



CENTRAL ELECTIONS COMMISSION STATE ELECTION COMMISSIONER

Greetings to everyone,

I would like to thank the hosts for inviting me to address this meeting on a topic, which from the institutional perspective, is of paramount importance for the Central Election Commission.

We are all aware that the so-called "law on decriminalization" has as its sole aim to prevent some individuals with a history of violations of the criminal law, to seek to represent citizens in the Albanian Parliament and in other high level public functions.

We can tackle this issue from several perspectives, but it remains important to highlight that one of the challenges in implementation of this law is exactly the principle it sanctions.

The Constitution and the law aim to deny the right to elect or be elected, to the individuals sentenced to imprisonment for serious criminal offenses. The questions posed in the self-declaration form are actually a truth test for candidates.

In 2016, when this law started to be applied, MPs and public officials were faced with an obligation to fill a questionnaire which could embarrass a part of them.

Being used to the privileges of being in high public office, these officials were faced with two options: telling the truth, or hiding it. Not everyone aimed to hide the truth in order to avoid the penalties of the law; however, there were candidates or officials that did not want to leave traces of their illegitimate lives.

During these 4 years, the law on decriminalization completed its first cycle of application at a detailed level, including parliamentary elections and local government elections and filling in the respective vacancies.

The number of candidates or officials who have submitted self-declaration forms to the CEC during this 4-year period is about 14,500. The CEC prevented the election or appointment for 56 candidates and public officials.

The resignations or refusals of candidates to receive mandates, should not go unnoticed, as in some cases they have been imposed by the rigidity of the law and in some cases, they were part of the local tactics of candidates of political parties.

The decriminalization law actually answers the dilemma whether an individual with a criminal record can be people's representative in a democratic system. The voters must be informed in order to distinguish the citizen who violates the law to infringe an individual's life, constitutional order and authority of the state. But this does not mean that voters should not change their views about the suitability of a candidate for public office.



In 2019 elections, during the verification process by the CEC about 253 candidates were identified, who did not declare their previous sentences. These candidates resulted to be sentenced or rehabilitated according to court records. The political subjects themselves replaced a part of them during the process of correction of documentation. The majority of them are not candidates who won the seats.

For the CEC and for me, as the State Election Commissioner, the implementation of this law in the parliamentary elections of April 25, 2021 is an extraordinary challenge. Due to the new design of the high election administration, the responsibility for applying the restrictions provided in the decriminalization law is no longer collegial. This requires efficiency in the process of administering and coordinating verifications on one hand and the receipt and qualitative verification of information on the other,

As a lawyer, although not engaged in the field of criminal law, I paid attention to the decisions of the CEC in application of the law on decriminalization, penalties imposed on public officials or the tolerance shown for others.

In my view, the CEC decision to declare or not to declare the invalidity of mandates for MPs /mayors has always been followed by the question "*decriminalization of politics or politicization of decriminalization*"? It is understandable and inevitable that due to the exposed public profile of officials these questions accompany any administrative process against them. I would also emphasize that it is precisely our actions and approaches to the law that shape our response to every ambiguity.

The best strategy for isolating the influence of politics in the decriminalization process is their transparency and customization according to the typology of the issue. The CEC has ensured the highest transparency as compared to any other public administration body regarding the candidate verification process. It enables the general public not only the publishing of self-declaration forms but also the decisions on the results of their verification.

2019 elections proved that the candidates had a tendency not to declare their sentences and / or problems they had encountered with law enforcement during their life, in the country and abroad. The truth is that it was the reports of interested parties that led other bodies to carry out in-depth verifications. In this context, parliamentary elections of April 25, 2021 are a test how the efficiency and effectiveness in processing of the data will serve to the timely report of facts not reported by the candidates.

I wish and I hope that the public or interested parties are actively engaged in reporting undeclared facts by the candidates. This would serve the CEC to receive hints and to carry out, as soon as possible, in-depth verification the candidates who were reported as insincere, in order to prevent in time from taking office a candidate who does not meet the criteria to be elected as public official.

Thank you