



**The Alliance Against Discrimination of LGBTI and ILGA WORLD**

Joint Written Contribution on the position of LGBTI persons  
in the framework of the  
4<sup>th</sup> CYCLE OF THE UNIVERSAL PERIODIC REVIEW  
of the REPUBLIC OF ALBANIA

**7<sup>th</sup> of March 2024**

## **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

VNR- Voluntary National 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.

We are pleased to submit this Joint Written Contribution on the position of LGBTI persons in the Republic of Albania within the framework of the 4th Cycle of the Universal Periodic Review. This submission focuses on the status of LGBTI individuals in Albania from May 2019 to February 2024, highlighting key issues and advancements towards achieving substantial equality.

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

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## **Methodology**

The methodology employed in this report combines both qualitative and quantitative research techniques to provide a comprehensive analysis of the implementation status of recommendations supported by the Albanian state during the 3rd universal periodic review, within the framework of the 4th universal periodic review (UPR).

**Quantitative Research:** The dataset utilized in this report is derived from recent investigations conducted by the LGBTI+ Alliance. This dataset comprises findings from five focus groups involving members of the LGBTI+ communities. Additionally, four dedicated questionnaires were administered to 415 LGBTI+ respondents between 2020 and 2024 to gather crucial insights on various aspects including healthcare access, education, housing, employment, and legal protections.

**Qualitative Research:** The report adopts a doctrinal and analytical approach to qualitative research. This involves evaluating the existing legal framework and conducting an extensive review of various reports addressing the state of LGBTI+ rights at both national and regional levels. Furthermore, it considers reports produced by independent human rights bodies in Albania, including the Ombudsman and the Commissioner for Protection from Discrimination.

**Structure:** It is essential to note that the report's structure aligns with the list of recommendations supported by the Albanian state during the 3rd universal periodic review, scheduled for the 4th universal periodic review. This ensures a systematic and comprehensive examination of each recommendation's implementation status, facilitating a clear understanding of progress and areas requiring further attention.

### **Overview of Recommendations in the Framework of the 3rd Cycle:**

Albania underwent a review by UPR WG 33 in May 2019, during which it received 197 recommendations. It supported 186 recommendations upon adopting its UPR outcome at Human Rights Council 42 in September 2019, reflecting an 11% increase compared to the 2nd cycle.

The focus of state efforts concerning LGBTI communities was centred on the 2016-2020 National Action Plan on LGBTI persons. The Albanian Government committed in the Voluntary National Review (VNR) to rigorous implementation of this plan.

During the 3rd cycle, Albania garnered increased attention regarding LGBTI+ communities, with eight supported recommendations. These recommendations addressed critical areas such as access to institutions and healthcare, education, combatting structural discrimination, and

capacity building for public and civil servants.

**These recommendations can be categorized as follows:**

**1. Protection from Stigma and Discrimination in Healthcare Access:** Measures were urged to ensure equal access to healthcare for LGBTI persons, including training for health personnel and awareness campaigns. Albania affirmed its commitment to combating discrimination in healthcare settings<sup>1</sup>.

**2. Effective Protection Against Discrimination in Medical Care:** Recommendations emphasized the need for measures to protect LGBTI individuals from discrimination in accessing medical care. Albania committed to implementing policies safeguarding the rights of LGBTI persons in healthcare settings<sup>2</sup>.

**3. Combat Structural Discrimination:** Efforts to promote and protect the human rights of LGBTI individuals, along with combating structural discrimination, were highlighted. Albania pledged to enhance measures aimed at eliminating systemic discrimination faced by LGBTI communities<sup>3</sup>.

**4. Implementation of National Action Plan:** Albania reaffirmed its commitment to implementing the National Action Plan for LGBTI Persons, focusing on reviewing academic curricula to address gender stereotypes and identity. This aligns with Sustainable Development Goals 5 and 10<sup>4</sup>.

