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NEED ASSESSMENT

of Trans People
in Albania

2023 – 2024

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Needs Assessment of Trans People in Albania 2023-2024:
Challenges Faced by the Transgender Community in Accessing Public Services,
Housing, and Employment

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The inclusion of transgender individuals represents one of the most significant challenges the Albanian state encounters in terms of ensuring the rights of its citizens. Meeting the needs of this target group requires presenting new legal frameworks that recognize gender identity, the development of medical protocols for hormonal therapy and gender affirming surgery, as well as developing inclusive policies and amendments to the civil registration procedures, social housing programmes, employment and education policies.

Transgender individuals represent the most discriminated segment within the LGBTI community and are the most marginalized group in Albanian society. They are disproportionately subjected to bullying in educational settings, sexual assault, and familial rejection, as well as discrimination from landlords and employers, leading to limited or no access to safe and adequate housing and employment opportunities. Moreover, reports from international organizations and feedback from civil society organizations underscore that transgender individuals are the members of the LGBTI+ community most impacted by hate crimes, including assaults and physical violence perpetrated by strangers in public spaces.

Discrimination against the transgender community manifests in part due to the intersection of bias against individuals who embrace a gender identity that diverges from their sex assigned at birth and prejudice based on appearance. These compounded layers of discrimination have hindered the effectiveness of initiatives aimed at integrating transgender individuals into Albanian society. According to the Evaluation Report of the National Action Plan for LGBTI People 2016-2020, published by the Council of Europe, transgender individuals have experienced minimal progress compared to their gay, lesbian, and bisexual counterparts. The report underscores the necessity for heightened focus on addressing the specific needs of the transgender community within the National Action Plan 2021-2027.

This document seeks to advance this objective by offering an overview of the current situation and primary needs of transgender individuals within the Albanian community. Additionally, it presents an analytical summary of the legal framework that affects the living conditions of transgender people, national strategic documents, and the role of civil society organizations.

1.1. ALBANIAN SOCIAL CONTEXT AND TRANSGENDER COMMUNITY

The situation of the LGBTI+ community in Albania has improved significantly over the years, primarily due to the positive influence and support from the European Union, the Council of Europe, and various international organizations. This assistance has enabled the integration of LGBTI+ issues into key policy documents, such as the National Strategy for Development and Integration 2015-2020[1] and the National Strategy for Gender Equality 2021-2029, as well as the creation of specific action plans for LGBTI+ individuals within the country.

However, progress has not been consistent for all members of the LGBTI+ community within the country. The evaluation report of the LGBTI+ action plan for the years 2015-2020 indicates that improvements are not equitable, as gay, lesbian, and bisexual individuals residing in the capital have garnered the most benefits, while LGBTI+ individuals in suburban areas, particularly transgender and intersex individuals, have encountered minimal advancement (Council of Europe, 2021).

Despite progress at the institutional and policy levels, social acceptance of the LGBTI+ community, particularly transgender individuals, continues to pose a significant challenge within the Albanian context. A 2015 survey on public perceptions of the LGBTI+ community, conducted by NDI in the Balkans, revealed that approximately 48% of LGBTI+ respondents identified family members (24%) and friends (24%) as perpetrators of verbal and psychological violence. Furthermore, 39% of incidents of physical violence were attributed to unknown passers-by on the street, while 22% were inflicted by friends and 17% by family members. The same survey indicated that 42% of respondents from the general population would seek a "cure" if their child identified as LGBTI+, 12% would sever communication, 12% would expel them from the home, and 6% would resort to violence against them (NDI, 2015).

According to a public opinion poll made by ERA in collaboration with IPSOS during 2022, while there is a moderate improvement in the attitudes of the general public in the Western Balkan Society are still far from fully accepting LGBTI+ Community[1].

Due to the current low level of social acceptance, transgender youth frequently experience bullying in educational settings, leading to a heightened risk of discontinuing their primary and/or secondary education. This, in turn, negatively affects their vocational training and their understanding of social programs intended to assist them. Furthermore, transgender individuals face an elevated risk of experiencing domestic violence, social isolation, and/or eviction from their residences when they assert their gender identity.

