



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

PARLIAMENTARY ELECTIONS

18 June 2017

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

6-9 March 2017



Warsaw
13 April 2017

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS.....	3
A.	BACKGROUND AND POLITICAL CONTEXT.....	3
B.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....	4
C.	ELECTION ADMINISTRATION.....	5
D.	VOTER REGISTRATION	6
E.	CANDIDATE NOMINATION.....	7
F.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE.....	8
G.	MEDIA	9
H.	CITIZEN AND INTERNATIONAL OBSERVATION.....	10
I.	COMPLAINTS AND APPEALS	10
IV.	CONCLUSIONS AND RECOMMENDATION.....	11
	ANNEX: LIST OF MEETINGS	12

REPUBLIC OF ALBANIA
PARLIAMENTARY ELECTIONS
18 June 2017

OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Government of the Republic of Albania to observe the 18 June 2017 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Albania from 6 to 9 March. The NAM included Dr. Richard Lappin, Deputy Head of the OSCE/ODIHR Election Department, Ms. Ana Rusu, OSCE/ODIHR Senior Election Adviser, and Mr. Alexey Gromov, OSCE/ODIHR Election Adviser. The OSCE/ODIHR NAM was joined by Mr. Francesco Pagani, OSCE Parliamentary Assembly Chief Political Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs, including its Delegation to the OSCE, and the OSCE Presence in Albania for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

On 18 June, voters will elect 140 members of parliament through a regional proportional system. The elections will take place in the context of deep division between the ruling coalition led by the Socialist Party and the opposition led by the Democratic Party (DP). Since February, the DP has boycotted parliament and led sustained public protests, demanding the establishment of a technical government to ensure conditions for credible elections. The government has not yielded to these demands and criticized the opposition for unduly blocking needed reforms. Many OSCE/ODIHR NAM interlocutors expressed concern that the current political situation and lack of dialogue could undermine the conduct of elections.

The legal framework for elections was significantly improved in 2012, before the previous elections. A new electoral reform process was launched in 2015; however, political consensus among the two largest parties was lacking and no changes were agreed. As such, the majority of recent OSCE/ODIHR recommendations are unaddressed.

Elections are administered by a three-tiered election administration made up of the Central Election Commission (CEC), 90 Commissions of Electoral Administration Zones, and some 5,500 Voting Centre Commissions. Counting is conducted regionally in 90 Ballot Counting Centres. Preparations for the elections are ongoing. Many OSCE/ODIHR NAM interlocutors raised concerns about the CEC's vulnerability to political pressure and about the formation of lower-level commissions should the opposition withdraw from the technical preparations of elections.

Voter registration is passive and voter lists are based on information extracted from the National Civil Status Register. The Ministry of Interior is undertaking efforts to improve the quality of the register by deleting duplicate records, assigning citizens with 'incomplete addresses' to specific locations, and making door-to-door verifications of individual data. Some OSCE/ODIHR NAM interlocutors questioned the timing of these activities shortly before elections, noting that it may have an intimidating effect on voters. Notwithstanding, the majority of interlocutors did not raise major concerns over the inclusiveness and accuracy of the voter lists. As of 5 March, the total number of registered voters was 3,455,775.

Parliamentary elections can be contested by candidates nominated by political parties, coalitions of parties, or groups of voters. OSCE/ODIHR NAM interlocutors did not raise any issues about the inclusiveness of candidate registration, although some noted concerns over the capacity of the CEC to verify criminal records of candidates in a consistent and timely manner, as required by the new so-called Law on Decriminalization. The CEC has so far registered 30 parties to contest the elections, while 23 opposition parties informed the CEC of their intention not to register.

Women are under-represented in public office, holding 32 out of 140 seats in the current parliament. At least 30 per cent of each candidate list and one of the first three names on the list should belong to each gender. In case of non-compliance, the CEC may impose monetary sanctions but cannot deny registration.

The official election campaign starts 30 days before election day. While political parties did not express concerns on their ability to campaign freely, many anticipated potential pressure on voters, vote-buying, abuse of state resources, and the influence of illicit money from organized criminal groups.

The law defines limits for donations and expenditures for campaign finance and provides oversight requirements, although no deadline is set for the submission of reports. Public campaign financing is provided to parties but not independent candidates. Several OSCE/ODIHR NAM interlocutors raised concerns about campaign finance transparency, especially expenditure for media advertisements.

