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ELECTIONS FOR THE ASSEMBLY OF ALBANIA

25 APRIL 2021

INTERIM MONITORING REPORT - I

6 September 2020 – 25 March 2021

Tirana, on 29 March 2021!

**COALITION FOR REFORMS, INTEGRATION AND CONSOLIDATED INSTITUTIONS
(KRIIK ALBANIA)**

In cooperation with

33 partner organizations

ELECTIONS FOR THE ASSEMBLY OF ALBANIA

25 APRIL 2021

INTERIM MONITORING

REPORT – I*

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COALITION FOR REFORMS, INTEGRATION AND CONSOLIDATED INSTITUTIONS

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I. EXECUTIVE SUMMARY

- The 25 April 2021 Elections for the Assembly of Albania are being held in a polarized and conflictual political climate, which is being reflected in a political communication charged with accusations, use of denigrating language and personal attacks.
- In a quasi pre-state institutional and political context, accompanied also by handicaps and encountered issues also coming from the challenges in the progress of the Justice Reform, the 25 April 2021 electoral process assumes a vital importance in leveling the political conflict and balancing of the powers by re-legitimizing them, institutional life and the law enforcement power based on the will as expressed by the sovereign throughout this process - its free and intact will.
- The first test of the 5 June 2020 Political Agreement's aspiration is conducting this electoral process in line with standards, based on the behavior and will of the main political forces that have an administrative role in the process, and which are still the three largest political forces: The Socialist Party, the Democratic Party, and the Socialist Movement for Integration.
- The 25 April Elections will be held in a legal framework that was amended in many of its elements, being the first reform carried out since 2012, which nonetheless did not meet the expectations, and several-year promises of political actors for a serious and comprehensive amendment. The unilateral amendment to the Constitution of the Republic of Albania and the subsequent amendments to the Electoral Code violated the principles of public consultation and transparency, as well as the trust placed by the parties on the 5 June Agreement.
- Nonetheless the legal framework constitutes and provides the guarantees for an electoral process with standards, as long as the main political and administrative will is constructive and law-abiding.
- The re-dimensioned CEC institution, as the first step to applying the 5 June 2020 Political Agreement's spirit of building independent institutions with integrity, has demonstrated overall responsibility and transparency in its organizing, functioning and decision-making, as well as a positive cooperative approach with political, civil society, and media stakeholders.
- The Regulatory Commission is positively for the unanimous and consensual decisions by all its members, despite certain cases when during their discussions partisan political approaches have been noted. KRIIK strongly encourages its members to continue adopting the same approach by referring only to the law and the public interest.
- The CSC decision-making is considered to be a narrow reading of the law, and on a distant approach from being part of CEC steering bodies, whereby the Electoral Code has given the competence to place sanctions for any violations to the electoral law. Its decision-making dampened and undid all the changes and the efficiency of the instrument created to prevent and sanction the misuse of state resources.
- The CEC efforts to implement the use of technology in the 25 April 2021 elections, in compliance with legal obligations, including the electronic identification of voters nationwide,

the camera monitoring of all polling stations as well as the pilot project of electronic voting and counting in Tirana, are positively assessed.

- At election zone level, the activity of 92 Commissions of Election Administration Zones, is deemed to have had an overall positive progress, despite the difficulties caused by lack of infrastructure or necessary materials in some of them. Failure to respect the operating hours in some of CEAZs, and in rare cases, lack of knowledge of the legal framework pertaining to the transparency that they should provide, is concerning.
- Despite being in its initial phase, the issue of changing CEAZ members persists even in this electoral process. From their appointment up to the date of this report, 44 CEAZ members and secretaries have been changed.
- The voter list compilation process was not properly transparent, whilst even during these elections the process of notifying voters in writing suffered from failure to implement the legal criteria and provisions.
- KRIIK's long-term observers have noted several issues pertaining to the publication of voter lists and the information of citizens, whereby they have identified that the preliminary lists with the extracts of electoral components have not been regularly displayed or have been displayed on premises not easily accessed by voters.
- It seems that Albanian voters who permanently reside abroad, will not be able to vote in these elections, which constitutes a missed opportunity as well as a violation of the political parties' commitments in compliance with the 5 June 2020 Agreement.
- Even though it was easily foreseeable that the 25 April elections would be held during a pandemic, the political parties did not regard this as an issue at any point during their talks in the Political Council, as far as it is known and made public. The Albanian state failed to satisfy its obligation to guarantee to all its citizens the right to vote, an undeniable and unalienable right that International Conventions ratified by the Albanian state as well as the Albanian Constitution recognizes to its citizens.
- The number of supporting signatures that should be presented by non-parliamentary parties and independent candidates is in line with good election practices. However, the collection of supporting signatures has demonstrated to be a barrier to the candidacy of independent candidates. Out of eight initiator committees registered at the CEC, only five managed to collect the required signatures, three of which were able to use the sources of an existing organizational structure.
- In total, the CEC registered 1,910 candidates, 1905 of whom were included in the multi-name lists of 12 electoral subjects and 5 independents. The CEC administration is encouraged to make a complete and thorough verification of self-declaration forms in compliance with the law on decriminalization.
- The legal framework envisages that the electoral campaign shall begin 30 days before the election day, period during which political parties are obligated to act according to the rules

provided for by the Electoral Code. However, this did not stop electoral subjects to start their campaigns quite earlier than the legal provision. The vacuums created in the law by not defining the electoral campaign leaves room for electoral subjects to commence their *de facto* campaign, with all its attributes.

