



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

LOCAL ELECTIONS

30 June 2019

ODIHR NEEDS ASSESSMENT MISSION REPORT

19-21 March 2019



Warsaw
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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS.....	3
A.	BACKGROUND AND POLITICAL CONTEXT.....	3
B.	ELECTORAL SYSTEM AND LEGAL FRAMEWORK.....	4
C.	ELECTION ADMINISTRATION.....	5
D.	VOTER REGISTRATION	7
E.	CANDIDATE REGISTRATION	8
F.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE.....	9
G.	MEDIA	10
H.	CITIZEN AND INTERNATIONAL OBSERVATION.....	12
I.	COMPLAINTS AND APPEALS	12
IV.	CONCLUSIONS AND RECOMMENDATION.....	13
	ANNEX: LIST OF MEETINGS	14

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Government of the Republic of Albania to observe the 30 June 2019 local elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Albania from 19 to 21 March. The NAM included Ana Rusu, ODIHR Senior Election Adviser, and Alexey Gromov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend 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

The 30 June local elections will take place in a context characterised by an unprecedented decision of the opposition parties in parliament to give up their mandates. Further, the opposition organized a series of public protests requiring resignation of the government and calling for early parliamentary elections. The government rejected these demands. The political confrontation in the country suspended important reforms, including in the electoral field. Many ODIHR NAM interlocutors expressed concerns that pervasive political distrust between the parties and continuing politicisation of institutions negatively contribute to long-standing lack of confidence in electoral process.

Mayors and local councils will be elected in all 61 municipalities. Mayors are elected in first-past-the-post contests, and councillors under a closed-list proportional system. Several ODIHR NAM interlocutors questioned the fairness of the electoral systems in place, as favouring the larger parties and giving too much discretion to party leaders in defining the candidates for local councillors.

The upcoming elections will be conducted under largely unchanged legal framework although some ODIHR NAM interlocutors did not exclude that some amendments to the legislation could take place prior to the elections. An electoral reform process restarted shortly after the 2017 parliamentary elections but did not materialize yet in any legal amendments due to lack of political will. As such, majority of ODIHR electoral recommendations from 2015 and 2017 remain unaddressed.

Elections are administered by the Central Election Commission (CEC), 90 Commissions of Electoral Administration Zones (CEAZ), some 5,350 Voting Centre Commissions and counting teams formed in each of the 90 regional Ballot Counting Centres. Preparations for the elections are ongoing. The CEC has approved the calendar plan of activities and informed the electoral stakeholders on their duties and relevant legal deadlines. The CEC is planning to launch awareness-raising campaigns focusing on

enhancing participation of women, first-time-voters, national minorities and persons with disabilities in electoral process.

The Electoral Code gives considerable powers to parliamentary parties in the administration of elections. The opposition has declined to nominate their members to the CEC and CEAZs, thus leaving them politically imbalanced. This contributed further to a long-standing issue of low trust in the election management bodies, due to their perceived politicisation, and many ODIHR NAM interlocutors raised serious concerns about election day procedures, particularly vote counting.

Voter registration is passive and voter lists are based on data extracted from the National Civil Status Register. The Ministry of Interior is undertaking efforts to improve the quality of the register by deleting duplicate records, resolving issues with 'incomplete addresses', and making door-to-door verifications of individual data. According to recent changes in civil registration legislation, validity of ID cards of almost 1.4 million citizens was prolonged until the end of 2019 to ensure their right to vote. The majority of interlocutors did not raise major concerns over the inclusiveness and accuracy of the voter lists. As of 2 March, the total number of registered voters was about 3.5 million.

The elections can be contested by candidates nominated by political parties, coalitions of parties, or groups of voters. The nomination of candidates is ongoing and should be finalized by 13 May. None of ODIHR NAM interlocutors raised concerns about candidate registration. The Electoral Code requires that each list of candidates to local councils equally represents men and women, by alternating the gender with every second candidate. Although many ODIHR NAM interlocutors commended this measure, women remain under-represented in public and political life, especially in decision-making positions. Positively, the composition of current government is gender-balanced.

The official campaign period starts on 31 May. No significant issues were raised about the ability of political parties and candidates to campaign freely, including in national minority languages. At the same time, many electoral stakeholders that the ODIHR NAM met with pointed out a lack of robust efforts undertaken by major parties and the government to combat vote-buying and other electoral malpractices and expressed a lack of confidence in the electoral process.

The law sets limits for donations and expenditures for campaign finance and provides disclosure requirements. The CEC is an oversight body for political party and campaign finance. The auditors selected by the CEC oversee the adherence to the campaign finance rules both before and after election day. The audit results are published by the CEC who can impose sanctions for financial violations. Public campaign financing is provided to parties but not to independent candidates.

Media coverage of the campaign is tightly regulated, including requirements for free airtime, news coverage and advertisements. Coverage of parties is determined by their parliamentary representation. Some ODIHR NAM interlocutors characterized the media environment as politically polarized, with many broadcasters favouring the government and following media owners' business interests. Public broadcaster intends to organize political debates as well as air the news in national minority languages.

