

# Annual Report 2018

ON THE ACTIVITY OF THE  
ALBANIAN COMMISSIONER  
FOR PROTECTION  
FROM DISCRIMINATION

Summary Report for 2018



**Robert Gajda, Commissioner**

August 2019



## Contact

### **Albanian Commissioner for Protection from Discrimination Commissioner Mr. Robert Gajda**

*Full name in the national language:*

**Komisioneri për Mbrojtjen nga Diskriminimi**

*Address:*

Rruga e Durrësit, Nr. 27, Kodi Postar 1001, Tirana, Albania

*Website:*

<https://www.kmd.al/>

*General e-mail address:*

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

*Telephone number:*

+355 4 243 1078

*Helpline:*

08000606

*Social Media:*

Facebook: [facebook.com/antidiskriminimi](https://www.facebook.com/antidiskriminimi)

Twitter: [@antidiskriminimi](https://twitter.com/antidiskriminimi)

# CONTENT

<b>1. Introduction .....</b>	<b>5</b>
<b>2. Developments in the legal framework for the functioning of the CPD .....</b>	<b>6</b>
<b>3. Activity in protection from discrimination and promotion of equality .....</b>	<b>7</b>
<b>4. Legislative recommendations and opinions .....</b>	<b>15</b>
<b>5. Raising Awareness .....</b>	<b>17</b>
<b>6. Collaborations .....</b>	<b>19</b>
<b>7. Projects .....</b>	<b>22</b>



## 1. INTRODUCTION

Based on the Law no.10221, dated 04.02.2010 “*On Protection from Discrimination*”, the Commissioner for Protection from Discrimination (CPD) is the responsible authority that ensures effective protection from discrimination and from every other form of conduct that encourages discrimination.

The CPD bases its activities in implementing all national and international legal mechanisms for the protection of human rights, ratified by the Republic of Albania.

The CPD’s annual activity is also guided by the Strategic Plan 2018-2021, which is an important instrument that sets out the vision, mission and strategic objectives, and also by the Action Plan for 2018. The vision of the Commissioner for Protection from Discrimination is:

*“Living in a society where the principle of equality, opportunities and equal chances are promoted”.*

Pursuant to Article 26 of Law No. 10221 dated 04.02.2010 “*For the Protection from Discrimination*”, which stipulates that “The Commissioner shall submit a report at least once a year before the commissions of the Assembly. The report includes an analysis on the implementation of this law in general, as well as on the work of the Commissioner and the office”, the Commissioner for Protection from Discrimination has prepared and presents to the Parliament of the Republic of Albania the “**Annual Report on the activity of the Commissioner for the Protection from Discrimination for the year 2018**”.

Assessments and recommendations of the Albanian Parliament through the “*Resolution on the Evaluation of the Activity of the Commissioner for Protection from Discrimination (CPD) for 2017*”, have constituted a guide to the activity of the institution to guarantee equality and effective protection against discrimination and any form of conduct that encourages discrimination.

Also, the Annual and Periodic Monitoring Manual, adopted by the Assembly of Albania through Decision no. 134/2018, has served to draft the Annual Report of the CPD, as an independent institution established by law, in the framework of the parliamentary scrutiny.

The CPD Annual Report for 2018 aims to inform and report on the concrete institutional activity, carried out during this period, by the Commissioner for Protection from Discrimination.

## 2.

**DEVELOPMENTS IN THE LEGAL FRAMEWORK FOR THE FUNCTIONING OF THE CPD**

The Assembly of the Republic of Albania adopted the Law no. 10 221, dated 04.02.2010 “*For the Protection against discrimination*” which entered into force on 13 March 2010, following the Decree no. 6433, dated 24.2.2010 of the President of the Republic of Albania and publishing in the Official Journal No. 15, dated 25 February 2010. According to this law, the Commissioner for Protection from Discrimination is the only responsible authority that ensures effective protection from discrimination and from every other form of conduct that encourages discrimination.

The CPD bases its activities in implementing all national and international legal mechanisms for the protection of human rights, ratified by the Republic of Albania.

The framework for the establishment and functioning of the CPD, as an institutional mechanism that ensures in practice effective protection against discrimination and any form of conduct that encourages discrimination, has recognized **positive developments during 2018, which are:**

***First:* the appointment of the Commissioner for Protection from Discrimination, after a 3-year period after termination of the term of office of the first Commissioner (appointed in May 2010 for a 5-year term).**

The Assembly of the Republic of Albania by Decision no. 60, dated 05.04.2018 “*On the election of the Commissioner for Protection from Discrimination*”, elected Mr. Robert Gajda in the position of Commissioner for Protection from Discrimination. Based on the law “*For the Protection from Discrimination*”, the mandate of the Commissioner is five years, with the right to be re-elected only once.

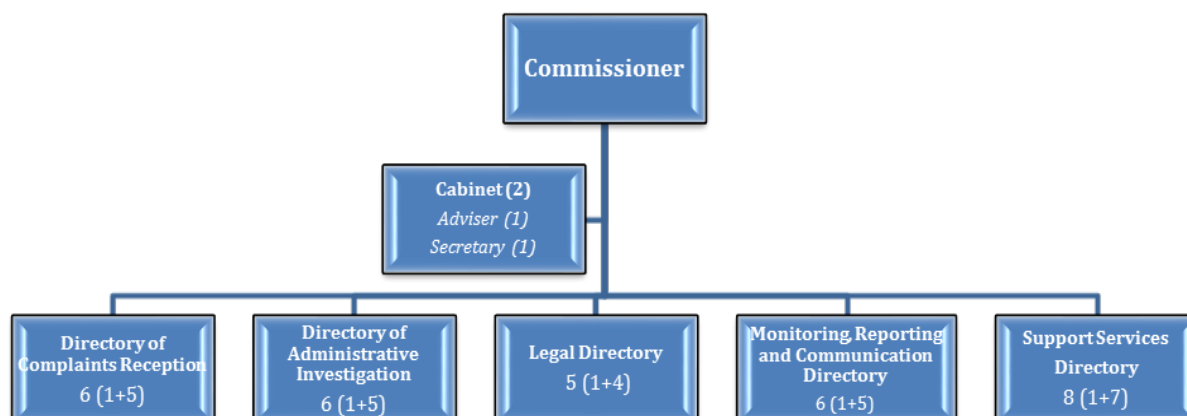
***Second,* amendment of the organizational structure of the Office of CPD, by Decision no. 88, dated 23.07.2018 of the Assembly of Albania.**

Based on Decision no. 34, dated 20.05.2010 “*On the approval of the structure, organigramme and job classification of the Office of the Commissioner for Protection from Discrimination*” of the Assembly of Albania, the Office of the Commissioner for Protection from Discrimination has operated with 3 directorates and 1 sector, since 2010 when the institution has been newly established as an institution until 2018.

By decision of the Parliament of Albania no. 88, dated 23.07.2018 “*On some amendments and additions to the decision of the no. 34, dated 20.5.2010, “On the approval of the structure, organigramme and job classification of the Office of the Commissioner for Protection from Discrimination of the Assembly of Albania*”, it has been decided to change the structure and the organigramme of the Office of the Commissioner for Protection from Discrimination.