- The situation created by the pandemic and the November 2020 Decision of the Technical Committee, which was followed by the Order of the Minister of Health to not allow the gathering of more than 10 persons as well as the prohibiting assemblies or party meetings, restrict the right to assemble and affects the way of conducting the campaign. During the 24 March meeting, the Technical Committee decided that the restrictive measure would stay in place for the next two weeks (until 7 April 2021).
- With the approach of the election date, the political rhetoric became more polarized, with accusations and counter accusations, thus leading to an environment that is not suitable for a calm election campaign. The heightening of these tensions would actualize in the physical clash between Socialist Party and Democratic Party sympathizers during the official celebrations of the Summer Day in the city of Elbasan. Both parties accused each-other of provoking and inciting violence, and neither of them directly distanced itself from the violence and the perpetrators or made any calls to calm the situation.
- The two major parties officially opened their campaigns on 25 March, again in violation of legal provisions, which determine that the campaign begins 30 days before election date (26 March). Their organizations were quite different, whilst it was noted that both events, especially the one organized by the Democratic Party, did not comply with the Order of the Minister of Health on not allowing the assembly or gathering of more than 10 persons.
- From monitoring of the reports in the CEC website, it is noted that the mechanism for reporting the activities of the institutions has lost its meaning and lacks the effectiveness in achieving its purpose thus becoming a formal bureaucratic procedure. The noted issues pertaining to reporting range from lack of reporting to late reporting or not sufficiently detailed reporting; in many cases no details are provided at all.
- A total of 48 institutions have reported up to 25 March. Out of 61 municipalities, only nine have reported to have carried out activities during this period, several of which have reported a very low figure. Lack of reporting is observed even in Ministries, where two of the State Ministers, the Deputy Prime Minister and two ministries, including one of the ministries with the most intensive activity over this period (the Ministry of Health) have not reported any conducted activity.
- Several municipalities, two ministries and two prefectures are noted to have utilized the institution's official Facebook pages as an electoral platform, including sharing posts about the activities of the party that has nominated the mayor or the presence of slogans used by political parties during the electoral campaign in posts about activities of the municipality, on the respective Facebook pages.

- Only three electoral subjects appear to have notified only nine municipalities about the opening of these offices. Whereas, up to 28 March, KRIIK observers have identified 392 election offices in 45 municipalities, established by 10 electoral subjects.
- Despite the intervention to a series of components, the changes undertaken in the legal framework of electoral subject financing have not brought about a quality change to the mechanism. The mechanism will continue to suffer by the main and the CEC will suffer from the limited number of legal instruments. However, the will and decision-making of the institution remains an opportunity to making a step forward in auditing the financial activity of the electoral subjects.
- With the repeal of the *ad hoc* body of the Media Monitoring Board, established by CEC, for the monitoring of the time allocated to electoral subjects and political advertising in the media during the electoral campaign, such competence was transferred to the Audiovisual Media Authority. The working group established by AMA will monitor 23 televisions, among them, public, national and the largest televisions in the major regions, in real time, and the rest of audiovisual subjects will be monitored through recorded content. AMA's reports will be submitted to CEC, and the latter will make decisions on potential noncompliance cases.
- During the pre-electoral campaign, an intensive media coverage with materials of electoral nature was noted. Political parties, having launched their election campaign quite early on, were present in the media, especially in the media focused on news, for a good part of the day. The live broadcasting tradition was further highlighted due to the restrictions by the pandemic, making it impossible for journalists to attend, thus making it even harder to screen the content. It is concerning that audiovisual media seem to be simply relay broadcasters of materials prepared by the election staff, therefore not providing the voters with a critical point of view.
- The sanctioning of electoral subjects in case of not fulfilling the gender quota, by rejecting the multi-name list of the relevant subject - a violation that was previously penalized by administrative sanction, a fine - is deemed a positive amendment to the electoral legal framework.
- In the framework of informing minorities who live in the territory of the Republic of Albania and enjoy the right to vote, CEC has prepared educational materials in the respective minority languages. No parties representing national minorities has registered as an electoral subject for these elections.

II. INTRODUCTION

The Coalition for Reforms, Integration and Consolidated Institutions (KRIIK Albania) has continuously followed, since the completion of the observation action for the 2017 Parliamentary Elections, almost all institutional, legal and political processes which are directly or indirectly related to the integrity of elections in Albania, including the electoral reform process, the political crisis beginning in January 2019, the preparatory progress of 2019 Elections for Local Government Bodies, the holding of those elections, as well as the entire processes and institutional stalemates that accompanied and followed them, the electoral reform process since its beginning and later on as an agreement signed by the Political Council, the unilateral legal and constitutional amendments, as well as other political and institutional processes relevant to the present.

KRIIK has continuously made public its opinions and stances on these developments through its Public Stances and Statements, Open Letters,¹ public, as well as through its opinions and suggestions submitted to legislators with regards to the electoral reform, the Central Elections Commission pertaining to the sub-legal acts in regulating the electoral process, or even through the meetings with political and institutional actors, including the Parliamentary Ad-hoc Committee on Electoral Reform, the Central Election Commission, political actors, international stakeholders, etc. Throughout this entire intense activity with the aim of improving electoral integrity in Albania, the primary aim of KRIIK remains the constructive and critical spirit, the identification of strengths and issues that require improvement, as well as the provision of recommendations for improvement.

KRIIK has begun monitoring the entirety of the process of 25 April 2021 Elections for the Assembly of Albania, since the moment of its announcement by the President of the Republic on 6 September 2020.

KRIIK paid special attention to the selection of the members of the three governing bodies of the Central Election Commission, in accordance with the July 2020 legal amendments, stemming because of the 5 June 2020 Political Agreement. Especially after KRIIK's Public Stance "[June 30 as a failure of the Albanian political class and a threat to democracy](#)", published on 23 August 2019, following the 2019 Local Elections, whereby, *inter alia*, it called for disbanding the body of the Central Election Commission, since the process of 30 June had established a series of absurd and anti-legal precedents, which could be eliminated only through a drastic institutional overhaul.

The 5 June 2020 Agreement brought about a legal amendment, which *de facto* led to the restructuring of the governing body of CEC by providing for three governing bodies based on the three-dimensional nature of CEC functionality, a formula which remains to be seen and assessed how much it will increase efficiency and institutionally strengthen the Central Electoral Commission in the future.

This Monitoring Report summarizes the observations made during this electoral process, from the date of the election announcement up to 25 March 2021. However, some sections (such as the political context or the reforming process of the electoral legal framework), refer to time periods which precede this period to clarify the context in which these elections are being held.

