

**INTERIM REPORT**  
**20 March – 6 April 2021**

**9 April 2021**

**I. EXECUTIVE SUMMARY**

- The parliamentary elections will take place against the backdrop of a political agreement achieved in June 2020 which was followed by an electoral reform. The conduct of these elections is widely viewed as a test of Albania's democratic progress in the ongoing accession talks with the European Union. While the forthcoming elections offer a comprehensive choice of candidates to voters, it also takes place within an atmosphere of political volatility and deep mistrust between the major political forces.
- The 140 members of the parliament are elected for a four-year term through a recently modified regional proportional representation system, with voters able to cast preferential votes for individual candidates in 12 multi-member districts. To qualify for seat allocation in the parliament, an electoral contestant must pass a one per cent threshold nationwide.
- The legal framework was significantly amended in 2020 in line with a preceding political agreement. Importantly, amendments, among others, changed the structure of the Central Election Commission (CEC), introduced electronic voter identification on election day and provided for additional regulatory safeguards against the misuse of public resources. They also affected public and private financing of the campaign, oversight of media coverage of the campaign, and the electoral dispute resolution mechanism. In October, the Electoral Code was further revised, and it drew criticism for its lack of consultation and for its hasty adoption.
- Preparations for the elections are underway. The newly formed CEC has regulated various aspects of the ongoing electoral process and coped with a significantly increased workload within a short timeframe. Several ODIHR LEOM interlocutors have expressed concerns over the limited preparation time before election day. The CEC established 92 Commissions of the Electoral Administration Zones (CEAZs), which were to form some 5,200 Voting Centre Commissions (VCCs). Electronic voting and ballot counting will be piloted in one district in Tirana. A nationwide voter education program to address the new possibility of preferential voting, and the newly introduced electronic voter registration system has yet to be launched.
- For the first time an electronic voter registration system will be introduced in all voting centres for election day. This has received acclaim among most ODIHR LEOM interlocutors who perceive it as a measure to mitigate the risk of double voting or voter impersonation. As of 15 March, voter lists include some 3.5 million voters, including those who reside abroad.
- Elections can be contested by candidates nominated by political parties, coalitions of parties, or independent candidates nominated by groups of voters. Party leaders may run in up to four districts, while all other candidates may only run in one. The CEC has registered a total of twelve lists competing nationwide and five independent candidates contesting in five districts.
- The two largest parties launched their campaigns on 25 March. The start of the campaign took place under formal restrictions introduced in response to the COVID-19 pandemic, including

limits on gatherings and personal distancing. The main parties intend to make use of door-to-door canvassing, with both traditional and social media outreach. The tone of the campaign, at its early stage, lacks moderation with accusations of corruption and links to organised crime. The CEC has called upon all electoral subjects to demonstrate composure and to refrain from using harsh language during the campaign.

- The media environment is diverse with many outlets but is widely perceived to be politically aligned. Regulations governing media coverage of the campaign are detailed with free airtime in the public broadcaster and paid advertisement in private media for all electoral contestants. The law still permits the use of party-produced content in news programmes provided it is clearly labelled as such.
- The law sets limits for donations and expenditures for campaign finance. The CEC oversees compliance with campaign finance regulations and is authorized to apply sanctions. In addition, the CEC is authorized to scrutinize all events held by public institutions to check if there is any abuse of public resources. There is no requirement to publicly disclose the source and the amount of funds raised. In addition, no interim reporting by parties during the campaign is required. While the law provides for public funding for parties, independent candidates are not entitled to it.
- According to the law, only political party and independent candidates whose rights were affected have the right to file a complaint against election administration bodies. As of 5 April ten complaints have been filed with the CEC, mostly related to candidate registration, misuse of administration resources, and the design of the ballot. The Electoral College adjudicated three appeals against CEC decisions, two regarding candidate registration and one on the design of the ballot paper.
- The law provides for citizen and international observation. Representatives of parties and independent candidates can also observe. As of 3 April, the CEC has registered eight citizen observer groups.

## **II. INTRODUCTION**

Following an invitation from the Government of the Republic of Albania to observe the 25 April parliamentary elections and based on the recommendation of the Needs Assessment Mission conducted from 25 to 28 January, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 18 March.<sup>1</sup> Headed by Ambassador Urszula Gacek, the ODIHR LEOM includes 13 experts based in Tirana and 24 long-term observers deployed throughout the country from 26 March. Mission members are drawn from 20 OSCE participating States.<sup>2</sup>

## **III. BACKGROUND**

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<sup>1</sup> See [all previous ODIHR election-related reports on Albania](#).

