

# **CODE OF CONDUCT OF ALBANIAN POLITICAL PARTIES**

## **DURING ELECTION CAMPAIGNS**

*This "Code of Conduct" was drafted in consultation with the political parties represented in the Albanian Parliament, those that will run in the elections of April 25, 2021 and in cooperation between the Alliance Against Hate (People's Advocate - Commissioner for Protection against Discrimination - Albanian Council of Media and the Audiovisual Media Authority ), the Central Election Commission and the Council of Europe office<sup>1</sup> (In accordance with the Constitution of the Republic of Albania,<sup>2</sup> applicable legislation<sup>3,4</sup> and ECRI Recommendations 4 ).*

### **Preamble**

We, the signatory political parties,

Recognizing the high responsibility towards the Republic of Albania, Albanian citizens and their future;

Striving for the peaceful and democratic development of the country, and putting national interests above private and partisan interests;

Recognizing and respecting the fundamental human rights guaranteed in the Constitution of the Republic of Albania, and the entire legal framework in force;

Being conscious of the importance of a fair, free and fair electoral process, respecting the principles of the rule of law;

Considering that the implementation of the best international democratic standards in the election campaign is based on respect for the equal dignity of all human beings, freedom of expression and

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<sup>1</sup> Project for Anti-Discrimination Promotion of Diversity and Equality in Albania EU / CoE Horizontal Facility for the Western Balkans and Turkey II

<sup>2</sup> The Constitution of the Republic of Albania has been approved by law no. 8417, dated 21.10.1998, as amended.

<sup>3</sup> Law No. 10 221, dated 4.2.2010 On Protection from Discrimination, as amended, and Law no. 10 019, Date 29.12.2008 The Electoral Code of the Republic of Albania, amended, the Criminal Code of the Republic of Albania.

<sup>4</sup> Published by: European Commission against Racism and Intolerance (ECRI) Council of Europe - 2016 Printed in Strasbourg. <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech-alba/16809eb58e>

opinion, pluralism, democratic dialogue, tolerance and mutual respect, fighting against every form of alleged superiority of one group over others, as well as discrimination and hate speech because of racial identity, gender, affiliation, color, religion, ideological and political beliefs, regional origin, culture, age, gender, or sexual orientation , different abilities as well as other personal characteristics or status;

Recalling the fact that, freedom of speech and opinion is, however, not an absolute right and should not be exercised in violation of the rights of others but in coordination with them;

Reiterating the fundamental importance of conducting an electoral campaign in a democratic manner, determined to strengthen the guarantees of free and fair elections, away from any phenomenon that distorts the will of the citizens, as well as avoiding any conflict of interest, led by the need to overcome the climate of mistrust between competing parties;

Aware that the purpose of this Code is to establish rules of conduct for Political Parties, competing entities and their supporters in relation to their participation in an electoral process that should guarantee the implementation of the highest democratic standards;

In order for this Code of Conduct to constitute a mandatory standard for the parties negotiating it, through the monitoring of each party, their party leaders, as well as their officials, candidates and members, to the extent possible and in the current circumstances, each party must exercise control over its activities and those of its supporters and be held accountable for violations of the Code by its supporters.

We agree on the following:

## **1. General principles**

1.1. We undertake to respect and implement the principle of the rule of law and to act in full compliance with the Constitution of the Republic of Albania, the Electoral Code, the legal framework in force and all democratic principles and internationally recognized human rights and interests of the Albanian citizens;

1.2 We will respect and protect the rights of all competing political entities, candidates and Albanian voters, as they are guaranteed by the legislation in force, avoiding any violation of the provisions of the electoral law or criminal offenses provided as criminal offenses in Chapter X “Criminal Offenses Affecting Free Elections and the Democratic Election System” of the Criminal

Code of the Republic of Albania<sup>5</sup> , in order to conduct an equal, fair, honest electoral process and in accordance with the best standards of ethics;

1.3 We undertake, before, during and after the election campaign to carry out all activities permitted by Articles 78 ff. of the Electoral Code of the Republic of Albania<sup>6</sup> guaranteeing a climate of democratic dialogue, respect for pluralism and

diversity of ideas and programs, freedom of expression and thought, tolerance and respect for the equal dignity of all human beings without any discrimination or discrimination on the basis of race, religion, ethnic origin, national, regional, political beliefs, gender, sexual orientation, age, different abilities or other aspects of their affiliation and status.

1.4 We will be aware of the importance of commitment to combating any form of hate speech which may manifest itself in the form of discrimination on the grounds of race, ethnicity, religion, descent, gender, sexism, homophobia, transphobia, xenophobia, Islamophobia, anti-Semitism, anti-Gypsyism and intolerance, as in the case of denial, banalization, public justification or legitimization of genocide, crimes against humanity or war crimes.

