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Albania: Treatment of homosexuals by society, police, judiciary and government; protection available to homosexuals who have been subject to ill-treatment; existence of establishments catering to homosexual clientele (2005 - 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Legislation

Homosexuality has been legal in Albania since 1995 (IGLHRC Apr. 1995; GISH 20 June 2006; UK 12 Jan. 2006, para. 3.11.2). However, the Criminal Code of Albania contains two articles that punish homosexual acts exclusively if they involve forced intercourse with adults (Albania 27 Jan. 1995, Art. 102/a) or forced intercourse with minors or persons unable to protect themselves (*ibid.* Art. 116). In addition, the Criminal Code outlines punishment for the following "sexual or homosexual" acts: intercourse with minors (*ibid.*, Art. 100), forced intercourse with minors between the ages of 14 and 18 (*ibid.*, 101), intercourse with persons unable to protect themselves (*ibid.*, Art. 103), and intercourse with extended family members or persons under one's custody (*ibid.*, Art. 106). "Sexual or homosexual" intercourse is also punishable in Albania when committed under threat of the use of a weapon (*ibid.* Art. 104), through abuse of office (*ibid.* Art. 105) or in a public place (*ibid.* Art. 107).

The minimum legal age for consensual homosexual relations in Albania is 18 (GISH 20 June 2006; UK 12 Jan. 2006, para. 3.11.2), while the minimum legal age for consensual heterosexual relations is 14 (GISH Apr. 2006, 2). Same-sex partners are not legally recognized in Albania (*ibid.*, 3; ILGA n.d.). According to the Executive Director of the Group for Social Integration (Grupi per Integrim Shoqeror, GISH), a Tirana-based human rights organization working to promote the rights of lesbian, gay, bisexual and transgender (LGBT) people in Albania (GISH n.d.), all ministers of parliament voted against including the partnerships of LGBT persons in the family code (*ibid.* 20 June 2006), which entered into force in 2004 (OMCT Apr. 2005, 70).

The Albanian constitution does not explicitly state that Albanian citizens are protected from ill-treatment based on sexual orientation (Albania 21 Oct. 1998; see also EU 9 Nov. 2005, 20). However, the Albanian Human Rights Group has drafted an anti-discrimination bill that would protect homosexuals from ill-treatment, and, with the support of other organizations, is lobbying for the bill to be passed by parliament (GISH 20 June 2006).