Media coverage of elections is tightly regulated by the Electoral Code and stipulates requirements for news coverage, free airtime, and political advertisements. Coverage is determined by parliamentary representation. Many OSCE/ODIHR NAM interlocutors characterized the media environment as vibrant but politically polarized.

The law provides for international and citizen election observation, as well as by representatives of contestants. Several citizen groups informed the OSCE/ODIHR NAM of their intention to observe the elections, but noted that a current lack of funds could prevent them from nationwide activities.

Only electoral contestants have the right to file complaints against election administration bodies. The CEC considers all complaints against lower-level commissions. CEC and court decisions can be challenged at the Electoral College. Some OSCE/ODIHR NAM interlocutors reported a lack of confidence in the impartiality of the election administration and courts in resolving electoral disputes.

All OSCE/ODIHR NAM interlocutors emphasized the importance of these elections and underscored the need for a large-scale OSCE/ODIHR election observation mission, highlighting the lack of follow-up to prior OSCE/ODIHR recommendations and a continued high degree of political polarization that may impact the conduct of elections. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including voter and candidate registration, conduct of the

campaign, potential vote-buying, pressure and abuse of administrative resources, media coverage, implementation of campaign finance rules, election day procedures, and resolution of complaints and appeals.

On this basis, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the 18 June parliamentary elections. In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide, as well as 300 short-term observers to observe election day procedures, including voting, counting of votes, and tabulation of results.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Albania is a parliamentary republic with legislative powers vested in the 140-member unicameral parliament and executive power exercised by the government, led by a prime minister. The last parliamentary elections were held in 2013 and resulted in a government led by the Socialist Party (SP) in coalition with the Socialist Movement for Integration (SMI). The parliamentary opposition is led by the Democratic Party (DP) and supported by the Human Rights Union Party (HRUP) and Republican party (RP). The 2015 local elections returned 45 of 61 mayors and 66 per cent of local councillors to a coalition led by the SP and SMI. Women are generally under-represented in public office, holding 32 out of 140 seats in the current parliament, 8 of the 21 ministerial posts, and 9 mayors.¹

The political climate is characterized by longstanding distrust between the SP and DP. Since the last legislative elections, the parliament unanimously adopted constitutional amendments to initiate comprehensive judicial reform and to adopt a law to exclude criminal offenders from public office (the so-called Law on Decriminalization). However, consensus could not be reached on electoral reform. The further refinement of electoral rules and the conduct of the upcoming elections are viewed by national and international stakeholders as an important test in light of Albania's aspirations towards European Union accession.²

On 18 February, the DP announced a boycott of parliament and launched sustained public protests against the government, demanding the establishment of a technical government to ensure conditions for credible elections. The government has not yielded to these demands and criticized the opposition of unduly blocking much needed reforms. Many OSCE/ODIHR NAM interlocutors expressed concern that the current political situation and lack of dialogue could undermine the conduct of elections.

The OSCE/ODIHR has previously observed 12 elections and referenda in Albania.³ The OSCE/ODIHR election observation mission for the 2013 parliamentary elections concluded that "the elections were competitive with active citizen participation throughout the campaign and genuine respect for fundamental freedoms. However, the atmosphere of distrust between the two main political forces tainted the electoral environment and challenged the administration of the entire electoral process".

¹ See CEDAW [Concluding observations on the fourth periodic report of Albania](#) (25 July 2016), CEDAW/C/ALB/CO/4, paragraph 19. There is no public information about the extent to which persons from national minorities are represented in political office.

² See European Commission [2015 Report on Albania](#).

³ See all [previous OSCE/ODIHR reports on Albania](#).

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1998 Constitution (last amended in 2016) and the 2008 Electoral Code (last amended in 2015). Secondary legislation includes the Law on Political Parties, the Law on Demonstrations, the Law on Decriminalization, the Law on Gender Equality in Society, provisions of the Code of Administrative Procedures and Criminal Code, and CEC regulations. Albania is a party to major international and regional instruments related to the holding of democratic elections.⁴

The Electoral Code was comprehensively amended in 2012, following an inclusive process that addressed a significant number of previous OSCE/ODIHR recommendations.⁵ Following the 2015 local elections, an Ad Hoc Parliamentary Committee co-chaired by representatives of DP and SP was established to draft legal amendments that would specifically address the most recent OSCE/ODIHR recommendations.⁶ Despite its technical mandate and an overall consensus on key issues, the work of the Committee was often blocked and it was finally boycotted by the DP.⁷ The Committee did not finalize any draft amendments. According to some OSCE/ODIHR NAM interlocutors, the reform process was not sufficiently inclusive with some proposals by smaller parties and civil society not considered.