Based on these changes in the structure, the number of employees of the Office **increased by 11** (eleven), including the three regional offices of the CPD, in the cities of Korça, Fier and Shkodra, which became permanent offices. Also, the new structure aims to increase efficiency of the CPD office and the full exercise of legal competences. Thus, on purpose of strengthening the monitoring capacities of the institution and based on article 32, point 1, letter “dh” of the law “*For the Protection from Discrimination*”, which provides that: “*The Commissioner has the power to monitor the implementation of this law*”, article 16/2 of the Law 93/2014” *On inclusion and accessibility of Persons with Disabilities*” and in the framework of the” *National Action Plan on People with Disabilities 2016-2020*”, have been foreseen specialists dedicated to monitoring and reporting. It should be emphasized that, in the previous organizational structure, the competence of conducting surveys and monitoring was not covered in a specialized manner. Also, specialists for media communication, foreign relations and project implementation, as well as an investigative inspector, have been added by the new organigramme.

## Organisational structure of the Commissioner for Protection from Discrimination



## 3. ACTIVITY IN PROTECTION FROM DISCRIMINATION AND PROMOTION OF EQUALITY

### 3.1. Providing assistance to victims of discrimination

Based on the Law no. 10 221, dated 04.02.2010 “*On Protection from Discrimination*”, assistance to victims of discrimination is accomplished through:

1. Providing assistance to victims of discrimination, as well as handling the complaints;
2. Drafting legislative recommendations and opinions;
3. Awareness campaigns, conducting studies and monitoring process in the discrimination area.

#### 3.1.1. Cases handled<sup>1</sup> by CPD, during 2018

During the period from 1 January 2018 to 31 December 2018, the CPD has handled a total of 287 cases, (271 complaints and 16 ex-officio cases). Of these, 205 cases (197 complaints and 8 ex-officio cases) registered in 2018, as well as 82 cases (74 complaints and 8 ex-officio cases) carried over from 2017.

#### 3.1.2. Complaints

During the period from 1 January to 31 December 2018, 197 complaints were submitted before the Commissioner, administered in the following format:

- 52 (fifty- two) are submitted to the Central Office of CPD, in Tirana.
- 41 (forty-one) are submitted to the regional offices:
  - o 18 (eighteen) complaints, Korça Regional Office.
  - o 13 (thirteen) complaints, Gjirokastra Regional Office
  - o 10 (ten) complaints, Shkodra Regional Office
- 68 (sixty-eight) are submitted by post

1

The cases handled include: cases closed by decision and those in process during 2018.

- 36 (thirty-six) are submitted by e-mail at: [info@kmd.al](mailto:info@kmd.al) and through the application from the CPD's official website: [www.kmd.al](http://www.kmd.al)

For 2018 there is a 15% increase in the number of complaints compared to 2017.

### **3.1.3. Complainants**

Based on article 32, point 1/a/b, of the Law no. 10221, date 04.02.2010 “*On protection from discrimination*”, the complainants are: persons, group of persons and organisations with legitimate interests.

Out of the 287 cases that were handled during 2018, 271 cases initiated based on complaints, of which 232 cases were submitted by persons (166 complaints submitted in 2018 and 66 complaints carried over from 2017), 26 cases by organizations with legitimate interests (23 complaints submitted in 2018 and 3 complaints carried over from 2017) and 13 complaints by groups of persons (8 complaints submitted in 2018 and 5 complaints carried over from 2017).

During 2018, in addition to individual complaints before CPD are submitted 26 complaints from organizations with legitimate interests. These complaints have generally been submitted by organizations that advocate for the interests of children, Roma minority, Egyptian minority, people with disability and in particular in the field of services and education. The cooperation with these organizations has been very effective in identifying cases of alleged discrimination, raising awareness and improving situations. During 2018, in 23 cases the complainants were assisted by civil society organizations.

Also in some cases the information provided by civil society organizations and the media has served as an indication or information based on which the Commissioner has initiated the *ex officio* investigations.

### **3.1.4. Ex-officio cases (cases initiated by CPD's own initiative)**

During 2018, based on article 32, point 1/c, of Law no. 10221, dated 04.02.2010 “*On Protection from Discrimination*”, the CPD has initiated 8 *ex officio* cases, after receiving reliable information. The review of these cases by the CPD has begun based on information received from organizations operating in the field of discrimination by, providing free legal aid to people in need in the field of services, providing services and protection for people with disabilities, as well as organizations that protect the rights of children in education.

### **3.1.5. Regional distribution of complaints**

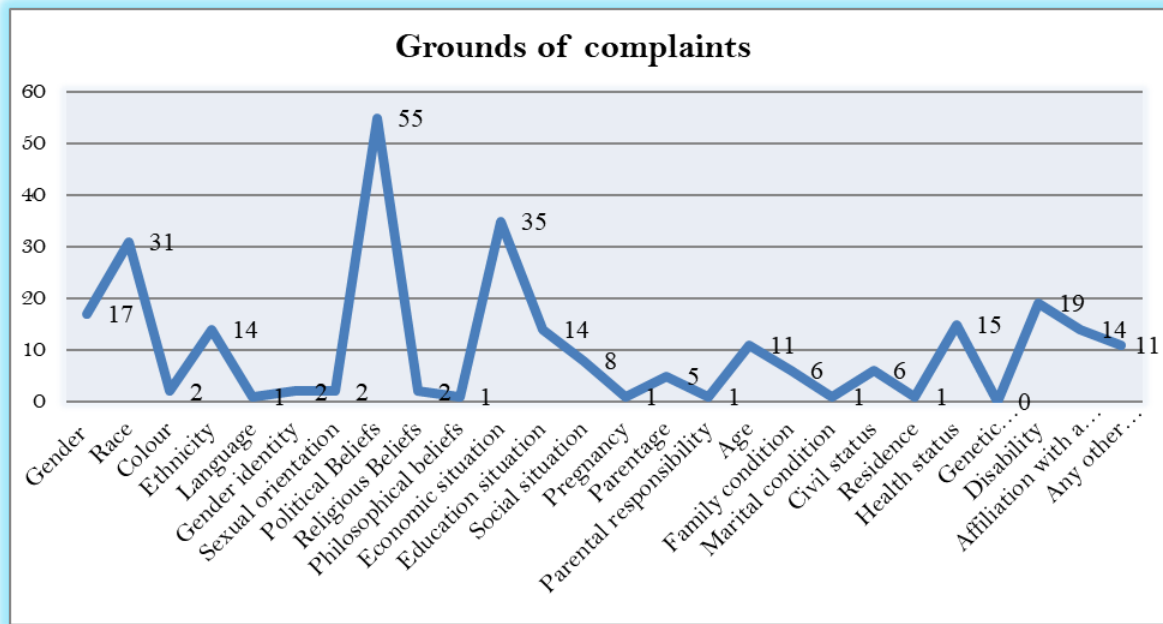
During 2018 there has been a wide geographical spread of discrimination complaints submitted to CPD. The cities from which it is the largest number of complaints of discrimination to the CPD are: Tirana (76), Korça (20), Fier (19), Berat (14), Gjirokastra (14), Shkodra (11), Elbasan (10), Vlora (8), Mati (6), Mallakastra (3), Çorovoda (3) and other in lower numbers, as well as 1 complaint from Albanian citizens living outside the territory of the Republic of Albania.

