



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Albania – Parliamentary Elections, 25 April 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

In the 25 April elections, voters had a choice of candidates, who were able to campaign freely, under a legal framework which respects fundamental freedoms. Following a breakthrough agreement ending a political stalemate, the key stakeholders had sufficient confidence in the elections to participate. A reformed Central Election Commission (CEC) dedicated itself to overseeing the election process in an organised and transparent manner, despite significant new obligations, including the implementation of new technologies. The ruling party derived significant advantage from its incumbency, including through its control of local administrations and from the misuse of administrative resources. This was amplified by positive coverage of state institutions in the media. Allegations of vote buying by political parties were pervasive during the campaign and a high number of investigations were opened in this regard. In a limited number of voting centres and counts observed, the process was largely transparent and smooth.

The parliamentary elections were held following a breakthrough political agreement achieved in June 2020, which was followed by electoral reform. These elections took place against the backdrop of ongoing accession talks with the European Union.

The Constitution guarantees fundamental freedoms, and despite several ambiguities and inconsistencies, the Electoral Code serves as an adequate basis for the conduct of democratic elections. While the July 2020 changes in the Electoral Code were based on a wide political consensus and followed an inclusive consultative process, further constitutional and electoral amendments in October 2020 were not preceded by due consultation with stakeholders. While a number of ODIHR and Venice Commission recommendations were addressed during the reform, several recommendations remain outstanding.

The 140 members of the parliament were elected for a four-year term through a recently modified regional proportional representation system, with voters able to cast preferential votes for individual candidates in 1 of the 12 multi-member districts. The system allows for independent candidates. The number of seats allocated for each district in general ensured the equality of the vote. New parliament will not convene until September 2021.

The parliamentary elections were generally well organized by the election administration. The newly formed CEC took on extensive new obligations following the recent legal amendments. Notwithstanding delays, including in the adoption of key regulations, the launch of a voter education campaign and training of polling staff, the CEC managed to adequately fulfil most of its obligations. It operated transparently and held public sessions live-streamed and open to participation by stakeholders. The election administration at all levels overall enjoyed the trust of stakeholders.

Moving towards the introduction of electronic voting was part of the political agreement and the electoral reform in 2020. In accordance with good electoral practice, the CEC piloted new voting and counting technology in 32 voting centres in Tirana out of the total 5,199 voting centres across the country. The extremely short timeframe for implementation did not allow for substantive public discourse and independent scrutiny of the new technologies.

Voter registration is passive and no significant issues related to the accuracy of the voter lists were raised by interlocutors of the International Election Observation Mission (IEOM). The newly-introduced

electronic voter identification system was established in all voting centres for election day. Most IEOM interlocutors lauded the new system and perceived it as a measure to mitigate the risk of double voting, family voting and voter impersonation. The short timeframe of procurement and setup did not allow for substantive public discourse, an important component for ensuring public trust. The total number of registered voters was some 3.5 million, including those residing abroad.

In an inclusive and consistent process, 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 per cent) were registered. The law exclusively allows chairpersons of the parties but no other candidates to run in up to four electoral districts, while other candidates may only run in one, which violates the right to stand on equal terms.

Fundamental freedom of assembly was respected, 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. Widespread practices of vote-buying remained a problem. The leaking of sensitive personal data, including political preferences of citizens, is of serious concern and makes voters vulnerable.

The main parties all attempted to augment the role and visibility of women as candidates in the campaign, and the mandatory quotas in candidate lists were respected and, in most cases, exceeded. Efforts were made to appeal to women as voters. Women are underrepresented throughout the election administration. Female candidates and other actors received 39 per cent of media coverage in the monitored news and current-affairs programmes.

Despite a robust legal framework in place to prohibit the misuse of administrative resources and minimise the advantage of incumbency, ministers continued to campaign during official engagements. The resultant publicity gave the ruling party a significant advantage. The provision of incentives and alleged pressure on civil servants was of concern. In his official capacity, the President campaigned against the ruling party.

Political parties which obtained at least 1 per cent of votes in the last parliamentary elections received public funding for their campaigns. Contestants could also 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.

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.

The Electoral Code provides for a comprehensive framework for the resolution of election disputes. Before election day, the complaints commission of the CEC considered 23 complaints, among others related to candidate registration and misuse of administration resources. The Electoral College further adjudicated seven appeals against CEC decisions. Adjudication of appeals in both the CEC and the Electoral College was done in an open and participatory process, with the parties' procedural rights respected. Some 30 cases related to vote buying are under investigation.

The law provides for party, citizen and international election observation. Unlike party observers, the law still does not allow citizen observers to receive counting and tabulation results protocols. The CEC registered 17 citizen observer groups with some 2,000 observers.

The IEOM did not undertake systematic or comprehensive observation of election day proceedings. In a limited number of polling stations visited, the election process was calm, and the secrecy of the vote was mostly respected. The IEOM witnessed one case of money being distributed to voters outside the voting centre. In the limited number of counts observed, process was largely transparent and smooth. The CEC posted detailed preliminary results on its website close to midnight, thus ensuring transparency. The turnout was reported at about 48 per cent. Overall, the COVID-19 preventive measures were not well implemented and social distancing not always respected.

PRELIMINARY FINDINGS

Background

On 6 September 2020, President Ilir Meta called parliamentary elections for 25 April 2021.

The Socialist Party (SP) won the last 2017 parliamentary elections, receiving 74 out of 140 mandates.¹ Most members of parliament (MPs) of the opposition parties relinquished their mandates in a gesture of protest in February 2019.² As a result, the Democratic Party (DP) and 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.³ In effect, the SP gained absolute control over central and local government.

In March 2020, the Council of the European Union opened accession negotiations with Albania. The Council introduced further conditionality by requiring additional institutional reform, including the implementation of ODIHR election related recommendations, before Albania would be granted its first Inter-Governmental Conference.⁴ The conduct of these elections is widely viewed as a test of Albania's democratic progress in the ongoing accession process.