At the time of the OSCE/ODIHR NAM visit no legal amendments were approved, leaving the majority of recent OSCE/ODIHR recommendations unaddressed, including those related to the impartiality of election commissions, transparency of campaign finance, measures to promote women's participation, and electoral dispute resolution. Some OSCE/ODIHR NAM interlocutors anticipated difficulties with implementing ambiguous provisions, as in the past, due to the lack of legal amendments.

The 140 members of parliament are elected for a four-year term through a regional proportional system consisting of closed candidate lists in 12 multi-member districts that correspond to administrative regions. On 3 December, the CEC unanimously allocated the number of seats for each district (from 3 to 34) based on the latest population data from the Ministry of Interior.⁸ To qualify for seat allocation, parties must surpass a three per cent threshold of votes cast in the respective district and coalitions must surpass a five per cent threshold. Seats are distributed according to a combination of d'Hondt and Sainte-Laguë methods. Several smaller parties met with by the OSCE/ODIHR NAM voiced concern that the electoral system unduly favours the major parties and that the closed-list system gives too much discretion to party leaders to define the candidates.

⁴ Including the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities. Albania is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

⁵ Changes related to the selection process for election administration members, voter list compilation, candidate registration, independence of the Electoral College, and access to media and public campaign funds. Technical amendments were made in 2015 to reflect the new division of local government units, although without DP support.

⁶ The Ad Hoc Committee consisted of eight members equally representing governing and opposition parties. Only one woman was among its members.

⁷ The initial three-month mandate of the Ad Hoc Committee was extended in June, December 2016, and in March 2017. The latter extension took place with the votes of only the ruling majority.

⁸ The CEC decision on allocation of the seats was taken three days after the legal deadline. The decision is not yet approved by parliament, with the 9 March legal deadline for parliamentary approval having passed.

C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 90 Commissions of Electoral Administration Zones (CEAZs), and 5,527 Voting Centre Commissions (VCCs). Counting is conducted regionally by Counting Teams (CTs) in 90 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).

The CEC is a permanent body responsible for the overall conduct of elections with its members appointed by the parliament. Two members are proposed by the largest parliamentary majority party and two by the largest opposition party. The next largest parliamentary majority and opposition parties propose one member each. The CEC chairperson is elected for a four-year term following an open application process, while other members are elected for six-year terms.⁹ The CEC deputy chairperson is elected from among the CEC members based on a proposal by the largest parliamentary opposition party. All parliamentary parties and other parties contesting the elections are entitled to nominate non-voting members to the CEC. Two of the seven CEC members are women.

The CEC sessions are public and broadcast live on its website. Some OSCE/ODIHR NAM interlocutors noted that CEC decisions are not always posted on its website within the legal deadline of 24 hours. The CEC's responsibilities include establishing the EAZs, appointing CEAZ members, training lower-level election officials, overseeing campaign finance, imposing sanctions for election-related administrative infractions, considering complaints and appeals, and announcing the final results. Many OSCE/ODIHR NAM interlocutors noted that while the CEC is well under way with the electoral preparations, it remains vulnerable to political pressure and challenges if the opposition suspends its participation.¹⁰

The CEAZs are responsible for organizing and conducting the elections in the respective EAZ, appointing the members of the VCCs and CTs, and tabulating election results. The CEAZs are appointed by the CEC for each election, comprising seven members and a non-voting secretary.¹¹ In line with a CEC decision, two CEAZ members should each be nominated by the SP and DP, and one each by the SMI and RP. The seventh member should be proposed by the SP and DP in half of the 90 CEAZs each. At least 30 per cent of the CEAZ members proposed by the SP and DP must be women. Nominations for CEAZ members were expected by 6 March, but both eligible opposition parties, the DP and RP, declined to nominate members. Following the refusal of the HRUP, the next largest opposition party, to nominate commissioners, the CEC invited on 12 March all eligible citizens to apply to fill the CEAZ positions left vacant by the opposition. On 3 April, the CEC formed the CEAZs without opposition representatives.

