**Call for Inputs**

**Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

**1. Key areas in which people (in your country, region or worldwide) suffer socio-cultural and economic exclusion as a result of violence and discrimination on the basis of sexual orientation and/or gender identity; in particular,**

**a) What knowledge, including data, exists in the State planning bases in relation to socio-cultural and economic exclusion based on sexual orientation and gender identity, including levels of poverty, homelessness, education, employment, health, political participation and any other relevant social indicator?**

**b) How are individuals, groups or communities differently affected, based on their sexual orientation and/or gender identity?**

**c) What are the main barriers in ensuring equal access to education, health care, employment and occupation, housing and other relevant sectors?**

Albania is a member of the United Nations (UN), Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE), currently also a candidate country of the European Union (EU) and all these provide supporting frameworks and mechanisms to enhance the observation of human rights, non-discrimination and equality.

The culture of equality in Albania is not very strong and it is characterized by a low level of consideration for issues related to a wide range of factors, including age, gender, race, ethnic group, special abilities and sexual orientation and gender identity.

Similar to the international experiences, the situation of LGBTI people in Albania seems to be better in big cities and particularly in the capital. There is a trend among LGBTI youth to move to small and big cities in order to find support from people, groups or communities in similar situations, for greater safety, employment opportunities and more inclusive physical and cultural environment.

Although Albania has legal provisions in place that protect LGBTI people from discrimination and ban hate speech in all fields, including pre-university education, experience shows that inequality and failure to understand the human rights of LGBTI people prevails in society.

Service providers who also establish the first contact with the public in healthcare, education, law enforcement and judiciary not always understand or acknowledge the legal basis and its implementation in the case of LGBTI people.

**2. Root causes and structural factors responsible for marginalization and socio-cultural and economic exclusion, such as laws, public policies, institutional practices, organizational behaviors, and prevailing ideologies, values and beliefs?**

**3. State efforts to address socio-cultural and economic exclusion through legislation, policies, data gathering, and other means, for example:**

**a) Destitution and poverty;**

**b) Current efforts by States to address bullying and exclusion of LGBT people from education, including in education curricula teacher training, measures to promote continuing education or reinsertion in education settings and vocational training;**

**c) Homelessness among LGBT people, particularly youth, and inclusion in shelter programs;**

**d) Coverage by social security and benefits, as well as public and private health insurance (Taking into account survivor’s pensions for same-sex couples, insurance coverage for gender affirming care, social housing for LGBT youth and older persons etc.);**

**e) Equal access to health (including through training and sensitization of health care personnel), regardless of sexual orientation, gender identity or expression;**

Albania has made significant progress in recent years in connection with the recognition of the rights of LGBT persons.

Only a decade ago there was no recognized LGBT community and no public voice advocating for the promotion of LGBT rights in the country. There was no publicly known place where LGBT people could meet, no known bar for the that matter, homophobic comments were rife and taken for granted even in civilized discussions.

Today Albania has an effective antidiscrimination legislative in place, a national antidiscrimination commissioner is empowered to censure homophobic comments in public and any cases of LGBT discrimination are addressed, LGBT rights are discussed publicly, we have a small but vibrant LGBT community with strong and courageous public voices emerging and a number of legislative and awareness raising steps underway.

The last parliamentary resolution

On May 7, 2015, the Albanian Parliament approved the resolution “On the protection of the fundamental rights and freedoms of LGBTI community".

The Government approved the Action Plan for LGBT people in Albania, which has as main goal: A society that fights against all forms of discrimination on grounds of sexual orientation and gender identity and that guarantees equal rights, by increasing access to education, employment, healthcare, housing and full integration of LGBTI people in the society.

The National Action Plan 2016-2020 has been prepared through a consultation process, where representatives from state institutions, civil society organizations and international community have taken part.

NAP has been prepared by using an approach based on human rights and social change. This includes consultations, using the international framework of human rights and fundamental freedoms, comprehensive decision-making, the participatory development and implementation.

The NAP matrix describes the goals, objectives and activities, the implementation deadlines, the responsible authorities for implementation and control, indicators values, information sources and the necessary funds for the implementation of the Action Plan. The Matrix is divided in three priorities, specifically:

1. The legal and institutional framework

2. Protection from discrimination and security

3. Access to services

The National Action Plan on LGBTI People 2016-2020 is brought forward as a policy paper of the Government of Albania that addresses the main problems and issues affecting the lives of LGBTI people leading to inequalities and discrimination.

The main stakeholders involved in the NAP implementation are the MSWY, Public Administration and the responsible staff of the line ministries, at national and regional level; the CPD and People’s Advocate Office; Members of Parliament; professionals of education, healthcare, youth, social services, employment; national and international NGOs of LGBTI and Human Rights, local and international experts.

