



## INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Albania - Local Elections, 21 June 2015

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Tirana, 22 June 2015** – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Congress of the Local and Regional Authorities of the Council of Europe (Congress).

Ambassador Audrey Glover is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed since 15 May. Stewart Dickson is the Head of the Congress delegation, including members of the European Union Committee of Regions, deployed since 17 June.

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately eight weeks after the completion of the electoral process. The Congress Report will be adopted at its Plenary Session on 20-22 October 2015.

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### PRELIMINARY CONCLUSIONS

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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 overall, but many cases of group voting and some important procedural irregularities were observed. Counting is ongoing, but initial stages were generally assessed positively.

The elections took place in the context of a recent revision of local government units (LGUs). They were the first to elect mayors and 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 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 continued to undermine the electoral process. 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 Central Election Commission (CEC) has generally operated openly, with public sessions regularly attended by observers, media, and party representatives. However, the politicized nature of CEC discussions resulted in inconsistent decisions 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 the registration of candidates. The CEC should have provided greater guidance and oversight of key stages in the electoral process. A range of voter education programmes were undertaken, including for women, national minorities, and first-time voters.

In general, interlocutors expressed satisfaction with the accuracy of voter lists. However, investigations were launched by prosecutor offices in three municipalities regarding increases in voter lists and remain pending, causing concern about the integrity of the voter registration system.

In total, 63 parties were registered for the elections, as well as some 36,341 candidates for municipal councils and 158 candidates for mayor. Most parties joined one of two coalitions led by the Socialist Party or Democratic Party, 11 parties ran alone and 14 independent candidates ran for mayor. While this provided voters with a range of political alternatives, the inconsistent implementation of candidate registration rules, including submission of supporting signatures and 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 candidate lists to include 50 per cent of each gender, alternating every second name. Ten per cent of mayoral candidates were women. Increased attention was paid to women voters, including in campaign platforms and voter education. The CEC includes three women, one of whom is the chair, but women were underrepresented in lower-level commissions.

The campaign environment was peaceful, except for isolated incidents. Fundamental freedoms of expression and assembly were generally respected. Campaigning 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 free of fear of retribution, contrary to OSCE commitments. Allegations of vote-buying persisted. A number of senior figures from the largest governing parties used state events and resources for campaign purposes, including handing out property legalization certificates, which 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. Rules on campaign finance reporting are not comprehensive and could be strengthened to provide greater transparency.

Despite the 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. 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.

The manner in which election commissions and courts dealt with electoral complaints often left stakeholders without effective redress, which is at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document. Although the parties raised numerous allegations of campaign violations, few complaints on such issues were filed. Various interlocutors expressed a lack of trust in the election administration and courts to impartially handle complaints.

Minorities generally did not face discrimination during the electoral process. While ballots were produced only in the Albanian language, the CEC distributed voter education material in minority

languages. Although 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.

Election day proceeded peacefully throughout the country in general. While partisan observers were largely noted throughout all electoral stages, non-partisan observers were present to a much lesser extent. Although 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 by groups of party activists in and around voting centres. The closing and initial stages of counting were assessed positively, although the counting process is still ongoing in all BCCs observed.

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## PRELIMINARY FINDINGS

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### Background

The 21 June local government elections took place in the context of a recent revision of local government units (LGUs).<sup>1</sup> They were the first to elect mayors and local councils in the 61 newly-formed municipalities that will replace the pre-existing 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”.<sup>2</sup>

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 redistricting was made along partisan lines, not always taking into account the specificities of minority-populated areas. As a result, the parliament approved the revised LGUs without support from the Democratic Party (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. 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.

In the run up to the elections, the political environment remained polarized between the opposition DP and governing coalition of the Socialist Party (SP) and the Socialist Movement for Integration (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 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.

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 two largest governing parties, the SP and the SMI, as well as 35 other parties. This included the Party for Justice,

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<sup>1</sup> All previous OSCE/ODIHR reports on Albania are available at: <http://www.osce.org/odihr/elections/albania>; the Congress reports on Albania are available at: [http://www.coe.int/t/congress/whoswho/pays\\_en.asp?id=25](http://www.coe.int/t/congress/whoswho/pays_en.asp?id=25).