The VCCs are composed of seven members and appointed according to the same formula as for CEAZs. Political parties should nominate VCC members by 19 May and cannot recall their nominees at their own discretion. The VCCs are responsible for organizing voting, as well as packing and transporting ballots and other election materials after voting to the relevant BCCs. Counting is administered at the BCCs by CTs consisting of four members, who should be nominated by parties from the parliamentary majority and opposition (two each) by 6 June. There are no provisions to

⁹ The former CEC Deputy Chairperson was elected as a new CEC Chairperson in November 2016.

¹⁰ Not all entitled political parties provided data or nominations within the legal deadlines, thus making it impossible for the CEC to form the CEAZs by 20 March.

¹¹ The nomination formula for CEAZ members mirrors that of the CEC, with the exception that in one half of CEAZs, the chairperson is nominated by the largest majority party, and in the other half, by the largest opposition party. The deputy chairperson and the secretary belong to the main political party that is not chairing the respective CEAZ.

ensure women's representation in VCCs or CTs. Many OSCE/ODIHR NAM interlocutors expressed concern about the integrity of election day procedures, particularly the counting and tabulation of votes.

The CEC informed the OSCE/ODIHR NAM of measures to enhance participation of persons with disabilities, including setting up ramps to facilitate access to the polling stations. At the same time, some representatives of organizations protecting the rights of these groups expressed concerns that voter information and comprehensive access to polling stations remains limited. The CEC will also undertake voter education initiatives to encourage participation of Roma, national minorities, women, and youth.

The Electoral Code provides for the possibility of using New Voting Technologies (NVT) for voter identification, voting, counting, and tabulation of election results. Several parties, including the DP, voiced support for electronic counting of ballots as a means to depoliticize the process and raise public confidence in the election results. Others noted that this would not address fundamental concerns regarding the composition of election commissions and that the timeframe to implement NVT for these elections was too short. According to the CEC, following an unsuccessful pilot during the 2013 parliamentary elections and due to a lack of allocated funds, NVT will not be used in these elections.

D. VOTER REGISTRATION

Citizens aged 18 years or older on election day are entitled to vote, except those found mentally incompetent by a court decision.¹² The Law on Decriminalization introduced restrictions on voting rights of citizens serving a prison sentence for committing crimes listed in some 50 articles of the Criminal Code. The Minister of Interior informed the OSCE/ODIHR NAM that 1,218 persons have seen their right to vote suspended, while voting rights of some 400 prisoners is also under verification. Several interlocutors expressed concern about the proportionality of this limitation.

Voter registration is passive and voter lists are based on the National Civil Status Register, maintained by the Ministry of Interior's General Directorate of Civil Status (GDCS). Citizens have to register any changes in their status with local civil status offices. The GDCS informed the OSCE/ODIHR NAM about its ongoing activities to improve the quality of the register by deleting duplicate records, assigning voters with 'incomplete addresses' to specific locations, and making door-to-door verification of individual data. Some OSCE/ODIHR NAM interlocutors questioned the timing of these activities shortly before elections, noting that it may have an intimidating effect on voters.

In line with the law, the GDCS has published updated extracts of voter lists on a monthly basis. Voter lists are made available upon request and free of charge to political parties, coalitions, and registered independent candidates. Online versions are also available on the Ministry of Interior and CEC websites. Corrections to voter records are possible up to 40 days before the elections. Since then, and up to 24 hours before election day, any requests to correct voter lists can be made only through the respective district court. As of 5 March, the total number of registered voters was 3,455,775.

While the GDCS is responsible for voter lists content, the CEC supervises the compilation process. In January, the CEC appointed two auditors to assess the accuracy of voter lists and to present separate reports on a monthly basis. According to the CEC, the auditors noted some incorrect address data but

¹² See CCPR's [Concluding observations on the second periodic report of Albania](#) (22 August 2013), paragraph 22. The CCPR recommended that "The State party should... revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on grounds that are disproportionate or that have no reasonable and objective relationship to their ability to vote".

did not raise significant issues. A few OSCE/ODIHR NAM interlocutors voiced concern that some voters' registration would be unjustifiably reassigned before the elections with the aim to influence electoral results, while others noted continuing challenges with registering Roma. Notwithstanding, the majority of interlocutors did not raise major concerns over the inclusiveness and accuracy of the voter lists.