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 such aspects as election administration, potential abuse of state resources, access of persons with disabilities to the electoral process, women's participation in the elections, but many of them noted a lack of funds to observe throughout the country.

Only electoral contestants have the right to file complaints against election administration bodies. The CEC considers all complaints against CEAZs. CEC decisions can be challenged to the Electoral College of the Court of Appeals of Tirana. The Electoral Code sets a 10-days period for the Electoral College to address appeals. As a result of an ongoing vetting of judges, the Electoral College is not fully staffed and the Constitutional Court is not functioning. Some ODIHR NAM interlocutors reported a lack of confidence in the impartiality of the CEC and courts in resolving electoral disputes.

Most ODIHR NAM interlocutors underscored a high degree of polarization and distrust among political parties and politicisation of institutions which could negatively impact the conduct of the elections. Taking into consideration these aspects and the lack of follow-up to many prior ODIHR recommendations, all ODIHR NAM interlocutors considered an ODIHR large-scale election observation activity essential. Representatives of state institutions informed that all measures will be taken to ensure a transparent electoral process and acknowledged the added value of recommendations following an election observation activity. Other interlocutors requested sufficient observers to cover all aspects of the process, and placed a particular emphasis on the election administration, the campaign and its coverage by the media, resolution of electoral disputes, and election day procedures.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission for the 30 June local elections, subject to the availability of resources. In addition to a core team of experts, ODIHR will request the secondment by OSCE participating States of 22 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.

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. The parliament elects the prime minister and approves prime minister's nominations for all ministerial positions. On 5 November 2018, in line with his authority under the Constitution, President Ilir Meta called elections of local councils and mayors of all 61 municipalities for 30 June 2019.

The political system is dominated by two political parties, the Socialist Party (SP), and the Democratic Party (DP). The Socialist Movement for Integration (SMI), third largest party, has several times changed its affiliation to the government or opposition, joining both main parties. Following the 2017 parliamentary elections, the current government is led by the SP.¹ The parliamentary opposition comprises the DP, SMI, and, since September 2018, the PJIU.

The political climate is characterized by a longstanding distrust between major parties which culminated in the DP and SMI members of parliament (MPs) giving up their mandates in February,

¹ As the result of the parliamentary elections, the SP received 74 seats in the parliament, DP 43 seats, SMI 19 seats, Party for Justice, Integration and Unity (PJIU) 3 seats, and Social Democratic Party 1 seat. The 2015 local elections returned 45 of 61 mayors and 66 per cent of local councillors to a coalition led by the SP and SMI. A DP-led coalition received 15 mayor positions and 32 per cent of councillors across the country.

after the parliament voted down their initiative on vetting of politicians.² According to many ODIHR NAM interlocutors this may significantly hinder reform efforts needed for a highly aspired accession to the European Union.³ In addition, opposition organized public protests in February and March, demanding the resignation of the Prime Minister Edi Rama and his government, as well as calling for early parliamentary elections.⁴ Prime Minister Rama publicly rejected these demands. The government officials informed the ODIHR NAM about their commitment to “holding free and fair elections” and calls to the opposition to fully engage in the upcoming elections.

ODIHR has previously observed 13 elections and referenda in Albania.⁵ The 2017 ODIHR election observation mission concluded that the elections “took place following a political agreement between the leaders of the SP and DP that secured the participation of the opposition. Electoral contestants were able to campaign freely and fundamental freedoms were respected. The implementation of the political agreement created challenges for the election administration and resulted in a selective and inconsistent application of the law. The continued politicisation of election-related bodies and institutions as well as widespread allegations of vote-buying and pressure on voters detracted from public trust in the electoral process. On an overall orderly election day, important procedures were not fully respected in a considerable number of voting centres observed. There were delays in counting in many areas”.

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

A total of 1,595 councillors are elected from closed lists under a proportional system and 61 mayors are elected in the first-past-the-post contests, all for four-year terms.⁶ The constituencies for local elections are the territories of the municipalities. Local council mandates are allocated to parties and coalitions according to the *d'Hondt* system. The distribution of seats to parties within a coalition is conducted using the *Sainte-Laguë* method. To qualify for seat allocation, parties must surpass a three per cent threshold of votes cast in the respective municipality and coalitions must surpass a five per cent threshold.⁷ Several parties voiced concern to the ODIHR NAM that the electoral system unduly favours the major parties and that the closed-list system gives too much discretion to party leaders to define the candidates and ultimately the local councillors.

The legal framework for local elections consists of the 1998 Constitution (last amended in 2016) and the 2008 Electoral Code (last amended in 2015) as well as other legislation.⁸ In May 2017, the election-

² Despite numerous calls from international community to continue parliamentary activities, 41 MPs from the DP and 17 MPs from the SMI withdrew from the parliament. On 26 February, in line with its mandate, the Central Election Commission initiated the procedure for filling the vacancies from among the candidates registered in the DP and SMI lists for the 2017 parliamentary elections. As of 11 April, 9 vacant DP seats and 11 SMI seats were filled, leaving the parliament with a sufficient number of MPs for a potential qualified majority vote. DP and SMI leaders announced that the remaining candidates from their lists who would agree to take a mandate would be expelled from respective parties.

