



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

LOCAL ELECTIONS

21 June 2015

OSCE/ODIHR Election Observation Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the government of the Republic of Albania, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 15 May deployed an Election Observation Mission (EOM) for the 21 June 2015 local elections. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. For election day, the OSCE/ODIHR EOM joined efforts with the Congress of the Local and Regional Authorities of the Council of Europe.

The Statement of Preliminary Findings and Conclusions issued on 22 June 2015 concluded that: “While there was a distinct choice between a range of candidates and fundamental freedoms of expression and assembly were generally respected, the continued politicization of state institutions undermined the effective administration of the electoral process. Overall, election day was assessed positively, but many cases of group voting and some important procedural irregularities were observed”.

Despite some shortcomings, the legal framework could have provided the basis for democratic elections; however, the main parties misused their extensive powers and responsibilities within the election administration and lacked the political will to implement it effectively. This, combined with the politicization of institutions involved, continued to undermine the elections. Gaps and ambiguities in the legislation on several important aspects of the electoral process should have been regulated in advance. The lack of legal clarity contributed to inconsistent implementation of the legislation, which was often perceived to be along party lines.

The elections took place in the context of a 2014 revision of local government units. They were the first to elect mayors and local councils in each of the 61 newly-formed municipalities. The elections were viewed as an important test of ongoing reform of local government and of Albania’s recent attainment of European Union candidate status.

The Central Election Commission (CEC) generally operated openly; however, the politicized nature of its activities led to inconsistent decision-making that undermined public confidence in the independence of the election administration. Some electoral deadlines were not respected, including the appointment of lower-level commissions and registration of candidates. The CEC should have provided greater guidance and oversight of key elements of the electoral process. A range of voter education programmes was undertaken, including for women, national minorities, and first-time voters.

In general, interlocutors expressed satisfaction with the accuracy of the voter lists. However, a high number of registered voters did not have a specific address code and official investigations in three municipalities regarding increases in voter lists were not concluded prior to election day. This raised some concern about the integrity of the voter registration system.

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

In total, 63 political parties were registered for the elections, as well as 158 candidates for mayor and some 36,341 candidates for local councils. Most parties joined one of two coalitions led by the Socialist Party (SP) or the Democratic Party (DP), 11 parties ran alone and 14 independent candidates ran for mayor. While this provided voters with a range of political alternatives, the restrictive interpretation and inconsistent implementation of candidate registration rules, both for registering as a candidate and the possibility to withdraw, hindered the right to stand on an equal basis, which is contrary to OSCE commitments and other international standards.

All parties met the new requirement for local council candidate lists to include 50 per cent of each gender, alternating every second name. However, only 10 per cent of mayoral candidates were women. Increased attention was paid to women voters, including in campaign platforms, rallies, and voter education. However, coverage of female candidates in television news was considerably lower than coverage provided to male candidates. The CEC includes three women, including the chairperson, but women were underrepresented in lower-level commissions.

The campaign environment was peaceful, except for isolated incidents. Fundamental freedoms of expression and assembly were respected. Campaigning, which was dominated by the SP, the Socialist Movement for Integration, and DP, was active and visible in urban areas and low-key in rural areas. The tone of the campaign was improved; however, the larger parties continued to make personal accusations and attempts to discredit other contestants.

There were widespread allegations of pressure on voters, which, together with observed instances on election day, raised concerns about voters' ability to cast their vote freely, contrary to OSCE commitments. Allegations of vote-buying persisted, involving all the main parties. Senior figures from the largest governing parties used state events and resources for campaign purposes, including handing out property legalization certificates. This blurred the separation between the state and party and is at odds with OSCE commitments.

Political parties could finance their campaigns using public funds, private donations, and loans. Independent candidates were not entitled to public funding. Many interlocutors expressed concern regarding the lack of transparency and effectiveness of campaign finance regulations.

Despite a large number of media outlets, their affiliation with the main political parties, resulting from media owners' business interests, caused direct interference in editorial autonomy, self-censorship, and limited pluralism of viewpoints. Campaign footage on television news was predominantly produced by the political parties themselves, blurring the strict separation between editorial content and political advertising. The OSCE/ODIHR EOM media monitoring results showed that all monitored television stations, including the public broadcaster, favoured one of the largest parties in their campaign coverage. Although required by law, the CEC did not impose fines against television stations for violating provisions for equitable coverage of contestants. The public broadcaster complied with requirements to provide equitable free airtime for contestants.

A number of inconsistencies and a lack of clarity in the legal framework prevented an effective electoral dispute resolution process. The manner in which election commissions and the Electoral College of the Court of Appeals of Tirana dealt with complaints often left stakeholders without effective redress, which is at odds with OSCE commitments and other international standards. Although political parties raised numerous allegations of campaign violations, few complaints were filed in this regard. Various interlocutors expressed a lack of trust in the election administration and courts to impartially handle complaints.

The rights of citizens belonging to national minorities were generally respected. While ballots were produced only in the Albanian language, the CEC distributed voter education material in minority

languages, although at a late stage and in an inconsistent manner. While Roma and Egyptian communities remain vulnerable to vote-buying, there is a growing awareness amongst these communities of the power of the vote and increased engagement with issues in the campaign.

In general, election day proceeded peacefully throughout the country, although with tension in Vore. While opening procedures were assessed negatively in 25 per cent of observations, mainly due to the late opening of voting centres, voting was assessed positively in 93 per cent of observations. However, many cases of group voting were observed, as well as proxy voting and seemingly identical signatures on voter lists. Concerns were noted about possible intimidation of voters by groups of party activists loitering in and around some voting centres.

Counting was generally assessed positively, although it was not fully transparent and the process was often protracted with most counts completed after the legal deadline. The design of the ballot papers provides a possibility to associate marked ballots with specific voters, which does not ensure the secrecy of the vote, at odds with OSCE commitments and international obligations. A number of smaller parties expressed their concern at their lack of access to observe the count and a subsequent lack of confidence in the integrity of the final results.

While party observers were largely noted throughout each electoral stage, citizen observers were present to a lesser extent. The presence of party observers contributed to transparency, although in some cases they were observed to either interfere in or direct the work of voting centre commissions.

This report offers a number of recommendations to support efforts to bring elections in line with OSCE commitments and other international obligations and standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities and civil society to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the government of the Republic of Albania, and based on the recommendation of a Needs Assessment Mission conducted from 15 to 17 April 2015, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 15 May to observe the 21 June local elections. The EOM was headed by Ambassador Audrey Glover and consisted of a core team of 16 experts based in Tirana, 20 long-term observers deployed throughout the country, and 134 short-term observers deployed to follow election day procedures.

For election day, the OSCE/ODIHR EOM joined efforts with a 24-member observer delegation from the Congress of the Local and Regional Authorities of the Council of Europe (Congress) to form an International Election Observation Mission (IEOM). Stewart Dickson headed the Congress delegation, which included members of the European Union Committee of Regions. In total, there were 200 short-term observers from 32 OSCE participating States. Voting was observed in some 652 of the 5,301 voting centres (VC). Ballot counting and the tabulation of results were observed in 32 out of 90 ballot counting centres.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Tirana on 22 June.²

² See all [previous OSCE/ODIHR reports on Albania](#).

The OSCE/ODIHR EOM wishes to thank the Albanian authorities for the invitation to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance. It also expresses its appreciation to the representatives of political parties, media, civil society, and other interlocutors for sharing their views. The OSCE/ODIHR EOM also wishes to express its gratitude to the OSCE Presence in Albania, the OSCE Office of the High Commissioner on National Minorities, and other international organizations and diplomatic representations of OSCE participating States for their co-operation and support.

III. BACKGROUND AND POLITICAL CONTEXT

Albania is a parliamentary republic with legislative powers vested in the 140-member parliament and executive power exercised by the government, led by a prime minister. The national government is led by the Socialist Party (SP) with 65 seats, in coalition with the Socialist Movement for Integration (SMI) with 16 seats, and is supported by other parties. The parliamentary opposition has 57 seats and is led by the Democratic Party (DP).³ Women are underrepresented in public and political life, especially in decision-making positions, holding 29 of the 140 seats in the current parliament, 7 of the 21 ministerial posts, and 7 of the 373 outgoing mayor posts.

Local elections are scheduled every four years. The previous 2011 local elections returned 218 mayors from a coalition led by the DP and SMI and 145 from a coalition led by the SP. Of the 6,152 councillors elected, 1,191 were nominated by the DP, 1,446 by SP, and 1,251 from other parliamentary parties. The remaining 2,264 seats were distributed between non-parliamentary parties and 18 independent candidates.

The 21 June local elections took place in the context of a 2014 revision of local government units (LGUs). They were the first to elect mayors and local councils in the 61 newly-formed municipalities that replaced the former 373 municipalities and communes. Local government reform is ongoing and the precise competencies of the new municipalities will be determined in the post-election period. These elections were also the first to be held since Albania was granted European Union candidate status in June 2014. The European Council stressed that key priorities still need to be met, particularly in “administrative and judiciary reform, fight against corruption and organized crime, and fundamental rights”.⁴

The reform of LGUs was politically divisive. Although all parties agreed on the need to reduce the number of LGUs, the opposition and several non-parliamentary parties claimed the reform process was not inclusive and that redistricting was made along party lines, not always taking into account the specificities of minority-populated areas. As a result, parliament approved the revised LGUs without support from the DP, the Republican Party (RP), and the Human Rights Union Party (HRUP). The DP challenged the reform in the Constitutional Court, which dismissed the appeal in December 2014.⁵ In January 2015, the Electoral College of the Court of Appeals of Tirana (Electoral College) overruled a Central Election Commission (CEC) decision to grant requests by citizen groups, supported by the opposition, to hold 130 local referenda to oppose the revised LGUs.

³ The Party for Justice, Integration and Unity had been the second largest opposition party in the parliament and joined the SP-led coalition for these elections.

⁴ See 2014 European Council [Report on Albania's Progress in the Fight against Corruption and Organised Crime and in the Judicial Reform](#).

⁵ The Constitutional Court found no procedural violations during the adoption of the law and dismissed arguments regarding the merging of the communes or potential inequality of voter representation as unfounded. See the Decision No 19 dated 15 April 2015 at http://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php.

