



Office for Democratic Institutions and Human Rights

# REPUBLIC OF ALBANIA

## LOCAL ELECTIONS

30 June 2019

**ODIHR Election Observation Mission  
Final Report**



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**REPUBLIC OF ALBANIA**  
**LOCAL ELECTIONS**  
**30 June 2019**

**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Government of the Republic of Albania and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) for the 30 June 2019 local elections. The ODIHR EOM assessed compliance of the elections with OSCE commitments, other international obligations and standards for democratic elections and national legislation.

The Statement of Preliminary Findings and Conclusions issued by the ODIHR EOM on 1 July concluded that “The 30 June local elections were held with little regard for the interests of the electorate. The opposition decided not to participate, and the government determined to hold the elections without it. In the climate of a political standoff and polarisation, voters did not have a meaningful choice between political options. In 31 of the 61 municipalities mayoral candidates ran unopposed. There were credible allegations of citizens being pressured by both sides. Political confrontation led to legal uncertainty, and many decisions of the election administration were taken with the political objective of ensuring the conduct of elections. Voting was conducted in a generally peaceful and orderly manner and counting was assessed positively overall, although several procedures were not always followed correctly”.

The elections took place against a background of a political and institutional crisis, stemming from long-standing antagonism between the governing Socialist Party (SP) and the opposition Democratic Party (DP). The latter had left the parliament together with the Socialist Movement for Integration (SMI) in February and determined not to participate in elections until the resignation of the Prime Minister and the formation of a technical government. On 10 June, President Meta issued a decree cancelling the elections citing concerns for public safety and his constitutional responsibility to protect pluralism. Parliament declared the decree void and initiated an inquiry procedure to remove the President from office. The atmosphere of legal uncertainty and standoff among key institutions undermined public confidence in the legitimacy of the elections.

Regular opposition protests against the Prime Minister began in February in Tirana and were often marred by violence and vandalism directed at state institutions. Closer to election day, the protesters in other parts of the country targeted the election administration, often including acts of intimidation, violence and arson, and confrontations between municipal and state police.

The legal framework could provide a sound basis for democratic elections, if implemented impartially and with genuine political will. The absence of political agreement since the 2017 parliamentary elections prevented progress on electoral reform, leaving most prior ODIHR recommendations unaddressed, including those concerning the de-politicization of the election administration, transparency of campaign finance and effectiveness of election dispute resolution.

The Central Election Commission (CEC) regularly held open sessions and comprehensively regulated different aspects of the electoral process. The legally prescribed political balance within the election administration could not be achieved because of the main opposition parties’ initial decision not to nominate commissioners, and the CEC’s subsequent interpretation that only those parliamentary parties that stand for the elections could be represented in election administration. The politically

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

unbalanced composition of the election administration and the opposition parties' call on voters to boycott the elections further undermined public confidence in the process.

No ODIHR EOM interlocutors raised concerns about the inclusiveness and accuracy of the voter lists. However, voters declared incapacitated by a court and non-citizens, irrespective of the length of their residency, are not entitled to vote in local elections. In addition, some interlocutors questioned the quality of the process of verifying address data. Voter lists were initially posted on the premises of the Commissions of Election Administration Zones (CEAZs) and Voting Centre Commissions (VCCs) as required by law, but were removed in mid-June in most opposition-governed municipalities, thus limiting voters' ability to verify their data.

The CEC was manifestly inclusive in its approach to candidate registration, which increased the number of contestants. However, the CEC interpreted the law inconsistently and in an overly broad manner, reducing legal certainty. In total, 97 mayoral candidates and 544 candidate lists for local councils were registered in 61 municipalities. Nevertheless, voters did not have a comprehensive choice from among major political alternatives as the main opposition parties abstained from the elections.

The quota system for candidate registration has created an environment conducive to an increased participation of women in political life. Only those councillor candidate lists that included 50 per cent of each gender were registered, resulting in 44 per cent of local councillors' seats being won by women in these elections. Eleven women ran for mayor and eight (13 per cent) became mayors. Nevertheless, few women hold leadership roles within political parties. With some exceptions, women politicians did not feature prominently in the campaign or opposition protests. Two out of five CEC members and 37 per cent of CEAZ members were women.

The visibility of campaign events was low, with the exception of SP rallies at which the Prime Minister was the central speaker. While local issues were addressed at some small-scale events, the focus fell on the non-participation of the main opposition parties and cancelling the elections. The language used by political opponents at rallies, in social media and broadcast and print media was often recriminating and inflammatory. Citizens, especially those employed in public administration, came under pressure to demonstrate a political preference. With a low number of contestants and many uncontested races, the essential choice presented to citizens was whether to participate or not.

Campaigns may be financed from public and private resources, with limits set for donations and expenses. Positively, the CEC adopted instructions and standardized reporting templates and organized training for political parties and mayoral candidates to enhance campaign finance transparency. The CEC appointed financial experts to verify campaign expenditures, who published weekly reports, albeit of varying consistency and degree of scrutiny.

Media are diverse but remain dependent on the political alignment and business interests of outlet owners. In the absence of effective self-regulation, journalists operate in uncertain labour conditions and often resort to self-censorship. Broadcast media focused largely on the political and institutional crisis, especially the heated exchanges between the DP and SP. The limited campaign coverage focused on the current Prime Minister, who heads the SP and introduced the candidates in the regions, as well as on the incumbent SP mayor of Tirana. The practice used by the SP and officials of providing the media with footage from official and campaign events whilst restricting their access to them, limited voters' ability to obtain objective information.

The law guarantees the right to vote and to stand for election to all citizens regardless of ethnic background, race, religion or language. Several ODIHR EOM interlocutors reported that members of the Roma community are especially vulnerable to voter registration problems because of the lack of a permanent address. Some national minority parties decided not to participate in the elections, limiting

the choice available to voters. The ODIHR EOM did not observe any election materials produced by the CEC in minority languages.

Electoral disputes were resolved by the CEC and the court within the prescribed deadlines, but a timely accessibility of their decisions and notification of relevant parties to the case was not always ensured. This undermines the transparency of dispute resolution and does not serve to enhance the public's awareness of the rules of the electoral process. The court narrowed legal standing of contestants in candidate registration disputes, thus leaving affected stakeholders without an effective remedy.

The law provides for citizen, international and party observers at all levels of election administration, but only the latter are entitled to receive the counting and tabulation results at counting centres. The CEC accredited 630 citizen observers, but some NGOs abstained from voter education and election observation activities to avoid the appearance of expressing a political preference by engaging in the electoral process.

Election day was generally peaceful, with small protests and isolated clashes in some communities. Turnout varied among the municipalities, with the CEC establishing the official nationwide figure at 22.96 per cent. The presence of party observers, predominantly from the SP, was noted during all electoral stages, with citizen observers present in smaller numbers. Opening and voting was positively assessed by the ODIHR EOM in the vast majority of voting centres observed; however, group voting, including family voting, was noted in 10 per cent of observations. Almost two-thirds of the observed voting centres did not allow for independent access for voters with disabilities. Counting and tabulation were assessed positively, although some procedures were not always followed correctly.

The remarks of the main political stakeholders after the elections again reflected deep divisions, and several outgoing mayors stated publicly that they would not accept the results of the 30 June vote and would remain in office. The CEC received requests for invalidation of election results in more than 40 municipalities, mainly due to alleged difference between official turnout and data reported by the party observers. The CEC rejected all these complaints mainly for the lack of evidence. The Electoral College stepped in to allocate mandates for all 61 local councils due to CEC's failure to reach the required qualified majority for the decision. On 27 July, the CEC approved the final election results.

This report offers recommendations to support efforts to bring the electoral process in Albania further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to engaging electoral stakeholders in an inclusive dialogue over electoral reform, guaranteeing the voters' right to a free and secret choice, eliminating the long-standing problem of misuse of administrative resources, enhancing independence and the impartiality of the election administration and the judiciary, and effective investigations of electoral violations. ODIHR stands ready to assist the authorities in improving the electoral process and addressing the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the Government of the Republic of Albania to observe the 30 June local elections and based on the recommendation of the Needs Assessment Mission conducted from 19 to 21 March, ODIHR deployed an Election Observation Mission (EOM) on 23 May. Headed by Ambassador Audrey Glover, the ODIHR EOM included 14 experts based in Tirana and 18 long-term observers who were deployed throughout the country from 1 June. On election day, 174 observers from 33 countries were deployed. The Mission remained in Albania until 12 July to follow post-election developments.

The 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 1 July.<sup>2</sup>

The ODIHR EOM wishes to thank the authorities for the invitation to observe the elections, and the Central Election Commission (CEC) and the Ministry for Europe and Foreign Affairs for their assistance and cooperation. It also expresses appreciation to representatives of other national and local state institutions, election administration, political parties, civil society, media, the international community and other interlocutors for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

In November 2018, in line with the Constitution, President Ilir Meta announced the 30 June local elections. Citing concerns for public safety and his constitutional responsibility to protect pluralism, the President revoked the decree on 10 June. On 13 June, parliament passed a resolution declaring the revocation invalid and, on 19 June, it began a procedure, initiated by the Socialist Party (SP), to dismiss the President on grounds of having exceeded his mandate.<sup>3</sup> On 27 June, President Meta announced another decree setting 13 October 2019 as the date for local elections.<sup>4</sup> During this period, the CEC continued preparations to hold the elections on 30 June.

The political environment ahead of the elections was polarised and antagonistic. In February, the opposition Democratic Party (DP) and Socialist Movement for Integration (SMI) rescinded their mandates after parliament had voted down their initiative on the vetting of politicians. Joined by several smaller parties, the DP and SMI announced that they would not participate in elections until the resignation of Prime Minister Edi Rama (SP leader) and the formation of a transitional government that would organize early parliamentary elections.<sup>5</sup> Regular opposition protests in Tirana, led by the DP, began in February and were often marred by violence and vandalism directed at state institutions, including the offices of the prime minister.

The Prime Minister rejected the opposition's demand and, warning against establishing a precedent that would threaten what he described as the "democratic co-existence" of elected governments and their parliamentary opposition, announced that the elections would be held as scheduled.<sup>6</sup>

The political crisis intensified as election day approached. In mid-June, nearly all opposition mayors informed the CEC that they would implement the 10 June decree and end all election preparations.<sup>7</sup> In some of these municipalities, protests targeted the election administration, often including acts of intimidation, violence and arson, and confrontations between municipal and state police. Many domestic stakeholders and the country's international partners called for dialogue to resolve the

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<sup>2</sup> See [all previous ODIHR election reports on Albania](#).

<sup>3</sup> The parliament [resolution](#) charged among other things that the President had violated the principle of periodicity of elections and the citizens' right to elect.

<sup>4</sup> Unlike the 10 June decree, the presidential decree of 27 June remained unpublished in the Official Gazette, although the publication of acts issued by the President is required by law.

<sup>5</sup> Before the elections, the SP held mayoral positions in 33 municipalities; the Macedonians' Alliance for European Integration Party (MAEIP) and Greek Ethnic Minority for the Future Party (MEGA) held one mayoral position each. Opposition parties held mayoral positions in 26 municipalities, including DP mayors in 16 municipalities (Devoll, Dropull, Kamez, Kavaja, Klos, Kukes, Lezha, Mallakaster, Mat, Permet, Pogradec, Selenica, Shkoder, Tropoja, Vau i Dejes and Vora), SMI mayors in 8 (Berat, Bulqiza, Cerrik, Delvina, Gjirokaster, Kucova, Skrapar and Prrenjas), and PJIU mayors in Peqin and Rrogozhina.

<sup>6</sup> See the Prime Minister's '[Seventh Letter](#)' of 1 June.

<sup>7</sup> The mayor of Bulqiza (SMI) was the only opposition mayor who did not inform the CEC that the local administration would prevent elections from being held on 30 June.

political crisis, but political parties demonstrated little will overall to engage in constructive co-operation.<sup>8</sup> This antagonism was indicative of the lack of shared responsibility toward the integrity of the electoral process that would transcend party divisions, and, consequently, negatively impacted the right of citizens to take part in government.

