



Office for Democratic Institutions and Human Rights

# REPUBLIC OF ALBANIA

**LOCAL ELECTIONS**  
**14 MAY 2023**

**ODIHR NEEDS ASSESSMENT MISSION REPORT**

**8-11 November 2022**



Warsaw  
15 February 2023

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION</b> .....	<b>1</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>III.</b>	<b>FINDINGS</b> .....	<b>3</b>
A.	BACKGROUND AND POLITICAL CONTEXT .....	3
B.	LEGAL FRAMEWORK .....	4
C.	ELECTORAL SYSTEM .....	5
D.	ELECTION ADMINISTRATION .....	5
E.	VOTER REGISTRATION.....	6
F.	CANDIDATE REGISTRATION .....	7
G.	ELECTION CAMPAIGN.....	8
H.	CAMPAIGN FINANCE.....	9
I.	MEDIA.....	9
J.	COMPLAINTS AND APPEALS .....	11
K.	CITIZEN AND INTERNATIONAL ELECTION OBSERVATION.....	11
<b>IV.</b>	<b>CONCLUSIONS AND RECOMMENDATION</b> .....	<b>11</b>
	<b>ANNEX: LIST OF MEETINGS</b> .....	<b>13</b>

**REPUBLIC OF ALBANIA**  
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**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

In anticipation of an invitation to observe the 14 May 2023 local elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Albania from 8 to 11 November 2022. The NAM included Alexey Gromov, ODIHR Senior Election Adviser and Kakha Inaishvili, ODIHR Election Adviser.

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

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

## **II. EXECUTIVE SUMMARY**

On 24 October 2022, the President called local elections for 14 May 2023. The elections will take place in all 61 municipalities in an environment of continued deep polarisation between the ruling and the opposition parties. The last 2019 local elections were held without the participation of the opposition parties, which resulted in the ruling Socialist party-led coalition winning all mayoral positions. Mayors are elected in first-past-the-post contests, and municipal councils under a closed-list proportional system.

The legal framework for the elections was significantly amended in 2020, partially addressing ODIHR electoral recommendations. Among others, changes were introduced to the structure of the Central Election Commission (CEC), procedures for voter identification on election day, candidate nomination, campaign rules and campaign finance. Nonetheless, many previous ODIHR recommendations remain unaddressed, including those related to de-politicisation of lower-level election commissions, suffrage rights of persons with intellectual or psychosocial disabilities, criminal liability for defamation, and equal rights of party and citizen election observers.

The elections are administered by the CEC, 92 Commissions of Electoral Administration Zones (CEAZ), some 5,200 Voting Centre Commissions and counting teams formed in each of the 92 Ballot Counting Centres. Preparations for the elections are ongoing, and the CEC has regulated various aspects of the ongoing electoral process. Many ODIHR NAM interlocutors highlighted the overall efficient, transparent and consultative work of the CEC. At the same time, some raised concerns regarding the impartiality of the lower level election commissions.

Voter registration is passive, and some 3.6 million voters are registered for the upcoming elections. Citizens found incompetent by a court decision cannot vote, which is at odds with international

standards. The Ministry of Interior is currently implementing activities aimed at improving the accuracy of the voter lists. No significant issues related to the accuracy of the preliminary voter lists and voter registration in general were raised by ODIHR NAM interlocutors.

The elections can be contested by candidates nominated by political parties and coalitions of parties or independent candidates nominated by groups of voters. The Electoral Code requires that each list of candidates for local councils equally represents men and women, by alternating the gender with every second candidate. Political parties have to register as electoral subjects with the CEC by 6 March and coalitions by 15 March. Electoral subjects have to submit candidate lists by 27 March.

Women are well represented in ministerial positions, holding the majority of the posts in the current government. However, they remain under-represented in parliament, holding 50 out of 140 (36 per cent) seats. In 2021, the government adopted a National Strategy for Gender Equality which aims, among others, to ensure equal participation and representation of women and men in political life and public decision-making at the local level.

The official campaign period begins on 14 April. All ODIHR NAM interlocutors expected the campaign to be held largely through public meetings, broadcast media and social networks. While no significant issues were raised about the ability of political parties and candidates to campaign freely, most ODIHR NAM interlocutors raised concerns about the potential wide-spread practice of misuse of administrative resources by the ruling party, including pressure on public employees. Many interlocutors noted the increased rate of employment in the public sector on short-term contracts covering the electoral period, and raised concern in relation to the possibility of vote-buying and 'organized' voting, especially within the socially vulnerable communities.

