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Observation of the parliamentary elections in Albania (25 April 2021)

Election observation report

Ad hoc Committee of the Bureau

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Contents	Page
1. Introduction	1
2. Political context	2
3. Legal framework and electoral system	2
4. Election administration	4
5. Voter lists and candidate registration	5
6. Election campaign, funding and the media	6
7. Election day	9
8. Conclusions and recommendations	9
Appendix 1 – Composition of the ad hoc committee	11
Appendix 2 – Programme of the meetings of the International Election Observation Mission	13
Appendix 3 – Press release of the International Election Observation Mission	15

1. Introduction

1. On 6 September 2020, the President of Albania called parliamentary elections for 25 April 2021. On 22 January 2021 the Bureau of the Parliamentary Assembly decided to observe these elections, subject to the receipt of an invitation, to set up an ad hoc committee composed of 20 members (SOC-7; EPP/CD-6; EC/DA-3; ALDE-3; UEL-1) as well as the two corapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and to conduct a pre-electoral mission (which eventually, due to travel restrictions linked to the pandemic, had to be cancelled). On 1 February, the Bureau appointed Mr Aleksander Pocij (Poland, EPP/CD) as its Chairperson. On 9 February 2021, the President of the Parliament of Albania invited the Assembly to observe the parliamentary elections. On 16 April, the Bureau approved the final list of members of the ad hoc committee to observe these elections. The list of members having participated in the election observation mission is set up in Appendix 1.

2. In accordance with the co-operation agreement signed between the Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

3. The Assembly ad hoc committee worked from 21 to 26 April 2021. It operated as part of an International Election Observation Mission (IEOM) together with a delegation from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA) and the limited electoral observation mission of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR LEOM). The programme of the delegation's meetings is set out in Appendix 2.



4. On election day the Assembly delegation split into 11 teams and observed the voting process in a number of polling stations in Tirana and its surroundings, as well as in Elbasan, Durres, Kavaje, Diber, Lezhe, Fier and in the countryside.

5. The Assembly delegation concluded that the parliamentary elections were characterized by a lively and inclusive campaign, thanks to a legal framework that helped ensure respect of fundamental freedoms. At the same time the campaign saw authorities taking advantage of public office and allegations of pervasive vote buying. The press release by the IEOM is set out in Appendix 3.

6. The Assembly delegation wishes to thank the heads and members of the parliamentary delegation of the OSCE-PA and of the OSCE/ODIHR LEOM for their excellent co-operation within the IEOM. It also wishes to thank the Council of Europe Office in Tirana for the co-operation and support.

2. Political context

7. The Assembly has observed all parliamentary elections in Albania since 1991. The last parliamentary elections in Albania took place on 27 June 2017. The Parliamentary Assembly observation delegation concluded: "the candidates were able to campaign freely and fundamental freedoms of assembly and expression were respected. The continued politicisation of election related bodies and institutions, as well as widespread allegations of vote-buying and pressure on voters, reduced voter trust in the electoral process. At the same time, the Head of the Assembly delegation welcomed the agreement reached by the leaders of the two main political parties which made the election possible, and stressed that it was time for Albania to move forward towards genuine democracy bound by the rule of law".

8. The Socialist Party (SP) won the last 2017 parliamentary elections, receiving 74 out of 140 mandates. Most members of parliament (MPs) of the opposition parties relinquished their mandates in a gesture of protest in February 2019. As a result, the Democratic Party (DP) and the Socialist Movement for Integration (SMI) continued to act as an extra-parliamentary political force. The 2019 municipal elections were subsequently held without the participation of the boycotting opposition parties, which resulted in a complete takeover of all mayor positions by the SP-led European Albania coalition. In effect, the SP gained absolute control over central and local government.

9. The political climate in Albania is characterised by polarisation and longstanding distrust between major parties, which culminated in the DP and SMI members of parliament remitting their mandates in February 2019, and since then constituting an extra-parliamentary opposition. The stalemate continued until the establishment of a multi-party Political Council in January 2020, composed of SP and the parliamentary and extra-parliamentary opposition. The Political Council was mandated to resume the stalled electoral reform, which was one of the conditions for accession to negotiation for European Union (EU) membership.

10. In June 2020, the ruling party, the parliamentary and extra-parliamentary opposition parties reached an agreement to end the political stalemate, focusing on electoral reform. This brought the opposition parties back into the political process.

11. The political landscape remained dominated by two major parties, the SP and the DP. President Meta, formerly the chairperson of the SMI, in exercising a constitutionally non-political role, has a strained public relationship with the Prime Minister Edi Rama and often took initiatives or publicly criticised the government in the strongest terms, directly affecting the elections.

12. The parliamentary elections took place in the context of the global Covid-19 pandemic and were the first to be held in Albania since the earthquake of November 2019, which resulted in fatalities and widespread damage, especially in the region of Durres.

3. Legal framework and electoral system

13. The Assembly delegation recalls that Albania signed and ratified the European Convention on Human Rights (ETS No. 5) and its Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

14. The legal framework consists of the 1998 Constitution, the 2008 Electoral Code (both last amended in 2020) and other relevant laws and regulations.

15. The Electoral Code serves as an adequate basis for the conduct of democratic elections. However, several inconsistencies and ambiguities in the law, including those caused by the recent changes, impair legal certainty and efficient administration of the elections. In addition, there were several instances of overly broad interpretation of the legislation, including by the Central electoral commission (CEC) when enacting by-laws, often resulting in a more restrictive regulation. Several interlocutors of the IEOM, including in the CEC, said that the recent changes in the Electoral Code created a number of ambiguities and raised concerns about technical capacity to implement them, especially given the short time between the amendments and the elections.

