



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**LAW
No. 10 221 dated 4.2.2010
ON PROTECTION FROM DISCRIMINATION¹**

(As amended by the Law No. 124/2020)

(Updated version)

Pursuant to Articles 18, 78 and 83 point 1 of the Constitution of the Republic of Albania, and upon proposal of a group of Members of the Assembly,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
DECIDED:**

**CHAPTER I
GENERAL PROVISIONS**

¹ Fully approximated with:

1. 32000L0043, Council Directive 2000/43/EC of 29 June 2000 “On the principle of equal treatment between persons irrespective of racial or ethnic origin”.
2. 32000L0078, Council Directive 2000/78/EC of 27 November 2000 “Establishing a general framework for equal treatment in employment and occupation”.
3. 32004L0113, Council Directive 2004/113/EC of 13 December 2004 “Implementing the principle of equal treatment between men and women in the access to and supply of goods and services”.
4. 32006L0054, Directive of the European Parliament and of the Council 2006/54/KE of 5 July 2006 “On the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation”.

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Article 1

Object

This law regulates the implementation of, and compliance with, the principle of equality and non-discrimination in relation to race, ethnicity, colour, language, citizenship, political, religious or philosophical beliefs, economic, education or social situation, gender, gender identity, sexual orientation, sex characteristics, living with HIV/AIDS, pregnancy, parentage belonging, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, appearance, disability, affiliation with a particular group or any other ground.

Article 2

Purpose

The purpose of this law is to ensure the right of every person to:

- a) equality before the law and equal protection by the law;
- b) equality of opportunities and possibilities to exercise rights, enjoy freedoms and participate in public life;
- c) effective protection from discrimination and from every form of conduct that encourages discrimination.

Article 3

Definitions

1. "Discrimination" is any distinction, exclusion, limitation or preference on the basis of any of the grounds referred to in Article 1 of this law, whose purpose or consequence is hindering or rendering impossible the exercise, in the same manner as with others, of fundamental rights and freedoms recognised by the Constitution of the Republic of Albania, international acts ratified by the Republic of Albania, as well as the laws in force.

2. "Direct discrimination" is a form of discrimination that occurs when a person or group of persons is treated in a less favourable manner than another person, or another group of persons in a situation that is the same or similar, on the basis of any of the grounds referred to in Article 1 of this law.

3. "Intersectional discrimination" is a form of discrimination, whereby several grounds operate and interact with each other simultaneously in such a way that they are inseparable and produce distinct forms of discrimination.

4. "Discrimination because of association" is the form of discrimination that occurs when there is a distinction, limitation or preference, because of association with persons who belong to the groups mentioned in Article 1 of this law, or because of such an assumed association.

5. "Multiple discrimination" is a form of discrimination that occurs when a person or group of persons is treated in a less favourable manner than another person or another group of persons in a situation that is the same or similar, on the basis of two or more grounds that operate separately.

6. "Structural discrimination" is a form of discrimination that refers to rules, norms, practices, patterns of attitudes and behaviours in institutions and other social structures that, intentionally or unintentionally, represent obstacles to groups or individuals in achieving the same rights and opportunities as others, which contribute to less favourable results to them, compared to others.

7. "Indirect discrimination" is a form of discrimination that occurs when a provision, criterion or practice, apparently neutral, would put a person or group of persons in less favourable conditions, on the grounds set out in Article 1 of this law, in relation to a person or another group of persons, when that provision, criterion or practice is not objectively justified by a legitimate aim, or the means of achieving that aim are either not appropriate or not essential or proportionate to the condition that has caused it.

8. "Hate speech" is any form of public expression, through any means, of the promotion, incitement of denigration, hatred or vilification, any harassment, insult, negative stereotyping, stigmatization or threat against a person or group of persons, as well as any justification of all forms of expression on the basis of a non-exhaustive list of grounds set forth in Article 1 of this law.

9. "Denial of a reasonable accommodation" is a form of discrimination that occurs whenever there is a denial of, or objection to, making necessary and appropriate modifications or adjustments that are necessary in a particular case, and which do not impose an excessive burden, for the purpose of ensuring the enjoyment and exercise, on an equal basis, of the fundamental rights and freedoms, acknowledged in the national legal framework, by persons with disabilities, or when occurring in other conditions referred to in Article 1 of this law.

