

## REPORT

### NATIONAL ROUND TABLE

**“Reducing Inequalities & Exclusion, and Combating Homophobia & Transphobia  
Experienced by LGBTI People in Albania”  
*Albania, 23<sup>rd</sup> June, 2016***

UNDP supported by USAID, in cooperation with LGBTI Equal Rights Association for Western Balkans and Turkey - ERA and Ministry of Social Welfare and Youth organized on the 23<sup>rd</sup> June in Tirana, the national round table “Reducing Inequalities & Exclusion, and Combating Homophobia & Transphobia Experienced by LGBTI People in Albania” in the frame of a regional project *Being LGBTI in Eastern Europe (BLEE)*.

The roundtable aimed to strengthen the evidence base, agree on priority issues related to LGBTI rights in Albania, develop advocacy approaches and convene dialogues that bring together national decision makers with LGBTI CSOs, their allies and other stakeholders.

In the roundtable was introduced the project *Being LGBTI in Eastern Europe*, from Albanian prospective, in this sense a dialogue was established and priority issues were identified with the relevant recommendations addressing the problematic. By engaging the government authorities, CSO partners and other participating bilateral/multilaterals on critical human rights issues faced by the LGBTI communities in the country enabled CSOs to state the problematic; share experience and propose constructive solutions

35 participants attended the national round table in Albania (attached a detailed list).

**Mr. Brian J. Williams**, UN Resident Coordinator and UNDP Resident Representative, expressed appreciation in being part of this regional effort to assist civil society and governments advocate for and better protect LGBTI rights. Mr. Williams explained that the full respect of rights of LGBTI persons, is not only a human rights issue but at the same time fundamental to the world's achievement of the global 2030 Agenda. Further emphasizing those 17 Sustainable Development Goals all based on a single, guiding principle: *to leave no one behind*. In October 2015, 12 UN agencies endorsed an unprecedented joint UN statement on ending violence and discrimination against LGBTI people, elaborating that ending marginalization and exclusion of LGBTI people is a human rights priority and a development imperative. Mr. Williams called for collective effort to empower LGBTI to be involved in media campaigns; review health and education and social services to identify where discrimination happens and find ways to improve it; display all the positive stories where brave fathers and mothers and brothers and sisters and cousins and friends confronted discrimination and bigotry. He emphasized that only through Solidarity as core of all social movements we can foster dialogue and create better lives for LGBTI.

**Ms. Entela Lako**, Programme Specialist, UNDP Albania, emphasized UNDP support in advancing rights of LGBTI people in Albania. Ms. Lako encouraged LGBTI community to continue raising awareness through the activities, such as diversity week within the context of IDAHOT and by noting the increased participation in the activities and support provided by different stakeholders in these activities; which undoubtedly displays improvement in perception of the larger community and possibility of new allies in future.

**Ms. Clare D. Masson**, Program Office Director USAID, expressed the difficulty in dealing with LGBTI issues in Albania and her experience over the past four years in addressing the problems, where she has experienced people who decide to come out of the closet and then finding themselves facing enormous obstacles. She put emphasis on dialogue and the power we all have to provide safe spaces and help. Ms. Masson views research as really helpful for the community, for raising visibility and providing empirical data that can be used in future advocacy work on remaining challenging issues.



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From Left:

**Ms. Irma Baraku** CPD, **Ms. Vasilika Hysi** Head of Sub-Committee on Human Rights **Mr. Igli Totozani**, Ombudsman  
**Ms. Clare D. Masson**, Program Office Director, USAID

**Ms. Vasilika Hysi**, Head of sub-committee on Human Rights, emphasized the discussions in the media of interest groups regarding the proposed constitutional changes which envisage the respect of citizen's rights despite of sexual orientation and gender identity as part of the discussion on justice reform. She referred to the letter received from religious groups making their stand clear against such constitutional changes. She emphasized that populism also plays a critical role. The report of the Ombudsman on LGBTI people has been discussed largely in the parliament and Ms. Hysi has detected some allies in the parliament concerning LGBTI issues. From her perspective there has been a raise in awareness from the side of the Parliament,

which is due to the wonderful work of LGBTI community but also thanks to the good work of the Ombudsman and the Commissioner for protection from discrimination.