16. The parliament adopted a number of amendments to the Electoral Code on 23 July 2020. During this process, the authorities and political parties engaged in open, inclusive and comprehensive consultation and discussion with many stakeholders of the electoral process including legal advisors nominated by political parties and civil society, as well as international experts. These amendments provided for, among others, additional regulatory safeguards against misuse of public resources and strengthened guarantees for gender balance on candidate lists, addressing previous ODIHR recommendations. Amendments also altered the structure of the CEC and related to verification of the candidate nomination procedure, public and private financing of the campaign, oversight of campaign coverage in the media, and the election dispute resolution. The reform also provided for electronic identification of voters on election day, the possibility of introducing voting from abroad, and piloting new voting and counting technologies.

17. On 30 July, constitutional amendments introduced preferential voting. The Electoral Code was subsequently amended on 5 October – it replaced the regional thresholds for contestants to qualify with a national threshold of 1%, provided for a minimum number of candidates on the party lists, and allowed leaders of political parties and coalitions to be nominated as candidates in up to four electoral districts.

18. Despite the constitutional and electoral reforms of 2020, several previous recommendations remain unaddressed, including those related to suffrage rights of people with intellectual or psychosocial disabilities, criminal liability for defamation, use of party campaign materials in the news, and equal rights of party and citizen observers.

19. In December 2020, in the aftermath of the electoral reform, the Venice Commission and ODIHR issued a Joint Opinion related to the amendments of the Constitution (30 July 2020) and to the Electoral Code (Law 118 of 5 October 2020).¹ In accordance with the opinion's request by the President of the Republic, the document did not address issues of the 23 July 2020 amendments of the Electoral Code, and it did not constitute a comprehensive review of the entire legal framework governing elections. As per constant methodology of the Venice Commission and ODIHR, the opinion did not address the issue of constitutionality of the reform.

20. The opinion stated that the procedure for the adoption of the amendments to the Constitution as well as of Law No. 118 was extremely hasty, even in light of the explanation by the Prime Minister that the possibility to organise public consultations was limited by the Covid-19 measures. A wide consultation among the political stakeholders and non-governmental organisations, providing adequate timeframe, should have taken place before the amendment of such fundamental texts.² This was the case with the previous amendments of 23 July 2020 where positively, the authorities and political parties engaged in an open and inclusive process.

21. The electoral legal framework was amended less than 12 months before the elections (25 April), and entered into force after the President of the Republic had called for the elections (on 6 September) thus officially opening the electoral process. According to the Venice Commission's Code of Good Practice in Electoral Matters and the Interpretative Declaration on the Stability of Electoral Law, no changes of fundamental elements of the electoral process such as the electoral system should be introduced 12 months before the elections. Stability of the electoral law is crucial to ensure trust in the electoral process and in particular to exclude any suspicion of manipulation of the electoral legal framework.³ Nevertheless, the Opinion concluded that three main changes introduced by the constitutional amendments such as rules on delimitation of constituencies, introduction of open lists and the partial suppression of the coalitions (with

1. Venice Commission and OSCE/ODIHR Joint Opinion on the amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020, [CDL-AD\(2020\)036](#).

2. See Venice Commission, CDL-AD (2016)007, Rule of Law Checklist, II.5.iv.

3. Venice Commission, Code of Good Practice in Electoral Matters, CDL-AD (2002)023rev2-cor, II.2; Venice Commission, Interpretative Declaration on the Stability of the Electoral Law (CDL-AD (2005)043). The latter document paragraph 1 provides: "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."

introduction of so-called *Apparentements*)⁴ taken alone or in a combination, were not such as to represent a fundamental change to the electoral system of Albania. That said, their implementation and effects in the upcoming elections had still to be assessed.⁵

22. The opinion also noted that both amendments to the Electoral Code and the Constitution were approved by an overwhelming majority, however, regrettably, all opposition MPs then present in parliament resigned in 2019 and had since then constituted an extra-parliamentary opposition. The fact that the parliament was not composed of the full number of members was not in itself problematic with a view to international standards, provided that it operates in line with the constitutionally prescribed quorum.⁶ Nevertheless, the opinion urged the Albanian political forces – both in and outside parliament – to ensure the democratic functioning of the institutions in the country, in the interest of the Albanian people.

23. It also noted that the amendments concerning the minimum number of candidates disadvantages smaller parties, and that the possibility for party leaders to stand in several constituencies violates the right to stand on equal terms.

24. Specifically, the Joint Opinion put forward the following recommendations for the parliamentary elections:

- Before the 2021 parliamentary elections: all authorities should enter into a constructive dialogue and do their utmost to implement the electoral law on time; they should start as soon as possible, and in a transparent manner, to clarify the impact of the amendments, and the electoral administration should be provided with sufficient means to implement them; any further amendments of the electoral legislation before the next parliamentary elections should be avoided; in particular, the delimitation of constituencies should not be changed; leaders of political parties should refrain from being candidates in multiple constituencies.
- After the 2021 parliamentary elections: to abolish the possibility for leaders of political parties to compete in several constituencies; to respect equal rights for all parties in a coalition to appeal actions and decisions of the coalition; to introduce the possibility for individual candidates to submit complaints and appeals against the allocation of seats inside a list; to clarify the definition of the threshold for local elections in the sense that it applies at municipality level, if necessary through a by-law; to revise Article 67(4) of the Electoral Code [providing that the number of candidates must be no less than the number of seats to be filled in the respective constituency] in order to reduce the minimum number of candidates to appear on a list [which could be a challenge for small parties]; to consider making an exception to the 1% national threshold for national minorities; to continue addressing any outstanding and future ODIHR election-related recommendations.