<sup>2</sup> In its Needs Assessment Mission report, ODIHR recommended an Election Observation Mission (EOM) that would include, in addition to a core team of analysts, 24 long-term observers as well as 250 short-term observers (STOs) for observation of election day procedures. However, due to the extraordinary circumstances caused by the COVID-19 pandemic and existing travel restrictions throughout the OSCE region, ODIHR changed the format of the observation activity from EOM to LEOM. In line with ODIHR standard methodology for LEOMs, the mission will not carry out a comprehensive or systematic observation of election-day proceedings, but intends to visit a limited number of polling stations on election day.

The 2017 parliamentary elections returned the Socialist Party of Albania (SP) to government, with an overall majority, winning 74 out of 140 seats.<sup>3</sup> The opposition parties, after initially taking up their seats, subsequently organised street protests and, when political demands such as the resignation of Prime Minister Edi Rama and the installation of a caretaker government were not met, in February 2019, almost all of the 66 opposition Members of Parliament (MP) relinquished their mandates. The Central Election Commission (CEC) filled the vacant seats, resulting in both duly appointed assembly members sitting in opposition, and an extra-parliamentary opposition claiming popular support, determined to take its cause to the streets.<sup>4</sup> Further deepening the political malaise, the 2019 local elections were held without the participation of the main parliamentary opposition parties, resulting in a landslide victory for the SP-led Alliance for European Albania coalition.<sup>5</sup>

Through the creation of a “Political Council”, a cross-party platform for negotiations, the SP and the parliamentary and extra-parliamentary opposition ended the political stalemate in June 2020, striking a deal to introduce amendments to the electoral law and to the structure of the election administration. This agreement paved the road for the opposition to return to the electoral process.

In March 2020, the Council of the European Union opened accession negotiations with Albania. Nevertheless, it introduced further conditionality by requiring additional institutional reform, including the implementation of ODIHR election related recommendations, before Albania would be granted its first Inter-Governmental Conference, a key step in continuing the process.<sup>6</sup> The conduct of these elections is widely viewed as a test of Albania’s democratic progress in the ongoing accession talks with the European Union.

Another key requirement set by the Council was the continuation of the judicial reform, including through ensuring the functioning of the Constitutional Court.<sup>7</sup> While the judicial reform has continued, resulting in good progress, including in the judicial vetting process, attempted interference with the judiciary, including by authorities within the judiciary, and internal and external pressure on prosecutors remain an issue.<sup>8</sup> Some ODIHR LEOM interlocutors, including opposition political parties, expressed lingering concerns regarding the independence of the judiciary based, among other things, upon the integrity of the judicial vetting process itself, and the impact this could have on the impartial resolution of electoral disputes.

On 6 September 2020, President Ilir Meta called parliamentary elections for 25 April 2021. The SP and SMI compete in the elections individually. The DP leads a coalition of 13 parties, including the PJIU. The forthcoming elections offer a choice of candidates to voters but take place within an atmosphere of deep mistrust and political uncertainty.

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<sup>3</sup> Results of the 2017 parliamentary elections: SP - 74; Democratic Party (DP) - 43; Socialist Movement for Integration (SMI) - 19; Party for Justice, Integration and Unity (PJIU) - 3; Social Democratic Party (SDP) - 1.

<sup>4</sup> Former opposition party MPs who relinquished their mandates and opposition party leaders refused to accept the legitimacy of the MPs with whom they were replaced.

<sup>5</sup> Of the 61 mayoral races, the SP-led coalition won 60 and the Greek Ethnic Minority for the Future party won 1. In the local council elections, the winning coalition received over 94 per cent of the votes i.e. 1,555 of 1,619 seats.

<sup>6</sup> The [Council of the European Union determined](#) that “[...]Albania should adopt the electoral reform fully in accordance with OSCE/ODHIR recommendations, ensuring transparent financing of political parties and electoral campaigns, [...]”.

<sup>7</sup> The Constitutional Court, which holds jurisdiction over violations of constitutional rights and freedoms, now has an appointed quorum of Judges. The remaining appointments to the Constitutional Court can only proceed once the High Court, which is the third appointing authority other than the Assembly and the President of the Republic, reaches its own minimum quorum of judges.

<sup>8</sup> See the [2020 European Commission Progress Report](#) on Albania. See also the [Joint press statement following the 11<sup>th</sup> meeting of the Stabilisation and Association Council between EU and Albania, 1 March 2021](#).

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework consists of the 1998 Constitution, the 2008 Electoral Code, and other relevant laws.<sup>9</sup> Albania is a party to major international legal instruments related to elections.<sup>10</sup>

Following an open, inclusive and comprehensive process, on 23 July the parliament adopted a number of amendments to the Electoral Code.<sup>11</sup> Most importantly, these strengthened the guarantees for gender balance on candidate lists, and provided for additional regulatory safeguards against misuse of public resources addressing previous ODIHR recommendations. The amendments also altered the structure of the CEC and affected the verification of the candidate nomination procedure, public and private financing of campaign, oversight of campaign coverage in the media, and the electoral dispute resolution mechanism.<sup>12</sup>

On 30 July, constitutional amendments introduced preferential voting, and the Electoral Code was subsequently amended on 5 October, refining certain electoral procedures. In their Joint Opinion, the Council of Europe's Venice Commission and ODIHR expressed regret that the procedure for adopting the amendments in the Constitution and in the Electoral Code was "extremely hasty", and was not preceded by a due consultation process.<sup>13</sup> The main opposition parties also informed the ODIHR LEOM that they remain unhappy with the substance and the manner in which those changes were adopted.

