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ANALYTIC REPORT

POLITICAL REPRESENTATION AND PARTICIPATION OF UNDERREPRESENTED GROUPS IN THE ELECTORAL PROCESS

Prepared by:

ALBANIAN WOMEN EMPOWERMENT NETWORK (AWEN)



ABOUT THE REPORT

This analytic report is prepared by the Albanian Women Empowerment Network (AWEN) in May2023, and it is financially supported by the National Democracy Institute (NDI).

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The Albanian Women Empowerment Network – AWEN is established on July 1st, 2009 (and legally registered on December 27th, 2011) as initiative of eight non-profit organizations focusing on women protection, with the valuable support of Kvinna till Kvinna Foundation with the financial and technical support of Sida.

AWEN's VISION: "A society where women and girls fully enjoy their human rights in Albania"

AWEN's MISSION: "To work together to empower girls and women socially, economically and politically to participate and realize their rights throughout Albania, regardless of their political orientation, religion, education level, age, sexual orientation, disability, gender identity, or other factors"

"This analytic report is developed with the financial support of the NDI. Its content is solely the responsibility of the AWEN and does not necessarily reflect the views of the NDI".

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Acronyms

AMA	Audio-visual Media Authority
AWEN	Albanian Women Empowerment Network
CEAZs	Commissions of Electoral Administration Zones
CEC	Central Election Commission
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CPRW	Convention on the Political Rights of Women
CRPD	UN Convention on the Rights of Persons with Disabilities
CSC	Complaints and Sanctions Commission
CSOs	Civil-Society Organizations
DP	Democratic Party
DP - AN	Democratic Party - Alliance for Change
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EOM	Election Observation Mission
FCPNM	Framework Convention for the Protection of National Minorities
FGDs	Focus Group Discussions
FP	Freedom Party
GDAC	Gender Alliance for Development Centre
ICCPR	International Covenant on Civil and Political Rights
KRIK	Coalition for Reforms, Integration and Consolidated Institutions
NDI	National Democratic Institute
NGOs	Non- Governmental Organizations
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
SMI	Socialist Movement for Integration
SP	Socialist Party
SPAK	Special Prosecutor's Office Against Organized Crime
UDHR	Universal Declaration of Human Rights

Executive summary

Albania, like many democracies, recognizes the essential role of political participation and representation in a thriving democratic system. Democracy thrives when all citizens, including those from underrepresented groups such as women, youth, religious and ethnic minorities, the LGBTIQ+ community, and people with disabilities, actively participate in and are represented within democratic institutions and processes. This inclusivity, regardless of age, gender, sexual orientation, ability, ethnicity, culture, or religious background, is crucial for fostering a just and equitable society.

However, despite these noble principles, the reality is that Albania, like many countries in the region and worldwide, ensuring comprehensive political participation and representation for underrepresented groups remains a persistent challenge. These groups continue to face unequal opportunities to engage in democratic institutions and processes. Civil society organizations in Albania, such as Albanian Disability Rights Foundation (ADRF), Institute of Romani Culture in Albania (IRCA), Gender Alliance for development Centre (GDAC), Aleanca LGBTIQ+, Open Mind Spectrum Albania (OMSA), and others which champion the rights of these underrepresented groups, have consistently noted the lack of visibility of their representatives in the political landscape. This inequity results in underrepresented individuals being denied their full rights and often facing disadvantageous circumstances compared to others.

In response to this situation, Albanian Women Empowerment Network (AWEN), commissioned by NDI, conducted an in-depth analysis of the political representation and participation of underrepresented groups in the 2023 local elections in Albania. This analysis focused on key areas, including legal obstacles, the freedom to run for political office, fair treatment by the media, access to electoral resources, and equitable treatment by electoral management bodies. The report aimed to identify deficiencies in diversity of representation, pinpoint the root causes, understand existing policies and procedures, and assess political parties' internal cultures concerning diversity and inclusivity.

The analysis serves as a foundation for discussions aimed at taking concrete steps to enhance the representation of all constituencies, regardless of their ethnic, racial, linguistic, sexual, or religious identity, within political parties and in decision making processes.

Throughout this analysis, AWEN worked closely with representatives from civil society with long experience in supporting and working with people with disabilities, minority communities, the LGBTIQ+ community, and other underrepresented groups. This collaboration ensured that the monitoring process efficiently identified candidates from these groups and generated recommendations that are both targeted and actionable.

This analysis provides valuable insights into the Albanian context, shedding light on the challenges, good practices, and lessons learned in promoting the political representation and participation of underrepresented groups in the electoral process. It serves as a catalyst for concrete actions to make political parties in Albania more representative, inclusive, and reflective of the diverse constituencies they serve. Ultimately, the goal is to ensure that all citizens in Albania, regardless of their background, have an equal voice and role in shaping the future of the country's democracy.

Main findings of the Analytic Report include, as following:

- The political parties have important principles and provisions for promoting gender equality, but then lack strategies for empowering youth and women. Women's political participation is slightly better addressed than youth, but equally both are lagging in implementation. There are no dedicated provisions in the parties' statutes neither strategy for empowering other underrepresented groups, i.e minorities, LGBTIQ+, people with disabilities, etc.
- Political parties have marked positive steps towards gender equality in their decision-making structures. However, the leadership of political parties in Albania continues to be considered the monopoly of male politicians. Some positive practices have been identified in the Social Party in regard to the involvement of women in the political structures, however additional efforts are still needed to establish mechanisms that increase trust, support and transparent competition so that more women can be involved in policy-making and elected to decision-making roles.
- Although there are no legal barriers for the representatives of the underrepresented groups to run for political office, a variety of societal and individual barriers keep them away from considering a run for office. The existing prejudices, stereotypes and structural inequities faced by underrepresented groups of different backgrounds, socio-economic status, sexual orientations, and religions often demotivate them to explore the possibility of public office.
- The political participation from Roma and Egyptian communities remains very low. Discrimination is still an issue that prohibits them to equally participate in political life. Currently, there is a lack of effective mechanisms in place to encourage and ensure equal participation of minority groups in the electoral process.
- People with disabilities are not included in any electoral statute of any political party – none of the political parties have a clear perspective on how to address their needs. The main barriers that prevent full participation of persons with disabilities include limited accessibility of the physical environment and information, unavailable disability disaggregated data, and prevailing stereotypes and prejudices.
- Youth are also underrepresented in political life. The monopolization of political parties by males and societal mindset are among the main obstacles that young people encounter in representation and participation in political life. There is still a lack of hope and confidence among the young people regarding the opportunity for meaningful participation in decision-making processes.
- There are no community members who run or participate openly as part of the LGBTIQ+ community in the election process in Albania. Obstacles to their inclusion stem from societal rejection to the reluctance of political parties to support their participation.
- Overall, there is a lack of transparency in which parties are allocating funds that they receive from the state for regular operation and campaigns. There is room for improvement of the legal framework and the implementation of provisions related to transparency and accountability. There are no sustainable mechanisms for funding the representatives from underrepresented groups, no sustainable training programs aimed at increasing funding and skills for candidates belonging to these underrepresented groups. Women' access to finance is considered among key obstacles hindering women' political participation.
- There are no legal obstacles to prevent candidates from making complaints on their treatment, including the ones coming from the underrepresented groups. The Electoral Code provides detailed rules and adequate procedural guarantees for the resolution of election disputes – its implementation from the related bodies remains challenging.

Main recommendations include, as following:

Political parties should:

- Adopt internal democratic structures; Political party laws should consider including provisions aimed specifically at enhancing political participation of representatives from underrepresented groups (particularly for representatives from Roma and Egyptian community, LGBTQ+, people with disabilities) and provide specific support and resources to ensure their equal participation in election.
- Adopt explicit diversity policies that emphasize the inclusion of underrepresented groups. These policies should outline specific measures to increase the representation and participation of these groups at all levels of the party structure. Make certain that representatives from underrepresented groups are fully represented in party leadership and policy committees.
- Identify and address any systemic or structural barriers that hinder the participation of underrepresented groups. This may involve actively working to create an inclusive and welcoming environment for all members, addressing discriminatory practices within the party and advocating for changes in electoral laws.
- Actively engage with underrepresented groups through targeted outreach efforts. This may include organizing community forums, establishing dialogue platforms, and participating in events that cater to these groups' interests and concerns.
- Establish transparent and inclusive candidate selection processes. This may involve implementing quotas or reserved seats for underrepresented groups, encouraging diverse candidate pools, and ensuring fair evaluation and selection criteria.
- Provide support and resources to underrepresented individuals who aspire to run for office -mentorship programs, training sessions, and guidance on campaign strategies. Special attention should be given to ensuring that these individuals have access to equal opportunities and resources.
- Collaborate with civil society organizations, advocacy groups, and experts working on issues related to underrepresented groups. By forming partnerships, parties can gain valuable insights, and work collectively towards achieving greater inclusiveness.
- Ensure more specific reference to specific funding mechanisms to support women, youth and other underrepresented groups...that come from the overall budget that parties receive from the state for their annual operations and campaigns.

Public institutions should:

- Ensure that political party laws and other election-related legislation do not indirectly disadvantage representatives from underrepresented groups.
- Consider legislation requiring political parties to adopt democratic procedures for their internal operations.
- Consider temporary special measures requiring political parties to include a substantial proportion of representatives of underrepresented groups high on their candidate lists.
- The CEC and other stakeholders should continue in-person voter education programmes tailored to the needs of the national minorities. They should prioritize accessibility in information and communication channels to ensure that underrepresented groups have equal access to relevant decision-making processes. This can involve providing information in multiple languages, accessible formats, and utilizing diverse communication channels.
- Public institutions should strive for diverse representation within their own structures, including in leadership positions, advisory boards, and committees. This can be achieved through diversity quotas, inclusive recruitment practices, and targeted outreach efforts.

- Public institutions should demonstrate their commitment to inclusion by leading by example. This can include showcasing successful case studies, highlighting diverse voices in public communications, and recognizing and celebrating achievements of underrepresented groups in decision-making processes.

International actors should:

- Promote international standards and frameworks that emphasize the inclusion and participation of underrepresented groups in decision-making processes, facilitate knowledge exchange platforms to share successful practices in promoting inclusion.
- Provide financial and technical support to organizations and initiatives that focus on building the capacity of underrepresented groups, including training programs, workshops, and mentorship opportunities to enhance their skills and knowledge in engaging in decision-making processes. Inform and educate through training political parties, journalists, security forces and others on the importance of political participation of representatives from underrepresented groups.
- Support efforts to address structural barriers that hinder the inclusion of underrepresented groups, such as discriminatory laws, party internal mechanisms, social norms, and practices. This can involve advocating for legal reforms, promoting social awareness campaigns, and supporting initiatives that challenge systemic biases.

Civil society actors should:

- Engage in advocacy efforts to raise awareness about the importance of women, youth, and underrepresented groups in politics by organizing campaigns, workshops, and public events to highlight the barriers and challenges they face and promote their active participation.
- Encourage and empower representatives of underrepresented groups to run for office and provide necessary support to prepare them as candidates and later elected or public officials.
- Lobby for legislative changes to advance empowerment of representatives from underrepresented groups.
- Support the advocacy efforts of underrepresented groups to ensure that political parties' policy platforms address their concerns and perspectives.
- Identify representatives from underrepresented groups willing to run for office and provide capacity building programs and training and other types of support for them.
- Creating strong partnerships among women in civic organizations and women in political parties and elected office to help advance a common women's agenda in a coordinated way. Furthermore, partnerships between civic organizations - that are critical in reaching and educating citizens - political parties and elected officials help build networks, develop relationships, and sustain trust and communication at the grassroots level.

The media should:

- Provide gender-sensitive coverage of elections, avoiding negative stereotypes and presenting positive images of women as leaders.
- Present a more precise and nuanced depiction of individuals from diverse backgrounds and actively contribute to break down stereotypes by portraying underrepresented groups in politics in a multi-dimensional and positive manner. Highlighting success stories of women, youth or individuals from underrepresented groups who have excelled in politics or decision-making roles can inspire others and challenge the notion that certain groups are not suited for leadership positions.

- Promote voter and civic education programmes aimed specifically at representatives from specific target groups.
- Serve as a platform for open and inclusive dialogue, by facilitating discussions on topics related to diversity, inclusion, and equitable representation in politics. By providing space for different perspectives, the media can encourage constructive conversations that promote understanding and bridge gaps between different communities.

1. Introduction

Participation in electoral processes involves much more than just voting. Political participation derives from the freedom to speak out, assemble and associate; the ability to take part in the conduct of public affairs; and the opportunity to register as a candidate, to campaign, to be elected and to hold office at all levels of government. Under international standards, all people, including representatives of the underrepresented groups (i.e women, ethnic and religious minority groups, youth, people with disabilities, LGBTIQ+) have an equal right to participate fully in all aspects of the political process. In practice, however, it is often harder for them to exercise this right. There are frequently extra barriers to underrepresented groups' participation, and special care is required to ensure their rights are respected in this regard.

Political parties are among the most important institutions affecting political participation of people from the underrepresented groups. Parties are the ones that determine candidates who are nominated and elected, and which issues achieve national prominence. The role of representatives of the underrepresented groups, in political parties is therefore a key determinant of their prospects for political empowerment, particularly at the national level.

In Albania, like in many countries, the rights of people from the underrepresented groups are enshrined in law, and there are no formal legal barriers to their political participation in election processes. In practice, however, there are often formidable obstacles to underrepresented groups' active participation in politics. Gender equality in policy-making and decision-making continues to remain a challenge for the Albanian political system. As noted in the ongoing OSCE/ODIHR reports on elections in Albania, although the number of women in general has increased since the introduction of gender quotas in the Electoral Code, women are still under-represented in election campaigns; they receive less attention from the media and often do not have access to resources. The Albanian society in which traditional or patriarchal values remain strong have frowned on women entering politics. In addition to dealing with unfavourable cultural predilections, women are often more likely than men to face practical barriers to entering politics, including a paucity of financial resources, greater family responsibilities, and a deprivation of rights that has left them with fewer opportunities to acquire political experience.

The most common route to elected office is through political parties. Most candidates depend on parties for their nomination, their base of electoral support, and help during the election campaign, financial resources, and continued assistance after their election. While some candidates run for office independently of political parties, it is far more difficult to win election without the backing of a political organization, both at the national and local level. Hence, representatives of underrepresented groups seeking an entrée into politics must usually turn to political parties. Political parties vary greatly in the extent to which they seek to promote the underrepresented groups into leadership positions and to recruit them as party candidates, as well as in the extent to which they address political, economic, and social issues of special concern to them. The operational provisions of the

political party law can be extremely important in establishing the framework for underrepresented groups' political participation.

The media, and particularly electronic media, play a crucial role in shaping voter interest in and attitudes about an election. In general, election laws and media laws create a framework for the role of the media in elections. In most instances, the formal rules governing media coverage of candidates appear gender neutral. In reality, however, media regulations and practices may indirectly disadvantage representatives of the specific target groups. Even when airtime is carefully regulated, the price of advertising may be beyond the reach of candidates belonging to underrepresented groups. Even more important than the amount of media coverage devoted to specific target group is the quality of such coverage. For instance, the media may perpetuate stereotypes of women in their traditional roles rather than conveying a positive image of women as political leaders. Women candidates may receive coverage focusing more on their personal qualities or their responsibilities as wives and mothers than on their political positions. In the print media, women candidates are sometimes relegated to the "women's pages" of newspapers. The quality of media coverage can have a major impact on the advancement of underrepresented groups as candidates and as voters.