Following the European Commission's 29 May recommendation to open European Union accession negotiations with Albania, on 18 June the European Council postponed the decision until October 2019.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Elections were held for a total of 61 mayors and 1,619 municipal councillors nationwide. Mayors and councils 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. There are no specific provisions for the conduct of unopposed elections, and there is no minimum voter turnout requirement for the validation of results. The number of councillors to be elected in each municipality is determined according to its population size and ranges from 15 to 61.

To qualify for seat allocation, parties must pass a three per cent threshold of votes cast in the respective municipality, while coalitions must pass a five per cent threshold.<sup>9</sup> Local council mandates are allocated to parties and coalitions according to the d'Hondt method, while the distribution of seats to parties within a coalition is conducted using the Sainte-Laguë method.<sup>10</sup>

Local elections are primarily governed by the 1998 Constitution (last amended in 2016), the 2008 Electoral Code (last amended in 2015), the 2000 Law on Political Parties (last amended in 2017), the 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (so-called Law on Decriminalization), the 2001 Law on Demonstrations, the 2008 Law on Gender Equality in Society, the 2013 Law on Audio-visual Media, relevant provisions of the 1995 Criminal Code and the 2015 Code of Administrative Procedures, as well as CEC regulations and the decisions of the Electoral College of the Court of Appeals of Tirana (Electoral College). Albania is party to major international and regional instruments relevant to holding democratic elections.<sup>11</sup>

In an effort to address past ODIHR EOM recommendations, an Ad Hoc Parliamentary Committee on Electoral Reform, co-chaired by representatives of the DP and SP, was re-established in November 2017 to elaborate relevant amendments. Although it had a technical mandate and followed an inclusive and consensus-based approach, the work of the committee was blocked by the opposition in December 2018, and the electoral reform was forestalled by a lack of political agreement.

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<sup>8</sup> See the general principles of the Council of Europe's European Commission for Democracy through Law (Venice Commission) [Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: A Checklist](#), CDL-AD(2019)015 (24 June), pp. 7-8.

<sup>9</sup> An independent candidate obtains a seat in a council if the number of votes for this candidate is greater than the minimal quotient defined for the allocation of seats for parties and coalitions.

<sup>10</sup> When voting for a coalition, a voter chooses one of its constituent parties expressing thereby her or his preference. The number of individual votes for a party within a coalition defines the number of seats allocated to this party out of the total number of seats won by the coalition in a given constituency.

<sup>11</sup> 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), 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 (CRPD), as well as the 1950 European Convention on Human Rights and the 1998 Framework Convention for the Protection of National Minorities. Albania is also a member of the Venice Commission and Group of States against Corruption (GRECO).

Consequently, most ODIHR EOM recommendations remain unaddressed, including those pertaining to the de-politicization of election administration, decriminalization of defamation and effectiveness of election dispute resolution. Positively, on 10 May, the government adopted two decisions aimed at preventing the misuse of public administration and resources during elections.<sup>12</sup>

The legal framework for elections, although largely unchanged since the last elections, could generally provide a sound basis for democratic elections. Nevertheless, the lack of clarity in some provisions, for example on the right of parties not to collect supporting signatures or on the status of parliamentary parties allowed for perceptions of bias in their implementation by the CEC. Electoral stakeholders did not always demonstrate political will to implement properly legal provisions, including when nominating members of the election commissions and during the candidate registration process.

*With a view to strengthen pluralistic democracy, reaffirm the right of citizens to take part in government and demonstrate shared responsibility toward the integrity of the electoral process, political parties and other electoral stakeholders should engage in an open and inclusive dialogue and facilitate electoral reform addressing the recommendations contained in this and prior ODIHR reports.*

The atmosphere of uncertainty and standoff among key institutions undermined public confidence in the legitimacy of the elections. The uncertainty was further compounded by the disagreement among the electoral stakeholders regarding the division of responsibility between the Constitutional Court, as the only body mandated to decide on the constitutionality of presidential decrees, and the Electoral College that is mandated to oversee the legality of the electoral process. The Constitutional Court is temporarily not functioning due to “judicial vetting”, an on-going multi-year nationwide process of re-evaluating all judges and prosecutors in Albania.

## V. ELECTION ADMINISTRATION

Election administration comprises three tiers: the CEC, 90 Commissions of Electoral Administration Zones (CEAZs) and 5,417 Voting Centre Commissions (VCCs). Counting is conducted by Counting Teams in 90 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).<sup>13</sup> Two out of five CEC members and 37 per cent of CEAZ members were women. While women constituted 25 per cent of VCC members observed on election day, including 19 per cent of the chairpersons, 40 per cent of the voting centres visited included no women commissioners.<sup>14</sup>

The law provides equitable opportunities for parliamentary parties to be represented at all levels of the election administration. Previously, ODIHR recommended to allow for non-partisan appointment of election commissioners with the aim of depoliticization of the election administration. In this electoral process, these entitlements were used by the parties for political manoeuvring at the expense of the impartiality of the election administration. The refusal of opposition parties to nominate their members to the CEC and CEAZs, combined with the CEC’s subsequent interpretation of the law that only those parliamentary parties that are contesting the elections can nominate members, left the

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<sup>12</sup> See the 10 May Government’s Decisions [on Measures and Monitoring Activity, Use of Human, Financial and Logistic Resources of State Administration During the Election Process for 2019 Local Elections](#) and [on Temporary Suspension of the Start of Procurement Procedures by Municipalities from 1 to 30 June 2019](#).

<sup>13</sup> As a rule, the EAZs correspond to the territory of municipalities. In 10 municipalities (Durrës, Elbasan, Fier, Kamez, Korce, Lezha, Lushnjë, Shkoder, Tirana and Vlore) that have more than 80,000 voters, additional EAZs are formed. In these municipalities, candidate registration and tabulation processes are administered by the CEC.

<sup>14</sup> One male head of a CEAZ informed the ODIHR EOM that long working hours, difficult working conditions and remote voting centre locations all factored into the low level of women’s representation as VCC members.



election administration politically unbalanced. Consequently, many ODIHR EOM interlocutors expressed lack of trust in all levels of the commissions.

*In line with previous ODIHR recommendations, in order to enhance public confidence in the electoral process, consideration should be given to alternative formulas for nominating members of election administration, supported by procedural safeguards for their independence.*

#### A. CENTRAL ELECTION COMMISSION

The CEC is a permanent body appointed by parliament. By law it is composed of seven members, three each nominated by the parliamentary majority and parliamentary opposition<sup>15</sup> with chairperson elected by parliament through a process of open application. During these elections, the CEC consisted of five members, including the chairperson formally not affiliated with a party, three members nominated by the SP and one by the Republican Party.<sup>16</sup> The DP has not filled its quota of two members since October 2018.

The CEC is in charge of the overall conduct of elections. It has a broad mandate and responsibilities, including issuing binding decisions, registering parties and coalitions, training lower level commissions, considering complaints, monitoring campaign finance and accrediting international and citizen observers.

The CEC regularly held open sessions, live-streamed online and attended by observers and media, and comprehensively regulated different aspects of the electoral process. Remaining within its legal competences, in several cases the CEC implemented the law inconsistently or in a manner that exhibited bias (see *Candidate Registration*).<sup>17</sup> Some CEC decisions, including those on candidate registration denials and complaints, were published with a significant delay, which undermined transparency.<sup>18</sup>

*To increase the transparency of the work of election administration, the Central Election Commission should systematically and in a timely manner publish all decisions on its website.*

The CEC adopted guidelines for administering the voting and counting processes in a timely manner and organized the training of the CEAZs and VCCs. Training materials were well developed and the ODIHR EOM assessed the training sessions positively overall, but noted low attendance in some cases. The CEC also developed comprehensive voter education materials, including on election day procedures and regarding criminal liability for electoral violations. Video materials issued by the CEC that included sign language interpretation were broadcast on different nationwide TV channels.

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<sup>15</sup> The largest parliamentary majority and the largest opposition party propose two CEC members each. In addition, the next largest parliamentary majority and opposition parties propose one member each.

<sup>16</sup> The current CEC deputy chairperson is the former chairperson, and was nominated to the CEC on the Republican Party quota. He became deputy chairperson as a consequence of a political agreement in 2017.

<sup>17</sup> Rejecting the opposition's request to replace the CEC-appointed CEAZ members, the CEC issued an "individual" decision, which requires a vote by a simple majority of its members. This decision was then given a "normative" effect, since the CEC instructed CEAZs to also reject DP and SMI nominees for VCCs and Counting Teams. Normative decisions require a two-thirds majority. According to the Venice Commission's 2002 [Code of Good Practice in Electoral Matters](#), "It is desirable that electoral commissions take decisions by a qualified majority or by consensus".

<sup>18</sup> Paragraph 68 of the Explanatory Report to the Venice Commission's 2002 Code of Good Practice in Electoral Matters states that "Only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results".

The 10 June presidential decree was regarded as void by the majority of CEC members.<sup>19</sup> In municipalities governed by SP mayors, preparations for the elections continued as planned. In almost all municipalities governed by the opposition, the mayors ordered the CEAZs to discontinue preparations and vacate municipal premises.<sup>20</sup> As a result, the CEC had to reallocate more than 200 voting centres as well as a number of CEAZs and BCCs. The opposition's calls on the electorate to boycott the elections, the political bias of municipal authorities and an unbalanced composition of the election administration all negatively affected the public confidence in the electoral process.

## B. LOWER-LEVEL ELECTION ADMINISTRATION

By law, the CEAZs appoint the members of the VCCs and Counting Teams, distribute election materials and consider complaints against their relevant VCCs and Counting Teams. The CEAZs are also in charge of candidate registration and tabulation of election results at the local level, unless these functions are performed by the CEC.

The CEAZs are composed of seven members and a non-voting secretary, all appointed by the CEC for each election. The nomination formula is similar to that for the CEC, with the parliamentary majority and opposition each nominating three members in all and the seventh member in half of the CEAZs.<sup>21</sup> While the SP nominated commissioners to all CEAZs, the DP and SMI submitted no nominations within the legal deadlines, thus prompting the CEC to appoint members on their own initiative and leaving all CEAZs without opposition appointees.<sup>22</sup> As a result, in 45 CEAZs the SP had four commissioners, including the chairpersons.<sup>23</sup> The other 45 CEAZs had three SP-nominated commissioners, one CEC-nominated commissioner, and operated without chairpersons.<sup>24</sup>

According to the law, the CEC-nominated CEAZ members could be replaced by those proposed by political parties before 31 May. On 20 May, the DP and SMI submitted a request to replace the CEC-nominated CEAZ members. In its interpretation of the diverging provisions of the Electoral Code, the CEC linked the parliamentary parties' right to nominate commissioners to their registration as electoral subjects, and decided that those that did not register to participate in the elections had forfeited their right to nominate commissioners at all levels of the election administration.<sup>25</sup>

The VCCs are responsible for organizing voting on election day, as well as packing and transporting ballots and other election materials after voting to the relevant BCCs, where the Counting Teams count votes centrally. In order to fill the resulting vacancies, the CEC issued an open invitation for applications and subsequently approved a list of potential VCC candidates. The CEAZs formed the

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<sup>19</sup> The position of the CEC on the invalidity of the presidential decree was expressed in its 13 June decision to reject the National Unity Party's withdrawal request. The Electoral College further upheld the CEC decision.

<sup>20</sup> In several municipalities this was followed by attempts to eject election management bodies from their premises. In Kamez, Kavaja, Klos, Kukes, Mat, Shkoder, Tropoja and Vora this led to violent clashes, arson and destruction of election materials and premises. Many municipal administrations announced that they would hold cultural events in the voting and counting premises on the eve of and on election day.

<sup>21</sup> Three members should have been nominated by the SP, two by the DP and one by the SMI. The DP and SP can also nominate the seventh member in 45 CEAZs each. In half of the CEAZs, the chairperson is nominated by the SP, and in the other half, by the DP. The deputy chairperson and secretary belong to the main political party that did not nominate the chair in the respective CEAZ.