### **3.1.6 Alleged causes of discrimination in the cases handled**

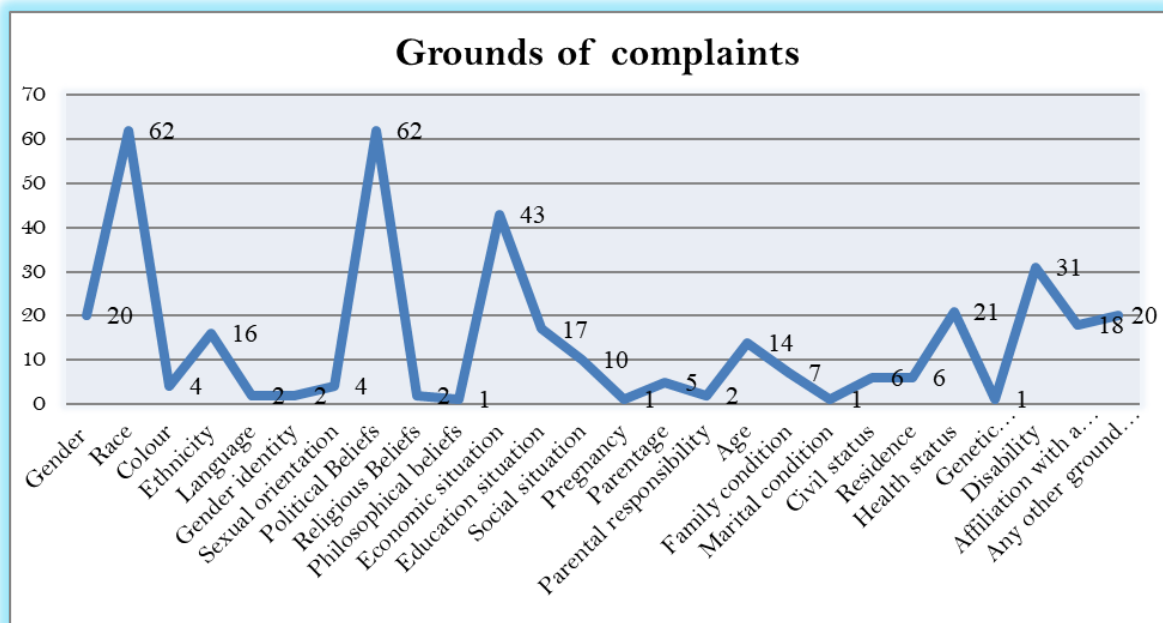
The LPD provides for an open list of grounds, including “*any other ground*”. During 2018 there were complaints in which the complainants identified one of the protected ground provided by the law, but also complaints where the complainants were unable to identify the ground of discrimination. During 2018 there have also been cases in which complainants have alleged more than one ground of discrimination.



The graph shows the distribution of complaints registered during 2018 divided by the grounds:



Graph 1: Grounds of complaints registered during 2018

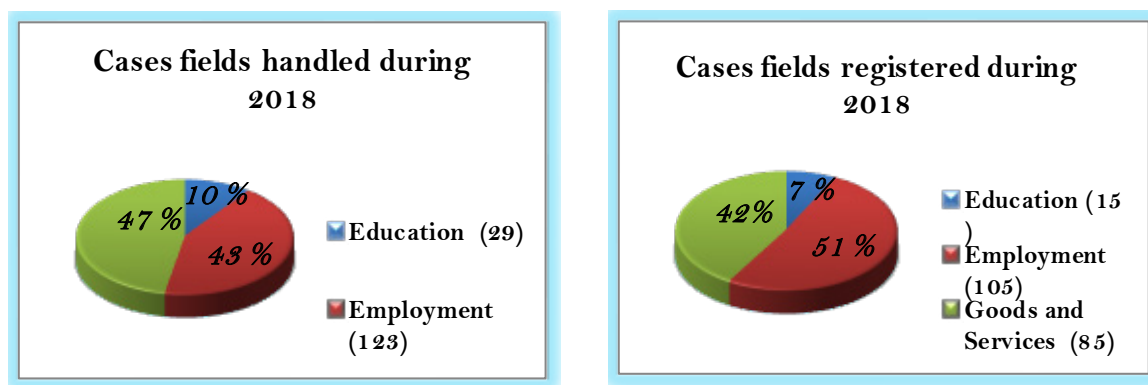


Graph 2: Grounds of complaints handled during 2018

**3.1.7. Fields where complaints are submitted**

The Law on Protection from Discrimination provides for 3 major fields that enjoy protection: the field of employment, the field of education, the field of goods and services.

During 2018, the Commissioner’s Office handled a total of 287 cases (271 complaints and 16 ex-officio cases) out of which 205 (197 complaints and 8 ex-officio cases) registered in 2018.



Graph 3 and 4: Cases handled and registered during 2018, divided according to the fields.

### 3.1.8. Complaints handled concerning the protection of children's rights

During 2018, the CPD has handled 23 cases (3 ex-officio and 20 complaints) of alleged violation of children's rights, of which 16 cases were closed by decision in 2018 and for 7 cases the review continued in 2019. These cases have had to do mainly with the following issues:

- ⊙ Allegations of inability of the Roma minority and Egyptian minority to attend school due to their economic situation;
- ⊙ Claims regarding free medical treatment;
- ⊙ Allegations of failure to enforce legislation on the enrolment and treatment of children with disabilities at school, denying them access to assistant teachers;
- ⊙ Allegations about offensive treatment of a child with a disability by the teachers in the school.

### 3.1.9. Results of decisions of reviewed complaints

In 2018, the Commissioner for Protection from Discrimination has issued in total 239 decisions and 2 recommendations on *ex-officio* cases (which have focused on a specific target group), out of which: 232 decisions on individual complaints and 7 decisions by fines. Of these:

- ⊙ 49 decisions ascertaining discrimination, including: 6 discrimination decisions on the ground of race, 7 discrimination decision on the ground of disability, 15 discrimination on the ground of political beliefs, 8 on discrimination decisions on the ground of economic status, 4 discrimination decisions on the ground of on health status.
- ⊙ 10 decisions to dismiss the case after the effectiveness and purpose of the complaint has been reached.
- ⊙ 68 decisions ascertaining non-discrimination.
- ⊙ 1 decisions to dismiss the case, (*because the appeals is being reviewed at the Court*)
- ⊙ 91 decisions rejecting the complaint.
- ⊙ 3 decisions to suspend the proceedings as the same facts contained in the complaints are under investigations before the prosecution.
- ⊙ 6 dismissal decisions due to the inability to provide evidence for further examination of the complaint.
- ⊙ 4 dismissal decision because the complainants were withdrawn;
- 7 sanctions by fine, out of which 6 decisions for non-implementation of the

Commissioner’s decisions and 1 decision for failure to provide information for CPD.