In the run up to the elections, the political environment remained polarized between the opposition DP and the governing coalition of the SP and the SMI. This was despite mediation by the European Parliament that in December 2014 led to the end of a five-month DP boycott of the parliament. Under the political agreement that ended the boycott, the ruling majority and opposition agreed to contribute to a political dialogue and work together in a consensual way, including on the issue of individuals with criminal records holding or seeking to be elected or nominated to public office.⁶

The elections were contested by 2 coalitions and 11 parties running alone, as well as a number of independent candidates. The “Alliance for European Albania” (AEA) was formed by the 2 largest governing parties, the SP and the SMI, as well as 35 other parties. This included the Party for Justice, Integration, and Unity (PJIU), which had been the second largest opposition party in parliament. A number of smaller parties that were part of DP-led coalitions for the 2011 local elections and 2013 parliamentary elections also decided to join the AEA coalition. The “People’s Alliance for Work and Dignity” (PAWD) was formed by the DP alongside the RP and 13 other parties. The parties running alone included the HRUP, which has a Deputy Minister in the government, and the Social Democratic Party (SDP), both of which have often been part of SP-led coalitions, including at the last parliamentary elections.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Mayors and local councils are directly elected for four-year terms. The Law on Local Government, amended in April 2015, provides that the number of councillors to be elected in each municipality is determined according to its population size, ranging from 15 to 61 members. A total of 1,595 councillors were elected from a closed-list proportional system and 61 mayors were elected in first-past-the post contests. The constituencies for local elections are the territories of the municipalities. Local council mandates were allocated to parties and coalitions according to the d’Hondt system. The distribution of seats to parties within a coalition was conducted using the Sainte-Laguë method. To qualify for seat allocation, parties must surpass a three per cent threshold of votes cast in the respective municipality and coalitions must surpass a five per cent threshold.⁷

Local elections are primarily governed by the Constitution, the Electoral Code, and CEC regulations. Secondary legislation includes the Law on Local Government, the Law on Political Parties, the Law on Demonstrations, and provisions of the Code of Administrative Procedures and Criminal Code. The Electoral Code was significantly amended in 2012, after an inclusive process supported by the major political parties. The amendments addressed a number of previous recommendations of the OSCE/ODIHR and Council of Europe’s Commission for Democracy through Law (Venice Commission).⁸ Subsequent amendments in April 2015 reflected the new territorial administrative division and addressed a long-standing OSCE/ODIHR recommendation to promote women candidates by increasing the gender quota on candidate lists for local councils to 50 per cent, with the gender alternating every second name.⁹ In addition, should a vacancy arise in a council, the replacement should be the next highest placed candidate on the list of the same gender. The DP and RP did not

⁶ The [Political agreement between the ruling majority and the opposition](#) was signed on 24 December, 2014.

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

⁸ This included an amended selection process for the CEC chairperson and other election administration members, a revised process for voter list compilation, a simplified process for candidate registration, and more equitable access to media and public campaign funds. See the [2011 OSCE/ODIHR and Venice Commission Joint Opinion](#).

⁹ The Electoral Code states that lists that do not meet this requirement will not be registered. These amendments are in line with the 2008 Law on Gender Equality in Society, which provides for a minimum of 30 per cent representation of women in all public-sector institutions at national and local levels.

support the amendments relating to territorial administrative division, but endorsed the gender quota provisions.

Some previous OSCE/ODIHR and Venice Commission recommendations remain unaddressed, including measures to enhance the impartiality of election commissions, transparency of campaign finance, and effective electoral disputes resolution. These issues again proved to be problematic during these elections. Gaps and procedural inconsistencies in the Electoral Code, which could have been regulated in advance, include the definition of an electoral subject, unclear signature collection and verification requirements for candidate registration, absence of candidate withdrawal regulations, inconsistent deadlines for the adjudication of complaints, and insufficient campaign regulations.

Despite these shortcomings, the legal framework could have provided the basis for democratic elections; however, a lack of political will to implement it effectively by the main political parties and the politicization of institutions involved in the conduct of elections continued to undermine the electoral process. The lack of legal clarity contributed to inconsistent implementation of the legislation, which was often widely perceived to be along party lines.

The Electoral Code should be amended in order to eliminate gaps and ambiguities identified in this and previous OSCE/ODIHR reports. The CEC should promptly address any emerging ambiguities and gaps in the law using regulations and instructions.

V. ELECTION ADMINISTRATION

The local elections were administered by a three-tiered election administration, comprising the CEC, 90 Commissions of the Electoral Administration Zones (CEAZs), and 5,301 Voting Centre Commissions (VCCs). Votes were counted by Counting Teams (CTs) at 90 Ballot Counting Centres (BCCs) in 90 Electoral Administration Zones (EAZs). Election commissions at all levels as well as CTs are established to achieve a balance between the main political parties.

The CEC is a permanent body responsible for the overall conduct of the elections. It has seven members, all appointed by the parliament. Three members are proposed by the parliamentary majority and three by the parliamentary opposition, while the CEC chairperson is appointed through an open application process. The CEC included three women, one of whom was the chairperson.

In general, the CEC operated openly, with public sessions regularly attended by observers, media, and party representatives. In a positive step, the CEC adopted internal Rules of Procedure prior to the elections. At times, CEC decisions were not published on its website within the legal deadlines.¹⁰ Even though CEC sessions were public and streamed live online, posting and archiving records of commission sessions would further enhance the transparency of CEC activities.

The politicized nature of CEC discussions was apparent at most sessions. The OSCE/ODIHR EOM observed that while decisions on technical matters were often passed unanimously,¹¹ decisions on more substantive issues were mostly adopted with a vote split of four to three, including some 50 decisions on formation of counting teams, candidate registration and withdrawals, and some complaints on election results. In particular, the inconsistent approach of the CEC on candidate registration and withdrawals resulted in contradictory decisions that reflected party divisions (see *Candidate Registration*). In another case, the CEC decision on approving the list of parties eligible for

¹⁰ Article 24.3 of the Electoral Code requires CEC decisions to be transcribed within 24 hours and published immediately on the CEC's website. Since the elections were called, the CEC passed some 700 decisions.

¹¹ The CEC unanimously adopted some 200 mostly technical decisions, including on the replacement of CEAZ members, registration of observers, approval of ballots.

nominating CT representatives led to the exclusion of a qualified party from appointing representatives to CTs.¹² Altogether, this undermined public confidence in the independence and effectiveness of election commissions.¹³

The CEC secretariat was often poorly informed about electoral preparations at lower-level commissions, especially regarding the formation of VCCs and CTs and candidate registration. Detailed information was instead frequently provided by political party representatives in the CEC. Many lower-level election commissions informed the OSCE/ODIHR EOM that effective communication with the CEC was lacking, contributing to delays. In general, the CEC should have provided greater guidance and oversight for key elements of the electoral process, including filling gaps in the legislation through regulations and instructions.

The CEAZs, which were formed on 13 April, consisted of seven members, nominated by the parliamentary majority and opposition. In half of the CEAZs the parliamentary majority parties had four members including the chairperson, while in the other half the parliamentary opposition had four members including the chairperson. Women accounted for around one third of CEAZ members.¹⁴

The CEAZs worked with a varying degree of professionalism and efficiency. Although preparations were generally adequate, most CEAZs expressed discontent regarding various operational impediments to their work.¹⁵ In addition, 234 out of 630 CEAZ members (37 per cent) were replaced, mostly due to requests by nominating parties. Such replacements continued until election day, resulting in a detrimental effect on the work and the perceived independence of the election administration.¹⁶ Further, while the CEC conducted training sessions for CEAZ members, assessed by the OSCE/ODIHR EOM as being of variable quality, the value of these trainings was diminished when trained members were replaced.¹⁷ Although the legally required political balance was achieved in all CEAZs, political polarization led to a lack of collegiality and, at times, functional deadlocks.¹⁸

Consideration should be given to enhancing the independence, impartiality, and professional capacity of the election commissions. The law could be amended to allow for non-partisan election commissioners at all levels to depoliticize the election administration. The CEC should impartially implement the letter and spirit of the law. The capacity of the CEC secretariat could be strengthened to ensure the effective exchange of essential information within the election administration.

The CEAZs appointed the VCCs and CTs, which administered the voting and counting process respectively. VCCs consisted of seven members nominated by political parties according to the same nomination formula as the CEAZs, while CTs were composed of four members with balanced

¹² In an attempt to maintain political balance in counting teams, the CEC failed to implement the law. Article 96 of the Electoral Code requires the third and fourth members of counting teams to be selected by lottery, which was not held. The lottery should include registered parliamentary majority and opposition parties that won at least two seats in the last parliamentary elections. As a result, the SMI and RP were represented in counting teams, leaving out the PJIU, which should also have been represented.

¹³ According to Paragraph 20 of the 1996 UN Human Rights Committee (UNHRC) General Comment No. 25 “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws compatible with the Covenant”.

¹⁴ In line with the law, at least 30 per cent of the CEAZ members proposed by the SP and DP were women.

¹⁵ These included a lack of equipment and transport, inadequate premises, and lack of funding. Many CEAZs claimed they did not receive funds in time, and some CEAZs members reported covering some costs themselves.

¹⁶ The OSCE/ODIHR previously recommended such replacements be eliminated. Section II.3.1.77 of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable...”.

¹⁷ The quality of the training manuals was generally assessed positively by the OSCE/ODIHR EOM.

¹⁸ For example, the CEC dismissed four DP/RP members of CEAZ 15 (including the chairperson) on the eve of election day on the grounds that these members were deliberately hindering formation of the VCCs in Kurbin.

political representation. The VCCs were to be formed by 1 June and CTs by 11 June, but these deadlines were not met by many CEAZs. There are no provisions to ensure women's representation in VCCs or CTs. The OSCE/ODIHR EOM observed that only 17 per cent of VCC members were women.

On 19 June, the CEC expressed concerns that VCCs and CTs in 16 EAZs had not yet been formed and appealed to political parties to nominate VCC members. Some VCCs and CTs were appointed on and even after election day, which placed additional strain on election administration.¹⁹ This was primarily due to late nominations from parties, who expressed concerns about potential bribery of election commission members by their opponents, reflecting the mistrust among the main political parties. The delayed nominations were used to circumvent the legal prohibition on replacing VCC members at the discretion of political parties.²⁰ This resulted in the training of VCC members being poorly attended or not taking place at all. The CEC could have acted more proactively and required political parties to submit nominations in a timely manner.

The CEC produced a range of voter education materials on voter registration, voting procedures, family voting, and vote-buying, as well as materials promoting the participation of women, persons with disabilities, and first-time voters.

VI. VOTER REGISTRATION

All citizens aged 18 years or older are eligible to vote, except those found incompetent by a court decision.²¹ Non-citizens are not eligible to vote in local elections, irrespective of their length of residency.²² Blanket restrictions of voting rights for these two groups are not in line with international obligations and standards for democratic elections.

Blanket restrictions on the suffrage rights of persons with mental disabilities should be removed or be decided on a case-by-case basis, depending on specific circumstances. Consideration should be given to providing foreign citizens with the right to vote in local elections after a certain period of residence in the country provided that they fulfil the same legal requirements that apply to nationals.

