



LGBTI RIGHTS VIOLATIONS REPORT

January – December 2014

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LGBTI*ⁱ Rights violations report, 2014

Cases reported to PINK Embassy or monitored through media.

February 2014

⇒ A.F Case

A.F first visited PINK in early 2012, referred to us by the psychologist of the TV Show “With an open heart” of local TV Channel, News 24, to ask for information, help and psycho-social support. A.F, 46 years, comes from a small town in Southern Albania, and self-identifies as trans, (Male to Female).

Going through a very difficult situation, without support and lack of understanding from her surrounding, A decided to appear on television in early 2012. At this show she spoke openly of her situation and asked for help. The psychologist of the program advised her to come to PINK Embassy.

From our first contact with A we tried to understand her story, identify the needs and find ways to help. From March 2012 until October 2013 we have tried to assist her with information, counseling and psychological support.

We found that she was at a very difficult psychological, physical and emotional state due to the challenges faced after appearing on television and sharing her story. Her emotional state worsened after appearing on television because of prejudice and discrimination suffered in the community where she lived.

The biggest problems were due to the discrimination suffered by her ex-wife and their daughter who is in the custody of her mother. After appearing on television she received constant threats by the ex-wife and the ex-wife’s boyfriend who also works with the Police, in the city of Durrës. A. told us, that during the divorce process she got the minimum time available to see her daughter, only two times a month, which is usually reserved to the most parents considered most unsuitable to take care of their children.

Also, she suffered a lot of discrimination from relatives and the community in her hometown as well as from local government and institution authorities. She was advised by us to denounce the discrimination she was suffering from her ex-wife and daughter and ask the help of a lawyer. This caused for A. to lose faith in the public institutions which could not help her.

Also, her situation was difficult because of the lack of support from community members. Due to her age she could not become friends or integrate with the local LGBT community in Tirana, who are themselves quite discriminatory of trans people. The majority of the active LGBTI community in Tirana are also much younger than A. and there is currently no support groups for people of her age or gender identity.

For the above reasons her stay in Albania became very difficult. Alongside the mentioned problems, Albania does not have any legal provisions for trans people and interventions such as hormonal treatment or surgeries are not provided by state health institutions. ‘A’ did want to change sex and make a full transition to woman,

but such a process is impossible in Albania.

In early 2014, A decided to leave Albania and move to Italy where she asked for political asylum due to discrimination and prejudice suffered in Albania.

In February 2014, PINK was contacted by A's lawyer in Italy to assist her with a report on our findings. Based on the data collected during our meetings with A, PINK sent a report to her lawyer in Italy. We still have no information if A has been granted asylum in Italy.

April 2014

⇒ N.K Case

On 16 April, N.K 19 years old, visited our offices. A month earlier she had left home in her hometown, in south Albania because she was kicked out of home after her father found out she was a lesbian. N. was at the time talking on the phone with her girlfriend. The father insulted her, beat her up and kicked her out of home.

Since then she lives in Tirana and she is sharing a flat with a friend. However, due to lack of job and support from family, she needed help with accommodation as they were about to be evicted by the landlord. N. felt quite alone and threatened the whole time. Part of our support was building a CV for her, securing a job interview and psychological counseling with a professional team member.

After collecting her data we informed her about the types of action she could take, such as file a complaint at the police or independent institutions such

as the Commissioner for Protection from Discrimination or the Ombudsman but she refused these options categorically fearing that this would worsen relations with the family. N was advised to follow our activities and assisted in finding a job by the volunteers.

As of now N. has found a job and attends most social events of the organization. At the time of this report's final review (January 2015) we met N. at the emergency LGBT shelter in Tirana, where she is planned to stay for at least 6 more months.

May 2014

⇒ A.K Case

On 10 May, PINK Embassy received an official email, with an open letter of the LGBT activist and director of Open Mind Spectrum Albania, a local NGO, which works among other things also on the advancement of LGBT rights.

Through this Open Letter sent to all institutions and human rights organizations A denounced the open discrimination he claims to have received as a member of the LGBT movement from a local LGBT organization, Alliance against Discrimination LGBT.

A, pretends to have been abused and his rights were violated by the organization, which he used to work for earlier. His argument was that the working contract between him and the organization was not respected from the latter.

⇒ 'ENEIDA TARIFA' CASE

After the appearance on Eurovision of Austrian singer Conchita Wurst, who performed dressed in drag and wearing a beard, a popular Albanian singer, Eneida Tarifa made homophobic comments on her Facebook page. Among other things she stated that “it is not good for a country to be represented by such a person. How will I explain this phenomenon to my daughter?”