The Analytic report will provide evidence-based findings to political parties, decision makers and other stakeholders on the current situation regarding political representation and participation of underrepresented groups in the local government elections of 2023 and serve as an inspiration to take concrete measures to open up political parties to underrepresented groups. It particularly aims at understanding the policies and procedures in place and as well internal culture of the parties towards diversity and inclusiveness. Such analysis will further help in pushing forward the efforts to guarantee political rights for citizens regardless of their gender, ability, ethnic, racial, lingual, or religious identity. The main objective is to identify challenges/gaps, good practices, and lessons learned regarding political representation and participation of underrepresented groups in the electoral process.

The analysis should bring to the light the following:

- Existing international and national legal and policy framework on political representation and participation in the electoral process, in particular in relation to underrepresented groups, including such as women, youth, minority groups, people with disabilities and LGBTIQ+.
- The extent to which the political parties' policies and procedures in place and their internal culture towards diversity and inclusiveness takes into account standards set forth by the international and domestic legal instruments, as well as the existing policies and strategies in regard to equal and inclusive participation of underrepresented groups (i.e women, youth, ethnic and religious minority groups, with particular focus to Roma community, LGBTIQ+) in the electoral process.
- Assessment of main gaps, lessons learned.
- Overview of good practices and promising approaches in Albania and abroad that could be replicated.

2. Methodology

The methodology for the analysis of political representation and participation in the electoral process is developed within the framework of relevant international and domestic legal instruments, as well as the existing policies and strategies, which address the equal and inclusive participation of underrepresented groups in Albania such as underrepresented groups i.e women, youth, ethnic and religious minority groups, persons with disabilities, LGBTIQ+ in the electoral process.

The framework of this analysis combines the desk-based analysis with the information received in the field through the direct contacts with the high – level representatives of the political parties as well as candidates for

the local election of 2023. The analysis is intended on qualitative data collection. The analysis relies on secondary data collected from plans, reports and analysis of numerous national and international organizations and institutions in the area of political representation and participation in the electoral process. Party documents (ie. party statutes, regulations) of specific political parties, including Socialist Party, Democratic Party, Freedom Party and “Thurje” Initiative party, have been also consulted as part of the secondary data. Primary data are collected through questionnaires, interviews and focus groups. Several analysis methods, (i.e | key in – depth interview, FGDs) are employed in order to obtain an accurate impression of what is really going on in this field. The analysis consisted of three phases whereas the first phase is concerned with the analysis plan development, literature review, analysis instrument design, identification of analysis site and access negotiation, the second phase is dedicated to data collection, and the third phase encompassed analysis and report writing.

Access negotiation, ethical issues and limitation

A prerequisite for conducting the Analysis was the access to internal political parties’ documents, i.e statutes, internal regulations and procedures regarding the political representations and participation in the electoral process. Access negotiation with the political parties (i.e Socialist Party, Democratic Party, Freedom Party and “Thurje” Initiative), as well as to the parties’ authorities with a decision-making power in respect of the political representation encompassed sending circular letter to the relevant parties by AWEN. Access to data of relevance for the analysis is guaranteed by the relevant national laws on access to information of public nature. Furthermore, the analysis plan envisaged use of techniques for collection of qualitative data, which does not require personal data processing. However, ethical issues arise from the analysis plan involving techniques for data collection from individuals – questionnaires and interviews with members of the target parties, candidates from the underrepresented groups as well as other representatives of underrepresented groups and focus group discussions. While approaching each person to carry out the interview, the AWEN ’consultants adhered strictly to the rules of voluntary and informed consent. Regarding all data collected, confidentiality and anonymity of all interviewees were guaranteed.

All interviews and focus group discussions were conducted in person.

Limitations:

The following are identified as limitations for conducting the analysis:

- Limited access to existing internal documents of targeted political parties (statutes, procedures and regulations for the selection of candidates from the underrepresented groups – if specific information in this regard is existing). The internal documents of the targeted political parties are not publicly available. AWEN has ensured access to these documents through the direct contacts with the high-level representatives of the respective parties.
- Time frame of the data collection, which coincides with the electoral campaign period, some of the invited interviewees did not respond. Difficulties in scheduling interviews with high level representatives of political parties created difficulties in keeping to the time frame of the approved Analysis Plan. The low number of the interviews with the high – level representatives of political parties (4 interviews, one per each party) and with candidates (5 interviews - one per each specific target group) was also a limitation for this report. The electoral campaign period remains one of the main reasons for this low level of participation in the interview process.
- Hesitation to participate in the interviews by the representatives of political parties, which was reflected into several postponement/rescheduling of the interviews.

The limitations were overcome with support from NDI.

Analysis Questions

Analysis questions are divided in five segments: legal obstacles; freedom to run for an office; fair treatment by the media; electoral resources; fair treatment by electoral management bodies.

The analysis aimed at understanding the policies and procedures in place and as well internal culture of the parties towards diversity and inclusiveness. The analysis intended to get information on the following main issues:

- Internal party mechanisms (party statute and/or any other decisions) governing candidate selection processes
- Implementation of Electoral Law, quotas for women
- Freedom to run for political office.
- Freedom to voice grievances of ill treatment by candidates
- Fair representation of underrepresented groups on media
- Access to public funds for the candidates belonging to underrepresented groups.
- Complaint management - complaint from the candidates from underrepresented groups

Analysis Methods and Sources of Data

The following sources were used for data gathering: 1. Documents; 2. Questionnaires; 3. Statements from interviews and Focus Groups Discussions.

The Analysis involved the following analysis methods and data collection techniques:

1. *Desk review* of quantitative and qualitative information on the topic permitting to understand the current situation regarding the political representation and participation in the electoral process of the underrepresented groups. The desk review includes information related to the policies and procedures in place and internal culture of the parties towards diversity and inclusiveness as well as the current situation of the political representation and participation of the underrepresented groups.
2. *Interview with high – level representatives of political parties and candidates* - the interviews intended to get an in – depth and specific understanding of the political parties’ policies and procedures in place, their internal culture towards diversity and inclusiveness, as well as get specific information on the challenges/gaps from the perspective of candidates belonging to underrepresented groups. For the purpose of interviewing relevant stakeholders, a semi-structured interview protocol was designed and conducted with the following types of interviewees:
 - A. High-level representatives of 4 (four) political parties, respectively: Socialist Party, Democratic Party, Freedom Party and “Thurje” Initiative party.
 - B. Candidates representing the underrepresented groups, i.e women, youth, people with disabilities, minority groups (with particular focus to Roma Communities) and LGBTIQ+ - 5 interviews one per each target group, |

Interviews were conducted in oral form, in a team of two consultants whenever possible. All interviews were conducted in person. A template for Interview summary was developed and each consultant has filled in the summary of the interview in English language. In addition, Interview guidance as well as a Consent Form Template were developed together with the Interview protocol.

Sample. The sample of interviewees was made on purpose. Sampling for interviews included representatives of political parties – high-level ones being involved in decision-making process at party level and candidates for the 2023 electoral process belonging to the underrepresented groups. The sampling aimed to be as comprehensive as possible, therefore mapping of all relevant representatives was conducted at the preliminary phase. A number of 9 interviews were conducted, 4 interviews with

high – level representatives of political parties (one per each party) and 5 interviews with candidates (one per each specific target group). A Circular Letter from the AWEN was sent to responsible structures/persons of political parties to ensure the participation in interviews.

3. Five *Focus group Discussions (FGDs)* were organised with community members from underrepresented groups based on an approved outline/guideline for FGDs. The FGDs were closely organised with the NGOs which closely work with and advocate for the rights of vulnerable groups. Partner organizations that have facilitated the focus groups discussion were as following:
 - Albanian Disability Rights Foundation – ADRF
 - Civic Resistance – Qëndresa Qytetare
 - Institute of Romani Culture in Albania
 - Alliance Against LGBT Discrimination

The purpose of the FGDs was to identify more in depth the obstacles regarding the political representation and participation in the electoral process for representatives of women, youth and marginalized groups (ethnic minorities, people with disabilities, LGBTIQ+ Q+). Four (4) focus groups discussions were organized in the frame of this analysis with 33 community members in total belonging to the underrepresented groups: 6 representatives of the people with disability community, 7 representatives of the LGBTIQ+ community, 11 youth representatives and 9 representatives of the Roma and Egyptian community. The focus group took around 30-45 minutes. It was voluntary and all discussions were anonymous.

Validity

Thematic analysis was applied to the review of documents, and data from interviews. Triangulation of data and information obtained was used whenever possible in order to compare and contrast findings from different sources.

Triangulation throughout the Analysis enhanced the validity of findings:

- Data triangulation involved the use of different sources of data/information: institutions, available data.
- Methodological triangulation involved the use of multiple qualitative methods: literature review, interviews, alternative sources (reports, expert opinions).

Data analysis

Consultants have coded the data in order to identify recurring trends and differences. Coding document follows Interview guides/questions.

3. Legal and Policy Framework

Actions undertaken by the Albanian state to address equal and inclusive participation of underrepresented groups (i.e women, youth, minority groups, LGBTQ+) in the electoral process are guided by a set of international legal instruments, the domestic legal framework, as well as the existing policies and strategies. Most of them clearly guarantees political rights for citizens regardless of their ethnic, racial, lingual, or religious identity. Local elections are primarily governed by the 1998 Constitution (last amended in 2016), the 2008 Electoral Code (last amended in 2020), the 2000 Law on Political Parties (last amended in 2017), the 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (so-called Law on Decriminalization), the 2001 Law on Demonstrations, the 2008 Law on Gender Equality in Society, the 2013 Law on Audio-visual Media, relevant provisions of the 1995 Criminal Code and the 2015 Code of Administrative Procedures, as well as CEC regulations and the decisions of the Electoral College of the Court of Appeals of Tirana (Electoral College). Albania is party to mayor international and regional instruments relevant to holding democratic elections¹

The **Constitution of Albania** states that “Albania is a parliamentary republic” and that “governance is based on a system of elections that are free, equal, general and periodic.” The Constitution also states that “sovereignty in the Republic of Albania belongs to the people.” The Constitution of Albania thus lays down the principles of periodic elections and of democracy, and, therefore, of political plurality. The Constitution of Albania advances principles of equality and non-discrimination, as well as protection and respect for human dignity, rights, and freedoms. Article 18/2 maintains, “*Everyone is equal before the law and nobody can be discriminated on basis of gender, race, religion, ethnicity, language, and political, religious and philosophical stand, economic, educational and social status*”.

Further, in the field of political freedoms, Article 45 Const. guarantees that every citizen who has reached the age of 18 years, even on Election Day, has the right to vote and to be elected. Moreover, it is precisely the fundamental law of the country that guarantees its freedom, equality, individuality and secrecy (art. 45/2 Const.).

The Constitution also sanctions other freedoms and rights that help in creating an equal environment and conditions for all citizens, guaranteeing special protection by the state. Article 54 stipulates that children, young people, pregnant women and new mothers have the right to special protection by the state.

The **Electoral Code of Albania**² specify rules for preparing, conducting, administering, and supervising elections to the Assembly of Albania, local government elections and referenda, as well as for declaring their results. According to Code, *every Albanian citizen, who has reached the age of 18, including on Election Day, without distinction according to race, ethnicity, gender, language, political conviction, religious belief, physical ability or economic condition, has the right to vote and to be elected in accordance with the rules provided for in this Code.* (Article 3).

The approved amendments in 2012 marked a positive step by firming the requirement that for each electoral zone the multi-name list should have at least 30% of the list from each gender and one in the first three names should belong to each gender. The previous regulation provided that for each electoral zone, at least 30% of the multi-named list and/or one of the first three names on the multi-named list must belong to each gender. This

¹ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003 UN Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities (CRPD), as well as the 1950 European Convention on Human Rights and the 1998 Framework Convention for the Protection of National Minorities. Albania is also a member of the Venice Commission and Group of States against Corruption (GRECO).

² (Approved by Law no. 10 019, dated 29 December 2008, amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015)

and/or clause was used by the political parties which took the advantage to circumvent the initial intention of the provision by meeting only one of the obligations; to submit a multi-name list in which at least 30% were women or to submit a list in which one of the first three candidates was a woman. In 2015, the Electoral Code introduced a 50 % gender quota for municipal councillors' lists, with genders alternating in every other position. This created an environment conducive to increased political participation of women in the local elections of 2019, who won 706 local councillors mandates (some 44 per cent) and 8 mayoral positions (13 per cent). The changes made in the Electoral Code, law no. 101/2020, dated 23.7.2020, on issues related to gender equality are an important development in Albanian legislation. Article 4 of this law builds the legislative basis and defines the principles that the electoral legislation for gender equality must respect³. This article considers the active participation in the political and public life of the underrepresented gender as a fundamental instrument in the consolidation of the democratic system. The article stipulates that no provision in the electoral law can be applied or interpreted in opposition or in violation of this principle. It forces the electoral subjects, the electoral administration and the court to respect the principle of gender equality. To promote and realize gender equality in elected bodies and in electoral administration, article 4, paragraph 3 of the Electoral Code, determines the path that the electoral law must follow. Among them, the legal obligation to establish gender quotas for the underrepresented gender in no less than 30 percent of the composition of the Assembly of Albania and of the composition at all levels of the electoral administration is emphasized as necessary. The latest amendment of the Electoral Code in 2020, provided for additional regulatory safeguards against the misuse of public resources and strengthened guarantees for gender balance on candidate lists. Amendments also related to public and private financing of the campaign, oversight of campaign coverage in the media, and election dispute resolution.

The Electoral Code (2020) obliges political subjects to respect the principles of gender representation also in the composition of CEAZs⁴. The addition of sanctions for violations of the above-mentioned articles and rules is considered necessary to guarantee gender equality⁵. In the provisions of the Electoral Code (2020) it is noted that there are still two legal standards for the gender quota. In the case of parliamentary political elections, this quota is 30%, while in the case of local elections, it is 50%. Secondly, gender equality is observed only in participation in elections and political competition but does not find as a final configuration the real presence of the percentage of women in political decision-making bodies, which does not guarantee real representation in the legal minimum of 30%.

In every local and parliamentary election, the Institution of the Central Election Commission (CEC) has the obligation to inform and educate the population, including the minorities in their language about the electoral process. The education consists of how citizens should vote, the importance of the vote and the process of participation.

Law on Political Parties, law no. 8580, dated 17 February 2000, provides for, that the Political parties are voluntary unions of citizens on the basis of joint political interests, ideas, beliefs and points of view or interests, who aim at influencing the life of the country through participation in elections and representation of the people in the elected organs of power. In May 2017, the Law on Political Parties was amended to reduce the costs of campaigns, enhance campaign finance transparency and accountability and introduce new measures against electoral violations.

Law "On Gender Equality" - Law No. 9970, dated 24.07.2008, regulates key aspects of gender equality in all areas for an equal treatment between men and women. The law provides for a minimum 30 per cent representation of women in all public-sector institutions at national and local levels.

³ Article 4. Electoral law and gender equality

⁴<http://isp.com.al/wp-content/uploads/2020/11/ISP-%E2%80%93-Broshure-informative-mbi-zgjedhjet-ne-Shqiperi-1991-2020.pdf>

⁵ UN Women Albania and Institute of Political Studies (2017). Raport 'Standardet e përfaqësimit në partitë politike'. Krasniqi., A.

The law “On protection against discrimination” – Law no. 10221, dated 04.02.2010. Since 2010, Albania has adopted a comprehensive Law on Protection against Discrimination (LPD), which is largely in line with the EU acquis on equality. It regulates the implementation of the principle of equality in connection with “gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, disability, affiliation with a particular group or for any other reason” (Article 1). Discrimination is defined as “every distinction, exclusion, limitation or preference because of any cause mentioned in Article 1 of this law that has as a purpose or consequence the hindering or making impossible the exercise of the fundamental rights and freedoms recognized by the Constitution” (Article 2). The scope of the law ranges from discriminating advertisements to participation in politics, employment, education and goods and services, and covers both the public and private sectors. In the law on protection against discrimination, in article 9, 'Participation in politics'..., it is emphasized that "discrimination in the exercise of the right to choose, to be chosen and to be appointed to a public office is prohibited, for the reasons mentioned in Article 1 of this law". Among the causes that can constitute discrimination according to Article 1 of the Law on Protection from Discrimination, is disability and health status.