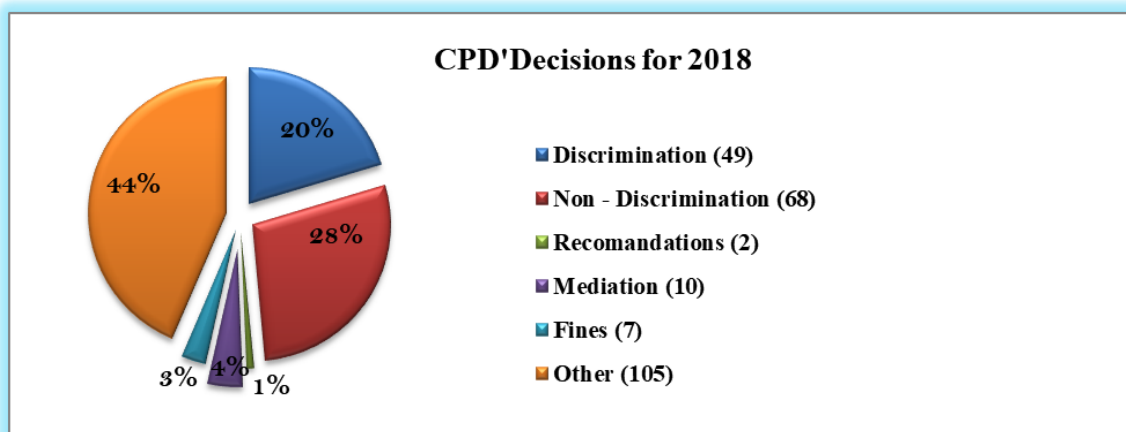
- ② 2 general recommendations for improving the situation, following the discriminatory decisions.

During 2018, the Commissioner has issued 49 decisions ascertaining discrimination, out of which in 48 cases the discrimination has been found in the form of direct discrimination and in 1 case there has been indirect discrimination.

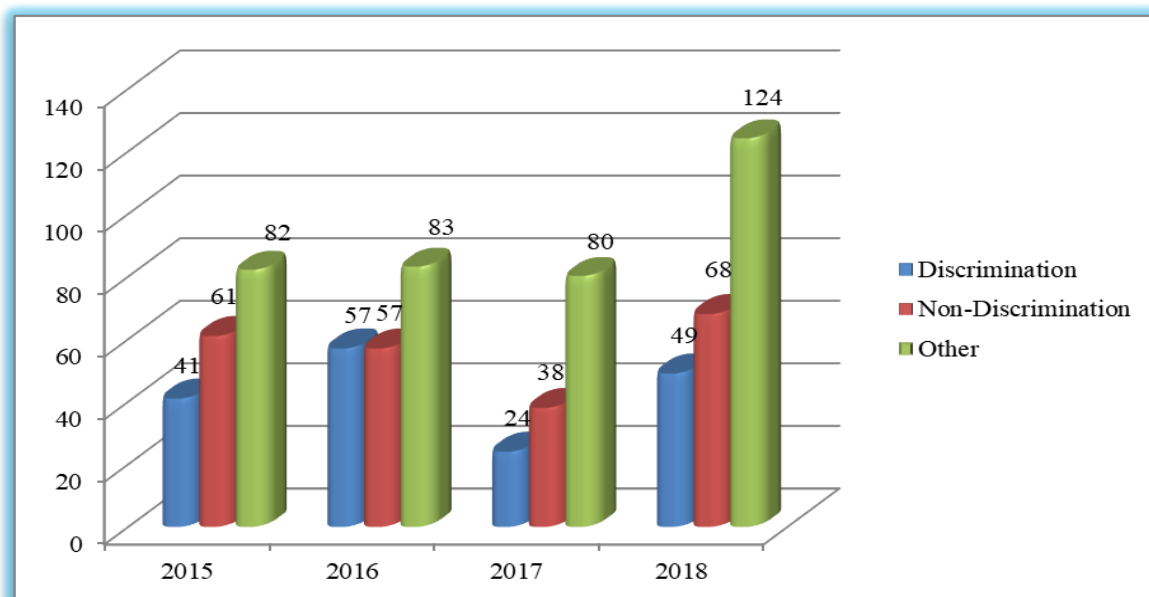
Out of 49 discrimination decisions issued by CPD, during 2018, in 13 decisions the complainant was a woman, in 26 decisions the complainant was a man, in 3 decisions the complainants were NGOs, in 3 decisions the complainant was a group of persons and in 4 decisions the cases were initiated ex-officio by the Commissioner.

Out of the 49 discrimination decisions issued during 2018, in 3 cases the decisions were on hate speech, used in portals, print and visual media.

In 10 decisions the CPD found discrimination of the complainants for more than one ground (multiple discrimination). During 2018, compared to 2017, the decisions where the Commissioner has found discrimination of the complainants for more than one cause has been tripled.



Graph 5: Decisions issued during 2018



Graph 6: Decisions issued from 2015

During 2018, CPD has handled 23 cases (3 ex-officio and 20 complaints) of alleged violation of children's rights. CPD has completed the review procedure for 19 cases, out of which 16 complaints and 3 ex-officio cases, ascertaining:

- ⊙ 2 discrimination decisions, which are implemented immediately by the subjects
- ⊙ 3 decisions to dismiss the case after the effectiveness and purpose of the complaint has been reached.
- ⊙ 3 non-discrimination decisions.
- ⊙ 6 decisions rejecting the complaint because it does not meet the criteria.
- ⊙ 1 dismissal decision because after the complainant withdrew.
- ⊙ 1 dismissal decision due to the inability to provide evidence for further examination of the complaint.

In the field of goods and services, the CPD has issued a total of 116 decisions, out of which 100 decisions against public entities and 16 decisions against private entities. Discrimination was found in 19 cases, out of which 17 decisions against public entities and 2 decisions against private entities.

In the field of employment, the CPD issued a total of 94 decisions, out of which 78 decisions against public entities and 16 decisions against private entities. Discrimination was found in 26 cases, out of which in 20 decisions against public entities and 6 decisions against private entities. In most of the discrimination decisions the Commissioner has recommended the adjustments and measures to be taken by the subject who has committed discrimination (in many cases to return of the complainant to the previous job).

