



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

PARLIAMENTARY ELECTIONS
25 APRIL 2021

ODIHR NEEDS ASSESSMENT MISSION REPORT
25-28 January 2021



Warsaw
19 February 2021

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS	3
A.	BACKGROUND AND POLITICAL CONTEXT	3
B.	LEGAL FRAMEWORK	4
C.	ELECTORAL SYSTEM	5
D.	ELECTION ADMINISTRATION	6
E.	VOTER REGISTRATION.....	7
F.	CANDIDATE REGISTRATION	8
G.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE	9
H.	MEDIA.....	10
I.	COMPLAINTS AND APPEALS	11
J.	CITIZEN AND INTERNATIONAL ELECTION OBSERVATION	11
IV.	CONCLUSIONS AND RECOMMENDATION	12
	ANNEX: LIST OF MEETINGS	13

REPUBLIC OF ALBANIA
PARLIAMENTARY ELECTIONS
25 April 2021

ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation to observe the 25 April 2021 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Albania from 25 to 28 January.¹ The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser. The NAM was joined by Stéphanie Koltchanov, OSCE Parliamentary Assembly Elections Officer.

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

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

II. EXECUTIVE SUMMARY

On 6 September 2020, the president called parliamentary elections for 25 April 2021. The elections will take place against the backdrop of political agreement achieved in June 2020 after a lengthy stalemate between the major political forces. Yet, these elections will also take place in the context of deep distrust between the ruling Socialist Party and the opposition led by the Democratic Party.

The 140 members of the parliament will be elected for a four-year term through a recently modified regional proportional representation system, with voters being able to cast preferential votes for individual candidates from party lists. To qualify for seat allocation in the parliament, parties and coalitions must surpass a one per cent threshold nationwide. Several ODIHR NAM interlocutors questioned the fairness of the electoral system in place, as unduly favouring the larger parties.

The legal framework for the elections was significantly amended in 2020 in line with a preceding political agreement and partially based on ODIHR electoral recommendations. Among others, changes were introduced to the structure of the Central Election Commission (CEC), procedures for voter identification on election day, regulations of candidate nomination, campaign and financing of the campaigns, as well as voting rules. Political consensus among the largest parties as well as consultations with broader public were lacking regarding the constitutional amendments adopted in July 2020 and the subsequent amendments made to the Electoral Code in October.

Elections are administered by the newly formed CEC, 92 Commissions of Electoral Administration Zones (CEAZ), some 5,200 Voting Centre Commissions and counting teams formed in each of the

¹ On 9 February 2021, ODIHR received an official invitation to observe the parliamentary elections.

92 Ballot Counting Centres. In line with the law, requirement on 30 per cent gender representation in the CEAZs were met by the respective parties. Preparations for the elections are ongoing and the CEC has been regulating various aspects of the ongoing electoral process. Some ODIHR NAM interlocutors commended the new CEC for inclusive discussions with electoral stakeholders of different aspects of the elections. Others questioned the independence of the election administration due to its perceived politicisation and claimed insufficient efforts by the CEC to counter the misuse of public resources.

Voter registration is passive and some 3.6 million voters are registered for the upcoming elections. The majority of the ODIHR NAM interlocutors did not raise major concerns over the accuracy of the voter lists. Piloting of the biometric voter identification on election day is envisaged by the amended Electoral Code. The introduction of biometric identification was welcomed by many ODIHR NAM interlocutors, but some noted that it was late in the process. Another pilot is planned to allow citizens to vote from abroad. Many ODIHR NAM interlocutors noted that delay in developing relevant procedures as well as a small number of applications from voters would make the pilot very limited in scope.

The elections can be contested by candidates nominated by political parties, coalitions of parties, or groups of voters. Party leaders may run in up to four districts, while all other candidates may only run in one district. The ODIHR NAM interlocutors did not raise any issues about the inclusiveness of candidate registration, although some found the new rules regarding a minimum number of candidates in the lists as problematic, especially for smaller and national minority parties. Concerns regarding the quality of verification of candidates' criminal records were voiced by interlocutors.