<sup>22</sup> The Electoral Code provides alternative mechanisms for nominating commissioners in case nominating subjects do not do so. On 18 March, the CEC published an open call for citizens to fill vacant positions in the CEAZs. As per CEC instruction, if the number of applications is greater than the number of vacancies, commissioners are selected by drawing lots.

<sup>23</sup> In these CEAZs, one more commissioner and a non-voting secretary were nominated *ex officio* by the CEC.

<sup>24</sup> In these CEAZs, non-voting secretaries were nominated *ex officio* by the CEC. The functions of chairpersons were exercised by deputy chairpersons.

<sup>25</sup> Different provisions of the Electoral Code on the composition of election administration refer to "political parties representing the parliamentary majority and parliamentary opposition", "registered political parties" or "electoral subjects".

VCCs after the 11 June statutory deadline.<sup>26</sup> On 25 June, five days past the deadline for their formation, the CEC decided that Counting Teams would be composed of two SP-nominated members and two CEAZ-nominated members. On election day, most VCCs and Counting Teams observed by the ODIHR EOM were composed of four members. However, four per cent of the observed VCCs functioned without the required quorum. Several ODIHR EOM interlocutors claimed that commissioners nominated *ex officio* were inexperienced or in reality represented the SP.<sup>27</sup>

*Effective measures should be taken to further strengthen the recruitment and training methods of commissioners in order to ensure their professionalism. To enhance the professional capacity of election commissions, the Central Election Commission could offer periodic training and certification of potential commissioners, with the aim of creating a roster of qualified people.*

## VI. VOTER REGISTRATION

Citizens aged 18 years or older on election day are eligible to vote. Those serving a prison sentence for committing certain crimes are denied the right to vote.<sup>28</sup> Restrictions on voting rights of citizens, who are mentally incapacitated, even when supported by a court decision, are contrary to international obligations.<sup>29</sup> Despite previous ODIHR recommendations and international good practice, non-citizens are still ineligible to vote in local elections, irrespective of the length of their residency.<sup>30</sup> Voters over 100 years of age are automatically removed from the voter list and must confirm their records for re-inclusion, despite a longstanding ODIHR recommendation.

*Restrictions on the suffrage rights of persons with mental disabilities and non-citizens in local elections should be reconsidered.*

The voter registration system is passive. Voter lists are based on the electronic National Civil Status Register (NCSR), which is maintained by the General Directorate of Civil Status (GDSCS) of the Ministry of Interior and includes all voters with an official residence in Albania.<sup>31</sup> Voters were included in the voter list of voting centres serving their place of residence and could vote only there, without the possibility to vote by mail, via mobile ballot box, or from abroad.<sup>32</sup> The final voter list included 3,536,016 voters, including an unspecified number of those who reside abroad, but maintain an official residence in Albania.

The GDSCS reported that the quality of the voter list was improved by deleting duplicates and reducing the number of entries with incomplete addresses from 284,065 in December 2018 to 727 on 21 May.

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<sup>26</sup> The VCCs are composed and appointed using a formula similar to that used for the CEAZs. The law does not explicitly prescribe how to fill vacant positions in VCCs, but stipulates that the CEAZs “take necessary measures” to enable the VCCs to reach a simple majority quorum of four members.

<sup>27</sup> A representative of the DP informed the ODIHR EOM that the opposition discouraged their supporters from participating in the open application process initiated by the CEC.

<sup>28</sup> The Law on Decriminalization suspends voting rights of citizens serving a prison sentence for committing crimes listed in some 60 articles of the Criminal Code.

<sup>29</sup> See articles 12 and 29 of the 2006 CRPD. See also paragraph 9.4 of the CRPD Committee’s Communication No. 4/2011 (*Zsolt Bujdosó and 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”.

<sup>30</sup> The UN Human Rights Committee in its 1996 [General Comment No. 25](#) to the ICCPR confirms the existence of an emerging trend to grant voting rights to permanent residents in local elections. The Venice Commission’s 2002 Code of Good Practice in Electoral Matters states: “It would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence”.

<sup>31</sup> Local civil status offices compile the lists, which include voters according to their place of residence.

<sup>32</sup> Special voting centres, 19 in total, were organized in hospitals, prisons, and pre-trial detention centres.

While this may have enhanced the accuracy of the voter list, some ODIHR EOM interlocutors, including one CEC-appointed auditor of the voter lists, stated that given the volume of data, some addresses may have been reassigned without verification.

The Electoral Code provides sufficient mechanisms for voters to request corrections to their data. After elections were called, 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. Although the law prescribes that each voter receives a written notification from municipal authorities on the location of their voting centre, the ODIHR EOM was informed that this obligation was ignored in some regions.<sup>33</sup> Information on the time and place of voting was also made publicly available on voter lists posted in CEAZs and VCCs; however, in mid-June voter lists were taken down on the orders of the opposition mayors, depriving voters in these municipalities of the possibility to verify their data.

## VII. CANDIDATE REGISTRATION

Any eligible voter resident in a municipality can stand for an election, except those whose right to stand for office is restricted by the 2015 Law on Decriminalization.<sup>34</sup> The Constitution also lists categories of officials whose occupation is incompatible with the right to stand.<sup>35</sup>

In order to field candidates, political parties, coalitions of parties and groups of voters must first register with the CEC as electoral subjects. Parties and groups of voters must submit supporting signatures of no less than one per cent of voters from the respective municipality, unless they have been represented in parliament or municipal government for at least six months.

The CEC took a manifestly inclusive approach to candidate registration. While this provided for a larger number of contestants on the ballots, the CEC interpreted the law in an overly broad and sometimes inconsistent manner, reducing legal certainty. The CEC registered the Democratic Conviction Party (DCP) as an electoral subject on 27 April, although the latter was only registered as a political party on 25 April, with a court decision becoming final on 10 May.<sup>36</sup> The CEC did not require the newly registered DCP to collect supporting signatures.<sup>37</sup>

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<sup>33</sup> In a number of EAZs, voters claimed that they did not receive these notifications. Moreover, the deputy mayor of Shkoder informed the ODIHR EOM that it was the CEAZ's responsibility to distribute voter notifications, while in EAZ No. 30 (Tirana) notifications were distributed with the help of SP volunteers.

<sup>34</sup> This includes citizens convicted of certain crimes or deported, even in the absence of a final court decision, from an EU member state, Australia, Canada and the United States, as well as those under an international warrant.

<sup>35</sup> This includes the president, high state officials, judges, prosecutors, military, national security and police staff, diplomats and members of election commissions.

<sup>36</sup> In 2013 and 2015, the CEC rejected the registrations of Civil Party of Albania and Shkoder 2015 Party that did not provide final court decisions on their registrations as political parties.

<sup>37</sup> The Electoral Code does not specify how the period of six-months tenure in parliament, council or mayor post should be calculated, which facilitated the CEC's circumventing of this requirement. The CEC registered the DCP as a parliamentary party on the basis of certificates issued by parliament that defined the six-month period backwards from the anticipated expiry of mandates of two DCP-affiliated MPs in 2021. The ECtHR requires eligibility conditions "to comply with a number of criteria framed to prevent arbitrary decisions. [...]the discretion enjoyed by the body concerned must not be exorbitantly wide; it must be circumscribed, with sufficient precision, by the provisions of domestic law". See [Podkolzina v. Latvia](#) case (application no. 46726/99, 6 July 2002), paragraph 35.

The Electoral Code prohibits changes to candidate lists after their final approval and does not regulate the withdrawal of candidates. The CEC rejected several withdrawal requests submitted by DCP mayoral candidates, thus leaving their names on the ballot.<sup>38</sup>

*The rules on candidate registration and withdrawals should be formulated precisely and their implementation by the Central Election Commission should be guided by the principle of legal certainty.*

The Law on Gender Equality provides for a minimum 30 per cent representation of women in all public-sector institutions at national and local levels. In 2015, the Electoral Code introduced a 50 per cent gender quota for municipal councillors' lists, with genders alternating in every other position. This created an environment conducive to increased political participation of women, who won 706 local councillors mandates (some 44 per cent) and 8 mayoral positions (13 per cent).

Non-compliance with the gender quota resulted in the rejection of two candidate lists.<sup>39</sup> Grounds for rejection other lists or candidates included missing deadlines for submission of documents and failure to meet the residency requirement. The CEC published decisions on rejections and reinstatements of candidates with significant delays, thus negatively affecting the transparency of the candidate registration process.

In total, 97 candidates, including 11 women and 6 independent candidates, stood for mayor. The SP-led coalition "Alliance for European Albania" put forward mayoral candidates in all 61 municipalities and stood unopposed in 31 of them. For municipal councils, 2 coalitions, 38 political parties, including 9 individual parties, and 11 independent candidates ran on 544 candidate lists, totalling 9,872 candidates, including 4,839 women (or 49 per cent). Nevertheless, abstention of major opposition parties from the electoral process limited the choice of political alternatives available to voters. All 26 outgoing opposition mayors opted not to participate in the elections.

## VIII. CAMPAIGN ENVIRONMENT

The campaign, which began on 31 May and lasted until the start of electoral silence on 29 June, was largely invisible.<sup>40</sup> Apart from voter education billboards with materials provided to municipal authorities by the CEC, the ODIHR EOM observed few posters or other signs of imminent elections.<sup>41</sup> Contestants campaigned predominantly in social media, through door-to-door visits and small-scale meetings with voters. There was little face-to-face debate among the candidates.<sup>42</sup> The

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<sup>38</sup> Representatives of the DCP informed the ODIHR EOM that some of their candidates withdrew because of DP pressure (in Kamza, Kavaja and Lezha) and one because of SP pressure (in Skrapar). In addition, one candidate claimed that his signature on the registration documents was falsified.

<sup>39</sup> On 22 May, the CEC rejected candidate lists for Lezha and Vlore submitted by the Demo-Christian Alliance Party, a member of the SP-led coalition. On 30 May, in the only case related to gender quota compliance, the Electoral College upheld the CEC decision to reject the list.

<sup>40</sup> Contestants respected the electoral silence period. During these days, the non-contesting DP repeatedly called on citizens to boycott the vote and to record and film any abuses on election day. The SMI issued statements attacking the Prime Minister and Rudina Hajdari, the leader of the Democratic Group in parliament, who was elected in 2017 on a DP ticket and did not surrender her mandate in February 2019. The DP and SMI called upon citizens to refrain from violence and provocations on election day.

<sup>41</sup> The voter education materials publicized the polling hours, but not the date of the elections. The ODIHR EOM noted visual materials posted on and outside SP regional offices. The DCP distributed leaflets and opened campaign offices in some cities, with campaign materials displayed on their exterior in several locations. Some SP candidates opened temporary offices, especially in and around Tirana.

<sup>42</sup> Durres was an exception, where, during a 22 June debate organized by local NGOs, the two mayoral candidates, both women (SP and DCP), discussed community development issues before an audience of 200 people. Shortly after the debate, the SP candidate distributed a leaflet describing her platform focused on local issues; it was the only SP candidate leaflet observed in the regions by the ODIHR EOM.

only large campaign rallies were those that featured the Prime Minister as the main speaker campaigning for the candidates from the SP-led coalition, both in municipalities governed by the SP and opposition mayors.<sup>43</sup>

The limited campaigning was overshadowed by national-level developments that deepened long-standing political divisions. Political discourse focused on the non-participation of the main opposition parties and on the date of the elections. Through broadcast, print and social media, public assemblies and meetings with party representatives, citizens were exposed to a choice of views about the elections themselves that in many areas were non-competitive. As election day neared, opposition leadership and the President issued increasingly critical statements that pointed to the lack of competition as an indicator of the SP's supposed intent to institute one-party rule. The Prime Minister reiterated that the opposition parties, which had mayors and a majority in local councils of many municipalities, had excluded themselves from the elections. The language with which political opponents addressed one another was frequently recriminating and inflammatory.<sup>44</sup>

Many candidates described to the ODIHR EOM the challenge of motivating voters to turn out to vote. Most party representatives described their frustration with the overall state of political life and the toll it was taking on their local communities. Several interlocutors across the political spectrum shared with the ODIHR EOM their belief that an agreement between parties was needed to prevent further erosion of trust in democracy, elections and politicians. Some expressed misgivings about the strategies their respective party leaderships had pursued.<sup>45</sup> Others spoke of the lack of internal party dialogue that had motivated them to leave their parties and stand as candidates from other parties or as independents. Several party officials, including some party leaders, argued for greater internal party democracy.<sup>46</sup>

*To prevent inflammatory and insulting language during campaign, political parties and electoral contestants could develop and adhere to a common code of conduct. Political parties should strengthen enforcement of their internal ethical codes, foster internal party democracy and ensure that their internal functions respect and promote transparency, equality and non-discrimination.*

Citizens, especially those employed in public administration, came under pressure to demonstrate a political preference, which is at odds with Paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>47</sup>

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<sup>43</sup> On 13 June, the SP rally in Librazhd was disrupted by several hundred protestors throwing eggs and firecrackers, resulting in arrests of and criminal charges being brought against several DP officials and supporters. On 20 June, however, the mayor of Shkoder attempted to prevent the SP rally and led a simultaneous protest that resulted in fireworks being thrown at the heavy police cordon separating the two events. The police used tear gas to disperse the protestors.