<sup>2</sup> See the Report on Albania’s Progress in the Fight Against Corruption and Organised Crime and in the Judicial Reform at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/al\\_report\\_june\\_2014.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/al_report_june_2014.pdf).

Integration, and Unity (PJIU), which had been the second largest opposition party in parliament.<sup>3</sup> 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.

## Legal Framework and Electoral System

A total of 61 mayors are elected in first-past-the post contests and 1,595 councillors are elected under a closed-list proportional system, all for four-year terms. The constituencies for local elections are the territories of the municipalities.

Local elections are primarily governed by the Constitution, the Electoral Code, and CEC regulations.<sup>4</sup> The Electoral Code was significantly amended in 2012, after an inclusive process supported by the major parties. The amendments addressed a number of previous OSCE/ODIHR and Venice Commission recommendations.<sup>5</sup> 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. The DP and RP did not 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 dispute resolution. These issues again proved to be problematic during these elections. Gaps and procedural inconsistencies in the Electoral Code 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 appeals, 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 largest political parties and the politicization of institutions involved continued to undermine the electoral process. Gaps and ambiguities in the legislation on several important aspects of the electoral process should have been regulated in advance, including on candidate registration and withdrawals. The lack of legal clarity contributed to inconsistent implementation of the legislation, which was often perceived to be along party lines.

## Election Administration

The elections were administered by the CEC, 90 Commissions of the Electoral Administration Zones (CEAZs), and 5,301 Voting Centre Commissions (VCCs). Counting took place in 90 Ballot Counting Centres (BCCs) in 90 Electoral Administration Zones (EAZs). Election commissions at all levels have seven members nominated by the parliamentary majority and opposition, with the CEC chairperson appointed by the parliament. The CEC includes three women, one of whom is the chair. Women

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<sup>3</sup> 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.

<sup>4</sup> Other relevant 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.

<sup>5</sup> These included an amended selection process for election administration members, including the CEC chairperson, 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 at: <http://www.osce.org/odihr/86424>.

account for about one third of CEAZ members and represented only 17 per cent of VCC members observed on election day.

The CEC is a permanent body, responsible for the overall conduct of the elections. In general, it has been operating 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 these elections. However, the politicized nature of CEC discussions, even on purely technical issues, was apparent at most sessions. The inconsistent approach of the CEC on candidate registration and withdrawals resulted in contradictory decisions, reflecting partisan divisions in the commission.<sup>6</sup> In another case, the CEC decision on the approval of the list of eligible parties for counting teams led to the exclusion of a qualified party from appointing representatives to counting teams.<sup>7</sup> Altogether, this undermined public confidence in the independence and effectiveness of election commissions.<sup>8</sup>

Election commissions did not respect some deadlines, including for the approval of nominating parties for counting teams, formation of VCCs and counting teams, and registration of candidates. At times, CEC decisions were not published on its website within the legal deadlines.<sup>9</sup> The CEC should have provided greater guidance and oversight for key stages in the electoral process.

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.

The OSCE/ODIHR EOM visited 85 CEAZs before election day, which worked with a varying degree of professionalism and efficiency. Most CEAZs expressed discontent regarding various operational impediments to their work.<sup>10</sup> As of 20 June, 234 of the 630 CEAZ members (37 per cent) had been replaced, mostly due to requests by nominating parties. Such replacements continued until election day, resulting in a detrimental effect on their work and the perceived independence of the election administration.<sup>11</sup> The CEC conducted training sessions for CEAZ members which were assessed as being of variable quality by the OSCE/ODIHR EOM.

VCCs were to be formed by 1 June and counting teams by 11 June, but the deadlines were not met by

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<sup>6</sup> The OSCE/ODIHR EOM observed that the CEC unanimously adopted some 130 mostly technical decisions, including on replacement of CEAZ members, registration of observers, and approval of ballots. However, some 40 decisions on more substantial issues were mostly adopted with a vote split of four to three, including on formation of counting teams and candidate registration and withdrawals.

<sup>7</sup> 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, SMI and RP were represented in counting teams, leaving out the PJIU, which should have been represented.

<sup>8</sup> According to Paragraph 20 of the 1996 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”.

<sup>9</sup> 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 has passed some 700 decisions.

<sup>10</sup> These included a lack of equipment and transportation means, inadequate premises, and lack of funding. Many CEAZs claimed they received no funds, despite the CEC’s allocation of funds for the elections in February, and some CEAZs members reported covering some costs themselves.