**4. Complaints mechanisms available and accessible to LGBT people facing discrimination.**

Based on the law no. 10 221, dated 04.02.2010 "On Protection from Discrimination", the Commissioner for Discrimination Protection (CPD) is the responsible authority that provides effective protection discrimination and any form of behavior that incites discrimination.

**5. Actions to ensure socio-cultural and economic inclusion based on sexual orientation and gender identity in measures undertaken to ensure implementation of the Sustainable Development Goals at the national and regional levels.**

Achievement of the SDGs in Albania would require further and substantial commitment and cooperation among all relevant stakeholders in the country. Key challenges in this process include the efforts for establishing a national vision for the year 2030, particularly in the most relevant policy areas for Albania, the identification of policy gaps and acceleration of action in priority areas, prioritization of the SDGs in a local context, data availability and reliability, and strengthening of the institutional capacities of all key stakeholders engaged in the process, including the monitoring and reporting institutions.

The Albanian government is implementing the 2016–2020 Action Plan to strengthen the rights of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community and opened the first shelter for LGBTI persons9, as well as other important policy documents in relation to civil registration, education and promotion of intercultural dialogue, employment and enhancement of professional skills, health care, housing, urban integration and social protection.

The Government of Albania (GoA) has signed and ratified various international conventions, documents and resolutions related to LGBTI rights, and has drafted national legislation in line with international conventions. In February 2010, it passed Law No. 10221 ‘On Protection from Discrimination’. This law protects the individual on many grounds, including protection against discrimination based on gender and sexual orientation. It covers a broad range of anti-discrimination issues and bans discrimination in the areas of employment, education, goods and services. In May 2016, the National Action Plan for LGBTI Persons in the Republic of Albania 2016– 2020 was adopted as part of the Policy Document for Social Inclusion providing the guarantee of equal rights, increasing access to education, employment, health, housing and full integration of LGBT people in society. Enforcement and monitoring of human rights protection mechanisms remain to be strengthened.

**6. Actions taken to raise public awareness and sensitization on issues of sexual orientation and gender identity, in order to promote the meaningful socio-cultural and economic inclusion of LGBT people.**

Public awareness campaign in the framework of International Day against Homophobia every year focuses on unacceptability of discrimination and hate speech. The International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) is observed on May 17 and aims to coordinate international events that raise awareness of LGBT rights violations and stimulate interest in LGBT rights work worldwide. This year, civil society and international organizations in Albania are commemorating this day through a series of public events during May 6 – 18, 2019, with various activities such as: Gay Parade against Homophobia for Protection of the rights of LGBTI persons, the Diversity Festival organized by civil society with various activities in the promotion of the LGBTI people; Award of the prize "Person of the Year". Also in People’s Advocate Institution was held a meeting with the Ombudsman Mrs. Erinda Ballanca and representatives of the associations that protect the rights of LGBTI persons with the theme: "Open Day: LGBTI rights are Human Rights! “

**7. Services provided by civil society to excluded and marginalized LGBT people.**

The Action Plan identifies the government bodies responsible for the implementation of each activity, but other stakeholders, which connect institutions with LGBTI community and fund the intended interventions to improve the situation and protect the rights of LGBTI people, also play an important role in service delivery. The LGBTI organizations and human rights NGOs have been identified particularly as key partners for the achievement of key objectives of the NAP. During the coming period, the government shall be supported to provide and monitor social, healthcare and education services, to fulfil the needs for safe housing, employment and cooperation in other fields.

**"Shelter"** is the first residential center in Albania operated by the “Aleanca LGBT”, its aim is to help the LGBTI community, offering safe housing and integration. "Shelter" center offers a wide range of services. "Shelter" has started its activities since in December of year 2014. The "Shelter" center is a service for all LGBTI youth who face violence, discrimination and the need for shelter, due to their sexual orientation and gender identity. This center offers a full range of services and operates according to "Social Care Services Standards" that are licensed since year 2016. The "Shelter" center for the first time has started to be funded by the newly established Social Fund mechanism in May 2019, through state budget funds. There are different services which offer here like: safe accommodation, food, mediation in receiving healthcare and drug reimbursement, psychological counseling, counseling and support social assistance, family support and negotiation, employment assistance and promotion, assistance in taking vocational training courses, assistance in education, assistance in obtaining legal services, referrals to / from other institutions, socio-cultural and informative activities, of life training.

Since May 2018, **ALO 116-111**, provides free telephony service for LGBTI adolescents, for counseling and denouncing all cases of violence at school or in the family through the LGBTI National Adolescent Line. Line staff is trained by PINK for the key aspects of LGBTI rights, while 2 LGBTI volunteers work as advisor for LGBTI teenage staff and callers. This line is also funded by the MSHMS starting in 2019.