The official campaign period starts on 26 March. While no significant issues were raised about the ability of political parties and candidates to campaign freely, most ODIHR NAM interlocutors anticipated that parties and candidates will shift their campaign to the broadcast and online media, and to social networks due to the restrictions related to the COVID-19 pandemic. Many stakeholders that the ODIHR NAM met with anticipate cases of misuse of state resources, vote-buying and pressure on voters, including by criminal groups.

The law sets limits for donations and expenditures for campaign finance and provides disclosure requirements. The auditors selected by the CEC oversee the adherence to the campaign finance rules both before and after election day. The audit results will be published by the CEC, which can impose sanctions for financial violations. Several ODIHR NAM interlocutors raised concerns over insufficient transparency of the campaign finance.

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

Only electoral contestants have the right to file complaints against election administration bodies. The CEC considers complaints against the CEAZs. CEC decisions can be challenged to the newly appointed Electoral College of the Court of Appeals of Tirana whose decisions are final. Some ODIHR NAM interlocutors noted a lack of confidence in the impartiality of electoral dispute resolution.

The law provides for international and citizen election observation. Representatives of parties and independent candidates can also observe. Several citizen observer groups informed the ODIHR NAM of their intention to observe the elections, including administering of and access to different components of the process and use of administrative resources in these elections.

All ODIHR NAM interlocutors considered a large-scale ODIHR election observation mission in all regions as essential to ensure an independent scrutiny of the implementation of the revised legal framework, including of the newly introduced biometric identification of voters, and its implementation in practice. Representatives of state institutions informed that all measures would be taken to ensure a transparent electoral process and acknowledged the added value of recommendations following an ODIHR election observation activity. Other interlocutors placed a particular emphasis on the observation of the pre-election day period, especially with respect to the use of state resources. A number of aspects would merit specific attention, including the work of the election administration, biometric voter identification, the campaign and its coverage by the media, resolution of electoral disputes, and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 25 April parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of election results. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Albania is a parliamentary republic, with legislative powers vested in the 140-member unicameral parliament and executive power exercised by the government, headed by a prime minister. The political scene is dominated by two political parties, the Socialist Party (SP) and Democratic Party (DP). The last 2017 parliamentary elections resulted in a government led by the SP, while the DP and the Socialist Movement for Integration (SMI), third largest party, became opposition.

The political climate is characterized by polarization and a longstanding distrust between major parties, and culminated in the DP and SMI members of parliament giving up their mandates in February 2019, which since then constitute an extra-parliamentary opposition. The DP, SMI and other opposition parties also boycotted the 2019 local elections.² The stalemate continued until the establishment of a cross-party Political Council in January 2020³, when the SP and the parliamentary and extra-parliamentary opposition agreed to take forward the halted electoral reform, crucial for accession talks with the European Union (EU).⁴

² See all [previous ODIHR election-related reports on Albania](#).

³ The Political Council was established as a mechanism to engage the extra-parliamentary opposition in an electoral reform process. The Council consisted of representatives of the parliamentary majority (SP), parliamentary opposition as well as representatives of the extra-parliamentary opposition (the DP and SMI).

⁴ [Resolution](#) of the German Parliament from 26 September 2019, while approving the decision of the European Council to open negotiations on Albania's accession to the EU, listed nine accession criteria, including undertaking electoral reform in line with ODIHR recommendations.

A political agreement between the SP and parliamentary and extra-parliamentary opposition was reached on 5 June, when the Political Council agreed on a package of amendments to the electoral legal framework. On 6 September, President Ilir Meta called parliamentary elections for 25 April 2021.⁵

ODIHR has previously observed 14 elections and referenda in Albania. The last ODIHR election observation mission concluded that the 2019 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 final report contains 20 recommendations for the authorities to bring electoral process closer in line with OSCE commitments.⁶

B. LEGAL FRAMEWORK

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

The electoral legal framework has been extensively amended since the last parliamentary elections.⁸ As a result of the 5 June 2020 political agreement, on 23 July, the parliament adopted numerous amendments to the Electoral Code. This followed a constructive process where, positively, the authorities and political parties engaged in open, inclusive and comprehensive discussions of many components of the electoral reform. The process was also inclusive of some experts from the civil society, smaller political parties and international community.