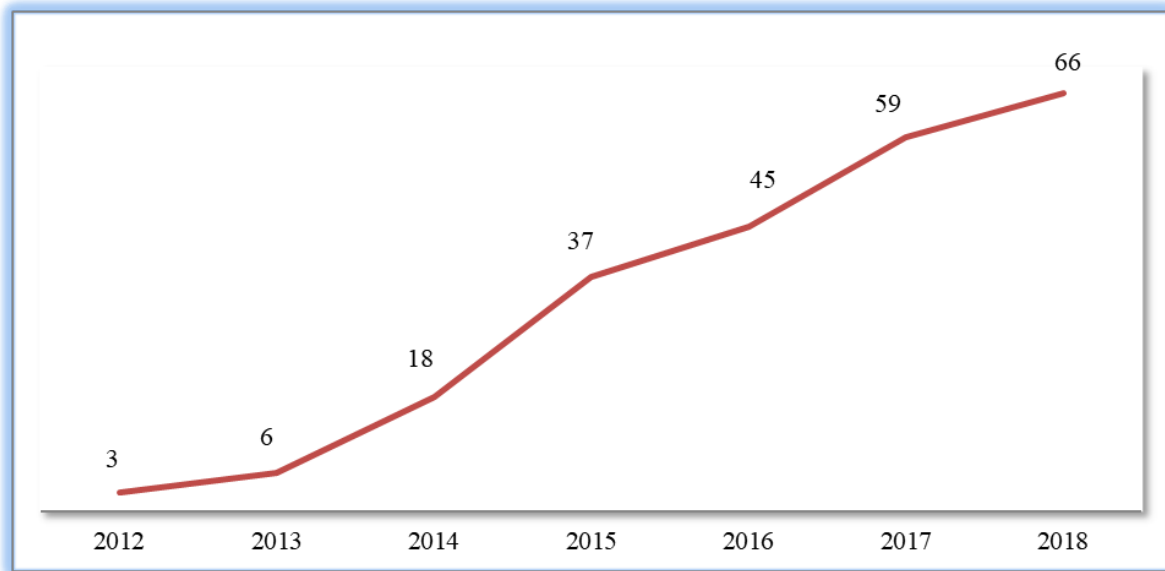
In the field of education, the CPD has issued 22 decisions in total, out of which 21 decisions against public entities and 1 decision against a private entity. Discrimination was found in 5 cases, out of which 4 decisions against public entities and 1 decision against private entities.

### **3.1.10. Judicial processes**

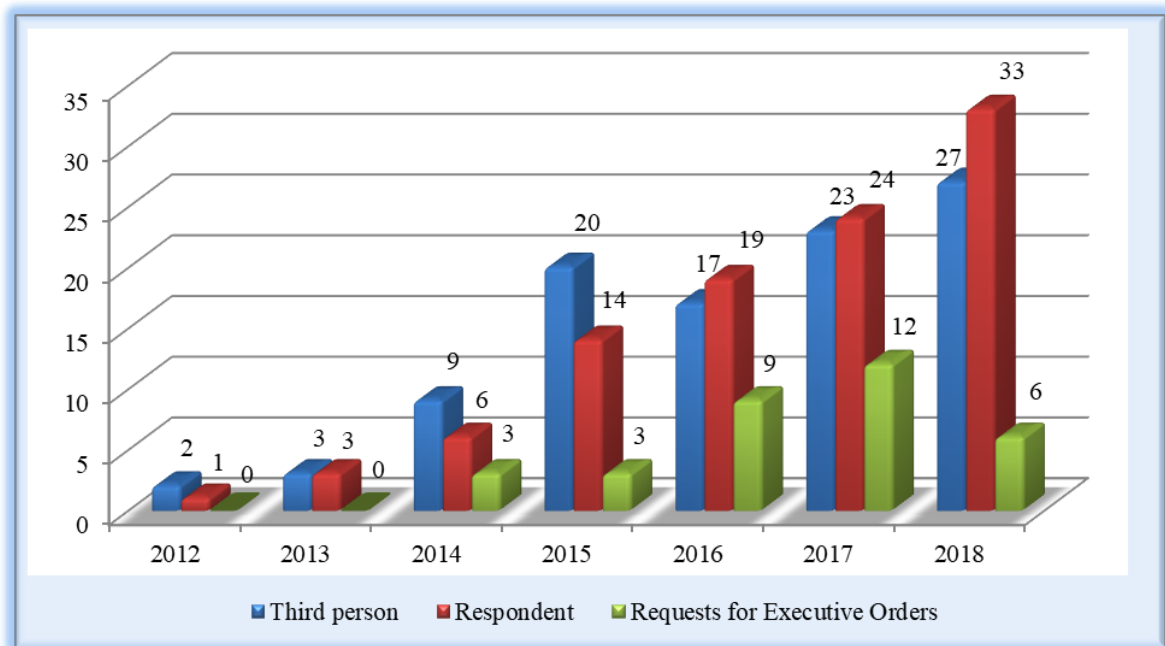
During 2018, the CPD participated in **66 (sixty-six) judicial processes**, of which:

- ⊙ As a respondent party in 33 (thirty-three) judicial processes, seeking the abrogation or invalidity of the CPD's decisions, i.e. when subjects found in violation of the Law "For the Protection from Discrimination" by a CPD decision.
- ⊙ As third / interested party in 27 (twenty-seven) judicial processes, where the CPD has been invoked to trials in a discrimination case seeking compensation before the court.
- CPD has requested the issuing of 6 (six) Execution Orders by the court. In accordance with the legal provisions, the CPD has addressed the court with requests for the issuance of Execution Orders, on Decisions by fine of CPD.

Referring to statistics from previous years, there is a significant increase in the participation of the CPD in judicial processes. The following are comparative statistics on the CPD's participation in judicial processes for the period 2012-2018 and the CPD's role in them over the years.



Graph 7: Number of judicial processes since 2012



Graph 8: The role of the CPD in judicial processes since 2012

### Court decision-making

During 2018, the competent courts have issued 58 decisions on cases where the Commissioner for Protection from Discrimination has been a party, out of which 44 court decisions given by the court of first instance, civil and administrative ones, and 8 court decisions given by the Courts of Appeal.

In 44 court decisions given by the courts, the Commissioner for Protection from Discrimination has been respondent in 24 cases and third party in 20 cases.

In cases where the Commissioner for Protection from Discrimination has been a respondent in judicial processes, the court has issued the following decisions:

- ⊙ 10 decisions on acceptance of the lawsuit
- ⊙ 1 decision on partial acceptance of the lawsuit
- ⊙ 13 decisions on dismissal of the lawsuit, leaving in force the CPD decisions

In cases where the CPD has been a third party in the process, in the lawsuits with the object of finding discrimination and compensation, the court has given 20 decisions, of which:

- ⊙ 11 decisions on acceptance of the lawsuit, finding the discrimination and recognizing the compensation for the discrimination
- ⊙ 8 decisions on dismissal of the lawsuit
- ⊙ 1 decision to dismiss the judgement

In 8 court decisions issued by the court of Appeal, the Commissioner for Protection from Discrimination was the defendant in 4 cases and the third party in 4 cases. In cases where the Commissioner for Protection from Discrimination has been a defendant in the litigation, the court has rendered 4 decisions, of which:

- ⊙ 1 decision on acceptance of the lawsuit
- ⊙ 3 decisions on dismissal of the lawsuit, leaving in force the CPD decisions.