**5. School Programs to Eliminate Harassment:** Recommendations called for the development of school programs to combat harassment and support LGBTI students, aiming to reduce dropout rates. Albania pledged to implement psychological support measures to address the challenges faced by LGBTI children and adolescents in educational settings<sup>5</sup>.

**6. Strengthen Policies Against Hate Crimes:** Measures to strengthen policies addressing violent offences and hate crimes based on sexual orientation and gender identity were

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<sup>1</sup> Recommendation no. 95.21 (supported)

<sup>2</sup> Recommendation no. 95.105 (supported)

<sup>3</sup> Recommendation no. 95.19 (supported)

<sup>4</sup> Recommendation no. 95.27 (supported)

<sup>5</sup> Recommendation no. 95.12 (supported)

underscored. Albania committed to collaborating with civil society and enforcing legal provisions to combat hate crimes effectively<sup>6</sup>.

**7. Addressing Persistent Discrimination:** Efforts to address ongoing discrimination against LGBTI individuals, ensure non-discriminatory access to health services, and integrate education about LGBTI persons into school curricula were emphasized<sup>7</sup>. Albania pledged to take effective measures to protect LGBTI individuals from discrimination and bullying.

**8. Protection from Bullying and Discrimination in Education:** Recommendations urged measures to protect LGBTI individuals from bullying and discrimination within the educational system. Albania committed to ensuring the safety and dignity of LGBTI students by implementing inclusive policies and educational initiatives<sup>8</sup>.

This shadow report will meticulously detail the implementation status of each recommendation, offering valuable insights into Albania's progress towards advancing the rights and well-being of LGBTI individuals. Through an examination of the legal framework, discrimination, hate crimes, education, healthcare, and capacity building, it aims to shed light on Albania's journey towards inclusivity and equality for all LGBTI+ communities.

## **1. Information on the Implementation of the Supported recommendations in fields of:**

### **1.1 Legal Framework, Discrimination and Hate-Motivated Crimes, Trust in Institutions**

#### **1.1.1 Constitution of Albania**

1. Albania's Constitution lacks dedicated provisions safeguarding the rights of LGBTI individuals. While Article 18<sup>9</sup> 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.

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<sup>6</sup> Recommendation no. 95.49 (supported)

<sup>7</sup> Recommendation no. 95.2 (supported)

<sup>8</sup> Recommendation no. 95.121 (supported)

<sup>9</sup> Constitution of the Republic of Albania, article 18.

In a surprising turn of events, mere days before 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 concerning amending the constitutional safeguards to explicitly encompass the grounds of SOGI.

### **1.1.2 Violence, Discrimination, Situation of Reporting's, Trust in Law and Order Institutions: Law No. 10 221, date 04.02.2010 "On Protection from Discrimination", as amended**

3. Law no. 10221<sup>10</sup>, as amended, upholds equality and non-discrimination, explicitly recognizing gender identity, sexual orientation, and sex characteristics as grounds for protection (Article 1)<sup>11</sup>.
4. Despite a comprehensive<sup>12</sup> law on protection from discrimination, 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 remain a problem<sup>13</sup>. In the period 2020-2022, the Commissioner for Protection from Discrimination (CPD) handled 11 cases of discrimination against the LGBTIQ community. The Commissioner's rulings have identified discrimination only in 2 cases, where there appears to be a problematic approach toward acknowledging discrimination in situations where a fine line is drawn between hate speech and freedom of expression. This is despite the fact that the standards established by international law and case-law in this regard unequivocally lean towards a zero-tolerance stance against hate speech.
6. Our survey reveals that 43% of the LGBTI respondents personally experienced violence or discrimination in the past two years. Likewise, 30.8% were acquainted with another LGBTI person who faced similar issues. Notably, 73.8% of these incidents were linked to their LGBTI status, out of which 83% of respondents chose not to report violence or discrimination to any state institution, including the Commissioner's office, mainly fearing prejudice from the staff of independent, law and order institutions, based on the experiences of other community members, and due to the lack of trust in institutions.
7. Public Awareness Gap: Despite the law's provisions, public education on protection against discrimination remains notably low. Over 63% of our surveyed LGBTI+ individuals were unaware of the Commissioner for Protection against Discrimination's

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<sup>10</sup> Law No. 10 221, date 04.02.2010 "On Protection from Discrimination", as amended.