³ The [2018 Communication on EU Enlargement Policy](#) states, in particular, that “High-level political commitment is required to improve and properly implement the [electoral] legal framework”.

⁴ A public protest on 16 February was marred by clashes between protesters and police. Some of the protesters tried to break through to the prime minister’s office building, throwing Molotov cocktails, flares and stones. The police responded with tear gas and water cannons. According to the Health Ministry’s data referred to by some media, 19 individuals, including 9 police officers, were hospitalized due to injuries.

⁵ See all [previous ODIHR reports on Albania](#).

⁶ The number of councillors to be elected in each municipality is determined according to its population size, ranging from 15 to 61 members.

⁷ An independent candidate obtains a seat in a council if the number of votes for this candidate is higher than the minimal quotient defined for allocation of the seats for parties and coalitions.

⁸ Including the 2000 Law on Political Parties, 2001 Law on Demonstrations, 2008 Law on Gender Equality in Society, 2013 Law on Audio-visual Media, 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (the so-called Law on Decriminalization), and relevant provisions of the 1995 Criminal Code and the 2015 Code of Administrative Procedures.

related amendments were introduced to the Law on Political Parties based on a political agreement between the DP and SP. The new regulations aim to reduce the costs of the campaigns, provide for enhanced campaign finance transparency and accountability and ensure additional measures against corrupt electoral practices. Albania is party to international and regional instruments relevant to the holding of democratic elections.⁹

In November 2017, an Ad Hoc Parliamentary Committee on Electoral Reform co-chaired by representatives of the DP and SP was re-established to draft legal amendments that would specifically address ODIHR electoral recommendations.¹⁰ Despite its technical mandate and an overall consensus-based approach, the work of the Ad Hoc Committee was blocked by the opposition in December 2018. The Ad Hoc Committee stopped its work without producing any agreed package of legislation.¹¹ As such a majority of outstanding ODIHR electoral recommendations remain unaddressed, including those related to vote-buying and abuse of state resources, depoliticization of election administration, restrictions on voter rights, decriminalization of defamation and effective guarantees for the right to a free and secret choice. Some ODIHR NAM interlocutors positively assessed the start of the reform process, with analysis of different options openly discussed with political parties and civil society. At the same time, the ODIHR NAM was informed that the reform was lacking political will, and consultations with the smaller parties and civil society, including organisations representing persons with disabilities, were very limited.¹²

The Law on Gender Equality in Society provides for a minimum 30 per cent representation of women in all public-sector institutions at national and local levels. However, women remain under-represented in public and political life, especially in decision-making positions, holding 30 out of 97 seats in the parliament, 5 out of 61 mayor posts and some 35 per cent of positions within local councils.¹³ Positively, 8 out of 15 ministers in the current government are women. Some ODIHR NAM interlocutors noted an overall lack of efforts by the government and political parties to raise public awareness on women participation in public and political life.

C. ELECTION ADMINISTRATION

Local elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 90 Commissions of Electoral Administration Zones (CEAZs), and 5,348 Voting Centre Commissions (VCCs). Counting is conducted regionally by Counting Teams (CTs) in 90 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).¹⁴

⁹ Including the 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 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, and 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 Council of Europe's European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

¹⁰ The Ad Hoc Committee consisted of 18 members, half from the majority and half from the opposition, and was supported by a group of 8 technical experts, half from the majority and half from the opposition.

¹¹ The initial mandate of the Ad Hoc Committee expired on 31 December and was extended until 21 February 2019. On 3 April, the parliament extended the mandate of the Ad Hoc Committee for one month inviting the DP to continue to work on electoral reform.

¹² On 18 December, the SP submitted draft amendments to the Electoral Code to the parliament, claiming that most draft amendments were discussed in the Ad Hoc Committee. The opposition claimed this as a unilateral move violating principle of seeking for consensus decisions on electoral reform.

¹³ See CEDAW [Concluding observations on the fourth periodic report of Albania](#) (25 July 2016), CEDAW/C/ALB/CO/4, paragraphs 18 and 19.

¹⁴ EAZs correspond to the administrative division. If a municipality has more than 80,000 voters, additional EAZs are formed within that municipality.

The CEC is a permanent body responsible for the overall conduct of the elections. According to the law, the CEC should have seven members appointed by the parliament. Two members are proposed by the largest parliamentary majority party and two by the largest opposition party. In addition, the next largest parliamentary majority and opposition parties propose one member each. The CEC chairperson is elected for a four-year term following an open application process, while other members are appointed for six-year terms. The CEC deputy chairperson is elected from among the CEC members based on a proposal by the largest parliamentary opposition party.