The law sets limits for donations and expenditures for campaign finance and provides disclosure requirements. The CEC oversees compliance with campaign finance regulations and is authorized to apply sanctions. In addition, the CEC is authorized to scrutinize all events held by public institutions and check if there is any misuse of public resources. Several ODIHR NAM interlocutors described the current campaign finance oversight mechanism as not providing for sufficient transparency, in particular of private funds used for the campaigns.

The Electoral Code requires the media to provide unbiased information and to treat contestants equally. The scale of media coverage of party activities is determined by a party's parliamentary representation. The media environment is diverse but politically polarized. According to some ODIHR NAM interlocutors, many broadcasters favour the government or follow media owners' interests. Some ODIHR NAM interlocutors raised serious concerns that both government institutions and political parties limit access to information on their activities.

Electoral contestants have the right to file complaints against election management bodies. Decisions of the Commissioner and the CEAZs, including those concerning election results, may be appealed to the Complaints and Sanctions Commission (CSC). Decisions of the CSC and of the CEC Regulator can be challenged to the Electoral College of the Court of Appeals of Tirana whose decisions are final. Some ODIHR NAM interlocutors noted a lack of confidence in the impartiality of electoral dispute resolution by the CSC and the Electoral College.

The law provides for international and citizen election observation. All contestants may appoint observers, and the right to appoint observers within a coalition rests solely with the coalition and not the parties within it. Several citizen observer groups informed the ODIHR NAM of their

intention to observe the elections, including the election administration and other components of the electoral process and use of administrative resources in these elections.

All ODIHR NAM interlocutors confirmed the need for a large-scale ODIHR election observation activity in all regions to ensure an independent assessment of the electoral process. Representatives of state institutions acknowledged the added value of ODIHR electoral recommendations for improving the electoral framework and practices. Many interlocutors placed a particular emphasis on the need for the observation of the pre-election day period, especially with respect to use of state resources. Many aspects would merit specific attention, including the work of the election administration, use of new technologies in the elections, the campaign and its coverage by the media and online, campaign finance, resolution of election disputes and election day procedures.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 14 May 2023 local elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow the electoral process countrywide, as well as 300 short-term observers to observe election day procedures, including voting, counting and tabulation of results. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Albania is a parliamentary republic, with legislative powers vested in the 140-member unicameral parliament, and executive power exercised by the government headed by a prime minister. Deep polarization continues to characterize Albanian politics, with the Socialist Party (SP), the Democratic Party (DP) and the Freedom Party (former Socialist Movement for Integration) dominating the political scene. The last 2019 local elections were held without the participation of the opposition parties. As a result, all mayoral positions were won by the SP-led European Albania coalition.

The 2021 parliamentary elections resulted in the SP receiving a parliamentary majority and Edi Rama heading the government, retaining his post for a third term.<sup>1</sup> Elected members of parliament (MPs) from opposition parties returned to the parliament after relinquishing their mandates in 2019. In June 2022, the parliament elected Bajram Begaj as the new president of the country. On 24 October 2022, the President called local elections for 14 May 2023.

An internal conflict within the DP has been impacting the work of parliament, including the work of *ad hoc* parliamentary committees on territorial and on electoral reform, which have not produced any results.<sup>2</sup> Following the party's loss in the March 2022 mayoral by-elections and the ensuing resignation of DP chair Mr. Basha, a dispute over the chair position emerged.<sup>3</sup> The chair of the DP parliamentary group Enkelejd Alibeaj became an acting chair of the DP. But in late March 2022, the Tirana District Court registered the statutory changes adopted in December 2021 by the DP National Convention called by Mr. Berisha and his supporters resulting in the appointment of Mr.

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<sup>1</sup> As a result of the 2021 elections, SP received 74 seats; the DP-led "Alliance for Change" – 59 seats; Socialist Movement for Integration – 4 seats and Social Democratic Party (SDP) – 3 seats in the parliament.

<sup>2</sup> Internal discord started after former Prime Minister and former DP chair Sali Berisha denounced the results of the 2021 parliamentary elections and launched a campaign for the resignation of then DP chair Lulzim Basha.

<sup>3</sup> Mayoral by-elections were held in six municipalities. SP won in five municipalities, while the "House of Freedom" coalition's candidate, backed by Mr. Berisha, won in the municipality of Shkodra.

Berisha as party chair. This court ruling was appealed by Mr. Alibeaj in April 2022, and the statutory changes and appointment are suspended until there is a ruling on the appeal. At the time of reporting, following several postponements of the hearings, no decision has been made on the appeal raising concerns among many ODIHR NAM interlocutors about the effectiveness of the judicial remedy.