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.

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.⁵

¹ As the result of the 2017 parliamentary elections: the SP received 74 seats; Democratic Party - 43; Socialist Movement for Integration - 19; Party for Justice, Integration and Unity (PJIU) - 3; Social Democratic Party (SDP) - 1.

² Fifty-six opposition MPs relinquished their mandates.

³ Of the 61 mayoral races, the SP-led coalition won 60 and the Greek Ethnic Minority for the Future party won 1. In the local council elections, the winning coalition received over 96 per cent of the seats.

⁴ The [Council of the European Union determined](#) that “[...]Albania should adopt the electoral reform fully in accordance with ODIHR recommendations, ensuring transparent financing of political parties and electoral campaigns, [...]”.

⁵ The president was appointed in April 2017 by the parliament constituted according to the 2013 parliamentary elections. On 25 March 2021, President Meta launched his own initiative called [Denounce Election Crime](#) in which he encouraged citizens to report any violations and pledged to “take all necessary actions to address any denunciation, and make public the facts related to illegal interference in the electoral process.”

In the outgoing parliament, women remained underrepresented with 26 per cent of seats (36 MPs); however, in the outgoing government they held more than half of ministerial posts.

The elections took place in the shadow 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.

Legal Framework and Electoral System

The legal framework consists of the 1998 Constitution, the 2008 Electoral Code, both last amended in 2020, and other relevant laws and regulations.⁶ Albania is a party to major international legal instruments related to elections.⁷

The Constitution guarantees fundamental freedoms, and 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.⁸ In addition, the ODIHR Limited Election Observation Mission (LEOM) observed several instances of overly broad interpretation of the legislation, including by the CEC when enacting by-laws, often resulting in a more restrictive regulation.⁹ Several ODIHR LEOM interlocutors, 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.

Following an open, inclusive and deliberative process, parliament, with the support of the international community, adopted a number of amendments to the Electoral Code on 23 July 2020. These provided for 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.

On 30 July, constitutional amendments introduced preferential voting.¹⁰ The Electoral Code was subsequently amended on 5 October - it replaced the regional thresholds for contestants to qualify with a national threshold of 1 per cent, provided for a minimum number of candidates on the party lists, and

⁶ Including the 2000 Law on Political Parties, 2001 Law on Demonstrations, 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 2008 Law on Gender Equality. The CEC adopts regulations to supplement the laws.

⁷ These include the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, 2003 UN Convention against Corruption (UNCAC), 2006 Convention on the Rights of Persons with Disabilities, as well as the 1950 European Convention on Human Rights (ECHR). Albania is a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

⁸ For example, article 145 (2) of the Electoral Code refers to the older edition of article 24 which was repealed after July 2020 amendments; the restriction on the voting rights of people with intellectual or psychosocial disabilities was removed from article 44 of the Electoral Code, but remains in the Constitution (article 45) and in article 53 of the Electoral Code.

⁹ The CEC's Regulatory Commission (Regulator) Decision No. 9 defines prohibited activities of public institutions as those which, inter alia, draw publicity to state or local budget spending of funds which have been allocated or approved in the 4-months period before the elections, whereas the Electoral Code refers to "all activities of a public nature" without any reference to the above-mentioned funds. Article 10 of the Regulator's decision No.11, concerning formation of Voting Centre Commissions (VCC) provides that VCC members can be replaced upon the request of the electoral subject that proposed them, while the Electoral Code does not provide for this.

¹⁰ Several parties informed the IEOM that they were not in favour of the introduction of preferential voting.

allowed leaders of political parties and coalitions to be nominated as candidates in up to four electoral districts.¹¹ In their Joint Opinion, the Council of Europe’s Venice Commission and ODIHR regretted that the procedure for adopting the amendments in the Constitution and in the Electoral Code was “extremely hasty”, and was not preceded by a due consultation process. They 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.¹²

Despite the constitutional and electoral reforms of 2020, several previous ODIHR 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.

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.¹³ The newly introduced preferential voting within party lists allows voters to potentially influence the ranking of candidates on the list.

To qualify for seat allocation in parliament, an electoral subject, including independent candidates, must pass a 1 per cent 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 per cent nationwide threshold to independent candidates potentially challenges the principle of standing on equal terms.

Election Administration

The election administration comprises the CEC, 92 Commissions of Electoral Administration Zones (CEAZs), and 5,199 Voting Centre Commissions (VCCs). Counting is held by Counting Teams in 92 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).

The 2020 legal amendments changed the formation rules of the CEC and introduced three distinct branches in its structure: the State Election Commissioner (the Commissioner), the Regulatory Commission (the Regulator) and the Complaints and Sanctions Commission (CSC).¹⁴ The Regulator and the CSC each have five members. All CEC members are elected by parliament by no less than three-fifths of the votes. The CEAZs and VCCs have seven members nominated by the parliamentary majority and opposition.¹⁵ Women are underrepresented throughout the election administration; the 30 per cent gender quota is

¹¹ The October 2020 changes in the Electoral Code also prescribed that one political party in a coalition needs to take the leading role and refined certain electoral procedures. In November 2020, amendments in the Law on Political Parties were passed to bring it in line with the Electoral Code.

¹² See the [2020 Joint Opinion of the Venice Commission and ODIHR](#).

¹³ In December 2020, the Regulator decided on the allocation of seats per district. Due to demographics, Tirana gained two seats, while Diber and Gjirokaster both lost a seat as compared to the 2017 parliamentary elections. Two out of twelve districts exceed the 10 per cent deviation from the country’s average number of citizens per seat, with districts of Gjirokaster and Kukes having a deviation of 13.7 and 13.0 per cent more citizens per seat, respectively. This is in line with good electoral practice.

¹⁴ According to the Electoral Code, the Regulator is the body competent for approval of acts of normative nature.