The 140-member parliament is elected for a four-year term through a regional proportional system. Candidates are elected from 12 multi-seat electoral districts/zones, which correspond to administrative regions. The number of seats allocated for each district depends on the number of citizens registered in the respective district.<sup>14</sup> The newly introduced preferential voting within party lists allows voters to potentially influence the ranking of candidates on the list.

To qualify for seat allocation in the parliament, an electoral contestant, including independent candidates, must pass a one per cent threshold nationwide. While the law is explicit on the applicability of the one per cent nationwide threshold to independent candidates, the CEC informed the ODIHR LEOM that it is deliberating on whether or not to apply this.

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<sup>9</sup> Including the 2000 Law on Political Parties, 2001 Law on Demonstrations, 2013 Law on Audio-Visual Media, 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (the so-called Law on Decriminalization), and 2008 Law on Gender Equality.

<sup>10</sup> These include the 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, 2003 UN Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, as well as the 1950 European Convention on Human Rights. Albania is a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

<sup>11</sup> The process was also inclusive of some experts from the civil society, smaller political parties and the international community. See [paragraph 33 of the 2020 Joint Opinion of the Venice Commission and ODIHR](#) on the amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020

<sup>12</sup> The reform also provided for the electronic identification of voters on election day, piloting a possibility for voting from abroad, piloting an electronic voting and ballot counting in one of the districts and amended rules on setting election day.

<sup>13</sup> See [paragraph 11 of the 2020 Joint Opinion of the Venice Commission and ODIHR](#) on the amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020.

<sup>14</sup> On 11 December 2020, the Regulatory Commission of the CEC decided on the allocation of seats per district for the 2021 elections. Due to demographics, Tirana gained two seats, while Diber and Gjirokaster both lost a seat as compared to the 2017 parliamentary elections.

## V. ELECTION ADMINISTRATION

Election administration comprises the CEC, 92 Commissions of Electoral Administration Zones (CEAZs), and some 5,200 Voting Centre Commissions (VCCs). Counting is held by Counting Teams (CTs) in 92 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).

The 2020 legal amendments changed the formation rules of the CEC and introduced three distinct branches in its structure: The State Election Commissioner (the Commissioner) holds broad executive authority. It steers the administration and represents the CEC in relations with third parties, whereas the State Election Deputy Commissioner (the Deputy Commissioner) supervises the voter identification technology, recruitment and training of election officials. The Regulatory Commission (the Regulator) adopts normative sub-legal acts as prescribed by the Electoral Code. The Complaints and Sanctions Commission (CSC) examines complaints against decisions of the Commissioner and CEAZs, decides on the invalidity of voting and election results and can impose sanctions for violations of the Electoral Code upon the Commissioner's request. All CEC members are elected by the parliament by no less than three-fifth of the votes.<sup>15</sup> Three out of 12 CEC members are women. The Regulator and the CSC each have five members.

The CEC commenced its preparations for elections immediately after its formation in October 2020 and has since been coped with a significantly increased workload, partly due to the introduction of electronic voter identification and a pilot project on electronic voting and counting. Several ODIHR LEOM interlocutors have expressed concerns over the limited preparation time before election day. Nevertheless, the CEC has held public sessions on a regular basis, open to media, observers, and party/coalition representatives, and live-streamed online. To date, it has adopted a number of regulations and instructions related to various aspects of the electoral process, including on the formation of the VCCs, allocation of seats per electoral district and campaign funding. The decisions of the Regulator and the Commissioner were published on the CEC website in a timely manner.

The CEAZs, appointed by the CEC in January, comprise seven members each and a non-voting secretary. Three CEAZ members are nominated by the parliamentary majority (SP and SDP) and three by the parliamentary opposition (DP and SMI).<sup>16</sup> In addition, SP and DP propose the seventh member as the main ruling and opposition parties.<sup>17</sup> Political parties may still recall their members at their own discretion despite a previous ODIHR recommendation. The CEAZs organize the elections in their respective EAZs, appoint members of the VCCs and CTs, register information or claims from electoral entities in the respective zone and tabulate election results. The VCCs are appointed using a similar formula to the CEAZs. Members of the VCC are responsible for the conduct of elections in the voting centre.<sup>18</sup> The four members of Ballot Counting Teams (CTs) are to be appointed 10 days prior to election day.