<sup>11</sup> The OSCE/ODIHR has previously recommended that such possibility be removed. Section II.3.1.77 of the explanatory report of the 2002 Venice Commission Code of Good Practice in Electoral Matters states: “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...”.

many CEAZs.<sup>12</sup> This was primarily due to late nominations from parties, who were concerned about potential bribery of election commission members by their opponents. The delayed nominations were used to circumvent the legal prohibition on replacing VCC members at the discretion of political parties. This affected the training of VCC members, which, in many cases observed, were poorly attended.

## Voter Registration

Voter registration is passive. Voter lists were extracted from the database of the National Civil Status Register, updated by the Ministry of Interior's General Directorate of Civil Status (GDCS). All citizens aged 18 years or older are eligible to vote, except those found incompetent by a court decision. Non-citizens are not eligible to vote in local elections, irrespective of the length of residency.<sup>13</sup> Although voters should have been notified by mayors about their respective voting centres, in a number of EAZs voters claimed that they did not receive the notifications.<sup>14</sup> By law, voters over 100 years of age are removed from the voter lists unless they confirm their records.<sup>15</sup> Age-based discrimination is contrary to paragraph 5.9 of the 1990 OSCE Copenhagen Document and other international obligations.<sup>16</sup> According to the GDCS, final voter lists included 3,370,206 voters. Some interlocutors noted that a large number of non-resident citizens were on the voter lists.

The voter list compilation process was assessed by two CEC appointed auditors, who produced separate reports on a monthly basis. In general, interlocutors expressed satisfaction with the accuracy of voter lists. Civil Status Offices publicly posted extracts of the voter lists in each voting centre for public scrutiny. Voters could also verify their records on the Ministry of Interior (MoI) website. Some CEAZs did not receive two printed copies and an aggregate electronic version of the final voter list by the 18 May deadline.<sup>17</sup>

Prisoners could vote in local elections. One of the CEC auditors, nominated by the DP, flagged 197 prisoners not included in the final voter list. The General Directorate of Prisons informed the OSCE/ODIHR EOM that some 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.<sup>18</sup>

In May, the same CEC auditor also 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 remain under investigation by the prosecutor's office caused some concern about the integrity of the voter registration system.

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<sup>12</sup> On 19 June, the CEC expressed concerns that VCCs and counting teams in 16 EAZs were not yet formed and appealed to political parties to nominate VCC members. In Kurbin, the lack of nomination of VCC members from the DP on election day led to the late opening of some voting centres.

<sup>13</sup> 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".

<sup>14</sup> 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 receipt of the notifications.

<sup>15</sup> Overall, 310 out of the 1,288 registered voters above 100 years confirmed their records.

<sup>16</sup> According to Paragraph 5.9 of the 1990 OSCE Copenhagen Document "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).

<sup>17</sup> Of the printed copies, one is posted at the voting centre, 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.

<sup>18</sup> According to the General Directorate of Prisons, some 2,265 prisoners subsequently obtained a court decision allowing them to vote on election day.

## Candidate Registration

Any citizen with the right to vote can stand for election, except those serving a prison sentence. Candidates can be nominated by political parties, coalitions of parties, or groups of voters. In total, 63 parties registered for the elections and 36,341 candidates ran for municipal councils, including 12 independents. All parties met the new gender quota requirement and 49.4 per cent of candidates were 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 candidatures to be registered. All other candidates are required to submit supporting signatures of at least one per cent of voters from their respective municipality.<sup>19</sup> However, the CEC in its Decision No. 88, dated 7 April, specified that contestants 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 and the Electoral College ruled that subjects possessing mandates at any level are exempt from signature collection.<sup>20</sup> The CEC subsequently registered the 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 were not registered, due to a lack or late submission of mandate certificates, despite this not being specified by CEC Decision No. 88 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 number of signatures were proved to be fraudulent.<sup>21</sup>

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 the races in Dropull, Korce, and Kuçove; yet, accepted withdrawals in Kelcyre, Memaliaj, and Sarande.<sup>22</sup>

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.<sup>23</sup> Complaint procedures on candidate registration and withdrawals continued throughout the official campaign period, undermining the equal opportunity to campaign.