10. "Incitement to or aiding another to discriminate" is a form of discrimination that occurs where one or more persons incite or assist one or more other persons, including funding them, for the purpose of discrimination, on the basis of any of the grounds referred to in Article 1 of this law.

11. "Organisations with legitimate interests" are those organisations, registered in the Republic of Albania, whose declared scope of activity is to protect human rights, or offer help to victims of discrimination.

12. "Proclaimed intention of discrimination" is a form of discrimination that occurs on the basis of any of the grounds mentioned in Article 1 of this law, even in the absence of a concrete victim.

13. "Harassment" is that form of discrimination that occurs in the case of an unwanted behaviour related to any of the grounds referred to in Article 1 of this law, which is intended to, or leads as a consequence to violating the dignity of a person, and to the creation of an intimidating, hostile, degrading, humiliating or offensive environment for that person, as well as to a less favourable treatment arising from the objection to, or non-subjugation of the affected person to such conduct.

14. "Sexual harassment" is that form of discrimination, where any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

15. "Instruction to discriminate" is an instruction or request to discriminate one or more persons, on the grounds referred to in Article 1 of this law.

16. "Segregation" is a form of discrimination which occurs where a person or group of persons are segregated from the rest without any objective and reasonable justification and such segregation is done on the basis of at least one of the grounds set out in Article 1 of this law.

17. "Victimisation" is an unfavourable treatment or adverse consequence that comes as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment and non-discrimination, in accordance with Article 1 of this law, in relation to the complainant's alleged discrimination.

Article 3/1

Severe forms of discrimination

Any discriminatory behaviour that is motivated by more than one ground, committed more than once, which has lasted for a long period of time, or when it has caused particularly harmful consequences for the victim, is considered a severe form of discrimination.

Article 4

Scope

1. This law is applicable to all persons who live and stay in the territory of the Republic of Albania.
2. Albanian citizens, with a temporary or permanent residence outside the borders of the Republic of Albania, enjoy the protection that this law offers in relations with the Albanian state bodies.
3. Natural and legal foreign persons with a residence, domicile or headquarters outside the territory of the Republic of Albania enjoy the protection that this law offers in relations with the Albanian state bodies.

Article 5

Prohibition of discrimination

1. Discrimination based on the grounds referred to in Article 1 of this law and the failure to examine an appeal or procedure, according to the cases referred to in Article 3 of this law, as well as any other form of behaviour that prevents the enforcement of the principle of equal treatment is prohibited.

2. *Removed*

Article 6

Justified different treatment

1. The prohibition of discrimination described by this law is not applicable when there is an objectively justifiable and legitimate aim based on the Constitution, international acts or agreements ratified by the Republic of Albania and the legislation in force.
2. Different treatment that is based on a characteristic related to the grounds referred to in Article 1 of this law does not constitute discrimination when, due to the nature of the professional activities or the conditions in which a profession or an activity is conducted, such characteristics constitute an indispensable realistic and professional requirement, provided that the purpose of the different treatment is justified and the requirement is not in excess of that is indispensable for achieving it.

Article 7

Protection from discrimination

1. Any action or failure to act of public authorities or of natural or legal persons who take part in private or public sectors and life, which create the basis for the denial of equality to a person or group of persons, or which exposes them to an unfair and unequal treatment, when they are in the same or similar circumstances compared to those of other persons or other groups of persons constitutes discrimination.
2. Elimination of all privileges and of unfair discrimination is guaranteed to everyone, on the basis of the personal, political, economic, social and cultural rights provided for by the Constitution of the Republic of Albania and the international acts ratified by the Republic of Albania, as well as by the laws in force.
3. Public authorities are obliged to promote equality and prevent discrimination in exercising their functions.

Article 8

Discriminatory advertisements

The publication of various advertisements and announcements is prohibited if they present, explicitly or implicitly, an intent to discriminate for the grounds referred to in Article 1 of this law.

Article 9

Participation in politics

Discrimination in exercising the right to vote, to be elected, and to be appointed to a public duty for the grounds referred to in Article 1 of this law is prohibited.