The cascade training sessions of CEAZ members organized by the CEC are ongoing, with the first training module, covering roles and responsibilities of CEAZ members and voting procedures completed in mid-March, and the second module on counting procedures planned for the last week before the election day together with CT members. The training of VCC members will tentatively take place from 16 April.

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<sup>15</sup> The length of their mandates differs: the Commissioner and Deputy Commissioner are elected for seven and four-year terms, respectively, while the Regulator and the CSC for a five and a nine-year term, respectively.

<sup>16</sup> The largest parliamentary majority and the largest opposition party propose two CEAZ members each. In addition, the next largest parliamentary majority and opposition parties propose one member each.

<sup>17</sup> For these elections, DP and SP have nominated the seventh member in 46 CEAZs each.

<sup>18</sup> There are two CTs for each ballot counting table. Each CT counts no less than 5 and not more than 10 voting centres. The composition of a CT is based on political nominations and is intended to ensure a politically balanced team.

The CEC has planned a voter education campaign in co-operation with local and international organizations targeting all categories of voters, including first-time voters and vulnerable groups. Topics include the new electronic voter identification and the newly introduced possibility for voters to express a preference on the ballot. Many ODIHR LEOM interlocutors have expressed concerns that adequate voter education activities are already late.

Electronic voting and ballot counting will be piloted in one of the EAZs of Tirana city. The dedicated EAZ encompasses 32 VCs. Voting equipment consists of a touchscreen module and a connected paper audit trail printer. Every VC has two sets of voting equipment available for the voters. The procurement process of the new solution concluded a month before election day and configuration of the software is ongoing.

## VI. VOTER REGISTRATION

Albanian citizens aged 18 years or older on election day are eligible to vote. While the restriction on the voting rights of those found incompetent by a court decision was recently removed from the article in the Electoral Code on voter eligibility, it nevertheless remains in other articles (of the Code) and in the Constitution.<sup>19</sup> Citizens serving a prison sentence for committing certain crimes may not vote.<sup>20</sup> While out-of-country voting was foreseen as a possibility in the Electoral Code, no decision on the matter has been formally taken by the CEC.

The voter registration system is passive; however, voters over 100 years of age are automatically removed from voter lists and must confirm their records for re-inclusion.<sup>21</sup> Voter lists are based on the electronic database of the National Civil Status Register, maintained by the General Directorate of Civil Status of the Ministry of Interior (GDSCS). Electoral contestants are provided with a copy of the voter list free of charge upon their request. The Civil Status Offices published updated extracts of the voter list on a monthly basis beginning from 3 October 2020 and voter lists were available for public scrutiny. Corrections to voter lists were possible up to 40 days before the elections. Voters can also check their records online after the final publication of the list. As of 15 March, the total number of registered voters was 3,588,869, including those who reside abroad.<sup>22</sup>

The CEC supervises the voter list compilation process. Two auditors, appointed by the CEC in October 2020 to assess the accuracy of the voter lists, noted issues such as: the change of voters' address data without informing voters, delayed delivery of voter notifications in some municipalities, and deceased voters found in the voter lists.<sup>23</sup>

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<sup>19</sup> Article 45 of the Constitution provides that citizens declared mentally incompetent are not eligible to vote. Article 53 of the Electoral Code provides that voter lists are subject to change based on, among others, court decisions on mental incapacity.

<sup>20</sup> The Law on Decriminalization suspends the voting rights of citizens serving a prison sentence for committing crimes listed in more than 80 articles of the Criminal Code (ranging from election related offences to severe crimes). According to the Ministry of Interior, the voting rights of 1,098 prisoners are suspended.

<sup>21</sup> The ODIHR LEOM was informed that 2,861 voters over 100 years of age were removed from the voter register and 446 remain on the final voter register.

<sup>22</sup> They remain on voter lists with their last registered address.

<sup>23</sup> According to the GDSCS, registry-initiated changes in the voters' address data did not result in reallocation of voters as they remain assigned to their regular voting centres. By law, voter notifications are to be delivered up to 60 days after publication of the extract of the voter lists.

Voters are included in the voter list of the voting centres serving their place of residence. They can only vote in person and voting by mail or via mobile ballot box is not provided for.<sup>24</sup> Special voting centres can be organized in prisons, pre-trial detention centres and hospitals; however, there is no final decision on whether voters staying at the latter institutions will be able to vote.

For the first time, an electronic voter registration system will be introduced during voting on election day to mitigate the risk of double voting and/or voter impersonation.<sup>25</sup> Additionally, the fingerprint data may be used as the evidence in possible post-election complaints.<sup>26</sup> All voting centres will be equipped with a special device to help identify the voter and scan a fingerprint. The CEC plans to assign a technical operator to every voting centre to facilitate the voter identification. As per the Ministry of Interior there are some 800,000 voters with expired IDs. In March, the Government extended the validity of expired ID documents to 30 April.