Women are well represented in ministerial positions, holding the majority of the posts in the current government. However, they remain under-represented in parliament, holding 50 out of 140 (36 per cent) seats. There are five women among the current eight judges of the Constitutional Court and five women out of eight judges of the Electoral College. In 2021, the government adopted a National Strategy for Gender Equality which aims, among others, to ensure equal participation and representation of women and men in political life and public decision-making at the local level.<sup>4</sup>

ODIHR has previously observed 15 elections and referenda in Albania.<sup>5</sup> Most recently, ODIHR deployed a Limited Election Observation Mission to the 2021 parliamentary elections, which concluded that “voters had a choice of candidates, who were able to campaign freely, under a legal framework which respects fundamental freedoms. Following a breakthrough agreement ending a political stalemate, the key stakeholders had sufficient confidence in the elections to participate. A reformed Central Election Commission (CEC) dedicated itself to overseeing the electoral process in an organised and transparent manner, despite significant new obligations, including the implementation of new technologies. The ruling party derived significant advantage from its incumbency, including through its control of local administrations, and from the misuse of administrative resources. This was amplified by positive coverage of state institutions in the media. Allegations of vote buying by political parties were pervasive during the campaign, and a high number of investigations were opened in this regard. In a limited number of voting centres and counts observed, the process was largely transparent and smooth”. The final report contains 23 recommendations, including 5 priority ones, to improve the electoral process and bring it closer in line with OSCE commitments.<sup>6</sup>

## B. LEGAL FRAMEWORK

The electoral legal framework primarily consists of the 1998 Constitution and the 2008 Electoral Code, both last amended in 2020. Secondary legislation includes the 2000 Law on Political Parties, the 2001 Law on Demonstrations, the 2008 Law on Gender Equality, the 2013 Law on Audio-visual Media, the 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (so-called Law on Decriminalization), and relevant provisions of the 1995 Criminal Code and the 2015 Code of Administrative Procedures. Albania is a party to major international and regional instruments related to the holding of democratic elections.<sup>7</sup>

On 23 July 2020, following an open, inclusive and deliberative process supported by the international community, parliament adopted a number of amendments to the Electoral Code.

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<sup>4</sup> See the [2021-2030 National Strategy For Gender Equality](#).

<sup>5</sup> See previous [ODIHR election-related reports on Albania](#).

<sup>6</sup> 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”. See ODIHR Electoral Recommendations Database at [Paragraph25.odihr.pl](#).

<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003 UN Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities as well as the 1950 European Convention on Human Rights. Albania is also a member of the Council of Europe’s Venice Commission and Group of States against Corruption (GRECO).

These amendments altered the structure of the CEC, provided for additional regulatory safeguards against the misuse of public resources and strengthened guarantees for gender balance on candidate lists, addressing previous ODIHR recommendations. Amendments also related to public and private financing of the campaign, oversight of campaign coverage in the media, and election dispute resolution. The reform also provided for electronic voter identification on election day and piloting of new voting and counting technologies. The Electoral Code was again amended on 5 October 2020 reflecting the prior constitutional changes and refining the procedures for calling the elections, registering electoral coalitions and candidate lists, and defining the validity of ballots.

Nonetheless, many previous ODIHR recommendations remain unaddressed, including those related to composition of lower-level election commissions, the mechanism of withdrawal of candidates, suffrage rights of persons with intellectual or psychosocial disabilities, criminal liability for defamation, use of campaign materials prepared by political parties in the news and equal rights of party and citizen observers.

In February 2022, parliament set up an *ad hoc* parliamentary committee on electoral reform to follow-up on outstanding ODIHR electoral recommendations. During its first 6-months mandate, it only held its constitutive meeting, and the parliament extended the mandate until 8 March 2023. While the composition of the Committee reflects the diversity of parliamentary parties, many ODIHR NAM interlocutors criticized lack of inclusiveness of its activities due to failure to engage experts from political parties other than from SP and DP, institutions, civil society and the media. Several ODIHR NAM interlocutors noted that internal conflict within the DP affected the work of the Committee stalling the electoral reform.

### C. ELECTORAL SYSTEM

Mayors and councillors are elected directly for four-year terms. Mayors are elected in first-past-the-post contests and councillors – from closed lists under a proportional system. The constituencies for local elections are the territories of the municipalities. The number of councillors in each municipality is determined according to its population size and ranges from 15 to 61.

