



Robert Gajda

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● WORK EXPERIENCE

05/04/2018 – CURRENT – Tirane, Albania

COMMISSIONER – COMMISSIONER FOR PROTECTION FROM DISCRIMINATION.

Head of the institution. The Commissioner is a public institution which deals with issues related to the principle of equality and non discrimination in a national level.

04/2018 – CURRENT – Elbasan, Albania

LAW LECTURER – UNIVERSITY OF ELBASAN

Part time lecturer. Lessons in Constitutional Law.

01/12/2012 – 04/04/2018 – Elbasan, Albania

LAW LECTURER – UNIVERSITY OF ELBASAN

Full time lecturer. Lessons in Public and Constitutional Law, Administrative Law, Philosophy of Law.

04/2016 – 04/2018 – Elbasan, Albania

ELECTED SENATOR – UNIVERSITY OF ELBASAN

Senators are members of the Senate, which is the highest body of the University.

02/2014 – 04/2018 – Elbasan, Albania

STUDENTS ADVOCATE – UNIVERSITY OF ELBASAN

Students Advocate its a volunteering activity in the University. Its main goal is to guarantee the protection of students rights in the University.

09/2015 – 09/2017 – Tirane, Albania

LAW LECTURER – MEDITERRANEAN UNIVERSITY OF ALBANIA

Part time Lecturer. Lessons in History of the State.

09/2016 – 09/2016 – Tirane, Albania

EXPERT – NGO

Expert on training administrative staff of municipalities on local governance and the Law on the local power.

07/2015 – 12/2015 – Elbasan, Albania

CHAIR OF THE ORGANIZING COMMITTEE FOR NATIONAL CONFERENCE – UNIVERSITY OF ELBASAN

Chair of the Committee in organizing all the work for the National Conference: Progress of Administrative Law in the focus of regulating relations: Individual-Business-State

03/2015 – 09/2015 – Tirane, Albania

EXPERT – NGO

Expert in training teachers and young people on children rights through different cities in Albania

11/2010 – 02/2013 – Tirane, Albania

LAW LECTURER – AMERICAN UNIVERSITY OF TIRANA

Part time Lecturer. Public and Constitutional Law, Administrative Law.

11/2011 – 12/2012 – Elbasan, Albania

LAW LECTURER – UNIVERSITY OF ELBASAN

Part Time Lecturer. Lessons in Social Security Law

09/2010 – 12/2012 – Elbasan, Albania

LEGAL ASSISTANT – MUNICIPALITY OF ELBASAN

Legal assistant in the Legal Department of the Municipality. Main activities: drafting legal acts, supporting other Departments in interpreting and implementing the law, representing the Municipality before Courts.

● **EDUCATION AND TRAINING**

11/2012 – 06/2015 – Lungarno Antonio Pacinotti, 43 , Pisa, Italy

PHD – University of Pisa

The study deals with the protection of constitutional rights in the Albanian legal system guaranteed through direct appeal before the Constitutional Court. More specifically, it relates to the individual constitutional appeal which may be brought by individuals for the protection of their procedural rights, or due process of law. Being such appeal for its nature extraordinary and subsidiary, the control of the Constitutional Court of Albania becomes more intense in reference to due process or fair trial. Therefore, it develops a highly articulated activity focusing on procedural principles such as access to justice and the right to appeal court decisions, the impartial judge established by law, the right to defense, legal certainty, legality of evidence, reasoning of the judicial decisions, reasonable length of trials and enforcement of judgments, etc. Based on these principles, the instrument has become useful to give a chance to the Constitutional Court to enlarge the meaning of the rule of law, it understood as a fundamental value for the consolidation of the new democracies in the former socialist countries. In addition, the study also reflects on other means provided by the Constitution of Albania for the protection of constitutional rights such as the direct appeal of the organizations, the incidental control of constitutionality and the actions brought by the Lawyer of the People or Ombudsman. Finally, special attention is dedicated to the relations that the Constitutional Court has established with other internal organs in general and in particular with the High Court, placing with the latter often in contradictory positions which sometimes turned out to be institutional conflicts. In addition, a separate chapter was devoted to the role that the jurisprudence of the European Court of Human Rights had in the Albanian legal system, both regarding the substantial influence of this jurisprudence on the decisions of the Constitutional Court, and the relationship between the two courts. The study concludes with reflections on the individual constitutional appeal and proposals on how to change it to make it a more effective legal remedy.