¹⁵ The largest parliamentary majority and the largest opposition party propose two CEAZ members each. In addition, the next largest parliamentary majority and opposition parties propose one member each. Three CEAZ members were nominated by the SP and SDP and three by the DP and SMI. For these elections, the DP and SP also nominated the seventh member in 46 CEAZs each.

prescribed by the law only for CEAZ members.¹⁶ Overall, the election administration worked transparently, and the CEC enjoyed the trust and confidence of stakeholders.¹⁷

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.¹⁸ They held public sessions live-streamed and open to participation by media, observers and party representatives. 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.

Lower level election commissions were appointed by the legal deadline. Political parties may still recall their nominees from the CEAZs at their own discretion despite previous ODIHR recommendations.¹⁹ As of 23 April, the CEC replaced 128 out of 736 CEAZ members (17 per cent) 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.

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 the confusion during election day.

Electronic voting and ballot counting was piloted in one of the EAZs of Tirana city encompassing 32 voting centres (VCs) with 23,597 registered voters.²⁰ In these VCs, the voter identification process was technologically separated from voting process to guarantee secrecy of the vote. The CEC organized 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.²¹ However, no independent audit or certification was performed, as it is not prescribed for in the law.²² 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.²³

¹⁶ Three out of twelve CEC members are women. Approximately one third (31.4 per cent) of 736 initially appointed CEAZ members were women, but only 15 per cent held the position of chairperson.

¹⁷ Reservations were expressed by several ODIHR LEOM interlocutors regarding the handling of complaints by the CSC, in particular: on the design of the ballot paper and two separate cases of misuse of public resources brought against the Head of the Cadastre in Lushnja and the mayor of Tirana.

¹⁸ The Commissioner adopted around 300 decisions and the Regulator passed over 30 regulatory acts.

¹⁹ This contravenes Section II.3.1.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which states that “the bodies appointing members of electoral commissions must not be free to dismiss them at will”.

²⁰ The voting took place on local devices without any connection to the Internet. Voting equipment consisted of a touchscreen module and a connected paper audit trail printer. Every VC had two sets of voting equipment.

²¹ Between 3 and 11 April, the public demonstration was attended by 547 voters. However, the design of the electronic ballot used on election day was not the same that was demonstrated publicly.

²² The [ODIHR Handbook for the Observation of New Voting Technologies](#) states that “In order for certification to be meaningful, the certification body should be competent and independent from vendors, suppliers and election administrators.”

²³ According to the [Council of Europe recommendation CM/Rec\(2017\)/5 on standards for e-voting](#) “[...] only those e-voting systems which are secure, reliable, efficient, technically robust, open to independent verification and easily accessible to voters will build public confidence, which is a prerequisite for holding e-elections”.

Voter Registration

Albanian citizens aged 18 years or older on election day are eligible to vote. Citizens found incompetent by a court decision cannot vote, which is at odds with international obligations prohibiting discrimination based on disability.²⁴ Citizens serving a prison sentence for committing certain crimes may not vote.²⁵

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

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.²⁶ 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).²⁷ 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.²⁸

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.²⁹ Most ODIHR LEOM interlocutors expressed confidence in the overall process of compiling voter lists.

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, organized in prisons, pre-trial detention centres and hospitals.³⁰ 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.³¹

²⁴ While the restriction on the voting rights of these people was removed from an article in the Electoral Code in July 2020, it remained in the Constitution and in other articles of the Electoral Code. See Article 29 of the [2006 Convention on the Rights of Persons with Disabilities](#), which requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) provides that participating States will “guarantee universal and equal suffrage to adult citizens”.

²⁵ The Law on Decriminalization suspends the voting rights of citizens serving a prison sentence for committing crimes listed in more than 80 articles of the Criminal Code (ranging from election related offences to severe crimes). According to the Ministry of Justice, these citizens constitute nearly half of all prisoners.

²⁶ See Article 26 of the [ICCPR](#). Paragraph 5.9 of the [1990 OSCE Copenhagen Document](#) states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law”. The ODIHR LEOM was informed that 2,861 voters over 100 years of age were removed from the voter register and 446 remain on the final voter list.

²⁷ As per the Ministry of Interior, there are some 800,000 voters with expired IDs. In March, the Government extended the validity of expired ID documents to 30 April 2021 to ensure participation of affected voters.

²⁸ According to the [Albanian Institute of Statistics](#) (INSTAT), the number of the so-called “new diaspora” in 2020 was estimated at 1.68 million of Albanian citizens (37 per cent). The new diaspora term applies to those who emigrated after the 1990s.

²⁹ The GDSCS initiated certain changes in the voters' address data and claimed that these did not result in reallocation of voters to other VCs. By law, voter notifications are to be delivered up to 60 days after publication of the extract of the voter lists. The first extract was published on 3 October 2020.

³⁰ A total of 20 special VCs were set up. Due to COVID-19 restrictions, VCs in hospitals were not established.

³¹ According to the Ministry of Health, the number of persons infected with COVID-19 on election day was around 23,000. This practice conflicts with provisions on voting rights and equality of the vote stipulated in Article 45 of the Constitution and paragraph 7.3 of the 1990 OSCE Copenhagen Document.

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.

Operational and technical policies and regulations of e-identification were adopted only several weeks before election day.³² In line with the Electoral Code, the functional testing was performed by the CEC nine days before election day on 3 per cent of the devices used. No independent audit of the procedures and final software was performed. Although most IEOM interlocutors, including all the 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.³³

Candidate Registration

Any eligible voter has the right to stand, except those serving a prison sentence or with a prior conviction for specific crimes as well as those deported from a number of countries or subject to a search warrant.³⁴ 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.³⁵ The Constitution lists categories of officials whose position is incompatible with the right to stand.³⁶

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.³⁷ Independent candidates can compete through nomination by a group of voters.³⁸ A candidate may only appear in one list. The 2020 legal amendments provide an exception to this rule for chairpersons of the parties who are allowed to run in up to four electoral districts but may hold only one mandate of their choice, if elected. This violates the right to stand on equal terms (see *Legal Framework and Electoral System*). Once registered, the candidate list cannot be altered.