With the aim to address previous ODIHR recommendations, the 23 July amendments to the Electoral Code related to the structure of the Central Election Commission (CEC), public and

⁵ According to the new rules, elections are to take place on one of Sundays either between 15 April and 15 May or between 15 October and 15 November.

⁶ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See ODIHR Electoral Recommendations Database [Paragraph25.odihr.pl](https://www.odihr.org/parag25).

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

⁸ Besides the Electoral Code amendments were also introduced in the Law on the State Police, the Law on Political Parties, the Criminal Code, the Criminal Procedure Code, the Law on Protection of Whistle-blowers, the Law on the Prosecution Service, and the Law on the Status of Judges and Prosecutors.

private financing of campaigns and its oversight, transparency of verification of candidate nomination documents, gender quota for candidate lists, use of public resources for electoral purposes, legal protection of people reporting on misuse of administrative resources, the suffrage rights of persons with intellectual or psychosocial disabilities, independent coverage of campaign events by the media and oversight of this coverage, and electoral dispute resolution mechanism. Some ODIHR NAM interlocutors emphasized that they plan to monitor the practical implementation of the new rules in these elections.

Other legal amendments also provided for the biometric identification of voters on election day, piloting a possibility for voting from abroad, piloting an electronic voting and ballot counting in one of the districts and amended rules on setting election day, campaign modalities, conduct of investigations of alleged electoral violations and publication of election-related opinion polls. At the same time, some previous ODIHR recommendations remain unaddressed, including those related to the mechanism of withdrawal of candidates, access to the media for all contesting parties, use of party campaign materials in the news, possibility to recall election commissioners by nominating parties, criminal liability for defamation, and equal rights of party and citizen observers.

On 30 July, the parliament also amended the Constitution introducing the possibility for preferential voting to the electoral system. The Electoral Code was again amended on 5 October reflecting the constitutional changes and refining the procedures for calling the elections, registering electoral coalitions and candidate lists, defining the validity of ballots, counting the preferential votes and allocating the seats.

Many ODIHR NAM interlocutors representing political parties, civil society and the media raised their concerns regarding a lack of consultations with broader public over the constitutional changes and October amendments to the Electoral Code.⁹

C. ELECTORAL SYSTEM

The parliament's 140 members are elected for a four-year term through a regional proportional system. The candidates are elected from 12 multi-seat electoral districts that correspond to administrative regions. On 11 December 2020, the CEC re-allocated the number of seats for each district, ranging from 3 in Kukes to 36 in Tirana. While some ODIHR NAM interlocutors voiced concerns that Tirana region gained two more seats and Gjirokastra and Dibra regions lost one seat each, other interlocutors explained this change as due to the internal migration of population since the last 2017 elections. Some ODIHR NAM interlocutors voiced concerns that the electoral system unduly favours the major parties.

The Electoral Code allows political parties, coalitions of parties and groups of voters to field candidates. To qualify for seat allocation in the parliament, contestants must surpass a one per cent threshold nationwide.¹⁰ Voters choose between their preferred party or coalition as well as cast the vote for their preferred candidate from the chosen list. The candidates get the mandates according to the order of the list. To change the ranking of the list, a candidate must receive more preferential votes than the average number of votes received by the nominating party per each seat in the region.

⁹ See also the [2020 ODIHR and the Venice Commission's Joint Opinion](#) on the Amendments to the Constitution of 30 July and to the Electoral Code of 5 October.

¹⁰ Parties and coalitions must get three and five per cent of the votes in a district, respectively, to qualify for seat allocation in the respective district. To get a seat, an independent candidate must receive no less votes than the average number of votes cast for all contestants per seat in a given region.

