**RECOMMENDING REPORT**

Findings of the roundtable on

**“Equal Opportunities and Respecting Electoral Gender Quota”**

**Conclusions of the table**

Equal rights of women and men are sanctioned in the fundamental act of the Republic of Albania – Constitution of the Republic of Albania. Article 18 of the Constitution guarantees equality for women and mend before the law. Albania has ratified the Convention to Eliminate all Forms of Discrimination against Women in 1993 and the relevant Optional Protocol in 2003. Albania regularly reports to the Committee on the Convention to Eliminate all Forms of Discrimination against Women over its progress regarding the fulfilment and implementation of the Convention’s provisions.

The gender legislation and policies in Albania also reflect the continuous process of the country towards integration in the European Union, which started officially with the signing of the Stabilisation and Association Agreement in 2006. Since equality is one of the main principles of the EU, the obligation of Albania for harmonisation is focused in the five areas of policies stated in the EU strategy for equality between women and men, 2010-2015.

Equality between women and men in all areas of private and public life is further addressed in the legislation, such as Law No. 9970 “On gender Equality in the Society,” which entered into force in 2008. The aim of this law is to: i) ensure effective protection against gender-based discrimination; ii) specify the measures to guarantee equal opportunities for men and women, so to eliminate gender-based discrimination; and iii) specify the responsibilities of state authorities of all levels to draft and apply the normative acts and policies which promote gender equality.

The Law “On Gender Equality in the Society” is aimed at achieving gender harmonisation, as a strategy to achieve gender equality, through the integration of a gender perspective in all law-making, policymaking, implementing, and monitoring processes. This law, inter alia, puts forward temporary specific measures to the political and public decision-making positions (to guarantee at least 30% of participation of the least represented gender) as well as specific measures to collect gender statistics.

After the 90s, the issue of gender quota has become a relevant part of the public debate and almost part of the daily vocabulary of politic structures, state administration, not-for-profit organisations, as well as international partners. In general, five main arguments have been addressed to date in favour of mandatory inclusion and application of gender quota in the political and public life of a country.

***The first argument*** is related to the representation of elements such as interests, needs, or perspectives of women. Women share such interests partially because of biological characteristics and especially because of the social gender appointments of roles and tasks.

***The second argument*** is the one which in the Anglophone systems is called “the argument of justice” and in the francophone literature “the argument of democracy“. The argument is based on issues of proportionality. Having the standard of an as inclusive as possible definition, it is unfair for women, which compose half of the population, to be structurally underrepresented in the decision-making processes and public life. This argument is focused on the enhancement of participation of women in politics and it presumes there are no differences in readiness between men and women when it comes to being represented in politics or that representation is conditioned by gender. The argument to encourage the participation of women in politics is a direct indicator and it aims at improving the access of women in decision-making positions, since there is no legitimate argument for politic bodies to be dominated by men. And if this is the reality in practice, the foundations of the democratic rule should be corrected in a way or another.

***The third argument*** derives from the first two arguments. If women will massively participate in politics, then we would have qualitative changes of politics and policies. Politic decision-making processes and, as a result, public policies and strategies, would more fairly reflect the diverse character of the society. This is very similar to the argument of essential representation in the society. On the other hand, since the government’s policies would take into account the diversity, requirements, and needs of the society, it would also improve the democratic legitimacy of institutions and their policies. A better balance for women in politics, would reduce the masculine functioning of politics in the society and would facilitate the functioning of politic decision-making.

***The fourth argument*** is of an economic nature and it emphasizes the damage to human potentials if women are excluded from politic decision-making. This argument does not focus on the most adequate representation of all individuals, but on the more effective use of human resources in the society. This argument seeks inclusion of gender equality in the normative framework, which seems to be more appealing for decision-making actors.

***The fifth argument*** seeks a broader involvement of women because of the need to have women as role models for other women in the society.

In general, in a comparative perspective, gender quotas have brought changes of structures and procedures, since they are aimed at the reorganisation and change of election institutions and rules. However, such change of electoral rules must be related to a broader range of efforts and debates on gender equality and privileged representation in political institutions. This would also require a detailed analysis on the role of women within political parties, recruitment and promotion of women, and in a more general level, a full analysis of the functioning of the political arena in the country.