At least one third of candidates of the underrepresented gender must be nominated in each list. The Electoral Code effectively defines women as the underrepresented gender.³⁹ Given that the Code is unclear about the sequencing of women in candidate lists, the CEC interpreted that in every triplet of candidates

³² No pilots of the e-identification system were conducted. According to good practice for introducing technology into the electoral process, it should be introduced gradually through limited pilots. This allows associated risks and challenges to be addressed before full-scale adoption.

³³ The [ODIHR Handbook for the Observation of New Voting Technologies](#) explains, “An incremental approach to introduction, together with thorough testing, verifiability and full transparency, can help develop public confidence in [new voting technologies]”.

³⁴ The Law on Decriminalization refers to deportation from an EU Member State, Australia, Canada and the United States. It also references citizens convicted for certain crimes.

³⁵ See article 16 (2) of the [ICCPR](#) and article 6 (2) of the [ECHR](#). Paragraph 5.19 of the [1990 OSCE Copenhagen Document](#) states that “everyone will be presumed innocent until proved guilty according to law”.

³⁶ Judges, prosecutors, military, police and national security officers, diplomatic representatives, mayors, prefects, members of election commissions, President of the Republic, high state administration officials determined by law.

³⁷ Candidate lists must be supported by 5,000 voter signatures for parties or 7,000 signatures for coalitions nationwide. Voters can support multiple lists. This condition does not apply for parliamentary parties or for coalitions where the participating parties jointly hold a number of parliamentary seats not fewer than the number of these parties.

³⁸ Groups of voters should comprise at least nine voters and register with the CEC to collect signatures of 1 per cent of voters in the respective electoral district, but no more than 3,000. Independent candidates are exempt from this obligation if they are MPs.

³⁹ See Article 2(26) of the Electoral Code. The formulation in the law allows lists to be composed exclusively by women. This possibility is not granted to men, which could be perceived as discriminatory.

(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.⁴⁰ The Electoral Code is ambiguous as to whether there is an upper limit for the number of candidates on a list. On 18 March, the Commissioner denied registration to a total of 69 candidates nominated by the coalition DP-Alliance for Change, on the basis that these nominations were in excess of the “implied” upper limit. The CSC overruled the Commissioner’s decision; however, on 30 March, the Electoral College upheld the decision of the Commissioner, effectively enforcing an upper limit for the permissible number of candidates per list.⁴¹

Candidacies were verified by the CEC in line with the Electoral Code and the Law on Decriminalization.⁴² Before the registration of the lists by the CEC, ineligible candidates are 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.⁴³ The process of disqualification and revocation of mandate is continuous throughout the electoral cycle.

Candidate and party registration was inclusive. The CEC registered 10 political parties and 2 coalitions to compete nationwide, and 5 independent candidates to contest in 5 districts.⁴⁴ In total, 1,871 candidates, including 732 women (40 per cent) were registered.

Campaign Environment

The official campaign period commenced on 26 March.⁴⁵ Voters were presented with a choice of coalitions, parties, and independent candidates.⁴⁶ 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.⁴⁷ The tone of the language used during the campaign by some party leaders and, in particular, the President, was confrontational and occasionally fervent.⁴⁸

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.⁴⁹

⁴⁰ The CEC’s interpretation of ‘up to two’ ensured that under all circumstances, the number of nominated candidates in a list was divisible by a factor of three in order to account for the gender quota.

⁴¹ The consequence of this decision creates the possibility that there may be insufficient reserve candidates to fill vacated seats; this risk particularly affects districts with a lower number of seats. This issue was raised by many stakeholders.

⁴² Each candidate must submit a self-declaration form among other documents supporting their candidacy. The CEC verification process is conducted in co-operation with General Directorate of Prisons and GDCS offices.

⁴³ The CEC can send documents of the candidates concerned to the Prosecutor General Office (PGO) for further investigation. In total, documents of 30 candidates from 10 electoral subjects were sent to PGO, including on candidates from the SP, DP and SDP. As of 23 April, the process of verification by the PGO for 27 candidates was still ongoing.

⁴⁴ Five independent candidates contested in Diber, Gjirokaster, Lezhe, Shkoder and Tirana. The CEC rejected two lists: the coalition *Alliance* - on the grounds that several parties left the coalition before the registration, and a list of the National Alliance Party which did not comply with the requirements.

⁴⁵ According to the Electoral Code, the official electoral campaign begins 30 days and ends 24 hours before election day. The SP and the coalition *Democratic Party- Alliance for Change* (DP-Alliance Coalition) both launched their campaigns on 25 March.

⁴⁶ The DP-Alliance Coalition included the DP together with 12 smaller parties in a broad-based coalition, including the Republican Party (RP), PJIU and Unity for Human Rights Party (UHRP).

⁴⁷ The DP-Alliance Coalition and the SMI did not register as a coalition, but instead made a political agreement to co-operate in forming a government, if elected.

⁴⁸ The Commissioner [appealed](#) to parties to demonstrate composure and to avoid harsh language during the campaign.

⁴⁹ Some opposition parties made explicit that their main issue was with Mr. Rama, and not the SP as such. Allegations of corruption, misuse of state resources and links to organised crime were constantly made by all opposition parties.

The opposition also campaigned on the economy, financial incentives for youth and farmers, wages and employment. All parties shared the objective of EU accession.

The DP and SP, both headed by men, have attempted to increase the visibility of female candidates, as has the SMI, led by a woman.⁵⁰ All large parties and coalitions made campaign overtures towards female voters, although many IEOM interlocutors expressed doubts as to the genuineness of these efforts.

