

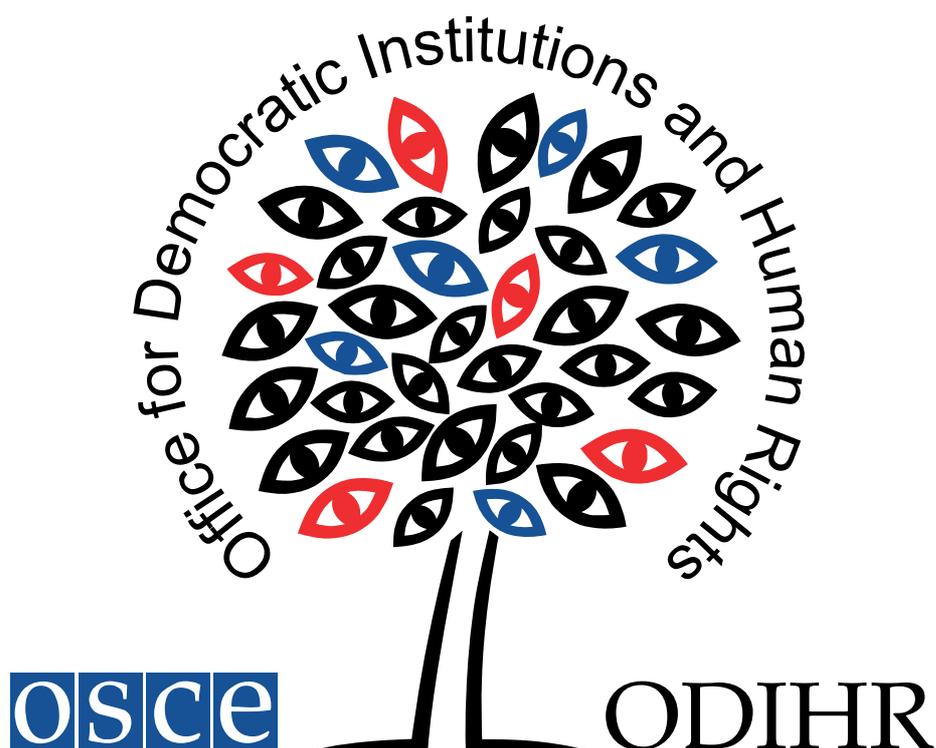


Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

PARLIAMENTARY ELECTIONS
25 JUNE 2017

OSCE/ODIHR Election Observation Mission
Final Report



Warsaw
28 September 2017

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OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the government of the Republic of Albania, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 25 June 2017 parliamentary elections. For election day, the OSCE/ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament to form an International Election Observation Mission (IEOM). The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 26 June concluded that the elections “took place following a political agreement between the leaders of the Socialist Party (SP) and Democratic Party (DP) that secured the participation of the opposition. Electoral contestants were able to campaign freely and fundamental freedoms were respected. The implementation of the political agreement created challenges for the election administration and resulted in a selective and inconsistent application of the law. The continued politicisation of election-related bodies and institutions as well as widespread allegations of vote-buying and pressure on voters detracted from public trust in the electoral process. On an overall orderly election day, important procedures were not fully respected in a considerable number of voting centres observed. There were delays in counting in many areas”.

The elections were held in the context of a longstanding and deep political division between the SP of the ruling coalition and the DP of the opposition, as well as of low public trust in the electoral process. In a positive development, an internationally mediated political agreement was reached on 18 May between the leaders of the SP and DP ending a three-month standoff. The agreement allowed the DP to nominate several key ministerial positions, including a deputy prime minister, and heads of other institutions and provided for a change of election date from 18 to 25 June.

The legal framework provides an adequate basis for the conduct of democratic elections, even though many prior OSCE/ODIHR and Council of Europe’s Venice Commission recommendations were not addressed, including the need to depoliticize key aspects of the election administration. Legal changes following the 18 May political agreement aimed to reduce campaign costs, enhance campaign finance oversight, and increase sanctions for electoral offenses. While the agreement contributed to a more inclusive electoral process and less polarized campaign, its implementation often jeopardized fundamental principles of the rule of law. The late introduction of legal changes and lack of meaningful public consultation challenged legal certainty and negatively affected the administration of several electoral components, at odds with OSCE commitments and Council of Europe standards.

The Central Election Commission (CEC) operated transparently with regular public sessions. Following the 18 May political agreement, the CEC and its secretariat faced a complex set of legal, institutional, financial, and administrative challenges. Despite this, the CEC implemented its core tasks. The CEC, however, did not take measures to clarify inconsistencies related to newly amended legislation and some of its decisions lacked legal basis. The formation of lower-level election

¹ The English version of this report is the only official document. An unofficial translation is available in Albanian.

commissions was completed long after the legal deadlines due to late nomination by parties of the commissioners. This, together with the high number of replacements, meant many election staff were not properly trained. Altogether, this diminished the efficiency of the election administration.

Voter registration is passive. Restrictions on voter registration related to age and mental disability are at odds with OSCE commitments and international obligations. The delayed publication of the final voter lists and inconsistent delivery of voter notifications limited public scrutiny of voter lists. No significant issues related to the accuracy of the voter lists were raised by OSCE/ODIHR EOM interlocutors, with the exception of obstacles faced by Roma. However, persisting issues with duplicate records and incorrect address codes in voter lists remain of concern.

The CEC registered 15 political parties within the legal deadline and, following the 18 May political agreement, 3 additional opposition parties were registered. At the same time, two other prospective contestants were denied registration due to late nomination. While largely inclusive, the candidate registration process suffered from selective and inconsistent application of the law and was, at times, based on the political agreement rather than the law.

The campaign presented a variety of political options. Fundamental freedoms of assembly and expression were respected. The campaign was significant throughout the country, even though the use of large-size posters and flags was limited due to the latest legal amendments. The campaign was characterized by widespread allegations of vote-buying, concerns over abuse of state resources and workplace-related pressures on voters, which further reduced public trust.

Women were active but underrepresented in the campaign. Several events specifically targeted women voters. However, the largest political parties did not always respect the gender quota in their candidate lists and women candidates received little media attention. While some 40 per cent of candidates were women, they received only 26 per cent of seats in the new parliament. Women were also underrepresented in the election administration, including in decision-making positions.

The amended legislation contributed to transparency and accountability of campaign financing, partially addressing some earlier OSCE/ODIHR and Council of Europe recommendations. New measures to reduce campaign costs were welcomed by most OSCE/ODIHR EOM interlocutors. However, the late adoption of the amendments left little time for their full implementation. New campaign regulations, at times, lacked consistency and clarity. The transparency of campaign funding was reduced by the absence of party disclosure requirements before election day.

Media provided the electorate with extensive campaign coverage, offering voters a range of political opinions. However, media offered a limited analytical approach. Contestants were offered the possibility to participate in debates, but none were held among leaders of major parties. The OSCE/ODIHR EOM media monitoring revealed that all monitored television stations focused mainly on the activities of the three largest parties. The public broadcaster complied with the legal obligation to provide proportional free air time to parties. A positive co-operation was established between the CEC, the Media Monitoring Board, and media outlets, including in relation to resolving media disputes.

National minorities were generally afforded a fair opportunity to participate in the elections, both as candidates and voters, including in native languages. The CEC provided some voter education materials in minority languages. Some OSCE/ODIHR EOM interlocutors raised particular concern about attempts to buy votes in areas with high Roma and Egyptian populations.

The Electoral Code sets out an administrative complaint procedure against decisions of lower-level commissions and judicial appeal against CEC decisions. However, the responsibility for handling complaints about violations of campaign regulations was unclear. The limited standing to bring

appeals against CEC decisions may leave affected stakeholders without a legal remedy. A small number of judicial appeals were made before election day to the Electoral College. Procedural rights of the parties were observed and the decisions of the College were reasoned, although not always consistent. No CEC decisions were appealed after the elections.

The law provides for citizen and international observation at all stages of the elections but, unlike party observers, does not entitle such observers to receive counting and tabulation results protocols. In a positive step, the CEC obliged the lower-level commissions to publicly display the voting results, adding to transparency. Accreditation of observers was inclusive.

Election day proceeded in a mostly orderly manner but key procedural irregularities and omissions were observed. This included inconsistent inking verification procedures, instances of proxy and group voting, and interference by unauthorized party activists. Concerns were noted about possible intimidation by groups of party activists in and around voting centres. The counting process was delayed in many areas. Counting procedures were not always followed and transparency was not always guaranteed. Voter turnout was reported as 46.8 per cent.

This report offers a number of recommendations to support efforts to bring elections in Albania further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to inclusive and timely electoral reform, persistent issue of vote-buying and abuse of state resources, depoliticization of election administration, unreasonable restrictions on voter rights, decriminalization of defamation, meaningful rights of observers, and guarantees for the right to a free and secret choice. The OSCE/ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Government of the Republic of Albania, and based on the recommendation of a Needs Assessment Mission conducted from 6 to 9 March 2017, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 9 May. The EOM, headed by Ambassador Peter Tejler, consisted of a 15-member core team based in Tirana and 26 long-term observers who were deployed on 19 May throughout the country. The EOM remained in Albania until 7 July to follow post-election developments.

For election day, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Mr. Roberto Battelli was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Ms. Marietta Tidei headed the OSCE PA delegation. Mr. Paolo Corsini headed the PACE delegation. Mr. Eduard Kukan headed the EP delegation. Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation.² In total, 327 observers from 43 countries were deployed, including 255 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 34-member delegation from the OSCE PA, a 25-member delegation from the PACE, and a 11-member delegation from the EP. Opening procedures were followed at 135 out of 5,362 voting centres and voting was observed at 1,357 voting centres. Counting and tabulation were observed in 59 Ballot Counting Centres and Commissions of Electoral Administration Zones.

² See the [Declaration of Principles for International Election Observation](#).

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections, as well as national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Tirana on 26 June.³

The OSCE/ODIHR wishes to thank the authorities for the invitation to observe the elections and the Central Election Commission (CEC) and the Ministry of Foreign Affairs for their assistance and co-operation. It also expresses its appreciation to representatives of political parties, civil society, media, the international community, and other interlocutors for sharing their views.

III. 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 the prime minister. The 2013 parliamentary elections resulted in a government led by the Socialist Party (SP), bringing about a shift of power from the previous government led by the Democratic Party (DP).⁴ 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 political climate, however, remained characterized by longstanding mistrust between the DP and SP.

On 5 December 2016, the president called parliamentary elections for 18 June 2017. On 7 February, the DP started a boycott of the parliament, alleging that the SP-led government was preparing widespread electoral fraud and that credible elections could not be held under existing conditions. The DP and its allies announced that they would not participate in the elections unless several demands were met, including the resignation of the prime minister, the formation of a technical government, and the introduction of electronic voting. The SP rejected these demands and claimed that the DP did not want to participate in the elections due to a lack of popular support.

