

# LGBTI+ Human Rights Situation in Albania

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Alliance Against Discrimination of LGBTI

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# Issue 1: Legal Framework, Discrimination, and Hate-Motivated Crimes:

- Albania's Constitution does not explicitly protect LGBTI individuals;
  - Efforts to amend Article 18 to include sexual orientation and gender identity have been blocked by parliamentarians and religious leaders since 2017;
  - Public awareness of the Law “On Protection from Discrimination” remains low, and incidents of violence and discrimination against LGBTI individuals frequently go unreported due to a lack of trust in institutions.
  - No specific and comprehensive legal provisions on Hate Speech and Hate Crimes in physical and online environments.
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- A recent survey reveals:
    - - 43% of LGBTI individuals experienced violence or discrimination in the past two years.
    - - 73.8% of these incidents were unreported.
    - - 63% of LGBTI individuals are unaware of the Commissioner for Protection from Discrimination (CPD).

# Issue 2 and 3: Family Life and Education

- The Constitution does not prohibit same-sex marriage by stating that everyone has the right to marry and have a family life (Article 53);
  - The Family Code defines marriage and cohabitation strictly as a union between a man and a woman;
  - This lack of recognition creates significant practical difficulties for same-sex couples related to property rights, inheritance, and parental rights.
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- LGBTI individuals still face severe barriers in accessing education.
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- Our surveys show:
    - 54.3% experience peer discrimination.
    - 25% face discrimination from teaching staff.
    - 92% find the curricula lacking accurate LGBTI information.

# Issue 4: Healthcare

- The Law on Public Health lacks specific protections against SOGI discrimination;
- Data shows that many LGBTI individuals avoid healthcare services due to fear of discrimination.
  
- Survey findings indicate:
  - 20% of LGBTI participants could not access medical services without accompaniment;
  - 16% faced discrimination by medical staff.
  
- For transgender individuals, there are no available sex reassignment surgeries in Albania, and national health coverage does not include such procedures;
- The Alliance and national CSOs have been collaborating with the Ministry of Health to establish a medical protocol for hormonal therapies for transgender people, which still awaits adoption.

# Issue 5 and 6: Housing and Employment

- Despite recognition under the Law on Social Housing, LGBTI individuals face discrimination and confidentiality concerns in accessing these programs;
  - Between 2019 and 2024, 22 transgender women were evicted due to their gender identity;
  - Lesbian and gay couples face hardships in renting a place because owners perceive them as LGBTI and refuse to rent to them.
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- The Labour Code prohibits discrimination based on SOGI, but high levels of discrimination persist.
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- Surveys show:
    - 40.8% of LGBTI individuals never engaged in formal employment.
    - 32% of employed respondents experienced workplace discrimination, with only 2% reporting it.

# Issue 7: Anti-LGBTI Movements

- For the past 2 years there is a visible rise of anti-LGBTI movements in the country;
- This movement is led by influential political figures, religious leaders, and public figures;
- In May 2024, a series of pro-family/anti-LGBTI protests were organized by religious representatives in Tirana, calling for the state to disable any type of legal recognition for LGBTI people;
- There has been an increasing dissemination of harmful stereotypes and hate speech against LGBTI individuals, leading to a number of physical and online hate-motivated attacks on LGBTI activists.

# Recommendations:

- 1. Amend the Constitution to explicitly protect sexual orientation, gender identity, and sex characteristics.
- 2. Enact laws for the legal recognition of gender identity based on self-determination, and same-sex partnerships, ensuring equal rights and protections.
- 3. Strengthen legal provisions on the criminalization of hate speech and hate crimes targeting LGBTI individuals.
- 4. Implement mandatory training programs for educators, law enforcement, and healthcare professionals on LGBTI issues.
- 5. Revise school curricula to include accurate information about sexual orientation, gender identity, and sex characteristics.
- 6. Develop comprehensive anti-bullying policies in schools.
- 7. Ensure access to gender-affirming healthcare services and revise national health policies accordingly.
- 8. Implement effective social housing laws and policies to protect LGBTI individuals, particularly transgender people.
- 9. Strengthen enforcement mechanisms against workplace discrimination.
- 10. Ensure the rigorous implementation of the National Action Plan for LGBTI+ Persons 2021-2027 with dedicated resources and monitoring mechanisms.