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<sup>19</sup> This is in line with the 2002 Venice Commission Code of Good Practice in Electoral Matters. However, a number of CEAZs applied signature verification procedures, defined by Article 71 of the Electoral Code, in an inconsistent manner.

<sup>20</sup> 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 this only from commune incumbents. This complaint was dismissed on procedural grounds without comment on the substance of the decision appealed.

<sup>21</sup> 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.

<sup>22</sup> Reasons given by the CEC for accepting such withdrawals included submitting a statement of withdrawal verified by a notary and alleged criminal background, as declared by the nominating party.

<sup>23</sup> 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”.

## Campaign Environment and Campaign Finance

The campaign environment was peaceful, except for isolated incidents. Fundamental freedoms of expression and assembly were generally respected. 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 PJIU and a number of independent candidates also visible in some parts of the country. Campaigns focused more on the mayoral elections, with national attention to the races in Tirana, Durres, and Shkoder.

Parties began campaigning in early May, holding rallies to introduce local candidates around the country. Campaigning increased after the official start on 22 May and intensified as election day approached.<sup>24</sup> While rallies and door-to-door visits continued to be held, there was a widespread move towards smaller campaign forums where candidates and citizens could interact directly. Debates took place between mayoral candidates from a number of municipalities, including Berat, Fier, Gjirokaster, Himare, and Shkoder, generating significant attention in the media and among the public. Social media was extensively used for campaigning by parties and candidates.

Campaigning was dominated by key national party leaders and the focus was largely on socio-economic issues, such as economic growth, infrastructural development, health, education, youth employment, and taxation, which until now remain the competency of the national government. Gender equality issues were addressed in a number of campaign platforms and increased attention was paid to women voters, including through a number of specifically targeted rallies. There were also some attempts by parties to reach out to Roma and Egyptian voters.

The tone of the campaign was improved, including in Tirana, where it was civilly conducted by all mayoral candidates. However, the largest parties continued to make personal accusations and attempted to discredit other contestants. In several areas, allegations of obstruction and pressure on independent candidates and smaller parties were made.<sup>25</sup> The mayoral race in Vore was particularly fiercely fought and included allegations of significant intimidation.<sup>26</sup> In some races, informal agreements were reached between the largest political parties on the display of campaign materials to reduce the potential for conflict between supporters.<sup>27</sup>

The OSCE/ODIHR EOM received widespread allegations of pressure on state employees, primarily teachers and healthcare workers, including requirements to attend AEA campaign events and threats

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<sup>24</sup> 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.

<sup>25</sup> For example, in Tirana, one independent candidate reported to the OSCE/ODIHR EOM that he had difficulty finding owners of premises to 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 the local SMI branch members.

<sup>26</sup> The DP and RP alleged that the PAWD candidate, the incumbent mayor, was targeted by the SMI. During the first week of the campaign, a business owned by the candidate was shut down for a number of days by the Ministry of Agriculture. 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.

<sup>27</sup> For example, in Rrogzhi, the OSCE/ODIHR EOM was informed by one of the mayoral candidates 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 Durres and the closing rally of the DP to take place in Tirana, rather than both in Tirana.

of dismissal from employment if they did not vote for a particular candidate.<sup>28</sup> These 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.

Senior figures from the largest governing parties handed out property legalization certificates at campaign events,<sup>29</sup> and a number of AEA candidates used state events and resources for campaign purposes,<sup>30</sup> blurring the separation between state and party and breaching paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>31</sup>

There were also allegations of vote-buying, as well as of individuals handing over their identification card to parties before election day. Senior figures from parliamentary and non-parliamentary parties acknowledged that this is a feature of elections in Albania.

Political parties may finance their electoral campaign from public funds, private donations, and loans. Contribution and expenditure limits are provided in the law. Independent candidates are not entitled to public funding, challenging OSCE commitments.<sup>32</sup> A CEC decision on distributing advanced public funds for campaigning came 13 days after the start of the official campaign.<sup>33</sup> All parties and independent candidates are required to disclose the amount of private financing they receive and campaign expenses they incur, but campaign income and expenditures only have to be reported to auditors appointed by the CEC after the elections.<sup>34</sup> Rules on campaign finance reporting are not comprehensive and could be strengthened to provide greater transparency in line with international standards.<sup>35</sup>

## Media

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.<sup>36</sup> The public service broadcaster, Albanian Radio and

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<sup>28</sup> For example, in Delvine, the incumbent mayor informed the OSCE/ODIHR EOM that his wife was threatened with dismissal from her position at a health clinic. In Kruje, a man informed the OSCE/ODIHR EOM that his wife received threats for attending a DP rally. The OSCE/ODIHR EOM also received credible reports that state employees who were present at SP/SMI rallies in Berat, Elbasan, Gjirokaster, Kukes, Shkoder, and Vlora were instructed to attend.

