



REPUBLIC OF ALBANIA

**COMMISSIONER FOR PROTECTION FROM DISCRIMINATION**

No. 3/ prot.

Tyranny, more .2024

Subject: Decision No. 1 is sent. Date /3 . OJ/ . 2024, the Commissioner for Protection from discrimination.

**MR. PAULIN VILAYETI**  
**CHURCH "ALBANIAN CHRISTIAN CENTER"**  
2019 - 2019 - 2019

**Euronews Albania**  
Tv "State Reserves" Street, TIRANA

**ASSOCIATION "JEHOVAH'S WITNESSES IN ALBANIA" .**  
2018 - 2019 - 2019 - 2019 - 2019 - 2019 - 2019 - 2019

For information: **Audiovisual Media Authority**  
"Pope John Paul II" Street, No. 15, KP 1010,  
TIRANA

Together, we are sending you the Decision No. 3^3 , dated /3 • O/ . 2024, of the Commissioner for Protection from Discrimination.

Thank you for understanding.

**KOMISIONERI**

**Robert GAJDA**



e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

REPUBLIC OF ALBANIA  
**COMMISSIONER FOR PROTECTION FROM DISCRIMINATION**

No. V5 prot.

Tyranny, more .. Oj . 2024

**DECISION**

No. 23      the date g . Oj . 2024

Based on Article 32, point 1, letter b), of Law no. No. 10221, dated 04.02.2010 "*On protection from discrimination*", as amended, the Commissioner for Protection from Discrimination reviewed the complaint<sup>2</sup> no. 131, dated 22.06.2023, of the Association "Jehovah's Witnesses in Albania"<sup>3</sup>, in the capacity of representative of the Jehovah's Witness religious community against Mr. Paulin Vilayeti, in the capacity of Pastor of the Evangelical Church, with the claim to be discriminated against because *of the religious beliefs*.

At the conclusion of the case, the Commissioner,

**Const:**

**I.      The submission of facts according to the complaining subject.**

According to the explanations provided in the complaint form, the complaining subject, has submitted that: "*On May 18, 2023, during the show "Good Morning Albanians" on Euronews Albania television, Mr. Vilayeti makes these defamatory statements and with hate speech against our minority religious community:*

*Paulin Vilayeti: Jehovah's Witnesses are not active (screenshots of a status made by him in 2020, entitled: Jehovah's Witnesses are a Satanic sect, anti-Christ, and the journalist asks about this status) He replies: It's true (refers to what he wrote in the status). I look at it in a way because Jehovah's Witnesses are a sect where there are already facts that because of their sermons people have gone as far as suicide. And I think personally this is satanism, you can talk what, but if you're a man who doesn't make things*

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

<sup>2</sup> Completed by the Jehovah's Witnesses Association on 20.07.2023.

<sup>3</sup> The following is referred to by the acronym "Jehovah's Witnesses" Association or DJ.

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

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*clear, you can't. Is the church not the place to go? (Not understood*



*The knife with two presses. People must be clarified, and if you preach there is no hell but there is heaven, a man who has depressive problems says 'since there is no hell I will put myself in and go to heaven because you have another place to go, and this is their (Jehovah's Witnesses) preaching to me, because it is not possible that God is the Devil...*

*Reporter: Can I ask you about the Jehovah's Witness community all of you? We contacted them because we wanted to have representatives of all the other faiths. How is your relationship with Jehovah's Witnesses?*

*Paulin Vilayeti: When I say it's a Satanic sect, it's for reasons like that. They are very closed people, these are sects... And they refuse to enter into debates, they refuse to be part of the tables. There is a sect within them. There are some countries that have called them illegal.*

*Reporter: Jehovah's Witnesses?*

*Paulin Vilayeti: Absolutely yes. And they are people sowing hate in .... For example, if I preach in my church, you are not right, to tell the believer that your brother marries you and not go to the wedding, that is terrible. I don't know...*

*Reporter: Why is it happening?*

*Paulin Vilayeti: To Jehovah's Witnesses.*

*Reporter: Why?*

*Paulin Vilayeti: They don't allow them to go to family parties, nor let them go to celebrate birthdays. Eas are people who... It is ... They are back...*

*Reporter: Are you sure of that? It can be a sporadic and generalized case.*

*Paulin Vilayeti: It's their preaching and it's 100% one million% I'm sure. I know him very well, if there is a sect in Albania that I know very well and I have studied.*

*Do you call it a sect, do you still call it a sect?*

*Paulin Vilayeti: It's a sect, it's called a sect in America. And I-- For example, I'll say that someone might say yes to them... You are against them because they do not believe that Jesus Christ is God as you believe. It's not the point that if we go here I would deal with Mormons, or deal with Bahai, but the problem is that it's a dangerous sect. And I think the Albanian state should not persecute them but should look at these groups that have entered Albania.*

*The journalist asks if you can't include them.*

*Paulin Vilayeti: I tried twice, when I was a pastor in Berat I went to their service because I knew what their reaction was. The first thing they did, I was attacked, not by name, but they attacked the Christian faith publicly...*

*The journalist asks him what years he's been doing and what he said.*

*Paulin Vilayeti: 93-94 it doesn't matter what they said but I have the chance to... These are the sects that the state needs to take seriously.*

*The reporter may have changed...*

*PAULIN VILAYETI: No, they haven't changed because they have... They have the Watchtower, a magazine which instructs them in detail what is the manner, lifestyle and manner of conduct with those outside their group."*

The Jehovah's Witnesses Association claims that Mr *Vilayeti described Jehovah's Witnesses as a "dangerous, satanic sect" and distorted our beliefs and practices, and went so far as to falsely accuse Jehovah's Witnesses of serious crimes such as inciting suicide and inciting hatred. His comments are full of hateful, defamatory, discriminatory and serve only to fuel hatred, mistrust and suspicion towards our religious minority.*

In conclusion, the complaining subject has requested from the Commissioner for Protection from Discrimination, the finding of discrimination due to religious beliefs by Mr. Paulin Vilayeti.

## **II. Follow the procedure for the commissioner's review of the matter.**

In Article 1 of law no. 10221/2010 *"On Protection from Discrimination"*, the amended is provided the object of this law, sanctioning that:

*"This Law regulates the application and adherence to the principle of equality and non-discrimination in relation to race, ethnicity, colour, language, citizenship, political, fist or fdosophical beliefs, economic, educational or social situation, gender, gender identity, sexual orientation, sex characteristics, living with HIV/AIDS, pregnancy, parental affiliation, parental responsibility, age, family or marital status, civil status, residence, and/or other religion," he said. health conditions, genetic predispositions, appearance, disability, belonging to a particular group, or any other cause. "*

Article 7 of the LMD, as amended in its point 1, provides that: *"Any act or omission of public authorities or of legal or legal persons participating in life and the public or private sectors, which creates grounds for the denial of equality to a person or group of persons, or which exposes them to unfair and unequal treatment, when they are in the same or similar circumstances, compared to other persons or other groups of persons, constitutes discrimination. "*

Based on Article 32/1/b of the law, the Commissioner has the competence to examine violations of the enforcement and respect of the principle of equality in relation to these causes.

For the above referred to in Article 32, point 2 and 33, of Law no. 10 221, dated 04.02.2010 *"On Protection from Discrimination"*, as amended, the Commissioner for Protection from Discrimination, has reviewed the issue by taking the following steps:

Fulfilling the formal criteria of an appeal, to continue with its administrative review, is the first step, followed by the Commissioner for Protection from Discrimination, based on the relevant legal provisions. This obligation of the Commissioner is expressly provided in Law No. 1. No. 10221, dated 04.02.2010 *"On Protection from Discrimination"*, as amended, as well as in law no. 44/2015 *"Code of Administrative Procedures of the Republic of Albania"*

Based on the provision of Article 44, point 2, of Law no. 44/2015 "*Code of Administrative Procedures of the Republic of Albania*", the public organ reviews the request filed by the party regarding the fulfillment of formal legal criteria, such as the competence of the public body, legitimation, term, form and any other criteria provided by the law.

In Article 65(b), of the above-mentioned law it is also provided that: *'In the application of the administrative procedure, the public organ shall carry out the following verifications:*

*b) legitimizing the party that has submitted the request for the dissolution of the administrative procedure.*  
„

In point 1, of Article 128, of Law no. 44/2015 "*Code of Administrative Procedures of the Republic of Albania*", the concept of legitimization is also provided even when the party is legitimized to initiate an administrative proceeding. According to this Article, the party has the right to exercise administrative means of legal remedies against any administrative action or omission, if it claims that its rights or interests are intact by this action or omission.

If we refer to the LMD, it turns out that in Article 32, point 1, it is expressly provided that:

*"1. The Commissioner has the competence:*

- a) to review complaints from persons or groups of persons who claim to have been discriminated against, as provided in this Law:*
- b) to consider complaints from organizations having a legitimate interest in acting on behalf and with written consent of individuals or groups of individuals claiming discrimination occurred or on their behalf on matters related to collective interests:*
- c) conduct administrative investigations after receiving reliable information about violations of this Hgj-*

Referred to the provision of letter b), point 1, article 32, of the above-mentioned law, the Commissioner shall consider complaints from organizations that have a legitimate interest in acting on behalf and with written consent of individuals, or on their behalf on issues related to collective interests.

*"legitimate interest "* is the initial element to be fulfilled by an organization that lodges a complaint with the Commissioner for protection of the interests of a particular community, which implies its legitimisation in the conduct of the complaint.

Referring to the decision of the Tirana District Court, with no. 6087, dated 13.08.1993, through which the Association "Jehovah's Witnesses" is registered as a legal person, as well as its Statute, it is established that the purpose and scope of this association's activity is among other things to take care of the religious and spiritual needs of Jehovah's Witnesses living in Albania and supports their religious activity based on the Bible, That is part of their worship of God.

Referring to the Decision of the Tirana District Court, no. 6087/8, dated 19.04.2022, as well as the Statute



of the Association, A. V. was elected President of the Association<sup>4</sup>, who based on the competences provided for in Article 11, point 3. point b) and c). The Statute has the tag of representing the Association in relation to various institutions (state or private) and third parties.

In this context, we emphasize the fact that according to point 1, article 4. of Law no. 10221, dated 04.02.2010 *"On Protection from Discrimination"*, this law applies to all persons living and staying on the territory of the Republic of Albania, who are and feel part of the groups protected by this Association. Based on the object of the Association's activity, above the decision, the Commissioner deems that the Association, represented by A.V. (President of the Association) is legitimized and has the right to appeal on behalf of it and the religious community it represents.