In cases where the CPD has been a third party in the litigation, in the lawsuits with the object of finding discrimination and compensation, the court has issued 4 decisions, of which:

- ⊙ 3 decisions on acceptance of the lawsuit, finding the discrimination and recognizing the compensation for discrimination
- ⊙ 1 decision on dismissal of the lawsuit

In cases where the Commissioner for Protection from Discrimination has requested the issuance of Execution Orders by the court, the latter one has issued 6 decisions, of which:

- ⊙ 5 decisions on acceptance of the request and the issuance of the Execution Order
- ⊙ 1 decision rejecting the application for issuing the Execution Order

During the reporting period, the Commissioner for Protection from Discrimination continued to follow procedures for the execution of fine decisions through public enforcement in 19 cases.

## 4. LEGISLATIVE RECOMMENDATIONS AND OPINIONS

### 4.1. Recommendations for legal acts and sub-legal acts

During 2018, the Commissioner for Protection from Discrimination made 13 recommendations for legal and sub-legal acts, out of which 2 recommendations for legal acts and 11 recommendations for sub-legal acts:

1. Recommendations on amendments to the Law “*On measures against domestic violence*”
2. Recommendations for the draft law “*On social housing*”;

Recommendations for draft-decisions in implementation of the law “*On the rights and protection of the Child*”;

3. Draft-decision of the Council of Ministers “*On the types, manner of exchange and processing of information and statistical data required by the agency at the responsible state structures at central and local level*”;
4. Draft-decision of the Council of Ministers “*On the criteria for the employment of employees of child protection structures and of employees who work with children*”;
5. Draft-decision of the Council of Ministers “*On the activity of child protection structures in relation to a child under the age of criminal responsibility suspected or having committed a criminal offense*”;

Recommendations for draft-decisions in implementation of the law “*On Protection of National Minorities*”

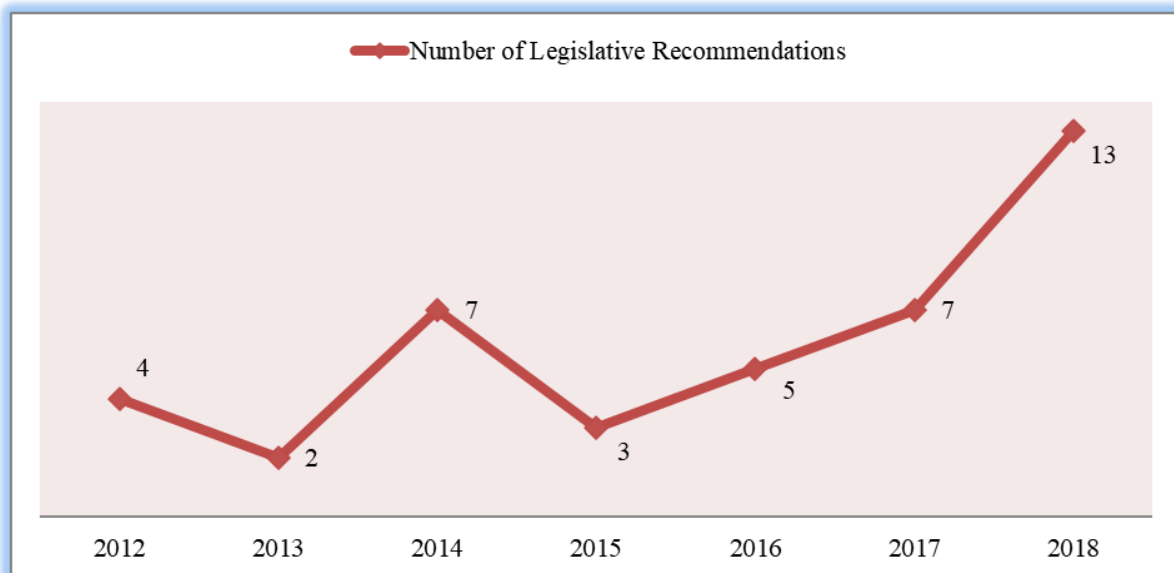
6. Draft-decision “*On appropriate measures to promote the culture, history, language and religion of national minorities in the educational and scientific activity of higher education institutions*”;
7. Draft-decision “*On the provision of textbooks for pupils, the further professional development of teachers, and the creation and functioning of teaching classes in the language of national minorities*”;
8. Draft-decision “*On the criteria for determining the unit of local self-government, the essential number and sufficient requirement of persons belonging to national minorities to teach the minority language*”;
9. Draft-decision “*On defining Strategies, programs and action plans to create the necessary conditions for national minorities to preserve and develop their distinct identity in the Republic of Albania*”;
10. Draft-decision “*On defining the measures and necessary policies to ensure the participation of national minorities in public life, cultural, social and economic in the Republic of Albania*”;
11. Recommendations for the draft-decision “*On the adoption of the Minor Justice Strategy and Action Plan*”;
12. Recommendations for the National Strategy on Migration Governance and Action Plan, 2019-2022;
13. Recommendations for the Draft-Resolution of the Assembly “*On the recognition and support of the activities of human rights defenders in promoting, stimulating and*

*protecting human rights and fundamental freedoms, strengthening the rule of law and consolidation of democracy”.*

#### **4.2. Recommendations for specific issues:**

1. Recommendations for children in Residential Institutions
2. Recommendations for taking measures to guarantee without discrimination and within effective deadlines, the right to education of children with disabilities, through comprehensive education, in pre-university education.
3. Recommendation on housing of Roma and Egyptian families in Selita area, Tirana.
4. Recommendation for taking measures regarding the issue of registration of legalization permit and issuance of certificate of ownership on behalf of both spouses or former spouses.

The following chart shows the number of Commissioner’s recommendations for Protection from Discrimination from 2012-2018.



*Graph 9: Number of Recommendations from 2012*



## **5. RAISING AWARENESS**

Raising public awareness is one of the core activities of the CPD, envisaged through a series of competencies for this purpose such as:

- ⦿ Promoting the principle of equality and non-discrimination, in particular by raising awareness and informing on these issues, including the provision of written information on this law, in Albanian, in minority languages, as well as in formats accessible to persons with disabilities; directly addressing public opinion on any discrimination-related issues;
- ⦿ Information on the right to protection from discrimination and the legal remedies available for such protection;
- ⦿ Develop regular dialogue on discrimination issues with relevant social groups, including non-governmental organizations, and develop awareness and education activities that assist in the implementation of this law.

### **5.1. Publicity spots of the Commissioner for Protection from Discrimination**

A new form of public awareness and its approach to the CPD Office is the realization of 80 television spots, shown for 8 weeks (2 months), on 2 national television stations with high visibility. In these spots, 8 cases of success of the Commissioner's decisions, accepted by the court and implemented by the institutions, were presented to the public.

The TV spots are the result of the successful support and cooperation of the CPD Office with the Council of Europe (CoE) Office in Tirana.

### **5.2. Distribution of awareness materials**

Throughout May, CPD Office publications sets were sent to all district municipalities in the country. Also, these publications have been sent to all Universities in the country; in the Courts of Tirana and those of different districts; in Ministries and Independent Institutions.