<sup>11</sup> Ibid, article 1.

<sup>12</sup> Information paper on protection against sexual orientation, gender identity and expression, and sexual characteristics (SOGIESC) discrimination, International Labour Standards Department (2019).

<sup>13</sup> European Commission Report on Albania, 2022.

existence. Equally noteworthy, 83% of informed respondents who encountered discrimination never lodged a discrimination complaint with the Commissioner's office.

8. Over the past two years, Albania has witnessed a concerning rise in an anti-LGBT movement, spearheaded by influential political figures, religious leaders, and prominent public figures. This movement has periodically directed its hate rhetoric and actions towards the LGBTI+ communities, particularly transgender women, employing inflammatory and discriminatory rhetoric, perpetuating harmful stereotypes, and fostering public animosity. These developments are unfolding in a predominantly conservative environment, further exacerbated by the scarcity of objective information on LGBTI issues. Against this backdrop, over the past two years, Aleanca LGBT has taken proactive measures by lodging a series of complaints of discrimination and hate speech. However, it is disconcerting to note that the Commissioner for Protection from Discrimination (CPD) has established a precarious precedent in its handling of the delicate balance between hate speech, discriminatory language, and freedom of expression. Out of the six complaints filed, only one received a partially favourable decision, raising concerns about the safeguarding of these fundamental rights in the face of the growing anti-LGBTI sentiment in Albania.

### **1.1.3 Trust in Law and Order Institutions:**

9. From 2019 to 2024, trust in law and order institutions remained dismally low, with a significant portion of respondents, 48.3% in the initial period (1<sup>st</sup> two years) and 89% in the later years, expressing the lowest confidence level. High confidence was rare, expressed by only 0.9% of respondents initially.
10. The level of information among law enforcement and justice workers regarding LGBTI issues remained concerning, as 63% of LGBTI respondents rated it at its lowest. Reports of violence and discrimination against the LGBT community persisted, with 52% facing such treatment in family settings during the first two years and 43.4% personally experiencing it in the later years. Alarming, a large percentage, 74%, of these cases were directly linked to one's LGBTI status.
11. Violence and discrimination manifested across various settings, including schools (43%), neighbourhoods (38%), public spaces (60%), online platforms (48%), and even within the home and family environment (20%). Despite the prevalence of these issues, a staggering 83% of victims chose not to report their cases, with only a mere 17% receiving a final resolution.
12. Additionally, trust in institutions remained low, with 89% expressing disbelief in law and order establishments. Awareness about bodies like the Commissioner for Protection Against Discrimination is lacking, with 63% unaware of its existence.
13. Moreover, 74% were oblivious to the existence of a national action plan for LGBT people in Albania.



### 1.1.4 Criminal Code of the Republic of Albania

14. Revisions to the Criminal Code<sup>14</sup> 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 offences; b) Article 100 deems homosexual relations with minors a criminal offence; 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 offences that use physical or psychological violence to coerce homosexual intercourse.
15. Despite the ostensibly positive intentions behind these provisions, it's important to note that the term 'homosexual' appears in the Albanian penal code more than 21 times. This frequent mention creates a legal framework that categorizes individuals based on their sexuality, inadvertently contributing to the perpetuation of their societal othering. These legal clauses recognize only minors as victims of sexual violence when stemming from either heterosexual or homosexual relationships. They also extend recognition to women and girls in cases involving heterosexual relationships where the perpetrator is male, and to men and boys within same-sex relationships. However, these provisions overlook the broader reality that same-sex relationships encompass not just gay men, but also lesbian, bisexual, queer, and pansexual individuals."<sup>15</sup>
16. Cybercrime Gap: Notably absent are provisions addressing cybercrimes that incite hate speech, discrimination, and conflict against LGBTI+ individuals.
17. Criminalization of Sex Work: Albania's law prohibits and criminalizes sex work, disproportionately impacting transgender women who often engage in it. Given the inability to change gender indicators, transgender individuals face vulnerability to arrests, arbitrary sentences, and exposure to discrimination and violence among same-sex convicts. This violates their rights to dignity and physical integrity, primarily due to gender identity and expression.