D. ELECTION ADMINISTRATION

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

The 2020 legal amendments changed the formation rules of the CEC and introduced three different branches in its structure. The State Election Commissioner (hereinafter the Commissioner) exercises executive powers, steers the administration, and represents the CEC in relations with third parties, and the State Election Deputy Commissioner (the Deputy Commissioner) is supervising the voter identification technology and recruitment and training of election officials. The Regulatory Commission (the Regulator) adopts normative sub-legal acts as prescribed by the Electoral Code. The Complaints and Sanctions Commission (CSC) examines complaints against decisions of the Commissioner and CEAZs, decides on the invalidity of voting and election results as well as imposes sanctions for violations of the Electoral Code upon the Commissioner's request. All CEC members are elected by the parliament with different length of their mandates.¹¹ The Regulator and the CSC each consist of five members.¹²

The preparations for the upcoming elections are underway, and the CEC has been adopting regulations and instructions related to various aspects of the ongoing electoral process. In order to enhance transparency and inclusiveness, the CEC, prior to adoption, shares draft regulations with political parties, civil society and media and solicits their views and commentaries for consideration. The CEC sessions are currently held online due to COVID-19 related restrictions and live-streamed.

The CEC acknowledged the need for a comprehensive voter information campaign to raise awareness among stakeholders, including about new voting procedures and candidate nomination rules. The CEC is also preparing a public awareness campaign to encourage voters to check their voter records and polling stations, and to enhance participation of women, first-time-voters, national minorities, including Roma community, and persons with disabilities in the electoral process. The CEC plans to launch a special awareness campaign against misuse of administrative resources and vote-buying, especially among socially vulnerable groups of population.

The CEAZs were appointed by the CEC on 25 January and are comprised of seven members and a non-voting secretary. Three CEAZ members are nominated by parliamentary majority and three by parliamentary opposition.¹³ The seventh member is proposed by the DP and SP in 46 CEAZs each. In line with the law, at least 30 per cent of the CEAZ members proposed by the DP and SP were women. Political parties may still recall their CEAZ members at their own discretion despite a previous ODIHR recommendation. The CEAZs are responsible for organizing the elections in their respective EAZs, appointing the members of the VCCs and CTs, and for tabulating election results.

¹¹ The Commissioner and the Deputy Commissioner are elected for a seven and a four year term, while the Regulator and the CSC for a five and a nine year term, respectively.

¹² Only 3 out of 12 CEC members are women, including the Deputy Commissioner and the chairperson of the Regulator.

¹³ In line with CEC decision and by the legal deadline, four eligible parties nominated their members to all CEAZs. Two members of each CEAZ were nominated by the SP and one member by the Social Democratic Party, as the parties representing the majority in the parliament. From the opposition side, two CEAZ members were nominated by the DP and one by the SMI.

The VCCs are composed of seven members and appointed using a similar formula to the CEAZs. The VCCs are to be appointed by the CEAZs by 5 April. The VCCs are responsible for organizing voting, as well as packing and transporting ballots and other election materials after voting to the relevant BCCs. Counting is administered at the BCCs by CTs consisting of four members, who should be nominated by parties from the parliamentary majority and opposition (two each) by 15 April.

Several ODIHR NAM interlocutors questioned the independence of the CEC due to its perceived politicisation. Some interlocutors from among the political parties alleged possible manipulations during the vote count largely due to the failure of the leading political parties to depoliticize lower-level commissions.

E. VOTER REGISTRATION

Albanian citizens aged 18 years or older on election day are eligible to vote. Suffrage rights are suspended for citizens serving a prison sentence for committing certain crimes.¹⁴ In line with ODIHR recommendation, voting rights were extended to citizens ruled incompetent by a court. The voter registration system is passive; however, voters over 100 years of age are automatically removed from the voter lists and have to confirm their status. Thus far, some 3.6 million voters have been registered, including those residing abroad.