As the stand-off continued, opposition parties did not register for the elections by the 9 April deadline.⁵ With all registration deadlines having expired, and the CEC having decided on the content of the ballot paper, a large DP-led demonstration took place in Tirana on 13 May, reasserting the party's call for the acceptance of its conditions in return for its participation in the elections.

Following intensive international mediation, the deadlock ended on 18 May with a political agreement between the leaders of the DP and SP.⁶ The agreement secured the participation of the DP and its allies in the elections and stipulated that the DP could fill several key positions, including one deputy prime minister, six ministers, the chairperson of the CEC, directors of several public agencies, and the ombudsperson.⁷ The agreement also foresaw the postponement of the elections to 25 June, as well as extension of party and candidate registration deadlines to 26 May.

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

⁴ As a result of the 2013 elections, the Alliance for European Albania received 83 parliamentary seats, including the SP (65 seats), Socialist Movement for Integration (SMI, 16 seats), Human Rights Union Party (HRUP, 1 seat), and Christian Democrat Party (CDP, 1 seat). The Alliance for Employment, Prosperity, and Integration received 57 seats, including the DP (50 seats), Republican Party (RP, 3 seats), and Party for Justice, Integration, and Unity (PJIU, 4 seats).

⁵ The Agrarian Environmental Party, which was part of the parliamentary opposition, registered its participation but did not submit candidate lists.

⁶ A text of the 18 May political agreement was published on the DP and SP websites. It includes commitments to continue the process of judicial and electoral reform, to introduce electronic voting for the next elections, and to institutionalize dialogue between the two party leaders.

⁷ The parliament dismissed the ombudsperson and appointed a new one on 22 May, disregarding the legally prescribed process. The new ombudsperson was sworn into office only on 17 June, leaving the human rights institution without leadership for much of the election period.

Although key figures as well as the international community welcomed the 18 May political agreement, several OSCE/ODIHR EOM interlocutors raised concerns regarding its effects on legal aspects of the electoral process and its impact on contestants other than the DP and the SP.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The parliament's 140 members (MPs) are elected for a four-year term through a closed list proportional representation system in 12 multi-member electoral districts that correspond to administrative regions.⁸ Parties and coalitions of parties that register to contest the elections must submit candidate lists for all districts.⁹ Parties and coalitions that surpass, respectively, three and five per cent threshold of votes cast in the corresponding district, qualify for seat allocation.¹⁰

The legal framework for parliamentary elections consists of the 1998 Constitution, the 2008 Electoral Code, and other legislation.¹¹ Albania is party to international and regional instruments relevant to the holding of democratic elections.¹² Following the 2015 local elections, an Ad Hoc Parliamentary Committee, co-chaired by representatives of the DP and SP, was established to draft amendments to electoral law. However, the Committee was frequently blocked and it failed to finalize any draft amendments. According to some OSCE/ODIHR EOM interlocutors, the process lacked inclusiveness with some proposals by smaller parties and civil society not considered.

Overall, the Electoral Code provides an adequate basis for the conduct of democratic elections, but shortcomings identified in previous OSCE/ODIHR reports were not addressed in advance of these elections. This included recommendations related to refining the gender quota for candidate lists, strengthening independence and professionalism of the election administration, enhancing transparency of campaign financing, and clarifying responsibilities for election complaints. Lack of clarity of some provisions of the Electoral Code negatively impacted on the electoral process.¹³

Following the 18 May political agreement, amendments were adopted on 22 May to the Law on Political Parties, the Law on Audio-visual Media, and the Criminal Code. The amendments introduced new regulations on campaigning, campaign finance, and political advertising in broadcast media, as well as new electoral offences and increased sanctions for existing ones.¹⁴ The substance of the changes was welcomed by many OSCE/ODIHR EOM interlocutors. Positively, some of the

⁸ On 3 December 2016, based on population data from the Ministry of Interior (MoI), the CEC allocated the number of seats for each district, ranging from 3 in Kukes to 34 in Tirana. The parliament approved the allocation of the seats on 20 April, some five weeks after the legal deadline.

⁹ Several small parties spoke in favour of allowing submission of candidate lists only for specific districts.

¹⁰ Seats are distributed according to a combination of d'Hondt and Sainte-Laguë methods.

¹¹ 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), 2008 Law on Gender Equality in Society, and relevant provisions of the 1995 Criminal Code.

¹² Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 UN Convention against Corruption (UNCAC), 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), and 1950 European Convention on Human Rights (ECHR). Albania is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

¹³ For example, the requirement that "high officials" in public administration should resign before standing as candidates (Article 63.4 of the Electoral Code) is unclear because such officials are not clearly identified in the law; the meaning of "ruling majority" (Article 95.2) for the purposes of nominating members of counting teams is also unclear and was disputed by the SMI in court (see *Complaints and Appeals*).

¹⁴ New criminal offenses in the Criminal Code included abuse of public function for electoral activities and misuse of other people's identification documents. In addition, more detailed prohibitions on vote-buying and vote-selling were introduced.

amendments addressed prior OSCE/ODIHR recommendations with regard to the transparency and accountability of campaign finance and more resolute measures to prevent pressure on public sector employees and corrupt electoral practices.

However, the 18 May political agreement was given legal effect at the expense of the rule of law (see also *Candidate Registration*). All amendments were voted on in one day, contrary to the constitutionally-prescribed legislative procedure.¹⁵ At odds with OSCE commitments and Council of Europe standards, the process lacked transparency and consultation with stakeholders, while the late timing created significant difficulties in the implementation of key aspects of the election administration.¹⁶ Last minute legislative changes challenged legal certainty and undermined consistency of the legal framework as some of the new provisions were not harmonized with the Electoral Code.¹⁷ Many OSCE/ODIHR EOM interlocutors emphasized the need to involve experts beyond the largest parliamentary parties and to study policy options, including for electronic voting, before future reform.

The authorities should undertake electoral reform that is inclusive, timely, and based on sound policy analysis, to address the recommendations contained in this and prior OSCE/ODIHR reports. Provisions across different election-related laws should be harmonized, particularly in respect of campaigning, campaign finance, and media.

V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered election administration: the CEC, 90 Commissions of the Electoral Administration Zones (CEAZs), and 5,362 Voting Centre Commissions (VCCs). Counting was conducted by Counting Teams in 90 Ballot Counting Centres (BCCs).

Women were underrepresented in the election administration, particularly in decision-making positions. Two of seven CEC members and about one third of CEAZ members were women; however, there were only some 20 per cent women in CEAZs and none in the CEC held leadership positions.¹⁸ IEOM observers reported a similar share of women in VCCs (some 21 per cent, including 18 per cent of chairpersons in the VCCs visited).¹⁹

Efforts should be made to promote gender-balanced representation at all levels of election administration, including in decision-making positions.

¹⁵ Under the Constitution (Article 83), an expedited procedure to approve draft laws may not be less than one week. Codes may not be approved or amended with an expedited procedure.

¹⁶ Paragraph 5.8 of the 1990 OSCE Copenhagen Document commits participating States to adopt legislation “at the end of a public procedure”. Section II.2.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “the fundamental elements of electoral law... should not be open to amendment less than one year before an election”.

¹⁷ In particular, new rules on campaign advertising in the broadcast media (see *Media*). Under the Constitution (Article 81), codes carry greater legal weight as acts adopted by a qualified majority of MPs.

¹⁸ By law, at least 30 per cent of the CEAZ members proposed by the largest majority and opposition parties must be women.

¹⁹ In paragraph 40.4 of the 1991 OSCE Moscow Document, participating States affirmed that it is their “goal to achieve not only de jure but de facto equality of opportunity between men and women and to promote effective measures to that end.” See also Article 7(b) of the CEDAW and Paragraph 26 of the 1997 CEDAW Committee's General Recommendation 23 on CEDAW.

A. THE CENTRAL ELECTION COMMISSION

The CEC is a permanent body responsible for the overall conduct of the elections. All seven members are appointed by the parliament. Three members are proposed by the parliamentary majority and three by the parliamentary opposition. According to the law, the chairperson is appointed by parliament through an open application process.²⁰ On 22 May, as part of the political agreement, parliament replaced the CEC chairperson 35 days before election day with another CEC member representing the opposition, bypassing the legally prescribed procedure.

Following the agreement, the CEC and its secretariat faced a complex set of legal, institutional, and financial challenges, and had to work under considerable time constraints.²¹ The need to reapprove decisions adopted before the change of the election date and to adopt new regulations further burdened the CEC and its administration.²² Overall the CEC adopted some 500 decisions.

Notwithstanding these constraints, the CEC implemented its core tasks. It was forthcoming with information, operated openly, with public sessions live-streamed online and regularly attended by observers, media, and party representatives. However, the CEC did not take measures to clarify inconsistencies related to campaign advertising in broadcast media. The appointment of CEAZ members did not always adhere to the incompatibility criteria envisaged by the Electoral Code.²³ Furthermore, the CEC was inconsistent in its approach to registering candidates and imposing sanctions for violations of the gender quota in candidate lists (see *Candidate Registration*). Altogether, this raised concerns over the effectiveness of the CEC and the consistency of its decisions, detracting from public confidence in the election administration.

The CEC voter information campaign covered election day procedures, liability for electoral offences, and information discouraging family voting. Positively, some televised spots were supported by sign language. However, voter information was significantly delayed and of limited visibility.

B. LOWER-LEVEL COMMISSIONS

The CEAZs are composed of seven members and a secretary, all nominated by the parliamentary majority and opposition. The nomination formula for CEAZ members mirrors that of the CEC.²⁴ The formation of lower-level commissions was problematic and completed long after the legal deadlines. Eligible opposition parties declined to nominate CEAZ members within the initial deadline. Therefore, the CEC formed the CEAZs with only four members and a secretary by soliciting applications from eligible citizens, as required by the law. Following the 18 May political agreement, the opposition parties had the opportunity to nominate members again. Consequently, those commissioners who had been solicited by the CEC were replaced by those nominated by opposition parties, albeit following significant delays from the parties.²⁵ Despite a longstanding OSCE/ODIHR recommendation, parties are entitled to recall their nominees from the CEAZs at any time at their own

²⁰ In November 2016, the former SP-nominated CEC deputy chairperson was elected chairperson.

²¹ For instance, the CEC received ALL 10 million (some EUR 74,000; EUR 1 was approximately ALL 135 (Albanian *Lek*)) from the government, which together with the CEC's reserve budget had to be spent on new campaign finance monitoring experts.

²² For instance, regulations for monitoring campaign finance, clarifications of new campaign rules, and template forms.

²³ Deputies, candidates, mayors, military, police, and security service staff, as well as members or secretaries of another commission cannot serve in CEAZs. However, for example, CEAZ 3, 48, and 87 had members and secretaries registered as candidates from the DP, SMI, and SP respectively.