**For the above, the Commissioner for Protection from Discrimination has followed all steps provided for in law no. 10 221/2010 *"On protection from discrimination"* amended, for review of this issue.**

1. With the letter no. 77212 prot., dated 26.07.2023. Commissioner for Protection from Discrimination, based on Law No. No. 10 221/2010 *"On Protection from Discrimination"*, as amended, Article 32, parasite 2, has requested from Mr. Paulin Vilayeti and Euronews Albania Television, to give submissions regarding all claims raised by the complaining subject.

In response to the above letter, the Company "Euro Balkans Nevvs" sh.p.k., with the letter<sup>3</sup> dated 02.08.2023, informed among others that: *"Euronews Albania subject is directly franchising of 'Euro News' S.A in Lyon France and applies its editorial policies in a precise manner, the Editorial Charter of Euro News, the Code of Ethics and the Code of Conduct, As well as exercise its activity in full respect of human freedoms and fundamental rights.*

*Within the mission of the media, closely related to freedom of expression, the right to information and to know, as a close relationship of trust established with the recipient of the information, the topics selected to be addressed in the show are intended to convey information of interest to the public.*

*In the conditions where in the address of the show "Good Morning Albanians", broadcast on May 18, 2023, a complaint was made to your Institution, we wish to establish that television did not intend to incite inappropriate provocations or behaviors, which directly or indirectly affect or come against a particular religion, or to directly or indirectly discriminate against a person or group of persons, because of their religious beliefs and attitudes.*

*The topic of this day was the center of discussions about the support that the state gives to various religious institutions in the Republic of Albania from the fnanciate to the institutional support, following the report of the STATE (US Department of State) on freedom*

*Religious in Albania. Considering the fact that the association "Jehovah's Testimonies in Albania" was quoted in the DASH report, the invitation of 'a we have sent fdlimally to representatives of this association and then representatives of other religious faiths, this is also proven through the official communications we have had not only with Mr. Donald Mineaj from this association, but also with other guests. Specifically, we communicated with Mr. Paulin Vilayeti by telephone, while with Mr. Ylli Gurra from the Muslim*

<sup>4</sup> With a five-year mandate, with the right to re-election, referred to Article 11, point 2 of the Statute of the Association.

Community and with Mr. Grigor Palushi (Orthodox Church) we communicated through messages.

As for the above, as well as in accordance with law no. 10221/2010 "On protection from discrimination", as amended,... In this case, we can deduce that there has been no discrimination between parties who are in the same or similar situation, understanding representatives of religious beliefs in Albania, who find themselves in a similar situation are regularly notified of participating in the morning show to talk about the topic as well as their positions, There was no unfair, unequal and differentiated treatment of any representatives of religious beliefs. Whether directly or indirectly. All guests were treated the same way, even as far as studio guests were concerned, each had the same television time to express themselves.

Specifically from the association "Jehovah's Witnesses in Albania" we communicated with Mr. Donald Menaj, who in connection with this invitation informed that they did not want to participate in the show, but still considering it as a religious community in Albania as well as individuals who are part of it, we informed the public about the reasons for not being present on television where the host of the show Mrs. G. T., has read for the public the message sent by Mr. Donald Menaj, specifically at 15'23 " (in 15 minutes, 23 second) , also proven by the recording of the show deposited as proof on the CD attached to this paper.

It was not the purpose of television to incite hatred, spread false information or discriminate against a particular group.

We bring to the attention of the Commissioner for Protection from Discrimination that the association "Jehovah's Witnesses in Albania" has filed a complaint with the Audiovisual Media Authority (herein and hereinina referred to as AMA) with No. 2402 prot., dated 22.06.2023, which despite the fact that it was beyond the legal deadlines for filing the complaint considering the sensitivity that this topic presents, AMA has reviewed and requested the necessary information from Euronexvs Albania, which is made available to it in letter No. 2402/2prot., dated 12.0 7.2023.

Euronevvs Albania, as soon as it has received knowledge of the coming complaint, has taken all measures to address it, initially communicating with Mr. Donald Menaj on the phone and the following via e-mail address specifically on 07.0 7.2023, to try to understand the situation and find a common solution. The television showed mr. He again wanted to express his position on the show, but the latter refused to communicate to us on the telephone that there is no claim from television but to the personal attitudes of the guest, while regarding the email sent in the official form has not yet returned a response. In this case, the television has actively acted to give the television time by ensuring freedom of expression and attitudes in line with the regulatory framework in the R.Sh.S.

The complaint filed by the association "Jehovah's Witnesses in Albania" at AMA refers to the personal comments of one of the guests on the show Mr. Paulin Vilayeti, where it is worth pointing out that It is completely his personal position and the television is not connected at any time to this position and has no responsibility as long as Mr. Paulin Vilayeti is expressed. We as TV do not agree with the opinion of the guests and this is clearly evident from the conversation in the studio where the moderator asked her specifically whether "there is certainty about the accusations that he is making", or "where did it happen" specifically <sup>in</sup> the jarja that the jiuari refers to. However, at no point was the personal approach that Mr. Paulin Vilayeti has approved by television, but the sole purpose was to accomplish the mission that television has to clarify and inform the public and not to promote discrimination. This finding is also presented in AMA's decision, namely in letter No. 2645 prot., dated 24.07.2023, which you find attached to this request.

*In this context, Euronexvs Albania television has taken all measures to resolve the issue with understanding by maintaining constant communication with representatives of the association, answering any questions and providing them with television time to express their positions and concerns. Since Euronevvs Albania television has kept in touch and constant communication with representatives of the association, the process of returning the response has been considered by our exhausted side.*

*However, Euronevvs Albania is open to discuss with your Institution and to take all steps to comply with the legislation in force, although we believe that Euronevvs Albania has taken every step to realize its uni-unction as a free, independent and impartial media."*

In response to the Commissioner's letter, Mr. Paulin Vilayeti through the protocolled letter to the KMD with no. 912 prot., dated 04.08.2023, informed among other things that: "... I read your letter very carefully and will summarily list the reasons why DJ's "sectarian practices"<sup>5</sup> are harmful to the spiritual life of a believer. Since the 1990s, when the Albanian state allowed and legalized the freedom of religion, evangelical Christians, a faith which I preach and dedicated my life, have made an extraordinary contribution to every city, the city and the surrounding area of our country and not in vain it was taught as one of the 5 official religious communities in the Republic of Albania.

*Mr. Commissioner, as a Pastor, since February 17, 1992, throughout my life as a servant of God and of people in need, I have sought to be guided by love, grace and mercy for people, without distinction of race.*

*I have dedicated myself to people in need, especially social orphans, along with my wife for 29 years. For this reason, the President of the Republic has decorated us with the order "Mother Teresa". During my 31-year journey to service, I was imprisoned by state security, beaten and sometimes threatened, but I was and am convinced that this is the burden I should have carried and that many times people would disagree with my faith. As a spiritual and religious man, studying and living according to a sound doctrine is my life's priority. Protecting and counseling our community's parishioners from doctrinagfallco or wrong is a very important factor for me as a Pastor.*

*/ invited on TV "Euro News Albania" I was asked to speak about the State Department's report on religious freedoms and harmony. During the show I was also asked for a comment on a status three years ago, published by me on the Facebook app in which I was expressing that DJs are a satanic sect. It was not, is not and will never be my goal, the fight against this sect, although I was invited to speak about this group on TV, I refused it, because I believe that I have not been called in my life to wage war against any religion, creed, sect or other social grouping. So this has only been one episode. I answered questions from journalists about what was the reason I had established such a status in 2020. Unable to speak for a long time and explain myself within a limited minute of television, let me tell you that the argument behind my Facebook status is and remains one: the cut-throat rejection made by the DJ. of blood transfusion and the fatal consequences that this deprivation leads to forever. Below I will present some of these arguments. I stand by all my statements. In the show it is true that I also said that sectarian practices carried out by DJ, led people to suicide.*

*Freedom of the right to exercise faith opened the doors for many different currents, sects or groups, for some of which I have my reservations, wanting more monitoring of the internal doctrines they follow and*

<sup>5</sup> It is referred to by the acronym "Jehovah's Witnesses in Albania".

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

*their exercise.*

*The DJ sect predicates the prohibition of blood transfusion.*

*Not a few times, because of these practices, families have put the lives of their children or their families at risk by going to the loss of their lives for such a conviction.*

*In some democratic countries, the right to custody has been taken away from families who have refused blood transfusion for their child.*

*Founded by Karl Russell in the early 19th century.*

*Medical science during World War I discovered that blood transfusion cured the lives of wounded soldiers and prevented mortality, being so from the early 1914s one of the wonders that medical science has discovered.*

*They fanatically reject such a procedure by an individual in any situation or circumstance, causing in this case the risk of mortality increases. Indoctrinated by these DJ teachings and open refusal of blood transfusion, the figures have been alarming, consciously rejecting life and accepting death as a sign of a high level of dedication from their followers.*

*Isn't that Satanic?*

*Among the many testimonies made public by various international media, let me bring to your attention only two blatant examples.*

*In 2007, the Guardian wrote about a 22-year-old mother named Emma Gough, who after giving birth to twins lost a lot of blood and needed a blood transfusion, but because she was a DJ practitioner, she refused transfusion, thus going on to commit suicide and leaving two newborn orphaned babies.*

*Isn't that a satanic thing, Mr. Commissioner?*

Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

*Naturally, I am asked: If this woman, this mother, or many others under the same "belief practices" had not been a DJ or follower, would she refuse the blood transfusion she is in?*

*Would she consciously embrace death by leaving two orphaned children? I believe no!*

*The second case is the case of a 14-year-old boy, a DJ practitioner named Dennis Lindberg. Who went to suicide by refusing to transfused blood, this article, published on NBC News. Dennis died on November 28, 2007, and NBC news reported his death on November 30, 2007 in the 2:00 p.m. article. Dennis had a 75% chance of living if he had a blood transfusion. The judge who tried Dennis' case said, "Dennis gave himself the death penalty."*

*Mr. Commissioner, Emma and Dennis were not born DJ, and I believe they would live if they weren't part of this group.*

*Isn't this satanic and from the world of darkness?*

*The conscious rejection of life and the contingent of real death, under the cover of a "committed obedience" because of the practices and teachings of this sect, including any gender or age, under any conceivable circumstance, must be rejected and rejected outright, and if I have a voice which is heard, I will raise my voice to preserve the flock of God.*

*The Bible, the Holy Word is my guide. As a pastor and preacher of this Word, I have the responsibility and anointing to counsel believers or any individual who seeks the Lord. Let me quote two verses from the Bible:*

*John 10:10, from the Holy Word it is said:*

*"The thief comes only to steal and to kill and to destroy. I (Christ) have come that they may have life, and have it abundantly, and the other:*

