

United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Country visit to the Republic of Albania (1 to 12 July 2024)

End-of-mission statement

1. The mandate of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity was established by the United Nations Human Rights Council resolution 32/2 in 2016 and renewed by the Council in 2019 and 2022. The mandate was established in recognition of the fact that in all regions of the world, discrimination and violence based on sexual orientation and gender identity is widespread and systemic, yet inadequately addressed. The purpose of a country visit is to identify and assess good practices as well as challenges, and to offer advice to States on how to remedy any instances or trends of violence and discrimination.
2. I visited Albania from 1 to 12 July 2024 to assess the implementation of both national and international human rights standards in relation to protection against violence and discrimination based on sexual orientation and gender identity. During my visit I spent time in Tirana, where I met with State officials and equality bodies at the national level, as well as in Shkoder, Kukes, Vlore, Saranda and Korca where I met with officials at the municipal level. I thank the Government of Albania for inviting me to conduct this visit and for the high level of cooperation during the visit. I recognize that a great deal of work goes into an official visit of this nature, and I am particularly grateful to the Ministry for Europe and Foreign Affairs for coordinating State engagement at the national and municipal levels. Many officials gave of their time and expertise, prioritized their cooperation, and demonstrated a willingness to engage with candor on substantive issues related to sexual orientation and gender identity.
3. I had the immense privilege of meeting with many lesbian, gay, bisexual, trans, and other gender-diverse (LGBT) persons and representatives of civil society groups, who gave me a clear sense of a vibrant, innovative and courageous movement in Albania, and who generously shared with me both personal experiences and insightful analysis. The strong intersection between feminist and LGBT groups was refreshing and inspiring, and I was glad to meet with a range of civil society organizations whose work intersects with questions of sexual orientation and gender identity. Several experts also provided background and contextualized the current situation for LGBT people in Albania.
4. I would like to thank the UN Resident Coordinator and the UN Country Team for their hospitality, practical assistance and for their in-depth engagement, in their respective areas of expertise, with the issues under the purview of the mandate.

5. This end-of-mission statement will be followed by a full report including observations, conclusions and recommendations to the Government of Albania that will be presented to the UN Human Rights Council in June 2025.
6. I was grateful to be invited to a country that has demonstrated a strong commitment to bringing domestic laws and policies in line with international norms and standards and that also continues to play a positive role in international fora in support of the human rights of LGBT people. This takes place in the context of a transition to democracy and a new economic order emerging over the decades following a communist dictatorship. This transition, a turning point for modern Albania, has been both politically fraught and economically tumultuous.
7. At the time of writing, Albania is pursuing European Union (EU) membership and has been an official candidate for accession since 2014. In 2020, the Council of the European Union agreed to start accession negotiations with Albania.
8. It was heartening to hear across national and municipal authorities a uniform language of commitment to non-discrimination and equality. This coupled with a strong legal framework, augers well for human rights in Albania. At the same time, it was also noticeable that the perception of State officials and the experience of civil society did not always align, and at times there were significant discrepancies. This gap raises the question as to whether “It was only a phrase that went from mouth to mouth and was never quite swallowed”, to quote Ismail Kadare, or if the commitment to implementation and the political will to do so runs deep. Implementation of existing national laws, policies, strategies and action plans, including at a local level, will be the key terrain for my specific recommendations, in the final report.

National, regional and global context

9. One of my motivations to request an invitation for an official country visit to Albania was the country’s legislative progress in protections against violence and discrimination based on sexual orientation and gender identity. An objective of my visit was to better understand how this progress had transpired, and how protections have been implemented in practice.
10. Albania has a comprehensive legal framework against discrimination based on sexual orientation and gender identity. The 2010 law “On Protection from Discrimination”, as amended, contains express protections based on gender identity, sexual orientation and sex characteristics. Revisions to the 1995 Criminal Code of the Republic of Albania, decriminalized consensual same-sex relations, forbade discrimination against State employees, and provided increased penalties for aggravating circumstances of bias-motivated crimes, including based on sexual orientation or gender identity, amongst other categories. Discrimination in employment and professions based on sexual orientation and gender identity is also forbidden under the 2015 Labour Code, as amended. The 2018 law “On Social Housing” is designed to realize the right to adequate housing and aims to

meet the specific needs of marginalized groups, and survivors of domestic violence. While no express reference is made to sexual orientation, or gender identity, the laws “On Public Health” (2009) and “On Reproductive Health” (2002) apply to all individuals, without exception.

