recognition for same-sex couples, transgender individuals, and rainbow families through strategic litigation.

ILGA World –is a worldwide federation of more than 1,700 organizations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights. We work to achieve and maintain recognition and protection of the human rights of people with diverse SOGIESC by the United Nations and other global institutions. We also collect reliable, evidence-based data on laws towards our communities, and produce guides that are crucial resources in the hands of human rights defenders, including the *State-Sponsored Homophobia* report and the *Trans Legal Mapping Report*. We also support LGBTI organizations around the world with capacity building trainings and organize world and regional conferences to provide them with occasions to network and strategies.

In representation of the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI+) communities in Albania, in response to the 5th periodic report submitted by the Albanian Government (GoA) scheduled for consideration during the 86th session of the Committee on the Elimination of Discrimination against Women (CEDAW), it is with utmost respect that we present this parallel report.

Aligned with the structural framework of report CEDAW/C/ALB/5, regarding the list of presented issues, our intent is to provide a lucid and precise overview on the implementation of the Convention obligations by the Albanian State, particularly in relation to the multifaceted challenges confronting the LGBTI+ communities in Albania. Discrimination against lesbian, bisexual, transgender, and intersex women (LBTI+) is still very prevalent, especially regarding access to healthcare, education, justice, employment and housing. Women of the LBTI+ community continue to experience physical aggression and hate speech, while there is no legal recognition for lesbian¹* couples, children born in de facto lesbian* families, and transgender women².

This parallel report is the result of a rigorous analysis and insight from experts affiliated with the LGBTI Alliance. All the insights have been derived from substantial experience and daily engagement with the LGBTI+ communities and national institutions.

***We extend our gratitude for the consideration
of this substantial contribution
on behalf of all LBTI+ communities in Albania!***

¹ Lesbian*- This report uses the term to describe women of different sexual orientations in relationships with other women, regardless of their sexual orientation.

² European Commission Report on Albania, 2022, p. 36.

Methodology

The methodology employed in this report combines both qualitative and quantitative research techniques. The dataset used is based on recent investigations conducted by the LGBTI+ Alliance. This dataset includes findings from four focus groups involving members of the LGBTI+ communities. Additionally, a dedicated questionnaire was administered to 150 LGBTI+ respondents to gather important insights on healthcare access, education, housing, employment, and legal protections. Furthermore, a round table discussion was organized with four partner organizations.

Regarding qualitative research methods, the report adopts a doctrinal and analytical approach. This involves evaluating the existing legal framework and conducting an extensive review of various reports that address the state of LGBTI+ rights at both the national and regional levels. It also considers reports produced by independent human rights bodies in Albania, including the Ombudsman and the Commissioner for Protection from Discrimination.

It's important to note that the report's structure follows the list of issues presented by the fifth periodic report CEDAW/C/ALB/5 submitted by the Albanian state, which is scheduled for consideration during the 86th session of the Committee on the Elimination of Discrimination against Women (CEDAW).

1. Information on the Implementation of the Provisions of the Covenant

1.1 Article 1-2 – Definition of Discrimination, Condemnation of discrimination against women in all its forms

A. Constitution of the Republic of Albania

1. Albania's Constitution lacks dedicated provisions safeguarding the rights of LGBTI+ women. While Article 18 outlines the prohibited grounds for discrimination, it does not explicitly address crucial aspects such as sexual orientation, gender identity and expression, or sex characteristics (SOGIESC).
2. In 2017, the Albanian Parliament put forth a series of proposed amendments to the Constitution. Among these proposed changes was a revision to Article 18, which aimed to introduce the term "SOGI" into the text. Despite initial positive expectations, this alteration was met with vehement opposition from several Members of Parliament, who resorted to hate speech and discrimination against the LGBTI community. Additionally, a number of religious leaders publicly voiced their disapproval of these proposed changes. In a surprising turn of events, mere days prior to the anticipated ratification of the constitutional amendments, the governing party withdrew its support for the revision to Article 18. As a result, the article remained unaltered. Since that pivotal moment, no significant progress has been made in relation to amending the constitutional safeguards to explicitly encompass the grounds of SOGI.