*Titi 3:10(a)*

*"Reject a sectarian man"*

*The healthy Christian faith preaches love for life so that we may know God and love for one's neighbor.*

*The healthy Christian faith warns the believer to beware of any false teachers or teachings that in a diabolical way steal your life.*

*I Mr. I am pro-life and I believe you are pro-life. I will not give up until I have a spirit, proclaiming the true hope and abundant life that comes through Christ. The Christian Evangelical Community has many times made open calls and created massive blood donations to help lalasemic children.*

*Only within 2022. According to the Thalassemic Association, there are over 500 children with constant and regular blood needs. We are the country with the lowest blood donation rate, only 0.5% of immediate needs.*

*Imagine please, if all these kids were part of the DJ and it was a massive refusal of carrying out blood transfusion. Imagine Mr. Commissioner what the consequences would be?!!*

*I am sure none of us could stand indifferent and unable to react to such a fact.*

Address: Durres Street, No.27, Postal Code 1001, Tirana, Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

*Would a representative from the DJ dare to openly advocate that they too, even once, have contributed in this or similar humanitarian form?...*

*The DJs do not deny the truthfulness of my arguments, but claim that my language sows hatred.*

*In so many years of dedicated and devoted life to Christ, my language is only that of love and brotherhood.*

*I have not denied you anyone's right to choice. And as long as I am alive I will not do such a thing, but I have identified that not every choice that damages life intentionally, regardless of who it is, is not the right choice, as in the case of being part of this group, which in my opinion is a sect, and practicing blood transfusion rejection is suicide. My purpose is not to speak of sects, but to convey the love of Christ to men. They never accept a public confrontation about such things, because they are part of the brainwashing they do to people gradually and they are unhappy about these things being said publicly.*

*As a public person and believing that what is of inalienable value is life, I am ready for a public listening if you see it reasonable.*

2. Based on Article 33, point 8, of Law no. 10221/2010 "On Protection from Discrimination", as amended, for further review of this complaint, the Commissioner, through the letter no. No. 772/3 prot., dated 26.09.2023, notified and invited the parties to participate in the hearing, at the Office of the Commissioner.

The hearing was held on 19.10.2023, at the Office of the Commissioner, with the presence of representatives of the complaining party: P. D. and E. Z., representatives with the authorization<sup>7</sup> of the Association "Jehovah's Witnesses in Albania", as well as of the parties against which the complaint was filed: Mr. Paulin Vilayeti, personally and representatives of Euronevvs Albania, J. S and A. K8.

Based on Article 80/1/b of the Code of Administrative Procedures and the Commissioner's Internal Rules, the hearing was recorded audio and its contents will be used as evidence during the process of reviewing the complaint.

In the statements made during the session, the parties held the same position as that communicated writtenly to the Commissioner.

The Jehovah's Witnesses said, "... ... *During the "Good Morning Albanians" show on Euronews, Mr. Vilayeti made defamatory statements and used hate speech against our minority religious community. Mr. Vilayeti said jehovah's Witnesses are not active and on the screen shows a status made by him in 2020 entitled "Jehovah's Witnesses " are an antichrist Satanic sect" ... This is something that cannot be tolerated in such language in public media by a representative of a religious community. Therefore, Lord Vilayeti has described jehovah's Witnesses with his comments as a dangerous Satanic sect... It went so far as to falsely accuse us of serious crimes, like inciting suicide and inciting hatred. His comments are full of hate speech, defamatory, discriminatory and*

<sup>7</sup> According to the Authorization dated 19.10.2023, of the Association "Jehovah's Witnesses in Albania".

<sup>8</sup> According to the Authorisation dated 18.10.2023, by Euronews Balkans shpk.

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*serve to feed public opinion with hatred, distrust and suspicion towards our religious community... We want to stress that it is not the first time that Mr. Vilayi uses such hate speech. He has also connected us to the case of the Combine and has repeated such language against us in a continuous way. Unlike Mr. Vilayeti who uses quotations from newspapers, we have a court decision, which shows that the survivor of the combine case herself says that she is part of the Evangelical Church and nowhere does it mention that they have to do with Jehovah's Witnesses... ”.*

Mr. Vilayeti, among others, took the position that<sup>6</sup>:

*“... My statement is not about people who exercise the faith of Jehovah's Witnesses... I absolutely don't think I can be a man who is causing hatred against an Albanian group. I have a problem, and my problem is with practices. I called them "sectarians." I don't know another word that in Albanian can compare thejpraktis... I have brought two facts which are worldwide known, but if we go in and read, we see how many people Jehovah's Witness practitioners have committed suicide. I call it suicide because if you have a chance that medical science offers you for life and you reject it by accepting death, personally, I call it suicide. When I said this, I was thinking about how much blood transfusion is... I believe that such behavior, such a practice, I don't know a name other than a satanic practice. I call it suicide because even in that letter I brought you, the judge himself for a boy of 14 said, "I feel great pain that this guy sentences himself to death. So, the sacrifice of life for me is absolutely a satanic act and this has nothing to do with people, it has nothing to do with even one... I am a man who is pro-life and I am called by God, who where I see the life of man unjustly touched, sacrificed when it is possible for life to go on, I call it myself and will call the whole life a satanic act. If someone kills themselves with a gun, if someone refuses to have a blood transfusion, for me, it's equal... I keep insisting, I have nothing with people exercising. I insist on the practice which is about donating and refusing blood donation...”*

*... I have been asked a specific question about a status I have given, and I have given my opinion according to my conviction. And I stand by the conviction that such practices are satanic... Then I became specific about Jehovah's Witnesses, but it could be done for another religion, if I knew about another practice that puts life at risk, for example, I'll take an example, if someone will tell me how you think about people who commit dynamite suicide in the name of a God. What can I say? Can't I say it's a satanic act? It's a satanic act for me personally. I'm a man who, I said specifically, didn't intentionally go...*

*... I haven't done it, and I won't do it because I have no intention of publicly. I don't even need to use social media against a religion. I am a man who has my faith, and if my faith people support, like and believe, I have accomplished my mission... I believe that in this world I came with a mission, my mission is to protect life, I don't compromise. I am willing to say whoever, in the way of life, is a satanic act and does not have*

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<sup>6</sup> Then, the recordings were made during this hearing.

*What religion is... I apologize, guys, I don't have it with you personally. I am an international in the Evangelical Community... I know Jehovah's Witnesses by foundation. I know how it started, I know everything. And I know that in my positions, as a pastor, I never speak against a religion, never against a sect. Why? I'm a man who didn't come out to be against someone. I'm for, I'm not against. I am for love, I am for life. Yes. It's very true. We have to be very careful, because we can raise waves that we shouldn't. against a religion or a sect. I'm very happy and I'll be careful from now on, honestly. "*

3. In the following session, through the letter<sup>7</sup> dated 19.10.2023, Mr. Vilayeti requested from the Commissioner to make available a copy of the audio of the hearing held on this same date.

In response to Mr. The Vilayeti, through the no. No. 772/5 prot., dated 24.10.2023, the Commissioner made available a copy of the audio (in CD) of the hearing held on 19.10.2023

4. By e-mail dated 08.11.2023, Mr. Vilayeti sent additional submissions after the hearing, stressing among other things that:

*"In the DJIJ's claim to my person. of using a language discriminatory against minorities or sowing hateful language for them, in the video posted by "Euro Neyvs Albania", I have only expressed my opinion and position in a democratic state. in which the right of free fiala is allowed, without prejudice or violation of the right of another. Everyone has the legitimate right to make his or her own choice, considering my advice to be careful of DJ practices and not only them, but any sectarian or religious grouping that enters Albania, or ignore it. Everyone has the freedom to agree with me and make his own choice or abandon it. In diversity of opinion and choice, people are free to decide.*

*During the hearing, the DJs did not submit any concrete facts regarding their claim that my way of expressing myself in the video posted by Euro News TV sowing hatred or discriminating against their sect. Naturally, the question arises on what grounds this claim was raised by my DJperson? What statistics is this assessment made? At no point in this session have the DJ presented concrete things in order to factify the claim against me, but only on groundless "coffee comments" by them or dissatisfaction. On what grounds does dj's claim lie, that my advice to people in the community has hate content? Should we say that whenever someone counsels, instructs or instructs those things that are different from the doctrine, viewpoint or choice of another, it is discrimination of one or many other parties, at a time when everyone has the freedom to choose, but without prejudice to life?*

*I apologized for saying "DJ people are" without wanting to offend or hurt believers who truly aspire or are looking for the truth of their faith and are involved in DJ practices.*

*I was ignored and mocked by the Hearing hearing for the cases brought by me of the death of the 22-year-old and 14-year-old Albanian by commenting on them as "newspaper articles" without giving any other argument.*

*In their lecture, DJs expressed the decision of the European Court on the right of every individual to accept or refuse a medication as a "perfidious way", to argue to me their position against blood transfusion. I would like to emphasize that I believe in a rule of law, where the freedom of the individual is respected, but I have reacted and will raise my voice when the individual is called upon or "preached" by a group or*

<sup>7</sup> Protocoled near the KMD with no. 772/4 prot., dated 19.10.2023.



*ideology from outside him that "preaches" the prohibition of blood transfusion or the prohibition of life as a "dedication of faith or allegiance" to God. I feel a responsibility for the faith I follow, not to be silent, but to openly talk to people even when this attitude of mine brings a reaction or discomfort to the DJ, as I have done for decades in my call as Pastor, without sowing hatred or discriminating against anyone.*

*In the listening session, the DJ avoided giving facts or arguments about this issue so delicate and vital to the man by focusing solely on my tone of voice or attitude by discriminating against or even labelling me as a fraud.*

*They have avoided my invitation for human or human conversation or communication on the grounds of not having time. They have avoided and refused an invitation from euro news Albania journalists for a public listening with me.*

*Mr. Commissioner, as you also saw in the public hearsay, my goal was not and is not discrimination of religious minorities or the sowing of hateful language towards DJ practitioners or anyone else in a state of fiat law or religious practices of faith.*

*For this right I have put my life in danger many times here in Albania, Mongolia, China, India, Russia, Indonesia, Laos, Pakistan or Vietnam, and many other countries.*

*Dj interns, on the contrary, I called and called my brothers, because many of them have already left this group through the proclamation of the truth of the Gospel of Christ that I have preached and preached.*

*In summary of this letter I would like to express once again my position as Pastor or Preacher, as a man of spiritual well-being care that I am and will be pro-life, Pro Faith, Pro Brotherhood, as an inherited value of the whole of Albania, which, as far as I have a spirit, I want to nourish with the only love I know, The love of Christ. ”.*

#### **111. Applicable legislation.**

Human dignity and its rights and freedoms are the foundations of the rule of law. The obligation of the state is not only not to hurt them themselves, but it must take measures and provide the necessary guarantees to ensure that they are not intact by privates, so the state should take all measures to protect and guarantee their enjoyment by all individuals. (Article 3 of the Constitution of Albania)

Freedom of speech and expression consists of a fundamental human right. This right also plays an essential role in the realization and protection of other human rights. The concept of citizenship and

Address: Dures Street, No.27, Postal Code 1001, Tirana, Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

Pluralism is unsayable. If the individuals are not given the opportunity to express their opinion. Tolerance to the opinion of others and to differentiates, enables coexistence in contemporary multicultural societies.