Article 10
Conscience and religion

1. Discrimination is prohibited in relation to the exercise of freedom of conscience and religion, especially when it pertains to their expression individually or collectively, in public or in private life, through worship, education, practices, or the performance of rites.
2. An exception from this provision may be permitted only when a reasonable and objective justification exists. However, in any case, the permission of discrimination because of the exercise of the freedom of conscience and religion may be imposed only by law for a public interest or for the protection of the rights of others. An exception for this ground should be proportionate to the situation that has dictated the need for discrimination. In any case, the permission of the discrimination because of the exercise of the freedom of conscience and religion may not violate the core of the rights and freedoms, and may, in no case, exceed the restrictions provided for in the European Convention for Human Rights.

Article 11
Positive action

A temporary specific measure that aims at accelerating the real establishment of equality, when the absence of equality is caused by discrimination for any of the grounds referred to in Article 1 of this law, is considered positive action and does not constitute discrimination according to this law. This measure is interrupted once the objectives of the treatment and provision of equal opportunities have been achieved.

CHAPTER II
PROTECTION AGAINST DISCRIMINATION IN EMPLOYMENT

Article 12
Prohibition of discrimination

1. Discrimination against a person in relation with his right to employment is prohibited. Discrimination includes any distinction, differentiation, limitation or exclusion on the basis of the grounds referred to in Article 1 of this law which, among other things, is related to:
 - a) announcement of vacancies;
 - b) recruitment and selection of employees;
 - c) treatment of employees in the work place, including their treatment in establishing or changing working conditions, compensation, benefits and the work environment, treatment related to

professional training or during disciplinary proceedings, or related to dismissal from work, or termination of the employment contract;

ç) membership in unions and the possibility of benefiting from the facilities that such membership secures.

2. Any harassment, including sexual harassment, by an employer against an employee or a job applicant or between employees, is prohibited.

3. The implementation of specific and temporary measures, on the basis of the grounds referred to in Article 1 of this law, for the purpose of accelerating equality in the field of employment, is not considered discrimination. The implementation of such measures may, in no case, imply maintaining unequal or different standards permanently, and the specific measures are interrupted when the objective of offering equal opportunities and treatment is achieved.

Article 13

Obligations of the employer

The employer is obliged to:

a) implement, protect and promote the principle of equality and prohibition of any kind of discrimination;

b) take necessary measures, including disciplinary measures, to protect employees against discrimination and victimisation, within one month from the time of becoming aware thereof;

c) respond effectively and in compliance with this law to complaints received for discrimination committed by his or her employees, within one month from receiving them.

2. The employer is also obliged to raise the awareness about this law by posting it in premises with public access at the workplace as well as enabling a full understanding of it by his own means or with the assistance of specialised entities.

Article 14

Duties of the Council of Ministers, the Minister responsible for labour and social affairs and the Minister responsible for internal affairs

The Council of Ministers, the Minister responsible for labour and social affairs, and the Minister responsible for internal affairs are each responsible for taking measures of a positive nature to fight discrimination in connection with the right to employment. The measures that are taken include, among others, the following:

a) raising the awareness about this law among employees and employers, among other things, by supplying information about this law;

b) establishing special and temporary policies, on the basis of the grounds referred to in Article 1 of this law, for the purpose of promoting equality, in particular, between men and women, as well as between fully physical able persons and those with disabilities.

Article 15
Rights of the employee

1. Every employee has the right to complain to the employer, to the Commissioner for Protection from Discrimination, or to the court, if he or she believes to have suffered discrimination. This provision does not limit the right to complain to special institutions, set up in various sectors of employment.
2. During the period of examination of the complaint, the employee has the right to continue work according to the conditions of the contract.
3. The employee is entitled to receive information at any time in connection with the handling of the complaint, as well as to receive explanations about the decisions taken by the employer in response to his or her complaint, immediately after its review.
4. In case the employer does not take measures to investigate and resolve a complaint about discrimination, the employee who has made the complaint has the right to terminate the work, without losing the right to his salary, for as long as it is necessary to protect himself or herself from discrimination. The employee shall return the pay received according to this article if the claimed discrimination is not proved by a final decision.