The Electoral Code allows political parties, coalitions of parties and groups of voters to field candidates. The elected councillors receive mandates according to the order of their candidate list. While the Electoral Code clearly sets a 1 per cent threshold for allocation of seats for parliamentary elections, it lacks clarity on whether each contesting party and coalition needs to receive a minimum 1 per cent of the votes cast in the municipality or nationwide to get their candidates elected. The Venice Commission and ODIHR have previously recommend clarifying the definition of the threshold for local elections.<sup>8</sup>

### D. ELECTION ADMINISTRATION

Local elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 92 Commissions of Electoral Administration Zones (CEAZs) and around 5,200 Voting Centre Commissions (VCCs). Counting is conducted regionally by Counting Teams in 92 Ballot Counting Centres (BCCs), one in each Electoral Administration Zone (EAZ).

The 2020 legal amendments changed the rules for the formation of the CEC and introduced three distinct branches in its structure: the State Election Commissioner (the Commissioner) and Deputy Commissioner, the Regulatory Commission (the Regulator) and the Complaints and Sanctions

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<sup>8</sup> See the [2020 ODIHR and the Venice Commission's Joint Opinion](#) on the Amendments to the Constitution of 30 July and to the Electoral Code of 5 October.

Commission (CSC). The Regulator and the CSC each have five members. All CEC members are elected by parliament by no less than three-fifths of the votes.<sup>9</sup>

The Commissioner exercises executive powers, steers the staff and represents the CEC in relations with third parties. The Deputy Commissioner supervises the voter identification technology as well as recruitment and training of election officials. The Regulator adopts by-laws and other normative acts. The CSC is in charge of handling complaints against the Commissioner and the CEAZs.

The preparations for the elections have started, and the CEC has adopted a few regulations and instructions related to various aspects of the ongoing electoral process.<sup>10</sup> The CEC activities are open and live-streamed online. In the run up to these elections, the CEC is preparing a public awareness campaign to encourage voters to check their voter records and polling stations, and to enhance the participation of women, first-time-voters, national minorities, including from the Roma community, and persons with disabilities in the electoral process. Some ODIHR NAM interlocutors highlighted specific needs in addressing issues related to the inclusive participation of different categories of voters, including illiterate voters, those not possessing valid IDs, persons with disabilities, in particular those with sight impairments.<sup>11</sup>

Many ODIHR NAM interlocutors highlighted the overall efficient, transparent and consultative work of the CEC. At the same time, some raised concerns regarding the effectiveness and impartiality of the CSC citing their failure to counter the misuse of administrative resources by the incumbent political parties in the 2021 parliamentary elections. In addition, some political parties raised concerns regarding the impartiality of the lower level election commissions.

The CEC appoints the CEAZs who are responsible for organizing the elections in their respective EAZs, appointing the VCCs and counting teams and tabulating election results. The VCCs are responsible for organizing voting, as well as transporting ballots and other election materials after voting to the relevant BCCs. The CEAZs and VCCs each have seven members nominated by the parliamentary majority and opposition parties.<sup>12</sup> Despite previous ODIHR recommendations, political parties may still recall their nominees from the CEAZs at their own discretion.<sup>13</sup> The counting teams are composed of four members, with two members representing the parliamentary majority and two – the parliamentary opposition.

## E. VOTER REGISTRATION

Albanian citizens aged 18 years or older on election day are eligible to vote. Citizens found incompetent by a court decision cannot vote, which is at odds with international obligations prohibiting discrimination based on disability.<sup>14</sup> Suffrage rights are also suspended for citizens

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<sup>9</sup> The length of mandates differs: the Commissioner and Deputy Commissioner are elected for a seven and four year term respectively, while the members of the Regulator and CSC – for five and nine year terms, respectively. Only 3 out of 12 CEC members are women, including the Deputy Commissioner and the chairperson of the Regulator.

<sup>10</sup> According to the Regulator, it needs to adopt 37 decisions regulating or clarifying the electoral process.

<sup>11</sup> In 2021, the government adopted the [2021-2025 National Action Plan for Persons with Disabilities](#) with the aim to ensure, among others, full involvement of persons with disabilities in public and political life.

<sup>12</sup> The largest parliamentary majority and the largest opposition parties propose two CEAZ members each. In addition, the next largest parliamentary majority and opposition parties propose one member each.

<sup>13</sup> Section II.3.1.f of the Venice Commission's 2002 Code of Good Practice in Electoral Matters, states: "the bodies appointing members of electoral commissions must not be free to dismiss them at will".

<sup>14</sup> Article 29 of the CRPD requires States to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". See also Paragraph 48 of General Comment No. 1 to Article 12 of the CRPD. Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will "guarantee universal and equal suffrage to adult citizens".

serving a prison sentence for committing certain crimes.<sup>15</sup> The voter registration system is passive; however, voters over 100 years of age are automatically removed from the voter lists and have to confirm their status to be included in the register. Total number of registered voters is around 3.6 million.