Despite the above, freedom of expression may be misused in certain situations, resulting in violation of the rights of other persons. In the name of "freedom of expression," individuals and groups may express ideas of superiority of a particular race, religion or ethnicity, with the aim of disparaging all those who do not belong to "their" group, and call for persecution, isolation, or even genocide against them. In such cases, freedom of expression is a concern for certain categories of individuals and often leads to hate speech towards them. Namely, such phenomena actualize the discussion about freedom of expression, its

limitations and the misuse of that freedom.

In the Albanian media, not in a few cases, it has been concluded that the culture of the word used is not the right one. At the same time, we have encountered in a few cases the phenomenon of incitement, use and spreading "hate speech" in public for social categories or groups, without reflecting any sense of responsibility for the word spoken in the written and television media.

The Commissioner deems that freedom of expression, tolerance and respect for the equal dignity of all human beings is essential for a democratic and pluralistic society. The fight against intolerance and discrimination are essential in the protection of human rights and freedoms, rights and freedoms that constitute one of the basics of the state. The dignity of man and his rights and freedoms lie at the foundation of our state. The Constitution, enjoins the obligation of the state, not only not to violate them, but to take measures and provide appropriate guarantees to ensure non-infringement, to protect and guarantee their enjoyment by all individuals.

Freedom of expression derives from the relevant provisions in national and international legal acts, and its minimum standards result in international acts being mandatory at the general international and regional level. States Parties shall have the duty to incorporate rights and freedoms into domestic law and, in the event of their infringement, to provide legal remedies to restore infringed rights.

In Article 18, its Constitution sanctions: *"1. All are equal before the law. 2. No one may be discriminated against directly on such grounds as gender, race, religion, ethnicity, language, political, religious or fdozoic beliefs, economic, educational, social or parental affiliation. 3. No one may be discriminated against for the reasons referred to in paragraph 2 unless there is a reasonable and objective justification."*

Equality and non-discrimination are the cornerstone of international human rights law, which have been ratified by our country, becoming part of the internal legal order, immediately after the Constitution and with superiority to national laws.

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

Freedom of expression is a constitutional right, which is guaranteed by Article 22, point 1, of the Constitution of the Republic of Albania(12) where it is expressly provided: *"Freedom of expression is guaranteed"*. However, the Commissioner again stresses the fact that freedom of expression and thought is not an unlimited right and that it should not be exercised in a manner incompatible with the rights of others.

Under Article 17, the Constitution sanctions that the fundamental rights and freedoms provided for in it may be restricted. The constitution states that *"restrictions on the rights and freedoms foreseen in this Constitution may only be imposed by law in a public interest or for the protection of the rights of others. The restriction must be proportionate to the condition that has dictated it. 2. These restrictions cannot affect the essence of freedoms and rights and in no case may exceed the limitations provided for in the European Convention on Human Rights."* In this context, the Constitution links the limitation of fundamental rights and freedoms provided for in it, with the obligation not to exceed the limits provided for in the European

## Convention on Human Rights.

The European Convention on Human Rights has set out the following in the respective Articles:

Article 9: *Freedom of thought, conscience and religion*, is quoted as: "1. Everyone has the right to freedom of thought, conscience and religion; This right implies freedom to change religion or belief and freedom, either individually or collectively, publicly or privately through the cult, teaching, practices and performing of rites. 2. Freedom of showing one's religion or beliefs may not be subject to restrictions other than those provided by law and which are necessary measures in a democratic society in the interest of public safety, for the protection of the public order, health or morality or for the protection of the rights and freedoms of others. "

Article 14 states that the "Prohibition of Discrimination" provides that: "The enjoyment of the rights and freedoms set forth in this Convention shall be assured, without any distinction based on causes such as sex, race, colour, language, religion, political opinion or any other thought, national or social origin, belonging to a national minority, property, birth or any other status. "

Article 17, "Prohibition of abuse of rights": "None of the provisions of this Convention may be interpreted as constituting a State, grouping or individual, the right to engage in any activity or to perform any act aimed at intruding the rights and freedoms set out in this Convention or wider limitations of those rights or freedoms than provided for in the Convention."

Protocol No. 12, in Article 1 "The General Prohibition of Discrimination" quotes : "1. This Protocol shall enter into force on the first day of the month following the termination of a period of two months after the date on which seven Member States of the Council of Europe shall have expressed their consent to be bound by the Protocol under the provisions of Article 8. 2. No one shall be discriminated against by a public authority for any of the reasons provided for in paragraph 1. "

<sup>13</sup> Article 22 of the Constitution of the Republic of Albania: "Freedom of expression is guaranteed.";

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Article 18 of the 1966 International Convention on Civil and Political Rights provides that:

1. Everyone has the right to freedom of thought, conscience and religion. This right means the freedom to adopt or adopt a religion or a hesitation of personal choice, and freedom. Whether individually or in collective with others, and in public or private, to manifest his or her religion or belief in cults, rites, practice and teaching.

2. No one is subject to the force that may impair his freedom to have or adopt a religion or creed of his own choosing.

3. Freedom to manifest religion or belief shall be subject only to the restrictions provided by law and which are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

4. States Parties to the present Convention undertake to respect the freedom of parents, and where

*necessary, of legal guardians, to ensure the religious and moral education of their children in accordance with their own beliefs.*

The International Covenant on Civil and Political Rights refers in Article 2 that: " *Each State Party to this Covenant undertakes to respect and to ensure to all people who are on its territory and who depend on its jurisdiction the rights recognized in this Covenant, without any distinction based on race, color, sex, language, religion, political opinion or any other opinion, national or social origin, property, birth or any other state. "*

Article 5 provides that: "7. *No provision of this Covenant may be interpreted as recognising a State, a group or a person whatsoever the right to conduct any activity or to perform an act aimed at the intrage of the rights and freedoms recognised in this Covenant or to restrict them to a greater extent than provided for by this Covenant... "*

Article 18, states: "7. *Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to have or adopt a religion or a belief from it, as well as freedom to manifest one's own religion or belief, either individually or jointly with others, both publicly and privately, through the cult and performance of rites, practices and education. 2. No one should be subject to any constraint that could affect his freedom to have or adopt a religion or a religion chosen by him. 3. Freedom of manifestation of religion or belief can become subject only to restrictions provided by law and which are necessary for the protection of security, order and public health, or morals or fundamental rights of others. 4. The States Parties to the this Pact undertake to respect the freedom of parents and, where applicable, of lawful guardians to ensure the religious and moral education of their children in accordance with their beliefs."*

Article 19, provides: "1. *Everyone should have the right to opinion without interference. 2. Everyone should have the right to freedom of expression; This right includes freedom of search, access and*

*dissemination of information and ideas of all kinds, regardless of the limits, whether by mouth, in writing, in printed or artistic form, or by any other means chosen by it. 3. Exercise of the freedoms provided for in paragraph 2 of this article, shall mean special duties and responsibilities. He may therefore be subject to certain restrictions which must be expressly defined by law and are necessary: (a) Respect for the rights or reputation of others; (b) For the protection of national security, public order, health or public morals. "*

Article 20, provides: "7. *Any propaganda in favour of war is prohibited by law. 2. Any call to national, racial or religious hatred that constitutes incitement to discrimination, hostility and violence is prohibited by law. "*

Article 26 states: "All men are equal before the law and have the right to equal protection of the law without any distinction. In this regard, the law must prohibit all discrimination and guarantee equal and effective protection against all discrimination, especially because of race, colour, sex, language, religion, political opinion and any other opinion, national or social origin, property, birth or any other situation. "

Law No. 10221, dated 04.02.2010 "On Protection from Discrimination", as amended, stipulates:

In Article 1, that: "This law regulates the application and adherence to the principle of equality and non-discrimination in relation to race, ethnicity, colour, language, citizenship, political, religious or

*philosophical beliefs, economic, educational or social situation, gender, gender identity, sexual orientation, sex characteristics, living with HIV/AIDS, pregnancy, parental affiliation, parental responsibility, age, family or marital status, civil status, residence, health status, genetic predispositions, appearance, disability, belonging to a particular group, or any other cause. "*

In Article 3, the definitions are provided, provided that:

7. *"Discrimination" means any difference, exception, restriction or preference, based on any cause referred to in Article 1 of this Law, which has as a purpose or consequence the obstruction or remedy impossible to exercise in the same way as others the fundamental rights and freedoms recognized by the Constitution of the Republic of Albania, international acts ratified by the Republic of Albania, as well as the laws in force.*

8. *"Hate speech" means any form of public expression, by any means, of promotion, incitement to denigration, hatred or defamation, any concern, insult, negative stereotype, stigmatization or threat against a person or group of persons, as well as any justification of all forms of expression based on an unifying list of causes, according to article i of this law.*

Article 7 of the LMD, it is quoted as: *"7. Any act or omission of public authorities or of natural or legal persons participating in the life and public or private sectors, which creates grounds for the denial of equality to a person or group of persons, or that exposes them to a*

*Unfair and unequal treatment when they are in the same or similar circumstances, compared to other persons or groups of persons, constitutes discrimination. "*

**Other acts and documents of the Council of Europe and the United Nations are laid down as follows:**

**Recommendation No. R(97) 20 of the Committee of Ministers on "Hate Speech" (adopted by the Committee of Ministers on 30 October 1997 at the 607th meeting of The Deputy Ministers):**

*The term "hate speech" shall be understood as covering all the j'orms of expression that spread, promote, or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, immigrants and people of immigrant origin."*

**Recommendation CM/Rek (2022)16, of the Committee of Ministers to member States on measures to combat hate speech (adopted by the Committee of Ministers on 20 May 2022 at its 132 session):**

*In assessing the severity of hate speech and determining the type of responsibility, if any, should be attributed to any specific expression, the authorities of the Member States and other interested parties, following the guidelines given by the relevant court practice, shall take into account the following factors and the interaction between them: the content of the expression; political and social context at the time of*

expression; the purpose of J'ol" the role and status of the speaker in society; how expression is distributed or amplified; the ability of the expression to lead to harmful consequences, including the aerie of such consequences; the nature and size of the audience and characteristics of the target group.