Article 16
Implementation of the law for self-employed persons

The provisions of Chapter II of this law are applicable in relation to the conditions for acceptance into a profession and the receipt of licenses to exercise a profession, especially in cases of self-employed people.

CHAPTER III
PROTECTION FROM DISCRIMINATION IN THE FIELD OF EDUCATION

Article 17
Prohibition of discrimination

1. Any differentiation, limitation or exclusion on the basis of the grounds referred to in Article 1 of this law, which, among other things, is related to the following is prohibited:
 - a) creation of public or private institutions that offer educational or professional services;
 - b) financing of public institutions that offer educational or professional services;
 - c) content of principles and criteria of educational activity, including teaching programmes and teaching methods;
 - ç) treatment of students or pupils, including their admission, evaluation, application of disciplinary measures, or expulsion.

2. It is prohibited for a person or group of persons to be refused admission into a public educational institution for the grounds referred to in Article 1 of this law.
3. Any kind of harassment is prohibited, especially sexual harassment of students, pupils and employees in educational institutions.
4. The implementation of specific and temporary measures, on the basis of the grounds referred to in Article 1 of this law, for the purpose of accelerating equality in the field of education, is not considered discrimination. The implementation of such measures may, in no case, mean maintaining unequal or different standards permanently, and such measures are interrupted when the objective for offering equal opportunities and treatment is achieved.

Article 18

Duties of the Council of Ministers and the Minister responsible for education and science

1. The Council of Ministers and the Minister responsible for education and science are each responsible for taking measures of a positive nature in order to fight discrimination in relation to the right to education.
2. The Council of Ministers and the Minister responsible for education and science, among other things, each takes measures for:
 - a) raising the awareness about this law in the educational system including, among others, information about it in teaching programmes;
 - b) introducing concepts and actions against patterns of discriminatory behaviour in teaching programmes;
 - c) educating the entire population, in particular, by taking measures in favour of women and girls, minorities, persons with disabilities, as well as persons who are or could be more likely subject to discrimination for the grounds referred to in Article 1 of this law;
 - ç) ensure respect for, and guaranteeing the right to education in the languages of minorities, as well as appropriate ways for persons with disabilities.

Article 19

Duties of the head of an educational institution

The head of an educational institution is responsible for taking measures of a positive nature in the respective institution, in order to fight discrimination in connection with the right to education. The measures that are taken, among others, are:

- a) raising the awareness about this law within the institution, among other things, by posting the law in a visible place;
- b) countering patterns of discriminatory behaviour that constitute or incite discrimination within the institution;
- c) taking necessary measures, including disciplinary measures, to protect employees against discrimination and victimisation, within one month from the time of being informed thereof;

- c) effectively handling of complaints about discrimination in the institution, examining every complaint within 30 days upon submission;
- d) imposing disciplinary measures against any person who is verified to have committed a discriminatory act, when this is appropriate, proportional and in conformity with the competences of the director.

CHAPTER IV

PROHIBITION OF DISCRIMINATION IN THE FIELD OF GOODS AND SERVICES

Article 20

Goods and Services

1. A natural or legal person offering goods or services to the public, whether or not for payment, is prohibited from discriminating against another person that seeks to access or use them:
 - a) by refusing to give a person or group of persons goods or services on the basis of the grounds referred to in Article 1 of this law;
 - b) by refusing to offer a person goods or services in a similar manner, or with similar quality, or in conditions similar to those in which the goods or services are offered to the public in general.
2. Paragraph 1 of this Article is especially applicable to:
 - a) the ability to enter into a place, where the public is permitted to enter, or to use a place that is permitted to be used by the public;
 - b) the ability to receive or to benefit from goods or services related to health;
 - c) the contribution and possibility to benefit goods from social protection schemes, including social assistance, social insurance, protection of children, disability benefits or any other schemes of social protection or other advantages offered to the public;
 - ç) the opportunity to use or enter an educational institution;
 - d) accommodation in a place where housing is offered;
 - dh) the sale or letting of residences and other premises;
 - e) banking services and the opportunity to obtain grants, loans, bank deposits or financing;
 - ë) facilities for entertainment, relaxation and refreshment;
 - f) facilities for transport or travel;
 - g) services of the freelance professionals.
3. It is prohibited for a natural or legal person offering goods and services to the public not to accept or to oppose the realisation of modifications or accommodations that are necessary and appropriate, aimed at enabling a person with disabilities to benefit from those goods and services, so long as such modifications or accommodations do not impose a disproportionate or unlawful burden on the person offering the goods and services.