²⁴ With the exception that in one half of CEAZs the chairperson is nominated by the largest parliamentary majority party, and in the other half, by the largest opposition party. The deputy chairperson and the secretary belong to the political party that is not chairing the respective CEAZ.

²⁵ The CEC finalized the formation of CEAZs after the RP submitted its nominees on 16 June.

discretion. As of 24 June, 119 of the 720 (16.5 per cent) CEAZ members and secretaries had been replaced, largely upon party requests.²⁶

None of the 90 CEAZs could form the VCCs and counting teams by the legal deadlines.²⁷ The law does not provide the CEAZs with an alternative mechanism to fill the vacant positions in the VCCs and counting teams in case their members are not nominated in a timely manner by the parties. This leaves the formation of VCCs and counting teams largely dependant on political considerations. Two days prior to election day, some 720 VCCs had yet to be formed. The OSCE/ODIHR EOM was informed that all parties delayed nomination due to concerns about potential bribery of commissioners by their opponents, reflecting deep mistrust among political parties. The delayed nominations were also used to circumvent the legal prohibition on replacing VCC members.²⁸ This is indicative of systemic weaknesses of a highly politicised election administration.²⁹

The law could be amended to allow for non-partisan appointment of election commissioners and counting team members. The Electoral Code should be amended to prohibit discretionary replacement of CEAZ members by nominating parties. Consideration should also be given to introducing alternative mechanisms to appoint VCC and counting team members, when political parties fail to nominate their candidates.

The OSCE/ODIHR EOM visited 86 CEAZs before election day and observed that some lacked adequate premises and equipment, and some reported that they did not receive the necessary funds to administer elections in a timely manner and, at times, had to operate with their members' personal funds. Representatives of some local administrations did not allow their employees to fulfil their function as CEAZ members, claiming that public servants may not engage in political activities, at odds with CEC clarifications.³⁰

The CEC provided training for CEAZ members, which the OSCE/ODIHR EOM assessed as well attended but differing in quality. While some trainings were interactive and well-organised, others were poorly conducted and lacked training materials. The CEC organized VCC trainings from 17 to 22 June while CEAZs were still in the process of forming VCCs. This negatively impacted the effectiveness of the trainings as some training sessions either did not take place or were poorly attended.

To enhance the professional capacity of election commissions, the CEC could regularly offer trainings with certification of potential CEAZ, VCC, and counting team members and create a roster of certified people.

²⁶ This contravenes Section II.3.1.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which states that "the bodies appointing members of electoral commissions must not be free to dismiss them at will".

²⁷ On [13](#), [15](#), [19](#), and [21](#) June, the CEC issued statements urging political parties to nominate VCC members. The VCCs and counting teams were to be formed by 5 and 15 June respectively.

²⁸ The Electoral Code does not allow political parties to withdraw their VCC nominees.

²⁹ Paragraph 20 of the 1996 CCPR General Comment 25 to the ICCPR requires that "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant".

³⁰ The OSCE/ODIHR EOM received such reports from Berat, Fier, Kukes, and Skoder. In its [27 May](#) and [10 June](#) public statements, the CEC clarified that employment at the local administration did not conflict with membership in election commissions and appealed to heads of local administration to issue leave requests to commissioners.

VI. VOTER REGISTRATION

Albanian citizens aged 18 years or older on election day are eligible to vote. Suffrage rights are revoked for citizens serving a prison sentence for committing certain crimes.³¹ Restrictions on the suffrage rights of citizens found mentally incompetent by a court decision challenge international obligations, which prohibit discrimination based on disability.³² The voter registration system is passive; however, at odds with OSCE commitments, voters over 100 years of age are automatically removed from voter lists and must actively confirm their records for re-inclusion.³³

Restrictions on the suffrage rights of persons with mental disabilities should be removed. The automatic removal of voters over the age of 100 from voter lists should be discontinued and the obligation to verify the records of such voters be placed on the state.

Voter lists are based on extracts from the electronic database of the National Civil Status Register, maintained by the General Directorate of Civil Status of the MoI (GDCS). After the call for elections, the GDCS published updated extracts from voter lists on a monthly basis, allowing voters to register any changes with local civil status offices. Corrections to voter records are possible up to 40 days before the elections. As of then, and up to 24 hours before election day, requests for change or inclusion in voter lists can be made only through a district court. Some 600 requests for inclusion were filed, primarily by prisoners, and approximately half of the requests were satisfied.³⁴ Voters could also check their records at the CEC website. The final number of registered voters was 3,452,324.

In January 2017, the CEC appointed two auditors to assess the accuracy of voter lists who reported persisting problem with incorrect address codes.³⁵ No significant issues concerning the accuracy of voter lists were raised by OSCE/ODIHR EOM interlocutors, with the exception of barriers for the Roma community (See *Participation of National Minorities*) and long-standing issue of duplicate records.

Voters were included in the voter list of voting centres serving their place of residence and could vote only there, without possibility to vote by mail, via mobile ballot box, or from abroad.³⁶ Special voting centres, 21 in total, were organized in hospitals, prisons, and pre-trial detention centres.

Final voter lists related to the initial election date of 18 June were printed and posted at voting centres by the respective CEAZs. After the change of the election date, new lists were compiled and printed to include voters who would have turned 18 by 25 June. However, the OSCE/ODIHR EOM noted that the new lists were often not posted in voting centres or were posted late.

³¹ The Law on Decriminalization introduced restrictions on voting rights of citizens serving a prison sentence for committing crimes listed in some 60 articles of the Criminal Code. The OSCE/ODIHR EOM was informed that voting rights were thus revoked for 1,371 people.

³² See Articles 12 and 29 of the 2006 CRPD. See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and five others v. Hungary*) which stated that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

³³ The OSCE/ODIHR EOM was informed that 1,480 voters over 100 years of age were removed from the voter register between December 2016 and 24 May 2017. Paragraph 5.9 of the 1990 OSCE Copenhagen Document states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law". See also Article 26 of the ICCPR.

³⁴ The Ministry of Justice facilitated court applications from prisoners for inclusion in voter lists. Rejected applicants were largely not eligible to vote according to the Law on Decriminalization.

³⁵ The CEC auditors reported that domicile codes of 289,484 registered voters remained unverified due to auditors' lack of capacity to carry out required detailed field work.

³⁶ Voters residing abroad remain on voter lists according to their last registered address.

Municipalities were required to notify voters about their respective voting centres but some OSCE/ODIHR EOM interlocutors stated that these notifications were not always delivered.³⁷ The CEC had to change the locations of some 430 voting centres.³⁸ The late changes of voting centre locations, delayed publication of the final voter lists, and inconsistent delivery of voter notifications detracted from possibilities for public scrutiny of voter lists. On election day, voters who appeared at a wrong voting centre were redirected to the correct voting centre in 17 per cent of observations.

Efforts to ensure accuracy of data for all voters, including assigning accurate address codes and resolving duplicate records, should be intensified. Furthermore, an effective voter notification delivery system should be introduced to ensure voters are informed in a timely manner about where the voter lists can be scrutinized and the location of their voting centre.

VII. CANDIDATE REGISTRATION

Any eligible voter can stand for election, except those whose right to stand for office has been restricted by the Law on Decriminalization.³⁹ The Constitution also lists categories of officials whose occupation is incompatible with the right to stand.⁴⁰

Candidates may be nominated by political parties, their coalitions or stand independently through nomination by groups of voters.⁴¹ Candidate lists of non-parliamentary parties must be supported by 5,000 voter signatures nationwide and independent candidates by one per cent of voters from their respective district, but no more than 3,000. As required by law, the CEC verified five per cent of supporting signatures presented.⁴² The law is silent as to who may observe the verification process. During its 7 May session, the CEC rejected requests from opposition CEC members for additional verification of signatures for five parties.⁴³ The lack of possibility for other stakeholders to follow the scrutiny of supporting signatures does not allow for full transparency of the process.

To further enhance transparency and confidence in the process, consideration should be given to provide electoral stakeholders with the opportunity to directly observe the verification of candidate support signatures. The process should be clearly defined and include steps to be taken if challenges occur.

The CEC complied with its obligations under the Law on Decriminalization to verify information contained in candidates' self-declarations by requesting data from the criminal records office and civil status office.⁴⁴ However, some OSCE/ODIHR EOM interlocutors noted concerns regarding the consistency, timeliness, and quality of verification of candidates' supporting signatures and criminal

³⁷ The legal deadline for issuing voter notifications was 5 March.

³⁸ Reasons for the changes included inadequate premises or requests from the owners of the voting premises.

³⁹ 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.

⁴⁰ Articles 63 and 69 of the Electoral Code and the Constitution respectively list the president, high officials of public administration, judges, prosecutors, military, national security, and police staff, diplomats, incumbent mayors, and members of election commissions.

⁴¹ Groups of voters should comprise at least nine voters from an electoral district.

⁴² Section I.1.3.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "Checking process must in principle cover all signatures".

⁴³ The CEC informed the OSCE/ODIHR EOM that parties and observers are not entitled to follow the signature verification process and that verification is conducted solely by the administrative staff of the CEC. According to Section I.1.3.iii of the 2002 Venice Commission Code of Good Practice in Electoral Matters "Checking of signatures must be governed by clear rules".

⁴⁴ Where necessary, the CEC may request in-depth verification by the Prosecutor General's office.

records. Prior to election day, a number of OSCE/ODIHR EOM interlocutors highlighted the role of individuals with alleged ties to organized crime in the electoral process. This remained an issue of concern for these interlocutors also after the elections, since several individuals of concern were elected as MPs.

On 7 May, the CEC completed the registration of candidate lists from 15 parties, in line with the original deadlines.⁴⁵ The following day, it approved the content of the ballot paper, a decision perceived by some OSCE/ODIHR EOM interlocutors as politicized since the CEC did not wait for possible appeals against registration. On 28 and 30 May, following the political agreement and with no legal change to registration deadlines, the CEC additionally registered lists from the RP, Albanian Demo-Christian Union Party (ADCUP), and the DP.⁴⁶ At the same time, a prospective independent candidate was denied registration due to late submission of documents.⁴⁷ On 5 June, *Forca Rinia* party applied for registration of their candidate lists, which was denied by the CEC on the grounds that the party had not submitted all required documents within the legal deadline.

A gender quota applies to each candidate list as a means to redress the political underrepresentation of women.⁴⁸ It requires at least one woman and one man among the top three positions and at least 30 per cent of candidates of each gender in each district list. The CEC imposed sanctions of ALL 1 million against the SMI and SP for not respecting the gender quota in Tirana and Berat districts respectively. However, the CEC did not sanction the DP for failing to respect the quota in all 12 districts of the country, undermining the value of the measure to promote women candidates and the necessity for parties to compete on an equal basis, at odds with OSCE commitments.⁴⁹ The law does not allow to deny registration of a party if the quota is not respected.