Law on "Protection of National Minorities" no. 96/2017⁶ officially recognized nine national minorities (Greek, Macedonian, Armenian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian). This law regulates the exercise of the rights of persons belonging to national minorities in the Republic of Albania, in accordance with the principles laid down in the Constitution of the Republic of Albania, the Council of Europe's Framework Convention for the Protection of National Minorities, ratified by law no. 8496, dated 3.6.1999, and international agreements in the field of human rights where the Republic of Albania is a party. This law is intended to ensure the exercise of the specific rights of persons belonging to a national minority which are necessary for the protection of the distinctive identity of national minorities as an essential component of an integrated society and guaranteeing non-discrimination and full equality before the law. Article 9 of the law, provides for the freedom of association and right of representation for persons belonging to national minorities are guaranteed and enjoy the right to create and participate in political parties, associations and other civil organizations, in accordance with the relevant legislation in force, in order to express and protect their interests; and the right to be elected at the representative bodies at central and local level, in accordance with the provisions of the Electoral Code and the relevant legislation in force.

INTERNATIONAL STANDARDS

Political and Civil Rights of the citizens include as following:

➤ Right to Vote

Paragraph 7.3 of the Copenhagen Document states that OSCE participating States commit to “guarantee universal and equal suffrage to adult citizens.” Paragraph 7.4 commits states to “ensure that votes are cast by secret ballot or by equivalent free voting procedure.” These commitments are fundamental to a genuinely democratic election and are of key importance to citizens, particularly to underrepresented groups (i.e women, youth, national minorities, LGBTIQ+) given their often-vulnerable position in society, which can expose them to political pressure. OSCE participating States must take all necessary steps to ensure that voters belonging to a specific target group enjoy universal and equal suffrage and that their right to vote in secret is respected.

⁶ Law on “Protection of National Minorities no. 96/2017, available at: <https://rm.coe.int/law-on-protection-of-national-minorities-in-albania-english/1680a0c256>

➤ **Right to Stand for Office**

In paragraph 7.5 of the Copenhagen Document, the OSCE participating States committed to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.”

Special measures to promote the election of candidates from the Underrepresented groups to public office should be encouraged.

➤ **Freedom of Association**

The freedom of association is an indispensable part of the democratic process, including for the participation of underrepresented groups in elections. The concept of freedom of association includes the rights to: (a) form a political party or association; (b) join a political party or association; and (c) participate in the lawful activities of a political party or association, which includes the right to canvas and campaign on behalf of a political party.

International law concerning freedom of association implies that individuals and their associations are free to: (a) associate with any person, whether a citizen, resident, refugee, or foreigner; (b) form an association; (c) determine the purpose, defining characteristics and internal rules of the association; and (d) decide, on a non-discriminatory basis, who may join or who may not join the association.

The right to self-identification for underrepresented groups is important. At the same time, all parties should be open and should seek to include members of underrepresented groups. Although it is usually left to the state to decide whether it wishes to curtail the activities of an association on legal grounds, states have positive obligations to prohibit certain activities, which may necessitate the banning of associations themselves. Article 4 of the ICERD requires states to adopt positive measures, such as prohibiting organizations that promote and incite racial discrimination.

International and Regional Standards on the participation of underrepresented groups in electoral process

There are a wide range of International and regional standards which highlight the importance of the underrepresented groups ‘participation in the electoral process. The table below summarizes the main international and regional standards on the participation in the electoral process for each of the specific group belonging to the underrepresented groups.

International Standards	Women	Minorities	People with Disabilities	LGBTIQ+
OSCE Commitment	Copenhagen Document ⁷ Moscow Document ⁸ Charter for European Security ⁹	Copenhagen Document Helsinki Document ¹⁰	Copenhagen Document Moscow Document	
United Nations Treaties	Universal Declaration of Human Rights (UDHR) ¹¹ Convention on the Political Rights of Women (CPRW, 1952) ¹² International Covenant on Civil and Political Rights (ICCPR, 1966) ¹³ Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979) ¹⁴ UN Economic and Social Council Resolution (E/RES/1990/15)	Universal Declaration of Human Rights (UDHR) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.	UN Convention on the Rights of Persons with Disabilities (CPRD) International Covenant on Civil and Political Rights	International Covenant on Civil and Political Rights (ICCPR) International Covenant on Economic, Social and Cultural Rights (ICESCR) Yogyakarta Principles (2007) ¹⁸ Declaration of Montreal (2006) ¹⁹ United Nations General Assembly (UNGA) Statement on human rights, sexual orientation and gender identity. (2008)

⁷ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, 1990.

⁸ Document of the Moscow Meeting of the Conference on the Human Dimension, 1991.

⁹ Charter for European Security, Istanbul, 1999.

¹⁰ OSCE, Helsinki Document (Helsinki: 9 July 1992).

¹¹ See: <http://www.un.org/en/universal-declaration-human-rights/>

¹² See: <http://www.un-documents.net/cprw.htm>

¹³ See: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴ See: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁸ See: <https://yogyakartaprinciples.org/>

¹⁹ See: <http://www.declarationofmontreal.org/>

	<p>“Beijing Declaration and Platform of Action” (1995)¹⁵</p> <p>Security Council Resolution 1325 on Women, Peace and Security (2000)¹⁶</p> <p>Sustainable Development Goal¹⁷</p>			<p>UN Human Rights Council resolution on human rights, sexual orientation and gender identity. (2011)</p>
<p>European Union & Council of Europe</p>	<p>Gender in the Political Dialogue</p> <p>European Social Charter</p> <p>Gender in the Political Dialogue (Istanbul Convention)</p> <p>Committee of Ministers Recommendations and Parliamentary Assembly Resolutions²⁰</p> <p>Recommendation Rec(2003)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision making</p> <p>Resolution 1706 (2010)¹ Increasing women’s representation in politics through the electoral system</p>	<p>European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</p> <p>Framework Convention for the Protection of National Minorities (FCNM)</p> <p>Guidelines and thematic recommendations of the European Commission for Democracy through Law (the Venice Commission).</p>	<p>European Convention on Human Rights (ECHR)</p> <p>Treaty on the Functioning of the European Union</p> <p>EU Charter of Fundamental Rights</p> <p>EU Directive on the Accessibility of Websites and Mobile Applications of Public Sector Bodies (Web Directive).</p>	<p>EU Treaty on the Functioning of the European Union (TFEU)</p> <p>EU Charter of Fundamental Rights of the European Union (CFREU)</p> <p>Council of Europe Recommendation of the Committee of Ministers on LGBTIQ+ rights,</p> <p>EU Gender ReCast Directive (2006/54/EC),</p> <p>Gender Goods & Services Directive (2004/113/EC)</p> <p>EU Asylum Qualification Directive (2004/83/EC)</p> <p>EU Victims’ Rights Package (2011/0129)</p>

¹⁵ See: <http://www.un.org/womenwatch/daw/beijing/platform/>

¹⁶ See: <http://unscr.com/en/resolutions/doc/1325>

¹⁷ See: <https://sustainabledevelopment.un.org/sdg5>

²⁰ See at: <https://pace.coe.int/en>.

4. Findings

4.1 Legal Obstacles

4.1.1 Internal party mechanisms (party statute and/or any other decisions governing candidate selection processes)

As required by law, each political party acts as a separate institution, with all its documentation and independent structure. Party statutes are a very important regulatory document of parties, when it comes to their organization and proper functioning, which is in accordance with constitutional and legal principles. AWEN, as part of this analytic study has analysed the content of the statutes of the four-targeted parties: SP, DP, FP and Nisma “Thurrje” Party, with the aim of analyzing how they are encouraging the political representation and participation of underrepresented groups in the electoral process.

Socialist Party (SP) Statute

Article 3 of the SP statute guarantees equal opportunities concerning political representation between women and men. Article 23 stipulates that each party organization relies on the principle of no less than 30% gender representation of women in political life. In article 37 of the statute, which provides the rules for the selection of delegates to the party Congress,²¹ it is clearly stated that the list of candidates to be voted for and the list of winners as delegates must ensure an equal representation of 50% for both genders. The equal criterion of 50% is also set for the candidates that will be chosen by the party congress as members of the SP National Assembly.

Additionally, in each of the lists (the list for candidates and the one for winners) 10 % of candidates should be youth (girls and boys) belonging to the age group up to 30 years old. According to Article 43, the females’ representation in the competition for the presidency of the SP must be in a smaller quota, consisting of 30% of them. Article 62 regulates the functioning of the Euro-socialist Youth Forum of Albania, which is a political structure part of the Socialist Party, which gets together youth from the age of 14 – 30 years old. FRESSH has its own structure at central and local level. Meanwhile, according to Article 63 this party has also created the Socialist Women’s Forum by statute, which in the December 2016 elections declared a membership of 30 thousand women and girls. The Statute and Regulations of the Socialist Party of Albania stipulate that the women forum represents the interests of women and provides for the principles of women’s rights in society, including gender equality in the labor market, political participation and representation in public life. Contrary to the statutes of the other analyzed parties, the statute of the SP does not provide for gender equality provisions other than the gender quotas defined above. There are no other mechanisms for gender equality within the party statute such as?. Although a strategy for gender equality has been developed, it is not clear whether and how it is being implemented in practice.

As result of the changes done in the statute during 2020, a new decision was taken regarding the co-chair of the party structures. According to this decision the party structures should be co – chaired equally: based on 1 man: 1 woman principle. There are over 30 municipalities in the country where party structures are run according to this principle, one man and one woman. Additionally, some recent revisions of the statute of the party have also brought some new changes regarding the management at municipal level – some new rules regarding the joint

²¹ The Party Congress is the highest decision-making body of the Party. The Congress, apart from the electoral one, usually meets once a year. Congress delegates consist of delegates elected by the membership and ex officio delegates. The Congress approves the Party's Program and Statute and makes changes and improvements to them, as well as approves resolutions and other documents.

management between women and men at municipal level were set up. In this frame, it was decided that in those municipalities that it is possible to have joint management, one man, one woman, except for Tirana, which is an exceptional case.

In the SP statute, it is determined that at least 30% must be representatives of women and young people. With regard to other groups, SP is considering involving candidates from these underrepresented groups, for example, for participation in municipal councils. SP has included candidates from the Roma and Egyptian communities in some municipalities of the country, as well as other minorities. This is not a clause in the statute, but it is an internal rule.

The SP has been in charge of the electoral reform related to 50% and the composition of municipal councils. As per the discussions with the SP, there is an internal discussion about possible changes to the statute regarding the principle of inclusiveness. The membership of the SP is 50% with 50% men/women. Voting is conducted with separate lists for women and men, which ensures a safe 50% inclusion of women. There is still an internal discussion in the party to accept and suggest in the Legal Code the change of the 50% quota.

Democratic Party (DP) Statute

In Article 2, in points a, b and c, it is clearly emphasized that the Democratic Party of Albania is a political party that guarantees basic human rights and freedoms, human dignity and personality, as well as the prosperity of the entire nation.;

Article 3 on the Party's goals, provides for that the DP acknowledges and promotes the inclusive participation in political, social and institutional life. Under this article, it is stated among other goals that DP aims to promote gender equality in the life of the party and the participation of women in elected and executive bodies.

Article 9 on the functioning basics of the DP provides for equal opportunities for participation and representation between women and men, not less than 30% of the total number of the members in any specific party's structure or level of representation.

The statute of the Democratic Party defines a quota of 30% for the representation of women in the leading committees and in the National Council of the party. In addition, there is a women's forum, representing the interests of its members in all party structures. The statute of the DP states that the function of the women's forum is to promote women's participation in policy-making, the decision-making structures of the party and their engagement in political functions. The principles set out in the statute also state that the role of the party is to promote gender equality in the life of the party and to encourage the participation of women in elected and executive positions.

Article 12 – Election of political officials, at the central or local level, defines the process of the selection of candidates for the local elections, but there are no specificities describing any party policy in supporting the selection of candidates belonging to the underrepresented groups.

Article 34 on the Assembly of the DP Branch, states that the assembly of the branch is the highest decision-making body of the party at local level and is composed of among others from the representatives elected by partner organizations, LDG and FRPD (Youth Forum of the Democratic Party (FRPD) and Women's Democratic League (LDG) are two partner organizations of the DP – article 58). The number of representatives for each partner organization is up to 5% of the total number of all members defined in the above letters of this point.

Article 44 on the National Council states: The number of elected members of the National Council from the less represented gender should not be less than 30%, while the number of young people up to the age of 35 should not be less than 15%. If the above quotas are not met by the ranking after voting, then their ranking is separated from the general one.

Article 45 on the presidency of the DP states:no less than 30% of the elected members of the Presidency must belong to the less represented gender.

Article 58 on the Partner Organization of the DP provides for that DP guarantees the representation of its partner organizations (LDG & FRPD) at all levels of political representation, where the representation of the LDG is at the minimum standard provided by the electoral law, while the representation of the FRPD is at the minimum standard of 10 percent of those elected in Local Councils, and with 5 percent for the list of candidates for the Parliament of Albania.

Freedom Party (FP)

The statute, under the main principles section states that any Albanian citizen can be a member of FP, regardless of race, nationality, religion, sex, economic status and social affiliation, who has reached the age of 16;

Article 17 has defined the Youth Movement for Integration and the Women's Movement for Integration as the two partner organizations of FP (17.1). The members of the Youth Movement for Integration and the Women's Movement for Integration are automatically members of FP, if they meet the criteria established by the statute (17.2). The Women's Movement for Integration is represented by separated candidacy lists for FP forums at all levels, respecting the principle of gender equality. This principle is obliged to be respected in the composition of all FP' forums (17.3). The Youth Movement for Integration is also represented by separated candidacy lists for FP' forums at all levels, not less than 30%. In any case, the representation of the Youth Movement for Integration will be an equal gender representation. (17.4)

The other underrepresented groups are not mentioned at all in the statute of the FP.

Nisma Thurje Party

Nisma "Thurje" does not have any article in its statute that affects the issue of gender quotas or the representation of women in its party structures, nor to other underrepresented groups. The principle of gender equality is respected in the balanced language used in the statute (he/she; his/her). This party has also mentioned in its status the forum 'Thurje Barazia', as one of its three independent entities, but this entity has not put special emphasis on gender equality, as it will cover issues related to all forms of inequality in general.

In overall, analysing the statute of all four parties, it is evident that the statutes of the political parties in Albania contain important principles and provisions for the promotion of gender equality in their structures. There are some specific provisions in some of the parties, respectively FP and SP, that promote and encourage the participation of youth, mainly the ones who are members of the Party' partner organizations, i.e Youth Forums, FRESSH. However, beyond these provisions, there is no clear strategy for empowering the role of women and youth within the party. There are no dedicated provisions in the parties' statutes for other specific groups, i.e minorities, LGBTIQ+, etc.

An important element of the evaluation of the position of women in the political decision-making of parties is related to the place they occupy in these structures. Despite the positive trend and the parties' promises, the representation of women in party decision-making structures is still at a low level. The main obstacles to this low level of representation are related to various factors, mainly due to the dominant patriarchal culture in society and therefore in the political class in the country. However, the growing trend of women's representation in political decision-making shows that multilateral efforts at the level of policies and civil society initiatives in this direction are bringing more and more encouraging and sustainable results.

Parliamentary political parties, mainly the three big ones, SP, DP and SMI/FP, have sanctioned in their statutes and internal documents positive quota practices and commitments for the promotion of women in politics. Gender quotas have been included and defined as part of the structures of the two main political parties (SP and DP) since the mid-90s. The level of equal gender representation has had an upward trend.