Field(s) of study

- Constitutional Justice and Human Rights

Individual constitutional complaints in the Albanian legal system | <https://www.unipi.it/> |

<https://etd.adm.unipi.it/t/etd-06142015-195104/>

10/2006 – 02/2010 – Lungarno Antonio Pacinotti, 43, Pisa, Italy

MASTER DEGREE – University of Pisa

Field(s) of study

- Public and constitutional law

110/110 | Law and Government's decree | 120 | <https://www.unipi.it/>

10/2002 – 09/2006 – Lungarno Antonio Pacinotti, 43, Pisa, Italy

BACHELOR'S DEGREE – University of Pisa

93/110 | Human rights in Migjeni's poetry. | 180 | <https://www.unipi.it/>

● LANGUAGE SKILLS

Mother tongue(s): ALBANIAN

Other language(s):

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken production	Spoken interaction	
ITALIAN	C2	C2	C1	C1	C1
ENGLISH	C1	C1	B2	B2	B2

Levels: A1 and A2: Basic user; B1 and B2: Independent user; C1 and C2: Proficient user

● DIGITAL SKILLS

Microsoft Word | Microsoft Powerpoint | Social Media | Zoom | Facebook | Skype | Power Point | LinkedIn | Google Docs

● PUBLICATIONS

Il ricorso diretto dei singoli nell'ordinamento albanese. Aspetti comparativi/ The direct appeal of individuals in the Albanian legal system. Comparative aspects

Boonomo Editore, Bologna

<https://www.bonomoeditore.com/index.php?p=libri&lid=603> – 2017

The study deals with the protection of constitutional rights in the Albanian constitutional and legal system guaranteed through direct appeal in front of the Constitutional Court (CC). More specifically, it relates to the individual constitutional appeal which may be brought by individuals for protection of their procedural rights, or due process of law. Being such appeal for its nature extraordinary and subsidiary, the control of the CC becomes more intense in reference to due process or fair trial. Therefore, it develops a highly articulated activity focusing on procedural principles such as access to justice and the right to appeal court decisions, the impartial judge established by law, the right to defense, legal certainty, legality of evidence, reasoning of the judicial decisions, reasonable length of trials and enforcement of judgments, etc. The instrument has become useful to give a chance to the CC to enlarge the meaning of the rule of law, it understood as a fundamental value for the consolidation of the new democracies in the former socialist countries.

The study also reflects on other means provided by the Constitution of Albania for the protection of constitutional rights such as the direct appeal of the organizations, the incidental control of constitutionality and the actions brought by the Ombudsman.

Special attention is dedicated to the relations that the CC has established with other internal organs in general and in particular with the High Court, placing with the latter often in contradictory positions which sometimes turned out to be institutional conflicts.

A separate chapter was devoted to the role that the jurisprudence of the ECHR has in the Albanian legal system, both regarding the substantial influence of that jurisprudence on the decisions of the CC, and the relationship between the two courts. The study concludes with reflections on the Reform of Justice and the new individual appeal very similar to the German Verfassungsbeschwerde.

Rama-Graf
2017

The purpose of the lessons in public law is to provide basic concepts regarding the basic principles of the existence of social organization, perfected in the best way in state organization.

The state organization itself has been developed in different ways, therefore the study of state forms and forms of government is an important part of public law. In the study of these forms we manage to identify the best principles and institutions of state organization, especially regarding their ability to guarantee, protect and promote human rights.

The importance is given in two lectures to the principle of sovereignty and the way it is expressed through the right to vote and political organization, the monopoly of the parties. The focus is on the characteristics of the right to vote and its exercise, as well as electoral systems, focusing on the case of Albania. Attention is also paid to cases of ineligibility and incompatibility, illustrated with practical aspects taken from the decisions of the Albanian Constitutional Court.