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.⁵¹ 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.⁵² In other cases, sanctions were applied, with fines affecting the independent candidates disproportionately and introducing uncertainty.⁵³

Allegations of vote buying were pervasive during the campaign, indicating that it remained a widespread problem.⁵⁴ The DP adopted interventionist methods, self-justified in public statements, to counter alleged vote-buying activities.⁵⁵

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.⁵⁶ The CEC maintains a webpage where citizens can denounce electoral violations.⁵⁷ 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.⁵⁸

⁵⁰ For example, at the SP launch, 11 out of 14 speeches were [delivered by female candidates](#). The leader of the DP presented a [programme on gender equality](#). Women made up approximately half of the SMI candidate list.

⁵¹ Temporary restrictions included a 10 people limit on gatherings based upon Order No. 633/2020 of the Minister of Health. The order was confirmed by the Constitutional Court, which however expressed a reservation regarding the indefinite timing of the measures.

⁵² In Tirana, the Mayor instructed police not to fine candidates. The Prime Minister similarly instructed national police.

⁵³ Two out of the five independent candidates were fined: in Diber region, the local police issued a candidate with a fine of ALL 5 million fine (some EUR 40,000) for addressing approximately 100 supporters. In Lezhe, a candidate running under the Vetëvendosje banner was also issued an ALL 5 million fine by the police. EUR 1 is approximately ALL 123 (Albanian *Lek*).

⁵⁴ The Special Anti-corruption Structure (SPAK) informed the ODIHR LEOM 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.

⁵⁵ On 21 April, one person was killed and three injured, in a shooting incident in Elbasan. The DP formed a group which it called the “Vote Protection Structure”, [stating that](#) it is comprised of former members of the state police, asked by the DP to “verify” information received on vote buying; The [Elbasan Police](#) arrested 10 people, under suspicion of illegal deprivation of liberty by force, and stated that some were armed. Police also took action against the “Vote Protection Structure” in [Diber](#) and [Korca](#) districts, on 23 April.

⁵⁶ [Decision No. 9 of the Regulator](#) provides *inter alia* that in the four months prior to election day, prohibited activities include the distribution of permits validating illegal construction, registration of property titles, use in the election campaign of the resources of central or local state administration, use of pre-university school students, employment or dismissal of staff of public institutions; furthermore, there should be no acts providing the increase of wages, pensions, financial or social support, reduction or abolition of taxes, waving of fines/taxes, or privatization; use of the human, financial and logistical resources of the state administration are strictly controlled.

⁵⁷ Both a smartphone application and a [website version](#) are available.

⁵⁸ Many of the reports were handwritten documents. Of 63 reports submitted during the first week, 6 identified irregularities, mainly relating to the location of campaign offices or posters. One report identified non-reporting of activities of a public nature by public bodies, but without further details. The CEC did not require its monitors to oversee campaign finances. See *Campaign Finance*.

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.⁵⁹ 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.⁶⁰ 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.⁶¹

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.⁶² Opposition parties, the President and many in the media called for an investigation by the SPAK into the alleged misuse of the personal data of citizens.⁶³ 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.

The ODIHR LEOM also received reports that attempts were made to influence the vote through the provision of incentives.⁶⁴ The reports also alleged that many civil servants, an employment group vulnerable to pressure, were encouraged to vote for the ruling party.

Campaign Finance

Campaign finance is primarily regulated by the Electoral Code. In November 2020, the Law on Political Parties was amended to repeal provisions on campaign finance, hence eliminating inconsistencies with the Electoral Code. On 6 April, 12 days after the start of the campaign, the Regulator approved the rules, procedures and templates for the contestants’ final reports on donations and expenditures and on campaign finance oversight; additional guidelines and templates were approved on 14 April. Adopting binding regulation at an advanced stage of the electoral process creates undue legal ambiguity and may negatively affect contestants’ campaign activity.⁶⁵

⁵⁹ Information about planned activities is to be submitted via the [CEC website](#). The Commissioner should then scrutinize and mark certain events as prohibited; in which case they should receive no media coverage. On 24 March, the Commissioner wrote to all ministries, as well as all municipalities, and appealed to the heads of public institutions to exercise restraint and fulfil their obligations in relation to the prohibition on the use of state resources in support of electoral subjects.

⁶⁰ The CEC is required to scrutinize all events held by public institutions to check for any abuse of public resources; however, during the entire campaign no events submitted in advance were marked as prohibited. It is doubtful whether the CEC has yet established the institutional capacity to effectively review and consider all required declarations of official events.

⁶¹ The legal moratorium on authorisation of new employment started on 25 December 2020. According to the INSTAT, between the third and fourth quarters of 2020, employment in the public sector increased by 6 per cent (from 171,975 to 182,547). Increases in the same quarter in 2018 and 2019 were 1 and 0 per cent, respectively. On 24 December, the government authorized an additional 2,472 positions.

⁶² The existence of the database in the public domain was independently confirmed by the ODIHR LEOM.

⁶³ The President called for an “investigation on the misuse of personal data of Albanian citizens and of the state database by the Socialist Party”. The SPAK confirmed to the ODIHR LEOM that an investigation is underway.

⁶⁴ This included the issuance of permits validating illegal construction.

⁶⁵ The ODIHR LEOM observed in regions that some candidates were unaware of finance reporting requirements.

Political parties which competed in the last parliamentary elections receive public funding for their regular activities.⁶⁶ Parties which obtained at least 1 per cent of votes in the last parliamentary elections also receive public funding for their campaigns, proportional to the number of votes gained.⁶⁷ 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.⁶⁸ Donations, including in-kind, are capped at ALL 1 million (approximately EUR 8,130).⁶⁹ 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.

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.⁷⁰ The CEC is authorized to apply sanctions for non-compliance with the respective rules, but no such sanction was applied.

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.⁷¹

Media

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

⁶⁶ The budget allocation for 2021 is ALL 140 million (approximately EUR 1,138,000. Based on the result of the 2017 elections, six parties were allocated funds: the SP – 45.3 per cent, DP – 27.8 per cent SMI – 14.3 per cent, PJIU – 5.3 per cent, SDP – 3.8 per cent and Equal List – 3.5 per cent.