Party leadership: Referring to the comparative data on the 4 parliamentary parties as the target of this analytic report, it results that none of the two major parties (SP and DP) has had nor does it have a woman leader or potential candidate for party leader. LSI/FP elected a woman president/leader in 2017, a president/leader who continued to hold this position during the 2021 parliamentary elections. Even the new party 'Nisma – Thurrje', which competed in the 2021 parliamentary elections, has as its president/leader a man. Regarding the leadership structures, different parties apply different organizational models, thus having active secretariats (SP) or vice presidents (PD).

Socialist Party: In the elections for SP congress delegates (16.11.2019) according to the principle of one member, one vote, 47% of the candidates for SP congress delegates were women. According to the SP, in the party's structures, women make up 45.2% of the National Assembly. After the elections within the party in 2020, the SP has in its secretariat 3 women out of 10 members (30%) of this secretariat, marking an increase compared to the previous period where women occupied 25% of the seats in the SP secretariat. The Presidency of the SP consists of 36% women, i.e. 22 members, 8 of whom are women, maintaining roughly the same trend of the previous four years where women constituted 33% of the Presidency of the SP. In September 2021, at the SP Assembly meeting, it was introduced the idea of "Socialist youth" aiming to attract a broader range of young people who were not necessarily related to the FRESH forum. A young girl was appointed as the head of the SP Secretariat for youth²².

The introduce of the co-chairing model of SP branches (having a man and a woman leading the branches) has brought positive results - there is a significant number of women who co-lead party branches nowadays. However, more needs to be done in this regard in order to ensure that women are co – chairing in 61 SP branches. A weak gender representation is also observed at the level of political leaders of the election campaign, where only 2 of the 12 political leaders were.²³

Democratic Party: The DP leadership continues to be dominated by men and as per the data received from AWEN in 2021, it has two male vice-presidents, as well as a male general secretary. The leadership of DP has the weakest gender indicator compared to SP and SMI/FP, as it continues to consist of 23% women, i.e. out of 30 members, 7 are women. A man leads even the youth forum of this party (FRD). In the DP Assembly, 19% of the members are women.

In DP, out of the 61 branches of the party in the districts, after the party elections in December 2018, there was only a woman president. Meanwhile, out of the total number of political leaders in the 2021 election campaign (16) only 3 were women.

Socialist Movement for Integration/ Freedom Party: SMI/FP was led by a woman up to the end of 2022, while there were men in the positions of vice president and general secretary. Of the three vice-presidents of the party, 1 was a woman. The youth movement (LRI) of SMI/FP had a woman as its leader, unlike the other two major parties. The leadership of FP is the one that has the most favorable gender balance within its leadership, compared to other major parties in the country, with a percentage of nearly 50% women in leadership (12 out

²² <https://www.gazeta-shqip.com/aktualitet/lista-e-plote-emrat-e-rinj-ne-kryesine-e-ps-nga-te-votuarit-dhe-sekre-i1149636>

²³ Mrs. Elisa Spiropali for Shkodra and Mrs. Mirela Kumbaro for Gjiroakstra

of 25 members), marking an increase of 4 years previously, where women politicians occupied 35% of the seats in the Presidency of the SMI. In the SMI assembly, women held 33% of seats.

In SMI²⁴, until the last party elections, there were no women presidents among the 61 local branch presidents of each party. Of the 12 political leaders of the election campaign, only 3 were women, one of them the head of this political force.

'Nisma Thurje' Party: This party is one of the new political forces in the country that was registered for the first time as a contestant in parliamentary elections of 2021. This party nominated 12 deputies at the top of its lists at this time, 3 of them were women. In the statute of this party, the congress is the highest decision-making body of the organization. The congress of the organization consists of representatives elected by the branches of the organization, as well as ex-officio functionaries of the organization. Each registered branch elects its representative in the Congress, by a simple majority of the members registered in the respective branch. Regarding the gender representation in the leadership structures of the party (congress, central, secretariat), 59% of the 153 members of the congress are women, the central with 6 members has only 1 female member and the general secretary is a man. In local branches, 33% of leaders are women and 40% in diaspora branches.

Political forces have marked positive steps towards gender equality in their decision-making structures. Their statutes sanction gender quotas, while there is political and electoral interest in increasing the representation of women within the party. The three main political parties in the country, the target of this report, have the highest percentage of qualitative representation of women and girls, making a big difference with other smaller parliamentary parties.

However, it is clear that the leadership of political parties in Albania continues to be considered the monopoly of male politicians. Efforts are still needed to have mechanisms in place that increase trust, support and transparent competition so that more women can be involved in policy-making and elected to decision-making roles. The very low percentage of women in the leadership of the local branches of the parties, which are obviously still considered men's territory, is particularly a concern issue.

In overall, although there are penalties provided for political parties that do not meet gender quotas, practice has shown that they prefer to pay the fines rather than increase the number of women on their lists. It is important to research and add other methods and tools in the existing legislation as incentives for political parties to include more women in their lists and reduce funding for those political entities that do not respect gender quotas, etc.

Parties must keep in mind that the leadership of local party branches must reflect the principle of gender quotas, as in any other party structure, and ensure a minimum representation of 30% of women at local leadership levels.

4.1.2 Laws implementation (electoral law, quotas for women, etc)

4.1.2.1 Women political representation and participation in the electoral process

The Electoral Code defines women as belonging to the underrepresented gender.²⁵ At least one third of candidates of the underrepresented gender must be nominated in each list. Given that the Electoral Code is unclear about the sequencing of women in candidate lists, the CEC interpreted that every three candidates on

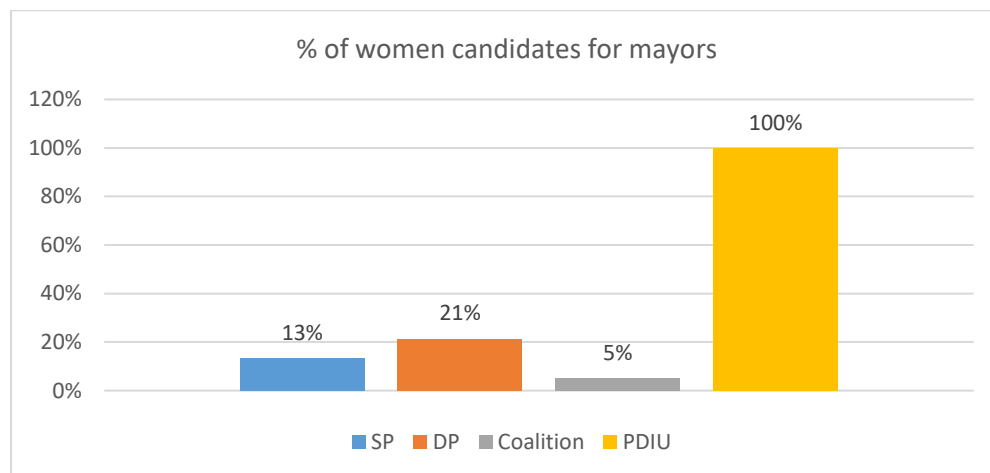
²⁴ UN Women Shqipëri dhe Instituti i Studimeve Politike (2017). Raport 'Standardet e përfaqësimit në partitë politike'. Krasniqi., A., fq. 46.

²⁵ See Article 2(26) of the Electoral Code. The formulation in the law allows lists to be composed exclusively by women

the list should include at least one woman (starting with number one).²⁶ To achieve an equal gender representation, even at the minimum of 30%, an increased will is needed from the political forces to rank women in winning positions as well as men. However, the gender quota, which aims at ensuring equal representation between the sexes is already a condition, that is most respected by the political forces in the entirety of the multi-name party lists.

Representation of women in the local elections of 2023²⁷

As stated in the ODIHR Election Observation Mission Final Report on Local Elections 2023, women were well represented on candidate lists due to a legal 50-per cent gender quota (although the quota was not always respected), but only 15 women were among the 144 mayoral candidates (10 per cent). The 15 women candidates, includes: 1 woman from PDIU (out of 1); 8 women from SP (out of 60), 3 from PD (out of 14 in total) and 3 from Coalition “Together we win (out of 60 in total). Considering the total number of the candidates for mayor presented from one party, it results that PDIU and PD has the highest percentage of women candidates for mayors compared to other parties. – PDIU 100% and PD 21.4%. Eight (8) women, all representing the ruling party, were elected as mayors.



Graph 1. Percentage of women candidates for mayors

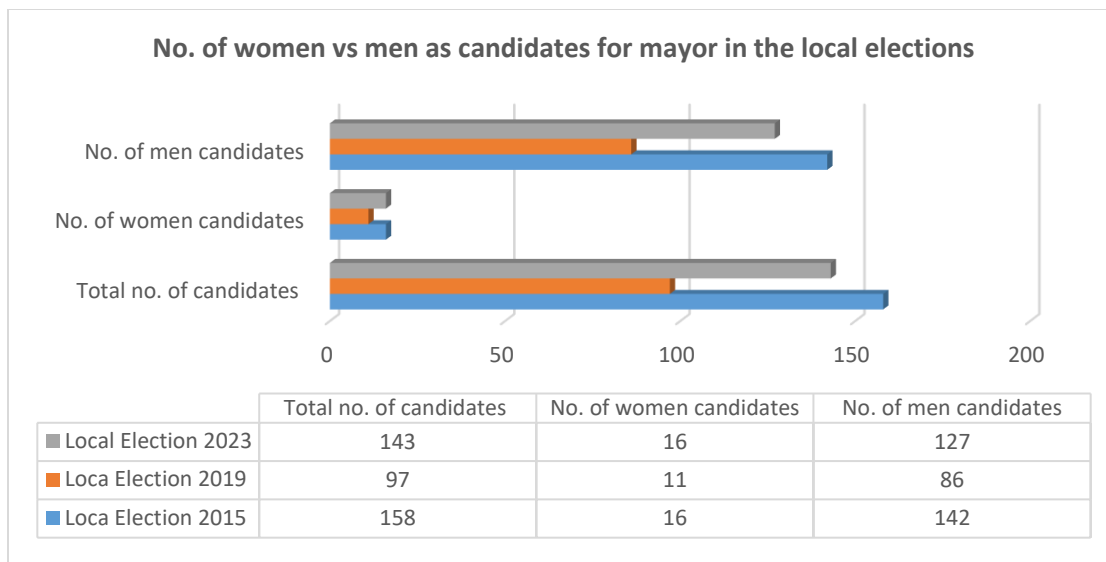
Representation of women in the local government – prior to local elections of 2023

Analysing the situation of women participation in decision making at local level, the situation results as per the following graph²⁸:

²⁶ ODIHR Limited Election Observation Mission, Final Report, July 2021.

²⁷ As per the data from the CEC.

²⁸ Source of data “Bashki te Forta” Project, HELVETAS Swiss Intercooperation Albania



The percentage of women as candidates for mayor in the last three local elections remains low – it varies from 10% – 13%. This percentage is higher in 2023 with 13%, compare to the two previous elections, respectively the local election of 2015 with 10.13% and the one of 2019 with 11.34%

Regarding the participation of women in the *leadership positions at the municipal administration level, the situation is as following:*

- 49 municipalities or 82% do not meet the legal obligation of 30% women in the position of administrators.
- 15 municipalities or 25% do not meet the legal obligation of 30% women in the election of deputy mayors.

Women in leadership at the level of municipal councils in 2019:

- Mayors of municipal councils: 41% in the country (25 women from 61 municipalities)
- Vice-presidents of municipal councils: 39% in the country (44 women out of 112 in total in 61 municipalities)

REPRESENTATION OF WOMEN IN PARTY DECISION-MAKING BODIES

4.1.2.2 Minority group political representation and participation in the electoral process

There is more and more attention to increase Roma and Egyptian community’s political representation and participation in the electoral process. Central Election Commission, as part of the awareness and education campaign, has inform citizens regarding their right to vote and dedicated videos have been prepared to explain the voting process, including one for Roma and Egyptian. However, based on feedback received from the Roma and Egyptian communities, it is clearly stated that they still find difficulties when it comes to their political representation and their participation in the electoral process.

The information regarding the implementation of the electoral law for the Roma and Egyptian community is very limited. As stated above neither the statutes of the four political parties at the focus of this report nor the information shared from the CEC provides specific information regarding minority group political representation and participation in the electoral process. Primary data received from in – depth interviews and focus group discussions are the only source of information in regard to this issue.

As per the in – depth interview with the high – level representatives of Nisma Thurrje Party, there are no positive discriminatory policies regarding marginalized groups in the party, however the party is open to creating equal opportunities for everyone, regardless of where they come from, for those who have the desire to be engaged voluntarily. In reality, it results that the participation of people from the minority groups, mainly the one from Roma and Egyptian is very limited, since this initiative does not generate incomes for them now. This reduces the election pool to only people who have the will and desire to come. There are no quota at the Nisma Thurrje Party for minority groups.

During the focus groups discussions, representatives from the Roma and Egyptian communities stated that they still face several difficulties with regard to their participation in the electoral process, which they do relate them only with their participation in the voting process. As per the feedback received, due to the lack of literacy in the Albanian language among certain individuals from Roma communities, they currently face barriers in exercising their right to vote., therefore they decide not to participate in the voting process at all.

Sometimes, despite of their willingness to take part in the voting process, the lack of personal identification documents (Id card/passports), because either they are expired or are seriously damaged, prohibits them from the right to vote.

The political participation from Roma and Egyptian communities remains very low – they are very limited cases of Roma youth who have been involved as candidates in the local elections of 2023 – as reported from the OSCE/ODIHR preliminary Election Monitoring Report, nine Roma candidates ran on the council lists of various parties. The participants in the focus group discussions and representatives of CSOs working for Roma and Egyptians minority rights stated and confirmed during meetings that discrimination is still an issue that prohibit them to equally participate in the political life. Even when there were some cases (.i.e the case of women who decided to represent Roma and Egyptian community in the central government election of 2022), they are always listed among the last names in the multi – name list of the small parties, having almost no opportunities at all to be elected.

As per the interview with representative of the Socialist Party in Permet, minority group represents 18% of the Municipal Council, while women are at the percentage of 30%.

The CEC conducted an extensive voter education campaign, including in eight minority languages and in national sign language.²⁹ Some ODIHR EOM interlocutors, however, noted that easy-to-read voter education materials were not available and that the CEC’s outreach efforts were not replicated in the regions. Although the law prescribes that voting centres are in accessible premises, accessibility and the participation of voters with disabilities in the electoral process remain a concern.³⁰

In overall, it is important to highlight here that there is no encouraging mechanism for minority groups to equally participate in the electoral process.

4.1.2.3 People with disability political representation and participation in the electoral process

The information regarding the implementation of the electoral law for people with disabilities is very limited as well. As stated above neither the statutes of the four political parties at the focus of this report nor the information shared from the CEC provides specific information regarding people with disability group political

²⁹ Posters and spots on voter identification and electoral crimes were also produced in minority language

³⁰ Article 29(a) of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) obliges the states to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. See also paragraph 34 of General Comment No. 1 to Article 12 of the CRPD.

representation and participation in the electoral process. Primary data received from in – depth interviews and focus group discussions are the only source of information about this issue.

People with disabilities are not included in any electoral statute of any political party – none of the political parties have a clear perspective of what they should do with people with disabilities. Hence, the category of people with disability do not find themselves represented in a clear and convincing way pertaining to what a political party plans to do when they come into power.

Currently, there are no data in regard to the number of people with disabilities who have participated in the electoral process as candidates either for the mayor post or the members of Municipal Councils. As per the focus group discussions, there is no any person with disability who has been selected as candidate neither for the local or for central government elections and that is a big shortcoming for our society.