Ms. Hysi emphasized that all legal changes in the domestic legal framework do take into account all the international recommendations, and declared that the parliament is all united and guided by the principle of non discrimination. She suggested awareness raising is a basic tool for gaining partnership and allies. She made the point that many MPs do not support the cause due to fear of losing votes. There have been steps towards fostering the implementation of international recommendations, although there seem to be two key sensitive issues that MPs do not accept, which is same sex marriage and adoption. Concluding that together all need to think on how to work together and use parliamentary instruments in order to improve the lives of LGBTI people here in Albania

**Mr. Igli Totozani**, Ombudsman, who is one of the most open supporters of LGBTI rights in the public debate, has contributed to drafting recommendations to the labour code, Criminal Code as well as recommendations for capacity building of teachers aiming at ensuring safe and inclusive environment in schools free from discrimination, Homophobia and transphobia etc. Mr. Totozani clearly stated that the reality of LGBTI people's life is not the life they deserve to live. In this sense, he sustained Ms. Hysi on the need to unify all forces for improving LGBTI quality of life.

The Ombudsman urged Parliamentarians for changes of family code concerning Civil Partnership. His view is to engage in public debates and defend publicly by reacting to homophobia on behalf of LGBTI people since such confrontation cannot be faced by LGBTI community alone. This trend of hate speech widespread in the politician's language, among religious groups, social media etc; demands to be addressed upfront publicly. Another point made by the Ombudsman was that the public institutions should all take the leadership on implementing the action plan and work on making it more visible.

Another issue for the Ombudsman is the conflicts amongst LGBTI CSOs, which should start working together by sharing the same cause, since unity makes the work easier for all who want to help, taking into consideration that there is a large amount of people against the cause, we need to be united.

**Ms. Irma Baraku**, Commissioner for Protection from Discrimination supports the justice reform and the related important constitutional changes with regard to LGBTI rights. She emphasized the institutions' support to the LGBTI cause and the clear commitment towards the cause of her

institution which has been shown by close collaboration with CSOs and support during all activities.

What Commissioner sees as priority intervention field is health service; state police and local governance. Furthermore, Ms. Baraku gave some examples of decisions on discrimination addressed to MPs who had discriminated the LGBTI community and history has shown they were not re-elected as MPs for another mandate. Reaffirming that you do not lose votes by protecting people, but you lose votes by discriminating them. Ms. Baraku urges the politicians to check their political programs concerning inclusion of LGBTI, and further urges them to be careful with the way they express themselves in addressing LGBTI concerning issues since hate speech is widespread even amongst parliamentarians.

Judges, prosecutors and lawyers need to be more informed on LGBTI issues, even though the experience overall has been positive since most of the Court decisions have sustained the commissioner's decision on discrimination. The commissioner views with priority all LGBTI cases and is willing to offer support to LGBTI people and all interested institutions on LGBTI matters.





**Ms. Etleva Sheshi**, from Ministry of Social Welfare and Youth, thanked all CSOs in the light of the newly adopted National Action Plan on LGBTI people in the Republic of Albania, 2016-2020. Ms. Sheshi emphasized the great contribution from CSOs during the long process of drafting and long consultations and debate amongst all actors during the initial phase of the Action Plan. Ms. Sheshi suggested the need for raising awareness of public in general, starting from MPs and then expanding to all population; and cooperation amongst CSOs since it would contribute to better complementarity of all institutions involved.

**Mr. Ninoslav Mladenovic**, Regional Project Coordinator, and **Mr. John Macauley**, Regional HIV, Health and Development Programme Specialist both from UNDP Istanbul Regional Hub; informed the participants on the background of the project and how “Being LGBT in Asia” served as springboard for the present project; they explained about the Country extent of the project: Albania, Bosnia and Herzegovina, Serbia and Former Yugoslav Republic of Macedonia being involved. They presented the objectives, aims and activities of the project including the opportunities ahead.

The project has been designed to allow for geographical expansion and thematic growth, if the initial phase is successful and/or should additional funding become available. Subject to additional funding and more time for implementation, the project could also be expanded in the sub-region (e.g. in Kosovo and Montenegro) and beyond the sub-region - for instance in Georgia, Moldova, Ukraine. The project implementers could also explore the involvement of other countries in the region, such as Turkey, in the project.