The CEC has yet to adopt a comprehensive testing methodology as well as important policies on security of the hard- and software. To date, most ODIHR LEOM interlocutors, including each of the four largest political parties, have expressed support for the electronic voter registration system.

## **VII. CANDIDATE NOMINATION AND REGISTRATION**

Any eligible voter has the right to stand, except those serving a prison sentence or with a prior conviction for specific crimes.<sup>27</sup> The Constitution lists categories of officials whose activity is incompatible with the right to stand.<sup>28</sup>

Candidate lists can be submitted by political parties and coalitions of parties. A list must be submitted for each of the 12 electoral districts.<sup>29</sup> A candidate may only appear in one list, although the 2020 legal amendments provide an exception to this rule for chairpersons of the parties who are allowed to run in up to four electoral districts but may hold only one mandate of their choice, if elected. After the registration, the ranking of the candidates in the list cannot be altered. Independent candidates can compete through nomination by a group of voters.<sup>30</sup>

At least one third of candidates of each gender must be nominated in each list. The number of candidates on the list may not be less than the number of seats allocated to the respective electoral district, and may be increased by up to two.<sup>31</sup> The Electoral Code is ambiguous about the upper limit for candidates on a list. On 18 March, the Commissioner denied registration of 69 candidates nominated by the coalition DP-Alliance for Change in all 12 electoral districts as arguably these nominations were in excess of the “implied” upper limit. The CSC overruled the Commissioner’s decision; however, the Electoral College

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<sup>24</sup> According to the CEC, as the law stipulates that voters have to appear personally at the VC, voters who have contracted COVID-19 and are in self-isolation, are encouraged to adhere to the rules of isolation and not come to the voting centre.

<sup>25</sup> Paper voter lists will serve as a contingency if needed.

<sup>26</sup> The procurement process of the new electronic voter identification solution concluded on 10 February.

<sup>27</sup> According to the Law on Decriminalization, citizens convicted for 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.

<sup>28</sup> Judges, prosecutors, military, police and national security officers, diplomatic representatives, mayors, prefects, chairs and members of election commissions, President of the Republic, high state administration officials determined by law.

<sup>29</sup> Candidate lists must be supported by 5,000 voter signatures for parties or 7,000 signatures for coalitions nationwide. Voters can support multiple lists.

<sup>30</sup> Groups of voters should comprise at least nine voters and register with the CEC to collect signatures of one per cent of voters in the respective electoral district, but no more than 3,000.

<sup>31</sup> The increase of up to two is to ensure that under all circumstances, the number of nominated candidates in a list is divisible by a factor of three in order to account for the gender quota.



subsequently upheld the decision of the Commissioner on 30 March, effectively enforcing an upper limit for the lists.

Candidacies are verified by the CEC in line with the Electoral Code and the Law on Decriminalization.<sup>32</sup> Before final registration of the lists by the CEC, ineligible candidates are removed and the CEC enables parties to replace them. If new information that should result in the disqualification of the candidate comes to light after the list is registered, the candidate remains on the list but cannot hold the mandate if elected.<sup>33</sup> The process of disqualification and revocation of mandate is continuous throughout the electoral cycle.

Prior to the legal deadline of 18 March, the CEC registered 12 lists competing nationwide and 5 independent candidates contesting in 5 districts.<sup>34</sup> The CEC rejected one list – the coalition *Alliance* – on the grounds that several parties left the coalition before the registration was complete (see *Complaints and Appeals*).<sup>35</sup>

## VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

According to the Electoral Code, the official electoral campaign begins 30 days and ends 24 hours before election day. The two largest parties launched their campaigns on 25 March. The start of the campaign took place under formal restrictions introduced because of the COVID-19 pandemic, including limits on gatherings and personal distancing.<sup>36</sup> This presented the organisers of both campaign events with logistical challenges.<sup>37</sup> The leadership of both the SP and DP informed the ODIHR LEOM of their intentions to respect COVID-19 protocols during the campaign, and to make use of door-to-door canvassing, with both traditional and social media outreach. Some parties opined that the restrictions on large campaign events, and the reliance on door-to-door canvassing, which is less expensive, places the smaller political parties on a more even footing to the larger ones.

The tone of language used by the main party leaders in relation to each other, during the early stages of campaigning, has lacked moderation. Accusations of corruption and links to organised crime have been made, and form a key part of some electoral campaign messaging. The Commissioner has appealed to parties to demonstrate composure and to avoid harsh language during the campaign.<sup>38</sup> Of the three dominant political parties, one is led by a woman. In relation to the two largest parties, both headed by men, there have been efforts to increase the visibility of the role played by women.<sup>39</sup>

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<sup>32</sup> Each candidate must submit a self-declaration form among other documents supporting their candidacy. The CEC verification process is conducted in co-operation with General Directorate of Prisons (Criminal Records Office) and Civil Registry Office. Procedures are regulated by the Law on Decriminalization, an Assembly by-law, as well as the Commissioner's guidelines.