Voter lists are compiled based on the data of the electronic National Civil Status Register, maintained by the General Directorate of Civil Status (GDCS) of the Ministry of Interior (MoI). After elections were called, the GDCS commenced publishing updated extracts from voter lists on a monthly basis, allowing voters to register any changes with local civil status offices.¹⁵ Corrections to voter records are possible up to 16 March. 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. The GDCS informed the ODIHR NAM about its ongoing activities to improve the accuracy of the voter lists by intensifying efforts to assign accurate address codes and resolving issues with ‘incomplete addresses’.

Most ODIHR NAM interlocutors did not raise any significant issues related to the preliminary voter lists and voter registration in general. Some claimed that the authorities had changed the residence addresses of many voters without their request for the purpose of re-allocation of parliamentary mandates from one region to another, but could not substantiate these allegations. While many ODIHR NAM interlocutors raised serious concerns that some 800,000 citizens have their identification documents (ID) expired and therefore not valid for voting, the MoI informed that the citizens had had ample opportunities to renew their IDs.

The amended Electoral Code provides for piloting a possibility for Albanian citizens residing abroad to vote in these elections. While the CEC is authorized by the law to develop procedures regulating out-of-country voting, the agreement among the leading political parties regarding the voting methods was pending at the time of writing this report. Many ODIHR NAM interlocutors

¹⁴ 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.

¹⁵ The voter lists are made available upon request and free of charge to political parties, coalitions, and registered independent candidates. Online versions are also available on the GDCS and CEC websites.

noted that this delay as well as a small number of applications submitted to vote from abroad would make a pilot possible at a very limited scale or impossible.¹⁶

The 2020 legal amendments introduced additional measures aimed at improving the quality and confidence in the voter registration. Mayors' offices are now obliged to report weekly to the CEC on the process of notification of voters about their voting locations. The amendments also strengthened the role of CEC technical auditors in performing the audit of the voter lists before each election. Any unauthorized change of data in the voter lists now constitutes a criminal offence.

Another novelty in the law provides that on election day, all voters will have their fingerprints and identification cards scanned and electronically stored prior to receiving a ballot. The collected data will be checked for cases of potential multiple voting. The CEC has identified the company that would provide biometric identification equipment and related services for election day. However, as per the CEC and many other ODIHR NAM interlocutors, proper implementation of the biometric voter identification project represents an immense challenge. The equipment and process are yet to be tested prior to election day as required by the law. The biometric voter identification was welcomed by many ODIHR NAM interlocutors, although some noted that its introduction was unnecessarily delayed.

F. CANDIDATE REGISTRATION

Any eligible voter can stand for elections, except those serving a prison sentence or with a prior conviction for specific crimes. The Constitution lists categories of officials whose activity is incompatible with the right to stand. Candidate lists can be submitted by political parties and coalitions of parties.¹⁷ Independent candidates can stand for elections through the nomination by groups of voters.

A candidate in a list may not register in another list or a district.¹⁸ The 2020 legal amendments provide an exception to the chairpersons of the parties who may register in up to four electoral districts but may hold only one mandate of their choice, if elected. The number of candidates nominated in each list may not be less than the number of seats allocated to the respective electoral district.¹⁹ Failure to submit insufficient number of candidates in any given district may lead to denial in registration. The party or coalition may not change the ranking of the candidates in the list after its registration.

At least 30 per cent of candidates of each gender must be nominated in each district list. Recent legal amendments require at least one candidate among any three names on the list be from the least represented gender. Non-compliance with these requirements leads to denial of registration of the list.

Candidate lists must be supported by 5,000 voter signatures for parties or 7,000 signatures for coalitions nationwide, and by one per cent of voters in an electoral district (but no more than 3,000 voters) for independent candidates. This requirement is waived for parliamentary parties and

¹⁶ Some ODIHR NAM interlocutors from state institutions and political parties estimated that at least one third of the population was residing abroad. The Ministry of Interior informed that only 854 voters had registered for out-of-country voting by the end of January 2021.

¹⁷ Following the amendments, political parties are now required to submit a written statement whereby the chair of the political party commits to reject involvement in any vote-buying practices, accepting illegal funding or benefits, and to compete in elections with honesty and integrity.