Despite the legal provisions, on 22 May 2017, as part of the political agreement, parliament replaced the CEC chairperson with another CEC member nominated by the opposition. In October 2018, following expiry of relevant mandates, the parliament re-appointed one CEC member and appointed a new member on the SP quota. Since that time the DP has not filled their quota for two CEC members. Two of the five current CEC members are women. While noting that the current CEC composition is not politically balanced, many ODIHR NAM interlocutors acknowledged that the CEC has the minimum quorum of five members and can proceed with all necessary preparations for the elections.¹⁵ Most ODIHR NAM interlocutors expressed lack of public trust in the CEC and lower level commissions due to their perceived bias in favour of nominating parties.

The CEC's responsibilities include appointing and removing CEAZ members, printing ballots, training lower-level election officials, overseeing campaign finance, imposing sanctions for campaign finance violations, considering complaints and appeals, and announcing the final results for the local councils.

The CEAZs are appointed by the CEC for each election, comprising seven members and a non-voting secretary.¹⁶ In line with CEC decision of 1 February, three members of all CEAZs should be nominated by the SP, as the only party representing majority in the parliament. On the opposition side, two CEAZ members should be nominated by the DP and one by the SMI. In addition, the seventh member should be proposed by the SP and DP in 45 CEAZs each. At least 30 per cent of the CEAZ members proposed by the SP and DP must be women. Nominations for CEAZ members were expected by 18 March, but both eligible opposition parties, the DP and SMI, declined to nominate members.

According to the law, the CEC may appoint CEAZ members directly when corresponding parties do not nominate their representatives. On 19 March, the CEC invited all eligible citizens to apply for CEAZ positions left vacant by the opposition, and informed the ODIHR NAM that it should form the CEAZs by 1 April deadline and proceed with training of commissioners afterwards. Despite long-standing ODIHR recommendations, parties are entitled to recall their nominees from CEAZs at any time at their own discretion.

The CEAZs are responsible for organizing and conducting the elections in the respective EAZ. This includes candidate registration, appointing the members of the VCCs and CTs, distributing election materials to the VCCs, and tabulating election results at the local level.

The VCCs are composed of seven members and appointed using a similar formula to CEAZs. Political parties should nominate VCC members by 30 May and cannot recall their nominees at their own discretion. The CEAZs should appoint the VCC members by 11 June. Several ODIHR NAM

¹⁵ Three current CEC members were nominated by the SP, one by Republican Party. The CEC chairperson formally is not representing any political party.

¹⁶ The nomination formula for CEAZ members mirrors that of the CEC, with the exception that in one half of CEAZs, the chairperson is nominated by the largest majority party, and in the other half, by the largest opposition party. The deputy chairperson and the secretary belong to the main political party that is not chairing the respective CEAZ.

interlocutors expected serious problems regarding nomination of the VCC and CT members by the eligible opposition parties. 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 18 June. There are no provisions to ensure women's representation in VCCs or CTs. Most ODIHR NAM interlocutors expressed concern about the integrity of election day procedures, particularly the counting of votes, alleging potential pressure on voters and manipulations with the results.

CEC preparations for the upcoming elections are ongoing.¹⁷ On 19 November, the CEC approved the calendar plan of electoral activities, informed the political parties and other stakeholders on their duties and relevant legal deadlines, including on nomination of election commissioners and candidates, and on campaign finance rules. The CEC informed the ODIHR NAM about their plans to enhance participation of women, first-time-voters, national minorities and persons with disabilities in the electoral process. However, some ODIHR NAM interlocutors regretted that the CEC refused to endorse an increase in budgetary allocation for voter education campaign, potentially endangering an effective public awareness campaign against vote-buying.

Several ODIHR NAM interlocutors noted a lack of meaningful efforts by the state and political parties to facilitate access of voters with disabilities to the electoral process, referring to a lack of proper consultations with organizations representing such voters, absence of political information in specific formats and insufficient infrastructure for independent access to voting centres.

The Electoral Code provides for the possibility of using new voting technologies (NVT) for voter identification, voting, counting, and tabulation of election results. Several parties voiced support for a small scale piloting of automatic counting of ballots in several municipalities. At the same time, ODIHR NAM interlocutors noted the lack of time for implementing a meaningful NVT pilot for these elections.

D. 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.¹⁸ Restrictions on the suffrage rights of citizens found mentally incompetent by a court decision challenge international obligations, which prohibit discrimination based on disability.¹⁹ The voter registration system is passive; however, voters over 100 years of age are automatically removed from voter lists and must actively confirm their records for re-inclusion.²⁰ Non-citizens are not eligible to vote in local elections, irrespective of their length of residency.

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). Voters are

¹⁷ The CEC established 12 Regional Electoral Offices (one in each region) to facilitate the CEC activities there.

¹⁸ 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. The ODIHR NAM was informed that voting rights were thus revoked for 1,264 citizens.