This report has been preceded by a [Press Conference](#), held on 11 March 2021, whereby KRIIK made public its concerns regarding four important issues of the electoral process:

¹ Referring to the recent National Conference "*Costs of Democracy II – Money in Politics and Electoral Integrity*", which made public the Election Observation Monitoring Action for the 25 April 2021 Election for the Assembly of Albania.

(1) the impact that Covid-19 will have on the organization of the electoral process, especially about the right to assembly and active suffrage; (2) the integrity of candidates proposed by the electoral subjects; (3) the options for Albanians living abroad to be able to exercise their voting rights, and (4) the use of state resources during the electoral campaign.

Besides continuously following the political and institutional contextual elements, the observation of the technical elements of the process has been focused on the behavior and decision-making of the Central Election Commission, as well as CEC administration's behavior and its application of the law; the fulfillment of legal obligations by the Commissions of Election Administration Zones, other institutions and actors involved with the electoral process or that play a role in it; the conducted pre-election campaign; the behavior of electoral subjects and institutions, and the use of state resources for their electoral benefit; etc.

KRIIK has engaged 22 long-term observers nationwide, who are observing the key elements of the process for over a month and will continue to follow the process until it is completed.

Further, KRIIK will engage around 700 short-term observers to monitor the activity of the commissions of the election administration zones in all CEAZs before and during the election day, as well as during the vote counting; the process of opening, voting, and closing the polling stations in the 360 polling stations randomly selected nationwide² and the situation around the polling stations and the voting process in approximately 800 polling stations, with mobile observers on election day.

This First Interim Monitoring Report, besides describing the process that has taken place until the official opening of the election campaign, analyzes and assesses it, as well as provides recommendations regarding the improvement of the integrity of the upcoming electoral process, beginning first with the official period of conducting the electoral campaign, and subsequently with other phases of the electoral process.

KRIIK assesses the electoral process based on internationally recognized standards for democratic elections and the Albanian legal framework.

The Observation Monitoring Action for the 25 April 2021 Elections for the Assembly of Albania is being carried out in cooperation with 33 partner organizations that operate nationwide: Ionian Agency for Environment, Media and Information – Saranda; The Past for the Future - Korça; New Era – Fier; Selenica Civil Forum – Selenica; Women Forum of Elbasan - Elbasan; Oilwomen in Development Focus – Kuçova; Woman Development – Korça; Integration Local Action Group - Dibra; Youth Movement for Democracy – Puka; Tourism Development Movement - Ksamil; Environmental Protection and Tourism Development Association – Has; Protection of Persons with Disabilities (MEDPAK) – Librazhd; Flower Initiative - Saranda; National Platform for Women – Fier; Roma Door for Integration - Kruja; Embroidery Association – Korça; I, Woman - Pogradec; Social Services and Women Counseling Center– Kukës; Counseling Center for Persons with Disabilities - Shkodra; Social Center for Persons in Need - Fushë Arrëz; Center for the Development of Civil Society - Durrës; Hand to Hand Against Nation Apathy – Lezha; Vlora Youth Center – Vlora; Association for the Protection of the Rights of Village and Town Women – Berat; Alpin Association – Tropoja; New Environmental Expert Society – Bulqiza; Association for Women and Children – Tirana; Ray of Hope Association - Vau Deja; Independent Typographer Union – Tirana; The Youth

²The observation of 360 randomly selected polling stations guarantees the generalization of the findings with a $\pm 5\%$ error margin, with a confidence interval of 95%.

of Ura Vajgurore - Ura Vajgurore; Together for Roma Integration – Fier; Youth for Social Changes – Vora; and Consulting and Development Partners – Shkodra.

KRIIK would like to thank all local and central institutions with which it has cooperated and collected information thus far; the electoral administration, beginning with the Central Election Commission, as well as other organs and interlocutors who have assisted in collecting information.

Furthermore, KRIIK would like to express its gratitude to the financial supporters of this Observation Action, without the support of whom an observation action at such scale would have not been possible.

The Election Monitoring Action of KRIIK for the Elections for the Assembly of Albania of 25 April 2021 Elections is financially supported by:

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III POLITICAL AND INSTITUTIONAL CONTEXT

The 25 April 2021 Elections for the Assembly of Albania are being held not only in a polarized and conflicting political climate, which is being reflected in the political communication charged with accusations, use of denigrating language and personal attacks as opposed to rational communication, as well as in institutional relations, by placing the President of the Republic clearly in front of the governing majority, almost as a party in the electoral race.

The conflicting political climate first emerged several months prior to the 2017 elections. The 18 May 2017 Political Agreement entered between the two political leaders Mr. Rama and Mr. Basha, brought about a series of legal amendments, and provided several institutional guarantees to the opposition, such as several interim ministerial posts for the duration of the election period or the establishment of a task force headed by the opposition, etc., thus enabling the opposition parties to enter the 2017 Parliamentary Elections. Only a few months after these Elections, the political crisis resurfaced and culminated by early 2019, when, through an unprecedented move in almost 30 years of Albanian democracy, on 21 February 2019, most MPs elected by the lists of the Democratic Party (DP) and the Socialist Movement for Integration (SMI) resigned their parliament seats.

These two political forces together with other non-parliamentary parties organized a series of national and local protests, where some of them were characterized by violent episodes, attempts to forcibly break in institutions and other vandal acts, as well as physical confrontation between the police and protesters. Following this radical stance, the united opposition refused to take part in the 2019 Local Elections, by repeatedly demanding their postponement, conducting of early parliamentary elections, resignation of the Prime Minister Rama, as well as the establishment of a transitory government, as a guarantee to conducting a free and fair electoral process.

In this tense climate, the refusal of opposition parties to register as electoral subjects in the race, and later, the complete abandonment of the process, brought about the entirely one-sided administration of the 2019 Local Election process, as the whole election administration pyramid has been built upon a majority-opposition political balancing, or more precisely Socialist Party – Democratic Party.