<sup>44</sup> For example, speaking to media during a 2 June DP-led protest, former president and prime minister Sali Berisha [described](#) the Prime Minister as “a political cadaver that has not yet been cremated”. Politicians routinely referred to one another using nicknames, which were often pejorative. The Prime Minister frequently referred to the DP head as “Pinocchio” and to the SMI head as “the fortune-teller”.

<sup>45</sup> One ODIHR EOM interlocutor said that the strategy had been “imposed by bigger party players”. An opposition mayor decried the lack of will by party leaderships to reach a political solution. Another opposition mayor told the ODIHR EOM that he did not have a firm position on the boycott, but adhered to party line to implement it. Two SP mayoral candidates expressed hope that elections would be postponed.

<sup>46</sup> An SP candidate informed the ODIHR EOM that “the greatest political conflicts in Albania are inside the parties”. Paragraphs 61 and 110 of [the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) refer to recognised good practice that the internal functions of political parties respect the principles of non-discrimination and equality, and that “party constitutions should be approved through a participatory process ... rather than by a party leader individually, and made widely available to party membership”.

<sup>47</sup> Paragraph 7.7 of the 1990 [OSCE Copenhagen Document](#) provides that participating States “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”.

The ODIHR EOM received concerns from citizens that turning out to vote or abstaining would potentially expose them to retribution in their communities. Several described direct intimidation and threats of firing or withdrawal of social service benefits.<sup>48</sup>

The ODIHR EOM received many allegations that, despite existing prohibitions in the legal framework and new measures introduced in May, public administration and utility enterprise employees were under direct and indirect pressure to engage in political activity during and after working hours.<sup>49</sup> The mayor of Shkoder (DP) ordered all employees in municipal administration to work from 7:00 to 19:00 on both 29 and 30 June.<sup>50</sup> The ODIHR EOM observed municipal officials, health services and education staff at large SP-led rallies that in many cities were held immediately after working hours. The ODIHR EOM noted widespread perception among interlocutors and the public that employment in the public sector is dependent on political affiliation.<sup>51</sup> Combined, this challenges Paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>52</sup>

*The authorities and political parties should undertake utmost measures to eliminate the long-standing problem of misuse of administrative resources in and between elections. Authorities should issue precise rules that define how public resources may and may not be used for electoral purposes. Further steps should be taken to achieve the de-politicisation of the civil service and ensure that pressure is not applied on voters to attend campaign events or vote in a particular way.*

Municipal employees were among those protestors observed by the ODIHR EOM that physically obstructed election administration in at least 13 municipalities governed by the opposition mayors.<sup>53</sup> Most of these cases included the destruction of election materials as well as confrontations between municipal and state police.<sup>54</sup> On 28 and 29 June, fires set by protestors destroyed election administration premises in Bushat, Has and Vau i Dejes.<sup>55</sup>

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<sup>48</sup> In Devoll, for example, two municipal employees showed the ODIHR EOM copies of letters sent by the mayor on 1 July, dismissing them from their posts, effective the same day. Both alleged that they were let go for not advocating the election boycott. The Commissioner for Oversight of the Civil Service started an inquiry into one of the dismissals.

<sup>49</sup> As the campaign began, the Commission for Oversight of the Civil Service issued instructions on neutrality, impartiality and integrity in the performance of duty during an electoral period.

<sup>50</sup> The mayor released the order at a [26 June press conference](#).

<sup>51</sup> When local governments change, new administrations routinely restructure personnel, leading to a high turnover. During SP campaign rallies in Elbasan (SP mayor) and Skrapar (SMI mayor), where SP-coalition mayoral candidates ran unopposed, the Prime Minister (and SP leader) promised that women and those who had not been used as “cannonballs“ of political parties would not lose their jobs in the new municipal administrations. The Prime Minister repeated this pledge in his [post-election remarks](#).

<sup>52</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides that participating States will maintain “a clear separation between the State and political parties; in particular, parties will not be merged with the State”.

<sup>53</sup> Incidents occurred in Devoll, Diber, Has, Kamez, Kavaja, Kukes, Mat, Pogradec, Prrenjas, Shkoder, Tropoja, Vau i Dejes, and Vora. Among others, a school was set on fire in Shkoder; Molotov cocktails were thrown at the state police in Kavaja; protestors kicked in the door and threw in smoke bombs at the city museum in Tropoja. In Diber, police used tear gas to disperse protestors who threw firecrackers at them.

<sup>54</sup> The Minister of Interior [announced](#) that he would reorganise the municipal police after it was used to undermine the elections in some municipalities. The Commission for Oversight of the Civil Service instructed its monitoring teams to initiate disciplinary proceedings against civil servants involved in violent acts against the election administration. Compliance varied significantly among the different municipalities, ranging from claims from Berat, Kavaja, Kukes, Lezha, Mallakaster, Mat, Prrenjas, Shkoder and Tropoja that the instruction was void due to 10 June presidential decree, to initiation of disciplinary proceedings against employees who had publicly indicated their political preferences.

<sup>55</sup> Citing the Law on Local Self-Government, on 28 June the Prime Minister [removed](#) the mayor of Vau i Dejes for serious violations of constitutional authority.

Despite a significant number of women candidates, women continue to hold few leadership roles in political parties.<sup>56</sup> With a few exceptions, women politicians were not prominent but participated in the campaign and opposition protests.<sup>57</sup>

Women politicians affiliated with the opposition were among the first to call for an end to violence and vandalism associated with the protests, including in Shkoder. A few ODIHR EOM interlocutors noted that the threat of violence may have inhibited women's participation in public assemblies and as election observers and voters. Several women politicians described to the ODIHR EOM the particular challenges of promoting women's participation as candidates, members of election administration and voters in rural areas, where insufficient educational opportunities and conservative traditional norms combine to limit prospects.

*Awareness should be raised about the importance of equal participation of women and men in public and political life, in both urban and rural areas, and with a particular emphasis on the role of women within political parties and electoral processes.*

## IX. CAMPAIGN FINANCE

Electoral campaigns may be financed from public and private resources, including loans. 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.<sup>58</sup> On 16 May, the parliament allocated ALL 65 million (some EUR 533,000) for these purposes.<sup>59</sup> On 10 June, the CEC divided the sum among the parties contesting the elections in proportion to their results in the last local elections: ALL 41 million went to the SP, and the remainder to 35 other eligible contesting parties. Parties that secure fewer votes than their funding entitlement must repay the difference. Independent candidates are not entitled to public funding.

Donations from both citizens and domestic legal entities, including in-kind, are capped at ALL 1 million (EUR 8,200).<sup>60</sup> Contributions above ALL 100,000 must be made through a designated bank account. Each electoral subject had to register all donations in a special register approved as a template by the CEC. Total campaign expenditure for these elections was capped at an equivalent of ALL 408 million for political parties and ALL 20.4 million for independent candidates. Many ODIHR EOM interlocutors claimed that since the opposition did not participate in elections it was not necessary to spend much on campaigning and total expenses were very low.

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<sup>56</sup> CEDAW Committee, in its [Concluding Observations on the fourth periodic report](#) of Albania (25 July 2016, CEDAW/C/ALB/CO/4, paragraph 26) noted the increased representation of women in political life but drew attention to their insufficient representation in decision-making roles and to the barriers to participation that disadvantaged or marginalized groups, such as Roma and Egyptian women and women with disabilities, continue to face, including to exercising their right to vote.

<sup>57</sup> Two political parties, the SMI and the Red and Black Alliance Party, are headed by women. See [OSCE Ministerial Council Decision No. 7/09](#) on Women's Participation In Political And Public Life, which calls on the 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 offices at all levels of decision-making".

<sup>58</sup> 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.

<sup>59</sup> EUR 1 equals approximately ALL 122 (Albanian *Lek*).

<sup>60</sup> 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.



In May 2017, the Law on Political Parties was amended to reduce the costs of campaigns, enhance campaign finance transparency and accountability and introduce new measures against electoral violations. Shortly before the elections, the CEC, which is the oversight body for campaign finance matters, provided detailed guidance for the implementation of campaign finance rules by contestants and auditors, thus contributing to legal certainty.

On 11 April, the CEC adopted an instruction on the verification of campaign expenditures, based on which it appointed financial experts to monitor campaigns. Positively, the experts issued weekly reports on campaign expenditures. While these reports were published on the CEC website, the methodology used to compile them was not always consistently applied. Several reports described difficulties that the financial experts faced locating some party offices, which precluded effective monitoring. Some experts appeared to rely heavily on the information that the political parties were willing to provide instead of their own analysis of the data.

In another positive move, on 8 May, the CEC approved a standardized template and guidelines for campaign finance reporting, which political parties and, for the first time, mayoral candidates were required to use to record, document and report on their campaign funds. The CEC also held a series of training seminars for mayoral candidates and political parties on documenting the funds received and spent during the campaign.

Electoral subjects are obliged to submit to the CEC and make public the final reports on their campaign income and expenditure within 60 days of the announcement of official results. Within five days of this announcement, the CEC must appoint auditors to review the contestants' final campaign finance reports. The law does not prescribe specific deadlines for completing the audit, but requires the CEC to publish the auditors' reports no later than 30 days after their submission.

The CEC may impose fines on contestants and donors for non-compliance with campaign finance rules, as well as for non-cooperation with the CEC auditors. According to some ODIHR EOM interlocutors, the range of fines applied for campaign finance violations is not dissuasive, although certain violations may lead to an up to five year suspension of public financing for a political party. In April 2019, the CEC publicly acknowledged the absence of legal provisions that would allow the CEC to conduct in-depth financial investigations, in particular on their own initiative or as regards transactions abroad.<sup>61</sup> Some ODIHR EOM interlocutors questioned the overall effectiveness of the party finance oversight mechanisms, arguing that there are ways to circumvent the regulations and that auditors may be reluctant to carefully scrutinize party finances for fear of retribution.