4. Refusal according to paragraph 1 of this Article also includes situations when such refusal is in fact based on the grounds referred to in Article 1 of this law, but other reasons are declared by the discriminating subject or no reason is declared as a reason for the refusal.
5. Differentiations in compensation and benefits, established because of the grounds referred to in Article 1 of this law, do not constitute discrimination when the differentiations are reasonable and proportionate to a risk that is assessed on the basis of current and statistical data that can be verified and are closely linked to the risk.
6. Costs related to pregnancy and motherhood may not be a reason for differentiation in compensation and benefits of the individual.
7. The prohibition of discrimination is not applicable to setting a particular age for the possibility of social benefits, goods, facilities and services, if reasonable and objective criteria exist for the determination, without violating the essence of the right to benefits and when such determination is aimed at achieving a lawful purpose for a public interest, or to protect the rights of others, always proportionate to the situation that has caused the determination.

CHAPTER V

COMMISSIONER FOR PROTECTION FROM DISCRIMINATION

Article 21

Commissioner

1. The Commissioner for Protection from Discrimination, hereinafter the Commissioner, ensures the effective protection from discrimination and from any other form of conduct that incites discrimination. The Commissioner is a public legal person.
2. The Commissioner is supported by the Office of the Commissioner for Protection from Discrimination (Office). The Office has its personnel and the necessary equipment to support the Commissioner in fulfilling the duties assigned by law.
3. The Assembly decides on the salary of the Commissioner, the organisational structure and the salary scale of the employees of the Office. The employees of this office enjoy the status of the civil servant.
4. The Commissioner has its own independent budget, which is financed from the State Budget and from various donations.

Article 22

Status

The Commissioner is independent in exercising his duties and is subject only to the Constitution and law.

Article 23

Method for the election of the Commissioner

1. The Commissioner is elected by a majority of all the members of the Assembly.
2. Possible candidates for Commissioner are proposed to the Assembly by a group of deputies.
3. Before taking office or retaking office, the Commissioner takes an oath before the Assembly.
4. The formula of the oath is: “I swear that during the performance of my duties, I will always protect the principle of equality in compliance with the Constitution and laws of the Republic of Albania”.

Article 24

Conditions for election as Commissioner

Any Albanian citizen that meets the following requirements may be elected Commissioner:

- a) has high moral integrity and distinguished activity in the community.
- b) holds a university diploma of the second cycle or equivalent to it, in accordance with the rules for the unification of diplomas according to the legislation in force.
- c) has work experience of not less than 5 years in the field of human rights and freedoms and law.
- ç) has not been convicted by a final decision for the commission of a criminal offence.
- d) is not a Member of the Assembly in the legislature of the Assembly that proposes or elects him.

Article 25

Tenure in office

The Commissioner is elected for a mandate of five years, with the right to re-election only once.

Article 26

Reporting

The Commissioner submits a report at least once a year before Parliamentary Committees. The report includes an analysis about the implementation of this law in general, as well as the performance of the commissioner and the office.

Article 27

End of the mandate

The mandate of the commissioner ends when:

- a) the five-year term ends;
- b) the Commissioner is discharged;
- c) the Commissioner submits a written resignation to the Assembly;

ç) dies.

Article 28

Cases of discharge of the Commissioner

The commissioner is discharged from duty only when:

- a) the Commissioner is convicted by a final court decision for the commission of a criminal offence;
- b) the fact of incapacity to exercise the duty for more than three months is proven;
- c) he commits activity in conflict with the provisions of this law, the Constitution, and the legislation in force.

2. A motion for the discharge of the Commissioner is proposed by no fewer than 1/3 of the Members of the Assembly. A decision for the discharge of the Commissioner is taken by a majority of the votes of all the members of the Assembly.