### 1.2 Family

18. 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.
19. 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

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<sup>14</sup> Criminal Code of the Republic of Albania.

<sup>15</sup> Link to the article: <https://www.reporter.al/2023/07/18/gjuha-e-kodit-penal-shqiptar-ruan-stigmen-rreth-homoseksualitetit/>

practical difficulties for gay, and lesbian couples in different domains. The absence of legal recognition as next-of-kin for same-sex partners results in potential exclusion from survivor's pensions, partner's health insurance, 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 family<sup>16</sup>.

20. 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 policymakers 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)<sup>17</sup> on measures to combat discrimination on grounds of sexual orientation or gender identity, latest reports by ECRI<sup>18</sup> and the European Commission<sup>19</sup> have highlighted this gap. Furthermore, during the third cycle of the Universal Periodic Review, Albania noted all recommendations associated with the legal recognition of LGBTI individuals within the nation.

### 1.3 Education

21. LGBTI individuals often face hurdles in accessing education due to their sexual orientation, gender identity, and sex characteristics<sup>20</sup>. From our questionnaire data, it's clear that 30% of those unable to complete compulsory education cited discrimination and economic challenges as key factors. Additionally, 25% encountered difficulties

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<sup>16</sup> 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. Currently, the Superior Court is hearing the matter.

<sup>17</sup> Council of Europe, Committee of Ministers, Recommendation CM/Rec (2010)5: especially para. 23-25.

<sup>18</sup> ECRI Report on Albania (6<sup>th</sup> monitoring cycle), 2020, p. 12.

<sup>19</sup> European Commission Report on Albania, 2022, p. 36.

<sup>20</sup> European Commission Report on Albania, 2022, p. 16.

accessing high school, with 53% knowing other LGBTI individuals who faced similar hurdles.

22. Educational environments emerge as the primary spaces for LGBTI discrimination, backed by annual reports and recent survey results. Despite efforts to train educational staff within the framework of the National Action Plans (2016-2023), about 63% of respondents believe that teachers and school principals remain uninformed about LGBTI+ issues. Over five years, 25 cases reported to the LGBT Alliance involve individuals leaving education due to bullying and societal pressure<sup>21</sup> 80.2% never reported discrimination due to fear of exposure and further mistreatment.
23. Current curricula fall short of providing informative content for the LGBTI+ community. Sex education from a heteronormative stance leaves LGBTI+ individuals with fragmented knowledge about relevant issues. 93% of LGBTI respondents expressed certainty that school curricula lacked accurate LGBTI+ information during their education.
24. From 2019 to 2024, the challenges faced by LGBTI individuals in accessing and thriving within the educational system remained persistent and concerning. In the earlier period, a significant portion, 20.7%, found themselves unable to access high school, while an alarming 53% were aware of others in the LGBTI community facing similar barriers. Within the school environment, the situation was dire, with 32% of LGBT respondents deeming it totally unsafe and half of them considering it not completely safe. Discrimination was rampant, as 54.3% experienced it from their peers and 25% from teaching staff. Shockingly, a large majority, 78%, chose not to report cases of discrimination, with only 13.2% doing so, but with no resolution. Moreover, 77.6% highlighted the lack of valid and unbiased information in textbooks regarding sexual orientation, gender identity, and sex characteristics.
25. In the later years, although the overall difficulty in accessing school institutions decreased slightly to 25.5%, discrimination, violence, and economic barriers persisted. Discrimination due to LGBTI status accounted for 13.5% of cases, violence for 5.5%, and economic difficulties for 16%. Violence and victimization remained prevalent, with 20% experiencing it, yet only a fraction, 19.8%, reported it to school authorities. The educational material continued to fall short, as 92% indicated textbooks lacked independent and unbiased information on LGBTI issues, and 12% noted a total lack of awareness among school staff. Alarmingly, only 6.5% of respondents considered the school environment safe for LGBT students. These findings highlight the urgent need for comprehensive reforms within the educational system to ensure inclusivity, safety, and accurate representation of LGBTI individuals.