*Consideration should be given to reviewing the law to ensure that the CEC has the appropriate powers and procedures to effectively oversee and enforce party and campaign finance rules.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

The media environment is diverse but constrained by a limited advertising market. According to ODIHR EOM interlocutors, limited profitability has led to media outlets acting as lobbying platforms for their owners. In the absence of effective self-regulation and with uncertain labour conditions, journalists remain vulnerable to pressure and often resort to self-censorship. Intimidation, harassment and assaults against journalists, while condemned by the authorities, are rarely thoroughly investigated and prosecuted, creating an atmosphere of impunity. Television (TV) remains the leading source of political information, while online portals and social media have rapidly replaced the print

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<sup>61</sup> On 3 April, the CEC chairperson presented the [report](#) on CEC activities in 2018 before parliament.

media as a source of political opinion and commentary. The 2016 amendments to the Audio-visual Media Law, while providing for formal transparency of media ownership, also cancelled the limits on the share of ownership of broadcast media that a single proprietor can hold.<sup>62</sup> The subsequent digitalization process resulted in one family controlling three of the five national TV frequencies, raising concerns about ownership concentration.<sup>63</sup>

*The audiovisual media law should be amended to effectively limit concentration of media ownership in the broadcast sector.*

Following digitalization, the public broadcaster RTSH has significantly expanded its portfolio, now broadcasting on 12 channels, including RTSH-2 that airs in primetime in five national minority languages: Aromanian, Greek, Macedonian, Roma and Serbian. It is supervised by the Steering Council, an 11-member collegial body appointed by parliament.<sup>64</sup> RTSH's General Director Thoma Gëllçi is a former editor-in-chief of the SP newspaper *Zëri i Popullit* and served as the Head of the Department of Information in several SP governments. Furthermore, the RTSH remains partially dependent on state funding.<sup>65</sup> Dependence on the state budget and politicization of RTSH management raise concerns about the impartiality of the public broadcaster.<sup>66</sup>

The Audiovisual Media Authority (AMA) is the main regulator for the broadcast media. It allocates broadcast licenses and oversees media's compliance with the legal framework outside of elections. It consists of a chairperson and six members, all appointed by parliament. ODIHR EOM interlocutors raised concerns about the body's impartiality, especially during the allocation of broadcasting licenses.<sup>67</sup> On 4 July, the parliament dismissed one AMA member, citing conflict of interest.<sup>68</sup>

*The independence of the media regulator and public broadcaster should be further strengthened through measures that prevent conflict of interest. Senior management positions at the public broadcaster should not be accessible to people with clear political affiliation.*

## **B. LEGAL FRAMEWORK**

The Constitution and legislation provide for freedom of expression and prohibit censorship. Contrary to previous ODIHR recommendations, defamation remains a criminal offense, punishable with fines up to ALL 3 million. Moreover, the proposed amendments to the Law on Audiovisual Media and the Law on Electronic Communications, approved and released for public scrutiny by the government on

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<sup>62</sup> The OSCE Representative on the Freedom of the Media (RFOM) [concluded](#) that the amendments “could in the long term very negatively impact media plurality and therefore media freedom in Albania”. The 2009 [Declaration](#) of UN Special Rapporteur on Freedom of Opinion and Expression (RFOE) and the OSCE RFOM calls states to “put in place a range of measures, including [...] rules to prevent undue concentration of media ownership”.

<sup>63</sup> According to the [National Business Centre](#), the Hoxha family owns 100 per cent of Top Channel and some 51 per cent of DigitAlb. The latter owns 100 per cent of ADTN. Each company holds one national license. Article 62.4 of the Law on Audio-Visual Media prohibits any physical or legal person who owns a national license from owning more than 20 per cent of a company that holds another national license.

<sup>64</sup> Six members are nominated by the ruling majority and five by the opposition.

<sup>65</sup> According to the RTSH, during 2018 some 30 per cent of its [budget](#) was sourced from the state, while 53 per cent from broadcast tax (ALL 100 per month for every household). Some 9 per cent came from advertising, and the rest from renting out transmission antennas or broadcasting for third parties.

<sup>66</sup> Paragraph 8.20 of the [2008 PACE Resolution No 1636](#) “Indicators for Media in a Democracy” designates the next basic principle: “public service broadcasters must be protected against political interference in their daily management and their editorial work. High management positions should be refused to persons with clear party political affiliations”.

<sup>67</sup> Some ODIHR EOM interlocutors alleged that AMA chairperson's past employment as a director of DigitAlb may have influenced the authority's decision to provide multiple nationwide licenses to companies affiliated with DigitAlb owners.

<sup>68</sup> A 2001 joint report by the UN RFOE and the OSCE RFOM [states](#) that “broadcast regulators and governing bodies should be so constituted as to protect them against political and commercial interference”.

3 July, entitle the regulator to remove or amend website and blog content for a wide range of violations, including those of professional and ethical standards. The amendments also introduce fines up to ALL 1 million that must be paid before the legal remedies are exhausted. The amendments were widely criticized domestically and internationally, including by the OSCE RFOM who stressed, that AMA “must not be a substitute for the independent judiciary or proper self-regulatory mechanisms on issues of freedom of expression”.<sup>69</sup> While the amendments are yet to be voted by parliament, their adoption in original form would have a chilling effect on the media.

Campaign coverage in broadcast media is regulated in detail by the Electoral Code, while print and online media are largely unregulated. The law provides for free time on the RTSH to “registered parties”, allocating markedly more time to those that won seats in the last parliamentary elections than to the non-parliamentary parties and independent candidates contesting these elections. The CEC interpreted the legal requirements to exclude from allocation those parliamentary parties that did not participate in these elections.<sup>70</sup> The contestants showed limited interest in free airtime. ODIHR EOM media monitoring indicated that only 37 out of the 102 free time slots allotted to contestants on RTSH-1 were used.

Broadcasters that air campaign advertisements must offer the same prices to all contestants and submit pricelists to the CEC.<sup>71</sup> Only 7 of the 54 private broadcasters submitted the pricelists to the CEC and informed the ODIHR EOM that no advertising time was purchased.<sup>72</sup> However, during the last three days of the campaign, five private broadcasters aired DCP materials free of charge.<sup>73</sup> The value of the airtime provided by some media at no cost exceeded the limit set for in-kind campaign donations. Market value of these advertisements was not reflected in the DCP’s interim financial reports.

The *ad hoc* Media Monitoring Board (MMB) oversees media’s compliance with the Electoral Code during the campaign period. Although the CEC should have established the MMB 40 days before the start of the campaign, it was only formed on 28 May (32 days before). Assisted by the AMA, the MMB started to monitor only 14 TV channels on 1 June, one day after the campaign started.<sup>74</sup>

The Electoral Code requires broadcast media to allocate all parties that won over 20 per cent of seats in the last parliamentary elections twice the amount of news coverage than other parliamentary parties receive, which is contrary to the international commitments.<sup>75</sup> Some ODIHR EOM media interlocutors noted that the MMB did not provide any clarifications to the media on how to function in a situation, when the opposition boycotted the elections. The MMB chose to monitor only contesting

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<sup>69</sup> Calling for their withdrawal, 10 prominent Albanian media and human rights organizations [expressed concerns](#) that the amendments could “increase [the level] of censorship and self-censorship in the local media and could contribute to further setbacks on media freedom and freedom of expression in Albania”. On 15 August, the President issued a [statement](#) expressing his concerns over the government-proposed anti-defamation draft law. See also the [statement](#) and the [legal review](#) of the OSCE RFOM.

<sup>70</sup> On 30 May, the CEC provided the SP with 60 minutes, SDY with 30 minutes, all other non-parliamentary parties contesting the elections with 10 minutes and independent candidates with 5 minutes of free airtime on the RTSH.

<sup>71</sup> The Electoral Code limits the amount of paid airtime for each private broadcaster for the campaign to 90 minutes for parliamentary and 10 minutes for non-parliamentary parties and independent candidates. The 2007 Council of Europe’s Committee of Ministers Recommendation [CM/Rec\(2007\)15](#) recommends to all participating states that their “regulatory frameworks [...] ensure that all contending parties have the possibility of buying advertising space on and according to equal conditions and rates of payment”.

<sup>72</sup> In these pricelists, most media outlets also offered pay-for space in news and current affairs programmes.

<sup>73</sup> Some media outlets informed the ODIHR EOM that the free airtime was provided to the DCP as it did not have sufficient resources to pay for advertisements. Some of these media did not submit pricelists to the CEC.

<sup>74</sup> The CEC did not approve the MMB’s 3 June request to recruit more staff to monitor a larger sample.

<sup>75</sup> Paragraph 7.8 of the 1990 OSCE Copenhagen Document requires the participating States to “Provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process”. Paragraph 8.5 of the 2008 PACE Resolution No 1636 highlights that “political parties and candidates must have fair and equal access to the media”.

parties, and was thus unable to fully assess the legally prescribed balance in the coverage of all parliamentary parties.

*The Electoral Code should be amended to guarantee equal access to the media for all contesting parties in all types of editorial programming and to allow all contestants to purchase advertising space under equal conditions. Additional considerations could be given to allocating a certain amount of free time equally to all contestants.*

The MMB submitted its first two weekly aggregated reports only on 18 June, followed by a third report three days later.<sup>76</sup> In these reports, the MMB arbitrarily proposed that the CEC order all 14 monitored media outlets to compensate the Social Democratic Party and 2 outlets to compensate the DCP with 30 minutes of news coverage. While the CEC ordered the compensation on 22 June, the fourth report presented to the CEC on 28 June indicated that the outlets had failed to comply with the request. The MMB reports were devoid of analysis and largely only included statistical information prepared by AMA, followed by general administrative proposals. Some MMB reports and monitoring results were not published on the CEC website, thus undermining transparency.

*The responsibilities of the MMB should be clearly defined. The MMB should adopt a monitoring methodology in a timely manner, publish without delay its media monitoring reports, as well as decisions and other types of letters and requests to the media. The MMB should be allotted adequate resources for more detailed media monitoring, including of regional broadcasters.*

Many ODIHR EOM interlocutors criticized the long-standing widespread practice of the main political parties and public officials providing media outlets with pre-recorded or live footage from official and campaign events, while such events are closed to the media.<sup>77</sup> Although on 3 June the MMB called on the media to explicitly label all news coverage produced by political parties, such footage remained unidentifiable throughout the campaign, potentially misleading viewers about its nature. Some ODIHR EOM interlocutors stressed that, in these elections, Prime Minister Rama's official and campaign activities were generally both filmed and transmitted exclusively by the Facebook-based channel ERTV, which other outlets could only rebroadcast.<sup>78</sup> The practice of restricting media access to public events organised by state officials and political parties limited the voters' ability to obtain objective information during the campaign. It also challenged the fundamental right of the media to receive information and fulfil their watchdog functions with the effect of reducing the accountability of the state officials to the public.<sup>79</sup>

*Legislation should be amended to ensure that the media are able to independently cover activities of electoral contestants with a view to limit the use of party produced content in news programming and avoid misleading voters. Whenever content produced by political parties is used by the media, it should be clearly labelled.*

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<sup>76</sup> Starting with 7 June, the MMB provided daily monitoring results to the CEC.

<sup>77</sup> Most national and regional media outlets complained to the ODIHR EOM that they were not allowed to film official or campaign events that feature Mr. Rama.

<sup>78</sup> The Prime Minister's communication office informed the ODIHR EOM that such events are always open to the media, while the purpose of footage produced by the office and the party is to merely assist the media, and it is ultimately the outlet's choice whether or not to air it.

<sup>79</sup> The right to receive and impart information is guaranteed by the Article 19 of the [1948 Universal Declaration of the Human Rights](#). Paragraph 26 of the 1996 UN CCPR [General Comment No. 25](#) to Article 25 of the ICCPR states: "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion".



## C. MEDIA MONITORING FINDINGS

The ODIHR EOM's media monitoring results indicate that the listless campaign was overshadowed by the ongoing political crisis, with news and talk shows focusing on increasingly heated exchanges between the DP and SP leadership.<sup>80</sup> This has narrowed the scope of information about the contestants, especially outside of the capital, thus limiting the voters' opportunity to make an informed choice. A notable exception was the media coverage of the incumbent mayor of Tirana and SP candidate Erion Veliaj, and introductions of other SP candidates by Prime Minister Rama.