25. The 140-member parliament is elected for a four-year term through a regional proportional system. Candidates are elected from 12 multi-seat electoral districts, which correspond to administrative regions. The number of seats allocated for each district depends on the number of citizens registered in the respective district and in general ensured the equality of the vote. The newly introduced preferential voting within party lists allows voters to potentially influence the ranking of candidates on the list.

26. To qualify for seat allocation in parliament, an electoral subject, including independent candidates, must pass a 1% nationwide threshold. Applying this threshold to independent candidates may result in the candidate requiring a significantly higher number of votes to enter parliament than for the party candidates in the respective district. As such, applying the 1% nationwide threshold to independent candidates potentially challenges the principle of standing on equal terms.

4. Election administration

27. The election administration comprises the CEC, 92 Commissions of Electoral Administration Zones (CEAZs), and 5199 Voting Centre Commissions (VCCs). Counting is held by Counting Teams in 92 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).

4. *Apparentement* – A term of French origin for a provision which can be included in list proportional representation (List PR) systems which enables two or more parties or groupings which fight separate campaigns to reach agreement that their votes will be combined for the purpose of seat allocation.

5. The Joint Opinion stated in paragraph 26: "...these changes could have an impact on the behaviour of the electoral stakeholders, the electoral strategies, the distribution of electoral resources, the campaigning and the choice of candidates in each electoral zone."

6. See Venice Commission, Report on the Imperative Mandate and Similar Practices (CDL-AD (2009)027).

28. The 2020 legal amendments changed the formation rules of the CEC and introduced three distinct branches in its structure: the State Election Commissioner (the Commissioner), the Regulatory Commission (the Regulator) and the Complaints and Sanctions Commission (CSC). The Regulator and the CSC each have five members. The CEAZs and VCCs have seven members nominated by the parliamentary majority and opposition. Women are underrepresented throughout the election administration; the 30% gender quota is prescribed by the law only for CEAZ members.

29. Overall, the election administration worked transparently, and the CEC enjoyed the trust and confidence of stakeholders.

30. The amendments to the legal framework created new obligations for the CEC. Sufficient time and resources were unavailable to implement these effectively, despite the commitment of the election administration. Overall, the CEC coped with a progressive increase in workload due to late introduction of electronic voter identification and a pilot project on electronic voting and counting. Transparency was further enhanced by periodic online discussions of election-related issues with civil society, and by the availability of draft decisions on the website prior to their approval.

31. Political parties could still recall their nominees from the CEAZs at their own discretion despite previous ODIHR recommendations. As of 23 April, the CEC replaced 128 out of 736 CEAZ members (17%) and had to ensure training of all new members. These changes did not have a significant impact on the performance of the CEAZs, whose activities were in general conducted professionally.

32. The CEC was responsible for voter education, including targeting first-time voters and vulnerable groups. Topics included the concept of the new electronic voter identification, the new design of the ballot paper, voting procedures and vote buying. Besides posters and billboards, spots were aired on TV and available on social networks. Nevertheless, many IEOM interlocutors claimed that the voter information campaign was insufficient and started late in the process, especially so with respect to electronic voter identification, and the layout of the ballot. This contributed to some confusion during election day.

33. Electronic voting and ballot counting were piloted in one of the EAZs of Tirana city encompassing 32 voting centres (VCs) with 23 597 registered voters. In these VCs, the voter identification process was technologically separated from voting process to guarantee secrecy of the vote. The CEC organised a nine-day demonstration of the equipment with access for all interested parties and held a functionality test of the technology three days before election day. However, no independent audit or certification was performed, as it is not prescribed for in the law. The procurement process of voting equipment ended a month before and the configuration of the software a week before election day. Notwithstanding the limited scope of the pilot, the extremely short timeframe did not allow for substantive public discourse and independent scrutiny, including by civil society, both of which are important components for ensuring trust in a new voting technology.

5. Voter lists and candidate registration

34. Albanian citizens aged 18 years or older on election day are eligible to vote. Citizens found incompetent by a court decision cannot vote, which is at odds with international obligations prohibiting discrimination based on disability. Citizens serving a prison sentence for committing certain crimes may not vote.

35. While foreseen as a possibility in the Electoral Code, no out-of-country voting was offered to citizens. Voters residing abroad could however return and vote in their respective VCs, although in practice this may have been hampered by Covid-19 measures.

36. The voter registration system is passive. At odds with international commitments, voters over 100 years of age were automatically removed from voter lists and had to confirm their records for re-inclusion. Voter lists were based on the electronic database of the National Civil Status Register, maintained by the General Directorate of Civil Status of the Ministry of Interior (GDSCS). Corrections to voter lists were possible up to 40 days before election day, and after that voters could correct their data through local courts. After the final publication of the voter lists, voters could check the printed voter lists at local GDSCS offices and VCs or online. As of 15 March, the total number of registered voters was 3 588 869, including those who reside abroad.

