



Organization for Security and
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Presence in Albania

**REMARKS BY AMBASSADOR BORCHARDT AT CONFERENCE ON
INCREASING PARTICIPATION OF WOMEN, NATIONAL MINORITIES AND
PERSONS WITH DISABILITIES AT ALL STAGES OF ELECTORAL PROCESS**

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Increasing the participation of women, national minorities and persons with disabilities at all stages of the electoral process

Last week we welcomed the decision of the extra-parliamentary opposition to re-integrate into the national discussion process with the institutions. This can fulfil the first priority OSCE/ODIHR recommendation on electoral reform, namely: political parties should engage in an open and inclusive dialogue and facilitate electoral reform. We are very happy that a step in this direction has been taken.

On the 16th of January, in the Political Council that was created, the united opposition submitted their official platform for the discussion in this forum. This included the recommendations on how to implement the OSCE/ODIHR recommendations. For instance:

- Vote-buying – one of the big topics. We recommended a civic awareness campaign before elections, prosecution of offenders, a concrete and genuine commitment from political parties to combat vote buying, and a public refusal of politicians to accept financial support from individuals with a criminal past.
- Voter intimidation: No pressure should be applied to attend campaign events or to vote in a particular way.
- Pressure on public administration: ODIHR suggested the establishment of an independent structure to deal with allegations of pressure on administration and abuse of state resources; the de-politicization of the civil service also needs further steps. The government should also establish a procedure by which public administration employees may report any political pressure on them. Such persons should enjoy the protection of whistle-blowers.
- Abuse of state resources: ODIHR recommended precise rules how public resources may or may not be used for electoral purposes.
- Reformation of the Law on Political Parties to ensure their financial transparency and internal democratic decision-making. We organized in late 2019 a discussion forum which produced good ideas on that. Our friends from NDI helped to further develop ideas last weekend in a workshop in Korça. This indicates a way forward.
- Another aspect suggested by the united opposition is to create effective mechanisms for cutting the ties between crime and politics. There existed a draft law in late 2018 to deal with this. It was considered by the Venice Commission as disproportionate. But the Commission underlined, at the same time, the justification to discuss such a kind of

legislation. I would suggest a thorough discussion about possible ways to limit the influence of offenders from high-level political life. During the vetting process for the judiciary, the justification of assets has played a dominant role.

- Other recommendations in that field are very relevant as well. Law enforcement institutions should investigate all allegations of electoral violations thoroughly. We believe that the justice reform is part of the way forward. Prosecutors have to be available to work on electoral crime allegations. This would create a deterrent effect.
- Our colleagues from ODIHR, in their reports, have very often underlined the need for de-politicization of the election administration on all levels. The ad hoc committee on electoral reform has developed proposals on that.
- There are also proposals in the current drafts that are being discussed at the ad hoc committee related to gender, which include 1 in every 3 names on candidate list for parliamentary elections to be a woman, plus refusal by the Central Election Commission to register the list in case of non-compliance. This is one of the issues of this event. This would mean that a) the CEC will automatically be required to reject, and b) that this is instead of the trivial fines that are currently used.
- Another aspect on which recommendations exist refer to the media sector, such as ready-made party ‘tapes’, which should be limited and clearly labelled, plus the decriminalization of defamation. The concentration of media ownership in the broadcast sector should be limited. That is also one of the standing recommendations. Our Representative for the Freedom of Media recommended that the draft law on anti-defamation needs further improvements.

There are more recommendations, and to work on all of them until 15 March will be a tough challenge - as we are already in January. I wish all involved good luck, the will to compromise and a lot of stamina.

A last word: Finally, there is a simple truth, as in other sectors, which I could formulate from a different sector as ‘if you want to stop corruption, you should stop being corrupt’. The current legislation could produce adequate elections and credible results. ODIHR underlined that in several reports. It has not, because corrupt things are done while the perpetrators know that the system cannot or does not punish them enough. You can keep trying to change the system, but it would be better to change the behaviour. That is a precondition for everything to work. Because if the perpetrators do not change their behaviour, reforms become futile.

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