[1] ERA. (2023). Attitudes towards LGBTIQ+ people in the Western Balkans Analytical Report of Public Opinion Poll. ERA - LGBTI Equal Rights Association for the Western Balkans and Turkey.

In situations where young individuals face significant difficulties in integrating into the labor market, the family acts as the principal source of support for Albanian youth. Therefore, the lack of familial support and experiences of abandonment have a pronounced adverse effect on the social and economic security of transgender youth, as it limits their access to housing, nutrition, and income.

The inadequate level of qualification, coupled with the fear of and/or discrimination from employers, nearly precludes transgender individuals from the opportunity to earn a livelihood through employment. In this context, some perceive their only means of survival as engaging in illegal economic activities, such as sex work [2], which subjects them to the risks of sexually transmitted infections, physical and/or sexual violence, as well as the decline of their mental health.

In interviews conducted for the report “Being LGBTI+ in Eastern Europe: Albania Report” three transgender girls reported to have been raped by heterosexual men and were threatened against reporting the incidents to the police.

1.2. ALBANIAN LEGAL FRAMEWORK IN SUPPORT OF TRANS COMMUNITY

The Constitution of the Republic of Albania does not include any reference to the protection of the LGBTI+ community. Article 18 states, "No one may be unfairly discriminated against on grounds such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social or parental status," thereby omitting sexual orientation and gender identity as potential grounds for discrimination.

This gap is, however, mitigated by Article 1 of the Law on Protection from Discrimination, which establishes the law's objective as the implementation and adherence to the principles of equality and non-discrimination, including those pertaining to gender identity and sexual orientation.

The law acknowledges the right of individuals and groups who assert they have faced discrimination based on one or more provisions of Article 1 to initiate legal action and seek compensation in accordance with the law, and/or to file a complaint to the institution of the Commissioner for Protection against Discrimination.

[2] ERA. (2018). REPORT ON LEGAL GENDER RECOGNITION of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity- ERA - LGBTI Equal Rights Association for the Western Balkans and Turkey.

As per the access to justice services, transgender individuals may qualify for free legal aid if they satisfy the criteria outlined in either Article 11 or Article 12 of the Law “On Legal Aid Guaranteed by the State.” The legislation in question lacks specific provisions addressing LGBT individuals as a whole, or transgender individuals specifically.

Transgender individuals are recognized as a priority beneficiary for social housing and rental subsidies under the Law on Social Housing, as stipulated in Article 16, point xv, and Article 34, point j. According to these provisions, LGBT individuals, are classified as a priority category when there is an official decision by the Commissioner Against Discrimination that states that they are a victim of discrimination and/or when they prove insufficient means of income.

Regarding other social rights, including access to health services, education, employment, and economic assistance, there are no specific provisions for transgender and/or LGBTI+ individuals; however, they are entitled, in principle, to benefit from these rights as citizens of the Republic of Albania.

1.2.1 LEGAL GAPS THAT HINDER THE EFFECTIVE INTEGRATION OF TRANSGENDER INDIVIDUALS INTO SOCIETY

Although transgender individuals in Albania are theoretically entitled to the same social policy benefits as all other citizens, the absence of a Law on Gender Identity hinders their ability to fully exercise these rights.

The absence of a Law on Gender Identity Recognition prevents transgender individuals from altering the gender on their documentation to reflect their identified gender.

Moreover, since there are no provisions for name changes related to gender identity within the Law on Civil Status, the procedure for name changes can remain at the discretion of officials, which may result in delays due to discriminatory practices.

The inability to change data such as name and gender complicates interactions between transgender individuals, institutions and/or service providers, thereby reinforcing stigmatization and bullying against them[3].

In light of these circumstances, a trans activist, supported by the Albanian Helsinki Committee, is pursuing legal action against the civil registry, due to their refusal to amend her gender marker. This case has the potential to establish a precedent for trans individuals seeking to change their name and gender marker in the future [4].