37. The CEC supervised the voter list compilation process. Two auditors, appointed by the CEC in October 2020, assessed the accuracy of the voter lists, and noted issues such as change of voters' address data without informing voters and delayed delivery of voter notifications in some municipalities. There was confidence in the overall process of compiling voter lists.

38. Voters are included in the voter list of the VC serving their place of residence. According to the Electoral Code, voters can only vote in-person at the VC. Voting by mail or via mobile ballot box is not provided for. Special voting centres can be, according to the law, organised in prisons, pre-trial detention centres and hospitals. Voters who had contracted Covid-19 and were in self-isolation were required to adhere to the rules of isolation, resulting in the de facto disenfranchisement.

39. For the first time, an electronic voter identification system (e-identification) was installed in all VCs on election day to mitigate the risk of double voting, family voting or voter impersonation. Additionally, the devices scan fingerprint, which may be used as evidence in possible complaints. A technical operator, assigned by the CEC for each VC, facilitated the voter identification process. The CEC experienced a shortage of technical operators outside the main urban centres and last-minute resignations.

40. Operational and technical policies and regulations of e-identification were adopted only a few weeks before election day. In line with the Electoral Code, the functional testing was performed by the CEC nine days before election day on 3% of the devices used. No independent audit of the procedures and final software was performed. Although most IEOM interlocutors, including all of the four largest political parties, expressed support for the e-identification, the time constraint, lack of public scrutiny and lack of impartial audit made it difficult for stakeholders to develop an independent assessment of the preparatory procedures and correct functioning of the e-identification system.

41. Any eligible voter enjoys the right to stand, except those serving a prison sentence or with a prior conviction for specific crimes as well as those deported from a number of countries or subject to a search warrant. Restrictions on those deported and under a search warrant, whose guilt has not been established by a court, are contrary to the principle of presumption of innocence enshrined in key international human rights instruments. The Constitution lists categories of officials whose position is incompatible with the right to stand.

42. Candidate lists can be submitted by political parties and coalitions of parties, which are first registered with the CEC as electoral subjects. A list must be submitted for each of the 12 electoral districts. Independent candidates can compete through nomination by a group of voters. A candidate may only appear in one list. Candidate lists must be supported by 5 000 voters signatures for parties or 7 000 signatures for coalitions nationwide. Voters can support multiple lists.

43. At least one third of candidates of the under-represented gender must be nominated in each list. The Electoral Code effectively defines women as the under-represented gender. Given that the Code is unclear about the sequencing of women in candidate lists, the CEC interpreted that in every triplet of candidates (starting with number one) at least one should be a woman. The number of candidates on the list may not be less than the number of seats assigned to the respective electoral district in parliament and may be increased by up to two.

44. Candidacies were verified by the CEC in line with the Electoral Code and the Law on Decriminalization. Before the registration of the lists by the CEC, ineligible candidates were removed and the parties were granted the opportunity to replace them. If new information resulting in the disqualification of the candidate comes to light after the list is registered, the candidate remains on the list but cannot hold the mandate if elected. The process of disqualification and revocation of mandate is continuous throughout the electoral cycle.

45. Candidate and party registration were inclusive. The CEC registered 10 political parties and 2 coalitions to compete nationwide, and 5 independent candidates to contest in 5 districts. In total, 1 871 candidates, including 732 women (40%) were registered.

6. Election campaign, funding and the media

46. The official campaign period commenced on 26 March 2021. The political campaign lacked vigour, with messaging often focusing on the main party leaders, rather than genuine issue-driven discourse. In realistic terms, the electorate was presented with a choice between continuity and an SP-led government, or change, with a planned DP-SMI coalition arrangement. The tone of the language used during the campaign by some party leaders and, in particular, the president, was confrontational and occasionally fervent.

47. The platform of the SP focused on the Covid-19 vaccination programme and achievements of government, including ongoing reconstructions following the 2019 earthquake. The DP-led coalition and SMI rallied around the core theme of countering the heavily centralised power of Prime Minister Rama. The

opposition also campaigned on the economy, financial incentives for youth and farmers, wages and employment. All parties shared the objective of EU accession. Allegations of corruption, misuse of State resources and links to organised crimes were regularly made by all opposition parties.

48. Fundamental freedoms were respected, and electoral subjects could all campaign freely. The campaign was conducted mainly through social networks, public meetings and door-to-door canvassing. Promotional posters were only permitted in designated areas. Restrictions were imposed due to Covid-19 pandemic, including limitations on gatherings, distancing requirements and the use of facemasks, which created difficulties and stifled the campaign for all contestants. The implementation of fines and other measures for breach of Covid-19 related regulations was not applied consistently. Non-compliance with Covid-19 regulations during most of the events was tolerated. In other cases, sanctions were applied, with fines affecting the independent candidates disproportionately and introducing uncertainty.

49. Allegations of vote buying were pervasive during the campaign, indicating that it remained a problem. The DP adopted interventionist methods, self-justified in public statements, to counter alleged vote-buying activities.

50. The Special Anti-Corruption Structure (SPAK) informed the international observers that as of 24 April 2021, it had opened over 30 cases related to vote buying. The ODIHR LEOM was also informed by prosecutor officers in Berat and Shkoder that they had launched official investigations into vote-buying incidents. The DP filed a complaint with the Special Anti-Corruption Structure (SPAK) containing dozens of allegations of vote-buying incidents in Elbasan.