Voter lists are compiled based on the data of the electronic National Civil Status Register, maintained by the General Directorate of Civil Status (GDCS) of the Ministry of Interior (MoI). After the elections were called, the GDCS commenced publishing updated extracts from voter lists on a monthly basis, allowing voters to register any changes with local civil status offices.<sup>16</sup> Corrections to voter records are possible up to 4 April, after which and up to 24 hours before election day, requests for changes or inclusion in voter lists can be made only through a district court. The MoI informed the ODIHR NAM that since the call of the elections, it was engaged in preparatory activities aimed at improvement of the accuracy of the voter lists. Two auditors have been appointed by the CEC to assess the accuracy of voter lists.

Voter identification is facilitated by e-identification devices containing voter lists from all voting centres. A voter's identity is established electronically by cross-checking the ID cards or passports presented by the voter against the data held in the e-identification device. A fingerprint is also scanned to substitute the signing process on a paper voter list. Following the e-identification, the VCC receives a printed receipt with the voter's personal data and picture for possible post-election verification. The CEC informed the ODIHR NAM about ongoing activities related to checking the equipment and technologies applied, training staff, and noted serious concern with regards to the potential large-scale last-minute withdrawal of the operators of the equipment before election day.

In general, no significant issues related to the accuracy of the preliminary voter lists and voter registration were raised by ODIHR NAM interlocutors. While many interlocutors informed the ODIHR NAM about ongoing discussions on the introduction of out-of-country voting, no modalities for voting from abroad are planned for the local elections.

## F. CANDIDATE REGISTRATION

Any eligible voter has the right to stand, except those serving a prison sentence or with a prior conviction for specific crimes as well as those deported from a number of countries or subject to a search warrant.<sup>17</sup> The Constitution lists categories of officials whose position is incompatible with the right to stand.<sup>18</sup>

Political parties have to register as electoral subjects with the CEC by 6 March and coalitions by 15 March. Candidate lists can then be submitted by registered political parties and coalitions. Independent candidates can stand for elections through the nomination by groups of voters. A candidate may only appear in one list. A party or coalition may not change the ranking of the

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<sup>15</sup> The Law on Decriminalization suspends the voting rights of citizens serving a prison sentence for committing crimes listed in more than 80 articles of the Criminal Code (ranging from election related offences to severe crimes).

<sup>16</sup> The voter lists are made available upon request and free of charge to political parties, coalitions and registered independent candidates. Online versions are also available on the GDCS and CEC websites.

<sup>17</sup> The Law on Decriminalization refers to deportation from an EU Member State, Australia, Canada and the United States. It also references citizens convicted for certain crimes. Paragraph 5.19 of the 1990 OSCE Copenhagen Document states that "everyone will be presumed innocent until proven guilty according to law". See also Article 14 (2) of the ICCPR and Article 6 (2) of the ECHR.

<sup>18</sup> Judges, prosecutors, military, police and national security officers, diplomatic staff, mayors, prefects, members of election commissions, President of the Republic, high state administration officials determined by law must resign to be eligible to stand.

candidates in the list after its registration. Electoral subjects have to submit candidate lists to the respective CEAZs or the CEC no later than 27 March.<sup>19</sup>

Candidate lists from political parties and coalitions as well as independent candidates must be supported by no less than 1 per cent of voters of a given municipality.<sup>20</sup> This requirement is waived for parliamentary parties, parties represented in the relevant municipal council, coalitions that have at least as many seats as the number of parties represented either in the parliament or respective municipal council, and for incumbent members of parliament, mayors and councillors nominated by voters. Voters can support multiple lists. Candidacies are verified by the CEC in line with the Electoral Code and Law on Decriminalization.

The Electoral Code requires that each list equally represents men and women as candidates for local councils, by alternating the gender with every second candidate. Lists which do not comply with this rule are not registered.

## G. ELECTION CAMPAIGN

The official campaign period begins on 14 April and ends 24 hours before election day. There are no sanctions for early campaigning. All ODIHR NAM interlocutors expect the campaign to be conducted largely through public meetings, broadcast media and social networks, in particular *Facebook* and *Twitter*, as well as by means of printed materials, including in minority languages. Advertisements in traditional media and social networks are expected to be increasingly used as a tool to reach out to voters. According to some ODIHR NAM interlocutors, women are usually less represented as speakers at campaign events and in the media, and are often subject to sexist and derogatory rhetoric during the election campaigns.

Campaigning by public institutions is prohibited, and civil servants may not participate in political activities during office hours. The legal framework prohibits the misuse of administrative resources, provides for reducing the advantage of incumbency, and limits budgetary expenditures during the four months prior to election day. Public institutions, as well as state agencies and enterprises are obliged to report to the CEC all their activities involving participation of citizens and media during the four months preceding election day. The CEC can declare an activity carried out by public entities as potentially constituting a misuse of state resources. In this case, the broadcast media are prohibited to feature such activities in the news or other programmes dedicated to campaign coverage. The CEC plans to maintain a dedicated, publicly accessible webpage where citizens can report potential electoral violations.