¹⁹ See Articles 12 and 29 of the 2006 CRPD. See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and five others v. Hungary*), which stated that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

²⁰ The ODIHR NAM was informed that records of 1,309 voters over 100 years of age are blocked in the voter register.

included in the voter list of the voting centre serving their place of residence.²¹ After the call for elections, the GDCS published updated extracts from voter lists on a monthly basis, allowing voters to register any changes with local civil status offices. Corrections to voter records are possible up to 21 May.²² Since 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 quality of the voter lists by deleting duplicate records in the population register, resolving issues with ‘incomplete addresses’, and making door-to-door verification of individual data together with municipalities. According to the GDCS, as of 2 March the preliminary extracts of voter lists contained 3,543,471 registered voters, some 91,000 increase compared to the 2017 elections. The GDCS reported considerable improvement of voter lists’ accuracy as compared to the previous elections, despite some 54,000 records of voters with ‘incomplete addresses’ and 591 suspected duplicate voter records still remaining in the lists. The preliminary voter lists should have been printed and made available for the public scrutiny in all municipalities by 5 December.²³

The CEC supervises the voter list compilation process. In December, the CEC appointed two auditors to assess the accuracy of voter lists and to present separate reports on a monthly basis. On 11 February and 20 March, the CEC reviewed auditors’ reports. The auditors as well as most ODIHR NAM interlocutors did not raise any significant issues related to the preliminary voters lists.

According to the law, voters can receive ballots upon presentation of a valid identification document (ID). In January 2019, the MoI reported that around 1.4 million IDs would expire ahead of the upcoming elections. In order to avoid hurdles in receiving ballots on election day and stating the aim to dismiss opposition’s allegations of potential manipulations and pressure on voters during replacing the IDs, the government initiated the extension of the validity of IDs. On 5 March, the parliament amended the Law on Electronic Identification Document of Albanian Citizens extending the validity of IDs in question until 31 December 2019.

E. CANDIDATE REGISTRATION

Any eligible voter can stand for election, except those whose right to stand for office has been restricted by the Law on Decriminalization.²⁴ The Constitution also lists categories of officials whose occupation is incompatible with the right to stand.²⁵ Candidate lists can be submitted by political parties, coalitions of parties, or groups of voters. Political parties have to register as electoral subjects with the CEC by 22 April and coalitions by 1 May. Groups of voters should comprise at least nine voters from the respective EAZ and register with the respective CEAZ by 22 April. A few political parties have already applied for registration as of time of the ODIHR NAM.

²¹ The voters can only vote in person; there are no provisions for voting abroad, by mail or via mobile ballot box. Special voting centres can be organized in hospitals, prisons and pre-trial detention centres for those voters who have residence in the same municipality where the special voting centre is established.

²² The October 2018 amendments to the civil registration law relieve all citizens from fines for late address registration, provided that the citizens present the actual data on their residence till 10 May 2019.

²³ 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.

²⁴ Citizens convicted for certain crimes or deported, even in the absence of a final court decision, from an EU Member State, Australia, Canada, and the United States are barred to stand for election, as are those under an international search warrant.

²⁵ Article 63 of the Electoral Code and Article 69 of the Constitution list the president, high state officials, judges, prosecutors, military, national security and police staff, diplomats and members of election commissions.

Electoral subjects have to submit candidate lists to respective CEAZs or CEC by 13 May. The latter is responsible for registering candidates and candidate lists in the 10 municipalities that include more than one EAZ.²⁶ Candidates are required to submit supporting signatures of at least one per cent of voters from respective municipality.²⁷ Parties or candidates represented in the parliament or local government do not need to present supporting signatures. The law requires the CEAZs to verify five per cent of the signatures submitted as well as other documents and register contestants by 22 May. Voters can support multiple contestants. No ODIHR NAM interlocutors raised issues about the candidate registration, but many expressed their discontent with the lack of transparency and intra-party democracy in the process of selecting candidates.

The Electoral Code requires that each list equally represents men and women as candidates for local councils, by alternating the gender with every second candidate. Lists which do not comply with this rule are not registered. All ODIHR NAM interlocutors expressed support for the quota and some informed about internal party policies to promote women candidates, including for mayoral contests.

F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The official campaign period will start on 31 May and end 24 hours before election day.²⁸ All ODIHR NAM interlocutors expected the campaign to be conducted largely through public meetings, broadcast and social media, in particular Facebook and Twitter, as well as distribution of printed materials. Campaigning in facilities of public institutions is prohibited. Following the 2017 amendments to the Law on Political Parties, stationary campaign materials, including flags and posters, can only be placed within five meters of party campaign offices.

Only few ODIHR NAM interlocutors from political parties mentioned specific topics for the upcoming campaign, including development of rural areas and better local administration. The campaign is expected to unfold in June and focus mainly on personalities.²⁹ Some interlocutors did not exclude that the campaign could be marked by inflammatory and intolerant rhetoric.³⁰ Several interlocutors informed the ODIHR NAM of party voluntary initiatives to promote participation of women, youth and national minorities as candidates, as well as about public events, supported by international community, aimed at enhancing women participation in decision-making and political life.