B. Law no. 10 221, dated 04.02.2010 "On protection from discrimination", as amended

3. Law no. 10221³, as amended, upholds equality and non-discrimination, explicitly recognizing gender identity, sexual orientation, and sex characteristics as grounds for protection (Article 1). Article 18 places an emphasis on the education of the entire population and specifies specific measures in favor of women and girls who are more likely to face discrimination due to their gender identity or sexual orientation, among other factors (referred to in Article 1).
4. Despite a comprehensive⁴ legal framework against discrimination towards the LGBTI+ communities, its implementation falls short. Reported cases of discrimination to state and independent bodies remain scarce, mirroring limited public awareness about the law's provisions.
5. Hate speech and discriminatory language in the media, especially online, and from politicians and criminal offences and discrimination against members of the trans-community (especially transgender women) remain a problem⁵. The Commissioner's rulings have identified discrimination only in 2 cases reported in the timeframe 2020-2022 by LGBTI+ community members, where there appears a problematic approach toward acknowledging discrimination in situations where a fine line is drawn between hate speech and freedom of expression. This is

³ Law No. 10 221, date 04.02.2010 "On Protection from Discrimination", as amended.

⁴ Information paper on protection against sexual orientation, gender identity and expression, and sexual characteristics (SOGIESC) discrimination, International Labour Standards Department (2019).

⁵ European Commission Report on Albania, 2022.

despite the fact that the standards established by international human rights courts in this regard unequivocally lean towards a zero-tolerance stance against hate speech.

6. While the legal framework for safeguarding the rights of LBTI+ women may appear comprehensive, its practical enforcement falls short. Reports of discrimination within the community remain scarce, as does awareness about the protective measures provided by this legislation. Surprisingly, a significant portion of our survey respondents, approximately 63%, were unaware of the Commissioner for Protection against Discrimination's existence. Furthermore, a striking 86% of those who were aware and had experienced discrimination had never lodged a complaint with the Commissioner's office.
7. Our survey findings reveal that 40% of LBTI+ respondents have personally encountered violence or discrimination in the past two years. Additionally, 50.2% were aware of another LBTI individual who had experienced similar challenges. Disturbingly, 78% of these incidents were linked to the respondents' LBTI status. Despite this, a staggering 89% of respondents opted not to report instances of violence or discrimination to any state institution, including the Commissioner's office.

C. **Criminal Code of the Republic of Albania**

8. Revisions to the Criminal Code⁶ have yielded advantages for the LGBTI+ community by rectifying deficiencies found in its prior iteration. Notably: a)Article 50 outlines aggravating circumstances, specifically citing sexual orientation and gender identity as motives for harsher penalties in relevant criminal offenses; b)Article 100 deems homosexual relations with minors a criminal offense; c)Article 101 specifies that forcibly engaging in homosexual intercourse with minors is punishable by imprisonment, safeguarding minors' sexual integrity; d)Articles 100 and 101 apply universally to juvenile victims, irrespective of their sexual orientation or gender identity; e)Articles 102/a - 107/a extend protection by criminalizing offenses that use physical or psychological violence to coerce homosexual intercourse.
9. Despite the presumably favorable intents behind these regulations, it is noteworthy that the term 'homosexual' appears more than 21 times in the Albanian penal code. This frequent mention provides a legal framework that categorizes persons based on their sexuality, inadvertently contributing to their continued social othering. These legal provisions solely acknowledge minors as victims of sexual violence resulting from heterosexual or gay relationships. They also give recognition to women and girls in heterosexual partnerships where the perpetrator is male, as well as to men and boys in same-sex relationships. However, these prohibitions disregard the broader fact that gay partnerships include not just homosexual men, but also lesbian, bisexual, queer, and pansexual women and gender non-conforming individuals (GNC)."⁷
10. Cybercrime Provisions Gap: Notably absent are provisions addressing cybercrimes that incite hate speech, discrimination, and conflict against LBTI+ individuals.
11. Albania's law forbids and penalizes sex work, a provision that disproportionately affects transgender women, who are often engaged in this activity. Since transgender individuals face challenges in changing their gender markers, they are at risk of arrests, arbitrary sentences, and exposure to discrimination and violence while incarcerated with individuals of the same sex. This violation of their rights, particularly their dignity and physical integrity, is primarily linked to their gender identity and expression.
12. Back in 2012, the Commissioner for Protection against Discrimination advocated for the decriminalization of sex work, in response to the extremely precarious situation faced by transgender sex workers. This move was in line with the recommendations from CEDAW's 2010 periodic report. However, in 2015, despite international advice and following hearings before the Supreme Court and the Constitutional Court, the Constitutional Court decided to maintain Article 113 of the Criminal Code, which criminalizes prostitution. Disturbingly, in just the past two years, around twenty transgender women affiliated with the LGBTI Alliance have stated that sex work is their sole source of income.