Article 29

Election of the Commissioner

The Assembly elects a new Commissioner within one month from the time the vacancy arises. When the five-year mandate ends, the Commissioner stays in office until the new commissioner is elected.

Article 30

Incompatibility with the function of the Commissioner

The Commissioner may not be part of a political organisation or party, carry out political, state and professional activity, and take part in steering bodies of social, economic and commercial organisations. The Commissioner may teach and publish literary and scientific works, without affecting the exercise of his or her functions in a normal manner.

Article 31

Ensuring later work for the Commissioner

Upon termination of his function, according to items “a” and “c” of Article 27 of this law, a Commissioner who, at the time of appointment had worked in a state function or public position, is entitled to re-assume the function or position that he held before being elected as Commissioner. When this is not possible, the Commissioner is secured a position equivalent to what he had before being elected as Commissioner.

Article 32

Powers

1. The Commissioner has the power to:

- a) examine complaints from persons or groups of persons that claim to have been discriminated against, as provided in this law and in the Law "On gender equality in the society";
- b) examine complaints from organisations that have a lawful interest to act in the name of, and upon the written consent of individuals or groups of individuals, who claim that discrimination has occurred, or in their own name for matters related to collective interests;
- c) perform administrative investigations upon receipt of credible information about violations of this law;
- ç) impose administrative sanctions according to the specification of this law;
- d) promote the principle of equality and non-discrimination, especially by raising awareness and informing about those issues, including the provision of written information among other things about this law, in the Albanian language, in the languages of minorities, as well as in forms usable by persons with a disability;
- dh) monitor the implementation of this law as well as the law "On gender equality in the society";
- e) conduct polls on discrimination;
- ë) make recommendations to competent authorities, especially by proposing the approval of new legislation or the amendment or reformation of existing legislation;
- f) publish reports and make recommendations about any issue related to discrimination;
- g) address the public opinion directly about any issues related to discrimination;
- gj) at the request of the court examining a case, set out a written opinion on any issue related to discrimination;
- h) contribute to reporting and, as the case may be, submit reports to international and regional bodies;
- i) submit a lawsuit, in defence of the principle of equality and non-discrimination, on issues related to collective interests;
- i/1) put into motion the Constitutional Court when during its activity, the Commissioner finds that a law or a normative act violates the fundamental rights and freedoms of the individuals.
- j) inform about the right of protection from discrimination and the legal means available for such protection;
- k) hold a regular dialogue on issues of discrimination with the respective social groups, including non-governmental organisations;
- l) conduct awareness-raising and educational activities that contribute to the implementation of this law.

2. All public institutions and private entities are obliged to support the Commissioner in fulfilling his duties by supplying information as necessary and guaranteeing access to information.

3. For the examination of complaints addressed to him, the Commissioner applies the norms provided for in the Code of Administrative Procedures, except for procedures specified in this law.

4. The obligation referred to in paragraph 2 of this Article is fulfilled in compliance with the legislation on the right to information and protection of personal data.

Article 33 Procedures

1. A person or group of persons who claim to have been discriminated against, or an organisation with legitimate interests, which in the name of a person or group of persons, claims discrimination has occurred, may submit a complaint together with available evidence to the Commissioner, in writing or verbally in exceptional cases, in a way that minutes can be taken.

2. An organisation with legitimate interests may ask for an administrative investigation to be carried out by way of available credible information, and may represent a person or group of persons, upon prior written consent or when official records are taken in the presence of an employee of the institution, to represent the person or the group of persons.

3. The complaint shall contain at least:

a) the name of the complainant;

b) an explanation of how the complainant can be contacted;

c) the subject that is claimed to have committed the discrimination, or an explanation about the impossibility of identifying him;

ç) an explanation of the alleged discrimination;

d) measures expected to be taken by the Commissioner;

dh) the date and signature of the complainant or that of his representative.

The complaint is not accepted if:

a) *removed*

b) it constitutes an abuse of the right of complaining before the Commissioner, or is incompatible with the provisions of this law;

c) the same case is being examined in the framework of another complaint or a prior decision has been taken on it and there are no new data;

ç) is openly unfunded or there is insufficient information to make an investigation possible;

d) all the facts that constitute the essence of the complaint occurred before this law entered into force;

dh) is submitted later than three years from the occurrence of the discrimination or later than two years from receiving the knowledge of the discriminatory behaviour.