Voter registration is passive. Voter lists were extracted from the database of the National Civil Status Register (NCSR), maintained by the Ministry of Interior's General Directorate of Civil Status (GDSCS). Voters are included in the voter list of the VC serving their place of residence. They can only vote in person; there are no provisions for voting abroad, by mail or via mobile ballot box. Special VCs were organized in hospitals, prisons, and pre-trial detention centres. According to the GDSCS, final voter lists included 3,370,206 voters.

¹⁹ For instance, in Kurbin, the DP did not nominate VCC members, which led to late opening of some voting centres. CTs in Shkoder could not begin counting on time due to their late appointment. CTs in Vlore and Gjirokaster were formed on election day and night and had to have training sessions just before the count started.

²⁰ The OSCE/ODIHR EOM was informed that lists of VCC nominees submitted to CEAZs were preliminary. Parties were not allowed to dismiss their VCC members, but the nominees were replaced at the very last moment.

²¹ Article 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) requires states to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". Paragraph 24 of the 1990 OSCE Copenhagen Document provides that "[a]ny restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law". See also the judgment of the European Court of Human Rights in *Alajos Kiss v. Hungary*.

²² Article 6.1 of the 1992 European Convention on the Participation of Foreigners in Public Life at Local Level provides that states "grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that he fulfils the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the five years preceding the elections". Section I.1.1.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that "it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence".

Extracts of the voter lists were posted in each VC for public scrutiny, but some CEAZs did not receive two printed copies and an aggregate electronic version of the final voter list by the 18 May deadline.²³ Voters could also verify their records on the Ministry of Interior (MoI) website. Although voters should have been notified by mayors about their respective VC, in a number of EAZs voters claimed that they did not receive the notifications.²⁴ The CEC changed the locations of many VCs, at times on the eve of the election.²⁵ Such late changes of VC locations after the voters were notified on where to vote, contributed to confusion and may have discouraged some voters from voting. It was widely acknowledged that a large number of non-resident citizens were on the voter lists.

By law, voters over 100 years of age are removed from the voter lists unless they confirm their records.²⁶ Age-based discrimination is contrary to paragraph 5.9 of the 1990 OSCE Copenhagen Document and other international obligations.²⁷

A number of OSCE/ODIHR EOM interlocutors expressed satisfaction with the accuracy of voter lists, although long-standing issues of duplicate records and records without proper address codes in the NCSR persisted.²⁸ The high number of registered voters without a specific address code reduces the accuracy of voter lists. The voter list compilation process was assessed by two CEC appointed auditors, who produced separate reports on a monthly basis. In May, one of the CEC auditors, nominated by the DP, questioned an increase in the number of registered voters by 2,186 in Durres and by 595 in Kavaje. On 15 June, the SMI filed a case with a prosecutor's office regarding an increase of 500 voters in Vore. The fact that these cases were still being investigated by the prosecutor's office after election day caused some concern about the integrity of the voter registration system and led to legal challenges of the election results.

Prisoners can vote in local elections. The DP-nominated CEC auditor flagged 197 prisoners not included in the final voter list. The General Directorate of Prisons informed the OSCE/ODIHR EOM that around 3,000 out of some 5,700 prisoners were not included in the voter lists due to errors and delays in the information submitted by heads of prisons, but some 2,265 prisoners subsequently obtained a court decision allowing them to vote. As a result, some 800 voters in prisons reportedly were not able to vote.²⁹

Efforts should be intensified to ensure that all voters are assigned an accurate address code and that duplicate records are verified and resolved. Measures should be put in place to discontinue the practice of removing voters over the age of 100 from voter lists and to ensure the effective registration of prisoners. The authorities should initiate timely investigations into specific claims that voters have been added to the civil register and voter lists in contravention of the law.

²³ Of the printed copies, one is posted at the VC, while the other is used by the VCC on election day. The law is ambiguous as to who should provide electronic versions of the final voter list to the CEAZs.

²⁴ The deadline for voter notification was 15 March, almost two months before the deadline to establish VCs and when the voter lists are generated. The OSCE/ODIHR EOM was informed that voters did not receive notifications in EAZs 1-8, 12-15, 17-19, 29-41, 85, and 86. In EAZs 22-24, voters reported late notifications.

²⁵ The CEC sanctioned 31 mayors for the untimely establishment or confirmation of VCs.

²⁶ Overall, 310 out of the 1,288 registered voters above 100 years of age confirmed their records.

²⁷ 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". See also Article 26 of the International Covenant on Civil and Political Rights (ICCPR).

²⁸ According to the GDCCS, the final voter list contained 1,193 duplicate records and 300,506 records without proper address codes.

²⁹ Paragraph 20 of the 1996 UNHRC General Comment No. 25 provides that "states must take effective measures to ensure that all persons entitled to vote are able to exercise that right".

VII. CANDIDATE REGISTRATION

Any citizen with the right to vote can stand for election, except those serving a prison sentence.³⁰ The Constitution lists categories of officials who must resign from their positions prior to registering as a candidate.³¹ Candidates could be nominated by political parties, coalitions of parties, or groups of voters. Political parties could register as “electoral subjects” with the CEC by 13 April and coalitions by 22 April. Electoral subjects had to submit names of candidates to their respective CEAZs by 4 May. The CEC was responsible for registering candidates and candidate lists in the 10 municipalities that included more than one EAZ.³² In total, 63 political parties were registered for the elections and 36,341 candidates ran for municipal councils, including 12 independents. All parties met the new gender quota requirement, resulting in 49.4 per cent of municipal council candidates being women. Of the 158 candidates running for mayor, 14 ran independently and 16 were women.

Political parties and candidates represented in the parliament or local government are not required to submit signatures for their registration. All other parties and candidates are required to submit supporting signatures of at least one per cent of voters from their respective municipality. The law requires the CEAZs to verify five per cent of the signatures submitted, which is at odds with good practice.³³ Article 71 of the Electoral Code specifies procedures for signature verification, however details are limited. The CEC did not adopt an instruction for the verification of candidacy documents that led to inconsistent implementation of the registration rules by CEAZs.³⁴

The CEC in its Decision No. 88, dated 7 April, specified that incumbents represented only in communes were required to collect supporting signatures, arguing that communes are no longer recognized in the Electoral Code as a result of the LGU reform. The SDP appealed a CEC decision that rejected its candidate list in Durres on these grounds. On 15 May, after the registration deadline had expired, the Electoral College ruled, that contestants possessing mandates at any level are exempt from signature collection.³⁵ The CEC subsequently registered this SDP list without support signatures.

The CEC and Electoral College acted in an inconsistent manner regarding the registration of other SDP candidates. Two SDP mayoral candidates holding seats in communes and initially registered at the CEAZ level were deregistered by the CEC due to a lack of or late submission of mandate certificates (a proof of their incumbency), despite the fact that CEC Decision No. 88 did not require the submission of mandate certificates for those who had to collect signatures. In contrast, the CEC registered another SDP candidate who submitted a mandate certificate to the CEAZ prior to the legal deadline. The Electoral College overturned this decision on an SP appeal, ruling, *inter alia*, that a

³⁰ Although not regulated in the law, the issue of candidates with a potential criminal background was frequently raised in the campaign.

³¹ Article 69 of the Constitution lists the president, high public officials, judges, prosecutors, military, national security, and police staff, diplomats, incumbent mayors, and members of election commissions.

³² These include Durres, Elbasan, Fier, Kamez, Korce, Lezhe, Lushnje, Shkoder, Tirana, and Vlore.

³³ Section 1.3.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “the checking process must in principle cover all signatures” until the required number of signatures have been fully verified.

³⁴ The CEC did not adopt necessary instructions for verification of candidacy documents as required by Article 73.6 of the Electoral Code and referred to a 2013 CEC instruction which considers the particular legal framework for parliamentary elections and does not incorporate relevant changes in the law.

³⁵ The SDP also separately appealed CEC Decision No. 88 to the Electoral College on the grounds that the final text of the published decision regarding substantial aspects of the law was different from that taken in the public session. The SDP stated publically that the original version exempted incumbents in all LGUs from having to collect support signatures, while the revised version required independent candidates and those of non-parliamentary parties represented only in communes to collect supporting signatures. This complaint was dismissed on procedural grounds without comment on the substance of the decision appealed.

number of support signatures were proved to be fraudulent, although the number of valid signatures was still sufficient for registration of the candidate.³⁶

The restrictive interpretation and inconsistent implementation of candidate registration rules hindered the right to stand for candidates on an equal basis, contrary to OSCE commitments and other international standards.³⁷

Rules on candidate registration, including procedures for the collection, verification, and validation of support signatures, should be clear and regulated sufficiently in advance of the elections to ensure consistency and legal certainty.

The Electoral Code excludes the possibility of changes being made to candidate lists after their final approval but does not regulate the withdrawal of mayoral candidates. On 1 June, after a protracted complaints and appeals process, the CEC denied the withdrawal of a DP mayoral candidate in Kurbin, referring to no such possibility in the law and insufficient reasoning provided by the candidate. The CEC subsequently rejected requests by mayoral candidates to withdraw from races in Dropull, Korce, and Kucove; yet accepted withdrawals in Kelcyre, Memaliaj, and Sarande. The CEC later justified its inconsistent decisions on the basis that it was trying to remove candidates with an alleged criminal past, even though there is no legal basis to exclude a candidate from standing on such grounds.³⁸

As a result of the prolonged complaint process, candidate registration and withdrawals were not finalized prior to the start of the official campaign period, undermining the equal opportunity to campaign for some candidates.

Decisions related to candidate registration should be taken prior to the start of the campaign period to provide equal opportunity for all contestants. The Electoral Code should include provisions regarding the time and conditions for the withdrawal of registered candidates. Safeguards should be established to ensure that the right to withdraw candidates is not abused.

VIII. ELECTION CAMPAIGN

The campaign environment was peaceful, except for isolated incidents. Fundamental freedoms of expression and assembly were respected. Overall, campaigning was active and visible in urban areas and low-key in rural areas. It was dominated by the SP, SMI, and DP, with campaigning by the PJIU and a number of independent candidates also visible in some parts of the country. Many small parties and candidates for municipal councils were not visible at all.³⁹ Campaigns focused more on the mayoral elections, with national attention on the races in Tirana, Durres, and Shkoder.

The official start of the campaign was 22 May, but political parties began campaigning in early May, putting up posters and holding rallies to introduce candidates. The main parties established campaign

³⁶ Fraudulent signatures were found in all three cases submitted by the CEC to the MoI for investigation, and were subsequently referred to relevant prosecutor offices.