<sup>33</sup> The CEC can send names of the affected candidates to Prosecutor General Office (PGO) for further investigation. 28 candidates in total, from 9 already approved lists were sent to PGO until 3 April; it includes lists of SP, DP, SDP and others.

<sup>34</sup> Five independent candidates will contest in contest in Diber, Gjirokaster, Lezhe, Shkoder and Tirana.

<sup>35</sup> The coalition *Alliance* appealed the denial to the CSC, and further to the Electoral College.

<sup>36</sup> Temporary restrictions include maximum 10 persons based upon Order No. 633/2020 of the Minister of Health. The order was confirmed by the Constitutional Court, which however expressed a reservation regarding the indefinite timing of the measures.

<sup>37</sup> The SP launched its campaign without supporters and provided distanced seating arrangements for candidates during the event. At the DP campaign launch, billed as a car rally, hundreds of supporters mixed freely in front of a stage and around the square, many not observing COVID-19 related protocol.

<sup>38</sup> See the [CEC Press Release](#), 19 March 2021.

<sup>39</sup> At the SP launch, 11 out of 14 speeches were [delivered by female candidates](#): The leader of the DP has similarly emphasized the key role that women play in politics.



Recent amendments introduced further safeguards against the misuse of state resources. Thus, four months prior to election day, the authorities cannot enact regulations providing increased benefits to any section of the population. Furthermore, the CEC is authorized to scrutinize all events held by public institutions to check if there is any abuse of public resources. On 24 March, the Commissioner wrote to all ministries, as well as all municipalities, and appealed to the heads of public institutions to exercise restraint and fulfil their obligations in relation to the prohibition on the use of state resources in support of electoral subjects. The CEC has deployed 64 support staff in the regions to monitor electoral contestants' compliance with campaign regulations.

Political parties which competed in the last parliamentary elections receive public funding for their regular activities.<sup>40</sup> Parties, which obtained at least 1 per cent of votes in the last parliamentary elections also receive public funding for their campaigns, proportional to the number of votes gained.<sup>41</sup> Independent candidates are not entitled to public funding. Contestants may also finance their campaigns from their own funds, donations from Albanian citizens and legal entities, and bank loans.<sup>42</sup> Donations, including in-kind, are capped at ALL 1 million (approximately EUR 8,130).<sup>43</sup>

Contributions above ALL 50,000 (approximately EUR 406) must be made through a designated bank account. The total campaign expenses of a party may not exceed ALL 167,480,000 (approximately EUR 1,361,000); the expenses of independent candidates cannot exceed ALL 27,913,000 (approximately EUR 131,000). Each contestant must register the amount of donations received, as well as donor identification data, in a special register approved by the CEC. All campaign expenditures must be documented and reported in line with the fiscal regulation. There is no requirement for contestants to publicly disclose the source and the amount of funds raised before election day.

By law, the CEC oversees compliance with campaign finance regulations. The CEC is authorized to apply sanctions for non-compliance with the respective rules. Contestants are required to submit financial reports within 60 days from the announcement of election results. Within five days from the announcement of election results, the CEC should appoint auditors to review these reports. Auditors' findings must be published within 30 days of their submission. No interim reporting by parties is required.

## IX. MEDIA

The media environment is diverse and includes a high number of outlets. Television (TV) remains the primary source of political information, followed by online media and social networks. Some ODIHR LEOM interlocutors expressed concerns that media outlets often serve as lobbying platforms for their owners, thus challenging their editorial independence and inducing self-censorship. The OSCE Representative on Freedom of the Media (RFoM) has raised concerns over the intimidation of and attacks against journalists, which undermine their safety.<sup>44</sup>

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<sup>40</sup> The budget allocation for 2021 is ALL (Albanian *Lek*) 140 million (approximately EUR 1,138,000). Based on the result of the 2017 parliamentary elections, six parties were allocated funds: SP – 45.3 per cent, DP – 27.8 per cent, SMI – 14.3 per cent, PJIU – 5.3 per cent, SDP – 3.8 per cent and Equal List – 3.5 per cent.

<sup>41</sup> SP received some ALL 55,8 million; DP – 31,5 million; SMI – 18,9 million; PJIU – 4,5 million; New Democratic Spirit Party – 2,1 million; Republican Party – 1,8 million; SDP – 1,6 million; Democratic Conviction Party – 1,4 million; Christian Democratic Party – 1,4 million, and Movement for National Development – 1,4 million. The one per cent threshold of votes in the last elections was introduced in 2020. Before the change, all parties contesting the elections were eligible to receive public funds for their campaign.

<sup>42</sup> Legal entities which received public procurement funds in excess of ALL 10 million (approximately EUR 81,000), have been involved in public partnership projects, have debts to the state budget, as well as those which carry out media-related activity, are not allowed to donate.