In total, 18 parties and 2,666 candidates were registered, including 1,073 women (40 per cent). But only 39 women (or 28 per cent) were elected. Positively, 7 of the incoming 15 cabinet members were women. Overall, while largely inclusive, the candidate registration process suffered from selective and inconsistent application of the law and was, at times, based on the political agreement rather than the law.

Consideration could be given to further strengthening existing special measures to enhance the political participation of women, in line with international standards. This could include requiring the alternation of men and women on candidate lists, as well as providing and enforcing effective and proportionate sanctions, including refusal to register, against non-compliance with such measures.

⁴⁵ The CEC had received candidate lists from 17 political parties, 2 of which (the National Union of Albania and the Moderate Socialist Party) did not resubmit their lists after requests by the CEC for corrections. No independent candidates stood in these elections.

⁴⁶ In line with the Electoral Code and the new election date, political parties should have been registered no later than 16 April and candidate lists - no later than 16 May.

⁴⁷ The documents were submitted on 25 May; the CEC reasoned that he had missed the deadline set by the law.

⁴⁸ Prior to these elections women held 33 out of 140 MP seats, 8 of the 21 ministerial posts, and 9 of 61 mayors.

⁴⁹ Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits the participating States to provide “political parties ... with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”. Article 4.1 of the CEDAW states that the adoption “of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination”. Paragraph 3 of the 2009 OSCE Ministerial Council Decision 7/09 calls on participating States to “encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender balanced representation in elected public office”.

VIII. ELECTORAL CAMPAIGN

After the change of the election date, the campaign officially started on 26 May,⁵⁰ although some instances of early campaigning were observed.⁵¹ The campaign presented a variety of political options. There was significant campaign activity throughout the country, although visibility was lessened due to the limited presence of large-size posters and flags.⁵² The campaign started off peacefully, but later a number of violent incidents occurred.⁵³

Freedom of assembly was respected.⁵⁴ Parties and candidates were free to express their views, with the most active campaigns being conducted by the DP, SMI, and SP. A nationwide campaign was also carried out by the PJIU. The Equal List Party (LIBRA) campaigned mostly in the cities. Smaller parties often limited their campaigns to door-to-door visits and the use of social media.⁵⁵

Women were active and visible in the campaign and several events specifically targeted women voters.⁵⁶ However, women were notably underrepresented. None of the chairpersons of the 18 parties that contested the elections were women. Women candidates received little media attention; the public and private television channels monitored by the OSCE/ODIHR EOM devoted 13 per cent of campaign coverage to women.

During the entire campaign, the prevailing mistrust among political parties and candidates fuelled mutual personal accusations at the expense of presenting concrete party platforms. The campaigns of most contestants focused on personalities of individual candidates, their past actions and reputation. The main actors of the campaign on social media monitored were the chairperson of the SP Edi Rama, the chairperson of the DP Lulzim Basha, and former chairperson of the SMI Ilir Meta, while the most used platform was Facebook. Leaders' pages were much more active than their respective party pages.⁵⁷

⁵⁰ The electoral campaign begins 30 days and ends 24 hours before the election day.

⁵¹ Announcements inviting voters to a meeting on 12 May with a PJIU candidate in school premises were noted by the OSCE/ODIHR EOM in Peshkopi. The OSCE/ODIHR EOM observed SP meetings with voters on 19 May in Korce and on 23 May in Durres as well as an SMI rally in Kukes on 25 May.

⁵² Under the 22 May amendments to the Law on Political Parties, stationary campaign materials, including flags and posters, could only be placed within five meters of party campaign offices.

⁵³ On 27 May, the DP held its rally in Tirana, attended by several thousand people. Following the event, the MoI stated that 73 people sought medical assistance due to eye and skin irritation. On 28 May, the Ministry of Health announced that 140 people had sought first aid, 14 of which had been hospitalized. On 14 June, in Tirana region (Kavaje) three DP supporters were arrested for attacking an SP member. On 16 June, in Berat region, the head of a local SMI branch was assaulted by three allegedly armed persons. On the same day, in Lezhe region, an SMI supporter was threatened by three armed men. On 18 June, in Durres region (Fushe Kruje) an SMI activist was hospitalized after being attacked and beaten by unknown perpetrators. On 18 June, in Shkoder region (Puka) the local chairs of the SMI and its youth branch were threatened by the local SP co-ordinator and reportedly later by the police. The police action was cleared by the Disciplinary Board before election day. On 21 June, in Tirana region (Vore), an SMI supporter was stabbed in front of a bar while he tried to forcibly enter just prior to a scheduled meeting between a local official and DP supporters. On 23 June, an explosion occurred in front of the local SMI office in Durres causing minor material damage and no casualties. The police informed the OSCE/ODIHR EOM that all of the above mentioned cases were under investigation.

⁵⁴ On 7 June, exceptionally, the SMI was informed by the SP mayor of Vlora that they could not use the main square for campaign events as it had been allocated to an SP candidate from 1 May to 30 June.

⁵⁵ Candidates of several smaller parties, which had been allied with the DP in the past, were included in the DP candidate lists and redirected their campaign efforts in support of the DP.

⁵⁶ For example, the SP rallies in Durres on 23 May, in Fier on 26 May, in Berat and Kukes on 5 and 6 June respectively. The SMI also held events in Kukes on 29 May and in Diber (Bulqize) on 18 June in an attempt to specifically target women voters.

⁵⁷ The OSCE/ODIHR EOM followed the Facebook and Twitter profiles of the main political parties and their leaders. Mr. Rama was the most active, with 381 posts during the campaign (Mr. Basha made 298 posts and Mr. Meta 201), 1,094,172 fans (Mr. Basha had 583,078 fans and the SMI 208,777), and 2,405,167 engagements (Mr. Basha had 1,116,494 engagements and the SMI 230,717). Total number of actions on the posts includes likes, comments, or shares. Mr. Meta, did not have an official page, and published on the SMI page.

Several OSCE/ODIHR EOM interlocutors expressed concerns that individuals with a criminal past still played significant roles in the campaign, either as candidates or as supporters. Many OSCE/ODIHR EOM interlocutors also expressed their discontent with the lack of intra-party democracy in the selection process of candidates.

The SP mostly campaigned on a platform of stability and emphasized the need to continue administrative and judicial reform. The DP emphasized economic development and claimed that the SP-led government had caused poverty, mass emigration, and widespread crime and corruption, in particular in relation to cannabis cultivation. The SMI accused the DP and SP of collusion at the expense of other contestants, claiming the existence of undisclosed parts of the 18 May political agreement. All major parties promised higher wages, better living standards, and an intensified fight against crime and corruption, but policy proposals were often lacking. The DP, SMI, and SP publicly agreed on the principles for continuing Albania's EU integration process.

There were widespread allegations of vote-buying during the campaign.⁵⁸ In the aftermath of the elections, both the DP and SMI reiterated their claims to the OSCE/ODIHR EOM that a massive, wide-ranging vote-buying operation had taken place. Both pointed to some concrete cases, but, in the absence of sufficient conclusive evidence, did not present any legal challenges to the results. They nevertheless maintained their firm assertion that the extent of vote-buying was linked to large amounts of money available from criminal drug cultivation.

Robust efforts are needed to address the persistent issue of vote-buying, both through a civic awareness campaign and prosecutions, in order to promote confidence in the electoral process. A concrete and genuine commitment from political parties to combat vote-buying practices could be made. In addition, a public refusal by politicians to accept financial support from individuals with a criminal past would help build public trust in the integrity of the elections.

Many OSCE/ODIHR EOM interlocutors expressed concerns over the abuse of state resources,⁵⁹ and of workplace-related pressures on private and public sector employees in connection with their political activities or preferences.⁶⁰ A concern exists that, in an environment of politicized institutions, electoral choices of public-sector employees, a segment of society vulnerable to pressure, can have consequences for individual livelihoods and future employment.⁶¹

⁵⁸ While allegations were widespread across the country, the OSCE/ODIHR EOM received confirmation by regional police that it had taken action in the following cases: on 17 June, the police ordered the arrest of an individual suspected of promising citizens ALL 10,000 for each vote that would be given to a certain candidate in Shkoder district. On 23 June, in the same district, the police apprehended the chair of a party branch and another person who were distributing food packages to allegedly obtain votes. On 24 June, two men driving in a car with a large amount of money and a copy of the voter list were detained by the police in Shkoder region. The police also received reports of vote-buying involving an SMI candidate in Shkoder region and SMI activists in Fier region.

⁵⁹ For example, several party representatives informed the OSCE/ODIHR EOM that the spouse of an SMI candidate in Gjirokaster, while campaigning, used agricultural subsidies to attract voters. The OSCE/ODIHR EOM observed in Diber, Fier, and Korce regions DP, PJIU, and SP public officials campaigning during working hours at the rallies of corresponding parties. The OSCE/ODIHR EOM also observed an SMI rally in Kukes, which was attended by public sector employees during working hours. On 16 June, the prime minister called on the police and teachers to campaign for the SP outside of official working hours, but apologised for this later.

⁶⁰ For example, the OSCE/ODIHR EOM was informed of three cases of public employees of the OSHEE company in Fier region, who were relocated and/or demoted for being SMI supporters. A party representative in Fier region told the OSCE/ODIHR EOM that a mayor urged public and private companies to dismiss employees who support the DP. In the regions of Elbasan, Gjirokaster, Korce, Kukes, and Tirana, the OSCE/ODIHR EOM observed some PJIU, SMI, and SP rallies at which the participants appeared to be compelled to attend. In one case in Korce region, rally participants confirmed to OSCE/ODIHR observers that they had been incentivised to attend by their children's teachers. The OSCE/ODIHR EOM received two reports that the SP in Delvine exerted pressure on employees to attend a rally and noted down names of administration staff present or absent at the SP anniversary celebration.

⁶¹ In paragraph 5.4 of the 1990 OSCE Copenhagen Document, the OSCE participating States committed to "a clear separation between the State and political parties".

Authorities and political parties should consider more resolute steps to ensure that pressure is not applied on public-sector employees, political activists, and other citizens to attend campaign events or vote in a particular way. Any instances and allegations of pressure should be thoroughly and effectively investigated and prosecuted by relevant authorities. All cases, including their outcomes, should be publicly reported.

Following the 18 May political agreement, the government established a ministerial Task Force to coordinate governmental action to avoid and, if need be, reprimand improper behaviour of administrative bodies in the electoral process.⁶² The effectiveness of the Task Force was, however, reduced by conflicts mainly between DP-appointed ministers and representatives of state institutions. In several instances, dismissals and suspensions of public employees were not carried out in accordance with legal procedures.⁶³ Some of these dismissals had no apparent connection to the electoral process.⁶⁴ This left the process open to allegations, mainly by the SMI, that these actions were politically motivated.⁶⁵ In a positive step, the Task Force released a detailed report on its activities as well as offered a series of recommendations for improving the electoral practices in the future.