³⁷ Paragraph 15 of the 1996 UNHCR General Comment No. 25 to Article 25 of the ICCPR states that “any restrictions on the right to stand for election... must be justifiable on objective and reasonable criteria”. See also paragraph 24 of the 1990 OSCE Copenhagen Document, which provides that any restrictions on rights must be “strictly proportionate to the aim of the law”.

³⁸ Besides the ban for prisoners to stand for an election there are no legal grounds restricting the suffrage rights of citizens having criminal records.

³⁹ Information regarding municipal council candidates was available on the CEC website, but candidate lists were not posted at VCs and ballot papers only contained party names and symbols.

offices around the country. Campaigning increased after the official start of the campaign period and intensified as election day approached.⁴⁰

While rallies, which were often well attended by women, and door-to-door visits continued, there was a widespread move towards smaller campaign forums where candidates and citizens could interact directly. In a new and positive development, debates took place between mayoral candidates from a number of municipalities, including Berat, Elbasan, Fier, Gjirokaster, Himare, and Shkoder, generating significant attention in the media and among the public.⁴¹ Social media was extensively used for campaigning by parties and candidates, particularly in urban areas.

National leaders of the main political parties dominated the campaign, the focus of which was largely on socio-economic issues, such as economic growth, infrastructural development, health, education, agricultural development, tourism, youth employment, and taxation. Gender equality issues were addressed in a number of campaign platforms, and there was an increase in attention paid to women voters, including through a number of specifically targeted rallies.⁴² However, the OSCE/ODIHR media monitoring showed that coverage of women candidates in television news was below five per cent of coverage provided to all candidates. A number of women mayoral candidates ran for election in major cities and towns, including Durres, Gjirokaster, Pogradec, and Roskovec. In Shkoder, for the first time, mayoral candidates from both the AEA and PAWD were women, leading to issues concerning women being more openly addressed. Parties also made some attempts to reach out to Roma and Egyptian voters.

The tone of the campaign was improved, including in Tirana, where the campaign was conducted by all mayoral candidates in a civil manner.⁴³ In a positive development, Halim Kosova, PAWD candidate, publicly congratulated Erion Veliaj, AEA candidate, after his election as mayor of Tirana. Mr. Veliaj, in turn, thanked the other candidates who participated in the election. However, in general the largest parties continued to make personal accusations and attempted to discredit other contestants. In several areas, independent candidates and smaller parties alleged that they experienced obstruction and pressure in the course of their campaign.⁴⁴ The mayoral race in Vore was particularly fiercely contested and included allegations of significant intimidation by the SMI.⁴⁵ In some races, informal agreements were reached between the largest political parties on the display of campaign materials to

⁴⁰ The Electoral Code includes a number of provisions, particularly regarding equitable media coverage, that begin at the official start of the campaign with a view to creating a level playing field for contestants.

⁴¹ The debates were organized by different organizations, for example, in Elbasan by the “Women’s Forum of Elbasan”, or in Shkoder by the NGO *IRSH* (“Young Intellectuals, Hope”).

⁴² For example, in Tirana, the SP/SMI and DP organized special campaign meetings for women. In Elbasan, two rallies were organized for women, one by SP/SMI and one by the SP. In Korce, two rallies were organized for women, one by the DP and one by the SMI.

⁴³ A number of mayoral candidates informed the OSCE/ODIHR EOM that they were focusing on presenting themselves positively rather than attacking their opponents.

⁴⁴ For example, in Tirana, one independent candidate informed the OSCE/ODIHR EOM that he had difficulty finding owners of premises that would allow him to hold campaign meetings, as they feared repercussions. At one of his campaign events, observed by the OSCE/ODIHR EOM, attendees from the public administration expressed concern about media filming them. In Kucove, a Left Front Party candidate for mayor stated on “ABC News” that he was being threatened by local SMI branch members.

⁴⁵ The DP and RP alleged that the PAWD candidate, the incumbent mayor, was targeted by the SMI. During the first week of the campaign, the Ministry of Agriculture shut down a business owned by the candidate for a number of days. The DP and RP alleged that, later, an attempt was made by police to arrest their candidate, that workers at the business were impeded by police, and that campaign staff were intimidated. The OSCE/ODIHR EOM subsequently met with four supporters of the PAWD candidate, who reported that they were intimidated by SMI, and considered their allegations to be credible. Further, the four claimed that police harassed them in order to scare them from campaigning.

reduce the potential for conflict between supporters.⁴⁶

The OSCE/ODIHR EOM received widespread allegations of pressure by incumbents from the national ruling coalition on public sector employees, primarily teachers, healthcare workers, and municipal employees, including requirements to attend AEA campaign events and to secure votes as well as threats of dismissal from employment if they did not vote for AEA candidates.⁴⁷ The allegations, together with observed instances on election day, raised concerns about voters' ability to cast their vote "free of fear of retribution", as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

Authorities and political parties should ensure that pressure is not applied to public sector employees, political supporters or others to attend campaign events or vote in a particular way. Law enforcement bodies should take more resolute steps to prevent, identify, investigate, and prosecute proven instances of pressure and intimidation of voters as well as the misuse of state resources for campaign purposes.

Senior figures from the SP and SMI handed out property legalization certificates at campaign events,⁴⁸ and a number of AEA candidates used state events and resources for campaign purposes.⁴⁹ These blurred the separation between state and party and breached paragraph 5.4 of the 1990 OSCE Copenhagen Document, which provides for "a clear separation between State and political parties".

There were widespread allegations of vote-buying, including direct payments to voters as well as to individuals to secure votes from their friends and family. There were also allegations of individuals handing over their identification cards to parties before election day. Leaders and other senior figures from parliamentary and non-parliamentary parties acknowledged that this is a concerning feature of elections in Albania, which needs to be seriously addressed. Despite a large number of allegations, complaint mechanisms over campaign violations were largely unused by political parties.

Additional efforts are needed to address the persistent issue of vote-buying, both through voter education and prosecutions, in order to restore confidence in the electoral process. A concrete and genuine commitment from political parties to condemn vote-buying practices could be made. Vote-buying should be clearly defined in the law and subject to proportionate and effective sanctions.

⁴⁶ For example, in Rrogozhine, the OSCE/ODIHR EOM was informed by one mayoral candidate that an informal agreement had been reached between the main parties to remove their flags when senior politicians visited. In Has, the mayor informed the OSCE/ODIHR EOM that parties agreed not to display banners to reduce the potential for incidents to occur between rival supporters. At the end of the campaign, an agreement was reached between the SP and DP for the closing rally of the SP to take place in Durrës and the closing rally of the DP to take place in Tirana, rather than both in Tirana.

⁴⁷ The OSCE/ODIHR EOM also received credible reports that public sector employees present at SP/SMI rallies in Berat, Elbasan, Gjirokastër, Kukes, Shkoder, and Vlorë were instructed, or felt pressured, to attend. Reports were also received from DP candidates and supporters.

⁴⁸ For example, on 24 May, pictures of Ilir Meta, Speaker of Parliament and chair of SMI, handing out legalization certificates in Vore were broadcast on television. Footage of Mr. Veliaj handing out certificates was broadcast on television on 23 and 26 May. On 19 June, Prime Minister Rama at a press conference with Mr. Meta acknowledged that the distribution of the certificates by left wing candidates during campaign had been wrong.

⁴⁹ For example, on 1 June, Mr. Veliaj appeared with Prime Minister Rama and Lindita Nikolla, Minister of Education, to launch construction of the Olympic Park in Tirana. On 2 June, Viktor Tusha, SMI candidate for mayor in Lezhë, inspected building works for a new bridge in Lezhë, together with Mr. Meta, and, on 8 June, appeared with Mr. Meta at the inauguration of a new ferry line from Shengjin to Brindisi.

IX. CAMPAIGN FINANCE

Political parties may finance their electoral campaign from public funds, private donations, and loans. Public funds are allocated on an equitable basis to political parties both for their regular activities, under the Law on Political Parties, and for their campaign activities, under the Electoral Code. In contrast, independent candidates are not entitled to access public funding, whose exclusion, as compared to other electoral contestants, challenges OSCE commitments.⁵⁰ Parliament allocated a total of ALL 190 million⁵¹ for the funding of political parties in 2015⁵² and a total of ALL 65 million was allocated for the public funding of electoral campaigns.⁵³ A CEC decision on distributing advanced public funds for campaigning came 13 days after the start of the official campaign, which is later than the legal deadline.⁵⁴

Independent candidates should be provided with equal access to public funding.

Electoral contestants may receive donations from citizens and legal entities. No donation can exceed ALL 1 million, including the equivalent value for in-kind contributions. All contributions exceeding ALL 100,000 should be made through a designated bank account. Total campaign expenses of a party or independent candidate should not exceed, respectively, 10 times and 50 per cent of the amount the largest party received from public funds.

All parties and independent candidates are required to disclose the amount of private financing they receive and campaign expenses they incur; however, the campaign finance had to be reported to auditors appointed by the CEC only after the elections. The CEC must publish the audit reports no later than 30 days after submission of the financial reports; however, the law does not specify when the reports should be submitted, lessening transparency.⁵⁵ The CEC is authorized to verify information in the reports and impose sanctions on those who fail to submit the required information. On 25 July, the CEC declared that it encountered difficulties in providing oversight of the campaign finance of all contestants and appealed to the professional community to nominate experts for auditing the financial reports.⁵⁶ At the time of reporting, no campaign finance reports had been published on the CEC website.

⁵⁰ Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides for “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

⁵¹ Equal to some EUR 1.34 million (1 EUR equals approximately ALL 140 (Albanian Lek)).

⁵² The Law on Political Parties divides 70 per cent of annual public political party funding among parliamentary parties in proportion to their seats in parliament; 20 per cent equally among parliamentary parties and those that received more than 10,000 votes in the previous parliamentary elections; and 10 per cent proportionally among parties that received more than 1 per cent of votes.

⁵³ Political parties receive their share of public funding based on the number of valid votes they received in the previous election; 95 per cent of the fund is distributed among parties that received more than 0.5 per cent of valid votes. The remaining 5 per cent is distributed to parties that received less than 0.5 per cent of votes and parties that did not participate in the last elections.

⁵⁴ Article 87.3.4 of the Electoral Code requires the funds be distributed no later than five days after the registration of candidates for mayor or candidate list for local council.

⁵⁵ Article 7.3 of the 2003 UN Convention against Corruption provides that states should “consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”. Paragraph 200 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that: “reports on campaign financing should be turned in to the proper authorities within a period of no more than 30 days after the elections”.

⁵⁶ According to Article 92 of the Electoral Code, the CEC should select 20 auditors for these purposes at the beginning of every year through an open competition. As of 25 July, 19 experts applied for providing the audit.