[3] CITIZENS. (2023). The lack of medical protocols pushes transgender people to the informal hormone market

[4] ILGA EUROPE. (2024). ANNUAL REVIEW OF THE HUMAN RIGHTS SITUATION OF LESBIAN, GAY, BISEXUAL, TRANS, AND INTERSEX PEOPLE COVERING THE PERIOD OF JANUARY TO DECEMBER 2023

Likewise, the lack of references to gender identity in the Law on Civil Status creates a significant gap for transgender individuals seeking to identify themselves at employment offices. This limitation hinders the collection of data that could be invaluable for assessing the actual employment conditions and the broader needs of the community in this domain (Council of Europe, 2021).

1.2.2 IMPACT OF NATIONAL ACTION PLAN FOR LGBTI PEOPLE ON THE TRANSGENDER PEOPLE IN ALBANIA

From 2016 to 2020, Albania executed its first National Action Plan for LGBTI individuals, marking a significant achievement in the Albanian government's commitment to safeguarding the rights of the community. However, despite this advancement, the evaluation report of the plan revealed that only 24% of the proposed measures were fully realized, while more than one-third of the measures (37%) remained unimplemented. Contributing factors included not only legal gaps but also the emergency situations arising from the 2019 earthquake and the Covid-19 pandemic in 2020 (Council of Europe, 2021).

Regarding transgender individuals, the evaluation report's findings indicated that the execution of this action plan has had negligible effects on the circumstances of the transgender community in Albania.

This situation was articulated as a recommendation for the New LGBTI+ Action Plan 2021-2027, which emphasizes the necessity of addressing the needs of transgender individuals, recognized as the most marginalized members within the community, while also expanding community-friendly services to other regions of the country.

The Action Plan places a strong focus on the establishment of health protocols and standards, enhancing the capabilities of medical staff to adhere to these protocols, and increasing the number of transgender and intersex individuals benefiting from health services [5].

1.3 ROLE OF CSO-S IN PROMOTING TRANSGENDER RIGHTS IN ALBANIA

LGBTI organizations play an essential role in the lives of transgender individuals in Albania by offering direct services and advocating for legal reforms.

In terms of direct services, STREHA and Alliance Against Discrimination of LGBT continuously offer legal, psychological, sheltering and employment services to transgender people in Albania.

[5] NATIONAL ACTION PLAN ON LGBTI PEOPLE (2021) retrieved from <https://shendetesia.gov.al/wp-content/uploads/2022/01/LGBTI-NAP-2021-2027-AL-final.pdf>

As per the advocacy related to the needs of transgender people, the LGBTI organizations have mainly advocated for legal recognition for gender identity and the medical protocols and standards for gender affirming hormone therapy.

Legal recognition of gender identity

Pink Embassy has led the efforts for recognition of gender identity since 2013. They have repeatedly sent the draft-proposal to the parliament and publicly defended it. In addition, during 2021 they called for a coordination and monitoring body to oversee implementation, and the establishment of a Transgender Support Fund. They also published a report on the human rights of LGBTI people in Albania in the past 10 years, critical of the lack of government action, particularly on trans rights (ILGA EUROPE, 2022).

In addition, the Strategic Litigation Strategy published in 2022 by Aleanca LGBT provides a thorough analysis of the gaps in Albanian legislation and legal cases from the European level and the Western Balkans region.

Medical protocols and standards for gender affirming hormone therapy

Throughout 2023, Aleanca LGBT and Ylberofilia have contributed to the working group led by the Ministry of Health and Social Protection in Albania to draft a protocol that will enable trans people to safely access hormone therapy (ILGA EUROPE, 2024).

This needs assessment report utilizes a methodology that combines both quantitative and qualitative data collected through an online survey and in-person interviews with transgender individuals in Albania.

The online survey was conducted using Google Forms over an eight-month period, from August 2023 to April 2024. The survey is composed of 5 sections which explore the challenges and experiences of trans community in the fields of education, employment, housing, health and safety.