Most ODIHR NAM interlocutors raised concerns about the potential wide-spread practice of misuse of administrative resources by the ruling party, including pressure on public employees, largely referring to the practice during 2021-2022 elections and lack of resolute measures against perpetrators, both by the law enforcement bodies and political parties. In addition, many interlocutors noted an increased rate of employment in the public sector on short-term contracts covering the electoral period, and raised concern in relation to the possibility of vote-buying and ‘organized’ voting, especially among the socially vulnerable communities, such as Roma.

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<sup>19</sup> If the territory of a municipality is not covered by a single CEAZ, parties, coalitions or individual candidates have to submit registration documents to the CEC.

<sup>20</sup> In any case, the number of required support signatures should be no more than 3,000 and no less than 50. The law requires the election administration to verify 5 per cent of the submitted signatures.

## H. CAMPAIGN FINANCE

Election campaigns may be financed from public and private funds, including loans.<sup>21</sup> Political parties which competed in the last parliamentary elections receive public funding for their regular activities. Parties which obtained at least 1 per cent of votes in the last local elections also receive public funding for their campaigns, proportionally to the number of votes gained. Independent candidates are not entitled to public funding.

Donations, including in-kind, are capped at ALL 1 million. Contributions above ALL 50,000 must be made through a designated bank account. The total campaign expenses of a party may not exceed around ALL 167.5 million nationwide; the expenses of an independent candidate cannot exceed some ALL 27.9 million. Third party campaign financing is not regulated by law.

To ensure compliance with the campaign finance rules, the CEC is authorized to appoint monitors to follow the election campaign, including adherence to prohibitions on certain forms of campaigning. In addition, the CEC has to establish and maintain an online tool for citizens to report potential violations of campaign and campaign finance rules.

Each contestant must register the amount of donations received, as well as donor identification data in a special register administered by the CEC. No other interim reporting on campaign incomes or expenses is required by law. Contestants are obliged to submit reports on their campaign finances within 60 days from the announcement of election results. Many ODIHR NAM interlocutors alleged substantial underreporting of real funds incurred by large political parties for electoral purposes, including for campaigning online and through third parties.

After the declaration of final election results, the CEC appoints auditors to oversee the campaign funds of each contestant. Auditors' reports have to be published by the CEC within 30 days of their submission. The CEC is authorized to verify information in the campaign finance reports and may impose sanctions on contestants for non-compliance with financial rules. Several ODIHR NAM interlocutors described the current mechanism as not providing for sufficient transparency of campaign finance, in particular of private funds used for the campaigns.

## I. MEDIA

The media landscape in Albania includes multiple public and private television (TV) and radio stations, with print media outlets mostly moved to the Internet. The online media have outpaced traditional media and currently, according to many ODIHR NAM interlocutors, serve as the main source of political information in Albania.

The media environment is diverse but politically polarized and characterised by a strong influence of politics and business. Some ODIHR NAM interlocutors noted the concentration of the media in the hands of few owners who promote their political and economic agenda, and that many broadcasters favour the government or follow media owners' interests. ODIHR has previously recommended limiting media ownership concentration. In 2021, Albania adopted the Law on the Register of Ultimate Beneficial Owners; however, according to several ODIHR NAM interlocutors, transparency of ultimate media ownership is still of concern.

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<sup>21</sup> Legal entities which have received public procurement funds in excess of ALL 10 million (some EUR 85,500; EUR 1 is approximately ALL 117 (Albanian *Lek*)), have been involved in public-private partnership projects, have debts vis-a-vis the state budget, as well as those which carry out media-related activities, are not allowed to donate. Citizens and legal entities donating to contestants are not eligible to receive public procurement funds in excess of ALL 10 million in the three-year period after the elections.

The Constitution provides for freedom of expression, media freedom and the right to information, and prohibits censorship of all means of communication. Despite previous ODIHR recommendations, defamation remains a criminal offense punishable with fines.