The government should analyse the effectiveness of previous attempts to counteract the abuse of state resources and employment-related pressures on voters. It should consider establishing a transparent, independent, and inclusive body with the task and competence to act and follow up if such matters are brought to its attention in the pre- and post-electoral period. Such a structure could be replicated on the regional level and be established in due time before the next elections.

IX. CAMPAIGN FINANCE

Electoral campaigns may be financed from public and private funds. Public funds are allocated to parties for their regular activities based on their results in the last parliamentary elections. Additional public funds are provided for campaign purposes to all parties contesting the elections as an advance, and recalculated after the elections.⁶⁶ Parties that secure fewer votes than their funding entitlement must repay the difference.⁶⁷ The total budget for funding campaigns was ALL 65 million and it was distributed by the CEC on 31 May.⁶⁸ Independent candidates are not entitled to public funding.⁶⁹

⁶² The Task Force held a total of five meetings between 5 and 26 June.

⁶³ For example, on 8 June, the Minister of Justice ordered the suspension of the Secretary General of this Ministry. According to the Law on Civil Service, such authority should be exercised by the Department of Public Administration. On 2 June, the Minister of Economic Development, Tourism, Trade and Entrepreneurship ordered the dismissal of the General Director of the Albanian Post. Such authority should be exercised by the Supervisory Board of the Albanian Post.

⁶⁴ For example, on 13 June, the Minister of Education and Sports ordered the dismissal of the General Secretary of the Ministry. On 30 June, the Commissioner for Oversight of Civil Servants decided that there were no grounds for the opening of a disciplinary procedure against the General Secretary. On 13 June, the Minister of Social Welfare and Youth requested the Department of Public Administration to initiate procedures for dismissal of the Secretary General of the Ministry.

⁶⁵ SMI nominated-ministers were not part of the Task Force.

⁶⁶ Parties that received more than 0.5 per cent of valid votes during the last parliamentary elections receive 95 per cent of the funds, proportionally to the number of valid votes received. The remaining 5 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. On 31 July, the CEC reviewed funds entitlement for the parties that obtained more than 0.5 per cent of valid votes.

⁶⁷ The chilling effect of this rule on new and small parties has been noted by experts. One party indicated to the OSCE/ODIHR EOM that they would rather not take the funds than be liable to repay them in the event of electoral underperformance.

⁶⁸ These funds were distributed as follows: the SP – ALL 28 million; DP – ALL 20.8 million; SMI – ALL 7 million; RP – ALL 2 million; PJIU – ALL 1.8 million; other parties – between ALL 1.2 million and 325,000.

Electoral contestants may also receive private donations from Albanian citizens and legal entities, take loans, or use their own funds for campaign purposes.⁷⁰ No donation may exceed ALL 1 million, including the equivalent value for in-kind contributions. All contributions exceeding ALL 100,000 should be made through a designated bank account. Transparency of campaign donations remained limited due to the absence of disclosure requirements during the campaign.⁷¹

The Electoral Code establishes a campaign spending limit, which amounted to ALL 280 million for these elections.⁷² After the declaration of final election results, the CEC appoints accountants to audit campaign funds of each political party contesting the elections. There is no legal deadline for completion of these audits. The auditors' reports are published by the CEC within 30 days of their submission.

Amendments to the Law on Political Parties of 22 May aimed at increasing transparency and accountability of campaign financing and partially addressed some of the earlier OSCE/ODIHR and Council of Europe recommendations. New measures to reduce campaign costs were welcomed by most OSCE/ODIHR EOM interlocutors. The CEC was tasked to develop guidelines for calculating campaign costs and appoint financial experts to monitor campaigns. In addition, parties contesting the elections were obliged to make public and submit to the CEC a financial declaration of all campaign incomes and expenditures within 60 days from the announcement of election results.

To fulfil these new requirements, the CEC appointed financial experts for each political party on the ballot, who reported on their observations of campaign activities twice before election day.⁷³ The CEC published these reports and used experts' findings to ensure compliance with new campaign rules.⁷⁴ However, late adoption of the amendments left little time for their full implementation.⁷⁵ The methodology used by financial experts was underdeveloped, co-operation by political parties was not ensured, and the scope of interim reports varied.⁷⁶ Resulting campaign regulations lacked consistency and clarity and did not ensure meaningful campaign finance transparency prior to election day.⁷⁷

Campaign finance regulations should be harmonized and secondary legislation developed to ensure a sound methodology and access to full information about campaign financing for financial experts and voters before and after election day. Consideration could be given to defining deadlines for completion of post-election audits.

⁶⁹ Paragraph 130 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations recommends "Where registered political parties are provided state support ... there should be a system of support for independent candidates to ensure they are awarded equitable treatment in the allocation of state resources.

⁷⁰ Anonymous contributions, donations from recipients of public funds and contracts above an established amount, donations from partners in public projects, media companies, and debtors to the state budget or state institutions are prohibited.

⁷¹ Article 7.3 of the UNCAC prescribes to consider taking "appropriate legislative and administrative measures ... to enhance transparency in the funding of candidatures for elected public office and... of political parties".

⁷² According to the Electoral Code, a political party may not spend more than 10 times the highest amount that a contestant has received from public funds.

⁷³ Appointment of experts was based on an open call for applications from experts in the fields of audit and finance.

⁷⁴ For example, on 15 June, the CEC asked the mayor of Durres to remove materials in unauthorized locations.

⁷⁵ The amendments required the CEC to develop implementing instructions within five days of their adoption and appoint experts three days thereafter.

⁷⁶ Most reports were confined to surveying parties' campaign offices, and few provided estimates of the costs of campaign offices and activities.

⁷⁷ While the Electoral Code sets an equal spending limit for political parties, the amendments authorised the CEC to determine a spending limit for each "electoral campaign"; the meaning of this provision remained unclear. The term "campaign office" was not defined in the legislation. The CEC issued an instruction restricting the number of campaign offices to one per "neighbourhood" but this term was also not defined, leading to different interpretations.

X. MEDIA

A. MEDIA ENVIRONMENT

The media environment in Albania is lively, but visibly oversized for the limited possibilities offered by the media advertising market.⁷⁸ Moreover, the challenges of financial sustainability of many media outlets, as well as the economic and political interests of media owners, often influence journalists' reporting and can induce cases of self-censorship. Television (TV) is the main source of political information, while online portals and social media are rapidly replacing print media.

The remarkable number and accessibility of media outlets provided ample and diverse information about politics and elections that enabled voters to compare parties and candidates and to make their choice on election day. However, coverage given to the elections often lacked in-depth analysis, and focused mostly on parties' activities rather than providing any critical analysis.

B. LEGAL FRAMEWORK

The Constitution provides for freedom of expression, media freedom, and right to information, while prohibiting censorship of all means of communication. Defamation persists as a criminal offense, yet from 2012 is punishable only with fines.⁷⁹ Activities by broadcasting media outside of the electoral period are mainly regulated by the Law on Audio-visual Media, while print media are mostly self-regulated.

Criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed.

Positively, the Audio-visual Media Authority (AMA) started media monitoring of the coverage of political actors outside of the campaign period and made public its periodic bulletin, including reports on the economic performance of media outlets.⁸⁰ Moreover, media ownership is formally transparent and accessible through the National Business Centre, and related information is available online.

Campaign coverage in the audio-visual media is regulated in detail by the Electoral Code, which provides for proportional access for all electoral contestants to broadcast media news and information programmes, and for proportional free-of-charge campaign opportunities in the public broadcaster.⁸¹

On 19 April, the CEC appointed the Media Monitoring Board (MMB) to monitor the electoral campaign on public and private broadcasting media.⁸² The delay in appointments caused problems in

⁷⁸ There are 75 TV channels, including 3 nationwide channels, some 100 radio stations, and 20 daily newspapers operating in the country.

⁷⁹ Paragraph 47 of the 2011 CCPR General Comment 34 to the ICCPR requires that "Defamation laws must be crafted with care to ensure that they ... do not serve, in practice, to stifle freedom of expression". In 2015, the OSCE Representative on Freedom of the Media (RfOM) [called on the authorities](#) to "consider fully repealing criminal defamation."

⁸⁰ The first [bulletin](#) covered the first semester of 2016.

⁸¹ 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. In addition, according to the CEC decision, the SP and DP (with more than 20 per cent of seats in the parliament) received 60 minutes of free air time; the SMI, PJIU, and CDP (with less than 20 per cent of parliamentary seats) received 30 minutes each; and each of the remaining 11 contesting non-parliamentary parties received 10 minutes of free air time at the public broadcaster.

⁸² The MMB is composed of seven members. Each CEC member appoints one member of the MMB from the list proposed by national non-for-profit media organisations. As of 26 May, the MMB started monitoring 13 audio-visual operators broadcasting from Tirana and 25 operators broadcasting from 8 regions.

the training of monitoring staff at the central level. The lack of equipment and trained staff seriously hampered the efficiency of monitoring at local level. Moreover, monitoring methodology still does not include the tone of the coverage given to electoral contestants.

In practice, media outlets had difficulty in ensuring proportional coverage of contestants due to the differing intensity of campaign activities by smaller parties, and this was acknowledged by the MMB. The MMB submitted 28 daily, 4 weekly, and one final report to the CEC, proposing, in total, that 27 national and local media provide for compensation of undercoverage, and 7 outlets be fined. The CEC voted against all proposals for fines, while it was always in favour of compensating airtime to parties by asking operators to remedy the undercoverage within 48 hours. The media largely complied with these requests. Thus, a positive co-operation was established between the CEC, the MMB, and media outlets.

The 18 May political agreement produced an ambiguous situation in the legal framework for the media. The consequent last minute amendments to the Law on Political Parties, which prohibited paid campaign advertising for these elections, conflicted with the Electoral Code. National and local private media outlets submitted two letters to the CEC stating that they intended to adhere to the Electoral Code and to not implement the amendments which they regarded as unconstitutional. The CEC did not take any measures to clarify the legal framework, and nine private TV channels broadcast paid advertisements during the campaign for several parties.

C. MEDIA MONITORING FINDINGS



The OSCE/ODIHR EOM media monitoring results revealed that the media offered contestants the possibility to participate in debates and talk-shows.⁸³ In all monitored TV channels, campaign reporting focused primarily on the activities of the three main parties, while no debates were held among leaders of the major parties. The coverage of campaign-related events of the main political parties was, however, mostly done through footage prepared and submitted by the parties to the media. Moreover, these materials were not consistently and clearly identified as such in all private TV channels. Despite previous OSCE/ODIHR recommendations, Article 84.1 of the Electoral Code still permits pre-recorded party-produced footage to be broadcast during news editions, which results in blurring the separation between editorial content and political advertising. This is contrary to OSCE commitments and to Council of Europe standards.⁸⁴

In order to ensure the editorial independence of the media, consideration should be given to abolish Article 84.1 of the Electoral Code and clearly prohibit political advertisements to be aired in the news.