Civil society organisations should be encouraged to create specific policies to prevent and combat hate speech and, where appropriate and feasible, provide training to their staff, members and volunteers. Civil society organizations should also be encouraged to cooperate and coordinate among themselves and other interested parties on issues of hate speech. "

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

**The European Commission against Racism and Intolerance (ECRI) has come up with the following recommendations:**

**Recommendation No. 15 of the ECRI General Policy "On combating Hate Speech". adopted on 8 December 2015:**

Bearing in mind that, for the specifics of this General Policy Recommendation, the trigger of hate should be understood as advocating, promoting or inciting in any form of denigration, hatred or defame of a person or group of persons, as well as harassment, insult, stereotyping, stigmatization or threat to person or group of persons and the justification of all previous types of expression on the causes of the "The Race" color, origin, national or ethnicity, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status;

Recognizing that political, religious and community leaders, as well as other personalities of public life, have a particularly important responsibility in this regard because of their ability to influence a wider public;

**B. Definitions**

**Terminology**

7. For the purposes of this Recommendation, the following defining is applied:

a. "advocacy" relating to denigration, hatred or defiance means expressing, intentional and active support for such behavior and attitudes in relation to a certain group of persons:

"denigration" means an attack on the capacity, personality or reputation of one or more persons in relation to their membership in a particular group of persons: m. "hatred" means a mental state characterized by strong and irrational emotions of anger, hostility and contempt towards the

target group.

q. "incitement" means statements against groups of persons which create an immediate risk of discrimination, hostility or violence against persons of the group/groups;

u. "negative stereotyping" means a general opinion as if a member or a group of persons have certain characteristics, evaluating them with negativity, regardless of the particular characteristics of the member or the members thanks to the person;

b. "stigmatization" means labeling a group of people in a negative way;

e. "defame" means the abusive criticism of one or more persons in relation to their membership in a certain group of persons. "

#### **International Covenant on Civil and Political Rights - General Comment No. 22: Article 18**

##### **Freedom of Thought, Conscience or Religion, adopted at the Forty-eighth Session of the Human Rights Committee, on 30 July 1993:**

*In accordance with Article 20, no manifestation of religion or belief may constitute propaganda for war or defence of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence. As stated by the Committee in its general comment No. 11 [19j, states Parties are obliged to enact laws to prohibit such acts.*

#### **European Commission Progress Report on Albania 2023, published on 08.II.2023.<sup>8</sup> Chapter 23, Judiciary and Human Rights.**

*National policies are needed to direct the fight against various forms of hate and discrimination. Better implementation and greater awareness is needed to eliminate hate speech, especially in rural and remote areas.*

#### **ECRI Report on Albania (sixth monitoring cycle), adopted on 7 April 2020<sup>9</sup>:**

*ECRI recommends that authorities take inspiration from the ECRI's General Policy No. 15 recommendation on combating hate speech and strongly and publicly condemn incidents of hate speech, particularly against LGBTI and Roma people. They should also encourage other public figures to condemn such actions and engage in counter-responses.*

#### **IV. Legal analysis of facts and evidence.**

It turns out that on 18.05.2023, on Euronews Albania television, the show "Good Morning Albanians" was broadcast, with the theme *"The Report of the US Department of State on Religious Freedom"*. Several representatives of religious communities in Albania were participating in this show, including Mr. Paulin

<sup>8</sup> Page 36, of the English version of the Progress Report.

[https://neighbourhoodenlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_690%20Albania%20report.pdf](https://neighbourhoodenlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf)

<sup>9</sup> Page 17 of the Report, in the albanian language variant.

Vilayeti.

From the complaining subject, it is alleged that during the conversation held and the expression of thoughts on the part of Mr. The denser statements have been used with hate speech against the Jehovah's Witness Association and the religious community they represent.

Just as high as the subject. The Association "Jehovah's Witnesses in Albania" <sup>10</sup> has filed a complaint against Mr. Paulin Vilayeti, in which he is accused of discrimination in the form of "hate speech" because of religious beliefs. While regarding the show "Good Morning Albanians", broadcast on Euronews Albania television, the association stressed that it will not review it within this complaint. He will follow him to other law-enforcing bodies.

According to the information provided by the complaining subject, the Association, in the "Good Morning Albanians" show, on 18.05.2023, broadcast on Euronews Albania television, which had as the topic of the discussion "DASH Report on religious freedom", the following dialogue was held: "... Paulin Vilayeti: Jehovah's Witnesses are not active (screenshots of a status he has returned to in 2020, entitled: Jehovah's Witnesses are a satanic sect, anti-Christ, and the journalist asks about this status) He replies: This is true (it is re-recorded to what it has written in the status). I look at it this way because Jehovah's Witnesses are a sect where there are already facts that because of their sermons people have gone as far as suicide. And I think personally this is satanism, you can talk what, but if you're a man who doesn't make things clear, you can't. Isn't the church or the mosque where it is left? (I don't understand the meaning) Knife preaching with two commas. People must be clarified, and if you preach there is no heaven, a man who has depressive problems says 'since there is no hell I will put myself in heaven because you have no other place to go, and this is the preaching of tv (Jehovah's Witnesses), to me it is satanic because it is not possible that god is the Devil...

Reporter: Can I ask you about the Jehovah's Witness community all of you? We contacted them because we wanted to have representatives of all religious deities. How is your relationship with Jehovah's Witnesses?

Paulin Vilayeti: When I say it's a Satanic sect, it's for reasons like that. They are very well-behaved people, these are sects... (his delis on screen) and refuse to go to debate, refuse to be part of the tables. There is a sect within them. There are some countries that have called them illegal.

Reporter: Jehovah's Witnesses?

Paulin Vilayeti: Absolutely yes. And they are people sowing hate in .... For example, if I preach in my church, you are not right, to tell the believer that your brother marries you and not go to the wedding, that is terrible. I don't know...

Reporter: Why is it happening?

Paulin Vilayeti: To jehovah's Witnesses.

Reporter: Why?

Paulin Vilayeti: They don't allow them to go to family parties, nor do they allow them to go to celebrate birthdays. Eas are people who... It is ... They are back...

Reporter: Are you sure of that? It may be a sporadical and generalized case.

<sup>10</sup> It is also referred to as the Association.

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)



*Paulin Vilayeti: It's their preaching and it's 100% one million% I'm sure. I know him very well, if there is a sect in Albania that I know very well and I have studied.*

*Do you call it a sect, do you still call it a sect?*

*Paulin Vilayeti: It's a sect, it's called a sect in America. And I-- For example, I'll say that someone might say yes to them... You are against them because they do not believe that Jesus Christ is God as you believe. It's not the point that if we go here I would deal with Mormons, or deal with Bahai, but the problem is that it's a dangerous sect. And I think the Albanian state should not persecute them but should look at these groups that have entered Albania.*

*The journalist asks if you can't include them.*

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*Paulin Vilayeti: I tried twice, when I was a pastor in Berat I went to their service because I knew what their reaction was. The first thing they did, I was attacked, not by name, but they attacked the Christian faith publicly...*

*The journalist asks him what he's been talking about for years and what he said.*

*Paulin Vilayeti: 93-94 doesn't matter what they said but I mean if... These are the sects that the state needs to take seriously.*

*The reporter may have changed...*

*PAULIN VILAYETI: No, they haven't changed because they have... They have the Watchtower, a magazine which instructs them in detail what is the manner, lifestyle and manner of conduct with those outside their group."*

The Association of Jehovah's Witnesses considers that in the dialogue transcribed above, hateful and discriminatory language was used which directly affects their religious community, saying that:

*"Mr. Vilayeti wrote Jehovah's Witnesses as a "dangerous sect," "satanic," distorted our beliefs and practices, and went so far as to falsely accuse Jehovah's Witnesses of serious crimes such as inciting suicide and inciting hatred. His comments are full of hate speech, slanderous, discriminatory and serve only to fuel hatred, mistrust and suspicion towards our religious minority. "*

Regarding the availability of the video of the show or the official link of Euronews Albania television, the Commissioner has requested from Euronews Albania that a copy of it be made available to him, in the function of the investigative process of the complaint in question.

Euronews Albania, as the authority that holds the above authorship, through the letter dated 02.08.2023 has made available to KMD a copy of the CD of the full show "Good Morning Albanians", dated 18.05.2023. The commissioner also managed to manage the link to this show: <https://www.youtube.com/watch?v=FFsgIKsHIVE>

In the case of this, the Commissioner's institution has implemented the legal obligations provided not only in its regulatory law, but also the obligations provided for in law no. 35/2016 "On copyright and other rights related to tof despite the reference to Article 78<sup>11</sup>, its, such materials. are allowed to reproduce without the author's authorization or copyright holder and without reward, for performing duties related to the use and

*in arbitration, except in the case of summaries."*

Address: Durrës Road. No 27, Postal Code 1001, Tirana, Tel: +355 4 2431078. [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

performance of judicial, administrative procedures.

<sup>16</sup> "Use of works for judicial, administrative and other official procedures" provides that: "Copyrighted works shall be allowed to be reproduced and reported to the public, in concrete cases, without authorisation or copyright/title and without reward, for the performance of duties related to public safety, for the use and conduct of judicial, administrative, parliamentary and procedures

### **Related to expressions and language used by Mr. Paulin Vilayeti.**

In the Albanian media, not in a few cases, it has been concluded that the culture of the word used is not the right one. At the same time, we have not been able to encounter the phenomenon of incitement, use and spread of "hate speech" in public for social categories or groups, without reflecting any sense of responsibility for the word spoken in the written and television media.

Freedom of expression stems from the relevant provisions in international legal acts and its minimum standards result in international acts mandatory at the international and regional level. States Parties shall have the duty to incorporate rights and freedoms into domestic law and, in the event of their infringement, to enable the remediation of the rights violated.

Bearing in mind, the hierarchy of legal norms sanctioned in Article 116 of the Constitution, which sanctions the superiority of international law ratified by the Republic of Albania on domestic laws, the European Convention for the Protection of Human Rights and Fundamental Freedoms, in reference to the evocation of it in Article 17/2 of the Constitution of the Republic of Albania, assume a constitutional status in our internal law.

Therefore, the practice of the European Court of Human Rights (ECTR), by which the interpretation of the Convention is made, has the power of the Convention.