11. Notable shortcomings in the current legislative framework are that there are no provisions for the legal recognition of same-sex partnerships, nor any other provision to extend spousal benefits to same-sex partners. Neither is there any law facilitating legal gender recognition. The Ministry of Health and Social Protection, the ministry responsible for coordinating issues related to sexual orientation and gender identity in central and local government, has drafted legal proposals to amend the existing Family Code, which defines marriage as a union between a man and a woman.
12. The National Action Plan for LGBTI People 2021–2027 approved by the Parliament of Albania in 2021, is the third such action plan to provide a roadmap for progress, remedial action and measurable outcomes. The National Action Plan aligns with the National Strategy for Gender Equality 2021–2030 in relation to economic and social rights, equal participation in political and public life and reducing gender-based and domestic violence.
13. While the legal and policy framework, with exceptions, is robust, this has not adequately translated into practice. This appears to be for practical reasons, such as inadequate resources, high staff turn-over, and limited budget allocation, as well as an indirect consequence of a lack of awareness of issues pertaining to discrimination based on sexual orientation and gender identity in the public domain. At both the national and municipal levels all State officials expressed a strong commitment to addressing discrimination based on sexual orientation and gender identity, even when this does not always translate into practice. Law and policy, coupled with the expressed commitment by State officials across the board to address these issues, provides a viable context for long-term social and attitudinal change. As a municipal official put it: “Changes in mindset and mentality take a long time and lots of effort. One of the most important components of changing mentality has to do with reform of the legislative framework.”
14. In almost every meeting, whether with State officials or civil society groups, EU accession loomed large, seen as both as a motivator, and a measure of progress in terms of the human rights obligations of the European Union. This arises out of a deep commitment to joining the EU and aligning with EU values.
15. In international fora, Albania is a member of the UN LGBTI Core Group, an informal cross regional group of United Nations member States seeking to advance human rights and fundamental freedoms for all, regardless of sexual orientation, gender identity or sex characteristics, with a particular focus on combatting violence and discrimination.
16. Albania joined the Organization for Security and Co-operation in Europe (OSCE) in 1991, and in 2020 the Prime Minister of Albania served as OSCE Chairperson-in-Office.

In 1992, Albania joined the Organization of Islamic Cooperation, where it has been an important voice on protection of human rights without discrimination. Albania also joined the Council of Europe in 1995. In 2022 and 2023, Albania served as a non-permanent member of the United Nations Security Council.

17. A noticeable area of discrepancy between some public officials and civil society groups in Albania is on the nature and extent of discrimination, based on sexual orientation and gender identity. In this respect there is a noticeable difference between law, policy, and the commitment of State officials, and experience shared by LGBT persons and civil society actors in areas such as labor, healthcare, and policing. In part this stems from a lack of data, and simultaneously a lack of reporting. Surveys conducted by civil society groups suggest that instances of discrimination, violence and hate speech are significantly underreported, and as a result often go unaddressed. Some individual testimony highlighted the challenges of reporting instances of violence and hate speech to law enforcement authorities, notwithstanding legal protections on paper.
18. Many interlocutors spoke of a “live and let live” attitude and a culture of tolerance, including a high level of religious tolerance in Albania. In light of that, many expressed concerns about a recent rise in religiously inflected intolerant and misleading rhetoric, with some amplification from politicians and undiscerning media. This discourse followed a familiar trope that has been deployed in other regions of the world, and that spuriously suggest LGBT people represent a threat to children, the family, or the nation. While this does not appear to resonate widely, it has received disproportionate media attention, amplifying rhetoric that is potentially dangerous especially when deployed in an environment where there is a dearth of information about LGBT people. One pernicious example that gained traction, in the wake of a television program on legal rights for same-sex parents was the inaccurate assertion that LGBT activists wanted to do away with the category “mother” and “father” altogether on birth certificates to be replaced by “Parent 1” and “Parent 2”. What was lost in the false fracas, was the relatively straightforward question of recognizing joint parentage for same-sex couples. One such couple who are suing to be legally recognized as mothers to their two daughters, recounted how the myth of “Parent 1” and “Parent 2” haunts them to this day. Aside from the negative impact on diverse families, the hostile and misleading rhetoric contributes to an environment in which discrimination occurs in other vital aspects of people’s lives.
19. Sometimes hostile rhetoric rises to the level of hate speech, which can be addressed in terms of an amended Criminal Code that specifically recognizes sexual orientation and gender identity as prohibited grounds of discrimination. Yet when it comes to countering hostile and misleading rhetoric that does not rise to the level of hate speech, it is even more important for prominent public figures and State officials to be publicly vocal in support of non-discrimination, and against stereotyping – including by publicly denouncing instances of hate crimes or hostile discriminatory rhetoric in public discourse. In response to a growing public concern, the Alliance Against Hate Speech was

established in 2019 by the People’s Advocate, the Commissioner for Protection against Discrimination, the Audiovisual Media Authority, and the Albanian Media Council.

