



VICTIM OF HATE CRIME, HATE SPEECH AND/OR  
DISCRIMINATION BASED ON GENDER IDENTITY AND  
SEXUAL ORIENTATION?

**A GUIDE ON WHAT TO DO AND WHERE TO GO FOR SUPPORT**



# WHEN ARE YOU A VICTIM OF HATE CRIME, HATE SPEECH AND/OR DISCRIMINATION BASED ON GENDER IDENTITY AND SEXUAL ORIENTATION?

## Hate crime

If you have experienced an act of violence or hostility because of whom you are or someone thinks you are, you may have been the victim of a hate incident or hate crime. Hate crimes happen because of prejudice or hostility based on for example a person's disability, race, religion, sexual orientation or transgender identity. A hate crime is a prejudice-motivated crime and a big part of defining crimes as hate crimes is determining that they have been committed against (assumed) members of historically oppressed groups. Also, the protective characteristics play a key role in defining an incident as a (possible) hate crime.

## Hate Speech

The term hate speech is understood as any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based for example on their religion, ethnicity, nationality and also sexual orientation, gender identity and/or expression etc.

## Discrimination

As prescribed by Albanian Law on protection from Discrimination:

“Discrimination is every distinction, exclusion, limitation or preference because of any cause mentioned in article 1 of this law that has as a purpose or consequence the hindering or making impossible the exercise, in

the same manner as with others, of the fundamental rights and freedoms recognized by the Constitution of the Republic of Albania, with international acts ratified by the Republic of Albania as well as with the laws in force”.

Discrimination on the basis of gender, race, language, gender identity, color, ethnicity, sexual orientation, political beliefs, religious or philosophical, economic condition, educational or social, pregnancy, parental affiliation, parental responsibility, age, marital or family status, marital status, residence, health status, genetic predisposition, disability, belonging to a particular group, or any other cause is **prohibited by law**.

## Why it is important to report a case to the police?

Cases of hate crimes and discrimination against LGBTI community members are massively underreported in Albania, amongst other reasons due to a lack of trust in institutions that guarantee the protection and security of LGBTI community. For the cases to be prosecuted and to insure protection and prevention of more crimes towards the community, it is of utmost importance that you report to the authorities. This brochure helps guide you through the steps to take when you are a victim or witness of hate crime, hate speech and/or discrimination based on gender identity and sexual orientation.



## HOW CAN YOU REPORT A CASE TO THE POLICE?

- ⊗ In case of emergency, call the emergency number 129. Be sure to ask for medical attention for any injuries.
- ⊗ In non-urgent cases, you can go directly to the closest Commissariat to file a report. Your local officials are required by law to report the incident for investigation.
- ⊗ Important: if you want the crime to be reported as a hate crime, tell the officer to note that on the report.
- ⊗ Make sure the officer files an incident report form and assigns a case number. If the police do not assist you properly, file a complaint. You can find more information on how to file a complaint later on in this brochure.
- ⊗ If a police report is not taken at the time of your report, go to the police station and ask for one, and make sure to get your own copy.

## WHAT ELSE CAN YOU DO?

- ⊗ You can ask your doctor for official determination of the injury.
- ⊗ You can collect evidence of the infringement and damage suffered (photos, videos, emails, text messages etc.).
- ⊗ You can contact a lawyer of your choice. On your initiative, a lawyer can support you during the interview by the police.
- ⊗ You can contact local NGOs who can help you with free legal aid appointed lawyers or refer you to another NGO that offers free legal aid. For more information on how to contact local NGOs, we've added a list with contacts at the end of this brochure.



## KNOW YOUR RIGHTS:

In 1973, the American Psychiatric Association (APA) removed the diagnosis of “homosexuality” from the second edition of its Diagnostic and Statistical Manual (DSM). This resulted after comparing competing theories, those that pathologized homosexuality and those that viewed it as normal. On 20th January 1995 the Albanian Parliament legalized consensual same-sex sexual relations in Albania.

### WHAT ARE YOUR RIGHTS?

- As a victim you can claim to be the injured party and report the case to police officers.
- Before reporting to the police you should be informed that everything you share about the incident can be used as evidence in front of a court.
- Keep in mind that everything you’ll share during the interview with the police officers will be written and noted down.
- You have the right to **ask** for a lawyer who can support you during the interview if you cannot **afford** one. At the end of this brochure you can find contact information from local NGOs who can help you with free legal aid appointed lawyers or refer you to another NGO that offers free legal aid.
- After filing the report with the police officers, you have the right to ask for help from a psychologist or any other need to the Victim Support Unit.