Voters are included in the voter list of the polling stations serving their place of residence. They can only vote in person and there are no provisions for voting abroad, by mail or via mobile ballot box. Special polling stations can be organized in hospitals, prisons, and pre-trial detention centres. Voters residing abroad remain on voter lists according to their last registered address. Contrary to a prior OSCE/ODIHR recommendation, the law requires removal of voters over 100 years old from the voter lists, unless such voters confirm their records.¹³

E. CANDIDATE REGISTRATION

Any eligible voter can stand for election, except those serving a prison sentence or with a prior conviction for specific crimes.¹⁴ In addition, and in line with the Law on Decriminalization, citizens charged of certain crimes or deported, even in the absence of a final court decision, from an EU Member State, Australia, Canada, and the United States are barred to stand for election, as are those under an international search warrant. The Constitution also lists categories of officials whose activity is incompatible with the right to stand.¹⁵

Candidate lists can be submitted by political parties, coalitions of parties, or groups of voters.¹⁶ Political parties must register as "electoral subjects" and groups of voters as "initiative groups" with the CEC by 10 April. Coalitions should register with the CEC by 19 April. Candidate names should then be submitted to the CEC no later than 1 May for each electoral zone separately. As of 3 April, the CEC has registered 30 parties and 1 initiative group, while 23 parties aligning themselves with the opposition informed the CEC of their intention not to apply for registration or to withdraw earlier requests.

Candidate lists must be supported by 5,000 voter signatures for parties, 7,000 for coalitions, and by one per cent of voters in an electoral district (but no more than 3,000 voters) for groups of voters. This requirement is waived for parliamentary parties and coalitions that have at least as many seats as the number of parties, and for incumbent members of parliament proposed by voters. Voters can support multiple lists. OSCE/ODIHR NAM interlocutors did not raise any issues about the inclusiveness of candidate registration, but some noted concerns about the capacity of the CEC to verify the criminal records of all candidates in a consistent and timely manner, in line with the Law on Decriminalization.

A gender quota applies to each candidate list, which requires at least one man and one woman among the top three positions and at least 30 per cent of each gender overall. In case of non-compliance, the CEC may impose monetary sanctions but cannot deny registration of the list. Several parties informed the OSCE/ODIHR NAM of voluntary initiatives to further increase the nomination of women candidates, as well as youth and national minorities.

¹³ The GDCS informed the OSCE/ODIHR NAM that currently 1,574 records of such voters were not confirmed.

¹⁴ The list of crimes is wider than those that disqualify citizens from the right to vote.

¹⁵ The president, judges, prosecutors, military, national security, and police staff, diplomats, mayors, and members of election commissions may not stand as a candidate.

¹⁶ Groups of voters should comprise at least nine voters from the respective Electoral Administration Zone.

F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The official electoral campaign starts on 19 May and ends 24 hours before election day. Campaigning in facilities of public institutions is prohibited. Campaign posters can be displayed only in public places designated by the mayors. While some parties reportedly started campaigning already in 2016, others, including from the opposition, have not yet defined their campaign strategies and modalities. While parties did not express concerns about their ability to campaign freely, including in minority languages, many anticipated pressure on voters and vote-buying, specifically targeting Roma and other groups of vulnerable persons. OSCE/ODIHR NAM interlocutors also voiced concerns about the possible misuse of state resources during the campaign and the impact of illicit money from organized criminal groups.

Public funds are allocated to parties for their regular activities under the Law on Political Parties,¹⁷ and for their campaign under the Electoral Code. Public campaign funding is provided to all parties contesting the elections: 95 per cent of the fund is distributed among parties that received more than 0.5 per cent of valid votes during the last parliamentary elections proportionally to the number of valid votes received. The remaining five per cent is distributed to parties that received less than 0.5 per cent of votes and to parties that did not participate in the last elections. Independent candidates are not entitled to public funding.

Electoral contestants may receive donations from citizens or legal entities, as well as take loans or use their own funds.¹⁸ No donation can exceed ALL 1 million (EUR 7,400), including the equivalent value for in-kind contributions.¹⁹ All contributions exceeding ALL 100,000 should be made through a designated bank account. Total campaign expenses of a party and an independent candidate should not exceed, respectively, 10 times and 50 per cent of the amount that the largest party received from public funds. Several political parties informed the OSCE/ODIHR NAM of a willingness to considerably decrease the spending limit and the types of permissible expenditures.