Health

20. The Ministry of Health and Social Protection plays a pivotal role in drafting and implementing the National Action Plan for LGBTI people, coordinating with all other ministries to ensure implementation at both the national and local levels. In drafting the National Action Plan, the health ministry also worked closely with international organizations. The ministry has overall responsibility for ensuring appropriate training in education, health, law enforcement and social services. This is no easy task, and resources are limited.
21. “One of the challenges faced within Albanian society is raising awareness through campaigns to educate the public on non-discrimination” said one Ministry of Health official. The ministry attempts to make best use of limited resources, by taking an integrated approach to competency training on all marginalized groups, including LGBT people. This seems like a good approach, for practical reasons, to recognize and address all forms of discrimination.
22. The Ministry of Health is in the process of finalizing a protocol for the health needs of transgender people, in collaboration with civil society groups. This is urgently needed as there is currently no provision or competency in gender-affirming care. Transgender people face considerable barriers to the enjoyment of their human rights, which are exacerbated by the absence of such a health protocol. There is also no possibility of obtaining legal gender recognition, leading to everyday challenges and humiliations in dealing with officials and institutions when legal documents do not accurately reflect the recipient’s gender. As an activist from a transgender group explained: “legal gender recognition will be like a port to anchor in.” For her, it represented a safe harbor.

Gender-based violence

23. Albania has a high level of gender-based violence, although regional comparisons may be skewed by improved levels of reporting in Albania. The Ministry of Health provides comprehensive social services for survivors of gender-based violence including provision for emergency shelter and psychosocial counselling. Streha is a partially State-funded shelter that provides for the specific needs of LGBT people who have experienced violence and discrimination. Streha receives a significant portion of its budget from the Albanian government. And since its inception in 2014, it has provided services to more than 170 individuals, including from beyond Albania’s borders.
24. State response to the wellbeing of LGBT people in Albania is structurally linked to combatting gender-based and domestic violence through an integrated approach between the National Action Plan for LGBTI People and the National Strategy for Gender Equality. Each municipality has a designated gender focal point, who is responsible for

overseeing and implementing the objectives of both. All victims of gender-based violence have a shared experience of the root causes of violence, arising from stereotypical gender-related norms and expectations. Another common experience is stigma. As a municipal official in Kukes explained, historically there was a strong taboo against reporting domestic violence, which was seen as a private affair. Similarly, she said, “it was previously taboo to speak about questions of gender identity, gender or other such issues in local society.” Organizations working on the frontlines of combatting gender-based violence note that while the policy framework is in place, there are woefully inadequate resources allocated by the State for effective implementation.

Housing

25. The roots of economic precarity for LGBT people are manifold. Family rejection, bullying in school, and discrimination in employment are compounding factors. In recognition of this, sexual orientation and gender identity are recognized as eligibility traits in social housing. By all accounts this has made a tangible difference for those in need, and most especially for transgender people. However, there are obstacles to implementation, including concerns around confidentiality of the process, and seemingly burdensome documentation requirements. In my meeting with a social housing official, she expressed interest in any recommendations that would help ensure the system worked most effectively for all intended recipients.

Education

26. While I was unable to secure a meeting with the Ministry of Education during my country visit, the education sector was identified both by civil society representatives and some municipal officials as a sector in need of considerable attention to combat discrimination and bullying. An expert that I spoke with recommended more engagement with schools, to counter stereotypes and misconceptions around sexual orientation and gender identity, which she felt was particularly important considering an increase in hostile rhetoric, based on misleading stereotypes. Yet, civil society groups reflected on limited success, and some resistance from education authorities to engage with issues related to sexual orientation and gender identity. Civil society research suggests alarming rates of discrimination, by peers, and in some cases officials, as well as a dearth of information on sexual orientation or gender identity in the school curriculum, that leaves LGBT students feeling even more alienated. Bullying and discrimination have led to some LGBT persons dropping out of school entirely, further marginalizing them from the workforce and compromising their life chances. These problems are compounded by a lack of competence on LGBT issues amongst teachers, notwithstanding some efforts to train teachers within the parameters of the National Action Plans. One respondent said that the Ministry of Education was reluctant to reform the curricula, out of fear of angering parents.
27. The municipality of Shkodra shared the story of a child, bullied at school due to his perceived sexual orientation, and abandoned at home when the parents found out.