<sup>43</sup> 1 EUR is approximately ALL 123

<sup>44</sup> See RFoM [statement](#) from 23 February 2021.

The Constitution provides for freedom of expression, media freedom, right to information, and prohibits censorship of means of communication. Defamation persists as a criminal offence, yet is punishable only with fines.<sup>45</sup> Activities by broadcasting media outside of the electoral period are regulated by the Law on Audio-visual Media, while print media are mostly self-regulated.

Campaign coverage in the audio-visual media is regulated in detail by the Electoral Code, which provides for access for all electoral contestants to broadcast media news and information programmes.<sup>46</sup> This also includes free-of-charge campaign opportunities in the public broadcaster and paid slots in private broadcasters.. The law states that coverage of public institutions promoting their achievements, such as inaugurations of public works, is considered as election-related and is counted in the airtime of the party associated with the head of the institution. The law still permits the use of party-produced content in news programmes provided it is clearly labelled as such.

On 23 March, in line with the law, the CEC allocated free airtime for campaigning on the public broadcaster Albanian Radio and Television (*RTSH*).<sup>47</sup> The lottery for assigning the date and order of appearance for the free advertising spots was conducted by *RTSH* on 30 March. Although according to the law, the draw should have been conducted under the supervision of the CEC, no representatives attended it. The Electoral Code limits the total amount of paid airtime on each TV station for the duration of the entire campaign to 90 minutes for each party contesting the elections and 10 minutes for non-parliamentary parties and independent candidates.<sup>48</sup> While the law requires private broadcasters to submit price lists to the CEC five days before the start of the campaign, three out of eleven outlets did so after the deadline. One TV channel has additionally offered to provide paid services, such as live broadcasts, interviews and participation in political programme or debates.

Following the recent amendments, the Audio-visual Media Authority (AMA), is now in charge of monitoring compliance of the broadcast media with legal requirements.<sup>49</sup> As of 26 March, the AMA launched its monitoring of over 30 broadcasters. Daily monitoring reports, published on the CEC website, include details such as airtime allocated to electoral contestants and other political actors in all programmes, their order of appearance in news, the gender ratio of monitored subjects and conclusions on the media outlet's performance as measured against legal and professional requirements. Further reports may also include proposals for sanctions.<sup>50</sup> The AMA does not assess the tone of the coverage.

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<sup>45</sup> Article 120 of the Criminal Code provides imposed a fine for libel ranging from ALL 50,000 (approx. EUR 400) to 3,000,000 (approx. EUR 24,000).

<sup>46</sup> Broadcasters are required to provide equal time for coverage of parties with more than 20 per cent of seats in the parliament. Each other parliamentary party will receive half of this time, while coverage of non-parliamentary parties running for elections is at the discretion of the editors and cannot exceed the coverage given to smaller parliamentary parties.

<sup>47</sup> 90 minutes were allocated to the DP-Alliance for Change and the SP; 45 minutes to the SDP and the SMI; 20 minutes to all non-parliamentary parties contesting the elections and the PIUA-HC; 10 minutes to independent candidates. The first free spots on *RTSH* were aired on 1 April.

<sup>48</sup> In addition to airtime purchased by the electoral contestants for advertisement, the broadcasters shall provide half of the total purchased airtime free of charge.

<sup>49</sup> The seven AMA members are appointed by the parliament for a term of five years, with the right of renewal only once. Currently, three positions are vacant, and the mandates of the chair and another member have expired. According to the parliament's [website](#) not enough applicants submitted their interest for the position of chair by the February 2020 deadline.

<sup>50</sup> The Electoral Code prescribes fines of up to ALL 3,500,000 (approx. 28,500 EUR) for violating the balance of time granted to electoral contestants, as well as for not applying professional criteria within news and information programmes. An appeal against the sanction does not cancel the requirement to pay the fine. The penalty for repeated violations may lead to a 48 hour suspension of broadcasting.

On 26 March, the ODIHR LEOM commenced qualitative and quantitative monitoring of five TV stations and two online media outlets.<sup>51</sup> The Mission is also following election-related content on social networks.

## X. COMPLAINTS AND APPEALS

Decisions of the Commissioner and the CEAZs may be appealed to the newly created CSC of the CEC.<sup>52</sup> As a general rule, complaints can be lodged by the contestants whose legal interests are affected, within three days of the decision.<sup>53</sup> Appeals concerning election results may be lodged within five days. Observers may only appeal their denial of accreditation, and voters are not eligible to lodge complaints other than those concerning their inclusion in the voter list.<sup>54</sup> The law does not clearly provide for adjudication of complaints in lower-level commissions, which leaves ambiguity about which body is responsible for complaints on campaign violations and election-day procedures.

Decisions of the CEC can be appealed within five days to the Electoral College of the Court of Appeals of Tirana (Electoral College) which is the highest adjudicating body for election-related matters.<sup>55</sup> The Electoral College has ten days from the time of filing to issue a decision. On 26 March, the Commissioner formally requested an expedited review process of a case related to candidate registration, as the ten-day deadline could potentially conflict with the timeline for producing and distributing the ballots.