As stated from the two reports developed from “Se bashku” NGO during 2022³¹, the buildings where the political parties execute their work throughout Albania are not accessible to persons with disabilities and do not provide sign language interpretation for persons with hearing disabilities, or readable materials for persons with intellectual disabilities Discriminatory and offensive language about people with disabilities continues to be used by politicians during their public appearances. The action plan for persons with disabilities 2021-2025 suggests that a quota similar to the participation of women is needed in the electoral code to guarantee the participation of persons with disabilities in decision-making.

People with disabilities are facing difficulties in the voting process as well. Although this year, CEC has informed that the voting centres will have the disability – friendly format, including dedicated rampers, voting space and voting papers (in the braille format) for people with disabilities – their implementation remained challenging. As per the ODIHR Election Observation Mission Final Report on Local Elections 2023, although the law requires voting centres to be located in accessible premises, 60 per cent of voting centres visited by the IEOM on election day were not readily accessible to voters with physical disabilities. The VCC members were not fully aware of the purpose of the Braille templates supplied to voting centres, and the voting booths adapted for the needs of people with physical disabilities were not always set up. Voting machines used in the e-voting pilot project were not adapted for independent use by people with visual impairments. The CEC conducted an extensive voter education campaign, including in national sign language. However, some ODIHR EOM interlocutors noted the easy-to-read voter education materials were not available and that the CEC’s outreach efforts were not replicated in the regions and among vulnerable groups such as voters in remote areas, national minorities and people with disabilities.

As stated from the CEC, the voting papers prepared in the braille format have been delivered in all 5274 voting centres, aiming at providing opportunities for blind people to vote independently. However, there is not any information from CEC in terms of the number of used voting papers in the braille format. As per feedback received from the FGDs with people with disabilities, the voting papers dedicated for people with disabilities were used in limited cases as the commissioners were not well informed why they had the braille format voting papers, they weren’t even informed on what it was about. As per feedback received from the Albanian Association for Blind People, the voting process for people belonging to this target groups has been challenging and almost not functional at all – there was no information on the existence of the voting papers in the braille format among blind people at all.

³¹ Available at:

<https://sebashku.org/2022/04/12/e-drejta-e-voteszgjedhjet-per-kuvend-te-25-prillit-2021-dhe-personat-me-aftesi-te-kufizuar/>
<https://sebashku.org/2022/04/12/partite-politike-fushata-zgjedhore-2021-dhe-personat-me-aftesi-te-kufizuar/>

Statement from one of the participants in the FGDs with people with disabilities, *“the difficulties faced by people with disabilities during the voting process have been many. Starting from the infrastructure perspective, which is crucial – the voting centers lack ramps, being impossible for people with disabilities using wheelchairs to access the voting centre. For blind people it has been almost completely impossible to vote . Moving into the categories of people with mental health disorders, here is where voting becomes completely impossible. These are all difficulties that have occurred time after time, and no one has taken the responsibility of addressing these challenges”*.

4.1.2.4 Youth group political representation and participation in the electoral process

The monopolization of political parties is one of the main obstacles that young people encounter in representation and participation in political life. It seems that politics is formed in a certain way where young people become part of a machine in the service of politics and political parties, but never part of internal machine/political bodies. The mentality in society is another obstacle. Young people are not given enough trust (not even by their peers), making their motivation to participate in political life much lower.

The feedback received from the focus group discussions with youth, confirmed that the political parties seem to be completely monopolized. The only young people who are supported by political parties are those who have certain connections, or they are ready to make compromises for the good of their party, and they are not young people with new ideas. The only place where young people seem to have more opportunities for involvement and decision-making are small or new parties where the average age of the members is relatively young.

Majority of participants in the focus group discussions stated that they know at least one young man who is running for Municipal Council on the 14th of May elections. However, many of the young people who are running are independent candidates or part of the lists of smaller parties. Although the number of these young candidates is not small, there is a lack of hope and confidence that these young people will be given power and the opportunity for real participation in decision-making.

The youth participants in the FGDs stated that they do not support the idea of having quotas. *“Quotas do not indicate representation. Thus, the establishment of a certain mandatory number for the participation of certain communities in political processes does not necessarily indicate that these people represent their respective communities”*.

“No one I know has ever faced obstacles or threats during their candidacy for Municipal Council, but what we have often encountered during the campaign is the lack of confidence on the part of the citizens that these young people can be given opportunities to participate in governance and decision-making”.

Young people in general do not believe that their voice is going to be heard by the older generations, especially the ones who are taking the higher – level positions in the decision-making structures.

“Candidates who are members of political parties do not really represent young people, so the participation of these young people is almost fictitious, and only in function of their political parties and their voice is not heard to and taken into account”.

As per the feedback received from the FGDs with youth, the youth placement in the list in the last order shows how fictitious is the participation and representation of these young people for their communities.

4.1.2.5 LGBTIQ+ group political representation and participation in the electoral process

The participants in the focus group stated that there is a lack of support for the political representation of LGBTIQ+ community members, so there are no representatives from this community who run or participate

openly as part of the LGBTIQ+ community in the election process in Albania. Obstacles cited include rejection by society and rejection by political parties.

The participants from the LGBTIQ+ community in the FGDs stated that the support given by the political parties to representatives of this community is lacking – the actions remain at the proposal stage and there are no specific actions undertaken to ensure their implementation. They also stated that they feel unprotected in case they come out openly in the community and express their attitude regarding LGBTIQ+ issues. In addition, they stated that there is no support from the political parties, and they believe if someone from the parties would express support for a person belonging to the LGBTIQ+ community, the reaction from the public would be negative. Hence, this factor influences them to express openly their support for the LGBTIQ+ community.

The participants of the FGDs also stated that they are aware of some people who belong to their community, but who do not come out openly for personal reasons, and they did not want to be the ones who would force them to express themselves openly. The main reasons that keep these people from expressing themselves openly include bullying, prejudice, dismissal, threats, lack of support from the general population. Concerning the numbers of people representing the LGBTIQ+ community in the political life, the participants stated that there is no clear information on the number of people who are part of the community.

4.2 Freedom to run for political office.

Any eligible voter has the right to stand, except for those serving a prison sentence or with a prior conviction for certain categories of crimes or under a search warrant, as well as those who hold public positions that are incompatible with the status of a candidate.³² The existing restrictions to the right to stand in cases without a final court decision are at odds with international standards.³³

The CEC registered 38 parties and 2 coalitions as electoral subjects eligible to field candidates. Independent candidates could be nominated by groups of at least nine voters residing in the respective municipality. To be registered, candidate lists for municipal councils had to represent men and women equally, with candidates of different gender alternating on the list. This requirement was not enforced in most municipalities as per the ODIHR Election Observation Mission Final Report on Local Elections 2023 - The ODIHR EOM noted that in 55 municipalities, at least one candidate list did not comply with the gender quota requirement.

As stated in the ODIHR/OSCE Preliminary Monitoring Report of May 14 elections, in some instances, independent candidates and some parties encountered difficulties in their registration. Some IEOM interlocutors from smaller political parties considered the requirements for documentation in support of candidate lists to be overly burdensome. Collection of 1 per cent support signatures, regardless of the size of the municipality, was more onerous for independent candidates than for political parties, especially in Tirana and Durrës.

The election administration for the local elections of 14 May 2023 registered a total of 144 mayoral candidates³⁴, including 15 women and 23,763 councillor candidates for the 61 mayoral (including 11,828 women - 49.8 per cent) and 1,603 councillor positions. Two independent candidates stood for mayor and ten ran as councillor candidates. Based on CEC data, three parties and seven groups of voters were denied registration due to

³² The Law on Decriminalization refers to deportation from an EU Member State, Australia, Canada, or the United States. It also references citizens convicted for certain crimes, even in the absence of a final court decision, as well as those under international search warrant. Judges, prosecutors, military, police and national security officers, diplomatic staff, prefects, members of election commissions, the President of the Republic, and high state administration officials determined by law must resign to be eligible to stand.

³³ Paragraph 5.19 of the 1990 OSCE Copenhagen Document states that “Everyone will be presumed innocent until proved guilty according to law.” Section I 1.1(d), iii of the Code of Good Practice in Electoral Matters states that “the proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them”.

³⁴ As per OSCE/ODIHR Report, the candidate registration was overall inclusive, and 40 parties and coalitions, as well as 12 independent candidates, contested the elections, with a total of 144 mayoral candidates and 852 council lists.

incomplete documentation. Three mayor and 10 local council candidates withdrew after they were registered. The SP and Together We Win coalition were the only two electoral subjects that nominated candidates in almost all municipalities for both contests. Together We Win nominated candidates for both contests in all 61 municipalities, the SP fielded candidates in 60 municipalities and 61 local council elections. Ten other electoral subjects nominated council candidates in at least half of the municipalities (the Environmentalist Agrarian Party in all municipalities). At the same time, besides Together We Win and the SP, seven other electoral subjects nominated mayoral candidates: the DP in 15 municipalities, and six other subjects in one municipality each. Nine Roma candidates ran on the council lists of various parties.

Although there are no legal barriers for the representatives of the underrepresented groups to run for political office, a variety of societal and individual barriers keep them from considering a run for office. The existing prejudices, stereotypes and structural inequities faced by underrepresented groups of different backgrounds, socioeconomic status, sexual orientations, and religions often demotivate them to explore the possibility of public office.

The participants in the FGDs stated that there are several factors that demotivates the underrepresented groups to run for political office. For instance, the participants emphasized that seeing all-male groups make decisions about women's rights underscored their feeling that "politics is a place where someone like me can make a difference."

Some other factors influencing the freedom to run for an office for the representatives of the underrepresented groups include:

- *Media coverage:* Across both social media and traditional media, representatives of underrepresented groups, continue to have a harder time receiving positive coverage. This is both in terms of quality and quantity—not only do they tend to get more negative coverage, but they also simply don't get as much coverage as their counterpart's period. This is quite evident for the cases of women. Not only does this hurt female candidates directly, but it also has a negative impact on women and girls who may be considering running themselves in the future.
- *Fundraising challenges:* fundraising is arguably the most important part of any campaign. Unfortunately, women running for office face a harder time raising money. Female candidates have pointed out that because they are underrepresented in the financial world, they have a harder time than their male counterparts connecting with and raising money from donors. According to the GADC Report "Achieving Gender Equality in the Financing of Political Parties in Albania"³⁵, there are no sustainable funding mechanisms for women's forums or targeted training programs for women candidates that are directly funded by the party, nor other programs that aim to increase funding and skills of female candidates.
- *Discrimination.* As stated from the high – level representative of Nisma Thurrje Party, discrimination still exists in our society. Historical discrimination has suppressed the self-confidence of these groups and has the consequence that today we do not have these communities included in the governing bodies of the parties, not because the party itself prevents them. This becomes more evident for underrepresented groups, i. e representatives from LGBTIQ+ community – the old parties, due to their populist format, depend very much on the public opinion as a way to not losing votes. We need some kind of emancipation of political parties as well. LGBTIQ+. Running openly as part of the LGBT community would damage their image, and affect their employment, family and community. Although there are no visible or legal obstacles, it is their fears that keep them away from political engagement. An example brought during the discussion refers to a transgender girl, part of the community, who is running to be part of the Tirana Municipal Council and has openly expressed her identity. However, bullying and threatening messages and obstacles from society have accompanied this case.

³⁵ GDAC & Westminster Foundation for Democracy Limited (WFD), March 2023

- *Language barriers.* This is particularly related to people belonging to minority groups. Language requirements for the registration of aspiring candidates in parliamentary and local elections raise prevents representatives from this target group from the freedom to run for an office which indeed raise issues of compatibility with Article 15 of the FCNM, as they may negatively affect the participation of persons belonging to national minorities.³⁶ It is important to highlight that CEC during the election process has provided information on Romani language and other minorities on voting process for minorities, including Roma communities, but such model is not followed from the political parties.

There are no special measures to promote the election of representatives from underrepresented groups, i.e of national-minority candidates. For example, experience has shown that lowering the number of supporting signatures required for the registration of candidates from national-minority parties can be an effective special measure. This could also be combined with an exemption from the requirement to surpass a nationwide threshold in proportional representation systems. When determining the size of electoral deposits, contribution and spending limits, eligibility thresholds and other parameters of electoral frameworks, states should consider their impact on the participation of candidates belonging to national minorities and, if needed, take targeted measures to ensure that the right to effective participation of minorities in the electoral processes is not unduly restricted.

In regard to the freedom to voice grievances of ill treatment by candidates, the participants in the focus group discussions stated that the candidates belonging to underrepresented groups (women, youth, minorities, PwD, LGBTIQ+) are free to voice grievance on any misconduct within the party.

Additionally, analysing the statutes of the four-targeted political parties the candidates belonging to underrepresented groups are free to complain about any inappropriate behaviour within the party.

For example, the statute of the DP, in Article 24 has foreseen among the disciplinary measures that breaking the internal discipline of the Party, undertaking actions, in any form or manner, that damage the electoral or political interests of the DP, and failure to meet the obligations of membership bring sanctions and restrictions on the rights of member of DP. Additionally, in the three months preceding each election campaign and one month after it, the Party Presidency can declare against a member, whatever his function, one of the sanctions provided for by the Statute, if he prevents the implementation of decisions related to candidacies in elections. This decision is appealable and is reviewed by the Statute Appeal and Evaluation Committee within 5 days of receiving the appeal.

However, the statutes of the political parties have not foreseen any specific reporting mechanism to address cases of violence/harassment against women, youth and/or historically marginalized groups.

4.3 Fair treatment by the media

4.3.1 Fair time allocated on media

AWEN has been periodically engaged in monitoring media during the election process. The main objective was to monitor the media in regard to following issues:

- The time devoted in the electronic media to issues related to women and girls in the programs of political parties;
- Media time allocated to candidates or political representatives who are dealing with issues related to women/girls;
- The number of times that special issues related to women and girls are reported in the media;

³⁶ See ACFC Commentary on Effective Participation, paragraph 102, and Commentary on Language Rights, paragraph 92.

- The number of articles that address/analyse issues related to women and girls.

By monitoring the use of television space of 4 national televisions, 2 large portals and 1 national radio, as well as analysing the content of their media products (broadcasts, news editions, articles) some of the concern issues identified include:

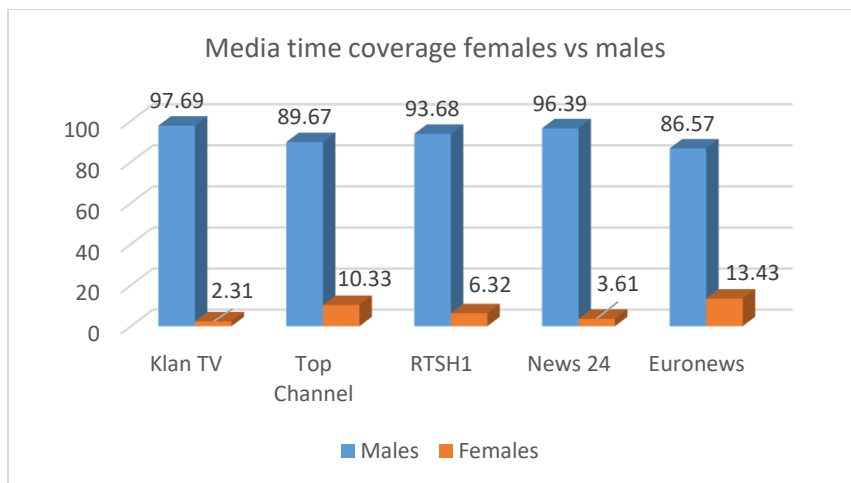
- Despite the fact that women are numerous in the party lists, their presence in the public space and discourse continues to be very limited;
- The dynamics of the events taking place in the pre-election period have resulted in a superficial treatment of the women's issues of priority
- While the discussion on the age and physical appearance of male politicians are generally avoided, the media indulges in sexist comments about the age and appearance of women candidates.
- In the main news editions, it is noticed a lack of chronicles that deal with the issues and problems of women in Albania.
- In general, the meetings of political party leaders with women from rural or urban areas are broadcasted in the morning and noon news editions. In the evening news with higher viewership, attention is mainly focused on scandals or clashes between political opponents.