1.5 We undertake to avoid the use of any form of hate speech and for the purposes of this Code of Conduct, hate speech shall be construed as "advocating, inciting or encouraging any form of denigration of a person or groups of persons", as well as "Harassment, insult, stereotyping, stigmatization or threat against them", and justification of all previous types of expression on the grounds of race, color, nationality or ethnicity, origin, age, disability, language, religion or belief , sex, gender, gender identity, sexual orientation and other personal characteristics or status ”.

1.6 We fully accept the definitions and measures suggested in Recommendation No. 15 on combating hate speech of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe published in Strasbourg on 21 March 2016 <sup>7</sup> ;

1.7. We undertake to conduct an electoral process that guarantees the values of inclusion, equitable representation and the provision of equal opportunities for all citizens with the right to vote, including vulnerable, marginalized and disadvantaged groups who require specific assistance as needed of them.

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<sup>5</sup> Criminal Code of the Republic of Albania

<sup>6</sup> Law no. 10 019, dated 29.12.2008 Electoral Code of the Republic of Albania, as amended

1.8. During the election campaign we will promote a peaceful electoral environment, we will not support any form of physical or psychological violence against voters, candidates or the election administration and we will call for its avoidance;

## **2. Ensuring integrity and ethics in the election campaign**

2.1. We undertake to conduct an election campaign based on the competition of values that reflect the respective programs, theses and candidates of each political party while respecting the dignity of the competitors, and refraining from using personal insults;

2.2. We undertake to respect the right of each of the competing political parties and candidates to conduct their campaign without any hindrance. We also undertake not to incite our activists or supporters to obstruct the campaign and the election process or to confront any person from rival parties during the election campaign as well as on election day, or immediately upon the announcement of the result.

2.3. We will not disseminate false, falsified or illegally obtained information about candidates and other entities. Commitment not to spread untrue information about rival candidates will also apply to digital electronic networks (cyberspace) both directly to the signatory parties to this code and to third parties commissioned by them. <sup>7</sup>

2.4. We are fully committed to respecting all legal provisions of the Constitution, the Electoral Code of the Republic of Albania<sup>8</sup> Penal Code<sup>9</sup> and other laws and bylaws that guarantee a regular and fair electoral process, respecting the equality of all competing entities without compromising the freedom and secrecy of the vote of citizens.

2.5. We will conduct a comprehensive election campaign in which women, youth, minority communities, people with disabilities, and vulnerable (or less vulnerable) and vulnerable groups will have equal opportunities to participate. ;

2.6 We will distance ourselves, we will not support any political representative who in his rhetoric promotes, incites or exalts any form of denigration or hatred, as well as harassment, insult, negative stereotyping, stigmatization or threat, or worse still uses a language which not merely incites acts of violence, intimidation, hostility or discrimination, but there are reasonable expectations that this

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<sup>7</sup> <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech-alba/16809eb58e>

<sup>8</sup> Law no. 10 019, dated 29.12.2008 Electoral Code of the Republic of Albania, as amended

<sup>9</sup> Law no. 7895, dated 27.1.1995 Criminal Code of the Republic of Albania as amended

use will have these effects. In case of finding hate speech, we will denounce and distance ourselves from the concrete action regardless of who the candidate who has used this language represents, and we will ask all media actors not to broadcast in public speeches containing hate, denigrating or insulting language.

2.7 In order to protect citizens from the spread of COVID-19, a special commitment of us and our activists will be the implementation of all measures to be approved by the Responsible Institutions as well as public health institutions.

2.8 We publicly call on our members, activists and supporters to fulfill all of the above commitments.

### **3. Monitoring**

3.1. We undertake to apply the provisions of this Code of Conduct to all party structures as well as to the day-to-day activities of the party in each district. We will also inform and instruct all party members and activists of our commitments in implementing this Code and the importance of its principles;

3.2. We agree and invite the observation missions of International Organizations, the Alliance against Hate Speech, its constituent institutions and organizations, the Central Election Commission, Albanian Civil Society Organizations, media organizations and groups, to monitor and evaluate the fulfillment of our commitments. provided in this Code;

3.3. We agree to implement a multilateral mechanism for the implementation and monitoring of this Code of Conduct, the results of which will be shared with all parties in order to establish an effective mechanism for the implementation of this Code of Conduct in the future;

3.5. We are aware of the dangers posed by the misuse of electronic communications networks (cybernetics) and the media in the use of hate speech and other violations of the ethical principles mentioned in this Code of Conduct and support any initiative to increase cyber security and ethics of media structures whether written, audio-visual or on line.

3.6. We undertake to deal promptly and responsibly with any complaints of violations of the provisions of this Code of Conduct and to respond promptly and in the most effective manner possible to the violations found.

The signing of this Code of Conduct will be done in different copies with the same content, by the

authorized persons of each political party that will approve it and the page with the signature of each subject will be attached to the text of this Code, will be deposited to the Alliance against Hate Speech, which will file the original copy with the Central Election Commission and send to all signatory parties a copy of the text of the adopted Code of Conduct and with the relevant signatures.

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*(On each page there will be the name of the political entity that will sign the text and all the signed pages will be attached to the text above)*