**Mr. Amarildo Fecanji**, Executive Co-Director, ERA shared the regional perspective; cross-regional cooperation, best practices, challenges encountered in promoting and advocating for LGBTI rights. Mr. Fecanji introduced the newly established regional organization ERA – LGBTI Equal Rights Association for Western Balkans and Turkey. ERA aims to support LGBTI movements in the region. Coming from Albania Mr. Fecanji complimented the action plan but urged the government to fully implement it. Another point was to ask government for accountability and urge them to insure a safer welcoming environment for LGBTI people.

Recommendations by Mr. Fecanji were focused on raising funds and support of LGBT organizations in order to be able to contribute to Action plan implementation and to increase cooperation with governmental institutions; Increased pressure on state institutions. During the upcoming first Regional Conference on 7-8 October in Prishtina organized by ERA will come together representatives from governments of the region and all LGBT organizations in the

region. Importance was given to the cooperation between UNDP and ERA and one-stop-shop which will have all the necessary materials and resources for LGBT organizations and governmental institutions.

**Mr. Altin Hazizaj**, Pink Embassy/ LGBT Pro Albania, raised concerns about access, acceptance and perception in public schools pre university education system; below figures from the most recent research. The research gathered great samples from 1438 teenage students and 248 teachers in 6 cities.

- 1 out of 4 teenagers declare that they do not accept their LGBT peers and 64% reported that they do not accept or respect LGBT peers
- 82.3% of young people stated that they knew about the Law on Protection from Discrimination and the Internet was the primary source of knowledge.
- Adolescents report that 50.3% have witnessed discrimination and 17.3% of them report that it has been because of sexual orientation.
- 1 in 3 teenagers reported that a peer has been the perpetrator, while 18.3% reported the perpetrator has been a stranger, followed by 15% reported by teachers.
- 5% of adolescents in the first year of high school reported that they felt discriminated against because of gender identity
- With regards to peer perceptions of LGBTs, 24% said it could not accept them there is high data on homophobic bullying in schools

**Mr. Arbër Kodra**, Open Mind Spectrum Albania –OMSA, demanded for LGBTI to fully participate in society, be able also to sit where decisions are being taken. LGBTI people in Albania are ready to step up, run for office and get elected, and work for their fellow citizens, including the LGBTI population. And we as a community we won't settle for less than full access to these opportunities. Political parties need to shift their view and see how they can benefit from a greater diversity within their structures, and that supporting equality for LGBTI people does not equal to losing votes. Concluding Mr. Kodra encouraged political parties to include LGBTI concerns as part of their platform on human rights.

**Ms. Xheni Karaj**, Alliance against Discrimination of LGBT people, talked about LBTwomen, as an even more marginalized group that suffers discrimination and violence, particularly evident in areas outside Tirana; they are subjected to economic violence and forced marriages. Ms. Karaj recommended for Health and Educational Institutions to increase the capacity of medical and educational staff and increase on LGBT issues; raise awareness among teachers, students, parents and doctors and nurses in regards to violence and abuse against LBT individuals.



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The second issue raised was the Civil Partnership act which has been a long advocacy and now two CSOs Alliance and LGBT Pro together have formed AFERA - Alliance for Equal Rights in Albania, which is the first initiative for strategic litigation. It will aim to challenge the Family Code as unconstitutional. Litigation will run through the Albania judicial system and further if need be in Strasbourg.

### Discussions and conclusions

**Ms. Edlira Papavangjeli** UNDP Gender Equality Program Manager steered discussions *Towards creating a common plan of action*. The discussion captured the interest of the participants and it extended beyond the time foreseen by schedule, showing a clear interest on the theme. Questions related to budget allocations and monitoring the National Action Plan implementation were raised mainly for the representative of Ministry of Social Welfare and Youth as the coordinating body responsible for the implementation of Action Plan..