The media regulator, the Audio-visual Media Authority (AMA), has oversees broadcasters' compliance with the legal requirements for campaign coverage. AMA launched its monitoring on 14 April and provided the CEC with daily and periodic reports, which were published on the CEC website. The reports indicated that most of the breaches observed concerned failure to provide recordings of the aired material to AMA, as well as infringements related to political advertisement. Following AMA's findings, the CEC imposed a number of sanctions against broadcasters for the identified violations, generally in line with AMA's recommendations.⁸¹ Imbalances in media coverage were also found, with the CEC requesting broadcasters to ensure compensation for under-represented parties.

Media monitoring shows that media coverage was mostly focused on national party leaders as well as the candidates for mayor of Tirana, with limited coverage of other candidates. The media campaign was characterized by recurrent personal attacks among politicians, general promises, and the absence of debates among candidates. Limited attention was paid by candidates and by media to policies and issues relevant at the local level. Broadcasters largely resorted to what appeared to be pre-recorded party material, rarely labelled, in their news programmes, falling short of providing comprehensive and objective coverage of the campaign.

As per the OSCE /ODIHR report, political coverage in all monitored media focused mainly on the SP (40 per cent), Together We Win (37 per cent), and to a minor extent, the DP (15 per cent). Together they received 92 per cent of the total electoral coverage monitored, showing a clear concentration of the coverage on three actors only. In its news and information programmes, public RTSH allotted the largest amount of airtime to the SP (43 per cent) and to Together We Win (35 per cent) while the DP received 17 per cent, respectively. On TV Klan, the SP received 39 per cent, Together We Win 35 per cent, and the DP 21 per cent. Top Channel devoted 51 per cent to the SP, while Together We Win and the DP were allotted 32 and 6 per cent, respectively. Together We Win received the broadest coverage on Vizion Plus (40 per cent), followed by the SP (33 per cent) and the DP (16 per cent). A2 CNN focused its coverage on the SP (41 per cent), Together We Win (40 per cent) and the DP (16 per cent). The tone of the coverage was mostly neutral or positive in all monitored televisions, with the exception of Top Channel which provided the SP (29 per cent) with above the average positive exposure and slight negative coverage for Together We Win (7 per cent).

Referring to the data published in the Weekly Monitoring Reports of Media by the Audiovisual Media Authority, regarding monitoring of media coverage time for females and males it is evident that males have dominated media time coverage throughout all the electoral process. Referring to the latest monitoring report of AMA, which covers the monitoring of media for the period from 6 – 14 th of May, it results as following.



Graph. 4 Media time coverage for women candidates vs men .

As per ODIHR Election Observation Mission Final Report - Local Elections, 14 May 2023, women candidates featured in most rallies observed by the ODIHR EOM, but only 8 per cent of the monitored campaign coverage in media was devoted to women. No concerns were raised about misogynistic rhetoric, threats, or hate speech directed against women in the electoral context.

Young people are not provided with media space/time as far as traditional ideas are concerned, but on the other hand, in social media, young people are given a lot of attention. Given that young voters are also more active in social media, it seems that young candidates are used on the part of the political parties for propaganda by giving them access to their social networks, even though in the lists for municipal council of the biggest parties, young people occupy the last numbers of the lists.

As per the feedback received from the representatives of the LGBTIQ+ community, the media are generally interested in and express themselves about marginalized communities only during election periods, and for this reason, they fail to be properly represented. They also stated that they find the way in which media portrays the image of LGBTIQ+ people and those who express themselves openly as part of the community, quite problematic. However, they assessed positively the increased media visibility of the community but expressed reservations about fair representation. Regarding support from political members who are not part of the community, it was stated that real support is lacking, and prejudices hinder the fair treatment and representation of various marginalized communities. The participants stated that there is a lack of real support, either financial or in housing, as well as a lack of support to move forward.

4.4 Electoral resources

4.4.1 Internal policies/procedures to ensure equal access to public funds for their candidates.

Article 9/3 of the Constitution requires that the financial resources and expenses of political parties should be made public. The specific rules on political parties and election campaigns financing are set out in (i) the law on political parties and (ii) the Electoral Code (which was specifically revised in 2017 and 2020 to increase the transparency and accountability of political party financing).

Analysing the statutes of the political parties, i.e the PD statute does not specify how partner organizations, such as the Women's Democratic League, will be supported and financed. Even though the statute requires transparency in the reporting of financial resources and expenses, where according to Article 55 they must be posted online every year, there are no such reports on the party's website. It is not clear how the finances are distributed and whether there are regular resources going to the Women's Democratic League.

The Statute of the Socialist Party has detailed provisions on the source and use of financial resources. Chapter 14 is dedicated to provisions for the party's financial and material resources. To be more concrete, these resources come from membership quotas, the state budget, legal donations in kind, income from enterprises using party assets and other income in accordance with the law. Another source is aid from supporters and party members, but the nature of aid referred to in Article 68 of the statute is not clearly.

The Freedom Party statute also contains provisions for the establishment of the Women's Movement for Integration within the party and unlike all other statutes of analyzed here, article 17 of the statute provides for separate budget lines for the women's wing of the party as well as for the youth wing. This is a good practical example that can also be considered for other political parties in Albania. However, the statute does not specify where the funding for these wings will come from or in what percentage compared to other party structures and activities.

The situation is much more difficult with the small parties. As per the feedback received from Nisma Thurrje Party the funds are mainly generated from personal contributions, part of the expenses is covered by this fund, and the other part by the support fund for political parties.

"We try to channel this budget that we have at our disposal more to the program than to the candidates. It is very difficult indeed. We consider ourselves a marginalized layer within the political spectrum. This is because we are underrepresented compared to the big parties. The absorption of funds has a specific; funds go more where there is confidence that the specific party has opportunity to win. We have had no donations except conditional funds that we receive for special projects, such as from different embassies – we have not benefitted from the business at all. Previously we had online donations, but this year we were not able to build the mechanism from the technical side. The law on political financing is problematic, it does provide a lot of limitations for the small parties".

As per the OSCE/ODIHR Preliminary Election Monitoring Report³⁷, contestants may finance their campaigns from public and private funds. The law provides limits for donations and for campaign expenditure. Contestants are not required to publicly disclose before Election Day the source and amount of funds raised and only need to submit financial reports after Election Day, which reduces transparency. The late allocation of public campaign funds, which are used to calculate the spending limits, and the late adoption of the rules and guidelines for campaign finance reporting undermined legal certainty.

Although there have been significant improvements in the legal framework in recent years, there are still inconsistencies and unsatisfactory standards for ensuring accountability and transparency that are not fully met. As stated from the ODIHR/OSCE Report the CEC issued regulation on rules for financial reporting, and control and verification of contestants' campaign income and expenditures on 7 April and adopted the guidelines on financial reporting for contestants on 20 April. The late adoption of the rules and guidelines undermined legal certainty, considering that the period of accounting for campaign incomes and expenditures is from the date of announcement of elections until Election Day.

As stated in the GADC Report 'Achieving Gender Equality in the Financing of the Political Parties in Albania' In overall transparency in political and election financing has not been fully achieved. There is room for

³⁷ <https://www.osce.org/files/f/documents/6/b/543561.pdf>

improvement of the legal framework and the implementation of provisions related to transparency and accountability. It is necessary to increase the capacities of political parties to respect the principles of their statutes for political financing, reporting and transparency. There are no sustainable mechanisms for funding the women's forum, no sustainable training programs aimed at increasing funding and skills for women candidates, and no facilities for women's participation in political parties. Political parties in Albania can and should do more to empower the women who are already in their parties as well as to attract more women, especially in rural areas.

According to the EDM - Women's Network Equality in Decision Making report, generally there is a lack of knowledge among the candidates on the public funds available to political parties for campaign purposes and lack of transparency on how those funds are internally allocated. The candidates in majority of cases report the lack of information related to mechanisms enabling candidates to gain access to campaign finance and resources. A larger number of women candidates have reported not knowing if there were any mechanisms in place and if existed how they functioned. The data indicates that even when candidates have information, it is not translated into access to political party finances due to the lack of mechanisms within parties for candidates' equitable access to campaign finance³⁸.

Political parties do not implement gender-specific funding to encourage their women candidates and women's forums. There are examples of best practices from around the world that can be considered and used in statutes, procedures and regulations of the parties. Women's political forums in Albania are weak structures and do not have special access to political party funds. In addition, women's forums do not have a membership fee or a clear management structure to raise funds that can later be used to support women's participation in election campaigns.

4.5 Fair treatment by electoral management bodies

4.5.1 Complaint management. Complaint handling for the candidates from Underrepresented groups

There are no legal obstacles to prevent candidates to make complaint on their treatment, including the ones coming from the underrepresented groups. The Electoral Code provides detailed rules and adequate procedural guarantees for the resolution of election disputes. The bodies tasked by the law for examining and resolving complaints and appeals, specifically the Complaints and Sanctions Commission (CSC) as one of the Governing Bodies of the CEC and the Electoral College at the Tirana Court of Appeal, has the main responsibility for the preservation or restoration of citizens' trust in the effectiveness and safety of the mechanisms created by the law and in the entire Electoral Process itself.

As per the OSCE/ODIHR Preliminary Monitoring Report of the 14 May Local election, the CEC's Complaints and Sanctions Commission (CSC) handled complaints in a collegial manner and in open sessions; however, some ODIHR EOM interlocutors questioned the impartiality of the CSC members due to their political affiliation. The Electoral College adjudicated complaints in public sessions, with the participation of parties involved.

As of 12 May, the CSC received 42 complaints, mostly concerning candidate registration. The CSC took 20 decisions regarding sanctions for abuse of public resources and other campaign-related offences, and imposed sanctions in 17 cases. The sanctions for these offenses vary from ALL 2,500 (EUR 23) to ALL 100,000 (EUR 900).

The Electoral College adjudicated 13 appeals, within the deadline and in public sessions. As of 3 May, the CEC received 416 reports by CSOs and electoral subjects on alleged non-reporting of public activities, abuse of public resources, and other campaign-related offences. The Commissioner addressed 341 reports by requesting to impose sanctions or issue notifications to public bodies. As of 12 May, the ODIHR EOM was informed of 54 reports

³⁸ EDM. 2021. GENDER, MONEY AND POLITICS. Access of candidates to political party finance in 2021 Parliamentary Elections in Albania, available at: <http://www.platformmagjnore.al/publikime/>

on election-related offences received by police offices across the country, which are under investigation, including 20 cases of passive corruption and 25 cases of vote-buying. Electoral violations related to corruption are prosecuted by SPAK. SPAK notified the ODIHR EOM that as of 12 May, 13 election-related reports had been received, and 6 pretrial criminal investigations had been initiated, including 4 regarding vote-buying.

In the KRIK³⁹ Public Statement on “Proactive approach of the Central Election Commission in the evidence and denunciation of electoral crime, essential for ensuring the integrity of elections and law enforcement in the country, issued on June 2nd, following the process of complaints and appeals, KRIK has noted with great concern some the cases where the manipulation of election results and the transfer of votes from one electoral subject to another have been evidenced. i.e in the case in the municipalities of Pukë and Mallakastër. As per KRIK public statements this situation has happened with the full agreement of the election commissioners appointed by different parties. The agreement of election commissioners in covering up the violations evidenced in front of third actors, or, in the extreme case, even in the manipulation of the election result is a continuous concern raised by KRIK since 2017. KRIK highlights in this statement the importance of CEC proactive approach, meaning that specific actions need to be taken from CEC in this situation. The actions undertaken from CED should aim not only limiting to the maximum the effect of potential manipulations that may have occurred based on these indications, but also urgently undertaking the appropriate steps to decide and bring the responsible persons to justice. KRIK calls on the Central Election Commission to take into consideration the typology of violations and problems identified by the complaint process so far, as well as the recommendations previously presented by KRIK, in order to improve the mechanism of the audit process post-election, in order to increase its efficiency and send before the law all the commissioners who have not adhered to the implementation of the legal framework in the administration of the process.

5. Good practices and promising approaches

There has been significant progress in the participation and representation of women in leadership roles. Thanks to gender quotas, women seats in the National Parliament and local councils increased to 26.2% and 35.9% respectively, with further progress expected following the recent national elections. With 45.5% of women in ministerial positions, Albania stands among the top 10 countries in the world; 48.1% of the Central Bank board members are women, compared to an EU average of 20.3%. Positive steps have been taken regarding the representation of women at local level as well. The equal criterion of 50% is introduced and being implemented from the SP for the candidates of the municipal councils. The membership of the SP is 50% with 50% men/women. Voting is conducted with separate lists for women and men, which ensures a safe 50% inclusion of women. There is still an internal discussion in the party to accept and suggest in the Legal Code the change of the 50% quota in the central election as well. To sustain such gains, additional space for meaningful women leadership in politics and the economy is needed, promoting their role as change agents and contributors – on an equal footing with men and boys – to choices that will affect the country’s development path for the years to come. Global evidence suggests that when more women are in positions of power and women and girls’ voice is heard, more civilized and collaborative forms of political dialogue are observed, with greater respect for diversity and opponents and more systematic search for common ground on issues that affect people lives beyond political divides. The recent parliamentary election provided an opportunity to restore an inclusive political climate that respects women’s and child rights and family life of candidates and supporters, mindful of the different needs and interests of men and women, boys and girls, giving a voice to those who have none and promoting participation of both voting and non-voting constituencies. However, preliminary analysis of the pre- and post-election media coverage suggests that female candidates and voters continued to face some challenges in fully participating in the campaign, with cases observed of harassment and hate speech, including morality, based on gender and physical appearance.