No significant issues were raised about the ability of contestants to campaign freely, including in national minority languages. At the same time, many electoral stakeholders that the ODIHR NAM met with expressed overall lack of confidence in electoral process. This was mainly attributed to a lack of robust efforts undertaken by both major parties and the government to combat electoral malpractices such as pressure on voters, in particular on civil servants, and promote secrecy of vote. Many ODIHR NAM interlocutors condemned the lack of resolute measures against vote-buying. The ODIHR NAM was informed that several cases initiated by the Prosecutor Office with regards to vote-buying in 2017 were still under investigation, contributing to a perception of impunity for electoral crimes. Many interlocutors deplored lack of transparency in the activities of law enforcement bodies with regard to these investigations.

²⁶ In Durres, Elbasan, Fier, Kamez, Korce, Lezhe, Lushnje, Shkoder, Tirana and Vlore, which comprise more than one EAZ each, the CEC administers candidate registration and tabulation of election results.

²⁷ In any case, parties and independent candidates have to provide at least 50 signatures. For parties, but not independent candidates, the Electoral Code sets 3,000 signatures as a maximum number needed for registration.

²⁸ The Electoral Code includes a number of provisions, particularly regarding equitable media coverage, that begin at the official start of the campaign with a view to creating a level playing field for contestants.

²⁹ In early January, the CEC called the political parties to avoid holding any events for campaign purposes before the official campaign period starts.

³⁰ See also Committee on the Elimination of Racial Discrimination's [Concluding observations on the combined ninth to twelfth periodic reports of Albania](#) (2 January 2019), paragraphs 15 and 16 on hate speech.

No significant issues were raised about the ability of national minorities to form political parties, stand for elections and campaign. Nevertheless, some electoral stakeholders mentioned that the Roma and Egyptian communities are not represented in decision-making positions, and their voters are a particular target for vote-buying.³¹ In addition, national minorities are largely underrepresented in election administration. Some ODIHR NAM interlocutors expressed concern that the 2014 administrative and territorial reform negatively affected the proportions of the Greek minority population in some areas, limiting their abilities to effectively influence the composition of representative bodies.

Electoral campaigns may be financed from public and private funds. Public funds are allocated to parties for their regular activities based on their results in the last parliamentary elections.³² Additional 65 million Albanian *lek* (ALL), will be allocated by the CEC to all parties contesting the elections for campaign purposes.³³ Independent candidates are not entitled to public funding.

Electoral contestants may receive donations from citizens or legal entities, as well as take loans or use their own funds.³⁴ No donation can exceed ALL 1 million, including the equivalent value for in-kind contributions. All contributions exceeding ALL 100,000 should be made through a designated bank account. Total campaign expenses of a party and an independent candidate should not exceed, respectively, 10 times and 50 per cent of the amount that the largest party received from public funds for campaign purposes. Some political parties informed the ODIHR NAM about their willingness to considerably decrease the campaign expenditures.

Political parties contesting the elections are obliged to make public and submit to the CEC a financial declaration of all campaign incomes and expenditures within 60 days from the announcement of election results. The CEC is due to adopt the necessary bylaws, including for calculating campaign costs, reporting and making audit of the reports. After the declaration of final election results, the CEC should appoint accountants to audit campaign funds of each contestant. There is no legal deadline for the completion of these audits. Auditors' reports are 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.

G. MEDIA

The media landscape is vibrant with several dozen television (TV) channels, including 4 nationwide channels, some 100 radio stations and hundreds of online news portals. TV is the main source of political information. Data on media ownership is formally transparent and available, with a notable exception of online media. Some ODIHR NAM interlocutors characterized the media environment as politically polarized, with many broadcasters favouring the government. The safety of journalists remains an issue, although no specific additional concerns were voiced by ODIHR NAM interlocutors

³¹ See also the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities [fourth opinion on Albania](#) (ACFC/OP/IV(2018)006).

³² According to the CEC, for 2019 the SP was allocated some ALL 87 million, DP ALL 53 million, SMI ALL 27 million, PJIU ALL 10 million, the Social-Democratic Party ALL 7 million, and the Equal List Party (LIBRA) ALL 6 million (1 EUR equals approximately ALL 125 (Albanian *Lek*)).

³³ Parties that won more than 0.5 per cent of valid votes during the last local council elections receive 95 per cent of the funds, proportionally to the number of their valid votes. 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.

³⁴ Some legal entities are not allowed to donate funds, for example those engaged in media sphere or having received public funds or awarded a public contract exceeding ALL 10 million for the two years preceding the elections.

with regards to the upcoming elections.³⁵ In addition, the challenges of financial sustainability of many media outlets, as well as the economic and political interests of media owners often influence journalists' reporting and can induce self-censorship.