Encouragingly, on 23 May, the public broadcaster (*RTSH*) announced that it would not accept any party-produced footage. *RTSH* provided all contestants with free air time, and in its news and information programmes clearly showed a balanced approach to campaign reporting, allocating 25 per cent of its coverage to the DP, 24 per cent to the SP, and 19 per cent to the SMI; the tone of the coverage was mostly neutral or positive. However, due to low audience rates, the impact of *RTSH* on public awareness of the campaign was rather limited.

⁸³ The OSCE/ODIHR EOM conducted monitoring of a cross-section of media outlets with quantitative and qualitative analysis of their political coverage in primetime broadcasts (18:00 to 24:00) of five TV channels (public broadcaster *RTSH*, and four private channels: *ABC News*, *Top Channel*, *TV Klan*, and *Vizion Plus*), one daily print newspaper (*Panorama*), and three online portals (*balkanweb.com*, *gazetatema.net*, and *syri.net*).

⁸⁴ See paragraph 9.1 the 1990 OSCE Copenhagen Document and paragraph 26 of the 1991 Moscow Document. See also paragraph I.3 of the Council of Europe Recommendation CM/Rec (2007)15, which states that “regulatory frameworks on media coverage of elections should respect the editorial independence of the media”.

While a similarly balanced coverage was observed in *Vizion Plus* (where the DP received 34 per cent, the SP 36 per cent, and the SMI 17 per cent), *ABC News* allocated 37 per cent of its coverage to the DP, 28 per cent to the SP, and 21 per cent to the SMI; the tone was also generally neutral or positive. Marginally more critical coverage was noted in *TV Klan* (for all main parties), which committed 42 per cent of its coverage to the SP, 24 per cent to the DP, and 17 per cent to the SMI. A comparable pattern was observed in *Top Channel*, which allocated 42, 33, and 16 per cent of the coverage to the SP, DP, and SMI respectively; but the tone of the coverage of the DP was partly negative.⁸⁵ On 24 and 25 June, during the electoral silence period, some TV channels broadcast an SMI press conference, but neither the MMB, nor the CEC took any measures against the infringement.

XI. PARTICIPATION OF NATIONAL MINORITIES

The Constitution provides for full political, civil, and social rights for national minorities and guarantees all citizens the right to vote and to stand for elections, regardless of ethnic background, race, religion, or language. In terms of the electoral process, Albanian society is widely considered to be well-integrated, and members of national minorities stood as candidates in both minority and mainstream parties.

Campaigning in national minority languages is permitted. Public campaigning in both Greek and Macedonian languages was observed without incident. No national minority candidates expressed concern to the OSCE/ODIHR EOM that they felt unable to use their own language, including in broadcast media.⁸⁶ No significant incidents were observed that indicated ethnic tensions or discrimination against national minority communities. The general tone of the debate regarding national minority issues appeared tolerant.

Some officials informed the OSCE/ODIHR EOM that voters from the Roma community still face practical barriers in terms of voter registration due to a variety of factors, including lack of official documentation and less stable residency. Several interlocutors acknowledged that attempts at vote-buying in economically disadvantaged areas remains a problem. Though not unique to these communities, this issue affects in particular the Roma and Egyptian national minorities.⁸⁷

National minority issues featured to some extent in the campaigns of the larger parties, which sought to attract voters from these communities. The largest ethnic Greek and Macedonian parties each chose to support mainstream parties, as opposed to standing separately.⁸⁸ Disillusionment regarding the electoral process remains high within the Roma and Egyptian communities.⁸⁹

⁸⁵ In respect of other media, *Panorama* newspaper favoured the DP (40 per cent of space allocated to campaign coverage) to the detriment of the SP and SMI (respectively 32 and 20 per cent), with mainly neutral and positive coverage of all contestants. Among the monitored online portals *balkanweb.com* provided balanced coverage to all main contestants, while *gazetatema.net* equally covered the DP and SP (37 per cent each) but 44 per cent of the information on the DP was negative in tone. In turn, *syri.net* was in favour of the DP (47 per cent, with largely neutral and positive coverage), providing 34 per cent to the SP (with one third of the content in negative tone).

⁸⁶ MEGA party, the only national minority party on the ballot representing a national minority with a mother tongue other than Albanian, used its free airtime on *RTSH* half in the Albanian language and half in the Greek language.

⁸⁷ A representative from a Roma political party, although not running in these elections, stressed that it was investing significant amounts of time to provide education to voters to counter this problem.

⁸⁸ The HRUP joined forces with the DP: the HRUP Chairperson accepted a prominent position on the DP list in Vlora, and another HRUP member was included on the DP list in Korce. The Macedonian Alliance for European Integration decided to support the SMI with a candidate on its list in Korce.

⁸⁹ Reasons cited by OSCE/ODIHR EOM interlocutors included perceived broken promises made by candidates during previous campaigns, as well as lack of interest because there are more compelling issues of daily subsistence to deal with.

Ballots were available in the Albanian language only; however, the CEC produced voter information posters and leaflets in Greek, Macedonian, Romani, Serbian, and Vlach/Aromanian languages. Partially addressing a previous OSCE/ODIHR recommendation, a small-scale in-person voter education project was implemented to counter vote selling in the Roma and Egyptian communities.⁹⁰

The CEC and other stakeholders could organise further comprehensive in-person voter education programmes tailored to the needs of the Roma and Egyptian national minorities.

XII. COMPLAINTS AND APPEALS

The Electoral Code sets out an administrative complaint procedure against CEAZ decisions and judicial appeal against CEC decisions. However, the responsibility for complaints about campaign violations is unclear.⁹¹ Political party representatives informed the OSCE/ODIHR EOM that they preferred publicizing their grievances in the media due to low trust in the effectiveness of formal complaint mechanisms. Few campaign-related complaints were made before election day, often addressed simultaneously to different authorities.⁹² While the CEC responded to such information, the same was not always true for other authorities.⁹³

Decisions by the CEAZs may be appealed to the CEC by contestants. No such appeals were made before election day. Citizen observers may challenge CEC and CEAZ decisions concerning their accreditation. Decisions of the CEC on approving election results are initially appealed to the CEC itself. The CEC must decide on complaints on election results within 10 days of submission but the deadline is not clearly specified for other types of complaints.⁹⁴ The CEC administrative complaint procedure is elaborate and involves the appointment of a rapporteur and admissibility hearing on each complaint.⁹⁵

The law should clarify responsibilities for pre-election day complaints, according to their subject matter, to ensure effective remedy. Complaint procedures could be simplified and deadlines for complaint resolution shortened.

Only contestants may appeal CEC acts and inactions to the Electoral College.⁹⁶ The limited standing to bring appeals may leave affected stakeholders without a legal remedy.⁹⁷ Few appeals were made to

⁹⁰ The project was supported by the OSCE Presence in Albania. It focussed on a “train the trainer” methodology, whereby a limited number of students were given the training and this information was then passed onto others. One Roma party leader informed the OSCE/ODIHR EOM that this was a good start, but insufficient in scope.

⁹¹ Under the Electoral Code (Article 33), CEAZs may register claims from contestants in the district and verify them. Some CEAZs informed the OSCE/ODIHR EOM that they would handle any complaints about campaign violations, while others believed only the CEC was authorised to do so.

⁹² For example, on 6 June, the DP in Diber complained about PJIU’s non-compliance with campaign regulations to the CEAZ, the mayor, and the police. In Gjirokaster, on 12 June, the DP complained to the police and the CEAZ about violations of campaign regulations by the SP and SMI.

⁹³ In Diber, the DP repeatedly complained to the mayor and the CEAZ that its complaints have not been addressed.

⁹⁴ According to the CEC, the 10-day deadline applies to all complaints. Section II.3.3.g of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance)”.

⁹⁵ Section II.3.3.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “the procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals”.

⁹⁶ The Electoral College is composed of eight judges selected by lot from among appellate court judges in Albania for four years. Appeals are heard by five-judge panels, drawn by lot for each case. The current Electoral College was formed in December 2016 and includes one female judge.

⁹⁷ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states: “...everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Section 99 of the Explanatory Report of the 2002 Venice Commission Code of Good Practice in

the Electoral College before the election day, primarily regarding candidate registration.⁹⁸ The Electoral College respected the 10-day deadline for adjudicating complaints but its decisions were not always issued in writing within the required 3-day period.⁹⁹ Procedural rights of the parties were observed and decisions were reasoned, although not always consistent.¹⁰⁰ Decisions of the Electoral College are final.¹⁰¹

The legal standing to appeal acts of the election administration to a judicial body should be granted to political parties and voters whose rights or interests are directly affected by such acts. Deadlines for adjudication could be shortened.

XIII. ELECTION OBSERVATION

The Electoral Code provides for citizen and international observation of all stages of the process. Contesting parties, citizen and international organizations are entitled to appoint observers to each CEAZ, VCC, and BCC; however, only contestants are entitled to appoint observers at each counting table. Parliamentary parties may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives to attend the CEC sessions for the electoral period only.

Unlike party observers, the law does not oblige VCCs and CEAZs to provide citizen or international observers with voting centre's records of closing and voting and tabulation results protocols, thus

limiting their ability to effectively scrutinize the counting and tabulation procedures.¹⁰² Close to election day, the CEC obliged the CEAZs to publicly display the results protocols at the BCCs, in line with a previous OSCE/ODIHR recommendation. However, in many BCCs observed by the IEOM, the results were not posted, contrary to the CEC decision.

In order to enhance transparency, the law should guarantee the same rights for all observers and clearly stipulate that all observers be entitled to receive copies of results protocols.

The authorities extended invitations to a number of international observer groups. In an inclusive manner, the CEC accredited a total of 541 international and 3,731 citizen observers.

Electoral Matters states that "Standing in [electoral] appeals must be granted as widely as possible. It must be open to every elector in the constituency ... to lodge an appeal".

⁹⁸ By election day, the Electoral College heard nine complaints, three of which it ruled were outside its jurisdiction (relating to revoked MP mandates under the Law on Decriminalization and remuneration of a CEAZ secretary), while five others dealt with candidate registration. One appeal by the SMI related to the nomination of members of counting teams.

⁹⁹ The Electoral College relies on the Tirana Court of Appeals for administrative support.