The ECTR is the most important form of expression of commitment of the Council of Europe member states to the values of democracy, peace and justice and through them, to respect the fundamental rights and freedoms of individuals living in these societies. This Convention contains important provisions on freedom of expression, where, in addition to the protection of that right, it also sets out the relevant limitations.

In Article 9, the ECTR provides that: "*Freedom of thought, conscience and religion*", it is quoted that: "7. *Everyone has the right to freedom of thought, conscience and religion; This right implies freedom to change religion or belief and freedom, either individually or collectively, publicly or privately through the cult, teaching, practices and performing of rites. 2. Freedom of display of one's religion or beliefs may not be subject to restrictions other than those provided by law and constitute necessary measures in a democratic society in the interest of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others. "*

In Article 10, the ECTR expressly provides:

*"7. Everyone has the right to freedom of expression. This right includes freedom of thought and freedom to receive or impart information and ideas without interference from public authorities and without regard to borders. This Article does not prohibit States from requiring licensing of cinematographic or television broadcasting enterprises.*

Address: Durrës Street, No.27, Postal Code 1001. Tyranny. Tel:+355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

*2. The exercise of these freedoms which contain obligations and responsibilities, shall be subject to those formalities, conditions, restrictions or sanctions provided by law and necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the protection of order and prevention of crime, for the protection of health or of the obtained, to protect the dignity or rights of others, to prevent the dissemination of confidential data or to guarantee the authority and impartiality of judicial power. ''*

The first paragraph of this article defines the rights protected, while in its second paragraph, the circumstances in which a state can legitimately interfere with the exercise of freedom of expression is defined. Furthermore, Article 10 of the ECT PROTECTS not only the content of information and ideas, but also the form in which they are expressed. Thus, written documents, radio and television broadcasts. Paintings, films, or electronic information systems are also protected under this article. Consequently, the means of production and communication, transmission or dissemination of information and ideas are also covered by Article 10, of the ECTR and institutions for the protection of human rights, and courts should be aware of the rapid technological developments and the way in which freedom of expression can be shared through such means.

In the article 10 of article 10 of the ECHR, the domestic authorities in any of the Contracting States may interfere with the exercise of freedom of expression when the three conditions are met together<sup>12</sup>:

1. Intervention (in the sense of "formality", "condition" or "sanction") is provided by law;
2. The intervention is intended to protect one or more of the following interests or values: national security; territorial integrity; public safety; the prevention of crime and the protection of order; health protection; morality; the reputation or rights of others; prohibition of disclosure of information obtained in confidence, and guaranteeing the impartiality authority of the judiciary;
3. Intervention is necessary in a democratic society.

The need to protect "*Rights of Others*" It's a critical moment for the right to express. On the issue *Engels and Others*, The ECJ has stated that: "*There is no reason to deny freedom of expression, but only to condemn the abusive exercise of that freedom.*" ..... <sup>13</sup>".

The Court has further guaranteed media freedom by repeatedly saying that: "... <sup>The</sup> general requirement that journalists systematically and formally distance themselves from the content of a quote that could lead to insult or provoke others, or harm their reputations, disagrees with the press's role in disputing information on issues of the day, opinions and ideas. " <sup>14</sup>

Freedom of expression is a Constitutional right, which is guaranteed by Article 22, point 1, of the Constitution of the Republic of Albania, where it is expressly provided: "*Freedom of expression is guaranteed.*" Freedom of expression includes freedom of thought and freedom to receive and express or to impart information and ideas without interference. Freedom of thought and expression are essential to every society and constitute the cornerstone for the development of every person and every free and democratic

<sup>12</sup> Carss-Frisk, M., A guide to the implementation of Article 10 of the European Convention - Freedom of Expression;

<sup>13</sup> Engels and Others against the Netherlands, 1976.

<sup>14</sup> Thoma vs Luxembourg./64; Albert-Engelmann-Gesellschaft mbH vs Austria.

society.

Freedom of thought is not subject to any restrictions or interference. No person may be subject to any prohibition or restrictions, because of his current, perceived or presumed opinions/opinions. All forms of thought are protected, including political, scientific, historical, moral or religious thoughts. Freedom of expression includes the expression/giving and receiving of communications in any form of ideas and thoughts which are transmitted to others. This kind of freedom is not absolute and is subject to restrictions. The exercise of freedom of expression contains in itself obligations and responsibilities.

Freedom of expression is subject to restrictions under the definition of Article 17 of the Constitution. Under this constitutional provision, the limitation of the rights and freedoms provided for in the Constitution may be imposed only by law, for a public interest or for the protection of the rights of others. The restriction must be proportionate to the condition that has dictated it. These restrictions may not affect the essence of freedoms and rights, and in no case may exceed the limits provided for in the European Convention on Human Rights. Referred to by the ECTR, the limitation of these rights is defined by Article 9/2 and 10/2 and Article 17 thereof.

These provisions go in line with the regulation and level of restrictions applicable to these rights, provided for by human rights treaties within the United Nations, which our country has ratified, such as the Civil and Political Rights Covenant. This Human Rights Treaty shall regulate the exercise and restrictions applicable to those rights in Its Articles 18/3 and 19/3 taken together with Article 20/2.

According to the European Court of Human Rights (hereinfor the ECHR), the restrictions set out by Article 10/2 of the ECHR apply not only to 'information or 'ideas' that are favourably received or considered as non-offensive or indifferent, but also to those that offend, shock or disturb the state or any sector of the population. Such are the demands of that pluralism, tolerance and wit of breadth without which there is no 'democratic society'. This means, among other things, that any 'formality', 'condition', 'restriction' or 'punishment' imposed in this sphere must be proportionate to the legitimate purpose pursued." *{Handyside v United Kingdom, Decision of 7 December 1976, paragraph 49).*

Tolerance and respect for equal dignity of all human beings constitute the foundations of a democratic and pluralistic society. As such, as a matter of principle it may be deemed necessary that in certain democratic societies all forms of expression that propagate, promote, promote or justify are condemned or prevented.

Address: Dures Street, No.27, Postal Code 1001, Tirana, Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

Hatred based on intolerance. (*Erbakan v. Turkey, Decision 6 July 2006, paragraph 56*)

The Law "On Protection from DiscriminationE, amended, which regulates the application and respect of the principle of equality and non-discrimination in relation to a non-exhaustive list of causes, including gender, prohibits any form of expression in public, by any means, of promotion, incitement of denigration, hatred or defamation, any concern, insult, negative stereotype, stigmatization or threat to a person or group of persons, as well as any justification of all forms of expression for these reasons. These expressions constitute "hate speech", which under the law constitutes one of the forms of discrimination.

The restriction of hate speech seems to require a reconciliation of two sets of values: democratic society's demands to allow open debate and autonomy and individual development with the also compelling obligation to prevent attacks on vulnerable communities or groups and to ensure the equal and non-discriminatory participation of all individuals in public life.

Regarding the complaining subject's claim to use hate speech by Mr. Vilayeti, in the show "Good Morning Albanians", dated 18.05.2023, the Commissioner analyzed the recordings made available through the CD by the relevant authority that holds and authorship of this material, Euronews Albania television.

In the above, the Commissioner specified that he has analyzed the expressions and language used by Mr. Vilayeti, referring to the dialogue above, which he has assessed *as potentially having the premises for a language that goes beyond freedom of expression*.

In the context of the expressions and language used in the passage, the above dialogue, as well as the position of Mr. Vilayeti<sup>15</sup>, the Commissioner, emphasizes that:

*First*, the expressions and language used during the show by Mr. Paulin Vilayeti, have been analyzed, paying particular attention to the fact that they were used on a private national television such as Euronews

<sup>20</sup>".... Jehovah's Witnesses are a satanic sect, anti-Christ, and the journalist asks him about this status...

*Jehovah's Witnesses are a sect where there are already facts that because of their sermons people have gone as far as to commit suicide. And I think personally this is a satanism...*

*People must be clarified, and if you preach there is no hell but there is heaven, a man who has depressive problems says 'since there is no hell I will go to heaven because you have no other place to go, and this is their preaching (Jehovah's Witnesses), to me it is satanic because it is not possible that God is the Devil...*

*When I say it's a satanic sect, it's for the sing-a reason. They are very closed people, these are sects... (He is not a part of the book, and he does not want to be a part of the world. There's a secle, inside them. There are some people who call them out of the country.*

*Absolutely yes. And they are people sowing hate in .... For example, if I in my church preach, you have no right, to tell the believer that your brother marries and not to go to the wedding, that is dreadful. I don't know... It is also called a sect in America.*

*.... But the problem is that it's a dangerous sect... "*

Albania, on a timetable and in the conditions when the viewing of this show by the public is considerable.

Also, considering the fact that the show on the tin was public and easily accessible on the YouTube site<sup>16</sup>, enabling the echo of the expressions used to have a wide spread in public opinion.

*Secondly*, considering the personality and figure of Mr. Paulin Vilayeti, as a public person, in the capacity of Pastor of the Evangelical Church in Albania, who is therefore permanently invited on television and other media, to analyze and express opinions on various social, religious events, etc., as well as the fact that Mr. Vilayeti holds daily religious services in the Evangelical Church or online, In his social networks<sup>17</sup>, which is followed by more than 50,000 people (accepted by Mr. Vilayeti during the hearing held at kmd), his figure and word is unquestionable and influential in the public.

With the content of the discussions, Mr. The deity, among other things, in his speech states that Jehovah's Witnesses are a satanic, dangerous, anti-Christ sect and because of their sermons they have gone as far as suicide. In this sense, the Jehovah's Witnesses Association and the religious community they represent are portrayed as persons who pose a danger to their parishioners and society as a whole.

In the analysis that KMD has made of the language used in this show by Mr. Vilayeti has assessed that its use is considered to exceed the freedom of expression sanctioned in Article 14 of the ECTR and Article 22 of the Constitution of the Republic of Albania.

In this context, the KMD, in its analysis, referred to the restrictions provided for by the ECTR on freedom of expression, as provided in Article 10, and to the position held by the European Court of Human Rights.

The exercise of freedom of expression contains in itself obligations and responsibilities. Under the second paragraph of Article 10 of the Convention, the exercise of this freedom may not affect the dignity and rights of others. The European Court of Human Rights has noted in various judgments that: *"Tolerance and respect for the equal dignity of all human beings constitute the foundations of a democratic and pluralistic society. This being so, as a matter of principle it may be considered necessary in some democratic societies to sanction or even prevent all forms of expression that spread, promote, promote or justify hatred based on intolerance ... provided that any 'formality', 'condition', 'restrictions or fines' are proportionate to the legitimate purpose pursued. (Erbakan v. Turkey, Judgment of 6 July 2006, §*

56)". Thus, the need to prevent all forms of expression that spread, promote, promote or justify hatred based on intolerance.