D. **Law no. 22/2018 "On social housing"**

13. The law on social housing⁸ is one of the most important national remedies for members of the LBTI+ community, especially for transgender women as the target group most affected by housing problems. The law directly addresses the community as a group of interest.

⁶ Law No. 7895, dated 27 January 1995, "The Criminal Code of the Republic of Albania", as amended.

⁷ Link to the article: <https://www.reporter.al/2023/07/18/gjuha-e-kodit-penal-shqiptar-ruan-stigmen-rreth-homoseksualitetit/>

⁸ Law no. 22/2018, "On Social Housing".

14. However, the realities faced by LGBTI+ individuals are complex. Due to violence, discrimination, stigma, bullying, and limited employment opportunities, community members often see the capital city as the only escape to being free, and to realize their right to an undisturbed life. Along with relocation, their need for accommodation arises. Challenges in securing housing persist due to ongoing discrimination, presenting an obstacle for community members. Notably, between 2019 and 2023, 20 transgender women faced evictions from their landlords solely due to their gender identity. Among the primary contributors to the housing problems lies the inability to access social housing programs provided by local municipalities, owing to concerns of compromised confidentiality within the scoring system. Here, personal information and one's LGBTI+ status risk becoming public, even when individuals have not disclosed this information to their families or broader social circles.
15. Furthermore, the absence of certain crucial laws compounds the challenges posed by this legislation. This gap hampers proper implementation, as pointed out in an article published by portavendore.al⁹. In numerous instances, due to this legal void, institutions still resort to referencing provisions from the previous law when dealing with diverse elements encompassed by the current legislation.
16. In matters of inheritance rights, LGBTI+ women often face the unsettling prospect of threats from their parents or other family members. These threats may force them into a situation where they feel compelled to alter their sexual orientation or gender identity in order to avoid being disinherited.

1.3 Article 10 – Education

17. LGBTI+ women, due to their sexual orientation, gender identity, and non-conforming gender and sex traits, often find themselves targeted by academic personnel and peers within educational settings. Unfortunately, this targeting frequently leads to dire consequences, ranging from psychological pressure, abuse, and bullying to outright physical assault. This relentless discrimination forces many students to discontinue their education and drop out of school.
18. From the survey designed for the purposes of this reporting, it was found that approximately 48% of respondents had completed higher education, 23% had finished regular high school, 10% had completed compulsory education, 12% had pursued postgraduate studies, and 6% had completed less than 8/9 grades (equivalent to the compulsory education framework in Albania). When asked about the factors that prevented them from completing compulsory education, respondents most commonly cited reasons such as gender-based violence and/or their LGBTI+ status, economic constraints, and family rejection.
19. Discrimination, unequal treatment, bullying and violence in educational institutions remain among the main issues faced by LGBTI+ women attending school and academia¹⁰. In this line, 50% of our respondents reported that they had faced discrimination in educational settings by peers, while 30% of them stated that discrimination came from academic staff and school principals.
20. Educational environments emerge as the primary spaces for LGBTI+ discrimination, followed by the family setting, backed by annual reports and recent survey results. Only 18% of our respondents described the Albanian school environment as safe for LGBTI+ girls and women.
21. Despite efforts to train educational staff within the framework of the National Action Plans (2016-2023), about 75% of the LGBTI+ respondents believe that teachers and school principals remain uninformed about LGBTI+ issues. Over five years, 25 cases reported to the LGBTI Alliance involve individuals leaving education due to bullying and societal pressure¹¹. 80.2% never reported discrimination due to fear of exposure and further mistreatment.
22. Presently, the existing school curricula fall short in adequately addressing the informational needs of the LGBTI+ community. Sex education, often presented from a heteronormative perspective, leaves LGBTI+ individuals with fragmented knowledge about relevant issues. Remarkably, 96% of our respondents indicated that school curricula lacked accurate, unbiased, and essential information concerning the LGBTI+ community and the specific concerns of LGBTI+ women. This deficiency persists despite the fact that addressing these issues has been a central objective in both previous and current National Action Plans (NAPs) aimed at improving the situation of the LGBTI+ community in Albania.