<sup>29</sup> For example, on 24 May, pictures of Ilir Meta, Speaker of Parliament and chair of the SMI, handing out legalization certificates in Vore were broadcast on television. Footage of Erion Veliq, AEA candidate for mayor of Tirana, handing out certificates was broadcast on 23 and 26 May.

<sup>30</sup> For example, on 1 June, Mr. Veliq, 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 Lezhe, inspected building works for a new bridge in Lezhe, together with Mr. Meta, and on 8 June, appeared with Mr. Meta at the inauguration of a new ferry line from Shengjin to Brindisi.

<sup>31</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties".

<sup>32</sup> 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".

<sup>33</sup> Parliament allocated a total of ALL 65 million (some EUR 465,000) for the public funding of electoral campaigns. EUR 1 is approximately ALL 140 (Albanian Lek).

<sup>34</sup> The CEC should 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 to auditors.

<sup>35</sup> In accordance with Article 7.3 of the 2003 UN Convention Against Corruption "Each State Party shall also consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office".

<sup>36</sup> Paragraph 36 (Human Dimension) of the 1994 OSCE Budapest Document states that "independent and pluralistic media are essential to a free and open society and accountable systems of government".

Television (RTSH), is widely considered to support the government, contributing to a lack of independent news on television (TV). 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 contribute to pluralism, given its greater editorial autonomy and space for alternative views.

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, defamation still constitutes a criminal act, contrary to international standards.<sup>37</sup> The Broadcasting Code requires broadcasters to ensure unbiased coverage of political actors with the aim of providing political pluralism, although implementation is hampered by a lack of effective oversight mechanisms, including between elections.

It is widely acknowledged that campaign footage on TV news is predominantly produced by political parties, either as pre-recorded material or live feed from campaign events. 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.<sup>38</sup> Further, several editors informed the OSCE/ODIHR EOM that they are obliged to use this footage based on a 2013 CEC decision that requires media to accept recordings complying with technical requirements.

The Electoral Code includes detailed provisions on equitable news coverage and provides electoral contestants with free airtime and the right to purchase airtime.<sup>39</sup> From 22 May, the Media Monitoring Board (MMB) submitted daily quantitative monitoring reports to the CEC for 13 TV and 2 radio stations.<sup>40</sup> Although the provisions cover all broadcasters, the MMB lacked staff, equipment, and methodology to effectively monitor the high number of broadcasters or the tone of the coverage.<sup>41</sup> The CEC voted against several MMB proposals for fines against TV stations for providing more news coverage to one of the main contestants, contrary to legal provisions.<sup>42</sup> Instead, the CEC decided to give the TV 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 for violating mainly other legal provisions. However, monitoring results attached to the report did not indicate equitable coverage had been provided to contestants.

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<sup>37</sup> 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 a 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 a social network, and despite 2012 amendments to the Criminal Code, was interrogated at the public prosecutor's office on the same day.

<sup>38</sup> Furthermore, journalists working with nationwide and regional broadcasters informed the OSCE/ODIHR EOM of camera crews being denied access to campaign events.

<sup>39</sup> 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.

<sup>40</sup> Each of the seven MMB members is appointed by a CEC member from a list of candidates proposed by non-profit media organizations.

<sup>41</sup> The OSCE/ODIHR EOM noted inconsistent interpretation of legal provisions, poor equipment, and a lack of access to media by local MMB monitors.

<sup>42</sup> The Electoral Code stipulates that in case provisions on equitable coverage are violated, broadcasters are fined up to ALL 3,000,000.