51. In this regard, the Assembly's observation delegation recalls its report on observation of the 2017 parliamentary elections, in which it pointed out: "The Parliamentary Assembly delegation was informed by various people, including political party representatives, of recurrent problems identified during the election campaign, in particular vote-buying and selling, pressure exerted on voters, especially on civil servants, and misuse of administrative resources. The Assembly delegation strongly condemns such practices and calls on the competent authorities in Albania to take all the necessary measures to put an end to these irregularities and boost voter confidence in the democratic process».

52. The legal framework prohibits the misuse of administrative resources, reduces the advantage of incumbency, and limits budgetary spending during the four months prior to the elections. The CEC maintained a webpage where citizens can denounce electoral violations. The efforts of the CEC to deploy 64 campaign monitors to oversee compliance with regulations were commendable. The reports of the monitors were published on the website, but were limited in scope, analysis, and clarity, which diminished their usefulness.

53. The Electoral Code requires that official engagements within the four months preceding election day be reported at least five days in advance to the CEC. Ministers continued with official engagements throughout the campaign. They regularly appeared at "inspection visits" of key facilities such as vaccination centres, wearing facemasks or t-shirts with "No. 12" (the SP ballot number), which drew significant publicity and constituted electioneering. The Prime Minister also inaugurated several major infrastructure projects during the campaign period. These types of events provided the SP with a significant advantage, which was already reinforced by the dominance of the SP in the local administration. In addition, public employment increased significantly in the lead up to the elections, in the period immediately preceding the moratorium on authorisation of new employment in the public administration.

54. During the campaign, it emerged that a database containing the personal information and contact details of approximately 900 000 Albanian citizens, also containing likely voting preferences leaked into the public domain. Opposition parties, the president and many in the media called for an investigation by the Special Anti-corruption Structure (SPAK) into the alleged misuse of the personal data of citizens. Several IEOM interlocutors from key political parties believed that this kind of incident could be considered by the electorate as misuse of personal data for party interests.

55. There were reports that attempts were made to influence the vote through the provision of incentives. The reports also alleged that many civil servants, an employment group vulnerable to pressure, were encouraged to vote for the ruling party.

56. With regard the funding of the election campaign, political parties which competed in the last parliamentary elections receive public funding for their regular activities. Parties which obtained at least 1% of votes in the last parliamentary elections also receive public funding for their campaigns, proportional to the number of votes gained. Independent candidates are not entitled to public funding. Contestants may also finance their campaigns from their own funds, donations from Albanian citizens, legal entities, and bank loans.

Donations, including in-kind, are capped at ALL 1 million (approximately EUR 8 130). Contributions above ALL 50 000 must be made through a designated bank account. The total campaign expenses of a party may not exceed ALL 167 480 000; the expenses of independent candidates cannot exceed ALL 27 913 000.

57. By law, the CEC oversees compliance with campaign finance regulations. While the Electoral Code requires CEC monitors to report on campaign finance, as of 23 April their reports did not contain any methodically collected testimony on the contestants' financial activity. The CEC is authorized to apply sanctions for non-compliance with the respective rules, but no such sanction was applied.

58. Contestants are required to submit financial reports only after the elections, within 60 days from the announcement of election results, and the CEC should appoint auditors to review these reports. Auditors' findings must be published within 30 days of their submission. Absence of a legal requirement for interim reporting during the campaign on the source and amount of funds raised limits transparency of campaign finance and reduces the possibility of voters to make an informed choice based on knowledge of sources of campaign funds.

59. The Constitution guarantees freedom of expression, media freedom, right to information, and prohibits censorship of means of communication. Although defamation is punishable only with fines, it remains a criminal offence, despite previous recommendations. Campaign coverage in the audio-visual media is regulated in detail by the Electoral Code. Provisions for free-of-charge campaign opportunities on the public TV station RTSH ensure a minimum visibility for all electoral contestants. However, the absence of a minimum requirement of coverage in the news of non-parliamentary parties and independent candidates narrows their media access.

60. The crowded media environment is constrained by a limited advertising market concentrated among a few outlets. Television remains the primary source of political information. Media outlets often serve as lobbying platforms for their owners, thus challenging their editorial independence and inducing self-censorship. Many interlocutors stated, that in the absence of effective self-regulation and uncertain labour conditions, journalists remain vulnerable to pressure.

61. Only 1 print/online media outlet and 10 out of over 100 private TV and radio stations, in line with the law, submitted their pricelists for campaign advertisements to the CEC. Thus, transparency of advertisement conditions was limited.

62. The Audio-visual Media Authority (AMA) monitored compliance of the broadcasters with the rules and provided the CEC with daily and weekly reports, which were published on the CEC website. Many IEOM interlocutors questioned AMA's capacity in conducting sufficient oversight. The AMA findings indicated that the SP systematically received more coverage than other contestants did. Some broadcasters ignored the repeated public appeals of the AMA and the CEC to compensate the time for the low coverage of some parties. The reports also showed that there were numerous cases of paid advertisements within the news and beyond the timeline prescribed by the law.

63. By narrowly interpreting the law and the CEC regulations, broadcasters failed to provide comprehensive coverage of all the contestants. The widespread practice among the main political parties to provide media outlets with pre-recorded or live footage from campaign events that the media often chose not to attend limited voters' ability to obtain objective information during the campaign. The Assembly delegation was informed that the parties did not inform the media about campaign events in advance.