After this comment, LGBT organizations in the country reacted with press statements and by asking the Commissioner for Protection from Discrimination to start an *ex-officio* investigation. Meanwhile, United Pro LGBT Cause responded with an article on their page.¹

⇒ ‘KRESHNIK SPAHIU’ Case

The “ResPublika”² and ‘BalkanWeb’³ news portals published on May 10th, the homophobic statements of Mr. Kreshnik Spahiu, leader of the Red and Black Alliance Party, a nationalistic party with no representatives in the Parliament.

His response came after PINK Embassy’s notification on the First Tirana pride on May 17th.

¹ <http://historia-ime.com/en/2011-08-07-02-53-55/item/4653-e-dashur-eneda-tarifa,-nga-kristi-pinderi.html>

² <http://respublica.al/artikuj/2014/05/10/kreshnik-spahiu-shqiperia-te-mos-lejoje-martestat-brenda-gjinise-rilindja-eshte>

³ <http://www.balkanweb.com/shqiperi/2685/ak-spahiu-shqiperia-te-mos-lejoje-martestat-brenda-gjinise--edhe-rilindja-eshte-gay-188356.html>

During this press conference Kreshnik Spahiu positioned himself against same sex marriage and LGBT prides. In his speech he described LGBT people as the lowest in society calling them a terrible virus. According to Spahiu our country should not allow gay marriage and should not allow the manifestation of immorality in a boulevard which was built with the blood of war heroes. Also he declared that on May 17th, the Red and Black Alliance would demonstrate against LGBT pride and pro the family.

After this news the PINK Embassy team contacted with representatives of the Red and Black Alliance who confirmed that this statement came after requests from party members abroad and that they were preparing to hold a counter-demonstration on May 17th.

PE entered immediately in contact with the Tirana Police to inform them of the risk of an anti-gay demonstration on May 17th by the Red and Black Alliance party, which aimed to stop LGBT from having the right to organize a parade. The Police took measures not to allow for manifestations to take place at the same time and same location.

PE also sent a request at the Commissioner for Protection from Discrimination, asking for the start of an *ex-officio* investigation on the case.

⇒ PETITION “HEALTHY FAMILY, HEALTHY NATION” CASE.

PINK Embassy learned of the publication of a petition by 57 so-called intellectuals, under the title “Healthy family, healthy nation”, published on

page 7 of the Panorama and Tema Newspaper dailies on May 21st, 2014.⁴

This petition called publicly for hatred against LGBT people in Albania, Kosovo and Macedonia following the organization of the first gay pride in Tirana.

On the same day, PINK reacted through a public statement, sent to all media and institutions in the country as a protest towards the petition which promoted hatred, fear, homophobia and discrimination of LGBT people in the country. PE also made a request to the Commissioner for Protection from Discrimination asking them to begin an ex-officio investigation on the case.

Meanwhile a day later, on May 22nd, also on the Panorama Daily, Mr. Agron Gjekmarkaj, whose name was published officially as a signatory of the petition declared publicly that he had not signed it.⁵

Also on May 22nd, at the online version of the Panorama Daily, the article published on May 21st in print, did not have 57 but 55 names. From the original, two names, those of Agron Gjekmarkaj and Alfred Lela.⁶

⁴<http://www.gazetatema.net/web/2014/05/21/lista-59-intelektuale-nenshkruaje-peticionin-pro-familjes-kunder-homoseksualeve/>

⁵<http://www.panorama.com.al/2014/05/22/tek-nologjia-e-fabrikimit-te-peticioneve/>

⁶<http://www.panorama.com.al/2014/05/21/peticioni-57-intelektuale-pro-familjes-kunder-gay-ve-mos-i-jepni-mbeshtetje-publike-devijimit-te-shendetit/>

After this, PE, on May 26th sent a public complaint to the General Prosecutor to start investigations for fraud and incitement to hatred for the authors of the Petition “Healthy Family, Healthy Nation”. This request was sent FYI to all public and independent institutions in Albania and to other foreign and international organizations.

⇒ **“SYMPOSIUM OF RELIGIOUS COMMUNITIES IN ALBANIA” Case.**

PINK Embassy read the article “Homosexuality, a threatening evil, Albanian family in danger”, published on page 6 of the Mapo daily on May 26th.⁷

This article speaks of a symposium organized by the religious communities in Albania who were joined together in this activity to give a pro-family message, following the Pride Parade of May 17th, which they considered to be an attack to the family.