In September 2021, the government established an Agency for Media and Information under the prime minister. While the formal task of the Agency is to ensure transparency regarding all policies and activities of the government, several ODIHR NAM interlocutors viewed this Agency as centralising and limiting government communications.<sup>22</sup> Some ODIHR NAM media interlocutors expressed concerns about the growing difficulties they are facing in gaining access to information held by public institutions.<sup>23</sup>

The ODIHR NAM was also informed of growing hostility towards journalists covering issues of political sensitivity or of public interest. There are instances of hostile rhetoric against media outlets, including accusations of manipulation of public opinion, emanating from high-level public officials, including the Prime-Minister. The financial vulnerability of media outlets often influences journalists' reporting, affects the independence of editorial policies and induces self-censorship.<sup>24</sup>

The Electoral Code requires the media to provide unbiased campaign coverage and to treat contestants equally. While it ensures access for all electoral contestants to coverage in the news and information programmes, the law provides for a considerable advantageous access to the broadcast media for large parliamentary parties.<sup>25</sup> Advertisements as well as free airtime must clearly identify the sponsoring party. The print media are mostly self-regulated.

The public broadcaster, Albanian Radio and Television (*RTSH*), is obliged to ensure public access to a wide range of political viewpoints during the campaign. *RTSH* is planning to air the CEC-prepared voter awareness information as well as broadcast election-related programmes, including in minority languages. *RTSH* intends to organize live political debates among major as well as smaller parties. The Electoral Code provides all contestants with free-of-charge airtime on *RTSH*, but some ODIHR NAM interlocutors noted a very low audience of the public broadcaster.

ODIHR NAM media interlocutors criticised the continued widespread practice of limiting access of journalists to official and campaign events by the main political parties and public officials and, instead, providing the media with recorded materials.<sup>26</sup> Many interlocutors consider such practice as challenging the independence of the media and limiting voters' access to impartial information.

The Audio-visual Media Authority (AMA), the broadcasting media supervisory body, is in charge of monitoring broadcast media's campaign coverage. Within the official campaign period, AMA should present monitoring reports to the CEC on a daily basis. AMA has already published its monitoring methodology and plans to monitor some 50 TV stations at the national and regional

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<sup>22</sup> The [Agency](#) consists of directorates of citizen information, of media information, of institutional information, of co-ordination of ministries and agencies, of production and events, and of finances.

<sup>23</sup> Article 3 of the [Law on the Right to Information](#) states that everyone has the right to access public information, without having to explain the reasons for such needs.

<sup>24</sup> See Subchapter Freedom of Expression (p.29) of the [Albania 2021 Report by the European Commission](#).

<sup>25</sup> Each political party that won over 20 per cent of seats in the last parliamentary elections should receive twice the amount of news coverage that other parliamentary parties receive. News coverage of non-parliamentary parties is at the discretion of the editors but should not exceed that of the parliamentary parties. The Electoral Code allows paid political advertisement on private media – up to 90 minutes for parliamentary and 10 minutes for non-parliamentary parties and independent candidates on each channel.

<sup>26</sup> The Electoral Code still allows broadcasters to air party-made labelled materials in the news.

levels. The CEC considers complaints concerning media coverage in co-operation with AMA and can apply fines on media outlets for non-compliance with the law. Several ODIHR NAM interlocutors noted good communication mechanisms both with the CEC and AMA with regards to the rules on the campaign coverage and self-regulatory measures.

#### **J. COMPLAINTS AND APPEALS**

According to the Electoral Code, only parties and independent candidates standing for the elections can challenge the decisions of election management bodies to the CEC. Citizen observers can only challenge CEC and CEAZ decisions concerning their accreditation. Complaints against the decisions of the Commissioner and CEAZs, including those regarding the election results, are submitted to the CSC, while complaints and appeals against all other decisions of the CEC can be brought to the Electoral College of the Court of Appeals of Tirana (Electoral College), whose decisions are final. Voters can complain to first instance courts about voter registration issues.

The Electoral College, the highest authority for election disputes, consists of eight judges from the first instance and appeal courts appointed for a four-year term and selected through a draw conducted by the High Council of Justice. All cases are considered in open hearings, and decisions are published on the website of the Court of Appeals of Tirana that also provides logistical support to the Electoral College, including offices and a secretariat. Some interlocutors of the ODIHR NAM as well as judges themselves noted that the Electoral College would benefit from a comprehensive training on effective handling election disputes.

Some ODIHR NAM interlocutors expressed concerns regarding the independence of the judiciary and the impact this could have on the impartial resolution of election disputes.

#### **K. CITIZEN AND INTERNATIONAL ELECTION OBSERVATION**

The Electoral Code provides for citizen and international observation at all stages. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint their representatives to the CEC only for the electoral period. All contestants may appoint observers to the relevant CEAZs, VCCs and BCCs. The right to appoint observers within a coalition rests solely with the coalition and not the parties within it. Some smaller parties informed the ODIHR NAM that this arrangement seriously limits their possibilities to observe when they join a coalition. Despite a previous ODIHR recommendation, only observers from the contesting parties but not citizen or international observers are entitled to receive copies of the voting results protocols at the BCCs and CEAZs.