³⁹ Coalition for Reforms, Integration and Consolidated Institutions (KRIK Albania)

6. Conclusion

- Statute of all four parties target of this analytic report contain important principles and provisions for the promotion of gender equality in their structures. There are some specific provisions in some of the parties, respectively FP and SP, that promote and encourage the participation of youth, mainly the ones who are members of the Party' partner organizations, i.e Youth Forums, FRESSH. However, beyond these provisions, there is no clear strategy for empowering the role of women and youth within the party. There are no dedicated provisions in the parties' statutes for other specific groups, i.e minorities, LGBTIQ+, etc.
- Political forces have marked positive steps towards gender equality in their decision-making structures. Their statutes sanction gender quotas, while there is political and electoral interest in increasing the representation of women within the party. The three main political parties in the country, the target of this report, have the highest percentage of qualitative representation of women and girls, making a big difference with other smaller parliamentary parties. However, it is clear that the leadership of political parties in Albania continues to be considered the monopoly of male politicians. Efforts are still needed to have mechanisms in place that increase trust, support and transparent competition so that more women can be involved in policy-making and elected to decision-making roles. The very low percentage of women in the leadership of the local branches of the parties, which are obviously still considered men's territory, is particularly a concern issue. Thirteen of the 17 government ministers and 50 of the 140 members of parliament (35 per cent) are women. Although, the law provides for the 50-per cent gender quota and the placement criteria, which was not always respected. In addition, only 15 of the 144 mayoral candidates were women. Although the Electoral Code prescribes a 30-per cent gender quota, women are underrepresented throughout the election administration, particularly in decision-making positions.
- There is no encouraging mechanism for minority groups to equally participate in the electoral process. Roma and Egyptian Communities still face difficulties regarding their political representation and their participation in the electoral process. The information regarding the implementation of the electoral law for the Roma and Egyptian community is very limited. Neither the statutes of the four political parties at the focus of this report nor the information shared from the CEC provides specific information regarding minority group political representation and participation in the electoral process. The lack of personal identification documents (Id card/passports), due to the fact that they are either expired or they are seriously damaged, still prohibit them from the right to vote. Discrimination is still an issue that prohibit them to equally participate in the political life and even when there are some cases, they are mostly listed among the last names in the multi – name list of the small parties, having almost no opportunities at all to be elected.
- Several parties reported having persons belonging to national minorities among their members and candidates. Where persons belonging to national minorities stood as candidates in mainstream parties, this was either for smaller parties, or towards the end of the list for bigger parties – either way, with less chance of winning. Some members of the Roma and Egyptian communities perceived that politicians only care about their votes and not their situation and were thus less inclined to engage in the electoral process.
- The information regarding the implementation of the electoral law for people with disabilities is very limited as well. Neither the statutes of the four political parties at the focus of this report nor the information shared from the CEC provides specific information regarding people with disability political representation and participation in the electoral process. People with disabilities are not included in any electoral statute of any political party – none of the political parties have a clear perspective of what they should do with people with disabilities. Currently, there are no data in regard to the number of people with disabilities who have participated in the electoral process as candidates either for the post of mayor

or as members of Municipal Councils. People with disabilities do face challenges in the voting process as well. The voting centers lack ramps, being impossible for people with disabilities using wheelchairs to access the voting centre. As per the information received from CEC, the voting papers prepared in the braille format were delivered in all 5214 voting centres, providing opportunities for people with eyes impairment issues to vote independently. However as per the information received from FGDs, they were used in limited cases as the commissioners were not well informed why they had the braille format voting papers, they weren't even informed on what it was about.

- Young people are not given enough trust, not even by their peers, making their motivation to participate in political life much lower. The monopolization of political parties is one of the main obstacles that young people encounter in representation and participation in political life. Young people seem to have more opportunities for involvement and decision-making are small or new parties where the average age of the members is relatively young. Young people in general do not believe that their voice is going to be heard by the older generations, especially the ones who are taking the higher – level positions in the decision-making structures. The youth placement in the list is most of the cases in the last order shows how fictitious is the participation and representation of these young people for their communities.
- There are no LGBTIQ+ community members who run or participate openly as representatives of this community in the election process in Albania. Obstacles cited include rejection by society and rejection by political parties. Members from the LGBTIQ+ community participants in the FGDs stated that they feel unprotected in case they come out openly in the community and express their attitude regarding LGBTIQ+ issues.
- Although there are no legal barriers for the representatives of the underrepresented groups to run for political office, a variety of societal and individual barriers keep them from considering a run for office. The existing prejudices, stereotypes and structural inequities faced by underrepresented groups of different backgrounds, socioeconomic status, sexual orientations, and religions often demotivate them to explore the possibility of public office. Main factors that demotivate the underrepresented groups to run for political office: lack of gender equality among the politicians, media coverage, fundraising challenges, discrimination, language barriers, lack of disability – friendly environment, etc.
- The candidates belonging to underrepresented groups (women, youth, minorities, PwD, LGBTIQ+) are free to voice grievance on any misconduct within the party. Additionally, analysing the statutes of the four targeted political parties, the candidates belonging to underrepresented groups are free to complain about any inappropriate behavior within the party. However, the statutes of the political parties have not foreseen any specific reporting mechanism (to address cases of violence/harassment against women, youth and/or historically marginalized groups. The input received from the FGDs has also highlighted the lack of internal democracy withing the political parties as a factor influencing this situation.
- Media monitoring shows that media coverage was mostly focused on national party leaders as well as the candidates for mayor of Tirana, with limited coverage of other candidates. The media campaign was characterized by recurrent personal attacks among politicians, general promises, and the absence of debates among candidates. Limited attention was paid by candidates and by media to policies and issues relevant at the local level. Broadcasters largely resorted to what appeared to be pre-recorded party material, rarely labelled, in their news programmes, falling short of providing comprehensive and objective coverage of the campaign. Males have dominated media time coverage throughout all the electoral process. Given that young voters are also more active in social media, it seems that young candidates are used on the part of the political parties for propaganda by giving them access to their social networks, even though in the lists for municipal council of the biggest parties, young people occupy the last numbers of the lists.
- Although there have been significant improvements in the legal framework in recent years, there are still inconsistencies and unsatisfactory standards for ensuring accountability and transparency that are not fully met. It is necessary for political parties to be more transparent in reporting their campaign income and expenses before election day so that voters have a better understanding of their campaign costs and

resources. Although the CEC is tasked with overseeing compliance with campaign finance regulations, ODIHR notes that the monitoring reports did not contain methodically collected findings on the candidates' financial activity. There is still room to improve the supervisory capacities of the CEC to effectively implement the legislation in force.

- Political parties lack earmarked funding for supporting women candidates and women's forums. Women's political forums in Albania are weak structures and do not have special access to political party funds. Also, women's forums do not have a membership fee or a clear management structure to raise funds that can later be used to support women's participation in election campaigns.
- There are no legal obstacles to prevent candidates to make complaint on their treatment, including the ones coming from the underrepresented groups. The Electoral Code provides detailed rules and adequate procedural guarantees for the resolution of election disputes – its implementation from the related bodies remains challenging.

7. Recommendations

Advancing of political participation of representatives from Underrepresented groups requires determined efforts not only by Underrepresented groups themselves, but also by Governments, the international community and civil society. Action by political parties is particularly important. Some steps that can be taken by each of these groups are listed below.

Political parties should:

- Adopt internal democratic structures; Political party laws should consider including provisions aimed specifically at enhancing political participation of representatives from underrepresented groups (particularly for representatives from Roma and Egyptian community, LGBTIQ+, people with disabilities) and provide specific support and resources to ensure their equal participation in election.
- Adopt explicit diversity policies that emphasize the inclusion of underrepresented groups. These policies should outline specific measures to increase the representation and participation of these groups at all levels of the party structure. Make certain that representatives from underrepresented groups are fully represented in party leadership and policy committees.
- Identify and address any systemic or structural barriers that hinder the participation of underrepresented groups. This may involve actively working to create an inclusive and welcoming environment for all members, addressing discriminatory practices within the party and advocating for changes in electoral laws.
- Clearly identify the advancement of women and issues of special concern to women as priorities in their platforms. The platforms of political parties can provide a reflection of their commitment to women and issues of special concern to women. The kinds of issues that might demonstrate such commitment could include party positions on female unemployment or underemployment, unregulated workers in the "gray economy", family planning and reproductive health, social services, violence against women, family subsidies, and daycare for children. By addressing gender equality and other issues of special concern to women, parties can increase their relevance to women voters and provide a greater incentive for women to become involved in the political process. In post-conflict countries, parties might encourage women's participation by taking gender-sensitive positions on such issues as refugees and displaced persons, family reunification, violence against women, female unemployment, housing, education, and social issues such as family planning and reproductive health.
- Actively engage with underrepresented groups through targeted outreach efforts. This may include organizing community forums, establishing dialogue platforms, and participating in events that cater to these groups' interests and concerns.

- Establish transparent and inclusive candidate selection processes. This may involve implementing quotas or reserved seats for underrepresented groups, encouraging diverse candidate pools, and ensuring fair evaluation and selection criteria.
- Provide support and resources to underrepresented individuals who aspire to run for office -mentorship programs, training sessions, and guidance on campaign strategies. Special attention should be given to ensuring that these individuals have access to equal opportunities and resources.
- Collaborate with civil society organizations, advocacy groups, and experts working on issues related to underrepresented groups. By forming partnerships, parties can gain valuable insights, and work collectively towards achieving greater inclusiveness.
- Ensure more specific reference to specific funding mechanisms to support women, youth and other underrepresented groups...that come from the overall budget that parties receive from the state for their annual operations and campaigns.

Government actors should:

- Ensure that political party laws and other election-related legislation do not indirectly disadvantage representatives from underrepresented groups;
- Consider legislation requiring political parties to adopt democratic procedures for their internal operations;
- Consider temporary special measures requiring political parties to include a substantial proportion of representatives of underrepresented groups high on their candidate lists;
- Provide incentives for political parties to promote candidates from underrepresented groups, including resources, training and increased access to broadcast time. For instance, providing increased airtime for women in politics between elections could also advance women's participation by enabling voters to make informed assessments at election time of the overall performance of political parties, including their support of women who have been elected as representatives. Alternatively, laws may offer parties incentives such as freer broadcast time or additional public funding if they include certain numbers of women among their candidates.
- Consider taking special measures to promote the election of minority groups. For example, experience has shown that lowering the number of supporting signatures required for the registration of candidates from national-minority parties can be an effective special measure. This could also be combined with an exemption from the requirement to surpass a nationwide threshold in proportional representation systems. When determining the size of electoral deposits, contribution and spending limits, eligibility thresholds and other parameters of electoral frameworks, states should consider their impact on the participation of candidates belonging to national minorities and, if needed, take targeted measures to ensure that the right to effective participation of minorities in the electoral processes is not unduly restricted. In some instances, special measures aimed at promoting minority participation may be instrumentalized by persons with no link to a national minority, creating a need to establish some restrictions or criteria for such special measures. While these restrictions may be justified, it is important that they remain proportional to the aim of preventing abuses.
- The CEC and other stakeholders should continue in-person voter education programmes tailored to the needs of the national minorities. They should prioritize accessibility in information and communication channels to ensure that underrepresented groups have equal access to relevant decision-making processes. This can involve providing information in multiple languages, accessible formats, and utilizing diverse communication channels.
- Central Election Commission to take into consideration the typology of violations and problems identified by the complaint process so far, as well as the recommendations previously presented by KRIIK, in order to improve the mechanism of the audit process post-election, in order to increase its efficiency and send

before the law all the commissioners who have not adhered to the implementation of the legal framework in the administration of the process.

- Public institutions should strive for diverse representation within their own structures, including in leadership positions, advisory boards, and committees. This can be achieved through diversity quotas, inclusive recruitment practices, and targeted outreach efforts.
- Public institutions should demonstrate their commitment to inclusion by leading by example. This can include showcasing successful case studies, highlighting diverse voices in public communications, and recognizing and celebrating achievements of underrepresented groups in decision-making processes.

International actors should:

- Promote international standards and frameworks that emphasize the inclusion and participation of underrepresented groups in decision-making processes, facilitate knowledge exchange platforms to share successful practices in promoting inclusion.
- Provide financial and technical support to organizations and initiatives that focus on building the capacity of underrepresented groups, including training programs, workshops, and mentorship opportunities to enhance their skills and knowledge in engaging in decision-making processes. Inform and educate through training political parties, journalists, security forces and others on the importance of political participation of representatives from underrepresented groups.
- Assist in the training of candidates from underrepresented groups;
- Provide training to political parties, journalists, security forces and others to convey the importance of political participation of representatives from underrepresented groups and gender sensitivity;
- Help establish and support cross-party cooperation among representatives from underrepresented groups;
- Support efforts to address structural barriers that hinder the inclusion of underrepresented groups, such as discriminatory laws, party internal mechanisms, social norms, and practices. This can involve advocating for legal reforms, promoting social awareness campaigns, and supporting initiatives that challenge systemic biases.
- Urge the political forces to improve the internal democracies and policies on inclusion.
- Raise awareness among political parties, members of parliaments (MPs) and various government structures about the challenges that persons with disabilities face when deciding to engage in political life.

Civil society actors should:

- Engage in advocacy efforts to raise awareness about the importance of women, youth, and underrepresented groups in politics by organizing campaigns, workshops, and public events to highlight the barriers and challenges they face and promote their active participation.
- Encourage and empower representatives of underrepresented groups to run for office and provide necessary support to prepare them as candidates and later elected or public officials.
- Provide training and other types of support for candidates representing underrepresented groups;
- Lobby for legislative changes to advance empowerment of representatives from underrepresented groups.
- Support the advocacy efforts of underrepresented groups to ensure that political parties' policy platforms address their concerns and perspectives.
- Identify representatives from underrepresented groups willing to run for office and provide capacity building programs and training and other types of support for them.

- Creating strong partnerships among women in civic organizations and women in political parties and elected office to help advance a common women's agenda in a coordinated way. Furthermore, partnerships between civic organizations - that are critical in reaching and educating citizens - political parties and elected officials help build networks, develop relationships, and sustain trust and communication at the grassroots level.

The media should:

- Provide gender-sensitive coverage of elections, avoiding negative stereotypes and presenting positive images of women as leaders.
- Present a more precise and nuanced depiction of individuals from diverse backgrounds and actively contribute to break down stereotypes by portraying underrepresented groups in politics in a multi-dimensional and positive manner. Highlighting success stories of women, youth or individuals from underrepresented groups who have excelled in politics or decision-making roles can inspire others and challenge the notion that certain groups are not suited for leadership positions.
- Promote voter and civic education programmes aimed specifically at representatives from specific target groups.
- Serve as a platform for open and inclusive dialogue, by facilitating discussions on topics related to diversity, inclusion, and equitable representation in politics. By providing space for different perspectives, the media can encourage constructive conversations that promote understanding and bridge gaps between different communities.

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Annexes

Annex 1.

International and Regional Standards on the participation of underrepresented groups in electoral process

There are a wide range of International and regional standards which highlight the importance of the underrepresented groups 'participation in the electoral process. The table below summarizes the main international and regional standards on the participation in the electoral process for each of the specific group belonging to the underrepresented groups.

OSCE Commitments and Other Applicable International and Regional Standards on the Participation of Women in Electoral Processes

Within the OSCE, the **Copenhagen Document**⁴⁰ contains most of the basic commitments specifically relating to elections. However, many other OSCE commitments are also critical to the conduct of democratic elections, including commitments on non-discrimination, political rights, and the rule of law. Non-discrimination provisions can be particularly relevant to gender and women's rights. Paragraph 5.9 of the Copenhagen Document commits participating States to "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground".

The principal OSCE standards on gender equality are included in the **Moscow Document**⁴¹ and the **Charter for European Security**,⁴² both of which commit participating States to promote equality between women and men.

⁴⁰ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, 1990.

⁴¹ Document of the Moscow Meeting of the Conference on the Human Dimension, 1991.

⁴² Charter for European Security, Istanbul, 1999.

Paragraph 23 of the Charter for European Security, states that, *“The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.”*

United Nations Treaties

Women’s full participation in political and electoral processes originates in the principles of non-discrimination and equal enjoyment of political rights enshrined in the **Universal Declaration of Human Rights** (UDHR)⁴³ adopted in 1948, the **Convention on the Political Rights of Women** (CPRW, 1952)⁴⁴ and other regional conventions that explicitly state that the enjoyment of such rights shall be without distinction of any kind, including sex or gender. A number of international human rights instruments include provisions that recognize women’s political rights, in light of the principles of non-discrimination and equal enjoyment of rights.

Article 25 of the **International Covenant on Civil and Political Rights** (ICCPR, 1966)⁴⁵ enshrines the rights of all citizens to *“take part in the conduct of public affairs”* and *“to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the electors.”*

While the ICCPR establishes that no discrimination on the basis of sex is permitted in the exercise of the rights to vote and to participate in public life, the **Convention on the Elimination of all Forms of Discrimination against Women** (CEDAW, 1979)⁴⁶ goes beyond this approach, by placing a positive obligation on States parties to take all appropriate measures to end that discrimination, as stipulated in Article 7: “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

Furthermore, Article 4 of the CEDAW encourages the use of temporary special measures to accelerate the achievement of de facto equality, in light of Article 7 of the Convention.