#### **1.4 Healthcare with a focus on Medical Care**

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<sup>21</sup> Nini. D, RISA Report, Alliance against discrimination of LGBTI (2020), p.21; Nini. D, Joint contribution to CESCER, Alliance against discrimination of LGBTI (2023), p.7.

26. Law on public health<sup>22</sup>- 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;
27. Law on reproductive health<sup>23</sup>- 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 LGBTI+ individuals by medical staff, creating ambiguity and space for the violations.
28. From the survey conducted with LGBTI+ persons, in the frame of this report, 20% of the participants stated that they had not had the opportunity to access the medical services that they needed or had accessed them only after they were accompanied by other persons. Of the nearly 80% of participants who said they had received medical care in recent years, 16% said they had been discriminated against by medical staff during their visits, while 30% said they didn't feel comfortable receiving the services because of the feeling of fear and anxiety that they would be discriminated against, prejudiced or even violated in the premises of health care institutions. Regarding sexual and reproductive health visits, 64% of the surveyed community members said that they had not made such visits in the last 4 years, and/or had deliberately avoided them even though they thought they were needed, due to the fear that they would face misunderstandings from the staff, the fear of maintaining confidentiality, but also because of their economic difficulties. About 20% of respondents said that they suffer from permanent pathologies or chronic diseases, and as a result they'd need to visit health institutions more than 7 times a year, making them a frequent target of potential discrimination or violence which they face in these environments.
29. 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 based on 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 problematic<sup>24</sup>. 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

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<sup>22</sup> Law No. 10 138, dated 11.05.2009 "On public health", as amended.

<sup>23</sup> Law no. 8876, dated 04.04.2002 "On reproductive health", as amended.

<sup>24</sup> Commissioner for Human Rights- Discrimination on grounds of sexual orientation and gender identity in Europe- 2nd edition: section 5.2

technically prepared to perform these interventions<sup>25</sup>.

30. Since two years ago, Aleanca has advocated with the Ministry of Health to begin work on establishing a medical protocol for transgender people. This procedure will make it possible for transgender people in Albania to access hormone therapy. Work on the protocol's drafting by the working committee began in July 2023. Members of this working group include physicians from several fields and civil society organizations.
31. 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 laws<sup>26</sup> 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.
32. The lack of retroviral medications (PrEP and PEP) remains an obvious problem<sup>27</sup>. For years, Albania has not been able to buy and import the necessary retroviral drugs on time, 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, 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 exclusion<sup>28</sup>.
33. Another pressing concern within the LGBTI+ community pertains to the realm of health education. Article 12 of the Reproductive Health Law enshrines the right of every individual to health education, encompassing comprehensive information and education on reproductive and sexual rights. Importantly, this right is safeguarded against any restrictions stemming from religion, philosophy, culture, or ideology. Furthermore,

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<sup>25</sup> 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.

<sup>26</sup> 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".

<sup>27</sup>Nini. D, SDGs Implementation in the Context of Albania, 2020, p. 12.