64. The media monitoring indicated that while there were no televised debates between party leaders in the monitored TV channels, the coverage was saturated with current affairs and political talk-shows. Major media outlets refrained from in-depth analysis and limited their role to simply conveying opinions lacking the meaningful discussions of electoral platforms. Some of the electoral advertising spots were not clearly labelled. Some channels placed campaign banners during programmes and films, and Klan News aired those within the news, contrary to the law.

65. The DP and SP were dominating the political news coverage at all media outlets monitored, with the SP receiving between 27 and 35% and the DP between 26 and 32% of such coverage. The main parties aired negative campaign spots against each other. In the monitored channels, the SP was covered in more positive tone than the DP. In addition, in 9% of news and current affairs programmes monitored candidate Rama was covered in his official capacity as Prime Minister. The SP also received additional 15% through the coverage dedicated to the ministries and other public institutions. This narrowed the information available to voters about the contestants limiting their opportunity to make an informed choice.

7. Election day

66. The IEOM, due to its limited size, did not observe election day proceedings in a systematic and comprehensive manner and did not proceed to statistical analysis.

67. The Assembly delegation split into 11 teams and observed the voting process in a number of polling stations in Tirana and its surroundings, as well as in Elbasan, Durres, Kavaje, Diber, Lezhe, Fier and in the countryside.

68. In most voting centres visited, the voting process was overall calm. The procedures were in general followed but voters sometimes did not remove their face mask for the purpose of identification, and inking procedure was not strictly adhered to. The Covid-19 preventive measures were not well implemented, and social distancing not always respected. Secrecy of the vote was respected. Overcrowding represented a problem in some polling stations visited by PACE teams.

69. E-identification was generally conducted according to procedures; however, according to the CEC, 4% of VCs opened with delay mainly due to issues pertaining to the start-up of e-identification devices. Further, the CEC also reported that in some 3% of VCs, either due to the malfunction of e-identification devices or to the absence of technical operators, voters were registered using paper voter lists. Assembly teams observed cases when in particular older people could not be identified by their fingerprints. In some of the VCs observed, commissioners used both the e-identification and the paper voter lists in parallel.

70. For these elections, every VC was equipped with cameras. Most VCs visited were not barrier-free for persons with physical disabilities. The IEOM observed electronic voting in a limited number of voting centres, where many voters required assistance in their voting process.

71. In several regions, the IEOM observed groups of young men gathered outside voting centres who appeared to be controlling the area and keeping track of who was voting. In Shkoder region, observers noticed a person dragging another into the VC and, once the voter had gone through the identification procedure, the voter was further instructed on who to vote for. In the same region was witnessed a case of money distributed to voters in the vicinity of a voting centre. An Assembly delegation team observed a case of family voting. Another Assembly team observed party propaganda (flags) outside polling stations and even led by voters during the voting process within the polling station.

72. In the limited number of counts observed, process was largely transparent and smooth. The IEOM observed that some counting teams were appointed and trained during election night. Transparency of the process was, at times, hampered due to observers being placed too far from the counting tables, and counting teams not exposing the ballots to the camera for sufficient time to ensure public scrutiny. Covid-19 preventive measures were not followed in the counts observed by the IEOM.

73. The State Election Commissioner announced the preliminary results on 25 April. The turnout was of 46.32%. The total number of voters was of 1 662 386, including 792 262 women voters. The number of valid votes was of 1 578 296. The number of invalid votes was of 83 024.

74. Out of the 140 seats in the parliament 74 would be occupied by SP, 59 by PD, 4 by LSI and 3 by PSD. 93 MBs are men (66,43%) and 47 are women (33,57%).

8. Conclusions and recommendations

75. The Assembly election observation delegation concluded that the parliamentary elections were characterised by a lively and inclusive campaign, thanks to a legal framework that helped ensure respect of fundamental freedoms. At the same time the campaign saw authorities taking advantage of public office.

76. The Assembly observation delegation noted that on election day in most voting centres visited by members of the delegation the voting process was overall calm and the procedures were in general followed. Secrecy of the vote was respected. The Covid-19 preventive measures were not well implemented and social distancing not always respected.

77. The parliamentary elections were held following a breakthrough political agreement achieved in June 2020, which was followed by an electoral reform. The Assembly's delegation found that, in spite of some ambiguities and inconsistencies, the legal framework constitutes an adequate basis for conducting democratic elections. Recent changes to the legal framework provided additional safeguards and were based on a broad political consensus; while a number of Venice Commission ODIHR recommendations were addressed during the reform, several recommendations remain outstanding.

78. The Assembly's delegation noted that the voters had a choice of candidates, who were able to campaign freely, under a legal framework which respects fundamental freedoms. The ruling party derived significant advantage from its incumbency, including through its control of local administrations and from the misuse of administrative resources. This was amplified by positive coverage of State institutions in the media.

79. The Assembly delegation expressed its concern about allegations of vote buying by political parties which were pervasive during the campaign. It noted that a number of investigations were opened in this regard. Therefore, the Assembly's delegation expects the relevant Albanian authorities to undertake proper investigations and to be informed about the results in due course.

80. The parliamentary elections were generally well organized by the election administration. The election administration at all levels overall enjoyed the trust of stakeholders. The candidates and parties registration process was inclusive.

81. The delegation was informed that fundamental freedom of assembly was respected during the election campaign, and electoral subjects could all campaign freely, despite restrictions imposed due to the Covid-19 pandemic and the inconsistent application of fines for breach of regulations. The campaign lacked vigour, and messaging focused on the main party leaders, rather than on genuine issue-driven discourse. The leaking of sensitive personal data, including political preferences of citizens, is of serious concern and makes voters vulnerable.