The SP and DP dominated the news coverage in all monitored media outlets, with the former receiving between 29 and 34 per cent and the latter between 20 and 26 per cent of coverage. The level of polarization was reflected in the tone of the coverage. The two most watched TV stations, Top Channel and *TV Klan*, covered the SP in a mainly positive and neutral tone, and the DP in a neutral and negative tone. By contrast, News 24 covered the SP in a negative and neutral tone, while the DP in neutral and positive tone. Similarly, *Vizion Plus* covered the DP in a positive and neutral manner and the SP in a more balanced manner, with an equal share of positive and negative coverage. The public RTSH-1 was marginally more neutral, with the SP covered in a neutral and positive manner, and the DP in a neutral tone.<sup>81</sup>

Similarly to the news, the talk shows and current affairs programs on Top Channel, News 24 and RTSH-1 also reflected the outlets' editorial policy. While Top Channel and RTSH-1 mainly served as a platform to promote the SP, the talk shows on News 24 were critical of the ruling party. However, the talk show *Opinion on TV Klan* differed from the outlet's news coverage, serving as a platform for SP criticism. Talk shows and current affairs programmes on *Vizion Plus* devoted almost twice the amount of time to the SP as they had to DP, 44 and 23 per cent respectively, with the tone being mostly neutral for both parties.

While the Panorama news portal also devoted more space to the SP than to DP, 33 per cent to the former and 24 to the latter, it strongly criticized the SP and the government, while DP was covered mainly neutrally and positively. *Syri.net* displayed a clear bias against the SP, the government and the mayor of Tirana, and was favourable towards the DP. Both websites also allotted considerable amounts of neutral coverage, seven and nine per cent respectively, to the SMI.

Women candidates and politicians received very limited coverage during the campaign. Although more than 11 per cent of the mayoral candidates and half of local municipal candidates were women, during the campaign all private media devoted only between 3 and 11 per cent of coverage to them. While RTSH-1 allotted somewhat more time to women (17 per cent), male politicians also dominated in their news and current affairs programmes.

## XI. PARTICIPATION OF NATIONAL MINORITIES

The law provides for full political, civil and social rights for persons belonging to national minorities and guarantees the right to vote and to stand for election to all citizens regardless of ethnic background, race, religion or language. Campaigning in national minority languages is permitted and was observed in several municipalities, notably in Pustec and Finiq. While official acts of the election

<sup>80</sup> The ODIHR EOM monitored primetime coverage on five TV stations (public RTSH-1 and private News 24, Top Channel, *TV Klan* and *Vizion Plus*) and followed two online sources (*Panorama* and *syri.net*).

<sup>81</sup> The RTSH informed the ODIHR EOM that coverage of the opposition parties and their protests was more visible on the recently founded 24-hour news channel RTSH-24.

administration are issued only in Albanian, the ODIHR EOM observed working-level discussions in the language of a national minority held during a CEAZ meeting.

No instances of direct discrimination were observed against national minorities during the election process. However, some political party activists and candidates from Roma and Egyptian national minorities expressed a concern to the ODIHR EOM that their role and contributions were insufficiently valued by their respective party or coalition leaderships. They argued that the same is true of their communities as a whole, whose votes or conversely whose non-participation party representatives tasked them to ensure.<sup>82</sup> As some national minority parties decided to join the boycott of the elections, in several communities where national minorities might normally field candidates, no such choice was available to voters.<sup>83</sup>

The Greek Ethnic Minority for the Future (MEGA) party, which did not run within a coalition, did not re-nominate the mayor of Finiq, who ran as an independent. The Prime Minister campaigned on behalf of the MEGA candidate, who won. In Pustec, the current mayor representing the Macedonians' Alliance for European Integration Party was defeated by the SP candidate.

The CEC informed the ODIHR EOM that voter education materials relating to the functioning of the electoral system and voting procedures were produced in the languages of national minorities, which is in part required by the Law on Protection of National Minorities. However, the ODIHR EOM did not come across any such materials, and no interlocutors reported seeing them in the regions.

With some international support, the CEC ran voter education programmes targeting the Roma and Egyptian communities. Several ODIHR EOM interlocutors reported that these communities remain vulnerable to vote-buying practices, and that they persistently experience voter registration problems, because of some of their members' lack of a permanent address. The ODIHR EOM received reports on the distribution of goods to some Roma and Egyptian communities, which several interlocutors considered to be a means to influence their choice whether or not to participate in the elections.

## **XII. COMPLAINTS AND APPEALS**

The Electoral Code provides for a system of administrative complaints against VCC and CEAZ decisions, and judicial appeals against CEC decisions. Voters may appeal errors in the voter lists before the district court of local jurisdiction. Any political party or candidate has the right to complain to the CEC against a CEAZ decision that affects their legal interests, within three days from its announcement. Electoral subjects have the right to appeal to the Electoral College against CEC decisions that affect their legal interests; non-contestants may not bring cases before the Electoral College. Citizen observer groups may only appeal CEAZ and CEC decisions denying their accreditation. Election results in a specific voting centre, electoral zone or municipality can be invalidated by the CEC upon request of electoral subjects or *ex officio* and further appealed to the Electoral College.

The CEC adopts decisions on complaints in open sessions within two days and publish their reasoned text on its website within 24 hours. Claimants are not notified of the decision by written notification, and in a few cases, when the publication of CEC decisions was delayed, some missed the five-day

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<sup>82</sup> In Shkoder, a Roma candidate occupied the last place on the SP list; in Vlore, the penultimate place; in Fier, the 30<sup>th</sup> place; in Gjirokastr, an Egyptian candidate occupied the 28<sup>th</sup> place. Exceptionally, an Egyptian national minority candidate was in the 9<sup>th</sup> position on the SP councillor candidate list in Berat.

<sup>83</sup> The CEC denied registration to a member of the Greek national minority and mayoral candidate for Himara, Dhionisios Alfred Beleri, because of a past conviction. On 30 May, the Electoral College upheld the CEC decision and ruled that Mr. Beleri is ineligible to stand for office until 2021.

deadline for lodging an appeal to the Electoral College.<sup>84</sup> On 30 May and 6 June, the Electoral College ruled that the CEC is not obliged to communicate its decisions to parties in a written form, and that the latter must send their representatives to the respective CEC session, or otherwise be informed of the decision through the CEC website. The procedure for notifying claimants and publishing CEC decisions on complaints is thus not always efficient or conducive to an effective remedy, at odds with OSCE commitments.<sup>85</sup>

The Electoral College, the highest authority on electoral disputes, consists of eight judges selected for four years through drawing of lots by the High Council of Justice. Because of the ongoing “vetting of judges”, the Electoral College was staffed with only six judges during the electoral period.<sup>86</sup> Decisions of the Electoral College, which must be adopted within 10 days, are final.<sup>87</sup>

While the ruling part of any Electoral College decision is delivered in public sessions, the full reasoned decision is only accessible on the Court of Appeals of Tirana website to persons who hold a special password, which does not facilitate general public awareness about the rules of the electoral process and does not contribute to the transparency of electoral dispute resolution. Reasoned decisions of the Electoral College are given to the parties either directly at the court or dispatched by registered post, which may be subject to delays.

*In order to ensure transparency of electoral dispute resolution outcomes, all decisions of the Electoral College could be published promptly and be accessible to all.*

Both the CEC and Electoral College respected the legally prescribed timeframes for adjudicating electoral disputes. By 30 June, the CEC received 16 complaints against CEAZ decisions, mostly on candidate registration. As the result of resolving complaints against rejections of candidates by the CEAZs, the CEC reinstated 11 candidates. Thirteen CEC decisions were appealed to the Electoral College, which overturned three and upheld ten.<sup>88</sup> Overall the Electoral College respected the due process, hearing parties in open sessions and delivering decisions in public. The Electoral College’s narrow interpretation of the legal standing of contesting parties to challenge the registration of other contestants affects their right to appeal the legality of candidate registration.<sup>89</sup> It also raises concerns about access to an effective legal remedy.

On 13 June, the CEC rejected the National Unity Party’s request to withdraw from the elections, reasoning *inter alia* that the 10 June presidential decree cancelling the elections was invalid. On 24

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<sup>84</sup> The ODIHR EOM received such information from Demo-Christian Alliance Party, Red and Black Alliance and National Conservative Party.

<sup>85</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

<sup>86</sup> The vetting of judges and prosecutors, which is part of the ongoing judicial reform, evaluates the integrity, assets and professionalism of all judges and prosecutors in Albania. The vetting resulted in many dismissals and resignations, impacting the functioning of many courts and prosecutor offices, leaving, in particular, the Constitutional Court and the High Court of Justice without the quorum necessary to operate.

<sup>87</sup> 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.

<sup>88</sup> The upheld decisions included those pertaining to the non-participating political parties’ eligibility to nominate members of election administration, political parties’ standing in cases challenging other contestants’ registration, candidate registration, rejection of candidate withdrawal requests and the location of voting centres.

<sup>89</sup> In its 9 May decision on the appeal against registration of the DCP, the Electoral College found that the complainant Albanian Democrat Union Party and other contestants have no legitimate interest in challenging the legality of registration of other contesting parties and therefore cannot appeal relevant CEC decisions. Section 3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “All candidates [...] registered in the constituency concerned must be entitled to appeal”.

June, the Electoral College rejected the appeal against this CEC decision also ruling the 10 June presidential decree as invalid.<sup>90</sup>

Some ODIHR EOM interlocutors expressed concerns about the CEC's lack of impartiality, pointing to instances in which majority of CEC members voted along party lines.<sup>91</sup> While the Electoral College judges enjoy immunity and cannot be subject to disciplinary proceedings during the entire term for which the College is constituted, they are subject to the ongoing "vetting process", which could affect the security of their tenure and thereby potentially impact their independence.

*All courts that have a competency in elections should be fully operational during the electoral periods. The independence and the impartiality of the Central Election Commission and the judiciary should be ensured.*

By 9 July, the Prosecutor General's Office reported 18 ongoing proceedings regarding election-related criminal offences, involving a total of 75 persons placed in detention or under arrest.<sup>92</sup> Charges included public calls for violence, the organization of or participation in illegal assemblies,<sup>93</sup> blocking of roads, destruction of property by explosives, obstructing election administration and destruction of electoral materials, as well as non-compliance with police orders. Opposition parties considered some of these cases to be politically motivated.

Although the ODIHR EOM witnessed cases of voter intimidation and violation of the secrecy of the vote in the voting centres and received similar reports from political parties, no such cases were officially registered, reportedly for lack of citizens' complaints to the police. Several ODIHR EOM interlocutors expressed concerns about overall lack of effectiveness of criminal investigations that contributes to widespread perception of impunity over the past electoral crimes, including for vote-buying and pressure on voters.

*Law enforcement bodies should investigate all allegations of electoral violations thoroughly, swiftly and in a transparent manner. The government should establish a procedure by which current and prospective public administration employees may report any political pressures brought upon them in connection with obtaining or retaining a position or with work performance. Such persons should enjoy the protections currently guaranteed by law to whistle-blowers.*

### **XIII. ELECTION OBSERVATION**

The Electoral Code provides for citizen and international observation at all levels of the election administration. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives for the electoral period only. Contestants are entitled to appoint one observer to each relevant CEAZ, VCC and BCC. The right to appoint observers representing coalitions rests solely with the coalition, not its composite political parties.

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<sup>90</sup> Two judges expressed concurring opinions arguing that the Electoral College does not have the competence to review the status of the presidential decree.

<sup>91</sup> Section 3.1 a of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "An impartial body must be in charge of applying electoral law".

<sup>92</sup> Three criminal proceedings were initiated in Shkoder, two in Diber, Elbasan, Mat and Tirana each, one in Durres, Fier, Kavaja, Korce, Kurbin, Pogradec and Tropoja each. Most cases involved multiple suspects.

<sup>93</sup> For holding assemblies the organizers are obliged to notify the police in written no later than three days before the date of the assembly (three hours, in case of urgent assemblies). Police must ensure public order and security during assemblies.



For these elections, the CEC registered 494 international observers as well as 630 citizen observers from 6 organizations. While no issues relating to the accreditation of observers had been raised, some NGOs informed the ODIHR EOM that they would not participate in voter education and election observation activities this time to avoid the appearance of expressing a political preference by engaging in the electoral process.

The law obliges the VCCs and CEAZs to only provide party and coalition observers, not citizen or international observers, with the voting centres' records of closing and voting and tabulation results protocols, thus limiting their ability to effectively scrutinize the counting and tabulation processes.