This illustrative method permeates the text and is based on the spirit according to which CC among others has the educational function, especially of law scholars.

A lesson is concentrated on the international law, its resources, its organization, the way it penetrates the domestic law of states, and above all the restriction of national sovereignty by international law.

Lesson on rights and the historical evolution of rights and in some ways their classification, as well as the relationship of our Constitution with the ECHR.

The last lesson gives a historical summary of the organization of the Albanian State from 1912 to 1998. The study of this lecture helps to understand the constitutional evolution of the Albanian state and prepares the student for the second phase of lectures that will focus entirely on Albanian constitutional law.

Penalizing violations of the electoral code provisions as functional means to implement democratic governance principles

6th International Conference, "New advanced methodologies and techniques in scientific research".

<https://unipavaresia.edu.al/ictea-6-conference-call/> - 2017

The principle of Democratic Governance is one of the main pillars of the legitimacy of the state power and is directly related with the principle of people's sovereignty. It is a necessary condition for the public authorities to guarantee expression of the sovereign's will, especially at the moment it is effectuated via elections.

Failure to have proper perceptions about democracy, fragility of balances in a sluggish transition as well as difficulties in depoliticizing electoral process - these are some of the crucial features of the ex-communist bloc countries, integral part of which was Albania as well.

Notably in Albania, the democratic transition of the state power and implementation of a genuine, free and fair electoral process have always been associated with serious problems and have generated extreme situations.

Because of continuous infraction of the electoral processes caused by certain demeanors that have negatively been affecting the electoral campaigns at their swing, the exertion of the right to vote as well as the result of elections, the Albanian legislators have made extreme legal measures. To this regard, many demeanors which had constantly been considered as criminal acts have been redefined as criminal offenses since they infringe free elections of the country's democratic system.

The general consideration of these legal provisions as well as their application and actual effect in the course of the 2013 general and political elections and during the local elections of 2015, has been the object of this study, based on reports by specialized entities and justice organs.

Moreover the aim of this writing is to understand whether these legal measures have been necessary and have had a positive impact in the further improvement and democratization of the state power.

General reflection on constitutional modifications in the Republic of Albania. The new role of the Constitutional Court in the constitutional order

University of Vlora

2016

National Conference, "Justice reform between constitutional changes and the constitutive process".

The article aims to reflect and critique on constitutional changes in general and in particular on the new role of the Constitutional Court in the Constitutional Order. Following a necessary submission on the need for a constitutional reform and on the constitutional review procedure, the study focuses on modifications affecting the composition of the Constitutional Court, its function and competencies.

Since the adoption of the Constitution in 1998, despite subsequent modifications, the Constitutional Court has never been subject to review, with the exception of the 2012 amendments on immunity. Its role and activity had a constitutional continuity, although many times from the doctrine as well as from the practice was manifested the need for an intervention in the provisions that directly affect the Constitutional Court. The focus was mainly on substantive control and the issue of rotation in the Constitutional Court, inherited from the 1991 Provisional Constitution.

Recently, with the constitutional amendments of 2008, there was a need for a modification regarding the appointment of members of the Constitutional Court, as a result of the change of the majority required for the election of the President of the Republic. The change of its function or the reduction of competencies was never discussed, on the contrary, the proposals were for an expansion of its activity.

The proposals of the Commission of First Level Experts and the opinion of the Venice Commission regarding the changes in the Constitutional Court, deserve an analysis in terms of defining the role of this court in our Constitutional Order.

The comparison with foreign experiences will reflect even more the problems of intervention, especially in relation to the denaturation of the function of the Constitutional Court.

Right to mobility in Albania. Constitutional profiles

University of Bologna

2015

International conference, Local public transport: the Italian model and the reform of the Albanian legislation.

Organization and functioning of administrative courts in violation of due process of law.