5. Natural or legal persons against whom a complaint has been filed are notified in writing by the Commissioner within 15 days from the day the complaint is registered.

6. The Commissioner does not charge the complainant with any tariff for examining the complaint.

7. Upon registration of the complaint, the Commissioner verifies the facts. For this purpose, the Commissioner may ask the complainant and the person against whom the complaint has been filed to submit written presentations within 10 working days from the day the parties receive notice.

When he deems it necessary, the Commissioner also takes information from any other person or source.

7/1. When the complainant presents facts to endorse his complaint for discriminatory behaviour and on which it may be presumed that there has been discrimination, the other party, against which the complaint has been filed, is bound to prove that the facts do not constitute discrimination.

7/2. When for ascertaining or clarifying the facts, which are related to the examination of the complaint, special knowledge is required, the Commissioner may ask for a specialised opinion by experts of certain fields.

7/3. When the complaints submitted to the Commissioner, addressed to the same entity, have the same object, they may be merged into one single complaint.

7/4. When the Commissioner is informed that the complainant has filed a lawsuit in the court to determine discrimination, while the same complaint has been submitted to the Commissioner and the case is still under examination, the Commissioner decides to dismiss the case.

8. When deemed appropriate, the Commissioner holds a public hearing session and invites the parties and any other interested person.

9. When deemed appropriate, the Commissioner seeks to reach a conciliation agreement between the complainant and the person against whom the complaint has been submitted.

10. The Commissioner expresses himself by a decision, which is made known to the parties within 90 days from the date the complaint is registered or, if a public hearing session has been held, within 90 days from the day of the session. The decision contains appropriate measures and adjustments, also setting a time frame for performing them.

11. If the Commissioner orders adjustments or measures, the subject against whom the complaint was submitted reports within 30 days before the Commissioner about the actions undertaken for the implementation of the decision. If the subject against whom the complaint was submitted fails to inform the Commissioner or to implement the decision, the Commissioner imposes a sanction by fine against the subject against whom the complaint was submitted. The sanction by fine is repealed if the subject against whom the complaint was submitted implements the decision within seven days after the sanction was imposed.

12. When imposing a measure, the Commissioner ensures that it will be:

a) effective and preventative; and

b) proportionate to the situation that caused the imposition of the sanction. If a fine is imposed, the Commissioner determines the amount of the fine while taking into account:

i) the nature and scope of the violation and the effect on the victim; and

ii) the personal and financial circumstances of the offender, especially taking into account all sources of income, and if the offence is committed by a private legal person, the balance sheet assets and profit, as well as the total payroll;

c) if the same violation discriminates against several persons, only one fine is imposed, yet taking into account the requirements of letter “b” of this article.

13. Any person who violates the provisions of this law is punished by a fine as follows:

a) a natural person, from 10,000 to 60,000 lekë;

- b) a legal person, from 60,000 to 600,000 lekë;
 - c) a natural person in a legal entity that is responsible for the violation, from 30,000 to 80,000 lekë;
 - ç) a person who exercises a public function and is responsible for the violation on the basis of this law, from 30,000 to 80,000 lekë.
 - d) a natural or legal person committing one or more severe forms of discrimination, double the fine amount specified in items a”, “b”, “c” and “ç” of paragraph 13 of Article 33.
14. The decision to impose a sanction by fine also sets a reasonable time frame within which the fine is paid.
15. As a last resort, especially when the natural or legal subject does not comply with the decision of the Commissioner or does not pay the fine within three months after the time frame set by the Commissioner and the sanction has not been challenged in court, the Commissioner may ask competent authorities to remove or suspend the license or authorisation of the natural or legal subject to exercise the activity.
16. When the decision of the Commissioner is returned by the postal service with a note "destination unknown" or "destination not found" and, as a result, the complainant and the subject against whom the complaint is filed may not be informed on the measures taken by the Commissioner for Protection from Discrimination, a summary of the decision shall be posted at the premises of the Commissioner for Protection from Discrimination.
17. State media operators are obliged to publish a summary of final decisions of the Commissioner for Protection from Discrimination on hate speech.
18. Decisions of the Commissioner for Protection from Discrimination may be appealed to the competent court in accordance with the rules set out in the legislation in force on the adjudication of the administrative disputes.