#### **XIV. ELECTION DAY**

Voting took place against a backdrop of announcements by most municipalities governed by opposition mayors that elections would not go ahead on 30 June. Several mayors attempted to use their powers to disallow the use of public buildings as voting centres. In response, the election administration resorted to requesting the use of privately owned premises to administer and conduct the elections in some areas. On election day, the CEC confirmed that voting did not take place in seven voting centres.<sup>94</sup>

Election day was generally peaceful, despite some tensions and isolated clashes in a small number of communities.<sup>95</sup> Turnout varied among municipalities, and the overall figure published on the CEC website was revised several times before it was officially established at 22.96 per cent.<sup>96</sup>

Opening procedures were observed by the ODIHR EOM in 73 and voting in 743 voting centres across 85 EAZs. Closing was observed in 69 voting centres and counting in 85 BCCs. The presence of party observers noted in more than two-thirds of voting centres visited, mainly from the SP, and citizen observers noted in one-fifth of these centres contributed to transparency. However, some party observers or activists were seen, at times, interfering in the administration of the process.<sup>97</sup>

Opening was assessed negatively in 9 of the 73 observed voting centres. In over a half of the voting centres observed opening was delayed, mostly for not more than 15 minutes. The opening procedures were generally followed, but the ODIHR EOM noted that in 11 cases VCC members did not appear to be aware of the opening procedures; for instance, in 10 voting centres, the records of sealing were not deposited inside the ballot box.

Voting was generally orderly and was assessed positively in 95 per cent of the ODIHR EOM observations. The negative assessments were in part due to voters not always being checked for traces of ink (21 per cent of observations), and not always being marked with ink before being handed a ballot (10 per cent). Seemingly identical signatures, indicative of proxy voting, and cases of someone attempting to influence voters were each noted in three per cent of observations. Group or family voting and proxy voting were respectively noted in 10 and 2 per cent of observations; this raises concerns and indicates that previous ODIHR recommendations pertaining to safeguards against

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<sup>94</sup> The ODIHR EOM observed no voting taking place in at least 12 voting centres, including in 8 centres in CEAZ 2, 3 in CEAZ 4 and 1 in CEAZ 78.

<sup>95</sup> The ODIHR EOM noted tensions or unrest outside voting centres in 1.8 per cent and inside voting centres in 1.1 per cent of observations.

<sup>96</sup> Lowest turnout was registered in Shkoder (10.3 per cent) and the highest in Pustec (55.5 per cent). Representatives of the DP in several instances publicly disputed the official turnout figures.

<sup>97</sup> While interference by unauthorised persons was noted in less than four per cent of voting observations, several ODIHR EOM observers reported that some SP observers were indistinguishable from VCC members. Citizen observers appeared to be associated with political parties in five per cent of cases.

family voting were not effectively addressed. In 16 per cent of the observations, the ODIHR EOM noted instances of the same person providing assistance to multiple voters.

Voters were turned away in over 23 per cent of the observed voting centres, mostly for valid reasons, including redirection to other voting centres in close to two-thirds of such cases. This was indicative of the impact of late changes to the locations of voting centres due to their blockage by opposition activists, but also poor signage. Ballot box security seals were not recorded in the VCC meeting record books in 8 per cent and information on voting procedures was not posted in a visible place in almost 14 per cent of observations.

The layout of voting centres was inadequate in six per cent and did not allow for secrecy of the vote in five per cent of observations. In 10 per cent of observations, voters did not always mark their ballots in secret; meanwhile in 11 per cent of observations, voters did not fold their ballots to ensure the secrecy of their vote. According to ODIHR EOM interlocutors, some voters feared that participation itself would reveal their political preference, especially where SP candidates stood unopposed. In many cases, activists of political parties (mainly the SP, but also DP) kept track of voters who participated, challenging their right to cast their ballot free of the fear of retribution.

*Authorities should guarantee the voters' right to a free and secret choice. The voting procedures should be reviewed to ensure the secrecy of the vote and protection against undue influence on voters. The importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.*

The authorities did not take appropriate measures to ensure the full participation of persons with disabilities as voters and candidates in electoral process. In two-thirds of observations, the voting centres did not allow for independent access for voters with reduced mobility. In 71 per cent of observations, the layout of voting centre was not suitable for voters with disabilities. This obstacle contravenes international obligation to guarantee equal suffrage to all voters.<sup>98</sup>

*Authorities should take a proactive role ensuring accessibility of voting centres for persons with disabilities. Premises that lack accessibility should be identified well in advance and alternative solutions offered where necessary.*

Closing was assessed negatively in 7 of the 69 observations due to late closing of these polls. In almost all observations, closing procedures were correctly followed and the VCCs transferred materials to the BCCs without delay. In all but five cases materials arrived at the BCCs within legally prescribed three hours after closing. The transfer and receipt of materials were assessed positively in all but two observed cases. In 16 instances, the BCC premises were overcrowded and in 12 cases they were deemed inadequate for the VCCs to deliver materials largely due to insufficient space or security arrangements. Fourteen delivered ballot boxes were declared irregular, including due to missing or broken seals, but only half of those cases were properly recorded.

Counting and tabulation of results were assessed positively in all but 9 of the 100 observations, in part due to some procedures not having been always correctly followed.<sup>99</sup> Namely, the vote count was interrupted in 20 cases (19 different CEAZs), ballots were not always unfolded and stamps were not exposed to the camera in 24 cases (18 CEAZs), and the front side of the ballot was not always

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<sup>98</sup> 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”.

<sup>99</sup> With reference to the verification of election materials, the record of the closing of polls was not always found inside the ballot box in 19 cases (18 CEAZs). In more than half the cases where this occurred, the record was found in the box with election materials.

exposed to the camera in 19 cases (13 CEAZs). The total number of ballots cast was not counted and compared to the number of signatures on the voter list in 18 cases (13 CEAZs); equally, votes for all parties or candidates were not counted and announced in 17 cases (12 CEAZs). Copies of the table of results for voting centres were not given to party observers in 24 cases (18 CEAZs). Several ODIHR EOM interlocutors remarked that the practice of counting the ballots in BCCs rather than directly at the voting centres diminishes voter confidence in the process and may be prone to abuse.

## XV. POST-ELECTION DAY DEVELOPMENTS

The remarks of the main political stakeholders in the immediate aftermath of the elections reflected continuously deep divisions. The President thanked all “who did not fall victim to the confrontational rhetoric of irresponsible leaders who through the incitement of violence want to hide their scandals and accountability”.<sup>100</sup> The DP chairperson stated that “voting did not resolve but deepened the crisis”.<sup>101</sup> Referring to the previous six months as an “open wound” that requires healing, the Prime Minister offered co-operation and noted that “an agreement can be built only through unconditional dialogue and by expressing without hesitation the readiness to together commit and work in order to contribute towards opening the accession negotiations with the European Union”.<sup>102</sup>

After the elections, the DCP filed complaints to the CEC requesting invalidation of the election results in 40 municipalities, alleging a considerable difference between the official turnout and data reported by DCP observers. Between 10 and 15 July, the CEC rejected all these complaints for a lack of evidence, thereby leaving in force the results approved by respective CEAZs and CEC. Additional five complaints related to the results were submitted to the CEC by the Albanian Emigration Party, Democratic Alliance Party, National Conservative Party (NCP) and two unsuccessful mayoral candidates. All were either dismissed or rejected due to inadmissibility.<sup>103</sup>

The CEC approved tabulation results for mayoral and council races in all municipalities by 11 July. The law provides for the allocation of councillor seats to be adopted by a qualified majority of five CEC members. While the CEC established the results of mayoral elections by four votes, it failed to distribute councillor mandates as the CEC chairperson voted against. After the deadline for the CEC to allocate councillor mandates, the SP filed complaints to the Electoral College so as to pave the way for convening new municipal councils and swearing in new mayors. The College satisfied these complaints and stepped in to allocate mandates for all 61 local councils between 22 and 26 July.<sup>104</sup> On 27 July, the CEC approved the final election results with four votes, while the CEC chairperson voted against, maintaining that the 30 June elections were cancelled by the President.

At least three outgoing DP mayors from Kamza, Mallakaster and Shkoder stated publicly that they would not accept the results of the 30 June vote. In her role as the chairperson of the Albanian Association of Municipalities, the outgoing mayor of Shkoder appealed to the international community to discuss their potential engagement in resolving the situation. The DP and to a lesser extent SMI leadership began reaching out to outgoing mayors to discuss the next steps, including

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<sup>100</sup> See the President’s 1 July [statement](#).

<sup>101</sup> Lulzim Basha [described](#) a nation “more united than ever, not about a party, but about the European values”.

<sup>102</sup> The Prime Minister [added](#): “The election reform according to the OSCE/ODIHR recommendations and the recommendations from the European Council remain a common challenge with both parliamentary and non-parliamentary opposition”.

<sup>103</sup> Upon complaint of the NCP, the CEC recounted 11 ballot boxes from Lezha and found minor discrepancies.

<sup>104</sup> At the same time, the Electoral College dismissed all five DCP appeals against CEC refusal to invalidate the election results in five municipalities as well as similar appeal of an independent candidate.

requesting the courts not to certify the mayoral election results until after the Constitutional Court had ruled on the constitutionality of the 10 June presidential decree.<sup>105</sup>

## **XVI. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in the Republic of 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 ODIHR recommendations that have not yet been addressed.<sup>106</sup> ODIHR stands ready to assist the authorities of the Republic of Albania to further improve the electoral process and to address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. With a view to strengthen pluralistic democracy, reaffirm the right of citizens to take part in government and demonstrate shared responsibility toward the integrity of the electoral process, political parties and other electoral stakeholders should engage in an open and inclusive dialogue and facilitate electoral reform addressing the recommendations contained in this and prior ODIHR reports.
2. The authorities and political parties should undertake utmost measures to eliminate the long-standing problem of misuse of administrative resources in and between elections. Authorities should issue precise rules that define how public resources may and may not be used for electoral purposes. Further steps should be taken to achieve the de-politicisation of the civil service and ensure that pressure is not applied on voters to attend campaign events or vote in a particular way.
3. Authorities should guarantee the voters' right to a free and secret choice. The voting procedures should be reviewed to ensure the secrecy of the vote and protection against undue influence on voters. The importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.
4. In line with previous ODIHR recommendations, in order to enhance public confidence in the electoral process, consideration should be given to alternative formulas for nominating members of election administration, supported by procedural safeguards for their independence.

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<sup>105</sup> The DP convened its mayors in Tirana on 11 July, and opposition leadership began touring the country for on-site meetings with sitting mayors.

<sup>106</sup> According to the paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by ODIHR EOM as follows: recommendation 11 from the [final report on the 2017 parliamentary elections](#) (2017 Final Report), 6 from the [final report on the 2015 local elections](#) (2015 Final Report), 2, 7, 8 and 17 from the [final report on the 2013 parliamentary elections](#) (2013 Final Report) as well as 5, 9, 10, 12, 15, 16, 18, 19 and 26 from the [final report on the 2011 local elections](#) (2011 Final Report) are fully implemented. The recommendations 23 from the 2017 Final Report, 15 and 28 from the 2013 Final Report, and 6, 17, 20 and 27 from the 2011 Final Report are mostly implemented. The recommendations 3, 4, 10, 12, 16 and 18 from the 2017 Final Report, 2, 8, 10, 14, 18, 20, 21 and 23 from the 2015 Final Report, 1 and 9 from the 2013 Final Report, as well as 4, 11, 13, 14, 23, 24 and 25 from the 2011 Final Report are partially implemented. See also [www.paragraph25.odihr.pl](http://www.paragraph25.odihr.pl).

5. All courts that have a competency in elections should be fully operational during the electoral periods. The independence and the impartiality of the Central Election Commission and the judiciary should be ensured.
6. Law enforcement bodies should investigate all allegations of electoral violations thoroughly, swiftly and in a transparent manner. The government should establish a procedure by which current and prospective public administration employees may report any political pressures brought upon them in connection with obtaining or retaining a position or with work performance. Such persons should enjoy the protections currently guaranteed by law to whistle-blowers.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

7. Effective measures should be taken to further strengthen the recruitment and training methods of commissioners in order to ensure their professionalism. To enhance the professional capacity of election commissions, the Central Election Commission could offer periodic training and certification of potential commissioners, with the aim of creating a roster of qualified people.
8. To increase the transparency of the work, the Central Election Commission should systematically and in a timely manner publish all decisions on its website.
9. Authorities should take a proactive role ensuring accessibility of voting centres for persons with disabilities. Premises that lack accessibility should be identified well in advance and alternative solutions offered where necessary.