University of Elbasan

2015

Progress of Administrative Law in the focus of regulating relations: Individual-Business-State

In principle, the creation of a new specialized jurisdiction for dispute resolution and the administration of justice in a given area should be considered positive and somewhat commendable. The Constitution of the Republic of Albania provides for the establishment of courts in special areas. Based on this, the Albanian legislator through Law 49/2012 finally sanctioned the separation of administrative jurisdiction from the civil one and the establishment as a separate body of Administrative Courts. The main purpose was to guarantee the resolution of conflicts between individuals and businesses on the one hand and public bodies on the other hand, by specialized judges who should resolve these conflicts more efficiently and within the most reasonable deadlines. The differentiation between the set goal and its concrete realization, already 2 years since the establishment of the administrative courts, has generated violations of the rights of individuals, especially from the point of view of a specific right, that of due process.

This article aims to highlight the problems arising from the establishment and organization of Administrative Courts, especially in relation to the violation of the right to due process, as well as to provide proposals and recommendations on how to eliminate these violations of procedural rights which in essentially turn into violations of substantive rights.

Poster presentation on Individual complaints before the Albanian constitutional court.

Active Academia: A Catalyst for Societal Change. Pembroke College, Oxford

2014

The problem of non-execution of civil judicial decisions that have become final in the jurisprudence of the Albanian Constitutional Court

University of Elbasan

2014

International Conference: *Toward EU Single Market: Experiences, models and proposals in the integration process.*

The article sets as the subject of study the problem of the failure and unreasonable duration of the execution of civil decisions that have become final in the Albanian system, in the way it is addressed by the Constitutional Court. The study focuses on the examination of the jurisprudence of the Constitutional Court, which continually refers to the jurisprudence of the ECHR, trying to adapt the principles developed by this Court to the local situation. Particular attention is dedicated not only to the violation that failure to execute entails on the subjective rights of citizens, but also to the collision of this phenomenon with the principle of legal certainty, a direct corollary of the rule of law.

The first part concerns the re-requirement of the jurisprudence of the Constitutional Court, concerning the concept of process, which refers only to the assessment phase. Following the reasoning of the Strasbourg Court in the *Qufaj vs Albania* decision, the Constitutional Court integrates the cognition process with the executive phase. This change allows the Constitutional Court to judge individual appeals complaining the violation of the right to due process, resulting from the lack of or unreasonable duration of the execution of judicial decisions.

The second part focuses on the analysis of the decisions issued by the Constitutional Court concerning this type of violation, the evaluation test carried out and the concrete cases that are presented.

The third part stops to investigate the effectiveness and practical usefulness of this constitutional instrument, identifying the inadequacy of this means to remedy the violated right. It concludes with reflections on the changes that can be suggested to the Albanian legislator and the Court, with the intention of proposing concrete remedies for the creation of effective legal means that help achieve the final goal, namely that of real justice.

The role of the President of the Republic of Albania in guaranteeing the constitutional order. Constitutional amendments of 2008, an anomaly in the guarantee of the system

University of Durrës

2014

The article focuses on the guarantee that the Constitutional System must create in the election or appointment of High Constitutional Bodies that are outside the Political Circle and that are part of those bodies, which in the language of constitutional doctrine are called Guarantee Bodies: Constitutional Court, High Court, General Prosecutor, but also other figures such as the President of the Supreme State Audit, the Governor of the Bank of Albania and the High Council of Justice, etc.

Emphasis will be placed on the necessary dialectic that is created between exclusively political bodies and guarantee bodies, which tend toward a judicial function during their activity by controlling and limiting political bodies in function of the principle of Constitutionality.

The constitutionalists wanted the President of the Republic to be impartial, neutral, i.e. *super partes*. The reason lies in the fact that this body, which represents the popular and state unity, appoints all the constitutional guarantee bodies and in this sense the President stands at the center of the system guarantee. In order to achieve the goal, his election was envisaged by a qualified majority, fostering consensus among the parties.

The moment that is addressed is the constitutional modification adopted in 2008 and specifically the part of the provision that changes the way of electing the Head of State, being reflected in many other parts of the Constitution and in the whole system of separation and balance of powers. In this way the whole constitutional system is endangered as the impartiality and neutrality that should characterize the guarantee bodies is no longer guaranteed. Research on these bodies and the calculation of their mandates demonstrates that a governing majority can elect most of the guarantee bodies, leaving the Constitution unprotected.