Only three weeks before the 30 June Election, another unprecedented institutional and constitutional stalemate resulted when the President of the Republic, Meta, issued two decrees changing the election date, which were ignored by the governing majority and the Central Election Commission. This institutional confrontation between the President on one side, and the governing majority/ the executive and the Parliament on the other, stretched in time and is currently at its peak.

Whereas, during the first half of 2019, the German tabloid *Bild* published a series of audio recordings carried out by the Prosecution Office, whereby several local and central officials, including ministers, MPs and Prime Minister Rama himself had been recorded in telephonic communications discussing electoral strategies for the September 2016 Partial Mayoral Elections in Dibra Municipality, or the conversation between the former mayor of Durrës and notorious criminals regarding the 2017 elections. The audio recordings further radicalized the political polarization, whilst with regards to institutions, the investigation file was moved around several times from Tirana's Prosecution Office to that of Dibra and ended in the prosecution of only a few of the tapped persons, whereas the rest, despite having the Prosecution Office conclude that they had carried out a criminal act, they were not brought in as defendants since the statute of limitations had already expired.

The 2019 Local Elections were held with a very low participation of voters, who became objects of intimidation both by the majority (for participation to the elections) and the opposition (for boycotting the elections). At the end of the one-sided process which lacked real competition, the Socialist Party candidates received the office in 59 out of 61 municipalities³.

Besides the ongoing political crisis, the country faced a really difficult situation due to the 26 November 2019 earthquake, where 51 persons lost their lives, thousands remained homeless, and a lot of material damage was recorded.

In early 2020, the opposition outside the parliament and the majority agreed to undertake the electoral reform, thus coming up with an extra-legal formula, which allowed the opposition, which remained outside the parliament, to partake in this process. To this end, an Ad-hoc structure was established, namely the Political Council, with representatives from both opposition parties that had emerged from the 2017 Elections (DP and SMI), representatives of the parliamentary opposition (composed of MPs who had refused to resign their posts according to the candidates list, following the abandonment of the parliament by the opposition parties) and representatives of the parliamentary majority.

The activity of the Political Council had to be postponed once the country entered a severe lockdown from March to May 2020, to avoid the Coronavirus outbreak.

Following the firm interventions and persistence of international stakeholders, the Political Council members reached the 5 June 2020 Agreement, whereby they agreed upon a number of amendments to the legal framework for the elections, with the consensus of the majority, parliamentary opposition, and the extra-parliamentary opposition.

However, only a few days after this agreement, the parliamentary majority and opposition unilaterally changed the Constitution, by arguing for the need to change the method of electing MPs, from closed and fixed lists to preferential voting lists. The opposition outside the parliament firmly reacted against this change, which, among others, eliminated even the opportunity for political parties joined in pre-election coalitions to present candidates' lists for each party as part of the coalition, thus deeming it a violation of the 5 June Agreement.

The constitutional amendments were swiftly carried out, in breach of several laws and principles⁴ and without the political consensus of all relevant political actors of the country. The changes were followed by other unilateral amendments to the Electoral Code on 5 October 2020. These amendments were adopted without any changes, even though the President of the Republic returned them for

³In Finiq Municipality, the candidate of the Ethnic Greek Minority Party for the Future won. Whilst the Mayoral candidate who won the 30 June 2019 election in Shkodra Municipality did not assume office, as he resigned following the public accusations that he had not disclosed information on the decriminalization form. Shkodra Municipality is currently headed by Voltana Ademi, elected in 2015 as a candidate proposed by the Democratic Party.

The partial Local Elections for this municipality, and in the others where the Mayor has either resigned or has been dismissed, have not yet taken place due to the institutional clashes between the Government/Parliament - Presidency about the 2019 local election date.

⁴KRIIK - PUBLIC STANCE “*The breach of the Political Agreement and the unilateral amendment of the Constitution, a very dangerous precedent for the democratic future of the country*”, dated 17 July 2020.

reconsideration by the Parliament, deeming them “in open contradiction with the Constitution of the Republic of Albania and the basic democratic principles protected by it”⁵.

In this quasi pre-state institutional and political context, accompanied also by handicaps and encountered issues, as well as the challenges of the Justice Reform progress, the 25 April 2021 electoral process assumes a vital importance in leveling the political conflict and balancing the powers by re-legitimizing them, institutional life and the law enforcement power based on the will as expressed by the sovereign throughout this process - its free and intact will.

The first convincing test of the 5 June Political Agreement aspiration is conducting this electoral process up to standards, based integrally on the behavior and will of the main political forces that have an administrative role in the process, and which are still the three largest political forces: The Socialist Party, the Democratic Party, and the Socialist Movement for Integration.

The changes in the electoral law, served as the opening of the process for voting citizens to select candidates freely and directly, do not actually offer either the open list voting or, most importantly, the opening of the political system to new political and electoral alternatives. On the contrary. Failure to address the necessary amendments regarding the favoring of new alternatives, whether as institutional or financial support, and especially, the absurd condition of passing the 1% threshold of valid votes nationwide to be considered in the calculation of mandates, make it *de facto* extremely difficult for the new electoral subjects running in these elections to compete, and especially for the independent candidates supported by groups of voters.

It is still concerning that despite talks of the need for a new policy approach to this electoral process, yet again, in line with the established trend of launching election campaigns months before their official launch, political parties have been carrying out activities with clear electoral goals since September 2020.

This campaign outside the legal boundaries intensified especially from January 2021 (see the section on the preliminary election campaign), further polarizing the political situation and aggravating the political discourse, where violent incidents were also present.

Moreover, even though the country officially entered the campaign season on Friday, 26 March, the two major parties, SP and DP, again began by violating the official campaign deadline, by opening it the day before on 25 March 2021, even contrary to the order of the Minister of Health which bans political rallies with more than 10 people.

⁵Decree No. 11797 of the President of the Republic, dated 22.10.2020.