As of 5 April, some ten complaints have been filed with the CSC.<sup>56</sup> The Electoral College adjudicated three appeals.<sup>57</sup> The administrative complaint procedure provided by the Electoral Code is elaborate and involves due process guarantees. Complaints missing any formal requisites can be resubmitted with corrections within 24 hours.

## XI. PARTICIPATION OF NATIONAL MINORITIES

Albania's Constitution provides for full political, civil, and social rights for persons belonging to national minorities. There are nine officially recognised national minorities in Albania.<sup>58</sup> The 2011 census data lists less than 1.5 per cent of the population as belonging to a national minority.<sup>59</sup> In past elections, only the Greek national minority obtained a seat in parliament through a national minority

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<sup>51</sup> Public broadcaster *RTSH-1*, and four private TV channels: *Top Channel*, *TV Klan*, *Vizion Plus* and *A2 CNN*. Election-related content of two online news websites <http://www.panorama.com.al/> and <https://www.oranews.tv/>

<sup>52</sup> The CSC is composed of five members elected by the parliament for a nine-year term from the ranks of former judges, advisors to higher courts, CEC members, senior officials or experts with experience in administrative adjudication.

<sup>53</sup> Complaints and appeals can also be filed through an electronic form on the CEC's official website.

<sup>54</sup> Forty days prior to and up to 24 hours before the election day, any complaints concerning inaccuracies in the voter lists need to be lodged with district courts.

<sup>55</sup> The Electoral College consists of eight judges, five of whom are women, from first instance and appeal courts, selected through a draw and appointed for a four-year term on 9 December 2020. Cases are reviewed by a panel of five judges.

<sup>56</sup> Two pertain to candidate registration, one alleged that the CEC unduly excluded the party from receiving public funds, three were in relation to the misuse of public resources, three challenged the design of the ballot papers and one contested the composition of counting teams.

<sup>57</sup> On 29 March the Electoral College overruled the CSC's decision on the complaint of the DP - Alliance for Change concerning the upper limit for the number of candidates on a list, and on 31 March it rejected the complaint of coalition *Alliance* on the CEC's denial to register the list (see Candidate Nomination and Registration). On 4 April, the Electoral College adjudicated an appeal by DP regarding the logo of Democratic Conviction Party, partially reversing a prior CSC decision and giving a legal effect to the Commissioner's decision on the design of the ballot paper.

<sup>58</sup> Law No. 96/2017, in force since 24 November 2017, recognizes the Aromanian, Bosnian, Bulgarian, Egyptian, Greek, Macedonian, Montenegrin, Roma and Serb national minorities.

<sup>59</sup> A new census, originally planned for 2020, is now envisioned for later in 2021

party, although several persons belonging to national minorities have won seats through representing the larger parties.<sup>60</sup>

The CEC, with the support of international organizations, is translating voting procedures into the languages of national minorities, as well as into sign language. Posters, dealing with voter identification and specifying electoral crimes in the languages of national minorities, are available on the CEC website.

Some ODIHR LEOM interlocutors noted that the attempts of vote-buying in socially or economically vulnerable communities, including areas with a high Roma minority population, could continue to be a problem.

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The Electoral Code provides for citizen and international observation at all levels of the election administration. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives to the CEC only for the electoral period. All contestants are entitled to appoint observers to the relevant CEAZs, VCCs, and BCCs.<sup>61</sup> The right to appoint observers within a coalition rests solely with the coalition and not the parties.

Various domestic organizations follow the electoral process, with a focus on different aspects including on the misuse of public resources, the performance of election administration and campaign finance. As of 3 April, the CEC has registered eight citizen observer groups.

## **XIII. ODIHR LEOM ACTIVITIES**

The ODIHR LEOM opened with a press conference in Tirana on 19 March. The Head of Mission has met with the government authorities, the CEC, representatives of political parties, media, the OSCE Presence in Albania, and the international community.<sup>62</sup> The OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have announced they will deploy observer delegations for election-day observation. The OSCE Chairperson-in-Office has appointed Azay Guliyev as Special Co-ordinator and leader of the short-term OSCE observer mission for these elections.

*The English version of this report is the only official document.  
An unofficial translation is available in Albanian.*

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<sup>60</sup> The Human Rights Union Party (HRUP), largely representing interests of the Greek national minority, last won a seat in the June 2009 parliamentary elections.

<sup>61</sup> Citizen observer organisations and political parties contesting the election have the right to appoint one observer per CEAZ, VCC and, counting table. A coalition is limited to three observers per CEAZ, VCC and, counting table.

<sup>62</sup> The ODIHR LEOM and the OSCE Presence in Albania operate separately under their respective mandates.