To reduce the risk of errors, each participant completed the survey in a secure, comfortable, and private setting facilitated by the Ylberofilia organization. Additionally, technical assistance was provided upon request from the respondents. The total number of respondents of the survey is 17. The data collected by the survey was analyzed via excel pivot tables and was further used to prepare the guide for the semi structured interviews.

To dig deeper into the experiences of transgender community and their needs, 4 semi structured interviews were conducted with transgender women around the same topics. The interviews took place during October- December 2024 and were organized in person, individually. The average duration of each interview is approximately 30 minutes. All interviews were recorded, transcribed and thematically analyzed.

Limitations

No data on the total population of transgender people in Albania

As there are no estimates or correct data on the total population of transgender people in Albania, the number of respondents has the risk of not being representative.

Limited representation of the perspective of transgender men

The survey had a total of 17 respondents among which only 2 reported to be transgender men, whereas there were no interviews with transgender men conducted. Further data is needed to encapsulate the needs of transgender men in Albania.

Education

- 70.5% of the respondents have completed primary education.
- 63.6% of respondents indicate that they have ceased their education due to bullying by peers.
- 44% of the respondents ceased their education during general and/or vocational high school, whereas 27% percent discontinued their studies during primary school.
- The main source of transphobic remarks are students (94%) and the second teachers (64%) while 94% indicated they have encountered such comments from students.
- 76.4% of the respondents have encountered social ridicule related to their gender identity.
- 41% changed schools due to experienced discrimination, while 64.7% have ceased further education because of discrimination.
- 60% of the respondents who have reported instances of discrimination assert that the circumstances remained unchanged even after reporting.
- 63% of the respondents who paused their studies express a desire to resume and complete them.
- Trans people that engage as sex workers have lower rates of desire to resume education due to negative experiences within the school premises.

Employment & Vocational training

- 35.2% of the respondents fall within the NEET category.
- 47.05% of the respondents report to work as a sex worker.
- Half of the respondents with prior employment experience report having encountered discrimination from prospective employers.
- 41.6% of individuals have experienced job loss as a result of discrimination related to their gender identity.
- 58.3% of individuals have encountered discrimination in the workplace, and the same percentage have resigned, citing discrimination related to gender identity.
- 20% percent of them have encountered violence in the workplace as a result of their gender identity.
- 30% of them have encountered sexual harassment in the work place as a result of their gender identity.
- Half of individuals currently employed have not revealed their gender identity in the workplace.
- Half of employed individuals assert that they possess limited knowledge regarding their workplace rights, while one-third report having no information whatsoever.

- 92.3% of unemployed respondents are not registered in the employment office.
- 61.5% lack any information regarding vocational training courses.
- 53.8% express a strong willingness to pursue a vocational training course.

Housing

- Stable housing is the main need reported by the interviewees.
- Almost one in three respondents reside in short-term rentals.
- Over the past five years, 17.6% of respondents have reported sleeping in streets or public spaces, while 41.2% have pursued temporary accommodation in shelters.
- 33.3% of respondents who have not applied for social housing programs do not expect any enhancement in their circumstances due to this program.
- 61.5% of respondents indicate a significant interest in obtaining additional information about social housing programs.

Health

- 23.5% of respondents consistently report feeling demoralized.
- Only half the respondents are aware of where to seek assistance in the event of health concerns.
- Only 47% of respondents demonstrate a consistent readiness to seek assistance from medical professionals when confronted with health concerns.
- 35% of the respondents express a persistent fear of discrimination by medical personnel due to their gender identity, while 29% percent of respondents indicate that they frequently encounter this concern.
- 23.5% of respondents have abstained from accessing health services at a hospital or health center.
- 29.4% have encountered difficulties in obtaining health services.
- 23.5% of respondents indicated that they experienced instances where medical personnel made inappropriate remarks towards them.
- 23.5% of respondents have experienced surgical procedures to align with their gender identity.
- 29.4% have engaged in hormone therapy to better align with their gender identity.