⁶⁷ The SP received some ALL 55.8 million; DP – 31.5 million; SMI – 18.9 million; PJIU – 4.5 million; New Democratic Spirit Party – 2.1 million; RP – 1.8 million; SDP – 1.6 million; Democratic Conviction Party – 1.4 million; Christian Democratic Party – 1.4 million, and Movement for National Development- 1.4 million. The 2020 amendments limited the access to public campaign funds from all parties contesting the previous elections to those who won at least 1 per cent of votes.

⁶⁸ Legal entities which received public procurement funds in excess of ALL 10 million, have been involved in public-private partnership projects, have debts to the state budget, as well as those which carry out media-related activity, are not allowed to donate.

⁶⁹ On 24 December 2020, the Regulator approved rules for calculation of the monetary value of in-kind donations. Third party financing is not regulated by law.

⁷⁰ The Regulator's decision requires CEC monitors to submit interim reports every 10 days since the beginning of their work, and a final report within 7 days after the election day. In addition, so-called "incident reports" are required if a concrete violation is observed. These reports must be published on the CEC website within two days of submission. The CEC confirmed that the monitors were not trained on how to monitor compliance with campaign finance regulations.

⁷¹ Article 7.3 of the 2003 [UNCAC](#) recommends states take legislative and administrative measures "to enhance transparency in the funding of candidatures for elected public office". Paragraph 247 of the 2020 [ODIHR and Venice Commission Joint Guidelines on Political Party Regulation](#) states that "Voters must have relevant information as to the financial support given to political parties, as this influences decision making and is a means of holding parties accountable".

corruption. Some IEOM interlocutors raised concerns about safety and legal persecution of the journalists.⁷² Television (TV) remains the primary source of political information.⁷³

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 ODIHR recommendations.⁷⁴ Campaign coverage in the audio-visual media is regulated in detail by the Electoral Code.⁷⁵ Provisions for free-of-charge campaign opportunities on the public TV station *RTSH* ensure a minimum visibility for all electoral contestants.⁷⁶ However, the absence of a minimum requirement of coverage in the news of non-parliamentary parties and independent candidates narrows their media access.⁷⁷

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.

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.⁷⁸ The monitoring was limited to the quantitative analysis and did not include evaluation of the tone of the coverage. Many ODIHR LEOM interlocutors questioned AMA's capacity in conducting sufficient oversight.⁷⁹ 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

⁷² In April, there were two filmed incidents of physical altercation against journalists of Ora News by bodyguards of mayor of Tirana Erion Veliaj in Tirana, and his supporters in Kavaje, when the journalists tried to interview the mayor. Also, journalistic community raised concerns about the investigation of the owners of the news website, which was the first to report on the leak of the database of personal data of the Tirana residents. The OSCE Representative on Freedom of the Media [has raised concerns](#) over the intimidation of and attacks against journalists, which undermine their safety.

⁷³ The most popular online media outlets are connected to TVs and duplicate their content. Print media is hardly represented and has mostly moved online. Circulation data is not publicly available.

⁷⁴ Paragraph 47 of the [2011 CCPR General Comment 34 to the ICCPR](#) requires that "Defamation laws must be crafted with care to ensure that they ... do not serve, in practice, to stifle freedom of expression".

⁷⁵ Public radio and TV is required to cover the campaign in an impartial, comprehensive, truthful manner and ensure pluralism of information. Private audio-visual media must prepare news in full editorial freedom. Broadcasters are required to provide equal time for coverage of parties with more than 20 per cent of seats in the parliament. Each other parliamentary party will receive half of this time, while coverage of non-parliamentary parties competing is at the discretion of the editors and cannot exceed the coverage given to smaller parliamentary parties. Each parliamentary party contesting the elections can purchase up to 90 minutes of airtime, while non-parliamentary parties and independent candidates can purchase a total of 10 minutes of airtime on each private radio and TV broadcaster. In addition to airtime purchased by the electoral contestants for advertisement, broadcasters are required to provide half of the total purchased airtime free of charge.

⁷⁶ *RTSH* provided the contestants with access to studio recording facilities free of charge. The lottery for assigning the date and order of appearance for the free advertising spots was conducted by *RTSH* on 30 March. Although according to the law, the draw should have been conducted under the supervision of the CEC, no representatives attended it.

⁷⁷ Paragraph 20 of the of the Explanatory Report of the [Venice Commission Code of Good Practice](#) in Electoral Matters states that in conformity with freedom of expression, a legal provision should be made to ensure that there is a minimum access to privately owned audio-visual media, with regard to the election campaign and to advertising, for all participants in elections.

⁷⁸ On 23 March, the Commissioner decided on allocation of free airtime. Even though, the PDIU had seats in the parliament and as part of the coalition was qualified as ineligible for the allocation of time as other parliamentary parties. However, during the first week of the campaign, the AMA was monitoring the PDIU as other parliamentary parties, and on 6 April, it proposed to the CEC to compensate time for the PDIU. As the CEC reviewed the report on 13 April, it decided to exempt the PDIU from the airtime compensation for balance. On 20 April, the CSC overruled the Commissioner's decision, granting the PDIU with time compensation.

⁷⁹ The seven AMA members are appointed by the parliament for a term of five years, with the right of renewal only once. Currently, three positions are vacant, and the mandates of the chair and another member have expired. According to the parliament's [website](#), not enough applicants submitted their interest for the position of chair by the February 2020 deadline.

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.

By narrowly interpreting the law and the CEC regulations, broadcasters failed to provide comprehensive coverage of all the contestants.⁸⁰ 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. Some IEOM interlocutors informed that the parties did not inform the media about campaign events in advance.

The ODIHR LEOM media monitoring indicates 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.⁸¹ 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.

The DP and SP were dominating the political news coverage at all media outlets monitored, with the SP receiving between 27 and 35 per cent and the DP between 26 and 32 per cent of such coverage.⁸² 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.⁸³ In addition, in 9 per cent of news and current affairs programmes monitored candidate Rama was covered in his official capacity as Prime Minister. The SP also received additional 15 per cent 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.