<sup>28</sup> <https://www.lgbti-era.org/news/shocking-, and-unacceptable-2020-albania-fails-its-hiv-aids-fight>

Article 13 of the Law on Prevention and Control of HIV/AIDS establishes the Ministry of Education, Sports, and Youth's responsibility to integrate information related to HIV/AIDS prevention and control into school curricula. However, insights garnered from a survey conducted among community members paint a disconcerting picture. Over 80% of respondents expressed a significant dearth of information concerning the sexual and reproductive health of LGBTI+ individuals. Notably, officially approved textbooks are lacking coverage of issues oriented toward the LGBTI+ community. Consequently, there exists a conspicuous deficiency in specialized sexual and reproductive health education tailored to LGBTI+ persons compared to their heterosexual peers. This deficit puts LGBTI youth at heightened risk of contracting sexually transmitted diseases, infections, and engaging in unsafe sexual behaviors.

34. Throughout the 2019-2024 period, significant hurdles persisted for LGBT individuals seeking access to healthcare services. From 2019 to 2021, a concerning 23.3% reported being unable to access needed health services without accompaniment, while 15% encountered prejudices related to their LGBTI status from medical staff. The situation was compounded for those with permanent pathologies, who faced a higher likelihood of encountering access problems, discrimination, and prejudice. Regarding sexual and reproductive health services, 43.1% cited barriers to full and free access, with safety concerns in healthcare settings and lack of doctor awareness on LGBTI issues being the primary reasons. Additionally, 61% avoided sexual and reproductive health visits due to fear of discrimination and perceived lack of need. In the subsequent period, from 2022 to 2024, challenges persisted, with 19% reporting restricted access to healthcare due to their LGBTI status and 15.5% facing discrimination from doctors. Safety concerns during health visits were echoed by 28% of respondents, while 60.6% avoided sexual and reproductive health services due to fear of prejudice and lack of medical staff knowledge. Alarming, 3% reported being subjected to non-consensual interventions on their intersex bodies as infants. These findings underscore the urgent need for healthcare reforms to ensure equitable access and culturally competent care for LGBT individuals.

## **1.5 Additional considerations**

### **1.5.1 Housing**

35. The law on social housing<sup>29</sup> is one of the most important national remedies for members of the LGBTI+ community, especially for transgender people as the target group most affected by housing problems. The law directly addresses the community as a group of interest.

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<sup>29</sup> Law no. 22/2018 “On Social Housing”.

36. 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.
37. Furthermore, the absence of certain crucial bylaws compounds the challenges posed by this legislation. This gap hampers proper implementation, as pointed out in an article published by portavendore.al<sup>30</sup>. 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.

### **1.5.2 Employment**

38. The Labour Code amended in December 2015, prohibits discrimination in employment and professions on the grounds of SOGIE. 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.
39. Despite the positive amendments, the reality paints a stark picture: LGBTI individuals confront significant inequalities and discrimination within the professional sphere. According to our survey findings, a notable 40.8% of surveyed LGBTI respondents are neither currently nor have ever been engaged in formal employment contracts. Conversely, 15.6% have taken up informal employment. When exploring the primary challenges encountered in the job market, respondents identified discrimination based on their LGBTI status as the foremost concern, closely trailed by limited job opportunities and reduced educational access within the LGBTI community due to barriers in the education system. Among those who reported previous engagement in regular employment over the past five years, an alarming 32% recounted instances of discrimination and bias at their workplaces, yet merely 2% of them had formally reported these cases.

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<sup>30</sup> 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/>

40. Throughout the 2019-2024 period, employment challenges persisted for LGBT individuals, highlighting systemic barriers and discrimination within the workforce. From 2019 to 2021, 30% reported never having been formally employed under a legal contract, with a quarter currently unemployed. Alarming, only a small fraction, 6.1%, indicated their salaries met basic living needs, indicating financial insecurity. In the subsequent years, from 2022 to 2024, the situation worsened, with 46.5% of LGBTI respondents unemployed within the formal job market. Furthermore, 32% of those employed reported experiencing harassment and prejudice in the workplace due to their LGBTI status, reflecting ongoing discrimination and hostility. These findings underscore the urgent need for inclusive employment policies and workplace environments that promote diversity, equity, and respect for all individuals, regardless of sexual orientation or gender identity.