⁹ Link to the article: <https://portavendore.al/2020/02/18/ligji-i-ri-per-strehimin-bashkia-e-tiranes-sorollat-te-pastrehet-me-ligjin-e-vjeter/>

¹⁰ Nini. D, (n. 15), p. 17.

¹¹ Nini. D, (n. 15), p. 14.

1.4 Article 11- Employment

23. The Labour Code¹² amended in December 2015, prohibits discrimination in employment and professions on the grounds of SOGI. Article 9 defines discrimination as any differentiation, exclusion or preference threatening the individual right to be equal in terms of employment and treatment. Article 32 states that moral and sexual harassment and derogatory comments against the employee's dignity and personality are prohibited.
24. Despite recent favorable amendments, the reality remains grim for lesbian, bisexual, transgender, and intersex (LBTI+) women who continue to experience significant workplace inequality and discrimination. According to this report's findings, nearly 33% of surveyed LBTI+ individuals currently hold regular employment contracts. In contrast, 15.5% are employed informally, lacking the legal protection of a regular contract, which renders them uninsured according to the law. Additionally, 28.1% of LBTI+ women surveyed have previously been employed but currently struggle to find employment, while 28% are neither currently employed nor have ever held regular employment.
25. In a democratic society, holding a regular employment contract is the sole means to earn legal income and access health and social insurance coverage. Consequently, approximately 70% of our respondents find themselves without insurance and in an economically precarious situation, complicating their pursuit of financial independence.
26. Notably, in Albania, women face difficulties in attaining financial and personal independence from their families, and within the LBTI+ community, transgender and lesbian women appear to be particularly affected by family conflicts. They endure parental pressure regarding their gender non-conforming appearance and behavior, both in public and within the family sphere, often seen as an affront to family honor.¹³
27. A significant portion of our respondents, approximately 25%, indicated that their appearance makes it nearly impossible to secure a regular employment contract. Among employed LBTI+ women, a striking 80% reported that the income they earn from their jobs does not cover all their living expenses independently from their family members. Regrettably, transgender women within this group remain the most affected by these challenges.
28. Unsafe working environments further exacerbate employment issues for LBTI+ women. When asked to assess the safety of their most recent workplace, 55% of respondents reported experiencing discrimination due to their LBTI+ status. Surprisingly, 73% of them had never disclosed their sexual orientation or gender identity to their employers and colleagues. Their decisions to remain closeted were largely influenced by fears of distancing themselves from coworkers, encountering discrimination and prejudice, witnessing changes in working conditions, and facing potential administrative penalties.
29. In addition to discrimination, lesbian and bisexual women also grapple with sexual harassment in the workplace. This harassment often arises from the intersection of sexism and homophobia in conservative and patriarchal societies like Albania. These women have reported various forms of harassment, including unwelcome advances and disrespectful comments from superiors or coworkers.

1.5 Article 12 – Health (with a focus on medical care)

30. Law No. 10 138, dated 11.05.2009 "On public health"¹⁴- Article 1 of the law explicitly defines the application of its provisions to the entire population in the Republic of Albania. The general approach is maintained throughout the content of this law, which fails to specifically address the SOGIESC grounds and the issue of discrimination by medical staff towards marginalized communities;
31. Law no. 8876, dated 04.04.2002 "On reproductive health"¹⁵- This law addresses the problems that may arise in relation to reproductive health and guarantees the provision of reproductive health care service for every individual. It does not express any point regarding the prohibition of discrimination in benefiting of the guarantees it offers due to sexual orientation, gender identity and expression or sex characteristics, and does not address any issues that may arise as a result of discrimination or differentiated treatment of LBTI+ individuals by medical staff, creating ambiguity and space for the violations.

¹² Law No. 7961, dated 12.7.1995, "The Labour Code of the Republic of Albania".

¹³ UNDP, Being LGBTI in Eastern Europe: Report on Albania, 2017, p.26.

¹⁴ Law No. 10 138, date 11.5.2009, "On Public Health".

¹⁵ Law No. 8876, date 4.4.2002, "On Reproductive Health".