Through the intervention of the school psychologist and family help centre, the child was reintegrated into the family, and school within a few days. This required raising awareness both at the school and home around sexual orientation. It is a positive vignette of what can be done to prevent a negative outcome, when the system works, and notwithstanding limited resources.

Employment

28. There is no data available on employment discrimination, which is prohibited by law. According to a representative in the Ministry of Economy, Culture and Innovation responsible for employment policy, there are no reported incidents of workplace discrimination based on sexual orientation or gender identity. Yet, in a civil society survey, a high proportion of respondents said they had never worked in the formal sector, and of those who had, many reported instances of discrimination, although few had formally reported them. This suggests that there are obstacles to entering the workforce and underreporting of instances of discrimination within the workplace.

Safety and security

29. One of the stark discrepancies apparent from my visit was the mismatch in views on the prevalence of hate crimes and hate speech between law enforcement authorities and civil society groups. Violence against LGBT people does not appear to be either systemic or widespread, but does occur at least sporadically and opportunistically. And this has a chilling effect on public expression of identity. Transgender women are reportedly particularly vulnerable. Activists with a public profile have also reported experiencing repeated instances of violence. Public displays of affection have also reportedly been met with violence or threats of violence. One respondent spoke of a “don’t ask, don’t tell” mentality that prizes discretion over visibility. According to a four-part survey conducted by the civil society group ALEANCA in Albania from 2020 to 2024, 43% (of the 415 respondents) had experienced some form of discrimination or violence over a two-year period. The State Police, who are required to maintain statistics on bias-motivated crimes, had no reported incidents for 2023. Similarly, the General Prosecutor’s Office shared that no cases referred to his office had met the criteria to pursue further. Based on the information received, it is not possible to make broad generalizations to explain this stark discrepancy. Incidents of violence are either underreported or not documented and investigated as hate crimes. I spoke with one individual who had reported more than one incident of bias-motivated violence to the police but had difficulty persuading them to make a note of the motive for the crime. He was socially well-connected and able to pursue his case but reflected that it would be more difficult for others. In another incident an online death threat was met with resistance from the police to document it as such when the recipient tried to report it. Others suggested that the dearth of reporting of bias-motivated crimes was due to a lack of trust in the authorities, or a perception that the case would not be properly investigated or prosecuted. Either way, the low statistics (whether due to underreporting, inaccurate reporting, or both) risk being a cause for unwarranted

complacency, and may inadvertently create the impression of impunity for bias motivated crimes.

Data gaps

30. Across the board, there is a striking disparity between available official statistics and perceptions on discrimination and violence, including based on research undertaken by civil society groups. In some instances, it seems that a process for data gathering is in place, but that practice lags. It would behoove all relevant State entities to ensure that data collection systems are evaluated for effectiveness and accuracy. Organizations working on gender-based and domestic violence similarly point to a dearth of disaggregated data to implement, monitor and report on the National Action Plans.

Preliminary Recommendations

31. While the report of my country visit to be presented to the UN Human Rights Council in June 2025 will contain a detailed set of recommendations, some of the areas that I will cover include:
 - (a) closing legislative gaps and most urgently establishing a mechanism for legal gender recognition, involving a simple inexpensive administrative procedure, based on self-identification;
 - (b) double down on implementation of the National Action Plan, in part by ensuring that sufficient resources are allocated;
 - (c) take steps to ensure that schools are safe and inclusive environments for all children; and
 - (d) ensure that processes for reporting, documenting and investigating bias motivated crimes are accessible and effective for all persons in need of protection.

Conclusion

32. I was inspired to visit Albania because of the positive developments that have taken place in terms of law and policy, and to better understand the process of implementation both at the national and local levels. I am grateful for the many submissions received prior to my visit, which were invaluable tools to facilitate my fact-finding visit. I have also been struck by the high level of engagement by civil society groups and State officials, who have given generously of their time and expertise. I have met extremely knowledgeable municipal officials who clearly work tirelessly with limited resources to implement the National Action Plan. And I have met courageous activists who have done so much to combat violence and discrimination based on sexual orientation and gender identity. I have also been impressed by the strong coalition between feminist and LGBT groups, and a joint commitment to combatting gender-based violence, in all its manifestations. Clearly LGBT people face discrimination in several sectors, including education, healthcare, and employment. They also face obstacles reporting on bias-motivated crimes and getting redress. Many instances of discrimination are the result of social attitudes that take time to change, as Ministry of Health officials also observed. The strong legal and

policy framework that is already in place, and those that are anticipated – notably for legal gender recognition and same-sex partnerships – provide a solid basis for that necessary change.

Tirana, 12 July 2024