82. As for funding of the election campaign, contestants could finance their campaigns from their own funds, donations from Albanian citizens, legal entities, and bank loans. The oversight of campaign finance is vested with the CEC. Contestants are required to submit financial reports only after the elections, thus limiting transparency and the ability of voters to make an informed choice based on knowledge of sources of campaign funds.

83. The media environment is crowded. Editorial independence is negatively impacted by the owner's interests, which induces self-censorship. Journalists remain vulnerable to pressure and corruption. Regulations governing media coverage of the campaign narrow the access to media of smaller parties and independent candidates. Broadcasters refrained from in-depth and analytical coverage of all contestants. This combined with party-produced content in news programmes limited voters ability to make an informed choice. Regrettably, no televised debate between political leaders was organised.

84. The Assembly and the Venice Commission are ready to continue the collaboration with the Albanian authorities to further improve the legal framework and electoral practices in the country.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Mr Aleksander POCIEJ, Poland

Socialists, Democrats and Greens Group (SOC)

- Ms Marina BERLINGHIERI, Italy
- Mr Stefan SCHENNACH, Austria
- Mr Krzysztof ŚMISZEK, Poland
- Ms Margreet De BOER, Netherlands
- Mr Antonio GUTIÉRREZ, Spain
- Ms Sibel ARSLAN, Switzerland
- Mr Givi MIKANADZE, Georgia

Group of the European People's Party (EPP/CD)

- Ms Laima Liucija ANDRIKIENĖ, Lithuania
- Mr Viorel Riceard BADEA, Romania
- Ms Marie-Christine DALLOZ, France
- Mr Aleksander POCIEJ, Poland
- Mr Jacek PROTASIEWICZ, Poland

Alliance of Liberals and Democrats for Europe (ALDE)

- Mr Frédéric PETIT, France
- Mr Jean-Pierre GRIN, Switzerland
- Ms Lesia ZABURANNA, Ukraine

European Conservatives Group and Democratic Alliance (EC/DA)

- Mr Alberto RIBOLLA, Italy
- Mr Ulrich OEHME, Germany

Group of the Unified European Left (UEL)

- Mr Andrej HUNKO, Germany

Venice Commission

- Ms Renata TARDIOLI, Legal Adviser

Secretariat

- Mr Bogdan TORCATORIU, Administrator, Election observation and Interparliamentary co-operation division
- Mr Michael JANSSEN, Legal advisor, Venice Commission
- Mr Franck DAESCHLER, Principal Administrative Assistant, Election observation and Interparliamentary co-operation division

- Ms Anne GODFREY, Assistant, Election observation and Interparliamentary co-operation division

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Appendix 2 – Programme of the meetings of the International Election Observation Mission

Wednesday, 21 April 2021

- 14:00-14:30 Briefing on practicalities for all observers
- 14:30-15:15 Welcome and Introductory Remarks
- Mr Azay Guliyev, Special Co-ordinator and Leader of the short-term OSCE observer mission
 - Mr Viorel Riceard Badea, PACE Observer Delegation
 - Mr Reinhold Lopatka, Head of the OSCE PA Observer Delegation
 - Ms Jutta Gutzkow, Head of the Council of Europe Office in Tirana
 - Ambassador Vincenzo Del Monaco, Head of OSCE Presence in Albania
- 15:15-16:45 ODIHR LEOM Briefing part I
- Welcome and overview of the ODIHR LEOM's work, Ambassador Urszula Gacek, Head of Mission
 - Electoral legal framework, Mr Armen Mazmnyan, Legal Analyst
 - Political landscape, candidate registration and campaign, Mr William Romans, Political Analyst
 - Media landscape and coverage of the elections, Ms Kira Kalinina, Media Analyst
 - Security issues, Mr Davor Čorluka, Security Expert
 - Questions and Answers
- 17:00-18:00 ODIHR LEOM Briefing part II
- Election administration, Dr Robert Bystrický, Election Analyst
 - Voter registration and New voting technologies, Mr Priit Vinkel, NVT Analyst
 - Election Day procedures, Dr Robert Bystrický, Election Analyst
 - Questions and Answers

Thursday, 22 April 2021

- 14:00-15:15 Socio-political context of the elections
- Academy of Political Studies, Executive Director, Mr Erjon Tase
 - Albanian Helsinki Committee, Project Coordinator on Monitoring 2021 Elections, Ms Ardita Kolmarku
 - Albanian Institute for Election System Development, Executive Director, Mr Andon Kume
 - Coalition for Reforms, Integration and Consolidated Institutions (KRIIK) Albania, Chairperson, Mr Premto Gogo
 - Institute of Romani Culture in Albania (IRCA), Executive Director, Mr Bledar Taho
- 15:30-16:30 Representatives of political parties/coalitions and candidates
- Democratic party – Alliance for Change, Member of the presidency of the DP Party, Mr Oerd Bykykbashi
 - Republican Party, Chairperson, Mr Fatmir Mediu
 - Party for Justice Integration and Unity, Secretary General, Ms Mesila Doda
 - Unity for Human Rights Party, Jurist for CEC, Mr Thodhori Kamberi
 - Socialist Movement for Integration, Vice Chairman, Mr Petrit Vasili
 - Socialist Party, Political Co-Chair of Tirana Region, Secretary of the Socialist Parliamentary Group, Mr Ervin Bushati
- 16:45-18:00 Representatives of political parties/coalitions and candidates
- Democratic Conviction Party, Candidate for District of Tirana and Party Representative at the CEC, Mr Fabian Topollaj
 - Hashtag Initiative Party, Candidate for District of Korca, Ms Klajdi Pllaha
 - Movement for Change Party, Candidate for District of Dibra, Ms Sandra Xheleshi