In 2013, the Council of Europe's Group of States against Corruption (GRECO) concluded that all of its prior recommendations on political financing had been addressed.⁵⁷ However, a number of candidates as well as representatives of political parties and civil society raised concerns regarding the transparency and accountability of campaign finance, noting, in particular, the late disclosure and auditing of the campaign finance. Several OSCE/ODIHR EOM interlocutors also expressed doubt that the high cost of the campaigns would be fully disclosed.

Expedited deadlines for the submission of financial reports to CEC auditors and their timely publication should be legally defined. To enhance transparency and accountability, contestants could be obliged to publish preliminary reports on campaign income and expenditures prior to election day.

X. MEDIA

A. MEDIA ENVIRONMENT

Despite the large number of media outlets, their affiliation with the main political parties, resulting from media owners' business interests, causes direct interference in editorial autonomy, self-censorship, and limits pluralism of viewpoints.⁵⁸ In addition, the media's dependence on revenue from public tenders and state advertising undermines the media's responsibility to scrutinize those in power. The public service broadcaster, Albanian Radio and Television (RTSH), is widely considered to support the government, contributing to a lack of independent news on television.⁵⁹ Further, the influence of political parties on the agenda set by the media leaves limited space for less politicized matters of public importance. However, there is no interference with Internet freedom, and online news increasingly contributes to pluralism, given its greater editorial autonomy and space for alternative views.

To facilitate public access to a broader range of political viewpoints and counterbalance commercial media's affiliation with those in power, the authorities should consider strengthening the public broadcast service by providing it with sufficient financial and editorial freedom from the government.

B. LEGAL FRAMEWORK

The Constitution and media legislation largely provide for freedom of expression. Although prison sentences for defamation, greater protection for public officials, and the involvement of the police and public prosecutor in defamation cases were abolished in 2012,⁶⁰ defamation still constitutes a criminal act, contrary to international standards.⁶¹ The Broadcasting Code requires public and commercial broadcasters to ensure editorial independence and unbiased coverage of political actors with the aim

⁵⁷ See [GRECO's second compliance report of the third evaluation round on transparency of party funding](#).

⁵⁸ Paragraph 36 of the OSCE Budapest Document states that "independent and pluralistic media are essential to a free and open society and accountable systems of government". Paragraph 29 of the Council of Europe [Recommendation CM/Rec \(2011\)7 on a New Notion of Media](#) states: "Editorial freedom or independence is an essential requirement for media and a direct corollary of freedom of expression and the right to hold opinions and to receive and impart information, guaranteed under Article 10 of the European Convention on Human Rights".

⁵⁹ On 12 May, [the OSCE Representative on Freedom of the Media called for structural reforms to strengthen the functioning and independence of the public service broadcaster](#).

⁶⁰ However, the maximum fine for defamation is ALL three million.

⁶¹ See paragraph 47 of the 2011 UNHCR General Comment No. 34 to Article 19 of the ICCPR. On 5 June, two DP members of parliament, Mr. Paloka and Mr. Ristani, were convicted by the Supreme Court for defamation of the Prime Minister and ordered to pay an ALL 200,000 fine. Article 71 of the Constitution stipulates that the mandate of a deputy is invalidated when convicted for a crime by a final court decision. On 6 June, a criminal defamation suit was filed against Besjana Selfo by SMI candidate Zamira Rami. Ms. Selfo posted a comment about the candidate in an online social network, and despite 2012 amendments to the Criminal Code, was interrogated at the public prosecutor's office on the same day.

of providing political pluralism, including between elections. However, implementation is hampered by the absence of oversight mechanisms. The broadcasting supervisory body, the Audiovisual Media Authority (AMA), does not conduct quantitative and qualitative content monitoring on the coverage of political actors between elections. Furthermore, the OSCE/ODIHR EOM media interlocutors criticized AMA's lack of political independence.⁶² A lack of transparency on the ultimate owners of media outlets makes it difficult to implement legal provisions designed to limit media concentration.⁶³

Criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed.

The AMA should conduct media monitoring during and between elections in order to implement legal provisions on the unbiased coverage of political actors, including provisions on the equitable news coverage of contestants during election campaigns. The members of the AMA should be appointed in a manner that ensures its independence from political influence.

Accurate data on media ownership should be made public in order to disclose potential influence on the editorial policy and to implement existing legal provisions on media concentration.

It is widely acknowledged that campaign footage on television news is predominantly produced by political parties, either as pre-recorded material or live feed from campaign events.⁶⁴ Although permitted in the Electoral Code, this gives political parties direct access to the news and blurs the strict separation between editorial content and political advertising. As a consequence, the OSCE/ODIHR EOM was informed that television station camera crews were often denied access to campaign events. Several editors stated that they are obliged to use this footage, based on a 2013 CEC decision that requires media to accept recordings that comply with technical requirements. This decision grants political parties an undue influence over editorial freedom of broadcasters and is inconsistent with OSCE commitments and Council of Europe standards.⁶⁵

Consideration should be given to abolish the provision of Article 84.1 of the Electoral Code that allows footage produced by political parties be aired in the news.



C. COVERAGE OF THE ELECTION CAMPAIGN

The Electoral Code includes detailed provisions on equitable news coverage and provides electoral contestants with free airtime and the right to purchase airtime.⁶⁶ To monitor broadcast media's campaign coverage, the CEC established a seven-member Media Monitoring Board (MMB).⁶⁷ From 22 May, the MMB submitted daily quantitative monitoring reports to the CEC for 13 television and 2 radio stations. Although the provisions cover all broadcasters with nationwide and regional coverage, the MMB lacked staff, equipment, and methodology to effectively monitor the high number of broadcasters or the tone of the coverage. The CEC voted against several MMB proposals for fines

⁶² Three of AMA's members are supported by the parliamentary majority and three by the opposition, while one member is elected by parliament on consensus.

⁶³ Article 62 of the Law on Audio-visual Media provides a set of regulations aimed for limiting concentration of property rights for nationwide and local broadcasters.

⁶⁴ Some journalists noted the practice of campaign coverage on TV news being paid for by political actors.

⁶⁵ See paragraph 9.1 of the 1990 OSCE Copenhagen Document, paragraph 26 of the 1991 OSCE Moscow Document, and paragraph I.3 of the Council of Europe Recommendation CM/Rec (2007), which states that "Regulatory frameworks on media coverage of elections should respect the editorial independence of the media."

⁶⁶ In line with prior OSCE/ODIHR recommendations, the Electoral Code stipulates that the coverage of "institutional" events, used for "electoral purposes" is counted in favour of the respective party and it defines what "electoral purposes" are, guiding media to clearly distinguish between the two.

⁶⁷ Each of the seven MMB members is appointed by a CEC member from a list of candidates proposed by non-profit media organizations.

against television stations that provided more news coverage to one of the main contestants, contrary to legal provisions requiring fines.⁶⁸ Instead, the CEC gave the television stations more time to rebalance their coverage. On 15 June, an MMB report to the CEC concluded that, overall, broadcasters balanced their coverage, and the CEC only imposed fines on two local broadcasters, mainly for violations of other legal provisions. However, monitoring results attached to the MMB report did not indicate that equitable coverage had been provided to contestants. A post-election MMB report stated that broadcasters balanced the coverage of the two main contestants but the other parliamentary parties did not receive equitable coverage. The CEC fined only one regional television station a total of ALL 3.5 million.

Consideration could be given to revise the MMB methodology to include monitoring of the tone of the coverage and a wider range of broadcasters. The Electoral Code should clarify provisions for sanctions for unbalanced coverage; for instance, the broadcasters could receive a warning and a limited time to rebalance coverage before being fined.

The OSCE/ODIHR EOM media monitoring showed that none of the monitored television stations provided equality in news coverage for the two major contestants, as required in the Electoral Code.⁶⁹ Three of the five monitored stations, including TVSH, displayed bias in favour of the AEA, while two stations favoured the PAWD. TVSH devoted 63 per cent to the AEA and 33 per cent to the PAWD. News24 and Top Channel covered the AEA with 56 and 55 per cent respectively, while both devoted 41 per cent to the PAWD. ABC News and TV Klan both devoted 46 per cent to the AEA and respectively 53 and 50 per cent to the PAWD, but more than 40 per cent of the coverage of the AEA was negative in tone. The news coverage of the two coalitions on TVSH, News24, and Top Channel was predominantly positive or neutral in tone. The monitored newspapers generally provided more balanced campaign coverage.⁷⁰

TVSH fulfilled its legal obligation to broadcast equitable free airtime for contestants. However, 81 per cent (more than six hours) of paid political advertising on monitored commercial television was purchased by the AEA. A number of smaller parties and independent candidates expressed concern to the OSCE/ODIHR EOM about a very limited coverage they received in the media. The OSCE/ODIHR EOM media monitoring results showed that the amount of coverage devoted to contestants not running with the two coalitions was less than five per cent in total on each of the monitored television stations. This left them at a disadvantage and limited voter information on political alternatives. However, discussion programmes positively contributed to broader information for voters.

XI. PARTICIPATION OF NATIONAL MINORITIES

National minority rights, guaranteed by the Constitution, were generally respected in the elections. Albania recognises the Greek, ethnic Macedonian and Serb-Montenegrin national minorities, as well as the Roma and Vlach “ethno-linguistic minorities”.⁷¹

⁶⁸ The Electoral Code stipulates that when provisions on equitable coverage are violated, broadcasters are fined up to ALL 3,000,000.

⁶⁹ Between 17 May and 20 June, the OSCE/ODIHR EOM monitored the primetime political coverage of political actors for five television stations (the public TVSH and the commercial ABC News, News 24, Top Channel, and TV Klan) and three newspapers (*Gazeta Shqiptare*, *Panorama*, and *Shqip*).

⁷⁰ *Gazeta Shqiptare* devoted 60 per cent of its coverage to the AEA while 33 per cent was devoted to the PAWD. *Panorama* and *Shqip* covered the AEA with 55 and 52 per cent respectively while devoting 39 and 43 per cent of its coverage to the PAWD.

⁷¹ Those in the first group are seen as having a “kin-state” whilst those in second group are seen as geographically dispersed ethno-linguistic groups.

No reliable official data on the percentage of national minorities in Albania is available.⁷² Most indications point to the Greek and Roma minorities as the numerically largest groups, with substantial numbers of ethnic Macedonians. Greek and ethnic Macedonian national minority members live in areas close to the borders of their respective kin-states, making them more reliable electoral prospects for national minority parties. There is a growing awareness among Roma and Egyptian communities of the power of the vote and an increased engagement with campaign issues.