32. The survey conducted among LGBTI+ individuals for this report sheds light on significant challenges regarding access to medical services. A concerning 40% of participants mentioned that they either hadn't had the opportunity to access the necessary medical services or had done so only when accompanied by others. Out of the nearly 90% who had received medical care in recent years, 36% reported experiencing discrimination from medical staff during their visits. Additionally, 32% expressed discomfort in seeking these services due to the fear and anxiety surrounding potential discrimination, prejudice, or even violations within healthcare institutions. In terms of sexual and reproductive health visits, 68% of respondents revealed that they had not undertaken such visits in the last 4 years, or had deliberately avoided them even when they believed they were necessary. These decisions were driven by fears of staff misunderstanding, concerns about maintaining confidentiality, and economic difficulties. Furthermore, approximately 9.6% of respondents suffer from permanent pathologies or chronic diseases, necessitating frequent visits to healthcare institutions (more than 10 times a year). This places them at a higher risk of potential discrimination or violence, which they often encounter in these environments.
33. Currently in Albania there is no possibility to undergo hormonal therapies or sex reassignment surgeries, a fact that is emphasized in the report of the Commissioner for Human Rights- "Discrimination on the basis of sexual orientation, and gender identity in Europe", where Albania is ranked as one of the countries where predictions for specific treatments performed on transgender people are non-existent, and where rehabilitation costs after such interventions are extremely problematic¹⁶. The study of the Danish Institute for Human Rights also emphasizes the fact that the national health scheme in Albania does not cover sex reassignment surgeries, and that Albanian hospitals are not technically prepared to perform these interventions¹⁷.
34. Over the past two years, Aleanca LGBT has advocated with the Ministry of Health to begin the work on drafting a medical protocol for transgender people. This instrument will make it possible for transgender people in Albania to access hormone therapy and other specific medical treatments. The drafting work began in July 2023. The working group consists of physicians from several fields and civil society organizations.
35. The situation of intersex individuals remains extremely vague, as the exact figures regarding the number of intersex born babies remain unclear, and so does the information about the surgeries performed on them. A series of laws¹⁸ stipulates that persons undergoing surgical interventions in the Republic of Albania must give their expressed consent, but in the case of intersex infants the interventions are performed at a very young age, when the individual does not have the legal capacity to give this consent. Only in 2020, the Ministry of Health and Social Protection approved the "Medical Protocol for the Assessment of Children with Atypical Genital Development," which is currently the only official document aimed at safeguarding bodily integrity and the rights of intersex infants. This Protocol, however, does not provide adequate protection against the challenges faced by intersex individuals in the country, as Albania currently lacks a law that enforces a blanket ban on non-consensual and non-therapeutic surgeries on intersex infants.
36. The lack of retroviral medications (PrEP and PEP) still remains an obvious problem¹⁹. For years, Albania has not been able to buy and import the necessary retroviral drugs in a timely manner, which should be taken continuously and uninterruptedly by HIV patients, who during the periods when the drugs are missing are forced to change the treatment schemes, to the detriment of their health and quality of life. In addition to the lack of retroviral drugs for long periods of time, individuals with HIV also face a lack of CD4 testing for viral load and virus resistance, forcing them to perform tests at extremely high costs near private clinics. Although Albania is considered a country with a low prevalence of the virus, the number of deaths related to HIV in the country is alarming. LGBTI and HIV+ individuals remain the category most affected by discrimination due to their HIV+ status, being subjects of double stigma, fear of discrimination, and exclusion²⁰.

1.6 Articles 15-16 – Equality Before the Law; Marriage and Family Life

¹⁶ Commissioner for Human Rights- Discrimination on grounds of sexual orientation and gender identity in Europe- 2nd edition: section 5.2

¹⁷ The Danish Institute- COWI-; Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity-Legal Report: Albania by Independent researcher K. Loloçi.

¹⁸ Law No. 10107/2009 "On health care in the Republic of Albania"; Law no. 8876/2002 "On reproductive health". ¹⁵ Law No. 10221/2010 "On Protection from Discrimination".

¹⁹Nini. D, SDGs Implementation in the Context of Albania, 2020, p. 12.