At this symposium, always according to the newspaper, Mr. Ilir Hoxholli, head of the Institute of Religious Cults, (a public institution under the authority of the Ministry of Social Welfare and Youth), has made offensive remarks towards the LGBT community, which would be considered unacceptable by a public official.

PE has responded through a letter of complaint sent to the Advisor to the Minister of Social Welfare and Youth asking for the original speech of the

⁷ <http://mapo.al/2014/05/komunitetet-fetare-ne-nje-qendrim-homoseksualizmi-nje-e-keqekercenuese-familja-shqiptare-ne-rrezik/>

official. The Ministry sent us the link of the published speech.⁸

It seems that the original speech is full of messages which are directed against abortion and other negative acts, without mentioning openly however anything against LGBT people. It is understood, however, that the interpretation of the media has been that this speech was against LGBT people.

Two other LGBT organizations in the country, also responded to this symposium by declaring that the LGBT community is not in war with religious communities and expressing indignation on the speech of Mr. Hoxholli as an official of the Ministry which publicly supports LGBT rights.⁹

⇒ **“Right wing politicians” case**

The Ministry of Social Welfare and Youth has proposed to the Ministry of Justice some amendments to the Family Code which would make possible the legal recognition of same-sex unions in front of a notary. The declaration was made by Minister Erjon Veliaj at a report by the Parliamentary Commission of European Integration on May 27th.

In the framework of anti-discrimination measures Mr. Veliaj declared that MSWY has proposed changes to the Labour Code, which aims to help citizens from every type of discrimination in the workplace due to a person’s sexual orientation. In this framework Albania has also undersigned the Valetta

⁹ <http://mapo.al/2014/05/komunitetet-fetare-ne-nje-qendrim-homoseksualizmi-nje-e-keqekercenuese-familja-shqiptare-ne-rrezik/>

declaration for IDAHOT which aims to further advance LGBT rights.

The online portan Historia ime¹⁰, published on the same date an article where it said that Mr. Genc Ruli, Democratic Party MP, and member of the Parliamentary Commission for European Integration had a debate with Mr. Veliaj by declaring among other things that: “To consider as priority rights those of LGBT, Roma or Egyptians, I don’t know. You need to report for property right issues. Every parliamentarian has his/her own rights whether to make human rights a priority, but it is important to understand that what makes an issue important for the state is whether a budget will be allocated to it”.

Meanwhile Mr. Tritan Shehu, Democratic Party MP, responded through a facebook post, which was later published by some dailies on May 28th¹¹. He considered the proposal of

¹⁰ <http://historia-ime.com/en/component/k2/item/4731-shenim-mbi-repliken-e-deputetit-ruli-me-ministrin-veliaj-per-lgbt.html>

¹¹ <http://www.panorama.com.al/2014/05/28/veliaj-njohje-partenritetit-gay-shehu-tritol-themelit-te-familjes-njohje-de-facto-e-martesegay/>

<http://www.balkanweb.com/kryesore/1/propozimi-i-veliaj-shehu-njohje-de-facto-e-martesave-gay-e-lgbt-tritol-familjes-191896.html>

<http://www.civitas.al/al/vendi/propozimi-i-veliaj-shehu-njohje-de-facto-e-martesave-mes-homoseksualeve>

http://time.ikub.al/9dfdce5fd9/d8ddf9cdcdc90b8a3e971ab9fbf468a5/Lajm_Sherr-mes-deputeteve-per-martesat-gay.aspx

http://time.ikub.al/9dfdce5fd9/b8079afb12dba35feb212416cf215a4/Lajm_Shehu-Kodi-yne-i-

Mr. Veliaj as an attack to the Family Code and as a *de facto* recognition of same sex marriage

According to Shehu this proposal is a bomb to the foundations of the family, human society and its values. He said that "our Family Code is very clear. It cannot be deformed. It is in accordance with rights, morals and the foundations of the family and society's nature. It is in harmony with most country's codes. Fighting discrimination is another thing. We have a law about discrimination. Fighting discrimination does not mean destroying the family. The family is sacred. To touch the family means to destroy the past, the present and the future. We should not allow this dangerous deformation".

Also, Mesila Doda, Democratic Party MP responded negatively to Mr. Veliaj's proposal on the Shqip daily on May 29th¹². She said that the family remains traditional. "I am for the traditional family. I declare that the concept of Veliaj is totally against my concept which is supported by an act of Love that God brought to earth, a family which is based on the union of a man and a woman, who support growth and life in the world. I invite everyone from politics to make a common front against the transformation of the concept of family and of imposing a new idea which in the name of "tolerance" wants to bring by force and lobbying a

[Familjes-eshte-i-shenjte-nuk-mund-te-deformohet.aspx](#)

¹²<http://gazeta-shqip.com/lajme/2014/05/29/doda-koncepti-rilindjes-kundert-ate-te-familjes/>

transformation of the foundations of our human society".