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 persists as a criminal offense, yet from 2012 is punishable only with fines. In December, the government initiated public consultation on draft anti-defamation legal package proposing *inter alia* registration of online news portals, a set of measures against 'fake news', in particular online, new complaint mechanisms against news content, and possibilities to sanction and close the online outlets. Active public discussion of the initiative among media professionals ranged from questioning constitutionality of the new measures potentially restraining freedom of expression to offering more resolute measures to 'discipline' online media against spreading the fake news, a phenomenon, which according to several ODIHR NAM interlocutors might seriously affect the upcoming campaign.³⁶

Campaign coverage in the audio-visual media is regulated in detail by the Electoral Code, which provides for proportional access for all electoral contestants to the news and information programmes, in broadcast media, and free-of-charge campaign opportunities on the public broadcaster.³⁷ Additionally, public and private broadcasters are obliged to cover the campaign through their news programmes. Parties with over 20 per cent of parliamentary seats, namely the DP and SP, should receive double the news coverage of other parliamentary parties. News coverage of non-parliamentary parties is at the discretion of the editors, but should not exceed that of parliamentary parties.³⁸

The Electoral Code allows paid political advertisement on private media which must inform the CEC about their fees by 27 May.³⁹ 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.⁴⁰ RTSH developed and published guidelines for their journalists on campaign coverage. While some ODIHR NAM interlocutors regarded RTSH as favouring the government, the others characterised it as professional and independent. RTSH is planning to air the CEC-prepared voter awareness information, as well as broadcast election-related programmes, including in Aromanian, Greek, Macedonian, Romani, and Serbian languages. In addition, it intends to organize live political debates among major as well as smaller parties.

Despite previous ODIHR recommendations, the Electoral Code does not prohibit footage produced by political parties to be aired in the news, raising concerns on potential blurring the separation between editorial content and political advertising. Positively, RTSH informed the ODIHR NAM that it would not accept any party-produced footage and would cover the campaign independently.

³⁵ In December 2018, a journalist from a news website received life threats following release of the news about a high-profile corruption case. The threats were condemned by President Meta, Association of Professional Journalists and the Audio-Visual Authority. See also the OSCE Representative on Freedom of the Media (RFoM) [statement](#) on an attack against a journalist's family in August 2018.

³⁶ See also [statement](#) of the OSCE RFoM regarding new registration system of media websites.

³⁷ According to the Electoral Code, the SP and DP are entitled to equal free airtime of at least 30 minutes for campaigning on RTSH. Other three parliamentary parties are entitled to 15 minutes airtime each, while other contesting parties may receive 10 minutes airtime throughout official campaign period.

³⁸ Any airing of election-related activities of public institutions should be counted towards the airtime of the party associated with the head of the institution.

³⁹ Each TV and radio station may allocate up to 90 minutes of paid airtime to the DP and SP, up to 45 minutes to other parliamentary parties, and up to 10 minutes to non-parliamentary parties and individual candidates throughout official campaign period.

⁴⁰ During recent years, RTSH increased its capacity and is running 12 channels, including a dedicated news channel.

To monitor broadcast media's campaign coverage, the CEC should establish a seven-member Media Monitoring Board (MMB) by 22 April.⁴¹ The CEC has called nominating organisations to timely make their proposals. Within the official campaign period, the MMB should present monitoring reports to the CEC on a daily basis. The CEC uses these reports when considering the complaints concerning media coverage and can apply administrative sanctions on media outlets. To facilitate monitoring, the Audio-visual Media Authority (AMA), the broadcasting supervisory body, supports the MMB with technical capacities. AMA oversees the political coverage of media between elections but has no role with regards to election campaign.

H. CITIZEN AND INTERNATIONAL OBSERVATION

The Electoral Code provides for citizen and international observation at all levels of the election administration. Only party observers and not citizen observers are entitled to receive copies of the results protocols at BCCs and CEAZs. 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. As coalitions are usually dominated by larger parties, some ODIHR NAM interlocutors from smaller parties criticized this provision as effectively restricting their ability to follow election day procedures should they choose to join a coalition.

Several citizen groups informed the ODIHR NAM of their intention to observe the elections, but noted that a current lack of funds could prevent them from nationwide activities. Some observer groups plan to publish their observation reports, including on election administration, potential abuse of state resources by local authorities, access of persons with disabilities to the electoral process, women's participation in the elections.

I. COMPLAINTS AND APPEALS

Only parties, coalitions and independent candidates standing for the elections can challenge the decisions of CEAZs and CEC. Complaints against the CEAZ decisions are submitted to the CEC, while complaints and appeals against the CEC can be brought to the Electoral College of the Court of Appeals of Tirana (Electoral College), whose decisions are final.⁴² Voters can complain to first instance courts about voter registration issues and further appeal to the Electoral College. Citizen observer groups may only appeal CEAZ and CEC decisions denying their accreditation as observers.

The CEC has to reach a decision by qualified majority within 2 days and, for complaints on election results, within 10 days. The Electoral College has 10 days to adjudicate all cases filed within the electoral period and 30 days on cases filed after the electoral period.⁴³

The current Electoral College was set up in December 2016 for four years, with eight appeal court judges selected by High Council of Justice by drawing lots. Since then, two judges have not passed the vetting process and the relevant vacancies are yet to be filled.⁴⁴ Some ODIHR NAM interlocutors mentioned that this would not jeopardise activities of the Electoral College, as for each case, the

⁴¹ Each CEC member appoints one member of the MMB from the list proposed by national non-for-profit media organisations.

⁴² Decisions of the CEC on approving election results are initially appealed to the CEC itself.

⁴³ Section II.3.3.g of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance)".