All parties and independent candidates are required to disclose the amount of private financing received and campaign expenses incurred. There are no disclosure requirements before election day and the law does not set a deadline for when this information should be reported. Some parties mentioned voluntary initiatives aimed at enhancing transparency of their finances as well as at restricting donations from business groups. Several OSCE/ODIHR NAM interlocutors raised concerns about campaign finance transparency, especially expenditure for media advertisements.

The CEC is authorized to verify information in the reports and may impose sanctions for non-compliance. Upon the declaration of final election results, the CEC appoints certified auditors to prepare a report on campaign income and expenditure for each contestant. Within 30 days of receipt, the CEC is required to publish the audit reports, including information on donors who contributed more than ALL 100,000. Some OSCE/ODIHR NAM interlocutors noted concerns about the level of detail and accuracy of financial audits.²⁰

¹⁷ The Law on Political Parties divides 70 per cent of public funds among parliamentary parties in proportion to their seats in parliament: 20 per cent equally among parties that received more than 10,000 votes in the previous parliamentary elections; and 10 per cent proportionally among parties that received more than 1 per cent of votes.

¹⁸ Some legal entities are not allowed to donate funds, for example engaged in media sphere or those having received public funds or awarded a public contract exceeding ALL 10 million for the two years preceding the elections.

¹⁹ EUR 1 is approximately ALL 135 (Albanian *Lek*).

²⁰ See also [GRECO's second compliance report](#) on transparency of party funding.

G. MEDIA

The media landscape is pluralistic and diverse with 75 television (TV) channels, including 3 nationwide channels, some 100 radio stations, and 20 daily newspapers. The Internet provides an open sphere for public discourse with around 560 online news portals. Many OSCE/ODIHR NAM interlocutors characterized the media environment as vibrant but politically polarized. Some interlocutors expressed concerns about media dependence on government contracts for public advertisements, which may contribute to self-censorship. No concrete concerns were voiced by OSCE/ODIHR NAM interlocutors about the safety of journalists, but some expected growing political pressure during the campaign.²¹ Several interlocutors mentioned cases of gender stereotyping by media.

The Constitution guarantees freedom of expression and media, explicitly prohibiting censorship. Despite prior OSCE/ODIHR recommendation, criminal provisions for defamation, together with potentially high fines, remain in the law. The public broadcaster, Albanian Radio and Television (RTSH), is obliged to ensure public access to a wide range of political viewpoints during the campaign. A new RTSH statute allowed for the modernization of internal structures and recruitment, a change from permanent to temporary staff contracts, and greater freedom for editors-in-chief. RTSH have developed guidelines for their journalists on election coverage as well as mandatory training programmes. The RTSH management board is elected by the parliament. While some OSCE/ODIHR NAM interlocutors regarded RTSH as professional and independent, others portrayed it as pro-government.

Media coverage of elections is tightly regulated by the Electoral Code and Broadcasting Code, including in respect of free airtime, paid advertisement and news coverage. Political parties that obtained at least 20 per cent of seats during the last parliamentary elections should receive equal free airtime of at least 30 minutes daily on RTSH. Other parliamentary and non-parliamentary parties receive, respectively, 15 and 10 minutes. Paid political advertisement is allowed on private media during the official campaign, limited to 90 minutes on each TV and radio station. Media outlets that air advertisements must inform the CEC about their fees by 15 May. Advertisements must clearly identify the sponsoring party.

Additionally, public and private media are obliged to cover the campaign through their news programmes. Parties with over 20 per cent of parliamentary representation should receive double the airtime of other parliamentary parties. News coverage of non-parliamentary parties is at the discretion of the editors, but should not exceed that of parliamentary parties. Contrary to prior OSCE/ODIHR recommendations, the law does not prohibit footage produced by political parties to be aired in the news. While RTSH informed the OSCE/ODIHR NAM that it would not air party-produced footage in these elections, other interlocutors expected the practice to continue across most media. Positively, RTSH is planning, on a voluntary basis, to broadcast news and election-related programmes in Aromanian, Greek, Macedonian, Romani, and Serbian.²² In addition, it intends to organize political debates among major as well as smaller parties.