Several political parties with a notable national minority platform presented candidates. The HRUP, standing on a platform representing all national minorities, but primarily affiliated with the Greek minority, and the Greek Ethnic Minority for the Future (GEMF) both stood independently. The Macedonian Alliance for European Integration (MAEI) and Party for Europeanisation and Integration (comprising Roma and Egyptians) both ran as part of the AEA. Of note, a GEMF candidate was elected mayor in Finiq and the ethnic Macedonian mayoral candidate for the municipality of Pustec was re-elected. Roma and Egyptian candidates were present in AEA and PAWD lists; however, they were usually not placed in winnable positions. Their inclusion was dismissed by some as a campaign tactic. There were prominent exceptions, including a Roma candidate at the top of the MAEI candidate list in Korce.

Candidates campaigned freely in their preferred language, though rallies were almost exclusively held in the Albanian language, even by parties running on a specific minority platform. Campaign posters in both the Greek and Macedonian languages were prominent in areas populated by large numbers of these minority groups. Several candidates expressed dismay that the mainstream media paid little attention to national minority parties.

While ballots were only available in Albanian, the CEC distributed voter information materials in minority languages; however, this was done only at a late stage and in an inconsistent manner. Despite several high-profile distribution events attended by senior CEC officials, minority language materials were nearly impossible to locate, even in areas with substantial minority populations. A small-scale voter education programme for Roma and Egyptian women was supported by the OSCE Presence in Albania.

Many interlocutors reported that the Roma community in particular, and to some extent the Egyptian community, remain vulnerable to vote-buying practices.⁷³ In some cases Roma and Egyptian voters reported having witnessed the distribution of fuel vouchers or cash by persons known to be affiliated with the two largest political parties. At times, effective voter participation was restricted more by poverty, a lack of identity documents, and, occasionally, language difficulties.⁷⁴

The CEC and other stakeholders could organise comprehensive in-person voter education programmes tailored to the needs of the Roma and Egyptian communities.

⁷² The October 2011 Census was deemed unreliable in terms of numbers of national minorities. See [The Third Opinion on Albania](#) of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities.

⁷³ Paragraph 11 of the 1996 UNHCR General Comment No. 25 to Article 25 of the ICCPR states that "voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community".

⁷⁴ Some OSCE/ODIHR EOM interlocutors considered the ALL 1,200 fee for issuing identity documents prohibitive and others reported examples of political parties paying for identification cards for Roma voters in an attempt to influence their vote.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

In line with OSCE commitments, 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 CEAZs, VCCs, and each counting table at a BCC. The right to appoint observers within a coalition rests solely with the coalition and not the parties within it. As coalitions are usually dominated by larger parties, some OSCE/ODIHR EOM interlocutors from smaller parties criticized this provision as effectively restricting their ability to follow election day procedures should they choose to join a coalition. The accreditation process for observers was inclusive and the elections were observed by a number of representatives of electoral contestants, as well as 4,252 citizen observers and 933 international observers.

Observers are entitled to observe all aspects of the electoral process, but only observers representing electoral subjects may attain results protocols, leaving citizen and international observers without the right to fully follow the tabulation process and to verify election results.

XIII. COMPLAINTS AND APPEALS

A number of inconsistencies and a lack of clarity in the legal framework prevents an effective electoral dispute resolution process. Under the Electoral Code, only parties and candidates registered as electoral subjects have the right to file complaints against election administration bodies, which is at odds with OSCE commitments and good practice.⁷⁵ Voters may only appeal errors in voter lists and citizen observer groups may only appeal decisions denying their accreditation.

The law does not provide a clear definition of an electoral subject. Article 2.20 of Electoral Code defines electoral subjects as political parties, coalitions, independent candidates, and candidates for mayor, while Article 63 does not list candidates for mayor as electoral subjects. In a number of cases, the CEC and the Electoral College did not consider mayoral candidates as electoral subjects and therefore dismissed their complaints.⁷⁶

Contrary to good practice, the legislation does not provide clear jurisdiction for considering voter list and campaign-related complaints.⁷⁷ The Electoral Code stipulates that voter list complaints are adjudicated by district courts, whereas the Law on Administrative Courts states that these complaints fall under the jurisdiction of the Administrative Courts.⁷⁸ The law also does not clearly regulate,

⁷⁵ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions”. Paragraph II.3.3f of the Venice Commission Code of Good Practice in Electoral Matters states: “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”.

⁷⁶ In one case, the Electoral College stated that the candidate for mayor of Kelcyre had no right to file a complaint against the CEC decision to accept his party’s request to withdraw him from the election.

⁷⁷ See Paragraph II.3.3.c of the Venice Commission Code of Good Practice in Electoral Matters, which states that “the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction”.

⁷⁸ The Supreme Court held a joint meeting of chairpersons of administrative and district courts and reached an unofficial agreement that, in the given situation of legal uncertainty, district courts were responsible for voter list complaints during these elections.

whether CEAZs, or only the CEC, have jurisdiction to adjudicate campaign-related complaints as well as the deadlines for filing and adjudication them.⁷⁹

Provisions of the Electoral Code regarding deadlines for the adjudication of complaints against CEAZ decisions are inconsistent. Article 143.3 of the Electoral Code obliges the CEC to take a decision within two days of the submission of a complaint, whereas Article 131 sets a 48 hour deadline from a CEC decision to accept the complaint.

CEC decisions or its failure to reach a decision can be challenged at the Electoral College, whose decisions are final. This is inconsistent with Article 43 of the Constitution that guarantees the right to appeal a judicial decision to a higher court. The Electoral College has 10 days to adjudicate all cases.

The legal framework regulating electoral dispute resolution should be comprehensively reviewed to eliminate gaps and ambiguities identified in this and previous OSCE/ODIHR reports, including with regards to subjects entitled to appeal, deadlines for the adjudication of complaints, and the jurisdiction of voter list and campaign-related complaints.

Cases that may constitute criminal offences were referred to prosecutors, but their lengthy investigations did not ensure a timely remedy in the electoral context, including on voter registration and the verification of candidate support signatures.

The CEC received 24 complaints against CEAZ decisions prior to election day, relating mostly to candidate registration. In a number of cases, the CEC avoided taking final decisions as required by the law and referred cases back to the CEAZs. A number of CEC decisions lacked a sound legal basis and provided arbitrary and inconsistent interpretations of the law, which led to legal uncertainty. In most cases observed, the CEC did not reach a final decision on complaints within the required deadlines.

The Electoral College consists of eight appeal court judges, selected prior to the 2013 parliamentary elections by drawing lots and serving until the next parliamentary elections are called.⁸⁰ Each case was considered at an open hearing by a different panel of five judges, selected from among the eight judges by drawing lots prior to hearing a case. The judges informed the OSCE/ODIHR EOM that each panel had discretion in applying the law according to their judgment while not being bound by any prior decisions, which resulted in inconsistent decision-making.

Before election day, the Electoral College considered 23 appeals in an expedited manner. However, the decisions were not published on the Court of Appeals of Tirana website in a timely manner. In one instance, the Electoral College did not exercise its jurisdiction to resolve a case on its merits as a final appellate body, but returned it to the CEC for further consideration.⁸¹ In another case, the Democratic Christian Party (DCP) candidate list for the Kruje municipal council was not registered due to the inaction of the CEAZ.⁸² The DCP challenged the CEC's decision to approve the ballot paper without including their candidate list. The Electoral College dismissed the complaint and stated that the failure of the CEAZ to perform its duties was not sufficient to invalidate the CEC decision.

⁷⁹ Due to this lack of clarity, CEAZ 11 refused to consider a DP complaint alleging pressure on public servants to attend a rally.

⁸⁰ The judges continue their regular duties in different courts and have to travel to Tirana for each hearing.

⁸¹ Article 158.4 of the Electoral Code states that the Electoral College may only order the CEC to make a decision in cases where the CEC failed to make a decision within the legal deadline.

⁸² The DCP submitted documents for registering its candidate list to the CEAZ on 1 May; however, the CEAZ registered the list on 26 May after the CEC approved the text of the ballot.

Various OSCE/ODIHR EOM interlocutors expressed a lack of trust in the election administration and courts to handle complaints impartially.⁸³ Overall, the manner in which election commissions and the Electoral College dealt with electoral complaints often left stakeholders without effective or timely redress, which is contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and other international standards.⁸⁴

In order to ensure effective redress, legal deadlines for the adjudication of complaints should be respected. All bodies investigating electoral complaints, including the prosecutor offices, should be completed in a timely manner so as to guarantee an effective remedy. Both the CEC and the Electoral College should ensure consistency in their decisions to provide for legal certainty. To enhance transparency and accountability, the CEC and the Electoral College should publish information on complaints and decisions in a timely manner.

XIV. ELECTION DAY

Election day generally proceeded peacefully throughout the country. The CEC announced voter turnout at 48 per cent, with women's participation reported as some 45 per cent.

While party observers were largely present throughout all stages observed, citizen observers were noted in less than 20 per cent of VCs during election day and at some 50 per cent of counts observed. The presence of party observers contributed to transparency; however, at times, they either interfered or participated in the work of the VCCs, contrary to the law. In some cases, VCCs asked party observers to leave when voting ended despite the right of political parties and candidates to have representation at all stages of the process.⁸⁵

A. OPENING AND VOTING

The VCs opened late in the majority of cases observed, some by more than an hour.⁸⁶ This contributed to an overall negative assessment of opening procedures in 25 per cent of observations. VCs were observed to open late mainly due to the absence of VCC members, their late appointment or replacement, their lack of knowledge of procedures, or missing election materials.⁸⁷ A special VC in Rrogozhine prison did not open at all, leaving some 420 voters unable to vote. The IEOM noted a variety of procedural problems during opening in 76 per cent of observations, including failure to follow the prescribed procedures on labelling the ballot boxes and depositing control sheets into the ballot boxes.

Voting was observed as orderly and was positively assessed in 93 per cent of the VCs visited. Observers could largely follow the process without restriction. Observers reported that voting in Devoll, Roskovec, and Tepelene was suspended for a few hours due to mistakes discovered on the

⁸³ See [the Council of Europe's Parliamentary Assembly Resolution 2019 \(2014\)1 "The honouring of obligations and commitments by Albania"](#).

⁸⁴ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states: "...everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity." Article 8 of the Universal Declaration of Human Rights states that "everybody has the right to an effective remedy ... for acts violating the fundamental rights...".

⁸⁵ As observed in EAZ 23, 42, and 78.

⁸⁶ The IEOM observed some 30 VCs that opened with more than one-hour delay.