⁴⁴ According to the Electoral Code, a judge of the Electoral College cannot be subject to disciplinary proceedings during the entire term for which the College is constituted and cannot be removed from the office.

Electoral College sits in a panel of five judges. All cases are considered in open hearings and decisions are published on the website of the Court of Appeals of Tirana.

The Constitutional Court has jurisdiction over violations of constitutional rights and freedoms. Several ODIHR NAM interlocutors raised concerns that the Constitutional Court, an important institution for ensuring checks and balances between the state powers, had not been functional since 2018, due to termination of mandates of its chairperson and other members as a result of vetting process. Replacement of Court's judges as well as of judges from Electoral College has been suspended due to lack of agreement on nominating the members of High Judicial Council by the parliament.

Several ODIHR NAM interlocutors expressed concern about potential political pressure on CEC members and Electoral College judges and the impact that this could have on effective resolution of electoral disputes.

IV. CONCLUSIONS AND RECOMMENDATION

Most ODIHR NAM interlocutors underscored a high degree of polarization and distrust among political parties and politicisation of institutions which could negatively impact the conduct of the elections. Taking into consideration these aspects and the lack of follow-up to many prior ODIHR recommendations, all ODIHR NAM interlocutors considered an ODIHR large-scale election observation activity essential. Representatives of state institutions informed that all measures will be taken to ensure a transparent electoral process and acknowledged the added value of recommendations following an election observation activity. Other interlocutors requested sufficient observers to cover all aspects of the process, and placed a particular emphasis on the election administration, the campaign and its coverage by the media, resolution of electoral disputes, and election day procedures.

Based on these considerations, the ODIHR NAM recommends the deployment of an Election Observation Mission for the 30 June local elections, subject to the availability of resources. In addition to a core team of experts, ODIHR will request the secondment by OSCE participating States of 22 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.

ANNEX: LIST OF MEETINGS

Government Institutions

Sokol Gjoka, Director, Directorate of the International Organizations, Ministry for Europe and Foreign Affairs
Alma Kasa, Desk Officer for OSCE, Ministry for Europe and Foreign Affairs
Rovena Voda, Deputy Minister, Ministry of Internal Affairs
Bledar Doracaj, Director, General Directorate of Civil Status, Ministry of Internal Affairs
Spetim Çhokaj, IT Specialist, General Directorate of Civil Status, Ministry of Internal Affairs
Edmond Gjoleka, Oversight Specialist, General Directorate of Civil Status, Ministry of Internal Affairs
Sami Nezaj, Deputy Chair, Audio-visual Media Authority
Arben Muka, Programme Director, Audio-visual Media Authority

Central Election Commission

Klement Zguri, Chairperson
Denar Biba, Deputy Chairperson
Ylli Merkaj, General Secretary
Dëshira Pasko, Legal Director
Elvira Goxholli, Foreign Relations Director
Drilona Hoxhaj, Spokesperson

Political Parties

Vladimir Beja, Deputy Chair, Christian Democrat Party
Lulzim Basha, Chairperson, Democratic Party
Oerd Bylykbashi, former Co-Chair of Parliamentary Ad Hoc Committee, Democratic Party
Gazment Bardhi, Secretary General, Democratic Party
Çlirim Gjata, Secretary for Legal Issues, Democratic Party
Ivi Kaso, Secretary for Electoral Issues, Democratic Party
Genc Juka, Secretary General, Environmental Agrarian Party
Vangjel Stavro, Chair of Forum, Human Rights Union Party
Sali Shehu, Secretary General, New Democratic Spirit Party
Dritan Sejko, Deputy Chair, Party for Justice, Integration, and Unity
Arjan Madhi, Secretary General, Republican Party
Petrit Vasili, Socialist Movement for Integration
Klajda Gjoshaj, Socialist Movement for Integration
Eriol Braimllari, Socialist Movement for Integration
Taulant Balla, MP, Secretary General, Socialist Party
Damian Gjijnuri, Secretary for Electoral Issues, Socialist Party
Blerina Gjylameti, Secretary for Electoral Coordination, Socialist Party
Arben Pëllumbi, Secretary for Organization, Socialist Party
Elisa Spiropali, Secretary for Co-Governance and Alliances, Socialist Party
Teuta Vodo, Secretary for International Relations, Socialist Party

Media

Thoma Gellci, General Director, Albanian Radio and Television
Kleart Duraj, Director of International Relations and Projects, Albanian Radio and Television
Sokol Balla, Executive Director, Vizion Plus TV

Civil Society

Ardjan Hysa, Albanian Association of Blind Persons
Ardita Kolmarku, Albanian Helsinki Committee
Andon Kume, Albanian Institute for Election System Development
Bledar Taho, Institute of Romani Culture in Albania
Gerta Meta, Coalition of Domestic Observers
Blerta Balilaj Brorina, Women's Democracy Network

International Community

Ambassador Bernd Borchardt, Head of the OSCE Presence in Albania
Estela Bulku, Head of Programmes, UN Women in Albania
Representatives of Embassies and International Organizations