Many political parties informed the ODIHR NAM that they would observe the election day procedures to ‘safeguard’ their votes. Civil society interlocutors also confirmed their plans to observe the administration of elections and other components of the electoral process and use of administrative resources in these elections, if they manage to secure enough funds for those activities.

#### **IV. CONCLUSIONS AND RECOMMENDATION**

All ODIHR NAM interlocutors confirmed the need for a large-scale ODIHR election observation activity in all regions to ensure an independent scrutiny of the electoral process. Representatives of state institutions acknowledged the added value of ODIHR electoral recommendations for improving the electoral framework and practices. Many interlocutors placed a particular emphasis

on the need for the observation of the pre-election day period, especially with respect to use of state resources. Many aspects would merit specific attention, including the work of the election administration, use of new technologies in the elections, the campaign and its coverage by the media and online, campaign finance, resolution of election disputes and election day procedures.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 14 May 2023 local elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow the electoral process countrywide, as well as 300 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of results. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

## **ANNEX: LIST OF MEETINGS**

### **Government Institutions**

Artemis Malo, Deputy Minister, Ministry for Europe and Foreign Affairs (MEFA)  
Armand Skapi, Director, Directorate of the International Organizations, MEFA  
Blerina Serjani, Desk Officer, MEFA  
Enea Hoti, General Secretary, Ministry of Internal Affairs  
Vangjush Stavro, Director, General Directorate of Civil Status, Ministry of Internal Affairs  
Armela Krasniqi, Chair, Audio-visual Media Authority  
Arben Muka, Programmes Director, Audio-visual Media Authority

### **Central Election Commission**

Lealba Pelinku, Deputy State Election Commissioner  
Ilirjana Nano, Chair, Regulatory Commission  
Helga Vukaj, Member, Regulatory Commission  
Ledio Braho, Member, Complaints and Sanctions Commission  
Ilirjan Rusmali, Member, Complaints and Sanctions Commission  
Eugen Dushollari, IT system expert

### **Electoral College of the Court of Appeals of Tirana**

Esmeralda Çeka, Sokol Ibi, Edlira Petri, Judges

### **Political Parties**

Oerd Bylykbashi, MP, Deputy Chairperson, Democratic Party  
Ivi Kaso, Secretary for Electoral Issues, Democratic Party  
Enkelejd Alibeaj, MP, Acting Chair of the Parliamentary Group, Democratic Party  
Marash Logu, representative to the CEC, Democratic Party  
Ilir Meta, Chairperson, Freedom Party  
Petrit Vasili, MP, Deputy Chairperson, Freedom Party  
Erisa Xhixho, MP, Deputy Chairperson, Freedom Party  
Silva Caka, Secretary, Public Relations, Freedom Party  
Kristo Kiço, Chairperson, Greek Ethnic Minority for the Future Party  
Llazo, Kucuqi, Greek Ethnic Minority for the Future Party  
Mihal Naço, Steering Committee member, Human Rights Union  
Dashmir Shehi, MP, National Development Movement  
Arben Braçe, Deputy Chair, Republican Party  
Sention Zotaj, Member, Republican Party  
Famella Sullaj, Member, Republican Party  
Gentjan Deda, MP, Social-Democratic Party  
Rustem Preçi, Member, Social-Democratic Party  
Damian Gjikhuri, MP, Secretary General, Socialist Party  
Blerina Gjylameti, MP, Secretary for Electoral Issues, Socialist Party  
Eridian Saliانji, Representative to the CEC, Socialist Party

### **Media**

Enkelejdi Joti, General Director, Albanian Radio and Television  
Mario Haxhiymeri, Director of International Relations, Albanian Radio and Television  
Bledar Zaganjori, News Director, Albanian Radio and Television  
Roland Zili, Vizion Plus TV  
Jona Plumbi, *Faktoje.al*

### **Civil Society**

Gjergi Smakaj, Albanian Association of Blind Persons  
Altin Gjeta, Institute of Political Studies  
Bledar Taho, Institute of Romani Culture in Albania  
Dritan Taulla, KRIIK Albania  
Jonid Ferhati, National Youth Forum of Visually Impaired  
Gerta Meta, Society for Democratic Culture  
Edlira Çepani, Women's Network Equality in Decision Making

### **International Community**

OSCE Presence in Albania  
Representatives of diplomatic mission of Austria, Greece, Italy, the Netherlands, Portugal, Slovenia, Sweden, Türkiye, United Kingdom, European Union and International Organizations<sup>27</sup>

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<sup>27</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Albania.