Ms. Sheshi explained the budget of the National Action Plan after being asked about clear budget figures and fundraise strategy, Ms. Sheshi emphasized that the ministry would cover 36.7% of a budget of 2.2 million Euros until 2018, and then after they draft the budget for the upcoming two years until 2020 this sum will increase, however the Ministry expects to collaborate with international partners such as CoE, UNDP and other UN Agencies, European Delegation, Dutch Embassy and other international organizations. Suggestions from side of participants to the Ministry and other law enforcement agencies were many: such as having a developed communication strategy, better institutional response and accountability, synergy but also better institutional interaction with all other Ministries and relevant bodies.



## RECOMMENDATIONS:

- **Adoption of the Justice Reform in Albania**
- **Amendments to the Family Code that will allow same sex partners Civil Union**
- **Adoption of the draft law on gender identity and full implementation in order to systematically recognize and regulate gender reassignment;**
- **Full Implementation of the Action Plan accompanied with a well-thought communication and fund raising strategy**
- **Improving evidence base data on the situation of LGBTI people**
- **The dialogue amongst different stakeholders needs to be advanced and work together on further identifying intervention areas that would foster implementation of Action Plan**
- **A lot of negative stereotypes still exist about LGBTI people. Those stereotypes lead to discrimination and bullying. Awareness campaign to improve social attitudes and Public debate.**
- **Invest efforts in creating a positive public environment for the integration of LGBTI persons in the society;**
- **Politicians, political parties and government representatives need to provide open and honest support for LGBTI people;**
- **Rights and needs of LGBTI people need to be included in all public policies at all levels of government to stop their institutional marginalization**
- **Multilevel approach needed: improved legislation, positive public environment, strengthening and inclusion of civil society and education and sensitization of public officials.**
- **Strengthening institutional interaction in order to fully implement the laws and policies.**
- **Better collaboration between LGBTI CSOs**
- **Review of all political parties program's is essential to combat homophobic policies within parties**

## WAY FORWARD

- **Drafting report on “Being LGBTI in Albania”**
  - The process of drafting the report will be accompanied by a consultative process in which various key stakeholders will participate
- **Launch of final report**
- **Mitigate in order to aim for thematic growth**
- **Identify ways to additional funding and more time for implementation of the project and possibility of geographical expansion.**



## **ANNEX I**

### **Coordination Meetings with Different Stakeholders**

#### **Mission day I, June 22<sup>nd</sup> 2016**

**Ninoslav Mladenovic**, Regional Project Coordinator; **John Macauley**, Regional HIV, Health and Development Programme Specialist, Istanbul Regional Hub; **Amarildo Fecanji**, ERA Executive Director; **Isidoralsakov**, ERA; **Edlira Papavangjeli** and **Sidita Zaja** UNDP Albania

#### **14:00, Wednesday, June 22<sup>nd</sup>**

Meeting with **Mr. Brian J. Williams**, UN Resident Coordinator and UNDP Resident Representative and **Ms. Entela Lako** UNDP CO.

This was an introduction meeting among UNDP CO and the Mission from Istanbul Regional Hub and ERA. After a round of presentations, the mission introduced BLEE project background and how “Being LGBT in Asia” served as springboard for the present project; they explained about the Country extent of the project: Albania, Bosnia and Herzegovina, Serbia and Former Yugoslav Republic of Macedonia being involved. They presented the objectives, aims and activities of the project including the opportunities ahead. Further Mr. Fecanji introduced the newly established regional organization ERA – LGBTI Equal Rights Association for Western Balkans and Turkey. ERA aims to support LGBTI movements in the region.

#### **15:30, Wednesday, June 22<sup>nd</sup>**

Meeting with **Ms. Edlira Teferiçi**, State Police, Ministry of Interior

Ms. Teferiçi explained that this was indeed a good momentum to engage State Police in the dialogue since along with National Action plan, the police drafts a yearly action plan to accommodate the entire obligation stated in the National Action plan, this is a great opportunity for CSOs to meet and collaborate in order to make the yearly plan stating that Police is open for collaboration and suggestions. Ms. Teferiçi gave few recommendations that could help such as: Awareness campaign within the State police, change in curricula; close collaboration with CSOs is crucial for effective implementation of the National Action Plan,

emphasis given to trainings offered to Police Officers which could be done in two to three days to fully get acquainted with LGBTI problematic.