IV. LEGAL FRAMEWORK AND THE ELECTION SYSTEM

IV.1. Legal framework

The elections and the electoral process are regulated by the Constitution of the Republic of Albania⁶, the Electoral Code⁷, adopted in 2008 and subsequently amended four times, the two recent amendments in 2020, other laws that regulate specific election aspects or affect their progress⁸, the acts of the Central Election Commission, as well as the acts of the Electoral College. The Electoral Code prescribes the election system, regulates the administration of elections, the registration of electoral subjects and candidates, the registration of voters, the electoral campaign, the media coverage of the campaign, the electoral subject financing, the announcement of results, as well as the complaints and appeals process.

The Constitutional Court by its decision dated 7 May 2013 has exempted itself from reviewing election cases, by waiving its obligation to guarantee a regular process and constitutional rights, an action criticized by national (KRIIK/KVV) and international (ODIHR¹²) observers, who have recommended its resuming of the function recognized by the Constitution of the Republic.

Albania has ratified or become a Party to a series of conventions or covenants and international treaties that regulate the civil and political rights pertaining to elections⁹, to which, the Albanian state is obligated to adhere.¹⁰

The 25 April elections will be held in a legal framework which has changed many of its elements. Since the reformation of the electoral legal framework in 2012, political actors have often pledged to undertake a thorough and inclusive reforming process of the electoral legal framework. These efforts have failed numerous times, without even concluding any amending legal texts. The 2017 amendments to the legal framework constituted a rare exception, when at the onset of the electoral campaign several last-minute legislative changes were undertaken as a result of the 18 May 2017 Political Agreement entered between the Socialist and Democratic Party leaders.

The electoral reform concluded in 2020 had as its starting point the 2017 Decision of the Assembly on the establishment of the Ad-hoc Parliamentary Committee on Electoral Reform¹¹. The mandate of

⁶Constitution of the Republic of Albania.

⁷Criminal Code of the Republic of Albania, Law no. 10 019, dated 29.12.2008 (Amended by laws no. 74/ 2012, dated 19.07.2012, no. 31/2015, dated 02.04.2015, no. 101/2020).

⁸Law on Political Parties; Law on guaranteeing the integrity of persons elected, appointed or exercising public functions, also known as the Law on Decriminalization; Law on Assemblies, Law on Audiovisual Media in the Republic of Albania; Criminal Code, in the chapter Criminal acts affecting free elections and the democratic system of elections; Administrative Procedure Code, which regulates the administrative activity of CEC, etc.

⁹Inter alia, the Albanian state has ratified or become Party to The International Covenant on Civil and Political Rights, became party to in 1991; International Convention on the Elimination of All Forms of Racial Discrimination, became party to in 1994; Convention on the Elimination of All Forms of Discrimination against Women, became party to in 1994; Convention on the Rights of Persons with Disabilities, became party to in 2013, the European Convention of Human Rights, ratified in 1996; Framework Convention for the Protection of National Minorities, became party to in 1999, etc.

¹⁰Article 5 under the Constitution of Albania.

¹¹The Assembly of the Republic of Albania, Decision No. 102, 2017, “On the establishment of the Ad-hoc Parliamentary Committee on Electoral Reform”.

this Committee was extended several times over the course of three years¹² and it held sessions¹³, albeit without concluding in any amendments. This impasse was intensified with the joint boycott and resignation of the parliamentary mandates of Democratic Party and Socialist Movement for Integration MPs in February 2019.

After several attempts to include representatives of the opposition outside the Parliament in the Parliamentary Committee, in January 2020, the political actors agreed on an extra-institutional module to discuss the draft amendments to the electoral legal framework. According to this agreement, the so-called Political Council was established composed of four members, representing the majority, the parliamentary, the Democratic Party and Socialist Movement for Integration. As representatives of the opposition outside of parliament, with the aim of preparing and agreeing upon the draft amendments within 15 March 2020¹⁴.

After exceeding the preliminary deadline and overcoming the many challenges to agree¹⁵, the parties agreed on a Political Document on 5 June 2020¹⁶. An agreement which at the time was greeted by international partners, diplomatic corps¹⁷ and national actors¹⁸. The legal amendment text was drafted pursuant to this Agreement and was adopted by the Assembly of Albania on 23 July 2020¹⁹.

The first intervention to the Electoral Code brought about the amendment²⁰, addendum²¹ and abrogation²² of a total of 80 legal provisions.

The radical changes to the legal framework are deemed to be the dismantling of the CEC governing body and the establishment of a new body with three components; the State Election Commissioner, the Regulatory Commission and the Complaints and Sanctions Commission (see the section on the Central Election Commission) and changes to the financing of the electoral campaign (see the section on the financing of the electoral campaign).

¹²Assembly of the Republic of Albania, Decision No. 103/2019, dated 12/09/2019, “*On some Addenda and Amendments to Law No. 102/2017 “On the establishment of the Ad-Hoc Parliamentary Committee on Electoral Reform”, as amended*”.

¹³Throughout its activity, the Ad-hoc Committee carried out 18 sessions; on 10/11/2017, 01/12/2017, 14/02/2018, 09/03/2018, 23/03/2018, 20/04/2018, 20/04/2018, 08/05/2018, 06/06/2018, 07/05/2019, 24/05/2019, 10/10/2019, 24/10/2019, 05/11/2019, 07/11/2019, 18/11/2019, 05/12/2019, 19/12/2019, 06/05/2020.

¹⁴The text of the Agreement provided, *inter alia*, for the involved parties to engage in addressing and reaching a consensus on all election administration matters within the scope of the Electoral Reform Committee, including the OSCE/ODHIR recommendations. On issues not agreed upon, the opinion and assistance of international experts would be sought.

¹⁵KRIIK Albania, Public Stance, dated 31/05/2020, “*The Electoral Reform, far from the aspirations and expectations for a real, thorough, and inclusive reform*”.

¹⁶The text of the Agreement determined 12 points, which included the agreements on biometric identification and the electoral administration.

¹⁷United States Embassy in Tirana, Press Release, dated 05/06/2020.

¹⁸KRIIK Albania, Open Letter, dated 16/06/2020, “*The June 5 agreement, as a moment for the leadership to overcome the experience to date*”.