The broadcasting supervisory body, the Audio-visual Media Authority (AMA), oversees the coverage of media between elections.²³ In 2016, in response to a previous OSCE/ODIHR recommendation, the

²¹ See, the OSCE Representative on Freedom of the Media [statement](#) on a recent attack on a journalist. See also CCPR's [Concluding observations on the second periodic report of Albania](#) (22 August 2013), paragraph 19.

²² Albania has not signed nor ratified the European Charter for Regional and Minority Languages.

²³ On 17 March, the CEC signed a co-operation agreement with the AMA on the monitoring of media coverage.

AMA began monitoring primetime news of three nationwide TV and two radio stations between elections, with its reports made public.²⁴ In line with another OSCE/ODIHR recommendation, the AMA intends to issue an annual report that will include data on media ownership.

The Media Monitoring Board (MMB) monitors broadcast media coverage during the elections and was expected to be established by the CEC by 10 April. From that time AMA will hand-over the monitoring capacity to the newly established body. Every CEC member should select one of seven MMB members from among nominations proposed by non-profit media organizations. Several OSCE/ODIHR NAM interlocutors assessed the appointment mechanism as politicized. The MMB should present monitoring reports to the CEC on a daily basis with proposals for administrative sanctions in case of violations.

H. CITIZEN AND INTERNATIONAL OBSERVATION

The Electoral Code allows for international and citizen election observation of all aspects of the electoral process. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint non-voting members to the CEC for the electoral period. All contestants are entitled to appoint observers to CEAZs, VCCs, and each counting table at a BCC. If parties form a coalition, the right to appoint observers remains with the coalition, rather than with the parties, and is limited to three observers per VCC and counting table. OSCE/ODIHR NAM interlocutors from smaller parties criticized this provision as restricting their ability to effectively follow election day procedures.

Only party, but not citizen, observers are entitled to receive copies of the results protocols at BCCs and CEAZs. Several citizen groups informed the OSCE/ODIHR NAM of their intention to observe the elections, but noted that a current lack of funds could prevent them from nationwide activities.

I. COMPLAINTS AND APPEALS

According to the Electoral Code, decisions of election administration bodies can be challenged to the CEC only by parties, coalitions, and independent candidates standing for the elections. Citizen observers can only challenge CEC and CEAZ decisions concerning their accreditation. The CEC has to reach a decision by qualified majority within 2 days and, for complaints on election results within 10 days. Most decisions of the CEC and CEAZs may be challenged within five days.

First instance courts can hear complaints from voters concerning voter registration with the possibility to appeal such decisions to the Electoral College. The procedure for hearing other types of electoral complaints by voters is not clear, leaving a gap with regard to the responsible jurisdiction. Some OSCE/ODIHR NAM interlocutors noted that there is potential conflict regarding appeals of CEC decisions on candidate registration in connection to the Law on Decriminalization, on which the Electoral College said it does not have competence to hear cases.²⁵

The new Electoral College was set up on 9 December 2016 for four years when the High Council of Justice selected seven male and one female members by drawing lots from a list of 90 Appeal Court judges from all over the country. The majority of members were appointed for the first time with one member holding the mandate for a third time. Electoral College judges benefit from additional immunity but, despite these guarantees, many OSCE/ODIHR NAM interlocutors noted that judges in

²⁴ The AMA informed the OSCE/ODIHR NAM that it provides a quantitative assessment of the coverage without assessment of tone. Its reports are available [online](#).

²⁵ See the [Decision of the Electoral College](#) from 13 January.

general are increasingly exposed to political pressure, particularly in light of upcoming vetting process.²⁶

The Court of Appeal of Tirana provides logistical support, including offices and secretariat, to the College. The OSCE/ODIHR NAM was informed that all decisions of the Electoral College will be published on the website of the Court of Appeals of Tirana, although this may be delayed due to ongoing harmonization of the website with new data protection provisions. Decisions are reasoned within 10 days in the electoral period and within 30 days for cases filed after this period by five judges of the Electoral College selected by drawing lots for each case. The Electoral College will be available on election day to hear irregularities.