Safety

- Half of the respondents contend that state institutions do not adequately address the security needs of transgender individuals.
- 23.5% of respondents indicate that they have experienced physical and/or sexual violence, with half of these incidents involving physical violence and 30% involving sexual violence.
- In 58.3% of cases, multiple perpetrators were responsible for the act of violence.
- 75% of the respondents who assert they have experienced physical and/or sexual violence have not reported the incident to law enforcement.
- 82% of the respondents reported having been threatened with physical violence at least once in the past twelve months.
- Trans people spend extra on private means of transport (taxis) to prevent physical harassment in public spaces.

Holistic Approach

To improve the overall situation of the trans community the public institutions must build holistic programmes that **combine housing, financial aid, mental health services and education/employment opportunities.**

Ministry of Educations and Sport

Strengthen Anti-Bullying & Anti-Discrimination Policies in Schools

- Mandate teacher training on LGBTQI+ sensitivity in general and gender identity in particular, aligned with Action Plan for LGBTI+ 2021–2027 (Objective 4.3) and EU LGBTIQ Strategy 2020–2025.
- Introduce LGBTQI+ inclusive curricula, including gender diversity topics, as outlined in Action Plan 2021–2027.
- Strengthen the capacities of psychologists and social workers in schools to manage cases and address the needs of transgender students.
- Require schools to document & report bullying cases annually to the Ministry of Education and Commissioner Against Discrimination.
- Launch national awareness campaign on the importance of tolerance, acceptance and against transphobia in schools, partnering with pupil's parliament, civil society and other relevant stakeholders.
- Establish peer to peer structures within schools that promote tolerance, acceptance and fight discrimination and bullying among student bodies.

2. Support Trans Students Who Dropped Out to Resume Education

- Create dedicated programs for trans adults to complete primary/secondary education with flexible learning options and incorporated incentives (direct referral system to National Employment Agency, Local government housing programmes, financial aid, etc.) The incentives to be provided in collaboration with the local municipalities, and other Ministries responsible.

Ministry of Health and Social Welfare

Sex work exit programs

- Offer sex work exit program in collaboration in the local government and other relevant ministries. The program must provide housing, mental health services, career counseling, vocational education trainings and employment opportunities.

Ministry of Internal Affairs

- Propose a law on gender identity and include gender identity references within the current civil registry legislation.
- Decriminalize sex work as mean to incentivize trans sex workers to report cases of violence.
- Propose increased penalties for hate crimes on the basis of gender identity
- Strengthen the capacities of LGBTI focal points within the police directorates to support and address the needs of the trans community in Albania
- Strengthen the cooperation between the LGBTI focal points within police directorates and trans community to establish trust.

Local governments (Municipalities)

- Reduce the bureaucracies to apply for rent subsidize for transgender applicants through improved collaboration with relevant public institutions.
- Reserve a 1% quota of social housing units that are close to urban areas for transgender applicants.
- Increase funding for LGBTI friendly shelters
- Publish simplified guides on housing rights and application procedures, translated into accessible formats.
- Strengthen the cooperation with LGBTI organizations to address the homelessness of trans community.

Ministry of Justice

- Ammend Law No. 111, 2017 to include the LGBTI individuals as a specific category that benefits from the free legal aid.

Ministry of Finances

- Offer dedicated trainings to the staff of Employment Offices on gender identity sensitivity and how to proceed with cases of transgender applicants

Combat High NEET rates & economic exclusion of trans community

- Create a special register of trans friendly employers within the National Agency of Employment.
- Provide tax incentives to businesses who employ trans people.
- Strengthen the cooperation with LGBTI organizations to promote Youth Guarantee Programme among transgender youngsters.

Vocational education training for trans community

- Orient trans community members towards sectors with labor shortages.

Civil society organizations

- Organize communal workshops on civil rights on housing and reporting hate crimes/discrimination.
- Organize dedicated activities that foster institutional trust among LGBTI community.
- Strengthen their internal capacities to offer direct services especially in terms of housing.