¹⁹Assembly of Albania, Law No. 101, dated 23/07/2020, “*On some Addenda and Amendments to Law No. 10 019, dated 29.12.2008, “Electoral Code of the Republic of Albania”, amended*”.

²⁰Articles 2, 3, 4, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 44, 46, 47, 52, 53, 61, 62, 64, 67, 71, 76, 78, 79, 84, 85, 86, 87, 88, 89, 90, 91, 92, 92/1, 92/2, 92/3, 92/4, 92/5, 92/6, 92/7, 109, 123, 138, 146, 149, 163, 164, 172, 173, 175, 179, 180, 181, 182, 185.

²¹Articles 123/1, 123/2, 123/3, 124/1, 167/1, 167/2.

²²Articles 44, subparagraph “c”, 52 paragraph 1, 53 paragraph 3, 85/1, 163 paragraph 6, 180/1 Appendix.

Further changes included the introduction of technology in elections²³, voting of Albanian citizens living abroad, regulations regarding the electoral campaign²⁴, including those aim at preventing the use of public resources for to their election benefit; media coverage of the campaign²⁵, amendments that aim at improving women’s representation in politics (improving gender equality), determining the time period within which the elections can be held, the right of citizens to denounce violations of the electoral legislation to the CEC, the later inspection of voting papers and election material with CEC initiative, etc.

Additionally, the legal amendments also included transitional provisions which allowed the extra-parliamentary opposition (which had relinquished the seats won in the 2017 Assembly Elections) to be involved in the process of selecting members of the new CEC bodies and appointing members of the other election administration level (the Commissions of the Election Administration Zone (CEAZs), Polling Station Commissions (PSCs) and the Vote Counting Groups (VCGs).

Contrary to the text of the 5 June Agreement, and to what had been agreed upon, the Assembly undertook another legal initiative: the unilateral amendment of the Constitution of the Republic of Albania²⁶, which was submitted by a group of MPS from the parliamentary opposition²⁷. Reflecting on these constitutional changes, the Assembly subsequently adopted a second amendment to the Electoral Code on 5 October 2020²⁸.

The relevant changes aimed at changing the way of voting for the candidates, from voting the party with closed lists and fixed in advance, to preferential voting of the candidates on the list. The Political Council resumed its work to address the subject matter of these changes to the Electoral Code, on 14 September; however, these changes never received the consent of the opposition outside the parliament, a fact which received criticism both from foreign²⁹ and domestic stakeholders³⁰. The arguments of these forces, *inter alia*, were that the changes overstepped the June 2020 agreement, and the chosen modality did not really constitute the opening of the lists, as there is a minimum threshold of votes for the candidates to benefit from the re-ranking as a result of preferential votes.

The President of the Republic of Albania was also involved in this opposition among the parties. Despite expressing harsh criticism on the amendment to the Constitution³¹, he decreed the act. Whereas, in the case of adopting the second amendment to the Electoral Code, the President refused

²³The electronic voter identification and the electronic voting and counting.

²⁴Prohibiting electoral subjects (including third parties) from organizing events or charity during the electoral campaign, the obligation of electoral subjects to clearly state on propaganda material who has produced the, extending the ban on public institution advertising up to four months before the election day.

²⁵The obligation of the media to clearly mark the material prepared by the electoral subjects as such, the transfer of media monitoring competencies during the election campaign to the Audiovisual Media Authority (AMA)

²⁶Law No. 115/2020, dated 30/07/2020 “On some Amendments to Law No. 8417, dated 21.10.1998, “*Constitution of the Republic of Albania*”, as amended”.

²⁷MP group, draft-act on the amendment of the Constitution of the Republic of Albania, Prot. No. 1561, dated 05/06/2020.

²⁸Law No. 118, dated 05/10/2020, “*On some Addenda and Amendments to Law No. 10019, dated 29.12.2008, “Criminal Code of the Republic of Albania*”, as amended”.

²⁹United States Embassy in Tirana, Press Release, dated 30/07/2020.

³⁰KRIIK Albania, Public Stance, dated 17/07/2020, “*The breach of the Political Agreement and the unilateral amendment of the Constitution, a very dangerous precedent for the democratic future of the country*”.

³¹Press release of the President of the Republic, dated 30/07/2020.

to decree it³². For this reason, the President submitted a request for the urgent opinion of the Venice Commission³³. The latter informed of accepting the request, but it was unable to review it through an expedited procedure. Such situation of strong discordance between the parties, characterized by serious institutional confrontation³⁴, is the least wanted preview of an electoral process.

At the end of this amendment process, the Assembly of the Republic also undertook the amendment of the Law “On Political Parties”. This amendment, undertaken by a majority MP, was considered as part of the June Agreement and in the framework of harmonization with the first changes made to the Electoral Code.

As a result, the reform process resulted in two interventions in the Electoral Code, the amendment of the Constitution of the Republic and the Law “On Political Parties”. Despite the mediation efforts of the representatives of the strategic partners and the sacrifice of the institutional base, these interventions did not reach the agreement of the opposition forces. Such a standard had already been achieved in the last two amendment processes, such as that of 2017 and 2012, whereby the parties came to an agreement of the parties was reached. This criticism also came from the opinion of the Venice Commission on constitutional changes.

The legal changes of last year, despite bringing changes which, if implemented in good faith, improve the legal framework for elections, failed to address or tackle in depth the acute issues from which the country's elections have suffered. These include the failure to guarantee a fully functioning institutional and legal mechanism that ensures transparency and control over the financing of electoral subjects³⁵; failure to guarantee full transparency over candidates³⁶; or the failure to fully regulate the voting of Albanians abroad and tasking CEC with such obligation, which is leading to the failure of this process³⁷.

On the other hand, despite the sufficient time available, and in the conditions when it was more than clear that this year's elections would be organized under the conditions of a global health emergency, because of COVID-19, legislators did not take any measures to guarantee an electoral process as normal as possible under the pandemic, which would also ensure the protection of public health.