The article closes with how deficiencies or problems created after modification can be remedied with appropriate modifications.

Governmental Decrees in the Albania Republic: constitutional Issues related to the recent large interpretation of necessity and emergency requirements by the Constitutional Court of R. of Albania

University of Elbasan

2013

International Conference: *Regional challenges for the sustainable development.*

In this paper the aim is to illustrate the state of art on a crucial issue: on the constitutional interpretation of the governmental degrees and their relevance within the sources of law in the Republic of Albania. After a short presentation on the story on this institute, and its evolution until the Constitution approval, we investigate the fundamental requisition of necessity and emergency from different perspectives of involved institutional actors: the Government point of view; the Parliament; the Constitutional Court.

In order to better address this question, in our point of view, it is interesting to perform a comparative study of the institute. In explaining the necessity and emergency requisition in other legal systems, strictly on civil law one's, we mainly stressed the legislative framework in adopting this institute. Furthermore, in order to have a benchmark of the interpretation of necessity and emergency and its possible abuse we focused in the Italian Constitutional Court position in stopping the abuse in using this legislative instrument from the Government.

Finally, moving from the great number of the Albanian Governmental degrees, the broad interpretation of necessity and emergency by the Albanian Constitutional Court (decision 1/2013), and its caution to respect in order to respect the institutional balance between Parliament and Government we propose our critical point of view on this issue.

The positive impact of the decisions of the ECHR and the CC of Albania in the execution of civil court decisions that have become final

Albanian Review on Social and Economic

2012

This article will reckon in the issues related to the failure of public agencies in executing final court decisions, bringing this way violation of a fundamental right of a regular legal process, exacerbating the respective budgets of public bodies affecting their economic situation, and by creating a situation of uncertainty affecting the extension of the transition period. As positive influencers, changing the problematic situation before 2006, the article focuses in the decision of the Strasbourg Court Qufaj against Albania and other following decisions, as well as the decisions of the Constitutional Court, which came as a result of decisions of Strasbourg, decisions which have contributed in strengthening the executing of decisions and in increasing the sense of responsibility of state authorities. Particular attention is paid to the legislators' commitment in improving the situation .. and finally the article will give some conclusions and recommendations that can have a positive impact on these issues.

RENEWAL OF THE EXECUTIVE BOARD OF EQUINET – EUROPEAN NETWORK OF EQUALITY BODIES

MANDATE 2021 – 2023

CANDIDATE NOMINATION FORM

Please return this form to:

Anne Gaspard
Executive Director
Equinet Secretariat

By email: Anne.Gaspard@equineteurope.org

Deadline for nominations: 22 October 2021

Name of the Equality Body and country	Commissioner for Protection from Discrimination, Albania
Name of Candidate: <i>(First name Family Name)</i>	Robert Gajda
Position in the Member organisation:	Commissioner
Contact Email:	robert.gajda@kmd.al
Telephone:	+355684032699

Please note that a nomination form will only be considered valid if it includes pages 1 and 2 fully completed and accompanied by a Resume/profile of the candidate in English.

The form also needs to be hand-sign and dated by the nominated candidate and the Head of the Member Organisation (if different).

The Secretariat will also need to receive a picture of the candidate (see page 4 of Elections guide).

1. My motivation for becoming a member of the Equinet Executive Board:

The Commissioner for Protection from Discrimination (CPD) is a member of Equinet since 2014. This membership and all the possibilities of connections and opportunities for a better, broader and more comprehensive understanding of the principle of equality and non-discrimination, has been very helpful for a continues growth and capacity building of the CPD institution and implementation of acquired knowledge with regard to the protection of citizens' rights.

Equinet is an open and transparent organization as for hearing and consulting all its members in drafting the strategies and annual action plans thus enabling the consideration of concrete suggestions from equality bodies. In this context, participation and representation in the Executive Board would be just formal and nominative. However, there are always opportunities for improvement and effective participation, especially in the work of Equinet in relation to those equality bodies that face existential difficulties that have not yet consolidated their position in society or that face impossibility to exercise their competencies for an effective protection of the citizens' rights.