¹⁸ The candidate lists must be submitted to the CEC for each of the 12 electoral districts.

¹⁹ In any case, the number of nominated candidates in a list must be divisible by a factor of three for the purpose of accounting for the gender quota.

coalitions that have at least as many seats as the number of parties, and for incumbent members of parliament nominated by voters. Voters can support multiple lists. Candidacies are verified by the CEC in line with the Electoral Code and Law on Decriminalization. Concerns over the quality of verification of candidates' criminal records and supporting signatures were voiced by ODIHR NAM interlocutors.

Some ODIHR NAM interlocutors noted a problematic nature of the new nomination rules regarding the minimum number of candidates in the lists as well as the signature collection requirements, especially for smaller and national minority parties.

G. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The official election campaign begins on 26 March and ends 24 hours before election day. There are no sanctions for early campaigning. Campaigning by public institutions is prohibited. Civil servants may not participate in political activities during office hours.

In a process leading to the 5 June political agreement, major political parties committed themselves to counteract any misuse of state resources in elections. Following consequent amendments to the Electoral Code, public institutions, as well as state agencies and enterprises are obliged to report to the CEC all their activities involving participation of citizens and media during the four months preceding election day. Such information is reported via a dedicated CEC webpage and is publically accessible. The CEC can declare an activity usually carried out by public entities as potentially constituting a misuse of state resources. In this case, the broadcast media are prohibited to feature such activities in news or other programmes dedicated to campaign coverage.

While the CEC has timely adopted detailed clarifications related to the use of public resources for electoral purposes, many ODIHR NAM interlocutors regarded available sanctions for misuse of administrative resources as an ineffective deterrent.²⁰ Most interlocutors expect wide-spread cases of misuse of administrative resources by the ruling party, including pressure on public employees. In addition, many ODIHR NAM interlocutors raised concerns over the influence of criminal groups on politics and continuing practices of vote-buying and 'organized' voting, especially among the socially vulnerable communities, such as Roma.

Most ODIHR NAM interlocutors noted restrictions to campaigning caused by the COVID-19 pandemic and anticipate that parties and candidates will shift their campaign to the broadcast and online media and social networks. It is expected that advertisements in traditional and social media will be increasingly used as a tool to reach out to voters, and that in-person meetings with voters will be reduced to a minimum.

Election campaign may be financed from public and private funds, including loans. Parliamentary parties get annual support from the state budget. In addition, all parties that received more than one per cent of valid votes in the previous parliamentary elections are entitled to public funding of their campaigns. Independent candidates are not entitled to public funding. Donations from both citizens and legal entities, including in-kind, are capped at ALL 1 million (some EUR 8,130), and

²⁰ See 24 December [CEC Decision No. 9](#). On 14 January, the Commissioner fined an acting head of a local branch of the Cadastre Agency with ALL 1,500 ALL for public distribution of property legalization certificates within the electoral period. On 22 January, the decision to impose the fine was cancelled by the CSC on appeal.

contributions above ALL 50,000 must be made through a designated bank account and disclosed.²¹ Total campaign expenses for a political party and an independent candidate may not exceed respectively, 3 times and 50 per cent of the highest amount that a contestant has received from public funds for campaigning. Each contestant must register the amount of donations received, as well as donor identification data, in a special register approved by the CEC. Contestants are obliged to submit reports on their campaign finances within 60 days from the announcement of election results.

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

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

H. MEDIA

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

The media environment is diverse, with a high number of outlets operating in the country. Television remains the leading source of political information. Some ODIHR NAM interlocutors characterized the media environment as politically polarized, with many broadcasters favouring the government. Some ODIHR NAM interlocutors voiced concerns regarding continuing pressure on journalists and lack of their safety. In addition, the financial vulnerability of many media outlets, exacerbated by the COVID-19 pandemic, as well as economic and political interests of media owners often influence journalists' reporting, affect independence of editorial policies and induce self-censorship.