Friday, 23 April 2021

- 09:00- 11:00 Election administration and campaign
- Audio-visual Media Authority (AMA), Chairperson, Mr Gentian Sala
 - Balkan Investigative Reporting Network (BIRN), Country Director, Ms Kristina Voko
 - Central Election Commission, State Election Commissioner, Mr Ilirjan Celibashi, Deputy State Election Commissioner, Ms Lealba Pelinku
 - Euronews Albania, News Director, Ms Ilva Tare
 - Ministry of Internal Affairs, Deputy Minister, Mr Besfort Lamallari
 - Public Broadcaster – Albanian Radio and Television RTSH, Director of international relations and projects, Mr Kleart Duraj
 - Top Channel, Editor in Chief, Mr Altin Krekas
- 11:15-11:45 Briefing by ODIHR long term observers deployed in the Tirana region
- LTO Co-ordinator, Ms Kerstin Dokter
 - LTO 6 Tirana, Ms Marketa Nekvindova and Mr Dimitrios Kanakidis
- 11:45-12:00 Closing remarks

Saturday, 24 April 2021

- 16:30 Meeting with E-Day drivers and interpreters – GROUP 1
- 17:00 Meeting with E-Day drivers and interpreters – GROUP 2
- 18:00 TESTS RT-PCR – GROUP 1

Sunday, 25 April 2021

- All day Election Day – Observation in polling stations
- 17:30 TESTS RT-PCR – GROUP 2

Monday, 26 April 2021

- 08:00 Debriefing of the PACE delegation
- 15:00 Press conference

Appendix 3 – Press release of the International Election Observation Mission

Albania's elections saw inclusive campaigning and improved administration, but misuse of state resources was of concern, international observers say

TIRANA, 26 April 2021 – The Albanian parliamentary elections were characterized by a lively and inclusive campaign, thanks to a legal framework that helped ensure respect of fundamental freedoms. At the same time the campaign saw authorities taking advantage of public office and allegations of pervasive vote buying, international observers said in a [statement](#) today.

The joint observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE), found that in spite of some ambiguities and inconsistencies, the legal framework forms an adequate basis for democratic elections to take place. Recent changes to the legal framework provided additional safeguards and were based on a broad political consensus. The new election administration coped well with the extensive new tasks it had taken on, and enjoyed overall trust.

“Last year's political agreement triggered important reforms and introduced e-technology which served to boost confidence in the electoral process. This shows that political compromise and convergence serves the best interest of the Albanian people,” said Azay Guliyev, Special co-ordinator and leader of the OSCE short-term observers. “I encourage all political forces to maintain the same spirit in the steps that follow election day and to take additional actions to pre-empt a misuse of administrative resources and pressure on public civil servants in future electoral cycles.”

Some 3.5 million people were registered to vote in the elections, which took place against the backdrop of the global COVID-19 pandemic. While fundamental freedoms were respected, messaging during the election campaign focused on party leaders rather than political platforms. The tone of the language used during the campaign by some leading politicians was confrontational, and at the same time, the media did not provide essential information for the voters to make their choice. The prevalence of vote buying throughout the country was also of concern.

“In spite of the general improvements to the overall framework, allegations of widespread practices of vote buying throughout the election process remain a serious problem in Albania, and this has a negative impact on the general public perception and trust in the electoral process. So do the incentives and the pressure put on civil servants,” said Aleksander Pocij, Head of the PACE delegation. “PACE and the Venice Commission are ready to continue the collaboration with the Albanian authorities to further improve the legal electoral framework in the country.”

The newly introduced electronic voter identification system was set up in all polling stations. Its aim was to reduce the risk of voter fraud, although the hasty introduction left no time for a public discussion or independent scrutiny of the new system. While the process on election day itself was mostly transparent and smooth, pandemic-related measures were poorly implemented and social distancing was not always respected.

“The introduction of e-voting technology represents an important and welcome improvement for Albania. I was pleased to witness the large-scale effectiveness of the biometric identification system, which was used countrywide. This is an important step which can only strengthen confidence in the electoral process,” said Reinhold Lopatka, Head of the OSCE PA delegation. “I was concerned about the incidents that have preceded election day and I want to underscore that incitement to violence will not be tolerated.”

Despite a well-developed legal framework in place to stop the misuse of state resources, many public figures continued to campaign during their official capacity. This, together with the launch of several large government infrastructure projects in the run-up to the election, gave the ruling party a considerable advantage.

“After the many political conflicts in Albania in recent times, it is encouraging to see that trust in the election process is slowly being rebuilt,” said Urszula Gacek, who headed the ODIHR limited election observation mission. “All parties participated and voters turned out in greater numbers. It is regrettable that irregularities such as misuse of office and instances of vote buying still remain.”

The international election observation mission to the Albanian parliamentary elections totalled 125 observers from 32 countries, consisting of 42 ODIHR-deployed experts and long-term observers, 60 parliamentarians and staff from the OSCE PA, and 23 from PACE.