**Mission day II, June 23<sup>rd</sup> 2016**

**Ninoslav Mladenovic**, Regional Project Coordinator; **John Macauley**, Regional HIV, Health and Development Programme Specialist, Istanbul Regional Hub; **Edlira Papavangjeli** and **Sidita Zaja** UNDP Albania

**14:30 Thursday June 23<sup>rd</sup>**

Meeting with **Ms. Irma Baraku**, CPD

After quick presentation of the BLEE project, and introduction of the work of CPD, CPD answered a question about her mandate difference with Ombudsman; CPD explained that the added value mainly is that the CPD can investigate and take decisions including the Private sector, her mandate included imposing fines and sanction on public and private subjects that are found to have discriminated. Asked if the *ex officio* power has been underused, Ms. Baraku explained that there have been many accusations from CSOs on the same subject and according to her experience the institution has done and pursued *ex officio* powers. Asked about which areas need to be improved in order to provide improved situation of LGBTI people in Albania, the Commissioner gave three main intervention areas such as: Services in general, especially health for Transgender people; education system needs improvement in many directions so much work needs to be done with the Ministry of Education and the legal system. CPD suggested amending the law on protection from discrimination mainly when it comes to pursuing the cases of discrimination both from Court and Commissioner at the same time, which from experience has caused overuse of resources and has been ineffective the solution would be for the CPD to serve as first judgment and then pursue cases at the Court, in this case the decision of the Commissioner would support the claims of the victim.

**15:30 Thursday June 23<sup>rd</sup>**

Meeting with **Mr. Igli Totozani**, Ombudsman

After quick presentation of the BLEE project, and after the introduction of the Ombudsman mandate, Mr. Totozani explained that discrimination does not amount to the Ombudsman's constitutional mandate. Further he acknowledged that in his work he has three valuable allies which include media, civil society and international community. Based on his experience, his

strategy has been facing homophobes publicly which has contributed to raising awareness. Describing legal changes that the Ombudsman has initiated, recommended and endorsed and urging for changes in Family Code and Gender Identity and Gender Reassignment law. When being asked which are the difficulties that implementation of the Action Plan encounters, the Ombudsman replied that he views as obstacles mainly the will of MPs including state authorities; then financial means and the lack of cooperation between institutions. The Ombudsman explained that his Institution will create a working group to monitor the implementation of the Action Plan, however there is a lack of trust towards the Ministry of Social Welfare and Youth, foresees lack of cooperation from side of this Ministry; based on the past experiences this institution has encountered lots of resistance, lack of communication and institutional exchange. Further the Ombudsman does not view the Action Plan as an implementable instrument based on the former Action Plan which was not implemented. Ombudsman suggests improvement of laws and improvement of their implementation as priorities. Also another focus is to open debates with all actors, debates in schools, public administration etc, also debate on secularity since there have been lost of discussions from religious groups.

### **Mission day III, June 24<sup>th</sup> 2016**

**Ninoslav Mladenovic**, Regional Project Coordinator; **John Macauley**, Regional HIV, Health and Development Programme Specialist, Istanbul Regional Hub; **Edlira Papavangjeli** and **Sidita Zaja** UNDP Albania

### **15:00 Thursday June 24<sup>th</sup>**

Meeting with **Mr. Olsi Dekovi**, Council of Europe

After a round of presentations and explanation of the BLEE project form UNDP colleagues form Regional Hub in Istanbul, Mr. Dekovi presented also the work of Council of Europe concerning discrimination and social inclusion of LGBTI. Mr. Dekovi explained that CoE will monitor the implementation of the Action Plan by involving also LGBTI CSOs in Albania. Once again was highlighted the lack of cooperation between CSOs creates difficulties for supporters. Mr. Dekovi explained the work of CoE in drafting the Civil Partnership Law and Gender Identity but the alibi used by MPs has been the excuse of losing votes. Further Mr. Dekovi explained the CoE plan of work which is focused on areas such as justice, promotion of Human Rights awareness raising etc. Mr. Dekovi mentioned a bigger project by CoE that will support stronger Human Rights legislation amendments in order to combat discrimination; and a complementary survey on LGBTI perspectives which is still at the elaboration phase and not much information could be shared at this stage. Funds available for monitoring the implementation of Action Plan were initially 200,000 Euros for the first two years but there was possibility of expansion based on the needs of the monitoring process.