In this framework, the membership in the Executive Board of the Commissioner, except the fact that Albania has never been a member, would contribute to a stronger voice of Equality Bodies of the Western Balkans, as regards their challenges and also necessary activities to understand and reinforce their new competencies as well as consolidate the functions they do exercise for a long time.

Moreover, given that some of these countries have made significant amendments in legislation on the role of the equality institutions, new forms of discrimination, expansion of grounds and scope of activity, it would be necessary that through the representation in the Board and planed activities, to have more attention of other members, in terms of exchange of experiences and risks that these amendment have brought.

Taking into consideration the fact that the Commissioner is in the third year of his mandate already and has matured a very good experience and a fruitful collaboration with Equinet and European Equality Bodies, is of the opinion that a concrete contribution could be given in the improvement of the impact of the network in the Western Balkans, starting from the increase of Equinet activities to be carried out in these countries.

The Commissioner is willing to have a seat of representation and contribute in the Equinet Executive Board, as a managerial structure of the network, for the next two years and bring the voice of a small but very ambitious country as Albania is, showing the best of its efforts as a candidate country in the European integration process.

2. Additional note or other relevant information relating to your application (if any):

During the three years of my mandate as the Albanian Commissioner for Protection from Discrimination, I would modestly mention some of the achievements institutional, in relation to the following:

First, the CPD is part of the Statement on Cooperation, signed in November 2016, between South-East Europe Equality Bodies. Thus, the Albanian CPD is one of eight South-Eastern European signatory Equality Bodies, in which parties agree that priority of their joint action and cooperation is suppressing discrimination and implementation of full equality and non-discrimination, with special attention attached to the exchange of experience, best practices and innovative approaches. The statement is based on the key role of such bodies in combating discrimination and achieving full equality for all members of society.

Following the tradition of two previous joint activities of Equality Bodies, part of this statement, the CPD organised the Third Regional Conference in Albania, by topic *"Independence of Equality Bodies"*. The aim was to discuss on the new standards approved at the European level (ECRI General policy Recommendation No.2 on Equality Bodies and European Commission Recommendation of 22 June 2018 on Standards for Equality Bodies); challenges to achieve EU standards on the independency of Equality Bodies as well as incitement of regional cooperation, aiming to share and convey best practices and reflect on the value that carry these standards.

- **Second**, CPD has increased and strengthened cooperation with the Council of Europe and European Union, being a beneficiary in their programs:

The programme *"Enhancing the Effectiveness of the Albanian System of Human Rights Protection and Anti-discrimination"*, funded by the European Union and implemented by the Council of Europe. The CPD was one of the programme partners. Main objective was to strengthen the capacities of the Human Rights (HR) and Anti-Discrimination (AD) bodies and improve their mode of coordination to effectively and efficiently implement and monitor anti-discrimination legislation and policies. In addition, awareness of the general public and specific target groups on key aspects of anti-discrimination policy.

The *Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility II) 2019-2022* is a co-operation initiative of the European Union and Council of Europe for the Western Balkans region and Turkey. The second phase of the programme covers actions in Albania. One of the themes covered by the Horizontal Facility include: combating discrimination and protecting the rights of vulnerable groups (including LGBTI, minorities, Roma and victims of trafficking in human beings).

- **Third**, legal amendments in the Albanian antidiscrimination law (*the Law no. 10221, dated 04.02.2010 "For Protection from Discrimination"*), approved in October 2020 (by the Law no. 124/2020 *"For some additions and amendments to law no. 10221, dated 4.2.2010 "On protection from discrimination"*), have reflected the CPD experience and best practices from the legislations of European countries and mainly those of the region, and consist on improving the legal framework on protection against discrimination in Albania, with regard to:
 - Addition of new protected grounds for which discrimination is prohibited:

citizenship, sex characteristics, living with HIV/AIDS and appearance. (Article 1)