### **Voter Registration**

10. Restrictions on the suffrage rights of persons with mental disabilities and non-citizens in local elections should be reconsidered.

### **Candidate Registration**

11. The rules on candidate registration and withdrawals should be formulated precisely and their implementation by the Central Election Commission should be guided by the principle of legal certainty.

### **Electoral Campaign**

12. To prevent inflammatory and insulting language during campaign, political parties and electoral contestants could develop and adhere to a common code of conduct. Political parties should strengthen enforcement of their internal ethical codes, foster internal party democracy and ensure that their internal functions respect and promote transparency, equality and non-discrimination.
13. Awareness should be raised about the importance of equal participation of women and men in public and political life, in both urban and rural areas, and with a particular emphasis on the role of women within political parties and electoral processes.

## **Campaign Finance**

14. Consideration should be given to reviewing the law to ensure that the CEC has the appropriate powers and procedures to effectively oversee and enforce party and campaign finance rules.

## **Media**

15. The independence of the media regulator and public broadcaster should be further strengthened through measures that prevent conflict of interest. Senior management positions at the public broadcaster should not be accessible to people with clear political affiliation.
16. The audiovisual media law should be amended to effectively limit concentration of media ownership in the broadcast sector.
17. The Electoral Code should be amended to guarantee equal access to the media for all contesting parties in all types of editorial programming and to allow all contestants to purchase advertising space under equal conditions. Additional considerations could be given to allocating a certain amount of free time equally to all contestants.
18. The responsibilities of the MMB should be clearly defined. The MMB should adopt a monitoring methodology in a timely manner, publish without delay its media monitoring reports, as well as decisions and other types of letters and requests to the media. The MMB should be allotted adequate resources for more detailed media monitoring, including of regional broadcasters.
19. Legislation should be amended to ensure that the media are able to independently cover activities of electoral contestants with a view to limit the use of party produced content in news programming and avoid misleading voters. Whenever content produced by political parties is used by the media, it should be clearly labelled.

## **Complaints and Appeals**

20. In order to ensure transparency of electoral dispute resolution outcomes, all decisions of the Electoral College could be published promptly and be accessible to all.

**ANNEX I: FINAL ELECTION RESULTS** <sup>107</sup>

Number of registered voters	3,536,016	
Number of voters who voted	811,727	22.96 per cent
Number of valid votes for mayor elections	766,482	
Number of invalid votes for mayor elections	44,263	5.45 per cent
Number of valid votes for council elections	761,918	
Number of invalid votes for council elections	49,018	6.04 per cent

**Results for mayoral elections**

Electoral subject	Seats
Alliance for European Albania Coalition	60
Greek Ethnic Minority for the Future Party	1

**Results for local council elections**

Electoral subject	Votes obtained		Seats
	Number	Percentage	
Alliance for European Albania Coalition	<b>716,621</b>	<b>94.05</b>	<b>1,555</b>
Socialist Party	564,679	74.11	1,136
Social-Democratic Party	27,422	3.60	81
Social Democracy Party	27,865	3.66	79
Green Party	14,246	1.87	35
National Unity Party	10,045	1.32	29
Moderated Socialists Party	8,682	1.14	25
National Arbanon Alliance Party	9,513	1.25	24
Demo-Christian Alliance Party	8,016	1.05	20
Democratic Alliance Party	6,655	0.87	17
Albanian Future Party	5,049	0.66	17
Alliance for Democracy and Solidarity Party	4,512	0.59	15
Christian Democratic Party	5,198	0.68	15
G99 Party	4,965	0.65	13
Albanian Democratic Reforms Party	4,680	0.61	11
Albanian Social-workers Party	4,072	0.53	9
Alliance for Equality and European Justice Party	3,316	0.44	8
Denied Rights Party	3,396	0.45	7
Party for the Protection of Emigrants Rights	1,862	0.24	7
Democrat Party for Integration and Prosperity	1,179	0.15	3
Albanian Workers Movement Party	1,018	0.13	3
National Reconciliation Party	251	0.03	1
Hope for Change coalition	<b>8,615</b>	<b>1.13</b>	<b>12</b>
Time of Albania Party	3,377	0.44	7
New European Democracy Party	1,196	0.16	3
National Front Party	2,387	0.31	2
Liberal Democrat Union Party	1,123	0.15	0

Red and Black Alliance Party	340	0.04	0
Albanian Emigration Party	192	0.03	0
<b>Parties running alone</b>	<b>34,716</b>	<b>4.56</b>	<b>50</b>
Democratic Conviction Party	20,350	2.67	23
Greek Ethnic Minority for the Future Party	3,028	0.40	13
New Democratic Spirit	8,630	1.13	8
Macedonians' Alliance for European Integration Party	665	0.09	4
Communist Party of Albania	1,372	0.18	1
Party for the Protection of Workers Rights	183	0.02	1
People with Disabilities Party	481	0.06	0
Party for Freedom, Democracy and Ethics	7	0.00	0
National Conservative Party of Albania	0	0.00	0
<b>Independent candidates</b>	<b>1,966</b>		<b>2</b>



## ANNEX II: LIST OF OBSERVERS

### ODIHR EOM Short-term Observers

Claudia Maria Amry	Austria
Klaus Kapper	Austria
Johannes Payr	Austria
Arno Riedel	Austria
Werner Rohracher	Austria
Margarita Nikolova-Ivanova	Bulgaria
Stoyko Yordanov	Bulgaria
Petr Piruncik	Czech Republic
Klara Von Kriegsheim Kadlecova	Czech Republic
Oldřich Vondruška	Czech Republic
Ewa Apolonia Chylinski	Denmark
Kirsten Joergensen	Denmark
Wagn Winkel	Denmark
Käthlin Saluveer	Estonia
Maylis De Verneuil	France
Nadia Jurzac	France
Isabelle Le Guellec	France
Loic Tregoures	France
Christina Vasak	France
Heike Baddenhausen	Germany
Peter Besselmann	Germany
Katharina Franziska Braig	Germany
Christoph Bürk	Germany
Ulf Claassen	Germany
Kerstin Dokter	Germany
Gerda Elisabeth Charlotte Dopheide	Germany
Stelian Dumitrache	Germany
Frank Fischer	Germany
Christoph Hubert Alexander Freiherr Von Feilitzsch	Germany
Mendel Goldstein	Germany
Enrico Gunther	Germany
Dorit Happ	Germany
Nicola Hoochhausen	Germany
Anke Kerl	Germany
Nicole Koenig	Germany
Jutta Krause	Germany
Daniel Kuehnhenrich	Germany
Tina Mede-Karpenstein	Germany
Magdalena Metzler	Germany
Ulrike Neundorf	Germany
Thomas Oye	Germany
Oliver Pahnecke	Germany
Claudia Preusser	Germany
Heinrich Rosendahl	Germany
Anca Stan	Germany
Pavel Utitz	Germany
Peter Vogl	Germany
Rebecca Wagner	Germany
Heinz Bernd Wittich	Germany
Andreas Stergiou	Greece
Christos Gribas	Greece
Sarantis Moschovis	Greece
Michael Gannon	Ireland
Clíonadh O' Keaffe	Ireland
Brendan O'Shea	Ireland
Geraldine Power	Ireland
Vincenzo Alfano	Italy
Francesca Carpinella	Italy
Lorenzo Cugola	Italy
Luigi D'agostino	Italy

Nicoletta Manzini	Italy
Zineb Naini	Italy
Anna Lisa Pantusa	Italy
Chiara Parolin	Italy
Diane Pezzini	Italy
Paolo Zucchi	Italy
Gheorghe Bosii	Moldova
Valentin Macari	Moldova
Max Bader	Netherlands
Maria Nijenhuis	Netherlands
Sellina Van Bruggen	Netherlands
Jean Van Der Hoeven	Netherlands
Pepijn Zevenuizen	Netherlands
Iilir Islami	North Macedonia
Filip Popovski	North Macedonia
Alida Boye	Norway
Sofie Alexandra Engli Høgestøl	Norway
Øystein Moen	Norway
Soren Munch	Norway
Sven Gunnar Simonsen	Norway
Anne Skatvedt	Norway
Robert Adam	Romania
Bogdan Biris	Romania
Anca Popa	Romania
Alexandra Visalom	Romania
Peter Harmanovský	Slovakia
Evelina Mäsiarová	Slovakia
Peter Golob	Slovenia
Lorena Diz Conde	Spain
Åsa Aguayo Akesson	Sweden
Jan Peter Andersson	Sweden
Paulos Berglöf	Sweden
Irina Bernebring Journiete	Sweden
Sara Louise Julia Lhådö	Sweden
Bengt Mårten Erik Löfberg	Sweden
Dan Thorell	Sweden
Philipp Koller	Switzerland
Adrian Maitre	Switzerland
Jacques Merat	Switzerland
Seda Kirdar	Turkey
Syeda Ali	United States of America
Stephen Bouey	United States of America
Leonilla Connors	United States of America
Harry Edelman	United States of America
Timothy Enright	United States of America
Alan Friedman	United States of America
Carol Fuller	United States of America
Gerry Fuller	United States of America
Kathryn Gest	United States of America
Martin Gleason	United States of America
Rebecca Graham	United States of America
Ana Gutierrez	United States of America
James Heilman	United States of America
Jordan Kanter	United States of America
Marsha Kennedy	United States of America
Max Loebel	United States of America
Lesia Lozowy	United States of America
Nancy Lubin	United States of America
Marie-Celeste Marcoux	United States of America
Joseph Mcdonagh	United States of America
Joseph Meyer	United States of America
Garrett Monti	United States of America
Brooke Nagle	United States of America
Darcie Nielsen	United States of America

Kelly Norton	United States of America
Hans Opsahl	United States of America
Robert Paullin, Jr	United States of America
Urania Petit	United States of America
Octavius Pinkard	United States of America
Marissa Polnerow	United States of America
Jeannie Schindler	United States of America
Steven Smith	United States of America
William Spitznagle	United States of America
Mary Stegmaier	United States of America
Anne Tara	United States of America
Arthur Traldi	United States of America
Jack Van Valkenburgh	United States of America
Roxanne Weiss	United States of America

### Long-term Observers

#### ODIHR EOM Core Team

Audrey Glover	Head of Mission	United Kingdom
Ahmad Rasuli		Kyrgyz Republic
Laurentiu Hadirca		Moldova
Johannes Schmeets		Netherlands
Jane Kareski		North Macedonia
Stefan Szwed		Poland
Przemyslaw Wasik		Poland
Svetlana Chetaikina		Russian Federation
Ivan Brezina		Slovakia
Anders Eriksson		Sweden
Egor Tilpunov		Ukraine
Oleksander Stetsenko		Ukraine
William Romans		United Kingdom
Barbara Davis		United States of America

#### ODIHR EOM Long-term Observers

Kateřina Duffková	Czech Republic
Stephanie Marsal	France
Evgenia Avetisova	Georgia
Christian Keilbach	Germany
Hildegard Rogler-Mochel	Germany
James Mc Carthy	Ireland
Mike Daldossi	Italy
Ilgiz Kambarov	Kyrgyz Republic
Munkhnaran Bayarlkhagva	Mongolia
Toril Lund	Norway
Ivana Krstic	Serbia
Robert Hall	Sweden
Astrid Nunez	Sweden
Zouhal Avzalchoeva	Tajikistan
Bujar Ajdari	United States of America
Andrea Shelley Mcthomas	United States of America
Jason Toy	United States of America

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (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.

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.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates 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, 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. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

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**, 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. 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.

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 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](http://www.osce.org/odihr)).