⁸⁷ For instance, in Kurbin, the DP members of the VCCs abstained from duties that caused delays and were later replaced by the CEAZ. Many VCCs operated with only four SP/SMI members. In Korce, the chairperson of a VCC replaced one of the missing members with an SMI observer.

ballot papers.⁸⁸ The CEC later took a decision for voting to resume in the affected areas, with no changes to the ballot papers. Voting was also observed to be suspended in a pre-trial detention centre in Durres due to a lack of ballot papers.⁸⁹

While the overall assessment of voting was positive, some procedural errors and other irregularities were noted. Finger inking and ink-verification procedures, key safeguards against multiple voting, were not adhered to in 9 and 22 per cent of VCs observed respectively. Instances of group voting were observed in some 17 per cent of VCs, which appeared to have a disproportionate impact on women voters. Proxy voting was directly observed in five per cent of VCs visited.⁹⁰ Series of seemingly identical signatures and the same person assisting multiple voters were observed in three and two per cent of VCs respectively, which could indicate multiple or proxy voting.

Serious concerns relate to the design of the ballot papers, which contain a bar code with a sequential serial number, which could link marked ballots to specific voters. This could compromise the secrecy of the vote, violating paragraph 7.4 of the 1990 OSCE Copenhagen Document as well as the ICCPR.⁹¹

In order to ensure the secrecy of the vote and integrity of the process, any association between a vote and a specific voter should not be possible.

In order to promote participation of the broadest categories of voters, the CEC prepared Braille templates for visually impaired voters and installed ramps at some VCs for physically disabled voters. However, in 67 per cent of observations, the premises were inaccessible for voters in wheelchairs and in 35 per cent of observations, the layout of the VCs was unsuitable for their access. These figures are particularly significant given the absence of legal provisions for homebound voting, which deprives disabled voters from the opportunity to vote outside of a VC.⁹² Where assisted voting for persons with disabilities was requested, in the majority of cases the VCC did not adhere to procedures.⁹³

Consideration should be given to introducing additional mechanisms to allow voters with reduced mobility to exercise their right to vote, so as to further promote universal suffrage.

Campaign materials in the 150-metre vicinity of VCs were noted in 22 per cent of observations, contrary to the Electoral Code. Tension or unrest in the VCs or their vicinity was reported in three per cent of observations. In some areas, groups of party activists loitering in and around VCs were observed as being potentially intimidating for voters. This was particularly problematic in Vore.⁹⁴ Additionally, the IEOM observed groups of people representing the SP and SMI with laptops and voter lists, checking voter ID cards outside some VCs.⁹⁵ In Berat and Durres, two instances of apparent vote-buying were observed, specifically targeting the Roma and Egyptian communities.

⁸⁸ In Devoll, the title of the PAWD was misspelled on the municipal council ballot paper. In Roskovec, two mayoral candidates were listed with the same AEA coalition title. In Tepelene, the numbering of candidates in mayoral ballot paper was incorrect.

⁸⁹ The CEAZ delivered 200 ballots to this VC; however, some 80 additional ballots were still missing.

⁹⁰ In Shkoder, four cases were observed when voters signed the voter list and left the VC without receiving and casting their ballots.

⁹¹ Paragraph 7.4 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure”. See also Article 25 of the ICCPR.

⁹² Article 29.a(i) of the CRPD requires states to ensure “that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”.

⁹³ In most cases observed, voters assisting other voters did not sign a statement pledging to follow the voter’s will, contrary to the law. In some cases, party observers assisted the voters, in violation of the law.

⁹⁴ Such groups were observed in EAZ 26, 28, and 39. Observers reported that SP observers turned voters away from a VC in Vore, which caused unrest and resulted in closing the VC for a short time.

⁹⁵ For instance, in EAZs 24, 28, 33, 34, 48, 49, and 59.

B. COUNTING AND TABULATION

The closing of VCs was assessed positively in 88 per cent of observations. The VCCs observed did not always follow key procedures of counting signatures on the voter list (5 per cent) and unused ballots (8 per cent) and did not always place the record of the closing of the polls in the ballot boxes (13 per cent). Such procedural errors weaken security and transparency measures and contributed to the prolonged receipt of ballots and materials and a lengthy counting process. The transfer of materials was generally evaluated positively, although nearly 20 per cent of VCCs observed were not able to deliver their materials within the three hour legal deadline.

The receipt of election materials was assessed positively in 98 per cent of the BCCs observed. Overall the transparency of the process was ensured, although in isolated cases overcrowding in the premises affected the ability to observe. The general environment in BCCs during the counting was evaluated positively in 87 per cent of observations, while negative assessments were largely due to inadequate BCC facilities, tension or unrest, and the presence of unauthorized people who at times interfered in the process.⁹⁶ In one-fourth of BCCs visited, IEOM observers did not have a clear view of counting procedures due to restrictions on their movement or overcrowding.

Counting did not immediately begin after the receipt of materials in many observed BCCs due to announced breaks or absence of CTs. With a few exceptions, counting later progressed smoothly.⁹⁷ Observers assessed the counting positively in 95 per cent of counts observed. In spite of the overall positive assessment, observers reported some attempts to disrupt the counting process⁹⁸ as well as procedural irregularities, which mirrored the lack of CT training. For example, ballots were not properly exposed to cameras to show the stamps in 12 per cent of observations, while in 13 per cent of counts observed the number of ballots was not compared to the number of signatures in the voter list.

In 7 per cent of BCCs observed, party observers were at times denied the possibility to contest ballots and in 57 per cent of observations, reasons for contesting the ballots were not recorded on the ballots. In general, figures in results tables were consistently reconciled, although observers were unable to follow the data entry process closely. While citizen and international observers were not entitled to a copy of the results table, party observers were also not provided with copies in nearly 30 per cent of observations. This undermined the transparency of the counting and tabulation processes.

In advance of election day, smaller parties expressed concern to the OSCE/ODIHR EOM about the potential for their vote totals to be manipulated during counting and tabulation. During and after counting, these allegations persisted, including from the PJIU, New Democratic Spirit party, and Arben Tafaj, candidate for mayor of Tirana.

Consideration should be given to increasing the transparency of the tabulation process, including during the data entry of results at CEAZs. All observers should be entitled to receive certified copies of the results.

⁹⁶ On 23 June, the CEC appealed to political parties to reduce the number of their observers at BCCs and called upon unauthorized people, contestants, and members of parliament, to refrain from pressuring CTs.

⁹⁷ Some CTs (in Elbasan, Gjirokaster, Shkoder, Vlore) were still being appointed and trained while counting was ongoing in other BCCs. Counting did not start in EAZs 1 and 2 (Shkoder) until 22 June and continued with interruptions primarily due to the late appointment of CTs and disagreement between the SP and DP members of CTs. Despite several CEC attempts to intervene and speed up the process, counting in Shkoder remained protracted, and, on 27 June, the CEC decided to count the votes in Tirana.

⁹⁸ Observers noted the suspension of counting due to the deliberate departure of DP-appointed members of CTs in EAZs 1, 10, 15, 53, and 84.

XV. POST-ELECTION DAY DEVELOPMENTS

A. POST-ELECTION DAY COMPLAINTS AND APPEALS

Electoral subjects can appeal the results approved by the CEAZs to the CEC within five days. The results for municipalities with a territory divided into two or more EAZs are tabulated by the CEC and can only be appealed to the CEC itself within the same time limit. Requests for invalidation of elections at specific VCs may also be made within five days from the tabulation of results. The CEC must reach a decision on appeals with a qualified majority within ten days.⁹⁹ The CEC decisions on election results can be appealed to the Electoral College within five days.

All but one of 91 complaints challenging results filed with the CEC were rejected. These complaints included 21 requests to invalidate results, while the rest sought changes to the table of results and recounts.

Notable complaints were submitted by the SMI and DP against the results in Durres, Kurbin, Shkoder, and Vore. The DP claimed that other persons voted in Durres on behalf of emigrants residing abroad. The DP alleged a number of irregularities occurred in Shkoder, including the late opening of a VC and removal of DP members of election commissions. In both cases, the CEC granted DP requests to open election material boxes to examine the evidence and subsequently dismissed both complaints due to insufficient grounds to invalidate election results.

The SMI demanded a re-run for the mayoral race in Vore given the narrow margin of results, and claims that a large number of voters were fictitiously registered in the municipality. The CEC dismissed the case without the required qualified majority of votes, holding that it was beyond its competence as the voter registration issue had been previously referred to the GDSC and Prosecutor's office of Tirana. The SMI did not appeal the decision. The DP challenged the Kurbin CEAZ decision on mayoral election results and sought a re-run based on various violations, including CEC decisions to dismiss DP members of election commissions on the eve of the election day. The CEC dismissed the complaint on procedural grounds claiming it was filed outside the five day deadline. However, the CEC defined the deadline not from the date of the CEAZ decision on the results, but from the date the CEC had decided to dismiss the DP commissioners.

Most complaints were filed by parties within the DP-led coalition or other smaller parties. The complaints alleged irregularities in voting and counting procedures, in particular cases of proxy and group voting and concerns over the validity of ballots and their attribution to parties. The CEC examined some 33 complaints on their merits, while the rest were dismissed on procedural grounds or due to a lack of evidence. In a number of cases, the plaintiffs' claims were not substantiated by solid evidence. In addition, the CEC returned a significant number of complaints for technical corrections. Most of these were either not resubmitted or submitted after the deadline set by the CEC. Many CEC decisions lacked cohesive reasoning and some did not contain the full facts and circumstances of the case reviewed and at times were not published timely, as required by the law. Subsequently, the Electoral College dismissed all 16 appeals against post-election day decisions taken by the CEC.

Election commissions and courts should refrain from handling complaints in an overly formalistic manner, give thorough consideration to all cases, and examine the substance of all relevant evidence in adjudicating complaints and appeals.

⁹⁹ The CEC rejected three complaints on results without a qualified majority, contradicting Article 24.1.b of the Electoral Code.

B. ANNOUNCEMENT OF RESULTS

According to the law, the CEAZs had to compile the results by 22:00 on 22 June. The IEOM observers reported that the counting of mayoral ballots finished prior to the deadline in just a few EAZs while in most areas counting for both races continued beyond the legal deadline, largely due to logistical problems with centralized counting and a lack of staff. On 28 June, the CEC announced that counting had finished in all EAZs. Following a protracted complaints and appeals process, on 10 August, the CEC announced the final election results for all 61 municipalities. Nine of the 61 mayors and some 35 per cent of councillors elected were women.