While the media is required by the CEC to provide gender-balanced coverage, the former have no control over who the party decides to propose for participation in the TV show. According to the ODIHR LEOM media monitoring results, female candidates and other actors received 39 per cent of coverage in the news and current-affairs programmes.

Complaints and Appeals

The Electoral Code provides for a comprehensive legal framework for the resolution of election disputes, with an elaborate administrative complaint procedure and due process guarantees. However, the law does not clearly provide for adjudication of complaints in lower-level commissions, which leaves ambiguity about which body is responsible for complaints on campaign violations and election-day procedures.⁸⁴ As a general rule, complaints can be lodged by the contestants whose legal interests are affected; observers

⁸⁰ The broadcasters often limited the news coverage of contestants to the minimum requirements of the law. In addition, exclusively pre-recorded materials or live streaming were used by the TVs to cover campaign events in the news, as the law allows for this.

⁸¹ On 26 March, the ODIHR LEOM commenced qualitative and quantitative monitoring of five TV stations (*RTSH-1*, and four private TV channels: *Top Channel*, *TV Klan*, *Vizion Plus* and *A2 CNN*) and two online news websites <http://www.panorama.com.al/> and <https://www.oranews.tv/>. The ODIHR LEOM also followed election-related content on social networks.

⁸² Out of SP and DP time shares, 41 and 46 per cent of coverage was dedicated to their respective leaders. While the SMI received in average 7 per cent in all monitored channels, all other contestants received in total 8 per cent.

⁸³ While *RTSH-1* gave rather equal amount of time to the leading parties, it covered government and public institutions in neutral and positive tones.

⁸⁴ In addition, the ODIHR LEOM observed cases of jurisdictional controversies among courts on whether complaints regarding voter lists should be adjudicated by civil or administrative courts. Despite the controversy on jurisdiction, courts accepted all complaints in order not to deprive voters of their suffrage rights.

may only appeal their denial of accreditation, and voters are only eligible to lodge complaints concerning their inclusion in the voter list, contrary to good electoral practice.⁸⁵

Decisions of the Commissioner and the CEAZs may be appealed to the newly created CSC.⁸⁶ Decisions of the CSC, as well as of the Regulator can be appealed to the Electoral College of the Administrative Court of Appeals (Electoral College) which is the highest body for resolving election disputes.⁸⁷ However, in some of its decisions the CSC stated that its rulings were subject to appeal at the administrative court rather than the Electoral College, under general procedures and deadlines. On 4 March, the Electoral College adopted a similar position, as it dismissed an appeal by the SMI concerning a sanction imposed by the Commissioner against the mayor of Tirana, on grounds that appeals concerning violations by anyone other than contestants were not within its jurisdiction.⁸⁸ Such positions by the CSC and the Electoral College appear to narrow the meaning of the Electoral Code which provides for specialized and expedited review of election-related complaints. The Electoral College has ten days from the time of filing to issue a decision. This protracted deadline can potentially retard the electoral process.⁸⁹

By 23 April, the Commissioner received 116 complaints filed through the web-based portal on reports about campaign-related violations.⁹⁰ The ODIHR LEOM was informed of nine cases in which the Commissioner applied a sanction or injunction; most other complaints were denied or dismissed, mostly for lack of evidence. Some 23 appeals were filed with the CSC.⁹¹ Acting upon these, the CSC overruled six decisions of the Commissioner and eight decisions of CEAZs; two appeals were dismissed for lack of legal standing. The Electoral College adjudicated seven appeals against CSC decisions, fully and partially overruling two of these. Adjudication of appeals in both the CSC and the Electoral College was done in an open and participatory process, with the parties' procedural rights respected.⁹²

As of 20 April, the ODIHR LEOM was informed of 32 reports on election-related offences received by prosecutors' offices across the country, and of 14 criminal proceedings as of 20 April. Electoral violations related to corruption are prosecuted by the SPAK.⁹³ By 23 April, SPAK notified the ODIHR LEOM of 91 election related reports and 32 criminal proceedings initiated in courts, most of these concerning vote-buying.⁹⁴

⁸⁵ Section II.3.3.f of the [Venice Commission's Code of Good Practice in Electoral Matters](#) recommends: "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections".

⁸⁶ The CSC is composed of five members for a nine-year term from the ranks of former judges, advisors to higher courts, CEC members, senior officials or experts.

⁸⁷ The Electoral College consists of eight judges from first instance and appeal courts, selected through a draw and appointed for a four-year term in December 2020. Five judges are women. Cases are reviewed by a panel of five judges.

⁸⁸ Following this decision of the Electoral College, the SMI appealed to the Administrative Court of Tirana that scheduled to hear the case on 28 April.

⁸⁹ On 26 March, the Commissioner formally requested an expedited review of a case related to candidate registration, as the 10-day deadline could potentially conflict with the timeline for producing and distributing the ballots. Paragraph 95 of the [Explanatory Report to the Venice Commission Code of Good Practice in Electoral Matters](#) recommends a time limit of three to five days at first instance for decisions to be taken before the elections, and makes it clear that it is "permissible to grant a little more time to Supreme and Constitutional Courts for their rulings".

⁹⁰ The CEC's portal allows complainants not to disclose their identity. The CEC informed that anonymous reports were taken into consideration if the facts reported required investigation and action to be taken.

⁹¹ Of these, eight were on accreditation of party observers, and the others concerned the design of the ballot paper, composition of VCCs, registration of party lists, allocation of free airtime in the media, Commissioner's actions in response to campaign-related denunciations, and allocation of state budget funds among the contestants.

⁹² While the hearings of the CSC and the Electoral College were held in person, due to COVID-19 restrictions, only parties to the case and a limited number of observers were allowed to be present. The sessions of the CSC were live-streamed through the CEC website.