Several OSCE/ODIHR NAM interlocutors expressed concern about political pressure on CEC members and Electoral College judges and the impact this could have on effective resolution of electoral disputes.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors emphasized the importance of these elections and underscored the need for a large-scale OSCE/ODIHR election observation mission, highlighting the lack of follow-up to prior OSCE/ODIHR recommendations and a continued high degree of political polarization that may impact the conduct of elections. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including voter and candidate registration; conduct of the campaign including potential vote-buying, pressure and abuse of administrative resources; media coverage; implementation of campaign finance rules; election day procedures; and resolution of possible complaints and appeals.

On this basis, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the 18 June parliamentary elections. In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the electoral process countrywide, as well as 300 short-term observers to observe election day procedures, including voting, counting of votes, and tabulation of results.

²⁶ According to the Electoral Code, a judge of the Electoral College cannot be subject to disciplinary proceedings during the entire term for which the College is constituted and cannot be removed from the office.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Ometa Barbullushi, Deputy Minister of Foreign Affairs
Sokol Gjoka, Director, Directorate of the International Organizations, Ministry of Foreign Affairs
Mira Hoxha, Desk Officer, Directorate of the International Organizations, Ministry of Foreign Affairs

Ministry of Internal Affairs

Saimir Tahiri, Minister of Internal Affairs
Bledar Doracaj, Director, General Directorate of Civil Status, Ministry of Internal Affairs
Genci Gjonçaj, Secretary General, Ministry of Internal Affairs

Central Election Commission

Denar Biba, Chairperson
Hysen Osmanaj, Deputy Chairperson
Elvira Goxholli, Director of Foreign Relations
Drilona Hoxhaj, Spokesperson

Electoral College of the Court of Appeals of Tirana

Gjin Gjoni, Ridvan Hado, Astrit Kalaja, Sotiraj Lubonja, Artur Malaj, Shkëlqim Mustafa, and Tomorr Shkreli, Judges

Audio-visual Media Authority

Gentian Sala, Chairperson
Arben Muka, Programme Director
Valbona Boletini, Head, Publishing and Cooperation Sector

Political Parties

Nard Ndoka, MP, Chairperson, Demo-Christian Party
Lulzim Basha, Chairperson, Democratic Party
Oerd Bylykbashi, MP, Co-Chair of Parliamentary Ad Hoc Committee, Democratic Party
Arben Ristani, MP, Secretary General, Democratic Party
Ivi Kaso, Elections Secretary, Democratic Party
Njazi Kosovrasti, Representative at the CEC, Democratic Party
Agron Duka, MP, Chairperson, Environmental Agrarian Party
Vangjel Dule, MP, Chairperson, Human Rights Union Party
Mirela Hoxhai Barka, Member, Human Rights Union Party
Mimoza Hafizi, MP, LIBRA Party
Aferdita Zeri, Secretary General, Movement for National Development
Valbona Duri, Deputy Chairperson, New Democratic Spirit Party
Mesila Doda, MP, Party for Justice, Integration, and Unity
Erion Manohasa, Electoral and Legal Director, Party for Justice, Integration, and Unity
Fatmir Mediu, MP, Chairperson, Republican Party
Arjan Madhi, Secretary General, Republican Party
Paskal Milo, Chairperson, Social Democrat Party
Silva Caka, MP, Socialist Movement for Integration
Kejdi Mehmetaj, MP, Socialist Movement for Integration
Luan Rama, MP, Socialist Movement for Integration
Edi Rama, MP, Chairperson, Socialist Party
Taulant Balla, MP, Co-Chair of Parliamentary Ad Hoc Committee, Socialist Party
Ermonela Felaj, Member, Socialist Party

Eraldo Xhani, Adviser, Socialist Party

Media

Thoma Gellci, General Director, Albanian Radio and Television

Kleart Duraj, Director of International Relations and Projects, Albanian Radio and Television

Aleksandër Çipa, Union of Journalists

Altin Kreka, Editor in Chief, Top Channel TV

Civil Society

Erinda Skendaj and Andi Muratej, Albanian Helsinki Committee

Kristaq Kume, Albanian Institute for Election System Development

Mirela Arqimandriti, Coalition for Free and Fair Elections and Sustainable Democracy

Bledar Taho, Institute of Romani Culture in Albania

Dritan Taulla, *KRIIK* Albania Association

Sinan Tafaj and Armand Nexho, National Council of People with Disabilities

Gerta Meta, Society for Democratic Culture

International Community

Ambassador Bernd Borchardt, Head of the OSCE Presence in Albania

Representatives of Embassies and International Organizations