XVI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Albania and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR welcomes the public commitment made on 22 June by Prime Minister Edi Rama to fully address these recommendations, and on 1 September by DP leader Lulzim Basha to promptly implement the recommendations.¹⁰⁰ The OSCE/ODIHR stands ready to assist the authorities of Albania to further improve the electoral process and to address the recommendations contained in this and previous reports.¹⁰¹

A. PRIORITY RECOMMENDATIONS

1. Consideration should be given to enhancing the independence, impartiality, and professional capacity of the election commissions. The law could be amended to allow for non-partisan election commissioners at all levels to depoliticize the election administration. The CEC should impartially implement the letter and spirit of the law. The capacity of the CEC secretariat could be strengthened to ensure the effective exchange of essential information within the election administration.
2. The Electoral Code should be amended in order to eliminate gaps and ambiguities identified in this and previous OSCE/ODIHR reports. The CEC should promptly address any emerging ambiguities and gaps in the law using regulations and instructions.
3. The legal framework regulating electoral dispute resolution should be comprehensively reviewed to eliminate gaps and ambiguities identified in this and previous OSCE/ODIHR reports, including with regards to subjects entitled to appeal, deadlines for the adjudication of complaints, and the jurisdiction of voter list and campaign-related complaints.
4. In order to ensure the secrecy of the vote and integrity of the process, any association between a vote and a specific voter should not be possible.
5. Criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed.

¹⁰⁰ See [“A thank you message for the great trust” of the Prime Minister](#) in a press conference on 22 June; and [“Interview with DP leader Lulzim Basha”](#) on 1 September.

¹⁰¹ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

6. Election commissions and courts should refrain from handling complaints in an overly formalistic manner, give thorough consideration to all cases, and examine the substance of all relevant evidence in adjudicating complaints and appeals.
7. Consideration should be given to abolish the provision of Article 84.1 of the Electoral Code that allows footage produced by political parties be aired in the news.
8. Expedited deadlines for the submission of financial reports to CEC auditors and their timely publication should be legally defined. To enhance transparency and accountability, contestants could be obliged to publish preliminary reports on campaign income and expenditures prior to election day.

B. OTHER RECOMMENDATIONS

VOTER REGISTRATION

9. Blanket restrictions on the suffrage rights of persons with mental disabilities should be removed or be decided on a case-by-case basis, depending on specific circumstances. Consideration should be given to providing foreign citizens with the right to vote in local elections after a certain period of residence in the country provided that they fulfil the same legal requirements that apply to nationals.
10. Efforts should be intensified to ensure that all voters are assigned an accurate address code and that duplicate records are verified and resolved. Measures should be put in place to discontinue the practice of removing voters over the age of 100 from voter lists and to ensure the effective registration of prisoners. The authorities should initiate timely investigations into specific claims that voters have been added to the civil register and voter lists in contravention of the law.

CANDIDATE REGISTRATION

11. Rules on candidate registration, including procedures for the collection, verification, and validation of support signatures, should be clear and regulated sufficiently in advance of the elections to ensure consistency and legal certainty.
12. Decisions related to candidate registration should be taken prior to the start of the campaign period to provide equal opportunity for all contestants. The Electoral Code should include provisions regarding the time and conditions for the withdrawal of registered candidates. Safeguards should be established to ensure that the right to withdraw candidates is not abused.

ELECTION CAMPAIGN AND CAMPAIGN FINANCE

13. Authorities and political parties should ensure that pressure is not applied to public sector employees, political supporters or others to attend campaign events or vote in a particular way. Law enforcement bodies should take more resolute steps to prevent, identify, investigate, and prosecute proven instances of pressure and intimidation of voters as well as the misuse of state resources for campaign purposes.
14. Additional efforts are needed to address the persistent issue of vote-buying, both through voter education and prosecutions, in order to restore confidence in the electoral process. A concrete and genuine commitment from political parties to condemn vote-buying practices could be

made. Vote-buying should be clearly defined in the law and subject to proportionate and effective sanctions.

15. Independent candidates should be provided with equal access to public funding.

MEDIA

16. The AMA should conduct media monitoring during and between elections in order to implement legal provisions on the unbiased coverage of political actors, including provisions on the equitable news coverage of contestants during election campaigns. The members of the AMA should be appointed in a manner that ensures its independence from political influence.
17. Consideration could be given to revise the MMB methodology to include monitoring of the tone of the coverage and a wider range of broadcasters. The Electoral Code should clarify provisions for sanctions for unbalanced coverage; for instance, the broadcasters could receive a warning and a limited time to rebalance coverage before being fined.
18. To facilitate public access to a broader range of political viewpoints and counterbalance commercial media's affiliation with those in power, the authorities should consider strengthening the public broadcast service by providing it with sufficient financial and editorial freedom from the government.
19. Accurate data on media ownership should be made public in order to disclose potential influence on the editorial policy and to implement existing legal provisions on media concentration.

PARTICIPATION OF NATIONAL MINORITIES

20. The CEC and other stakeholders could organise comprehensive in-person voter education programmes tailored to the needs of the Roma and Egyptian communities.

COMPLAINTS AND APPEALS

21. In order to ensure effective redress, legal deadlines for the adjudication of complaints should be respected. All bodies investigating electoral complaints, including the prosecutor offices, should be completed in a timely manner so as to guarantee an effective remedy. Both the CEC and the Electoral College should ensure consistency in their decisions to provide for legal certainty. To enhance transparency and accountability, the CEC and the Electoral College should publish information on complaints and decisions in a timely manner.

ELECTION DAY

22. Consideration should be given to introducing additional mechanisms to allow voters with reduced mobility to exercise their right to vote, so as to further promote universal suffrage.
23. Consideration should be given to increasing the transparency of the tabulation process, including during the data entry of results at CEAZs. All observers should be entitled to receive certified copies of the results.

ANNEX I: FINAL RESULTS

Number of registered voters	3,370,206
Number of valid votes	1,562,161
Turnout	48 per cent

Results for mayoral races

Electoral subject	Seats
Alliance for European Albania	45
Popular Alliance for Work and Dignity	15
Ethnic Greek Minority for the Future	1

Results for local council races

Electoral subjects	Votes obtained		Seats
	Number	Percentage	
Alliance for European Albania	991,609	63.48	1,049
Including			
Socialist Party	402,709	25.78	394
Socialist Movement for Integration	259,934	16.64	292
Party for Justice. Integration and Unity	59,701	3.82	61
New Democratic Spirit	29,984	1.92	36
Social Democracy Party	20,064	1.28	26
Demo-Christian Party	20,271	1.30	24
Real Socialist Party 91	17,465	1.12	21
Moderated Socialist Party	15,355	0.98	18
National Arbno Alliance	12,647	0.81	18
Law and Justice Party	8,670	0.55	15
G99 Party	9,490	0.61	14
Democratic Alliance	11,392	0.73	13
Green Party	10,221	0.65	12
National Unity Party	10,078	0.64	11
Macedonians Alliance for European Integration	3,647	0.23	9
Demo-Christian Alliance Party	7,953	0.51	8
Alliance for Democracy and Solidarity	9,008	0.58	7
Albanian Future Party	7,314	0.47	7
Fatherland Albanian Party	5,162	0.33	6
People with Disabilities Party	7,132	0.46	5
New European Democracy Party	5,521	0.35	5
Albanians Movement for Justice Party	4,664	0.30	5
Albanian Social-Labour Party	4,622	0.30	5
Go Youth Party	5,947	0.38	4
Party for the Protection of Emigrants Rights	4,813	0.31	4
Party for Europeanization and Integration of Albania	3,759	0.24	4
Denied Rights Party	3,443	0.22	4
Communist Party of Albania	4,077	0.26	3
Albanian Democratic Reforms Party	3,957	0.25	3
National Reconciliation Party	2,526	0.16	3
Democratic Movement for Change Party	3,990	0.26	2
Freedom Way Party	3,919	0.25	2
Alliance for European Equality and Justice	3,271	0.21	2
Labour Party of Albania	2,795	0.18	2

Party of Muslim Union of Albania	2,676	0.17	2
Albanian Matters Party	2,463	0.16	1
Communist Party of Albania - 8 November	969	0.06	1
Popular Alliance for Work and Dignity	507,285	32.47	510
including			
Democratic Party	317,620	20.33	299
Republican Party	53,784	3.44	63
National Development Movement	19,644	1.26	20
National Democrat Front Party	14,116	0.90	20
Legality Movement Party	13,812	0.88	17
Environmental Agrarian Party	13,400	0.86	16
Liberal Democrat Union Party	12,949	0.83	15
Time of Albania Party	10,745	0.69	12
National Front Party	14,137	0.90	11
Democrat Union Party	9,154	0.59	10
Conservative Party	7,357	0.47	9
New Denied Rights Party	6,491	0.42	7
Albanian Demo-Christian League Party	8,559	0.55	6
Right-wing Liberal Thought Party	2,972	0.19	3
Christian Democrat People's Party of Albania	2,545	0.16	2
Non-Coalition Parties	55,968	3.58	33
Including			
Human Rights Union Party	14,771	0.95	16
Ethnic Greek Minority for the Future	3,144	0.20	8
Social Democratic Party	22,320	1.43	6
Christian Democratic Party	9,424	0.60	2
Democratic Movement for Values, Prosperity and Progress	1,942	0.12	1
Independent Candidates	7,299		3

Source: [Central Election Commission](#)

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

SHORT-TERM OBSERVERS

The Congress of Local and Regional Authorities of the Council of Europe

Members of the Congress:

Stewart Dickson	Head of Delegation	United Kingdom
Emin Yeritsyan		Armenia
Hannes Weninger		Austria
Randi Mondorf		Denmark
Mihkel Juhkami		Estonia
Xavier Cadoret		France
Jean-Louis Testud		France
Linus Förster		Germany
Mary Hegarty		Ireland
Matteo Toscani		Italy
Line Vennesland Fraser		Norway
Ludmila Sfirloaga		Romania
Leila Hunziker		Switzerland
Gaye Doganoglu		Turkey
Nigel Mermagen		United Kingdom

Members of the EU Committee of the Regions:

Declan McDonnell	Spokesperson	Ireland
Arnoldas Abramavicius		Lithuania
Adam Banaszak		Poland
Doreen Huddart		United Kingdom
Kevin Peel		United Kingdom

Members of the Secretariat:

Christine Binder	Austria
Renate Zikmund	France
Martine Roudolff	France
Ségolène Tavel	France
Sandro Weltin	France

OSCE/ODIHR EOM Short-term Observers

Walter Josef Fend	Austria
Eni Gjergji	Austria
Philippe Adriaens	Belgium
Gilles Bauwens	Belgium
Linda Conings	Belgium
Julien Sassel	Belgium
Xavier Timmermans	Belgium
Veronika Bajgarova	Czech Republic
Jakub Drmola	Czech Republic
Petra Kratochvilova	Czech Republic
Katerina Palova	Czech Republic
Zuzana Stiborova	Czech Republic
Hanne Susse Bøtefyhr Bergmann	Denmark
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ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All OSCE/ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).