²⁰ <https://www.lgbti-era.org/news/shocking-, and-unacceptable-2020-albania-fails-its-hiv-aids-fight>

37. The Albanian Constitution does not prohibit same-sex marriage. Article 53 states that everybody has the right to get married and have children. However, the Family Code of Albania defines marriage as a union between a man and a woman.
38. Currently, no law recognizes partnership or cohabitation between persons of the same sex, in violation of constitutional guarantees. Lack of such a provision brings many practical difficulties for gay, and lesbian couples in different domains. The absence of legal recognition as next-of-kin for the same-sex partners results in potential exclusion from survivor's pensions, partner's health ²¹insurance, and the ability to reside in a deceased partner's house. In the same line, lack of recognition for same-sex relationships affects visitation privileges and access to medical records. The lack of recognition brings practical problems when couples separate, a parent passes away, or the unrecognized parent needs time off for child-related matters such as illness or disability. Also, committed same-sex partners don't have access to any tax benefits. Currently, couples of the same sex are not recognized as having the right to have children either through assisted reproductive procedures or through adoption procedures, while in any case what is sanctioned is only the right to have children as a single parent, and not as a two-parent family²².
39. Despite the Ministry of Social Welfare and Youth (now Ministry of Health and Social Protection) drafting legal proposals for changes in this regard, Albania has not taken any measures to amend the Family Law regarding the cohabitation of LGBTI+ individuals. While LGBTI civil society organizations continue to advocate through discussions and lobbying, the stance of policy makers remains unchanged. Over the years, international reports and recommendations concerning Albania have consistently underlined the absence of legislative provisions for the legal recognition of same-sex unions in the country. Notably, Recommendation CM/Rec (2010)²³ on measures to combat discrimination on grounds of sexual orientation or gender identity, latest reports by ECRI²⁴ and the European Commission²⁵ have highlighted this gap. Furthermore, during the third cycle of the Universal Periodic Review, Albania noted all recommendations associated with legal recognition of LGBTI+ individuals within the nation.
40. Forced marriages pose a significant challenge for lesbian women, who are frequently coerced into heterosexual unions by their families. These marriages can imprison them in relationships that prevent them from openly expressing their love and affection for same-sex partners, resulting in profound emotional and psychological distress and trauma.

²¹ Law No. 9062, dated 08.5.2003, "Family Code of the Republic of Albania".

²² Edlira Mara and Alba Ahmetaj are a lesbian couple that have given birth to two twins in 2020. Only the biological mother is recognized by the Albanian Civil Registry as a parent; the other mother is not granted any parental rights under the existing law. The lesbian couple filed a court case against the Albanian Civil Registry Office because they were unable to register their children under Albanian law (their children remain unregistered). Currently, the Superior Court is hearing the matter.

²³ Council of Europe, Committee of Ministers, Recommendation CM/Rec (2010)5: especially para. 23-25.

²⁴ ECRI Report on Albania (6th monitoring cycle), 2020, p. 12.

²⁵ European Commission Report on Albania, 2022, p. 36.

2.List of recommendations

This list of recommendations outlines important steps to advance the rights and well-being of the LGBTI+ women in Albania. These measures include:

1. Enacting legislation for recognizing gender identity and sex characteristics in collaboration with civil society organizations.
2. Implementing a blanket ban on non-therapeutic surgeries on intersex babies through national law.
3. Introducing legislation to ensure marriage rights for same-sex couples and to provide for the registration of children from rainbow families.
4. Updating educational curricula with impartial information on LGBTI+ topics and providing training for educators and school psychologists.
5. Drafting specific legal provisions against discriminatory language and hate speech, with specialized protection for victims based on SOGIESC grounds.
6. Amending audiovisual and online media legislation to address hate speech and discrimination, including protection based on SOGIESC grounds.
7. Raising law enforcement capacities to handle cases of hatred and discriminatory language against the LGBTI+ community.
8. Introducing specific legal provisions for cybercrimes as a subcategory of hate crimes and reinforcing law enforcement capabilities.
9. Improving access to inclusive healthcare for transgender women, enabling provision of hormone therapy, gender affirming surgeries, and specific mental health support.
10. Increasing funding for the only LGBTI shelter in the country to provide continuity and raise the capacities of the safe housing for lesbian and transgender women.

These recommendations collectively strive to promote substantial equality, inclusivity, and protection for the LGBTI+ communities in Albania, particularly for LGBTI+ women.