The Electoral Code requires the media to provide unbiased campaign coverage and to treat contestants equally. It ensures access for all electoral contestants to the news and information programmes in broadcast media. Each party that won over 20 per cent of seats in the last parliamentary elections should receive twice the amount of news coverage that other parliamentary parties receive. News coverage of non-parliamentary parties is at the discretion of the editors but should not exceed that of the parliamentary parties. The Electoral Code allows paid political advertisement on private media – up to 90 minutes for parliamentary and 10 minutes for non-parliamentary parties and independent candidates for the whole campaign on each channel. Advertisements as well as free airtime must clearly identify the sponsoring party. The print media are mostly self-regulated.

The public broadcaster, Albanian Radio and Television (*RTSH*) is obliged to ensure public access to a wide range of political viewpoints during the campaign. *RTSH* is planning to air the CEC-

²¹ Some entities are not allowed to donate funds, for example those engaged in the media sphere or having received public funds or awarded a public contract exceeding ALL 10 million for the three years preceding the elections. EUR 1 equals approximately ALL 123 (Albanian *Lek*).

prepared voter awareness information, as well as broadcast election-related programmes, including in minority languages. *RTSH* intends to organize live political debates among major as well as smaller parties. The Electoral Code provides all contestants with free-of-charge airtime on *RTSH*.

Some ODIHR NAM media interlocutors raised serious concerns that both government institutions and major political parties limit access to information on their activities. Instead, the media have to use the content produced by political parties in news programming, which is challenging their editorial independence and limiting voters' access to impartial information. The Electoral Code still allows broadcasters to air such material as long as it is explicitly labelled. *RTSH* informed the ODIHR NAM that it would not accept any party-produced footage and would cover the campaign independently.

Following the recent amendments, the Audio-visual Media Authority (AMA), the broadcasting media supervisory body, is now in charge of monitoring broadcast media's campaign coverage. The AMA informed the ODIHR NAM that it had established a media monitoring board and would monitor 48 TV and radio channels, but that they were still waiting for the CEC to adopt the required methodology for such monitoring. Within the official campaign period, the AMA should present monitoring reports to the CEC on a weekly basis. The CEC considers complaints concerning media coverage and can apply administrative sanctions on media outlets for non-compliance with the law.

I. COMPLAINTS AND APPEALS

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

The Electoral College, the highest authority on electoral disputes, consists of eight judges from the first instance and appeal courts appointed for a four-year term and selected through a draw conducted by the High Council of Justice. The new Electoral College was formed on 9 December 2020. All cases are considered in open hearings and decisions are published on the website of the Court of Appeals of Tirana that also provides logistical support, including offices and secretariat, to the Electoral College. However, the ODIHR NAM was informed that the Electoral College currently has no adequate premises to organize public hearings and ensure proper social distancing between all participants of the process. In addition, some interlocutors expressed their opinion that the judges of the Electoral College would benefit from a comprehensive training to effectively handle the electoral disputes.

In line with a previous ODIHR recommendation, the Constitutional Court that has jurisdiction over violations of constitutional rights and freedoms, as well as the Prosecutor General's Office are now fully operational. Some ODIHR NAM interlocutors still expressed concerns regarding the independence of the judiciary and the impact this could have on the impartial resolution of electoral disputes.

J. CITIZEN AND INTERNATIONAL 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 to the CEC only for the electoral period. All contestants are entitled to appoint observers to relevant CEAZs, VCCs, and BCCs. The right to appoint observers within a coalition rests solely with the coalition and not the parties within it. Despite a previous ODIHR recommendation, only observers from the contesting parties but not citizen or international observers are entitled to receive copies of the results protocols at BCCs and CEAZs. Several citizen groups informed the ODIHR NAM of their intention to observe the elections and publish their reports, including on election administration, use of state resources and access of persons with disabilities to the electoral process.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors considered a large-scale ODIHR election observation mission in all regions as essential to ensure an independent scrutiny of the implementation of the revised legal framework, including of the newly introduced biometric identification of voters, and its implementation in practice. Representatives of state institutions informed that all measures would be taken to ensure a transparent electoral process and acknowledged the added value of recommendations following an ODIHR election observation activity. Other interlocutors placed a particular emphasis on the observation of the pre-election day period, especially with respect to use of state resources. A number of aspects would merit specific attention, including the work of the election administration, biometric voter identification, the campaign and its coverage by the media, resolution of electoral disputes, and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 25 April parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of results. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Government Institutions