Starting in May, the CPD sends a monthly newsletter to Albanian public institutions, foreign organizations and diplomatic missions in Albania via email.

In all awareness raising activities carried out during 2018, the CPD Office has distributed for more extensive recognition and information, various publications, focusing on the recognition of the Law on Protection against Discrimination and the recognition of this Office's activity since its beginnings, in 2010.

### **Commissioner's public appearances in the media**

In order for the public to be informed as much as possible about the activity of the institution of the Commissioner for Protection against Discrimination, public statements in the media are also reflected on the official website of the institution Facebook. During 2018, the CPD has had 17 public appearances in the media.

### **Communications developments**

During 2018, the Commissioner has launched a new official website, rich in information and easily accessible to the public, [www.kmd.al](http://www.kmd.al)

At the top of the page, the toll-free number is **08000606**, which is intended to assist the public and complainants by contacting the Complaints Reception Directorate directly.

Also, the CPD has a Facebook page, with the institution's name, twitter and YouTube channel.

### **Third Regional Conference of Equality Institutions**

On October 29th 2018, the Commissioner for Protection from Discrimination organized the third Regional Conference of Equality Institutions, entitled "Independence of Equality Institutions", in the premises of the Palace of Brigades, Tirana. The conference was partially financially supported by the OSCE Presence in Albania.

The conference was organized in the framework of the Cooperation Agreement between the Equality Institutions of South East Europe, signed in 2016. Referring to the Cooperation Agreement between the Equality Institutions of South East Europe, regional meetings of the Equality Institutions are organized every year, in different host countries. The first Regional Conference was organized in 2016 by the Commissioner for Protection of Equality of Serbia in Belgrade and in 2017 by the Ombudsman for Gender Equality of the Republic of Croatia in Zagreb. The Third Regional Conference of Equity Institutions was held following the tradition of developing joint annual activities.

The theme of the Conference "Independence of Equality Institutions" was based on two new standards set in the context of Recommendation no. 2 of the General Policies of the European Commission against Racism and Tolerance - ECRI, of the Council of Europe, and of the Recommendation of the European Union Commission "On Standards for Equality Institutions", which constitute a very important development for equality institutions.

The aim of the Third Regional Conference of Equity Institutions of South East Europe was to discuss these new standards adopted at European level and to promote regional cooperation between Equality Institutions. From the discussions of representatives of equality bodies participating in the Conference, it emerged that some of the common issues or problems faced by equality bodies, in the exercise of their mandate and powers independently, resulted as follows:

- ⦿ Equality Institutions in South East Europe are in the process of reviewing their national legislation on protection against discrimination, by also reflecting their institutional aspect;
- ⦿ Equality Institutions, in the exercise of their activity, they face the problem of insufficient financial resources, a fact which violates the independent exercise of their mandate and the powers conferred on these institutions by their national legislation
- ⦿ Equality Institutions have no guarantees regarding the adoption of their budget, and Parliaments have no restrictions on reducing the budget to these institutions. Often Equality Institutions suffer from restrictive procedures in the operational activities of spending their financial resources;
- ⦿ Equality Institutions face administrative or other bureaucratic constraints, such as the inability to determine their own organization and institutional structure, the approval of the structure of these institutions by other bodies or aspects related to salaries and employee categories, affecting the administrative independence of these institutions;
- ⦿ Equality Institutions, in the exercise of their activity, face restrictions or pressures such as controlling the activity of these institutions with the obligation for annual reports of their activity to be approved by other state bodies;
- ⦿ Equality Institutions face the problems of lack of sufficient and adequate infrastructure facilities, aspects which not only affect their independence but also the right of citizens to have effective access to these institutions.

## 6. COLLABORATIONS

### 6.1. CPD – Member of EQUINET – European network of Equality

The CPD staff has been involved in seven EQUINET network working groups during 2018, assessing participation both in terms of professional capacity building and in the exchange of practices between equality bodies across Europe, in particular:

1. Working Group on Equality Legislation
2. Working Group on Communication, Strategy and Practice
3. Gender Equality Working Group
4. Policy Working Group
5. Working Group on Strategic Litigation
6. Project Evaluation Working Group
7. Working Group on Standards of Equality Bodies

During the reporting period, CPD staff participated in Equinet activities, such as:

- ⊙ On March 6th, 2 CPD representatives attended the first meeting of the Communication Strategies and Practices Working Group, held in Vilnius, Lithuania.
- ⊙ On April 20th, CPD staff members attended the EQUINET Policy Formation Working Group meeting, focusing on “Equality Institutions Addressing Hate Speech”.
- ⊙ On May 8th, a CPD representative attended the 1st Meeting of the Equinet Working Group on Equinet, which was held in Brussels. At the meeting it was discussed about discrimination due to age.
- ⊙ On June 1st, a CPD representative attended the Investment Equity Conference. The context of this Conference was to address the challenges of equality, to discuss solutions at European level and to identify the role that equality institutions can play. The day before, this conference was preceded by a roundtable discussion on European legislation on equality and non-discrimination, entitled “Draft Horizontal Directive - Further steps to advance debate”. The co-organizers of this roundtable on the draft horizontal directive, Office of the United Nations High Commissioner for Human Rights - European Regional Office and Equinet published a joint statement stressing the importance of an early adoption of this Directive.
- ⊙ On June 27-28th, two CPD representatives attended a seminar on “Dealing with Youth Discrimination by Age: Building Bridges between Equality Institutions and Youth Organizations”, organized by Equinet and the Forum European Youth, which took place in Ljubljana, Slovenia.
- ⊙ On September 26th, a CPD representative attended Equinet’s Gender Equality Working Group focusing on “Gender Education in Schools” and “Gender Based Violence in Society”.
- ⊙ On October 3rd, a CPD representative attended Equinet & ENNHRI training, focusing on “Functioning of the monitoring mechanisms of the Convention on the Rights of People with Disabilities”.
- ⊙ On October 11th, two CPD representatives attended the 2nd Meeting of the Equinet Working Group on Equinet, which was held in Malta. The meeting discussed the

document “Discrimination on the grounds of age”. Part of the discussion was the involvement of EQUINET in the monitoring of ECtHR decisions and the possibility for EQUINET to intervene as a third party with the ECtHR.

- On November 7th, the Commissioner participated in the proceedings of the EQUINET General Assembly - European Network of Equality Bodies, held in Brussels.
- On November 20th, the Commissioner participated in a seminar on Hate Speech, organized by Equinet, held in Rome, Italy.
- The CPD has prepared and sent Equinet an English summary of the Report on the Activity of the Commissioner for Protection from Discrimination for 2017, which has been published on the Equinet official website and in the Bulletin, as well as updated the institution’s data.
- On November 7th, the Commissioner participated in the proceedings of the EQUINET (European Network of Equality Bodies) General Assembly, held in Brussels.
- On November 20th, the Commissioner attended the Equinet Seminar on Hate Speech in Rome.