### WHAT TO DO IN CASE OF REFUSAL:

- Insist and ask for the reasons of refusal.
- Ask if you can talk to a supervisor or the chief of police.
- File a complaint at the Service for internal issues and complaints.
- Report the refusal to the Commissioner for Protection from Discrimination.
- Report the refusal to the Ombudsman.
- Go to your local LGBTI NGOs, Aleanca Kunder Diskriminimit LGBT, Te bashkuar pro kauzes LGBT, to notify them of the refusal.

***For more information about the above persons and organisations and how to contact them, make sure to check out the contact list we have added to this brochure.***

## GLOSSARY

### LGBTIQ ACRONYMS:

**Sexual orientation:** Natural sexual attraction. The tendency or ability to develop emotional or sexual intimate relationships with people belonging to the same gender category, opposite gender or more than one gender. Use this term instead of sexual preference or other inappropriate terminologies.

**Gender identity:** It is the way a person self-identifies with a gender category, such as being a man or a woman, or in some cases none of them, which can be distinct from biological sex. A person may have conformity to their gender identity (his/her physical gender and gender identity are in full compliance) or transgender (born biologically with one gender, but emotionally or spiritually with the other) or none fully.

**Straight:** Heterosexual: non-gay. The English term is preferred by some people, as it is not formal and clinical, such as the term heterosexual.

**Gay:** An adjective that has widely replaced the word "homosexual" when referring to males who are sexually and emotionally attracted to other males.

**Lesbian:** A common term and acceptable term for those identifying as women who are emotionally, physically, and/or sexually attracted to or committed to other women.

**Bisexual:** Individuals who are attracted emotionally and sexually by both sexes. Not to be mistaken for polygamy. Some people identify as "bi" instead of bisexual.

**Closeted:** Refers to people who have not disclosed their sexual orientation or gender identity and aspects thereof, including sexual identity and sexual behavior.

**Coming Out:** The process of recognizing and accepting non-heterosexual orientation or gender identity with oneself and then sharing with others. Initially, many young LGBTI people raise emotional barriers against their acquaintances, friends and family by claiming (concretely or through silence) that they are heterosexual.

**Homophobia:** Term that shows unreasonable fear of homosexuality. This term usually refers to being against or disagreeing with gay, lesbian, bisexual and transgender people or stereotypical gay/lesbian behavior.

**Transgender:** Term that is much preferred by people whose appearance, characteristics or behaviors are non-conform gender roles. Transgender people can be heterosexual, gay, lesbian or bisexual. Some people self-identify as 'trans' more than transgender.



## CONTACT LIST:

### WANT TO KNOW MORE?

Find more information on our websites or contact us.

#### **Aleanca Kunder Diskriminimit LGBT**

[www.aleanca.al](http://www.aleanca.al)

[www.soslgbt.al](http://www.soslgbt.al)

Email: [aleanca.al@gmail.com](mailto:aleanca.al@gmail.com)

Phone: +355 69 30 53 764

#### **Te bashkuar Pro kauzes LGBT**

[www.prolgbtalbania.org](http://www.prolgbtalbania.org)

[www.historia-ime.com](http://www.historia-ime.com)

Email: [historiaime.com@gmail.com](mailto:historiaime.com@gmail.com)

#### **Streha LGBT**

[www.strehacenter.org](http://www.strehacenter.org)

Email: [strehalgbt@gmail.com](mailto:strehalgbt@gmail.com)

Phone: +355 69 98 39 189

#### **Other relevant institutions:**

##### **Commissioner for Protection from Discrimination**

[www.kmd.al](http://www.kmd.al)

Address: Rruga e Durrësit Nr.27, Tirana

Email: [info@kmd.al](mailto:info@kmd.al)

Cel: 04 243 1077

##### **Ombudsman**

[www.avokatipopullit.gov.al](http://www.avokatipopullit.gov.al)

Address: Rruga Vllazën Huta, Tiranë

Phone: +355 68 55 42 604

##### **Service for internal issues and complaints.**

[www.shcba.gov.al](http://www.shcba.gov.al)

Address: Blv. "Dëshmorët e Kombit", Nd. 1, 1001 Tiranë

Email: [info@shcba.gov.al](mailto:info@shcba.gov.al)

Green Number: 0800 90 90

Free legal Aid

##### **Ministry of Justice**

[www.ndihmajuridike.gov.al](http://www.ndihmajuridike.gov.al)

Numri Jeshil: 0800 10 10