The OSCE/ODIHR media monitoring showed that none of the monitored TV stations provided equality in news coverage for the two major contestants, as required in the Electoral Code.<sup>43</sup> Three of the five monitored TV stations, including TVSH, displayed bias in favour of the AEA, while two TV stations favoured PAWD. TVSH devoted 63 per cent to the AEA and 33 per cent to 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 Klan TV 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 coverage of the AEA was negative in tone.<sup>44</sup> The monitored newspapers generally provided more balanced campaign coverage.

TVSH fulfilled its legal obligation to broadcast equitable free airtime for contestants. The low amount of coverage devoted to contestants not running with the two coalitions (less than five per cent in total on each of the monitored TV stations) left them at disadvantage and limited voter information on political alternatives. This was partially redressed through discussion programs which positively contributed to broader information for voters.

### Complaints and Appeals

Under the Electoral Code, only parties and candidates registered as electoral subjects have the right to file complaints against election administration bodies. The definition of an electoral subject lacks clarity.<sup>45</sup> In two cases, the CEC dismissed complaints filed by mayoral candidates as they were not considered to be electoral subjects. Voters may only appeal errors in voter lists and citizen observer groups may only appeal decisions denying their accreditation.<sup>46</sup> The CEC must consider all complaints against CEAZ decisions and reach a decision within two days.<sup>47</sup> CEC decisions or its failure to reach a decision can be challenged at the Electoral College, whose decisions are final. Cases that may constitute criminal offences are referred to prosecutors, but their lengthy investigations do not ensure a timely remedy in the electoral context, including on voter registration and verification of signatures.

The CEC received 24 complaints against CEAZ decisions, 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 CEAZs. A number of CEC decisions lacked 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 final decisions on complaints within the required deadlines.

The Electoral College considered all 23 appeals in an expedited manner, with 5 judges taking part in open hearings. 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. In another case, the Democratic Christian Party (DCP) candidate list for the Kruje municipal council was not registered

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<sup>43</sup> Between 17 May and 20 June, the OSCE/ODIHR EOM monitored primetime political coverage of political actors of 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*).

<sup>44</sup> The news coverage of the two coalitions on TVSH, News24, and Top Channel was predominantly positive or neutral in tone.

<sup>45</sup> Article 2.20 of Electoral Code defines electoral subjects as political parties, coalitions, independent candidates, and candidates for mayor. However, Article 63 does not qualify a candidate for mayor as an electoral subject.

<sup>46</sup> The legislation is not clear which courts are responsible for the consideration of voter list complaints following the 2012 reform of the judiciary.

<sup>47</sup> 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.

due to the inaction of the CEAZ.<sup>48</sup> The DCP challenged the CEC's decision to approve the ballot paper without their inclusion. The Electoral College dismissed the complaint and stated that the failure of the CEAZ to perform its duties is not sufficient to invalidate the CEC decision.

Although many political parties raised allegations of campaign violations, complaint mechanisms were largely not utilized and only a few campaign-related complaints were lodged with CEAZs. The legal framework on the jurisdiction and process for handling campaign-related complaints is unclear. Due to this lack of clarity, CEAZ 11 refused to consider a DP complaint of alleged pressure on public servants to attend a rally.

Various OSCE/ODIHR EOM interlocutors expressed a lack of trust in the election administration and courts to impartially handle complaints. Overall, the manner in which election commissions and the Electoral College dealt with electoral complaints often left stakeholders without effective or timely redress, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and other international standards.<sup>49</sup>

### **Participation of National Minorities**

Minorities did not generally face discrimination during the electoral process. While no specific framework law exists, national minorities are guaranteed full rights under the Constitution. However, in some cases, effective voter participation was restricted by poverty, a lack of civil registration documents and, occasionally, language difficulties.<sup>50</sup> Many OSCE/ODIHR EOM interlocutors reported that Roma and Egyptian communities remain vulnerable to vote-buying practices. While some minority candidates were included on the main party lists, they were usually not placed in winnable positions. Such inclusion was dismissed by some as a campaign tactic.

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. A voter education programme for Roma and Egyptian women was supported by the OSCE Presence in Albania. There is a growing awareness among Roma and Egyptian communities of the power of the vote and increased engagement with campaign issues.

### **Citizen and International Observers**

The Electoral Code provides for citizen and international observation at all levels of the election administration. The accreditation process for observers was inclusive and the elections were observed by a number of electoral contestants, as well as 4252 citizen observers and 933 international observers. The right to appoint observers within a coalition rests solely with the coalition and not the parties within it.