- Addition of new forms of discrimination, such as: *multiple discrimination, intersectional discrimination, hate speech, segregation, sexual harassment, structural discrimination, incitement to or aiding another to discrimination, proclaimed intention of discrimination* (Article 3) and *serious forms of discrimination* (Article 3/1 and Article 33)
- The obligation of public authorities to promote equality and prevent discrimination in the exercise of their functions is emphasized. (Article 7, point 3)
- The criteria for being elected as a Commissioner have been added and reformulated (Article 24, letters "a", "b", and "c")
- One of the cases of dismissal of the Commissioner has been reformulated, in cases when the fact of inability to exercise the duty for more than three months is confirmed. (Article 28, letter "b").
- CPD powers have been added and changed, where among others we mention the review of complaints based on the Law "*On Protection from Discrimination*", as well as in the Law "*On Gender Equality in Society*"; to monitor the implementation of the Law "*On Gender Equality in Society*"; to review complaints from organizations that have a legitimate interest in acting on behalf and with the written consent of individuals or groups of individuals alleging discrimination or on their behalf in matters relating to collective interest. (Article 32)
- Addition of the Commissioner's right to file lawsuits, in defence of the principle of equality and non-discrimination, on issues related to collective interests, as well as the right to initiate the Constitutional Court, when during its activity it finds that the law or normative act violates the fundamental rights and freedoms of individuals. (Article 32)
- In order to motivate the increase of the number of complaints related to individuals of the LGBTI community but also of the complaints related to the denunciation of cases of sexual harassment in the workplace, the provision on which Commissioner does not consider anonymous complaints has been repealed. (Article 33)
- The possibility of the complaining subjects to address the CPD has been expanded, as the time limit has been increased from one to two years, within which the complaining party can file the complaint. (Article 33).
- Legal amendments define the active role of organizations with legitimate interests by enabling them to file complaints directly to the institution, representing the collective interest or may provide reliable information for initiating investigations by Commissioner's initiative. Civil society organizations can now file lawsuits for discrimination in defence of collective interests directly in the court. (Article 33,34)
- Provision of the "shifting of the burden of proof" explicitly in the proceedings before the CPD. (Article 33, 7/1)
- Provision of hiring experts of specific fields, when examining cases that require special knowledge or expertise (Article 33, 7/2).
- Provision of joining cases, coming from different entities, which have the same object and refer to the same alleged discriminatory behavior, for procedural

economics. (Article 33, 7/4)

- Provision of the obligation of the national media to publish final decisions of the Commissioner on hate-speech.(Article 33, 17)
- Decisions by fine, not appealed within the deadline provided by law, become an executive title and are compulsorily executed by the bailiff's office. (Article 33/1).
- **Fourth**, fruitful cooperation with the Croatian Ombudsman in strengthening collaboration and exchange experiences.

The Commissioner for Protection from Discrimination of Albania and the Ombudsperson for Persons with Disabilities of Croatia has had a fruitful collaboration previously by an exchange programme and lately by a joint project, aiming to build best practices and good experiences for both institutions.

The collaboration will be granted by CEI-Central European Initiative, related to the implementation of the project titled: *“Exchange Programme on the Rights of Persons with Disabilities between Albanian and Croatian Institutions of Human Rights and Anti-Discrimination”*.

This cooperation has three main objectives: 1. Increase the institutional capacity of the CPD through the program of exchange of experiences between the two institutions. CPD Albania also has its own methods and experiences, which by combining with the experience of a developed and EU member country will generate a valuable product that will be employees with European experience, employees with an improved background at a higher level. 2. CPD, in exercising the powers provided by the law, finds necessary and appropriate the cooperation with a dedicated and specialized institution in order to carry out reports and monitoring. 3. Increasing the overall impact of institutions of equality and protection of human rights, through the promotion and cooperation with counterparts' institutions of EU countries.

Date: 20/10/2021

20/10/2021

Signature of the candidate:



ROBERT GAJDA

Commissioner

**Head of Equality Body/ Commissioner for
Protection from Discrimination, Albania**

**Please note that your candidacy information will be communicated to all Equinet
Members prior to the AGM**