Article 33/1

Execution of Commissioner's fines and decisions

1. Fines shall be paid by the offender no later than 45 days from their communication. Beyond this deadline, the decision becomes an executive title and shall be executed obligatorily by the bailiff office, upon the request of the Commissioner.
2. The fine is deposited into the State Budget.

CHAPTER VI PROCEDURES BEFORE THE COURT

Article 34

Subjects with the right to submit a lawsuit for discrimination

1. Every person or group of persons who claim that discrimination has been exercised against them for one of the grounds mentioned in article 1 of this law may submit a lawsuit to the competent court according to the definitions of the Code of Civil Procedure for indemnification according to law or, as the case may be, to press charges before competent bodies for criminal prosecution.
2. The submission of a complaint before the Commissioner is not a condition to submitting a lawsuit and it does not constitute an impediment for the affected person to turn to the court or the bodies of criminal prosecution.
3. An organisation with a lawful interest may submit a lawsuit in the name of a person or group of persons, provided that the organisation has the consent by special power of attorney or by declaration before the court of the person or group of persons affected by the discrimination.
4. The Commissioner for Protection from Discrimination and organisations with lawful interests may file a lawsuit before the competent court for the protection of the principle of equality and non-discrimination on issues related to collective interests.

Article 35

Individual liability

Any person is liable on the basis of the provisions of this law, when by his actions or omissions, has committed a discriminatory act within the meaning of this law. Individual liability does not exclude the responsibility of the state or of the private legal person.

Article 36

Procedure before the court

1. The lawsuit is submitted to the competent court by one of the subjects specified in Article 34 of this law no later than five years from the day the behaviour claimed to be discriminatory occurred and no later than three years from the day when the injured party receives knowledge of this behaviour.
2. The injured party has no obligation to notify the Commissioner before submitting a lawsuit for discrimination to a court of law.
3. The court notifies the Commissioner of the submission of every lawsuit about discrimination.

4. The court may ask the Commissioner, at any phase of the proceeding, to submit a written opinion, the results of his investigation if an investigation has been made, or any other information of relevance to the case.
5. The plaintiff has the obligation to bring evidence in support of the lawsuit, using any lawful evidence that may show discriminatory behaviour.
6. After the plaintiff submits facts to support the claim and based on which the court may presume discriminatory behaviour, the defendant is obligated to prove that the facts do not constitute discrimination according to this law.

Article 37

Decision of the court

1. The decision of the court sets the indemnification if the court decides that there is a violation of this law, including a time period for making the indemnification.
2. The decision of the court is communicated to all the interested parties, including the Commissioner.
3. Imposing measures according to this law does not exclude the imposition of measures according to other laws.

Article 38

Indemnification

Indemnification includes, among others, the remedy of the legal violations and their consequences through the return to the prior situation, appropriate compensation for proprietary and non-proprietary damages or through other appropriate measures.

CHAPTER VII

FINAL AND TRANSITIONAL PROVISIONS

Article 39

Bylaws

1. The Commissioner is responsible for issuing rules for the functioning of the Office within three months from the date of his appointment.
2. The Council of Ministers is responsible for issuing bylaws for the implementation of Article 18 of this law within six months from its entry into force.

Article 40
Entry into force

This law enters into force 15 days after its publication in the Official Journal.

Promulgated with decree no. 6433 dated 24 February 2010 of the President of the Republic of Albania, Bamir Topi.

The “Horizontal Facility for the Western Balkans and Turkey 2019-2022” is a joint initiative of the European Union and the Council of Europe that enables the Beneficiaries to meet their reform agendas in the fields of human rights, rule of law and democracy and to comply with the European standards, including where relevant within the framework of the EU enlargement process. This three-year programme covers actions in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Turkey, as well as Kosovo* and it is implemented by the Council of Europe from May 2019.

*This designation is without prejudice to the position on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

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