The declarations and positions of these MPs show a clear culture of homophobia and discrimination by demanding of the LGBT community to be excluded by a fundamental right such as that of entering into a marriage with the person they love.

September 2014

⇒ 'A.L.' Case

On 05.09.2014 PE was visited by Ms. A.L, 27 years old, a lesbian mother of a 10 months baby.

A.L declared to us that she was raped in early 2013, but that she did not file any complaint due to fear of prejudice and discrimination. As a consequence of this case she brought to life a baby boy.

Since she became a mother, A.L stopped receiving any help or support from her family. They have rejected her while her older brother has threatened her often. A local NGO, Arsis has provided help by paying for her rent for six months as well as food for her baby.

A.L came to PE to ask for help and support because she cannot get any help from her family and she has had a very hard time finding a job. She says that this is due to her appearance and sexual orientation.

A.L needs work and shelter. However her biggest wish is to leave Albania, because she feels constantly discriminated on the street, in the family, at work etc.

She said that she has also gone to employment offices but that she has felt discrimination. She also filed a complaint about this to the Commissioner for Protection from Discrimination. She has not been able to receive any economic help from the state. A.L does not want to stay at a women's shelter because she believes her child will not be as free there.

PE offered support by giving her information as well as psychological support but also some advice on where to look for work.

PE also referred the case to an organization which provides food and economic help to orphan children. A.L received food from the organization for her baby.

ASYLUM SEEKERS

During 2014 as well as in previous years, PE has received several LGBTI people who have asked to leave Albania and have asked for assistance related to asylum especially in countries like the Netherlands and Sweden. Main reasons why they have expressed a wish to leave have to do with a) discrimination in the family and social network due to their sexual orientation or gender identity, b) inability to find a job c) inability to live a free and dignified life, d) inability to legalise their relations through marriage or partnership, e) threats of violence or violence suffered from relatives and other individuals, f) lack of shelter or other services available to people who have been kicked out of home.

Also in 2014 there has been a case of a gay person coming to Albania to seek asylum and has asked the help of PE to

assist them with information on what steps to follow.

⇒ A.L. Case

A.L 27 years old, lesbian, with a child, wants to leave Albania together with her baby because in Albania she felt discriminated, threatened and not accepted. She is often threatened on the street, by her relatives or while she is looking for a job due to her sexual orientation.

⇒ M. case

M is a gay man, 29 years old from Vlorë, south Albania. He also wants to leave Albania because he and his partner have often been victims of physical and verbal attacks in their home town precisely because of their sexual orientation. According to him, life in Albania is very hard as a gay man or as a couple because they would never be able to legalise their union but also to live free from discrimination or fear. Because of the above reasons he also has a hard time finding a job.

⇒ Trans people cases

People from the trans community often express their willingness to leave the country because they feel discriminated not only due to their gender identity but also due to their race, education etc. Due to their difficult economic situation some trans people are also sex workers and often they become victims of violence, threats sometimes even from groups of people. Many people from the trans community live outside, have no jobs, no friendly services and is the most discriminated and attacked community in Albania.

⇒ **Cameroonian citizen
seeking asylum in Albania**

Web: www.pinkembassy.al

On 01.12.2014 PE received C.M.A from Cameroon who has a two years residence permit for Albania.

C. asked help from PE to get in contact with the relevant Albanian authorities which can help him to seek asylum to Albania because he cannot get back to his country where homosexuality is illegal. To make matters worse his family knows of his sexual orientation and do not approve of him.

C. has been in contact with us since July 2014. At first he asked our help for finding a job. PINK helped him to get a job interview at a call centre and also to prepare his CV in English and Albanian.

Meanwhile in December C. contacted PE again to ask the help of PE to seek asylum to Albania. C. admits to have been discriminated by authorities and his family back home due to his sexual orientation. For this reason he has left his family 17 years ago and cannot turn back.

PE assisted him by giving him the necessary information and two staff members accompanied him to the Border Police Station. There he was informed about how he could get his residence permit to Albania.

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ⁱ LGBTI* is an abbreviation of the acronym LGBTQIQ2PAA which means lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, allies, two-spirited and pansexual people. The star signifies all acronyms which are not put in the LGBTI abbreviation.