*In this framework, the Table agreed that the Electoral Code should be improved by:*

1. *Adding* the definitions of two new concepts“family voting” and “voting for third parties”. The need to include these concepts results from the different misunderstandings in this regards and statistics, which are often different and contradictory produced by different state or non-state actors involved in elections.
2. In the frame of general principles, *establishing* the connection between the Electoral Code, as a law of special importance, and the issue of gender equality.
3. *Guaranteeing* “conservation” of gender quota in the composition of the CEC, by specifying that even in event of replacement, the new member has to be from the least represented gender.
4. *Envisaging* the obligation of the CEC to include in the statistical data in the Election Bulletin on the participation of the least represented gender in elections and the electoral results for candidates from that gender. The CEC must also publish gender statistical data on the composition of elected bodies or bodies established by the Assembly, with the data being continually updated.
5. *Guaranteeing* the preservation of the gender quota during the entire extent of the CEAZ (second-tier election commissions) by also designing the relevant mechanism.
6. *Making* gender quota a legal obligation at the level of VCC (third-tier election commissions).
7. *Guaranteeing respect of gender composition during the entire activity of the VCC*.
8. *Envisaging* that the voter list which is sent to the VCC should identify his or her gender, by colour or nuance in the line that describes the electoral components of voters. Such data doesn’t represent electoral components and cannot be used as a justification of the VCC in order not to allow voters to vote. The identification of gender is made with the sole purpose of collecting statistical data.
9. In the framework of producing gender statistics in different stages of the election process, in the extract publication stage and stage of the final announcement of voter lists, the General Civil Status Directorate should also *provide* the CEC, along with the number of voters at a national level, with statistical data at a national level, electoral zone, and voting centre zone on the: number and percentage of voters according to their gender; number and percentage of first time voters; number and percentage of voters younger than 30, between 30 and 50, and over 50 years old.
10. *Solving* once and for all the imposition and implementation of gender quota in the composition of the Assembly as well as the municipal and commune councils. The legal wording must be clear and it should guarantee a presence of at least 30 percent of the least represented gender in the composition of these bodies.
11. *Imposing* the gender quota in the composition of Ballot Counting Groups, as part of the election administration.
12. *Giving* an end to the “games” at the expenses of the law which are currently being played in Albania by political parties through the stimulated resignations of women candidates in the multi-name lists. The Electoral Code must guarantee that whenever a vacancy is created it is replaced by women candidates from the multi-name lists.
13. *Filling* the legal gapregarding the replacement of vacancies created in municipal and commune councils for the purpose of the implementation of the gender quota.
14. *Guaranteeing*, through clear and concrete wording the implementation of gender quota in the composition of elected bodies, also envisaging the mechanics which guarantee its implementation.
15. *Specifying* the obligation of the CEC to produce accurate gender statistics about electoral processes, also by envisaging the necessary modalities for the implementation of such obligation. Currently, this obligation is not fulfilled by the CEC because it is not mandatorily envisaged in the law.

**About local elections:**

During all these years and electoral reforms undertaken in Albania, the actors have mainly been focused in general elections, keeping the same *status quo* and without trying to reform local elections. This represents a constant deficiency throughout all electoral reforms undertaken in Albania.

In the gender equality perspective, the local elections system and the results it produces about the least represented gender are seriously negative and not promising at all when it comes to the fulfilment of the legal obligations, international obligations and the major objectives of European integration.

In the framework of gender equality, the Table deemed it was indispensable to reform the Electoral Code, especially about local elections system. The proposals are as follows:

1. Local elections should be carried out by proportional system. The reasons that made lawmakers decide to have a proportional system in the general elections are just as valid for local elections. Voters should vote for the electoral entity, which has preliminarily registered a multi-name list of candidates. During local Election Day, voters should be equipped only with one ballot paper through which they can vote both for the mayor as well as council. There should be two ballot papers in Tirana, since it is organised in boroughs, and the second ballot paper should be used to vote for the chair and council of the borough.
2. The individual who holds number 1 in the multi-name list of the electoral entity, is also the candidate for mayor. The other individuals in the list are candidates for the municipal or commune council.
3. In the event position number 1 in the multi-name list is a man, it should be followed by two women candidates. Therefore, in the event of vacancy of the mayor, the replacement is made by women candidates.
4. This proposal doesn’t have any incompatibility with the provisions of the Constitution, but it seeks fundamental amendments of the Electoral Code and technical changes in a series of other provisions of a technical nature, such as the ballot paper, voting procedure, announcement of the result, tabulation, etc.