¹⁰⁰ The Electoral College ruled that a political party which registered for elections but did not submit candidate lists had no legal interest in challenging the registration of DP and RP lists, avoiding judicial review of registrations under the 18 May political agreement. An independent candidate who claimed he could also register under the political agreement was rejected. The College held that the PJIU should be considered as part of the opposition for the purpose of nominating counting teams, while in 2015 it held that the PJIU was part of the ruling majority.

¹⁰¹ The Constitution grants the Constitutional Court jurisdiction over violations of constitutional rights and freedoms but in practice this jurisdiction is not exercised with respect to electoral rights.

¹⁰² Article 10 of the 2003 UNCAC states that each State Party shall "take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning, and decision-making processes". Section I.3.2.xiii of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that "counting must be transparent. Observers, candidates' representatives and the media must be allowed to be present. These persons must also have access to the records".

XIV. ELECTION DAY

Election day proceeded against a backdrop of accusations of vote-buying and incidents related to campaigning at voting centres and alleged pressure on voters, which were reported and amplified by the media. Twenty minutes before the close of the polls, due to low turnout but without legal grounds, the CEC announced a one-hour extension to voting to allow more voters to cast their ballot. This change resulted in an inconsistent application of the decision and caused confusion in voting centres, with some of them closing ahead of the new time, thereby denying some voters the opportunity to cast their ballot. The CEC announced final voter turnout at 46.8 per cent.¹⁰³

In order to ensure that rules are consistently applied and that voters are treated equally, changes to voting rules should not take place on election day, barring a force majeure.

Observers were able to follow the process without restrictions in almost all voting centres observed and transparency was overall ensured.¹⁰⁴ Party observers were present in 95 per cent of centres observed, and were predominantly from the DP, SMI, and SP. Citizen observers were present in only 17 per cent of voting centres observed during opening and voting; however, they were present in over two-thirds of BCCs observed. While the presence of observers added to transparency overall, party observers at times interfered in the process.

A. OPENING AND VOTING

The opening was assessed negatively in 16 per cent of observations, which is significant. The majority of voting centres observed opened late (63 per cent), largely due to the absence of commissioners or their poor knowledge of procedures, which is indicative of a lack of adequate training. The delay in opening was typically between 10 and 30 minutes. Various procedural problems were noted in 16 per cent of observations, including lack of some election materials at the voting centres and failure of the VCCs to demonstrate to observers the empty ballot boxes before start of the voting. Unauthorized people were present in 10 per cent of voting centres observed and the IEOM noted interference in the process by party observers in 8 per cent of observations.

The IEOM assessed voting negatively in 7 per cent of voting centres observed, mainly due to poor queue control, procedural irregularities, and undue influence of party observers in the process. In addition, several serious procedural violations were observed, including not consistent checking voters for traces of ink (25 per cent of observations) and inconsistent inking of voters after they received a ballot paper (12 per cent), both of which are key safeguards against multiple voting. Seemingly identical signatures were noted in 5 per cent of observations. Proxy voting was noted in 5 per cent of observations as were instances of group voting in 11 per cent of observations. In the majority of cases when assisted voting was observed, commissioners did not adhere to procedures and, contrary to the law, in 2 per cent of observations, the same person was allowed to assist several voters.¹⁰⁵

The secrecy of the vote could have been compromised in 4 per cent of voting centres observed due to voting premises being inadequate for conducting polling (4 per cent) or overcrowding (6 per cent). Furthermore, secrecy was not always ensured in 10 per cent of observations as voters marked their

¹⁰³ The CEC announced preliminary turnout periodically at 10:30 (12 per cent), 13:00 (25 per cent), 16:00 (35 per cent) and 23:50 (45 per cent).

¹⁰⁴ In CEAZ 30 (Tirana) one of the IEOM observer teams was expelled from the BCC on the grounds that observers did not have the right to be present in the premises. Article 7.1 of the Electoral Code stipulates that observers have the right to observe without hindrance all aspects of conduct of elections and all phases of the electoral process.

¹⁰⁵ In most cases observed by the IEOM, voters assisting other voters did not sign a statement pledging to follow the voter's will. In some cases, commissioners assisted the voters. Both of these are contrary to the law.

ballots outside the voting booth, and, in 6 per cent of observations, voters did not fold their ballots, as required by the law. Concerns related to the design of the ballot papers, which continue to contain a bar code with a sequential serial number, giving a technical possibility to link marked ballots to specific voters.

Tension or unrest was noted in 4 per cent of voting centres observed by the IEOM. Groups of party activists in the vicinity of the voting centres observed often appeared to be instructing voters for whom to vote. In 5 per cent of observations, the IEOM observed individuals attempting to influence voters to vote for a particular party inside the voting centre. IEOM observers noted many instances when party observers kept track of those who had voted by recording their ordinal numbers as assigned in the voter lists. This process was aided by commissioners who announced out loud voters' ordinal number.¹⁰⁶

The state should guarantee the right to a free and secret choice. Any form of pressure to disclose how voters intend to vote or how they voted should be prevented. Any association between a voter and a specific vote should not be possible.

Two thirds of the voting centres observed did not allow for independent access for voters with disabilities while the layout inside of the voting centre was not suitable for their access in 34 per cent of observations. This does not fully guarantee equal suffrage to all voters as required by OSCE commitments and international obligations.¹⁰⁷

To guarantee equal suffrage for persons with disabilities, the authorities should take resolute measures to facilitate their independent participation in voting procedures and ensure that facilities and materials are appropriate, accessible and easy to use.

B. CLOSING AND COUNTING

The closing procedure at the voting centres was negatively assessed in 17 per cent of observations. Some key procedures were not followed, including the counting of signatures on voter lists (9 per cent) and unused ballots (10 per cent). Commissioners' understanding of the process was assessed negatively in 10 per cent of cases.

The intake of election materials at the BCCs was assessed positively; however, the process was, at times, negatively affected due to overcrowding or tension inside the BCCs.

Counting did not always begin immediately after the receipt of all materials from voting centres and breaks, often extended, were taken in 29 of the 59 BCCs observed, contrary to the law. In some cases, this was due to the fact that some counting teams were still being appointed and trained on election night, underscoring the concerns with appointment mechanisms for lower-level election commissions. The general environment in BCCs during the count was overall positively evaluated. Some negative assessments were largely due to overcrowding and tension inside the BCCs (20 per cent), and unauthorized interference in the counting process (13 per cent).

In spite of the overall positive assessment of the vote count, IEOM observers reported irregularities in key procedures, contributing to a negative assessment in 7 per cent of counts observed. In 20 per cent

¹⁰⁶ The IEOM observed such instances in EAZs 3, 11, 20, 22, 26, 27, 32, 36, 43, 44, 53, 54, 73, 84.

¹⁰⁷ Article 29(a) of the CRPD obliges States to “ensure that persons with disabilities can effectively and fully participate in political and public life on equal basis with others ... *inter alia*, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to ... use”. See also paragraph 7.3 of the 1990 OSCE Copenhagen Document and paragraph 41.1 of the 1991 OSCE Moscow Document.

of observations, the ballots were not properly exposed to the camera (which displayed the ballot on a large screen in the BCC) to show the voter's marks and stamps on the reverse side.

Cross-checking of the number of ballots found in the ballot box with the number of voters' signatures on the voter list is a key element during the reconciliation process. Yet, and contrary to the law, this cross-check did not take place in 13 per cent of counts observed. Moreover, the templates of the voting results protocol and voting centre's record of closing do not envisage the total number of registered voters. According to the CEC, this figure is included in the electronic system which transfers results from CEAZs to the CEC and checks each results protocol for consistency.¹⁰⁸ Overall, this practice reduces transparency and deprives observers of the opportunity to meaningfully observe the reconciliation procedures.

The voting centre's record of closing and voting results protocols should contain the number of voters registered at the voting centre. Reconciliation procedures should be strictly followed during the vote count and tabulation.

In 4 per cent of counts observed, party observers were denied the possibility to contest ballots and in 75 per cent of observations, the reasons for contesting a ballot were not recorded on the ballot, as required by law. In general, figures in voting results protocols reconciled; however, in 16 per cent of observations the protocols required technical corrections.

Transparency of the counting process was often limited due to observers being placed too far from the counting tables and not having a clear view of counting procedures, as noted in 16 per cent of counts observed. Poor quality of the equipment used to project the ballot onto the screen also detracted from the transparency of the process. In 8 per cent of observations, party observers did not receive a copy of the voting results protocols upon request. The CEC began uploading preliminary results on its website, by voting centre, the morning after the elections.

The layout and practical arrangements at the BCCs should allow for all observers to meaningfully follow all aspects of counting and tabulation procedures.

C. TABULATION AND ANNOUNCEMENT OF RESULTS

None of the 90 CEAZs submitted tables of results to the CEC by the legal deadline of 26 June. On 29 and 30 June, the CEC urged the remaining 23 CEAZs to submit election materials.¹⁰⁹ Due to delays by the CEAZs, the CEC was only able to approve district election results by 5 July. Delays in the tabulation process at the CEC were also due to some political parties requesting the CEC to postpone approval of results for certain districts until the party concerned had completed its verification of voting results. For example, on 30 June, during the CEC session on approval of the results for Fier district, the DP representative to the CEC requested copies of all voting protocols in Fier for further verification. Consequently, the CEC postponed the approval of results to 3 July. In the same vein, and for the same reason, during its 4 July session, the CEC accommodated the DP's request to delay the approval of results in the districts of Berat and Vlora. Yet, the CEC voted against a request by the PJIU to postpone the approval of results for Tirana district, illustrating the CEC's often selective approach in its decision making.

During the course of verification and tabulation, the CEC corrected 127 voting protocols and 43 CEAZ results tables, for different issues. In some cases, votes recorded for a given party in a voting

¹⁰⁸ In practice, during the count, the CEAZs provide counting teams with the list of voting centres and the respective number of registered voters.

¹⁰⁹ See CEC statements of [29](#) and [30 June](#).

protocol were transferred to a different party in the CEAZ results table.¹¹⁰ In one instance, a CEAZ presented a table of results without filling out the data for several voting centres.¹¹¹ In other cases, according to the CEC, most of the corrections to the results tables were of a technical nature and did not require any recounts or correction of records of valid votes.

Three appeals were made to the CEC against decisions on approval of district results. The PJIU and SP challenged results in Tirana, while the DP appealed against results in Berat. All three appeals referred to irregularities during the counting process. The PJIU requested recount of the results from 41 voting centres, while the SP requested recounts at 23 voting centres and the DP at another 4. These requests were granted and, on 13 and 14 July, the CEC recounted results of 68 voting centres. The recounts revealed no discrepancies affecting the allocation of mandates. No CEC decisions were appealed to the Electoral College after the elections.

On 19 July, following the recounts, the CEC voted to request initiation of criminal proceedings against 76 members of counting teams in Tirana, due to evidence of falsification of electoral results. Between 12 and 20 July, the CEC decided on distribution of mandates for all districts. No appeals against these decisions were made. On 26 July, the CEC announced the final results.