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<sup>48</sup> The DCP submitted documents for registration of its candidate list to the CEAZ on 1 May; however, the CEAZ registered the list on 26 May after the approval of the ballot paper by the CEC.

<sup>49</sup> 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...".

<sup>50</sup> 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 documents for Roma voters in an attempt to influence their vote.

## Election Day

Election day proceeded peacefully throughout the country in general. As of midnight, the CEC announced preliminary voter turnout at 47 per cent based on data from 55 percent of voting centres. While partisan observers were largely present throughout all stages observed, citizen observers were noted in less than 20 per cent of voting centres during election day and less than 50 per cent of counts observed.

Voting centres opened late in the majority of cases observed. This contributed to an overall negative assessment of opening procedures in 25 per cent of observations. Voting centres were observed to open late, mainly due to the absence of VCC members, their lack of knowledge of procedures, or missing election materials. The special voting centre in Rrogozhina prison did not open at all.

Voting was observed as orderly during the day and was positively assessed in 93 per cent of the voting centres observed. Transparency of the process was ensured and observers could follow procedures without restrictions in almost all voting centres visited. IEOM observers reported that voting in Devoll, Roskovec, and Tepelene was suspended for a few hours due to mistakes discovered on ballot papers.<sup>51</sup> The CEC later took a decision for voting to resume in the affected areas, with no changes to the ballot papers.

While the overall assessment was positive, some procedural errors were noted. Finger inking and ink-verification procedures, key safeguards against multiple voting, were not adhered to in 6 per cent and 13 per cent of observed voting centres respectively. Instances of group voting were observed in some 17 percent of voting centres, which appeared to have a disproportionate impact on women voters. Proxy voting was observed in five per cent of voting centres visited, while series of seemingly identical signatures were observed in three per cent of voting centres observed, which could be an indication of multiple or proxy voting. The secrecy of the vote could have been compromised in four per cent of voting centres visited. IEOM observers reported that in some 57 per cent of observations, the voting premises were not accessible for voters with disabilities.

Campaign materials in the 150 metre-vicinity of voting centres were noted in 22 per cent of observations, with tension or unrest in the voting centres or their vicinity reported in 3 per cent of the observations. In some areas, groups of party activists loitering in and around voting centres was observed as being potentially intimidating for voters. This was particularly problematic in Vore. In Berat and Durres, two instances of apparent vote-buying were observed, specifically targeting the Roma and Egyptian communities.

The closing of voting centres and transfer of materials to the BCCs was generally assessed positively, although nearly 20 per cent of VCCs were not able to deliver their materials to the BCCs within the three hour legal deadline. Counting did not begin immediately after the receipt of materials due to announced breaks at over half of the BCCs observed. IEOM observers reported that some counting teams were still being appointed and trained. The initial stages of counting were assessed positively, with few procedural errors noted. However, in one-third of BCCs visited, observers did not have a clear view of counting procedures. The counting process remains ongoing in all BCCs observed.

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

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<sup>51</sup> In Devoll, the title of the PAWD was misspelled on the council ballot paper, while in Roskovec two mayoral candidates were listed with the same AEA coalition title. Lastly in Tepelene, the numbering of candidates in mayoral ballot paper was incorrect.

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## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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**Tirana, 22 June 2015** – The OSCE/ODIHR EOM opened in Tirana on 15 May. It includes 16 experts in the capital and 20 long-term observers deployed to 10 locations throughout Albania.

On election day, some 200 observers were deployed, including a 24-member delegation representing 15 countries from the Congress of Local and Regional Authorities of the Council of Europe. In total, there were observers from 32 OSCE participating States. Opening was observed in 65 voting centres, while voting was observed in some 652 of 5,301 voting centres across the country. Ballot counting and the tabulation of results were observed in 32 out of 90 ballot counting centres.

The observers wish to thank the authorities for the invitation to observe the elections, the CEC for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Presence in Albania,<sup>52</sup> the OSCE High Commissioner on National Minorities, the Council of Europe office in Tirana, and other international organizations and embassies, as well as political parties, civil society organizations, and media representatives for their co-operation and support.

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The OSCE/ODIHR EOM and the OSCE Presence in Albania operate separately under their specific mandates.