In addition to the above, the CPD judges that for the concrete case it is fitting to mention the General Policy Recommendation No. 15 for combating Hate Speech, 8 December 2015, of the European Commission against Racism and Intolerance, which is a very important act, addressed to the governments of the Member States of the Council of Europe and which focuses on the phenomenon of hate speech and the harmful

<sup>16</sup> <https://www.7www.voitube.coniwatch?v=FFsgi KsHIVE>

<sup>17</sup> <https://www.facebook.com/paulin.vilajeti>

[https://www.instagram.com/paulin\\_Villas/](https://www.instagram.com/paulin_Villas/)

consequences of its use. for individuals, certain groups of persons and society as a whole.

Hate speech for the purpose of the Recommendation means the use of one or more specific forms of expression — namely, advocating, promoting or inciting denigration, hatred or defamation of a person or group of persons, as well as any harassment, insults, negative stereotyping, stigmatization or threats of a person or person and any justification of all these forms of expression – that is based on an untenable list of personal characteristics or status. that includes race, color, linguistics or *belief*, national or ethnic national or ethnic origin, as well as parental origin, age, disability, sex, gender, gender identity and sexual orientation.

In this Recommendation, the significant elements of the concept of "hate speech" relate to: promotion or incitement of any form of denigration, hatred or defamation, as well as harassment, insult, negative stereotype, stigmatisation or threat;  
the use intended not merely to incite the commission of acts of violence, intimidation, hostility or discrimination, but also the reasonable expectation that such use will have these effects; and;  
causes that go beyond race, colour, language, religion or belief, nationality, national or ethnic background or parental background.

*"Expression"* under this Recommendation shall include words and publications in any form, including through media of any form, and their dissemination and preservation. Hate speech can take the form of written or pronounced words, or other forms such as pictures, images, signs, symbols, paintings, music, plays or videos. Whereas, forms of expression that are in the scope of the Recommendation may include public denial, trivialization, justification or legitimization for crimes of genocide, crimes against humanity or war crimes that have been assessed by courts, as well as the exaltation of persons for committing such crimes.

Through this Recommendation, states Parties are recommended to *"provide individual and collective support to persons targeted by hate speech.."*<sup>18</sup> *"Use regulatory powers in the direction of the media (including Internet service providers, online mediators and social media) to promote actions to combat the use of the internet."*

<sup>23</sup> Referred to point 5 of General Policy Recommendation No. 15 for combating the language of hate (2015)

*hate speech and to dispute its unacceptable nature, while ensuring that such measures do not constitute a violation of freedom of expression and opinion.*"<sup>19</sup> Through the actions of certain acts in this act.

The practice of the ECtR is also rich in decision-making on issues where hate speech was the object of judgment. In the case of K. Belgium, (2007) and Vejdeland and others k. Sweden has recognised that incitement to hatred may result in insults, ridicule or slander towards certain groups of the population when such forms of expression are irresponsibly exercised, which implies that it is unnecessarily offensive,

<sup>19</sup> Reference to point 7 of General Policy Recommendation No. 15 for combating the language of hate (2015)



advocates discrimination or uses incendiary or degrading language or is inevitably imposed on the public, and these forms are within the scope of the definition of the above recommendation.

In the case *Garaudy v France* (2003), the ECtHR upheld Article 17 of the ECtR and stated that freedom of expression cannot be used to lead to the destruction of other rights and freedoms guaranteed by the Convention. These decisions apply the theory of the paradox of tolerance: an absolute tolerance can lead to tolerance of ideas that promote intolerance and the latter can annihilate tolerance.

Recommendation CM/Rek (2022)16, of the Committee of Ministers to member states on measures to combat hate speech, in its 9th it states: *"In recent years, hate speech has spread more and more through the Internet. Preventing and combating hate speech online poses specific challenges, as it can be spread worldwide like never before in seconds. It can sometimes remain consistently available online (see European Court of Human Rights (Court), Delphi AS v. Estonia, No. 64569/09, 16 June 2015 [Grand Chamber], § 110; and Annen v. Germany, No. 3690/10, 26 November 2015, § 67). Member States shall have an obligation to protect human rights and fundamental freedoms in the digital environment (§ 1.1.3 of CM/Rec(2018)2 on the roles and responsibilities of internet mediators. This includes the duty to protect individuals against violations, including possible violations, committed by other private persons and organizations (Platform "Arzte fur das Leben" against Austria, No. 10126/82, 21 June 1988, §§ 3 and therein."*

The ECtHR has not only addressed the cases of hate speech by certain subjects, but also cases where other subjects in connection with them have not taken a critical stance towards the use of this language. Thus, in the case *Erbakan v. Turkey*, July 6, 2006, the ECtR stated that, in principle, it may be deemed necessary that in certain democratic societies all forms of expression be condemned or even prevented that spread, promote, promote or justify hatred based on intolerance. In *Handyside v. United Kingdom* 1976, the ECHR has stated that the right of individuals to express their opinions freely should not *harm, shock or disturb* others.

In the *vejdeland case against Sweden*, the ECtR maintains that in some cases, interference with freedom of expression is necessary in a democratic society, because of the protection of the reputation and rights of others.

To assess whether there is a risk that acts promoted or instigated by hate speech will occur, the Commissioner has taken into consideration the following circumstances. In accordance with the spirit of ECRI Recommendation No. 15.

Debate and discussion on various issues is needed especially on sensitive topics or issues that are in the interest of the general public. Discussions about non-grounded information often lead to prejudices being created and stigmatization of persons because of their religious beliefs or beliefs. Speeches or such speeches. Which portray the Jehovah's Witnesses Association and the religious community they represent as "satanic, dangerous sects who have driven their believers to suicide" in the concrete case, incite fear, promote negative attitudes, promote discrimination and therefore are in violation of the law. The language used by Mr. The vilayet labels the Association "Jehovah's Witnesses" and the religious community they represent,

in a wrong way. Placing them in a preconceptive position, by stereotyping them, by misinforming the public, which can also mean their victimization.

Negativity towards a specific social group that is Jehovah's Witness believers by disturbing them and creating premises for discriminatory behavior towards them.

In the case *Norwood v. UK* (2004), the applicant, a regional organiser of the British National Party placed on the window of his apartment a poster depicting the Twin Towers in flames, with the words "*Islam outside Britain - Protect the British people*" and the crescent and star symbol inside the stop sign. The country's courts convicted the applicant of a public order offence and the European Court contravened that decision, arguing that Norwood's sentence did not violate Article 10 as '*the signs and images on the poster constituted public expression of the attack against all Muslims in the UK*'. Such a sweeping, severe attack against a religious group, linking the religious group as a whole to a grave act of terrorism, is not in line with the values proclaimed and guaranteed by the Convention, namely tolerance, social peace and non-discrimination<sup>20</sup>.

In the case *Sanchez v. France* (*Application no. 45581/15*, 15.05.2023), the applicant, an elected politician, had not filtered/deleted on his Facebook page, Islamophobic messages posted by third parties, his followers on the social network. The country's courts have penally sentenced the politician, on the grounds that he had not taken measures to delete and filter messages posted on his Facebook page, where third parties made Islamophobic appeals through comments. The ECtR observed that the decisions of the local courts were based on sufficient reasons, such as the responsibility attributed to the applicant, in his capacity as a politician, for illegal comments posted on the eve of the election on his Facebook "wall" by third parties, who were identified and prosecuted as collaborators with him<sup>21</sup>.

In the case *Centre of Societies for Krishna Consciousness in Russia And Frolov V. Russia* (*Application no. 3 74 77/11*, 23/02/2022), the European Court convicted Russia of spreading a leaflet of an antisect organization, which had used hostile expressions or ideas conveyed as a totalitarian cult destructive to Russian society, practicing psychological manipulation. The Court assessed that, even when measures taken by the government did not restrict the freedom of researchers to display their beliefs through worship and practice, the hostile terms that state authorities used to describe their movement may have had negative consequences for them and constitute an interference with their rights, pursued by Article 9 § 1 of the Convention. In the concrete case, a publication by the regional state authorities represented the Society of Krishna as a "totalitarian cult" "destroyer" "greedy of money for Russian society," and also accused it of "psychological manipulation" and "zombification" of young people. The publication was distributed to educators for further dissemination among their pupils and was also made available for download from the regional government's internet page. The Court therefore found that, by using derogatory language and unfounded claims to describe the demanding religious beliefs and the ways in which they are expressed, the Russian authorities have exceeded their limit of assessment. The court also assessed that the complaint over discriminatory treatment, which the research centre claimed was a victim, is

<sup>20</sup> See <https://tinurl.co.in/ue88dkn7>

<sup>21</sup> [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-224928%22\]f/translation i KMD](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-224928%22]f/translation%20i%20KMD)

taken into account in the above assessment that led to the infringement of Article 9<sup>22</sup>. He condemned Russia for spreading a leaflet by an "anti-sect" organization that had used "hostile expression" or ideas conveyed as "totalitarian cult" and "destructive to Russian society," that practice "psychological manipulation" to label a number of religious minorities, including Jehovah's Witnesses. (*See also Christian Religious Organization of Jehovah's Witnesses in the NKR i'. Armenia*, no. 41817/10, § 9, 16, 72, 74, 22 March 2022; *Taganrog LRO and Others v. Russia*, No. 32401/10 and 19 others, § 15 7, 161-183, 7 June 2022; and *Tonchev and Others v. Bulgaria*, No. 56862/1 5, § 61, 62, 13 December 2022.)

In the case in Qalë, the Commissioner also takes into account the means through which the statements were spread. The Commissioner considers that the spread of such lectures through audiovisual media or social media over the Internet are much more powerful and reaches a very broad audience. Social media or the Internet, as mentioned in recommendation CM/Rek (2022)16 of the Committee of Ministers, have a possibility as never before across the world within a few seconds.

The commissioner appreciates, The language used by Mr. Vilajeti, creates the ranks of the public and especially those people who are not well informed, feelings Misunderstanding, rejection, and some feelings Hatred of the Jehovah's Witnesses Association and the religious community they represent. In the case of *Friet v Belgium*<sup>23</sup> "The ECJ has taken the position: *Such a lecture will inevitably create among the public — and especially among those members of the public who are not well informed — feelings of misunderstanding, even rejection and hatred among some, and also of hatred.* ”.

Although the statements made by Mr. Vilayeti are not directed against certain individuals, believers of Jehovah's Witnesses in Albania are portrayed and labeled as negative models solely because of their religious beliefs or beliefs. These statements, although not a direct threat to a specific person, can be understood as statements that incite hatred. Regardless of the purpose for which they are said and despite not being directed at a particular person, the way a thought of Mr. Vilayeti is manifested, which negatively portray a social group, is perceived and portrayed as the Association "Jehovah's Witnesses" and the religious community they represent, negatively.