XV. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Albania and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that have not yet been addressed. The OSCE/ODIHR stands ready to assist the authorities of Albania to further improve the electoral process and to address the recommendations contained in this and previous reports.¹¹²

A. PRIORITY RECOMMENDATIONS

1. The authorities should undertake electoral reform that is inclusive, timely, and based on sound policy analysis, to address the recommendations contained in this and prior OSCE/ODIHR reports. Provisions across different election-related laws should be harmonized, particularly in respect of campaigning, campaign finance, and media.
2. Robust efforts are needed to address the persistent issue of vote-buying, both through a civic awareness campaign and prosecutions, in order to promote confidence in the electoral process. A concrete and genuine commitment from political parties to combat vote-buying practices could be made. In addition, a public refusal by politicians to accept financial support from individuals with a criminal past would help build public trust in the integrity of the elections.
3. The government should analyse the effectiveness of previous attempts to counteract the abuse of state resources and employment-related pressures on voters. It should consider establishing a

¹¹⁰ For instance, in EAZs 29 and 30 (Tirana), votes originally recorded for the DP were attributed to the RP in tables of results of the respective EAZs. The same occurred in EAZs 64 and 66 (Berat). Similarly, in the same district, votes originally recorded for the PJIU were attributed to Social Democracy Party. A transfer of votes from the ADCUP to the DP was recorded in EAZ 12 (Lezhe), in EAZ 47 (Elbasan) from the RP to the DP and in EAZ 54 (Fier) from the CDP to the DP. In all these cases, the CEC corrected results based on the voting results protocols.

¹¹¹ CEAZ 75 (Gjirokaster) submitted to the CEC the results table with data missing for voting centres 4146, 4148, 4156, 4166, and 4210.

¹¹² In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

transparent, independent, and inclusive body with the task and competence to act and follow up if such matters are brought to its attention in the pre- and post-electoral period. Such a structure could be replicated on the regional level and be established in due time before the next elections.

4. The law could be amended to allow for non-partisan appointment of election commissioners and counting team members. The Electoral Code should be amended to prohibit discretionary replacement of CEAZ members by nominating parties. Consideration should also be given to introducing alternative mechanisms to appoint VCC and counting team members, when political parties fail to nominate their candidates.
5. Restrictions on the suffrage rights of persons with mental disabilities should be removed. The automatic removal of voters over the age of 100 from voter lists should be discontinued and the obligation to verify the records of such voters be placed on the state.
6. Criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed.
7. In order to enhance transparency, the law should guarantee the same rights for all observers and clearly stipulate that all observers be entitled to receive copies of results protocols.
8. The state should guarantee the right to a free and secret choice. Any form of pressure to disclose how voters intend to vote or how they voted should be prevented. Any association between a voter and a specific vote should not be possible.

B. OTHER RECOMMENDATIONS

Election Administration

9. To enhance the professional capacity of election commissions, the CEC could regularly offer trainings with certification of potential CEAZ, VCC, and counting team members and create a roster of certified people.
10. Efforts should be made to promote gender-balanced representation at all levels of election administration, including in decision-making positions.
11. In order to ensure that rules are consistently applied and that voters are treated equally, changes to voting rules should not take place on election day, barring a *force majeure*.

Voter Registration

12. Efforts to ensure accuracy of data for all voters, including assigning accurate address codes and resolving duplicate records, should be intensified. Furthermore, an effective voter notification delivery system should be introduced to ensure voters are informed in a timely manner about where the voter lists can be scrutinized and the location of their voting centre.

Candidate Registration

13. To further enhance transparency and confidence in the process, consideration should be given to provide electoral stakeholders with the opportunity to directly observe the verification of candidate support signatures. The process should be clearly defined and include steps to be taken if challenges occur.

14. Consideration could be given to strengthening existing special measures to enhance the political participation of women, in line with international standards. This could include requiring the alternation of men and women on candidate lists, as well as providing and enforcing effective and proportionate sanctions, including refusal to register, against non-compliance with such measures.

Electoral Campaign

15. Authorities and political parties should consider more resolute steps to ensure that pressure is not applied on public-sector employees, political activists, and other citizens to attend campaign events or vote in a particular way. Any instances and allegations of pressure should be thoroughly and effectively investigated and prosecuted by relevant authorities. All cases, including their outcomes, should be publicly reported.

Campaign Finance

16. Campaign finance regulations should be harmonized and secondary legislation developed to ensure a sound methodology and access to full information about campaign financing for financial experts and voters before and after election day. Consideration could be given to defining deadlines for completion of post-election audits.

Media

17. In order to ensure the editorial independence of the media, consideration should be given to abolish Article 84.1 of the Electoral Code and clearly prohibit political advertisements to be aired in the news.

Participation of National Minorities

18. The CEC and other stakeholders could organise further comprehensive in-person voter education programmes tailored to the needs of the Roma and Egyptian national minorities.

Complaints and Appeals

19. The law should clarify responsibilities for pre-election day complaints, according to their subject matter, to ensure effective remedy. Complaint procedures could be simplified and deadlines for complaint resolution shortened.
20. The legal standing to appeal acts of the election administration to a judicial body should be granted to political parties and voters whose rights or interests are directly affected by such acts. Deadlines for adjudication could be shortened.

Election Day

21. To guarantee equal suffrage for persons with disabilities, the authorities should take resolute measures to facilitate their independent participation in voting procedures and ensure that facilities and materials are appropriate, accessible and easy to use.
22. The voting centre's record of closing and voting results protocols should contain the number of voters registered at the voting centre. Reconciliation procedures should be strictly followed during the vote count and tabulation.
23. The layout and practical arrangements at the BCCs should allow for all observers to meaningfully follow all aspects of counting and tabulation procedures.

ANNEX I: FINAL ELECTION RESULTS¹¹³

	Political Party	Votes	Percentage	Seats
1	Socialist Movement for Integration	225,901	14.20	19
2	Socialist Party of Albania	764,750	48.30	74
3	Christian Democrat Party	2,421	0.15	0
4	Challenge for Albania	3,546	0.22	0
5	Republican Party of Albania	3,225	0.20	0
6	Democratic Party	456,413	28.80	43
7	Albanian Demo-Christian Union Party	924	0.06	0
8	Demo-Christian Alliance Party	767	0.05	0
9	Social Democratic Party	14,993	0.95	1
10	Democratic Alliance	547	0.03	0
11	New Democratic Spirit	5,146	0.33	0
12	Social Democracy Party	2,473	0.16	0
13	Party for Justice, Integration, and Unity	76,069	4.81	3
14	Nation <i>Arbnore</i> Alliance	351	0.02	0
15	Ethnic Greek Minority for the Future	2,287	0.14	0
16	Communist Party of Albania	1,026	0.06	0
17	Peoples Alliance for Justice	1,505	0.10	0
18	Equal List Party	19,806	1.25	0
	Total	1,582,150	100	140

Total number of voters on voter lists	3,452,324
Number of voters who voted	1,613,789 (46.7%)
Number of valid cast votes	1,582,150
Number of invalid cast votes	31,639 (2%)

¹¹³ Source: [CEC Decision of 26 July 2017](#).

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Roberto Battelli	Special Co-ordinator	Slovenia
Marietta Tidei	Head of Delegation	Italy
Michael Hammer	MP	Austria
Vincent Van Quickenborne	MP	Belgium
Ladislav Šinčl	MP	Czech Republic
Kuelliki Kubarsepp	MP	Estonia
Mart Nutt	MP	Estonia
George Tsereteli	MP	Georgia
Juergen Willi Klimke	MP	Germany
Christos Dimas	MP	Greece
Anastasia Gkara	MP	Greece
Maria Theleriti	MP	Greece
Luigi Compagna	MP	Italy
Sergio Divina	MP	Italy
Federico Fauttilli	MP	Italy
Barbara Bartus	MP	Poland
Grzegorz Schreiber	MP	Poland
Jacek Wlosowicz	MP	Poland
Peter Osusky	MP	Slovakia
Laura Castel	MP	Spain
Ignacio Sanchez Amor	MP	Spain
Margareta Cederfelt	MP	Sweden
Ola Johansson	MP	Sweden
Sven-Olof Sallstrom	MP	Sweden
Margareta Kiener Nellen	MP	Switzerland
Silvia Demir	Staff of Delegation	Czech Republic
Georgios Champouris	Staff of Delegation	Greece
Giuseppe Trezza	Staff of Delegation	Italy
Andreas Nothelle	OSCE PA Secretariat	Germany
Tim Knoblaue	OSCE PA Secretariat	Germany
Roberto Montella	OSCE PA Secretariat	Italy
Francesco Pagani	OSCE PA Secretariat	Italy
Anna Di Domenico	OSCE PA Secretariat	Italy
Nathaniel Parry	OSCE PA Secretariat	United States of America

Parliamentary Assembly of the Council of Europe

Paolo Corsini	Head of Delegation	Italy
Stefan Schennach	MP	Austria
Miroslav Nenutil	MP	Czech Republic
Attila Tilki	MP	Hungary
Joseph O'Reilly	MP	Ireland
Andrea Rigoni	MP	Italy
Luis Alberto Orellana	MP	Italy
Joseph Debono-Grech	MP	Malta
Predrag Sekulić	MP	Montenegro
Reina De Bruijn-Wezeman	MP	Netherlands
Mart van De Ven	MP	Netherlands
Ingebjørg Godskesen	MP	Norway
Jaroslav Obremski	MP	Poland
Idália Serrão	MP	Portugal
Ionut-Marian Stroe	MP	Romania
Marco Nicolini	MP	San Marino

Jan Škoberne	MP	Slovenia
Fernando Maura	MP	Spain
Serhii Kiral	MP	Ukraine
Radek Merkl	Staff of Delegation	Czech Republic
Nikolai Vulchanov	Venice Commission	Bulgaria
Mesut Bedirhanoglu	Venice Commission	France
Franck Daeschler	PACE Secretariat	France
Bogdan Torcătoriu	PACE Secretariat	Romania
Anne Godfrey	PACE Secretariat	United Kingdom

European Parliament

Eduard Kukan	Head of Delegation	Slovakia
Angel Dzhambazki	MEP	Bulgaria
Tamás Meszerics	MEP	Hungary
Elena Schlein	MEP	Italy
Frank Engel	MEP	Luxembourg
Ryszard Czarnecki	MEP	Poland
Cristian Dan Preda	MEP	Romania
Julianna Huszár-Dékany	EP Secretariat	Hungary
Aušra Rakštelytė	EP Secretariat	Lithuania
Andrés Montoya Lozano	EP Secretariat	Spain
Tim Boden	EP Secretariat	United Kingdom

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ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All OSCE/ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).