## **6.2. Participation in inter-institutional working groups**

Representatives of the CPD staff are members of the Inter-Institutional Working Group, under Chapter 23 “Judiciary and Fundamental Rights”, to open accession negotiations with the EU. The institution leading the process is the Ministry of Justice.

Representatives of the CPD staff are members of the Interagency Working Group, under Chapters 2 & 19, for the opening of accession negotiations with the EU. The leading institution of the process is the Ministry of Health and Social Protection.

The Commissioner participates as a permanent guest on the National Council for European Integration.

Participation of the CPD representative as a member of the Country Coordination Mechanism (MCC).

## **6.3. Cooperation agreements**

1. On May 28th, 2018, the signing of the Memorandum of Cooperation between the Ombudsman (AP) and the Commissioner for Protection from Discrimination (CPD). The object of this agreement is to institutionalize the relations between the CPD and the PA to provide mutual assistance in facilitating the exchange of information and cooperation between the two institutions, in the context of guaranteeing human rights and freedoms, and in particular in the field of law. For non-discrimination and equality in law and before the law, and the promotion of the rights, freedoms and legitimate interests of individuals. This agreement was signed in the framework of the expertise of the EU-CoE Joint Project “Increasing the effectiveness of the Albanian system of human rights protection and anti-discrimination”.
2. In practice this agreement is being implemented not only in the context of coordinating joint initiatives, but also through the reciprocal forwarding of complaints made by individuals to the competent institution.
3. On November 23rd 2018, a Cooperation Agreement was signed between the Commissioner for Protection from Discrimination, the Ombudsman and the Commissioner for the Right to Information and Protection of Personal Data. This agreement was signed in the spirit of cooperation between independent national institutions. The purpose of this agreement is to strengthen institutional cooperation with the aim of guaranteeing in the best possible way the rights of citizens, according to the competences that each of these

institutions has. This agreement was supported by the OSCE Presence in Albania.

4. On July 18th, a Cooperation Agreement was signed between the Commissioner for Protection from Discrimination and three associations operating in the field of health protection, the Together for Life Association, the Diabetes Association of Albania and the Hepatitis C Association.

## 7. PROJECTS

### 7.1. Joint EU-CoE project “Increasing the effectiveness of the Albanian system of human rights protection and anti-discrimination”

The project was a joint program of the EU and the Council of Europe to increase the effectiveness of the Albanian system of human rights protection and anti-discrimination. The main target groups are the Ombudsman, the Commission for Protection against Discrimination and the Ministry of Social Welfare and Youth.

Within the framework of the project, the “Commissioner’s Strategic Plan for Protection against Discrimination 2018-2021” and the Action Plan for 2018, with the financial support and expertise provided under this joint EU-CoE project “Increasing the effectiveness of the system of Albanian Human Rights Protection and Anti-Discrimination” and the “CPD Communication Strategy”. A new data entry and case tracking program, “Therefore” has been built.

#### Activities within the project

- ⦿ In April-May, the Commissioner for Protection from Discrimination organized the “Open Days against Discrimination” in Korça, Gjirokastra, Shkodra, Kukës and Fier.
- ⦿ During the period January-March 2018, 12 “Awareness Seminars for Protection against Discrimination” were organized in different regions of Albania, namely in Durrës, Elbasan, Lushnje, Fier, Vlora, Lezha, Shkodra, Korça, Kukës, Berat, Gjirokastra, Tirana. In these awareness seminars, representatives of the Commissioner attended the role of project consultant supporter. The CPD representative in these seminars is intended to support the consultant so that participants are not only targeted for information and awareness raising on anti-discrimination issues but also for establishing contacts with the CPD institution. Target groups were: - Education sector employees; - Employees of municipalities covering social services, protection of girls and women from gender-based violence, and Child Protection Units; - Employees of the Regional Labor Offices; - Representatives of local NGOs working with groups at risk of various forms of discrimination.
- ⦿ On January 24th-25th, the CPD Staff participated in a training on “The CPD’s Rules of Procedure and Internal Procedures”, organized by the Council of Europe.
- ⦿ KMD staff participated in the HELP Platform - Human Rights Education for Legal Professionals, in 2 online courses “Asylum and the European Convention on Human Rights” and “Business and Human Rights”, which was finalized in February.
- ⦿ On February 22nd, the CPD Staff participated in a training on “Business and Human Rights”, organized by the Council of Europe.
- ⦿ On May 24th, a CPD employee participated in the “Second Horizontal Instrument Steering Committee” event organized by the Council of Europe.
- ⦿ On February 26th-March 2nd, members of the CPD staff participated in a study visit in the framework of the EU-CoE Joint Program, held in Vienna, Austria. The agenda included: Ludwig Boltzmann Institute of Human Rights, Austrian Ombudsman Board, Chamber of Labor, Austrian Ombud for Equal Treatment, Equal Treatment Commission, Service Center of the Ministry of Social Affairs, The Ombudsman for Persons with Disabilities, Vienna Anti- Discrimination Unit for Lesbian, Gay and Transgender People.
- ⦿ On May 7th-9th the Commissioner and part of the staff participated in a study visit to Brussels organized by the Council of Europe.
- ⦿ On March 19th-20th, the CPD Staff participated in a training on the topic: “CPD Communication Strategy”, organized by the Council of Europe.

- ⊙ On April 11th and 12th, one of the CPD employees participated in the “Open Days against Discrimination” in Kukës and Fier, in the framework of the EU-CoE Joint Project “Increasing the Effectiveness of the Albanian Protection System human rights and discrimination”.
- ⊙ On May 28th, the Commissioner participated in the “Fifth Meeting of the Project Steering Committee” organized by the Council of Europe.
- ⊙ On May 28th, the CPD staff participated in the final conference of the EU-CoE Joint Project “Enhancing the Effectiveness of the Albanian Human Rights Protection and Anti-Discrimination System”, organized by the Council of Europe. During it, the Commissioner and the Ombudsman signed a memorandum of cooperation, facilitated by the Council of Europe.

## **7.2. UNICEF Project to Support Three Regional Offices of the Commissioner for Protection against Discrimination in identifying and addressing discrimination cases against children**

A partnership agreement has been signed between the Commissioner for Protection from Discrimination and UNICEF with the financial support of Three Regional Offices of the Commissioner for Protection against Discrimination aimed at institutional strengthening of the CPD, in particular in identifying and addressing discrimination issues against children.

Based on this project, CPD continued to operate pilot offices in three cities aiming at:

- ⊙ Increasing the visibility and presence of the Office of the Commissioner in a larger geographical area beyond the capital;
- ⊙ Increasing the number and quality of alleged discrimination complaints;
- ⊙ Reducing citizens’ cost to access to the CPD, as well as providing timely direct support to residents of these regions;
- ⊙ Serve as liaison with local authorities, civil society, universities and other educational institutions and stakeholders in the regions;
- ⊙ Distribution of information and awareness raising in cases of discrimination;
- ⊙ Ensure discrimination-based monitoring and gather the necessary data and information.