⁹³ SPAK began its work in 2019 to handle investigation and prosecution of corruption-related crimes.

⁹⁴ Of 91 reports to the SPAK, 55 were lodged by contestants, 18 by the President, 10 by judicial police, 4 by district prosecutors, and 4 by citizens.

Participation of National Minorities

The Constitution provides for full political, civil, and social rights for persons belonging to national minorities, in line with OSCE commitments. There are nine officially recognised national minorities in Albania.⁹⁵ The 2011 census data lists less than 1.5 per cent of the population as belonging to a national minority; however, this figure is regarded as inaccurate.⁹⁶ Several parties reported having persons belonging to national minorities among their members and candidates. Campaigning in national minority languages is permitted.⁹⁷

The CEC, with the support of international organizations, translated and published on its website information about voting procedures into the languages of all national minorities.⁹⁸ In addition, the CEC website contains posters dealing with voter identification and specifying electoral crimes in the languages of national minorities. All ODIHR LEOM interlocutors indicated that most national minorities in Albania speak and understand Albanian fluently. ODIHR LEOM interlocutors from the Roma community noted that for these elections, no community leaders were trained on voting procedures, information which they would then normally pass on.⁹⁹ Roma NGOs reported to the ODIHR LEOM that many Roma have no ID cards thus limiting their ability to participate in elections.

In general, no direct discrimination was observed against national minorities in relation to the electoral process. Most national minority interlocutors reported a good relationship with the authorities and indicated that there was no discrimination faced by their communities in relation to participation in the elections. Some members in the poorest communities perceive that politicians only care about their votes and not their situation and were thus less inclined to engage in the electoral process. The ODIHR LEOM received credible reports that significant number of voters within the Roma and Egyptian communities were approached by campaign coordinators from the largest parties to buy their votes.¹⁰⁰

Citizen and International Observers

The Electoral Code provides for citizen and international observation at all levels of the election administration. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives to the CEC only for the electoral period. All contestants are entitled to appoint observers to the relevant CEAZs, VCCs, and BCCs.¹⁰¹ The right to appoint observers within a coalition rests with the coalition and not the constituent parties. Unlike party observers, the law still does not allow citizen observers to receive counting and tabulation results protocols.

Various domestic organizations followed the electoral process, with a focus on different aspects, including on the use of state resources, the election administration and campaign finance. Some of them targeted

⁹⁵ [Law on Protection of National Minorities](#), in force since 2017, recognizes the Aromanian, Bosnian, Bulgarian, Egyptian, Greek, Macedonian, Montenegrin, Roma and Serb national minorities.

⁹⁶ The Greek national minority accounts for 0.87 per cent of the population, Roma - 0.3 per cent, and ethnic Macedonians - 0.2 per cent. It is important to note that 14 per cent of respondents chose not to answer the question on ethnicity. See Report of the Council of Europe Framework Convention, Advisory Committee, Fourth Opinion on Albania [ACFC/OP/IV\(2018\)006](#); According to INSTAT, a new census on Housing and Population, originally planned for 2020, is now envisioned for October 2022.

⁹⁷ The ODIHR LEOM observed campaigning in the Greek language.

⁹⁸ The ODIHR LEOM was informed that voter education spots, produced in the Greek language with the support of the international community were aired on several local TV channels. Education spots were also aired in the Romani language; however, as per interlocutors this does not constitute an effective substitute for physical outreach activities.

⁹⁹ The CEC confirmed that, due to the pandemic situation, no physical outreach activities were performed by the CEC.

¹⁰⁰ Roma NGOs reported that the practice is common, and many voters would sell their votes, driven by poverty to do so.

¹⁰¹ Citizen observer organisations and political parties contesting the election have the right to appoint one observer per CEAZ, VCC and counting table; international observers - two. A coalition is limited to three observers per CEAZ, VCC and counting table.

specific types of voters - mainly young and first-time voters, to raise their awareness. The CEC registered 17 citizen observer groups with 2,012 observers.

Election Day

The IEOM did not observe election day proceedings in a systematic and comprehensive manner. In most voting centres visited, the voting process was overall calm.¹⁰² The CEC announced preliminary voter turnout at 47.9 per cent on election day.¹⁰³

In the voting centres visited, the procedures were in general followed but voters often 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, especially in the overcrowded voting centres observed. Secrecy of the vote was mostly respected in the VCs visited.

In the VCs observed, e-identification was generally conducted according to procedures; however, according to the CEC, 4 per cent 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 per cent of VCs, either due to the malfunction of e-identification devices or the absence of technical operators, voters were registered using paper voter lists. In some of the VCs observed commissioners used both the e-identification and the paper voter lists in parallel.

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.

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, the IEOM witnessed a case of money distributed to voters in the vicinity of a voting centre.

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. The counting is ongoing.

¹⁰² According to the national police, a police officer present during the closing of a VC was stabbed in Shkoder region. They also confirmed an incident in a VC in Fier region, with a perpetrator threatening to burn ballot boxes.

¹⁰³ A significant number of Albanian voters reside abroad (see *Voter Registration*). Majority could not vote due to lack of opportunity to vote from abroad and COVID-19 related travel restrictions.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tirana, 26 April 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of Council of Europe (PACE). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe's and other international obligations and standards for democratic elections and with national legislation. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

Azay Guliyev was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Reinhold Lopatka, and the PACE delegation was led by Aleksander Pocij. Ambassador Urszula Gacek is the Head of the ODIHR LEOM, deployed from 18 March.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting on 5 July 2021. The PACE will present its report at its Standing Committee on 28 May by videoconference from Strasbourg.

The ODIHR LEOM includes 13 experts in the capital and 24 long-term observers deployed throughout the country. On election day, 125 observers from 32 countries were deployed, including 42 observers deployed by ODIHR, as well as 60-member delegation from the OSCE PA, and a 23-member delegation from the PACE. There were 35 per cent of women among observers.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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Unofficial translation is available in the Albanian language.*