DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Albania	2024	Albania / Commissioner for protection against discrimination / Decision No. 123, dated 30.04.2024	https://www.kmd.al/wp-content/uploads/2024/05/Vendim-nr.-123-date-30.04.2024-D.S-kunder-Komunitetit-Shen-Francesk-Saveri-Diskriminim.pdf	Religion	Commissioner for Protection from Discrimination	The case involves D.S, a mathematics teacher at "Atë Pjetër Meshkalla" school, who claimed discrimination based on her Muslim faith. After nine years of employment, her workload was reduced from 22 to 14 hours due to tardiness, cellphone use, and absence from religious training. D.S rejected the reduced hours, sought her employment record, and faced dismissal for absenteeism. The school argued her termination was due to contract breaches, not religious discrimination. The Commissioner found no evidence of discrimination.	The Commissioner concluded that D.S. faced discrimination in employment based on her religious beliefs. Consequently, the employer, Z.B., and the school director, V.N., were found responsible for this discrimination. The decision requires corrective actions to address the violation, and the parties involved may appeal to the Administrative Court of First Instance in Tirana within 45 days. The case reinforces the obligation of employers to ensure equal treatment and highlights the legal framework protecting individuals from discrimination based on religious beliefs.	The Commissioner for Protection from Discrimination examined the case by assessing the allegations of discrimination versus the employer's claims of contract violations. While D.S argued her reduced workload and subsequent dismissal were due to her Muslim faith and refusal to attend a religious training, the school maintained these actions were based on her tardiness, phone use, and absenteeism. Evidence showed similar disciplinary measures for other teachers, regardless of faith. The Commissioner concluded that no discriminatory motive was proven, and the employer's actions were justified by work-related concerns.	The case clarified key issues regarding discrimination based on religious belief, the burden of proof in discrimination claims, and the distinction between disciplinary actions for work-related conduct versus discriminatory motives. It emphasized that employers must provide clear, objective justifications for adverse employment actions. The case also highlighted the importance of fair procedures in handling disputes, particularly when religious beliefs are cited as a factor in perceived unequal treatment.	"Konstatimin e diskriminimit, të subjektit ankues D.S, në të drejtën për punësim, për shkak të 'bindjes fetare', nga ana e Z.B në cilësinë e punëdhënësit dhe V.N në cilësinë e drejtores së shkollës 'Atë Pjetër Meshkalla', Shkodër." "Finding of discrimination against the complainant D.S. in her right to employment, due to 'religious beliefs', by Z.B. as the employer and V.N. as the director of 'Atë Pjetër Meshkalla' school, Shkodër."

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