In the context of sacrificing the institutional base, the process of public consultation on amendments to last year's electoral legal framework marked other steps back. First, the entire activity of the Political Council was a closed-door discussion and mostly without internal or external negotiators. This Council functioned without transparency for the public on the agenda of the discussions, without the publication of the meeting minutes and the contributions brought for discussion by the parties.

³²Decree on the return for review of the President of the Republic, dated 23/10/2020.

³³Request to the European Commission for Democracy through Law by the President of the Republic, dated 21/10/2020, “Request for an urgent Opinion on the process of unilateral and expedited amendment to the Constitution and Electoral Code of the Republic of Albania”.

³⁴Statement by KRIIK Albania, dated 27/10/2020, “The Socialist Party as the governing force with unlimited power, should take and exercise full responsibility in securing the democratic future of the country, by withdrawing and awaiting the urgent Opinion of the Venice Commission regarding the unilateral legal amendments on the elections”.

³⁵For more, see the Open Letter of KRIIK Albania “The June 5 agreement, as a moment for the leadership to overcome the experience to date”, 16 June 2020.

³⁶Ibid.

³⁷See the Press Conference of KRIIK Albania “Political and institutional stakeholders to show the availability and will to improve the integrity of the electoral process for the Elections for the Assembly of Albania of 25 April 2021”, 11 March 2021.

Moreover, unlike the preliminary requests³⁸, the Council did not include the requested international expertise as a facilitator to finding an agreement. In particular, the expert role for assistance from the Presence of OSCE in the Council's discussions remains unclear.

On the other hand, the institution of the Assembly also ceded in the consultative process for the adoption of amendments to the electoral legal framework. Especially in the process of amending the Constitution of the Republic of Albania³⁹ and the Law on Political Parties⁴⁰, the consultative process suffered from violations of the law and fictitiousness.

IV.2. Election system

The Assembly of Albania is composed of 140 MPs, who are elected through a regional proportional system in 12 constituencies, the boundaries of which coincide with the administrative boundaries of the qarks. Political parties registered as electoral subjects must submit candidate lists for all constituencies. Only electoral subjects who pass the 1% threshold of valid votes won nationwide benefit from the distribution of seats, which is likely to be an insurmountable barrier for candidates nominated by voters.

The constitutional changes of July 2020, followed by the amendments to the Electoral Code of October 2020⁴¹ brought the novelty of the opportunity for voters to vote, in addition to the electoral subject for one of the candidates of this subject⁴². However, such change did not bring about fully open lists, even though voters are granted preferential voting rights. Because for a candidate to be re-ranked in the list of the respective party according to the preferential votes collected, he/she must receive a number of votes at least as big as the result of dividing the number of votes received by the respective subject with the number of seats won by the subject⁴³.

Candidates with a higher number of preferential votes than the multiplier replace the candidates with the lowest number in the preliminary ranking, unless the candidate benefiting from the re-ranking is from the most represented gender and the candidate to be replaced from the least represented gender, in which case the candidate ranking immediately above him in the list is replaced.

³⁸In a meeting with journalists on 18/10/2019, the DP leader Mr. Basha expressed the importance of international inclusion in the reform process, “ (...) *The mechanism should include three factors, the joint opposition, those who hold the keys to the government and the international factor, not as a chair but through its expertise [...] to witness the will of the parties to advance this process*”.

³⁹The Consultative Process carried out suffered from the extremely low participation of stakeholders, both civil society actors and the academic world. Especially about the latter, only one representative from the academic world appeared at the session scheduled for participation. This is the exemplary proof to the fictitiousness of the process, concluded without any opinion from the academic world, i.e., by those who draft the legal doctrine or are the guardians of political-legal thought. The situation is further aggravated, when the weight of academic thought was borne by the Assembly only to the four constitutionalists called. Without no question to their expertise and individual values, it is hard to ponder that four or as many contracted professionals, at their discretion, could replace academic institutions.

⁴⁰The process was concluded with a call for opinion by only a few organizations.

⁴¹Law No. 118, dated 05/10/2020, “*On some Addenda and Amendments to Law No. 10019, dated 29.12.2008, “Criminal Code of the Republic of Albania”, as amended*”.

⁴²The system consisted in completely closed and fixed lists.

⁴³In any case, the provision specifies that the multiplier cannot be greater than 10 000.

Once this re-ranking is completed, the rest of the seats are distributed according to the preliminary ranking of the candidates. The effects of this formula for individual mandates remain to be assessed, but it is likely that the number of candidates entering the Assembly due to the re-ranking effect will be small and the preliminary ranking of candidates on the lists will be the main determinant.

V. ELECTION ADMINISTRATION

Elections are administered by a three-tiered structure of election commissions. The highest level is the Central Election Commission, which is headed by three governing bodies; in the second level there are 92 Commissions of Election Administration Zones (CEAZs), each of which is responsible for the administration in one of the 92 electoral administration zones of the country, and in the third level there are 5,199 Polling Station Commissions (PSCs), which are responsible for the voting process. In addition to the above, Vote Counting Groups (VCGs) are established which are responsible for counting votes at the election zone level, under the supervision of the Commissions of the Election Administration Zones.

V.1. Central Election Commission

The Central Election Commission (CEC) is the institution responsible for organizing the electoral process. It directs and supervises the activity of the electoral administration, monitors the activity of electoral subjects, state bodies, governmental institutions, and the media in relation to the election process. Furthermore, it resolves administratively the requests or complaints related to the electoral process.

The amendments⁴⁴ re-modeled the body of the Central Election Commission from an institution with a permanent collegial body, whose membership rested upon the political balance between the majority and parliamentary opposition, to a trilateral governing structure: The State Election Commissioner (SEC); the Regulatory Commission (the Regulatory) composed of five members, and the Complaints and Sanctions Commission (CSC), composed of five members.

The new dimension of the CEC institution marks the first step in the spirit and letter of the political agreement of 5th June 2020. Namely, the prevailing of independent institutions, with integrity⁴⁵, as opposed to the political balance model which over the years failed to guarantee the independence and impartiality that the election administration body should have manifested⁴⁶, culminating in the 2019 Local Government Elections.