Agron Tare, Deputy Minister, Ministry for Europe and Foreign Affairs
Orjana Mullisi, Desk Officer, Ministry for Europe and Foreign Affairs
Bledar Çuçi, Minister of Internal Affairs, MP
Elena Pici, General Secretary, Ministry of Internal Affairs
Lorena Pullumbi, Chief of Cabinet, Ministry of Internal Affairs
Bledar Doracaj, Director, General Directorate of Civil Status (GDCS), Ministry of Internal Affairs
Vangjush Stavro, Director of IT systems, GDCS, Ministry of Internal Affairs
Gentian Sala, Chair, Audio-visual Media Authority
Edlira Prendi, Adviser, Audio-visual Media Authority

Central Election Commission

Ilijan Celibashi, State Election Commissioner
Lealba Pelinku, Deputy State Election Commissioner
Ilijana Nano, Chair, Regulatory Commission
Helga Vukaj, Member, Regulatory Commission
Ilijan Rusmali, Member, Complaints and Sanctions Commission
Ledio Braho, Member, Appeals and Sanctions Commission
Ermina Alushi, Director of Communications
Drilona Hoxhaj, Spokesperson

Electoral College of the Court of Appeals of Tirana

Esmeralda Çeka, Sokol Ibi, Alma Kolgjoka, Gentian Media, Emona Muçi, Edlira Petri, Asim Vokshi, Manjola Xhaxho, Judges

Political Parties

Myslim Murrizi, MP, Albanian Democratic Movement
Gjergji Bojaxhi, Challenge for Albania
Lulzim Basha, Chairperson, Democratic Party
Ivi Kaso, Secretary for Electoral Issues, Democratic Party
Fabian Topolaj, Democratic Conviction
Nard Ndoka, Demo-Christian Party
Agron Duka, Environmental Agrarian Party
Napolon Laska, Hashtag Initiative
Thoma Melo, Human Rights Union
Gjergji Prifti, LIBRA
Kristaq Kico, MEGA
Evald Serregi, Movement for Change
Lulzim Lelçaj, Movement for Change
Dashmir Shehi, National Development Movement
Bamir Topi, New Democratic Spirit
Fatmir Mediu, Republican Party
Tom Doshi, MP, Social-Democratic Party
Monika Kryuemadhi, Chairperson, Socialist Movement for Integration
Petrit Vasili, Socialist Movement for Integration
Eriol Braimllari, Socialist Movement for Integration
Taulant Balla, MP, Secretary General, Socialist Party
Odeta Barbullushi, Socialist Party
Elora Kokalari, Socialist Party

Odeta Berberi, Political Advisor, Socialist Party
Paskal Milo, Social Democracy Party

Media

Thoma Gellci, General Director, Albanian Radio and Television
Kleart Duraj, Director of International Relations and Projects, Albanian Radio and Television
Remzi Lani, Albanian Media Institute
Beser Likmata, Balkan Investigative Reporting Network
Altin Krekes, Top Channel
Arban Hasani, Vizion Plus TV
Lutfi Dervishi, Media Analyst

Civil Society

Gjergj Smakaj, Albanian Association of Blind Persons
Daniel Broni, Albanian Helsinki Committee
Kristaq Kume, Albanian Institute for Election System Development
Ervin Caramuco, Institute of Political Studies
Xhesika Kora, Institute of Romani Culture in Albania
Dritan Tulla, KRIIK Albania
Gerta Meta, Society for Democratic Culture
Blerta Balilaj Brorina, Women's Democracy Network
Jonid Ferhati, Visually Impaired Youth

International Community

Ambassador Vincenzo Del Monaco, Head of the OSCE Presence in Albania
Representatives of Embassies of OSCE Participating States and International Organizations