Women’s right to participate fully in all facets of public life has continued to be a cornerstone of UN resolutions and declarations. From the **UN Economic and Social Council Resolution** (E/RES/1990/15), to the **“Beijing Declaration and Platform of Action”** (1995)⁴⁷, the **Security Council Resolution 1325 on Women, Peace and Security** (2000)⁴⁸, the **“Commission on the Status of Women Agreed Conclusions 2006”**⁴⁹ and the General Assembly Resolution 66/130 on Women and political participation (2011)⁵⁰, governments have consistently been urged to implement measures to substantially increase the number of women in elective and appointive public offices and functions at all levels, with a view to achieving equal representation of women and men, if necessary through positive action, in government and public administration positions.

⁴³ See: <http://www.un.org/en/universal-declaration-human-rights/>

⁴⁴ See: <http://www.un-documents.net/cprw.htm>

⁴⁵ See: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁴⁶ See: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

⁴⁷ See: <http://www.un.org/womenwatch/daw/beijing/platform/>

⁴⁸ See: <http://unscr.com/en/resolutions/doc/1325>

⁴⁹ See: <https://daccess-ods.un.org/TMP/5577464.10369873.html>

⁵⁰ See: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/130&Lang=E

Sustainable Development Goal⁵¹, “achieve gender equality and empower all women and girls”, seeks to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life” (target 5.5.). Its indicators include the “proportion of seats held by women in national parliaments and local governments” (5.5.1.) and the “proportion of women in managerial positions” (5.5.2). Also, Sustainable Development Goal 16, “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, cannot be achieved without ensuring equal opportunities for men and women to participate in politics and elections.

European Union & Council of Europe

The **European Convention on Human Rights** (the Convention) is Europe’s core human rights treaty: Article 1 of the Convention guarantees the rights and freedoms it includes to everyone in the jurisdiction of the 47 member States of the Council of Europe. The principle of non-discrimination on the basis of sex is guaranteed by both Article 14 and Protocol 12 to the Convention.

In addition, the **European Social Charter** establishes enjoyment of economic and social rights without discrimination. The **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention) is widely recognised as the most comprehensive international instrument to tackle violence against women and domestic violence in its many forms.

The **Committee of Ministers Recommendations and Parliamentary Assembly Resolutions**⁵² related to gender equality cover a diversity of issues, including combating sex-based discrimination, eliminating sexist language, protecting women against violence, achieving a balanced participation of women and men in political and public decision-making, ensuring gender equality in the media. They provide member States with crucial standards to develop legislation and put in place policies at the national level that comply with internationally agreed standards in the area of gender equality.

Recommendation Rec(2003)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision making recommends that the governments of member States commit themselves to promote balanced representation of women and men by recognising publicly that the equal sharing of decision-making power between women and men of different background and ages strengthens and enriches democracy; protect and promote the equal civil and political rights of women and men, including running for office and freedom of association; ensure that women and men can exercise their individual voting rights and, promote and encourage special measures to stimulate and support women’s will to participate in political and public decision-making.

Resolution 1706 (2010)1 Increasing women’s representation in politics through the electoral system recommends that member States reforming their electoral system to one more favourable to women’s representation and encouraging political parties to voluntarily adopt gender quotas and to take other positive action measures, also within their own decision-making structures, and especially in the party structure responsible for nomination of candidates for elections.

OSCE Commitments and Other Applicable International and Regional Standards on the Participation of National Minorities in Electoral Processes

⁵¹ See: <https://sustainabledevelopment.un.org/sdg5>

⁵² See at: <https://pace.coe.int/en>.

National minorities' involvement in the various aspects of the functioning of a society is an important factor in the integration of society and in the prevention of conflicts.⁵³

In the OSCE **Copenhagen Document**, the participating States made numerous fundamental commitments on issues concerning national minorities and democratic electoral processes, recognizing, above all, that "questions relating to national minorities can only be satisfactorily resolved in a democratic political framework." They also recognized that "respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States."⁵⁴ The Document also states "*The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.*"

Paragraph 34 of the Copenhagen Document commits OSCE participating States to "*endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.*"

Furthermore, according to paragraph 7.6 of the Copenhagen Document, the OSCE participating States have agreed to "respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities."

Another important OSCE document concerning national minorities is the 1992 **Helsinki Document**: The Challenges of Change (the Helsinki Document), which established the HCNM.⁵⁵ The HCNM was created as an instrument of conflict prevention in relation to national-minority issues.

United Nations Treaties

Article 1 of the **Universal Declaration of Human Rights** (UDHR) states "All human beings are born free and equal in dignity and rights." Article 21(1) contains the first universal formulation of the principle of participation, in a proclamation of the right of everyone "to take part in the government of his country, directly or through freely chosen representatives." This principle stems from the UDHR's recognition in part 3 of same article that the "will of the people shall be the basis of the authority of government." The right to participate in government and public affairs outlined in the non-binding UDHR has since been translated into several binding international treaties. For example, Article 25 of the ICCPR stipulates that: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in his country."

Article 2 of the ICCPR also contains a provision that says that all the rights recognized in the ICCPR belong to all individuals without distinction, including "national or social origin". In addition, Article 26 guarantees equality before the law and entitlement, without any discrimination, to equal protection of the law.

Another reference to the obligation not to discriminate on ethnic or other grounds in the enjoyment of political rights is found in the ICERD. Article 5 stipulates: "States Parties undertake to prohibit and eliminate racial

⁵³ European Commission for Democracy through Law (Venice Commission), "Study on Electoral Law and National Minorities", 2000)4 (Strasbourg: 25 January 2000), p. 2.

⁵⁴ OSCE, Copenhagen Document (Copenhagen: 29 June 1990), paragraphs 30–31.

⁵⁵ OSCE, Helsinki Document (Helsinki: 9 July 1992).

discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] “political rights, in particular the rights to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”

Both the ICCPR and the ICERD not only envisage the right of everyone to participate in government and public affairs, including elections, but they make this human right applicable to everyone by prohibiting discrimination against ethnic or national minorities.

The link between the rights of people belonging to national minorities and the right to participate in public affairs is further strengthened by Article 27 of the ICCPR, which explicitly recognizes minority rights:

“In those States, in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

The **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities**, adopted by the UN General Assembly in 1992, reaffirmed *“the right of persons belonging to minorities to participate effectively in cultural, religious, social, economic and public life”*, including in *“decisions on the national, and where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.”*⁵⁶

European Union & Council of Europe

The **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR), makes an important connection, albeit not explicitly, between electoral rights and the prohibition of discrimination. Article 14 establishes the principle that all the rights and freedoms set out in the ECHR shall be enjoyed without discrimination: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”*

The Council of Europe prohibits discrimination on the basis of association with a national minority when it comes to electoral rights. Article 14 explicitly prohibits discrimination on the basis of *“association with a national minority.”*

The **Framework Convention for the Protection of National Minorities (FCNM)**, which entered into force in 1998, is the first international treaty devoted exclusively to the comprehensive protection of national minorities. As far as participation by national minorities is concerned, the FCNM states in Article 15 *“The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.”*

Notwithstanding the need to learn the official language or languages of the state concerned, language requirements or the registration of aspiring candidates in parliamentary and local elections raise issues of compatibility with Article 15 of the FCNM, as they may negatively affect the participation of persons belonging to national minorities. Excluding candidates from running for seats in a national or local legislature on purely linguistic grounds could also potentially violate Article 25 of the ICCPR.

Another important source of guidelines and thematic recommendations is the European Commission for Democracy through Law (the Venice Commission). The **Venice Commission** has issued a number of general and thematic reports on electoral participation by national minorities and several reports on minority participation

⁵⁶ See Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, UN General Assembly (1992), Article 2, paragraphs 2 and 3.

in individual states.⁵⁷ In one of its most important documents on electoral matters, the Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report (the Code of Good Practice in Electoral Matters), the Venice Commission devotes significant attention to electoral practices in relation to national minorities. The Code states that:

- Parties representing national minorities must be permitted.
- Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat-allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not, in principle, run counter to equal suffrage; and
- Neither candidates nor voters must be obliged to reveal that they belong to a national minority.⁵⁸

OSCE Commitments and Other Applicable International and Regional Standards on the Participation of People with Disabilities in Electoral Processes

The 1990 **OSCE Copenhagen Document**, which commits all participating States to “guarantee universal and equal suffrage to adult citizens” (paragraph 7.3) and to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;” (paragraph 7.5). The emphasis on all citizens and non-discrimination is significant, covering persons with disabilities. A year later, in 1991, the OSCE participating States made explicit commitments regarding disability. In Moscow, the OSCE participating States committed themselves to “ensure protection of the human rights of persons with disabilities” and, importantly, to “take steps to ensure the equal opportunity of such persons to participate fully in the life of their society”. They also committed themselves to “promote the appropriate participation of such persons in decision-making in fields concerning them”, which includes in election-related laws, regulations and policies, as well as to “encourage favourable conditions for the access of persons with disabilities to public buildings and services, housing, transport, and cultural and recreational activities”, which includes access to polling stations, campaign venues and other premises in the course of elections.

United Nations Treaties

The UN Convention on the Rights of Persons with Disabilities (CRPD) states, “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory disabilities which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”⁵⁹ Such barriers include physical obstacles, legal limitations, practical arrangements and societal attitudes that de facto exclude them or reduce their participation.

The CRPD is a groundbreaking treaty that reinforces the human rights of persons with disabilities and consequent state responsibilities, including with explicit reference to political participation. According to the Convention, the denial of various forms of reasonable accommodations necessary to ensure such participation, including in elections, could constitute a form of discrimination. The main rights related to elections enshrined in the CRPD relate to: the rights of persons with disabilities to participate fully in elections as candidates and voters, without exception; the right to effectively hold office and perform all public functions at all levels of governments; the right to physical access, as well as access to electoral information and processes, including in regards to parties and campaigning; and the rights to receive assistance when voting from a person of choice. The CRPD also

⁵⁷ See Venice Commission, Electoral Law and National Minorities, available on the Venice Commission’s website: <http://www.venice.coe.int/webforms/events/>

⁵⁸ Venice Commission, Code of Good Practice in Electoral Matters, Opinion No. 190/2002, Document CDL AD (2002)023, 23 May 2003, point 2.4.

⁵⁹ Available at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

requires the collection of disaggregated data, as well as the involvement of persons with disabilities in the formulation of policies and legislation that impact on their participation.

The state should also take measures to ensure that civil society and private entities do not discriminate against persons with disabilities vis-à-vis their rights to political participation. Data disaggregated by disability are essential to being able to identify levels of participation and barriers to access. Article 31 obliges states to “collect appropriate information, including statistical and research data, ...to formulate and implement policies to give effect to the present Convention”.

States should actively and meaningfully involve persons with disabilities. Article 4.3 notes that “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

In terms of electoral participation, the Article 29 covers political participation. It obliges states to “Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others.” Article 29 explicitly outlines some of the means for achieving this, including by “Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. It goes on to specify that “Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.” Article 29 also obliges states to “promote actively” wider participation in public affairs by persons with disabilities. Included in this is “Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties.”

The International Covenant on Civil and Political Rights

The 1966 International Covenant on Civil and Political Rights (ICCPR) provides, in article 25, for the right to electoral participation “without unreasonable restrictions”. Article 2 requires states “to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. While disability is not explicitly mentioned, it can be reasonably considered to be covered by “other status”, particularly in light of the later CRPD.

European Union & Council of Europe

The European Convention on Human Rights (ECHR) includes binding provisions on the right to “free elections” (article 3 of protocol 1). The ECHR prohibits discrimination and, while not explicitly referring to disability, does include a general reference to “other status” (article 14). There is no specific Council of Europe treaty on the rights of persons with disabilities.

At the same time, various bodies of the Council of Europe have issued judgements or recommendations in the further development of standards related to disability, i.e Committee of Ministers, the Parliamentary Assembly of the Council of Europe (PACE) and the European Commission for Democracy through Law known as the Venice Commission.

In 2006, the Committee of Ministers issued a (non-binding) recommendation on “the Council of Europe Action Plan to Promote the Rights and Full Participation of People with Disabilities in Society” (2006-2015). This noted that “People with disabilities should have the opportunity to influence the destiny of their communities. It is therefore important that people with disabilities be able to exercise their right to vote and participate in political and public activities.”

The EU’s commitment to the rights of persons with disabilities is demonstrated by its ratification of the CRPD in 2010. The right of EU citizens to vote in European and municipal elections is grounded in the Treaty on the Functioning of the European Union, as well as the EU Charter of Fundamental Rights. Article 21 of the Charter

refers to non-discrimination in all areas of EU action, including in elections. The European Disability Strategy 2010-2020 sets the objective of achieving the “full participation of people with disabilities by: enabling them to enjoy all the benefits of EU citizenship; and removing administrative and attitudinal barriers to full and equal participation”.

Other positive initiatives by the EU include the 2016 EU Directive on the Accessibility of Websites and Mobile Applications of Public Sector Bodies (Web Directive). This sets out accessibility requirements of the websites and mobile applications of public-sector bodies to make them more accessible to users in the EU Member States, in particular to persons with disabilities. In addition, there is a European Parliament resolution on the use of sign language interpretation which “emphasises that public and government services, including their online content, must be made accessible via live intermediaries such as on-site sign language interpreters, but also alternative internet-based and remote services, where appropriate...”. It also refers to “making the political process as accessible as possible, including through the provision of professional sign language interpreters;” and “notes that this includes elections, public consultations and other events, as appropriate”.

Applicable International and Regional Standards on the Participation of LGBTIQ+ in Electoral Processes

LGBTIQ persons have the same human rights as all individuals, including the right to non-discrimination. This principle is enshrined in numerous international instruments, having a wide scope in its application. Specifically, at global level, it is embodied in Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) (2), (3) and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (4) (see Annex 1). This interpretation has been supported by various UN Treaty Bodies and Special Rapporteurs.

Participation rights, like all human rights, are for all people, regardless of gender identity or sexual orientation. A number of declarations underline the importance of guaranteeing the full enjoyment of human rights for LGBTIQ+ persons, including the Yogyakarta Principles (2007)⁶⁰ and the Declaration of Montreal (2006)⁶¹. Principle 25 of the Yogyakarta Principles recognizes the right of all citizens “to take part in the conduct of public affairs, including the right to stand for elected office, to participate in the formulation of policies affecting their welfare, and to have equal access to all levels of public service [...], without discrimination on the basis of sexual orientation or gender identity.”

The EU unanimously supported the December 2008 United Nations General Assembly (UNGA) Statement on human rights, sexual orientation and gender identity. The Statement reaffirms the principle of non-discrimination and condemns executions, arbitrary arrest or violations of human rights on the basis of sexual orientation or gender identity. The EU also supported joint statements at the Human Rights Council in 2006 and 2011. In 2011, the UN Human Rights Council adopted a resolution on human rights, sexual orientation and gender identity, which was unanimously supported by the EU.

In 2010, EU member states of the Council of Europe supported a Recommendation of the Committee of Ministers on LGBTIQ+ rights, which included a comprehensive set of measures to promote the human rights of LGBTIQ+ persons in Council of Europe member states.

EU laws and policies provide for equality and non-discrimination on the grounds of sexual orientation, enshrined in Articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU) and Article 21 of the Charter of Fundamental Rights of the European Union (CFREU). The EU’s founding principle of equal treatment also protects transgender persons against discrimination. This is enshrined in the EU Gender ReCast Directive (2006/54/EC), in the Gender Goods & Services Directive (2004/113/EC) and, with explicit reference to gender

⁶⁰ See: <https://yogyakartaprinciples.org/>

⁶¹ See: <http://www.declarationofmontreal.org/>

identity and expression, in the EU Asylum Qualification Directive (2004/83/EC) and the EU Victims' Rights Package (2011/0129).

Annex 2.

Interviews template, focus groups template, list of people interviewed, etc.