The Commissioner stresses that the Association of Jehovah's Witnesses and the religious community they represent have been portrayed and labeled as negative models in the past, when in July 2020, 2 (two) members of a family were found lifeless in their apartment, in the area of the former Combine in Tirana, being identified as part of the Jehovah's Witness Association. Because of

Media disinformation and false information this association and its believers were labelled negatively by being stereotyped and stigmatized in public opinion.

In returning to the case of *Friet* against Belgium, the ECHR has taken the position that: “ *Although the complainant's statements were not directed against specific individuals - members of the migrant/refugee communities, they collectively viewed them in a negative light and portrayed them as*

<sup>22</sup> <https://hudoc.echr.coe.int/eng#%7B%22appno%22:F%2237477/1%22%7D.%22itemid%22:r%22001-213367%221%7D> Translation of KMD

<sup>23</sup> *Against Belgium*. Request No. 15615/07, 16 July 2009

*contingency crime and opportunists keen to profit from their residence in Belgium.*

The European Court of Justice, in the case of The Feryn Firm (*Centrum voor gelijkheid van kansen en voor racismebestrijding against Feryn NV Firm, C-54/07, 10 July 2008*), has taken the position and accepted that discrimination can arise even in those cases where a victim cannot be identified. The Commissioner considers that in the matter in question, the language used conveys an unjustified hate speech, that even in the absence of identifying a specific individual as a victim of discrimination, impunity for discriminatory behavior would severely affect the very reason for the existence of the law "On Protection from Discrimination", which was amended.

Law no. 10221, dated 04.02.2010 "On protection from discrimination", as amended, in Article 3, point 8 provides that: "*Hate speech is any form of public expression, by any means, of promotion, incitement to denigration, hatred or defamation, any concern, insult, negative stereotype, stigmatization or threat to a person or group of persons, as well as any justification of g/itha forms of expression based on a seductive list of causes, According to 1 of this lign. "*

As you can see, the above mentioned article refers to "... Every form of public expression, by any means..." In terms of law, any public way of expression that creates the premise provided for in this form of discrimination is and should be investigated. As true as it is the broad practice of the ECtR to investigate and express i.e. in cases of hate speech by other non-traditional means such as social networks, online portals or even user comments.

To this end we bring to attention the Standards of the Council of Europe regarding hate speech, through Recommendation No. 15 of the General Policy of ECRI "On combating hate speech". (material in link), based on which the Albanian legislator is also supported in defining this form of discrimination in the Law "On Protection from Discrimination", changed. Also, the jurisprudence and concrete decisions of the ECtNJ regarding the forms and means of hate speech and its meaning by this court.<sup>24</sup>

In the spirit of this recommendation and the above-reported jurisprudence, concern relates to the use of hate speech, regardless of the means used. Especially in cases where the presumed person who has used hate speech has done so with voice and image, identified by name and surname, in the media of national reach, where it is accessed by every person and distributed<sup>25</sup> by other media on-line.

<sup>24</sup> Case Jersild v Denimarka 23 September 1994 - Excerpts from the documentary;  
Case Giindiiiz against Turkey 4 December 2003 - Tv debate;  
Erbakan v Turkey case 6 July 2006 - Public speech;  
Pavel Ivanov case against Russia 20 February 2007 - Written article;  
Case Fëret v Belgium 16 July 2009 - Leaflet;  
Delfi AS case against Estonia 16 June 2015 - Comment on an online portal;  
Belkacem v Belgium case 27 June 2017 - Comments on Youtube;  
Simunic vs. Croatia 22 January 2019 - messages at a football match;  
Case Beizaras and Levickas v Lithuania 14 January 2020 - Comments on Facebook;  
Lilliendahl v Iceland 12 May 2020 - Komcnte nc an article online;  
The case Zemmour v. France 20 December 2022 - Statement on a TV show;  
Case Valaitis v Lithuania 17 January 2023 - Comments online

<sup>25</sup> <https://www.youtube.com/watch?v=OdyAR9-AhlQ>  
<https://lajmifundit.al/aktualitet/sekt-satanik-pastori-kunder-deshmitareve-te-iehovait-shume-shtete-i-k-il229521https://www.facebook.com/SHQIPERIA.IME.2010/posts/618221050342474/?paipv=0&eav=AfYem63MRQfJotUy>

In conclusion, regarding the use of hate speech, it is important that its use and emission, regardless of the means used, has occurred or/and continues to occur and creates concern in society and even more so in social groups considered minorities and recognized as systematically discriminated against.

Finally, considering all the aspects analysed above. The commissioner concludes that the language used by Mr. Paulin Vilayeti constitutes hate speech against the Jehovah's Witness Association and the religious community they represent, because of religious beliefs. The views and views expressed by him are in excess of freedom of expression and as such they may not enjoy protection under Articles 22 and 24 of the Constitution, Articles 9 and 10 of the European Convention on Human Rights and Articles 18 and 19 of the International Covenant on Civil and Political Rights. For all the above reasons, the Commissioner considers that limiting hate speech is necessary and proportionate.

In Article 33, point 10, of Law No. 10221/2010 *On Protection from Discrimination*, as amended. it is expressly provided that: *"The decision contains appropriate adjustments and measures, setting yet another deadline for their execution"*, while based on Article 33, point 12 of this law, it is determined that: *"When deciding the measure, the Commissioner ensures that it is: a) effective and preventive; and b) the law does not specify measures to be taken to regulate the discriminatory situation, attributes that are left at the discretion of the Commissioner. In this context, the Commissioner decides on a case-by-case basis, what are the arrangements and measures to be taken in order to ensure effective protection from discrimination of individuals claiming to be victims of discrimination."*

The Above, the Commissioner considers that the appropriate measure for the regulation of the discriminatory situation should be the obligation of Mr. Paulin Vilayeti to make a public statement (verbal or written) by distancing himself from the use of hate speech against the Jehovah's Witnesses Association and the religious community they represent, And avoid the use of the future.  
her.

#### **FOR THESE REASONS:**

Based on Article 32 and 33 points 10, 11 and 12, of Law no. 10221/2010 *"On Protection from Discrimination"*, amended, Commissioner for Protection from Discrimination,

#### **SET:**

1. The findings of discrimination in the form of "hate speech" of the Association "Jehovah's Witnesses" and the religious community they represent, due to religious beliefs by Mr. Paulin Vilayeti, on the show "Good Morning Albanians", held on 18.05.2023, on Euronews Albania television.
2. In reference to point 1 of this decision, Mr. Paulin Vilayeti, in the capacity of a person who has consumed the above discriminatory behavior, to make a public statement (verbal or written) by

distancing himself from the use of hate speech against the Jehovah's Witnesses Association and the religious community they represent, And avoiding its use in the future.

3. Referring to point 2 of this Decision, Euronews Albania Television<sup>26</sup>, is recommended to take immediate measures to eliminate/cover the discriminatory expressions used by Mr. Paulin Vilayeti in the show *"GoodMorning Albanians"* broadcast on 18 May 2023 or the shortened sections published on the [www.youtube.com](http://www.youtube.com) website or other social networks that it administers, Within five (5) days of the decision.
4. In reference to Article 33, point 11, of the Law *"On Protection from Discrimination"*, amended, within 30 (thirty) days from the taking of this decision, Mr. Paulin Vilayeti, should notify the Commissioner regarding the measures taken for its implementation.
5. In reference to Article 33, point 11, of Law no. 10221, dated 04.02.2010 *"On protection from discrimination"*, amended, the non-implementation of this decision results in the penalty penalty, according to the provisions of point 13, of this article.

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<sup>26</sup> Euro Balkans News Sh.p.k.

6. Against this decision, an appeal is allowed in the Administrative Court of First Instance Tirana within 45 days of being informed.

<sup>1</sup> The following referred to as KMD or as commissioner.

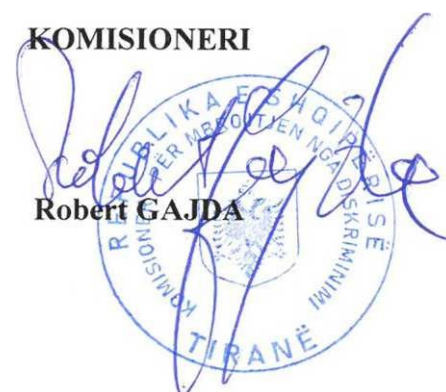
<sup>5</sup> Protoled to the Commissioner with letter No. 902 prot., dated 03.08.2023

Address: Durres Street, No.27, Postal Code 1001, Tirana, Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)  
Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

<sup>11</sup> Mr. Vilayeti refers to Jehovah's Witnesses by this acronym.

Address: Durres Street, No.27, Postal Code 1001, Tirana, Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

<sup>25</sup> Siniarska D.B. (2015) Manual for Practitioners of Law - Protection of the Right to Freedom of Expression under the Convention



European Human Rights, page 12, paragraph 1;

Address: Durres Street, No.27, Postal Code 1001. Tel: +355 4 2431078, e-mail: [info@kmd.al](mailto:info@kmd.al), web: [www.kmd.al](http://www.kmd.al)

The language used by Mr. Vilayeti, is conveyed in a context of a debate born as a consequence of the discussion of a completely different topic. that of the DASH Report on Religious Freedom. The commissioner stresses that the language used can incite comments from people on social platforms such as *YouTube*, *Facebook*, etc., comments which can be offensive, prejudicial, denigrating and completely inappropriate.

Being a well-known pastor and advocate of many cause in society, Mr. Paulin Vilayeti, has the ability to influence a wide publiik. It is particularly important that mr. Vilayeti is a very active person in public life through his presence in the media. Based on his status, he carries on increased obligations, in relation to other persons who do not have a public profile, to show increased vigilance regarding the language he uses in exercising freedom of expression. Because of its status and influence on others, it must show greater accountability regarding the language used to transmit different attitudes, opinions or messages. Regardless of the intent, the perception that goes to the public can be quite different, especially when they are portrayed negatively.

The Commissioner judges that it is not wrong to inform the public and discuss sensitive topics affecting various vulnerable groups, but dressing and referencing personal opinions or perceptions, especially with negative connotations, constitutes a wrong attitude and creates premises for prejudice as well as negative stereotypes. In this sense, the reference to Mr. The vilayet, cited above in this decision, constitutes an unpromediated attitude. Not informative, prejudicial and in turn create

<sup>30</sup> <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech-alba716809eb58e>