## **2.List of Recommendations**

1. **Constitutional Amendments:** Amend the Albanian Constitution to explicitly include protections based on sexual orientation, gender identity, and expression and sex characteristics.
2. **Public Awareness Campaigns:** Launch public awareness campaigns to educate citizens about existing anti-discrimination laws and mechanisms, including the role of the Commissioner for Protection from Discrimination. **Legal Recognition of Gender Identity:** Enact a law that ensures legal recognition of gender identity based on the self-determination principle, allowing individuals to update their official documents to reflect their gender identity without unnecessary medical or legal barriers.
3. **Legal Recognition of Same-Sex Partnerships:** Enact a law to legally recognize same-sex partnerships, providing couples with rights and protections similar to those afforded to heterosexual couples, including access to joint property ownership, inheritance rights, and spousal benefits.
4. **Parenting Rights:** Enact laws to ensure equal parenting rights for same-sex couples, including access to adoption, assisted reproductive technologies, and parental leave, thereby recognizing and protecting the diverse family structures within the LGBTI+ community.
5. Enact a law to explicitly criminalize hate speech and hate crimes targeting LGBTI+ individuals, ensuring swift and effective prosecution of perpetrators. Strengthen protections for intersex individuals by enacting legislation to introduce a blanket ban on non-consensual and non-therapeutic surgeries on intersex infants, and ensure their right to bodily autonomy and integrity.
6. Develop and Implement mandatory training programs for teachers and school staff to increase awareness and understanding of LGBTI+ issues and create safer and more inclusive school environments.
7. Review and revise school curricula to include accurate and age-appropriate information about sexual orientation, gender identity, and sex characteristics, promoting acceptance



and respect for diversity.

8. Develop and implement comprehensive anti-bullying policies and programs in schools to address discrimination and harassment based on sexual orientation, gender identity, and expression.
9. Healthcare Protocols: Develop and implement protocols to address discrimination and ensure culturally competent care for LGBTI+ individuals in healthcare settings, including access to gender-affirming healthcare services.
10. Policy Reform: Revise national health policies to include coverage for gender-affirming healthcare services, such as hormone therapy and sex reassignment surgeries, to meet the healthcare needs of transgender individuals.
11. Establish obligatory training programs for healthcare professionals, law enforcement officers, educators, and other relevant stakeholders to enhance their knowledge and understanding of LGBTI+ issues and rights.
12. Ensure effective implementation of existing social housing law and policies to protect the rights of LGBTI+ individuals, particularly transgender people, who are disproportionately affected by housing discrimination. This can be done by improving the anonymity throughout the process and by improving the scoring system.
13. Work with local municipalities to ensure that social housing programs are accessible and confidential for LGBTI+ individuals, addressing concerns related to privacy and discrimination.
14. Strengthen enforcement mechanisms to ensure compliance with anti-discrimination laws in the workplace and hold accountable those who engage in discriminatory practices.
15. Adopt inclusive employment policies and practices that support diversity and equity, including measures to address barriers faced by LGBTI+ individuals in accessing formal employment opportunities. This can be done through the promotion of affirmative actions, reasonable accommodation and by introducing obligatory quota systems.

#### **Rigorous Implementation of National Action Plan for LGBTI+ Persons 2021-2027:**

16. Ensure the rigorous implementation of the National Action Plan for LGBTI+ Persons 2021-2027, with dedicated resources, monitoring mechanisms, and accountability measures to track progress and address challenges effectively.
17. Foster collaboration between government agencies, civil society organizations, and international partners to implement the action plan comprehensively, leveraging expertise, resources, and support to advance the rights and well-being of LGBTI+ individuals.
18. Conduct regular evaluations and reviews of the action plan's implementation, soliciting feedback from LGBTI+ communities and stakeholders to identify gaps, adjust strategies, and improve outcomes over time.
19. Promote public awareness and engagement regarding the implementation of the national action plan, ensuring transparency, accountability, and participation in efforts to promote inclusivity, equality, and dignity for all LGBTI+ individuals.

