

tion supports people who have faced discrimination. The Commissioner can

- examine complaints and impose sanctions against persons who discriminate against others
- inform people about their rights
- help people in enforcing their right to equality and protection from discrimination
- publish reports and make recommendations on any issue related to discrimination

## WHO IS ENTITLED TO TURN TO THE COMMISSIONER FOR PROTECTION FROM DISCRIMINATION?

Anyone who believes he or she has been discriminated against or thinks somebody else has been discriminated against or who wants to ask questions related to discrimination may turn to the Commissioner for Protection from Discrimination.

## HOW CAN I CONTACT THE COMMISSIONER FOR PROTECTION FROM DISCRIMINATION?

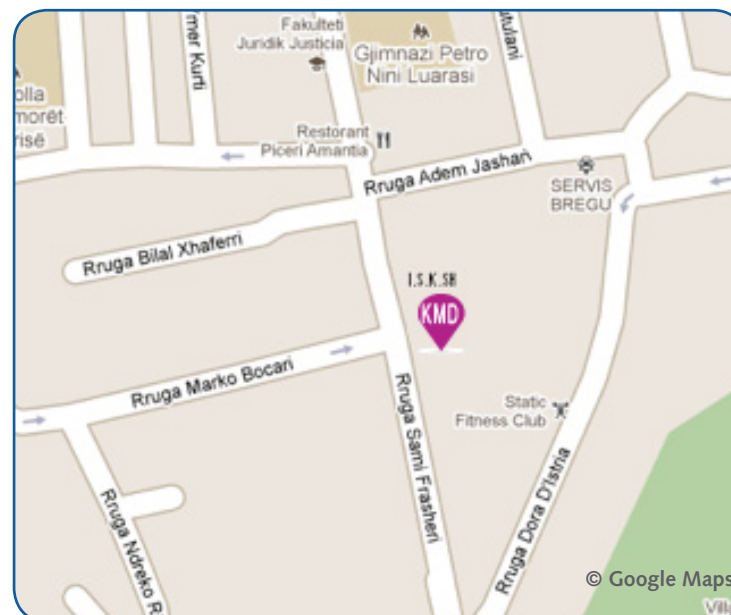
You can contact the Commissioner for Protection from Discrimination by telephone, letter or fax - or

you can fill out the e-contact form which you find on the homepage of the Commissioner for Protection from Discrimination under [www.kmd.al](http://www.kmd.al).

You may also agree on an appointment with the staff of the Commissioner for the Protection from Discrimination for a personal conversation.

Address:  
10 Sami Frashëri Street, 2nd Floor, Tirana  
Postal Code 1019  
Telephone: + 355 4 243 1078  
Fax: + 355 4 243 1077  
E-mail: [info@kmd.al](mailto:info@kmd.al)  
web: [www.kmd.al](http://www.kmd.al)

Map



Tirana 2011

# LAW ON PROTECTION FROM DISCRIMINATION

Since 13 March 2010, the **Law on Protection from Discrimination** has been in force. The purpose of this Law is to prevent and to stop discrimination. The Law also determines legal consequences in case of discrimination and sets mechanisms for processing claims.

To assure the effective protection from discrimination, the Law has established **the Commissioner for the Protection from Discrimination** as an independent equality body based in Tirana.

## **THE RIGHT TO EQUALITY AND NON-DISCRIMINATION**

The right to equality and non-discrimination means that no person should be discriminated against on the basis of any distinction, such as race, sex, religion, political opinion, disability, sexual orientation or any other status. It also means that every person must have the opportunity to enjoy his or her basic human rights on an equal basis with others and that individuals must be protected from discrimination through effective laws and policies.

The right to equality and non-discrimination does not prohibit different treatment. Only unjustified different treatment is called discrimina-

tion and therefore prohibited.

Discrimination occurs in various forms. When a person is treated less favourably or would be treated less favourably than a person in a situation that is similar, this is called **direct discrimination**. This is, for example, the case when a woman earns less than her male colleague for the same work.

**Indirect discrimination** occurs when a treatment appears to be neutral but has a disadvantageous effect on certain people. However, this is only prohibited when it is either not objectively justified by a legitimate aim or when the means of achieving that aim are either not appropriate or not necessary.

For instance, if a shop generally does not allow dogs inside (neutral practice) and therefore also refuses a blind person with a guide dog to enter the shop this is considered indirect discrimination because it has a disadvantageous effect on this specific person, which can not be justified. Another example of indirect discrimination would be an employer demanding continuous working experience from every person (neutral criterion). However, this neutral criterion would have a disadvantageous effect on women who are more likely to take parental leave.

**Harassment** is unwanted conduct that has the effect or purpose of violating the dignity of another person. Examples of harassment are: Men making suggestive remarks in the presence of a woman - or a man being ridiculed at his workplace after his colleagues find out

that he is gay.

Discrimination is also the **denial of reasonable accommodation** for persons with a disability, when they need this adjustment in order to be able to exercise their rights like others.

It would be discrimination, for example, if a new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office and the employer refused to change the desk so that the wheelchair could fit under it.

## **IN WHAT AREAS DOES THE LAW ON PROTECTION FROM DISCRIMINATION PROVIDE PROTECTION?**

The Law on Protection from Discrimination provides protection for persons discriminated **on various grounds**, including race or ethnic origin, gender, religion or belief, disability, age or sexual orientation in **any area of private and public life**. It thereby focuses on protection from discrimination in the fields of employment, education and in the field of goods and services.

## **WHAT ARE THE TASKS OF THE COMMISSIONER FOR PROTECTION FROM DISCRIMINATION?**

The Commissioner for Protection from Discrimina-