It is worth mentioning the removal of CEC competences from one electoral reform to another, by the agreed and narrow political will, from an institution as “permanent body that prepares, supervises, directs and verifies all aspects related to elections” such as was provided for in the Constitution adopted by popular referendum in 1998, to a “state institution in charge of administering elections, in accordance with the rules set out in this Code”, as currently provided. In fact, through the unilateral amendments undertaken by the majority on 5 October 2020, the phrase defining it as “the highest permanent state body” was removed.

⁴⁴Law no. 101/2020 dated 23.7.2020 “On some Addenda and Amendments to Law No. 10 019, dated 29.12.2008, “Criminal Code of the Republic of Albania”, as amended” Official Journal No. 143, dated 4 August 2020.

⁴⁶Statement “The well-functioning of the new CEC – a necessity both for the success of the preparation of the future election process, and the achievement of the political agreement aspiration of 5 June”, dated 13.10.2020.

V.1.1. The functions of CEC Governing Bodies and the selection of their membership.

The State Election Commissioner (SEC) is a monocratic body that exercises executive powers, directs the CEC administration, and represents the CEC in relations with third parties. The commissioner holds a seven-year, renewable mandate.

The Deputy Commissioner, who is responsible and directs the work for the implementation of the electronic voter identification project, possesses equal powers with the Commissioner for the selection, monitoring and implementation of technology for electronic voter identification as well as for the selection, recruitment, and training of election officials. The Deputy Commissioner holds a four-year mandate.

The Regulatory Commission (Regulator), operates on a part-time basis, is composed of 5 members, and where one of them exercises the duty of the Chairperson, and is the competent body for the adoption of normative acts in the field of elections and the establishment of rules for elections. The Regulator members hold a five-year mandate.

The Complaints and Sanctions Commission (CSC), operates on a part-time basis, is composed of 5 members and is the competent body for reviewing administrative complaints and imposing sanctions for violations of the electoral law. CSC members hold a nine-year mandate.

Whilst the law stipulates that the mandate of the SEC is renewable, it does not make any specifications regarding the renewal of the Regulator and CSC members' mandates. Meanwhile, the combination of the mandates of the members of the various CEC governing bodies is seen as a positive aspect for the institutional soundness of CEC activity.

The Commissioner, the Deputy Commissioner, the members of the Regulatory Commission and the Complaints and Sanctions Commission are elected by the Assembly of the Republic of Albania, through the establishment of an Ad-hoc Parliamentary Committee that conducts the interview and preliminary selection process.

The Assembly announced the call for application for members of the three governing bodies⁴⁷ on 29 August 2020. At the end of the application⁴⁸ process, the Assembly received 26 applications for the position of State Election Commissioner; 15 applications for the position of Deputy State Election Commissioner; 47 applications for members of⁴⁹ the Regulatory Commission and 48 applications for members of the Complaints and Sanctions Commission⁵⁰.

In the plenary session of 17 September 2020, the Assembly of Albania established the Ad-hoc Parliamentary Committee tasked with the review, interview, and evaluation of⁵¹ the candidates for the governing bodies of the Central Election Commission⁵². The Committee was composed of

⁴⁷Announcement on the opening of the application procedure for vacancies in the Central Election Commission.

⁴⁸Dated 18 September 2020.

⁵⁰Some applicants submitted applications for more than one vacancy. A total of 70 individuals applied.

⁵¹Decision no. 50 /2020 "On the establishment and composition of the Ad-hoc Parliamentary Committee for the Review and Selection of Candidates for the Governing Bodies of the Central Election Commission: State Election Commissioner, Deputy State Election Commissioner, Regulatory Commission, Complaints and Sanctions Commission", dated 17.09.2020.

representatives of the parliamentary majority and minority, and in the spirit of the 5 June 2020 Agreement,⁵² the representation of the extra-parliamentary opposition was also ensured⁵³.

Following the hearing⁵⁴ sessions, in the meeting of 2 October 2020 the Committee took a decision⁵⁵ proposed to Parliament for review and approval, which were later approved by it⁵⁶.

The selection process did not adhere to the spirit and⁵⁷ provisions of the Code for a proper selection and interview process, followed by the evaluation on the scores of each candidate⁵⁸.

Moreover, the legal provision of the criteria and limiting the candidates mainly to those individuals⁵⁹ who come from the ranks of former political officials or cabinets, former senior management officials, or former leaders of non-profit organizations with activities in the field of elections and of human rights^[60], suggested that the selection would go beyond political preferences.

According to KRIIK, the inclusion of former political officials, or even former cabinet officials, in the ranks of individuals allowed to run is not in the spirit of the aspiration for an impartial and politically independent election administration and leaves room for the selection of political candidates.

Although the Electoral Code has included guarantees, seemingly, regarding the possibility of eliminating political⁶⁰ candidates^[61], these guarantees are not sufficient if there is no clear and detailed procedure of the selection mechanism, adhered by the Ad-hoc Parliamentary Committee. As long as this procedure is not clearly regulated, as happened in the case of the selection of candidates in October of last year, it remains still possible for the party will to prevail over the spirit of the law, and

⁵³According to the provisions of Article 183 and Paragraph IV of Decision No. 50/2020, dated 17.09.2020 of the Assembly ... “*The selection of candidates pursuant to Law No. 10019, dated 29.12.2008 “The Electoral Code of the Republic of Albania”, as amended, shall be carried out in the presence of the authorized representative, in the capacity of special envoy, of the parliamentary parties emerging from the 2017 General Elections, which have lost their parliamentary representation*”. According to this provision, Mr. Oerd Bylykbashi was the authorized representative present during the meetings of the Committee.

⁵⁵Decision No.2. dated 2.10.2020 “*On the selection of candidates for the Governing Bodies of the Central Election Commission: State Election Commissioner, Deputy State Election Commissioner, Regulatory Commission, and Complaints and Sanctions Commission*”.

⁵⁶- By “*On the selection of candidates for the Governing Bodies of the Central Election Commission: State Election Commissioner, Deputy State Election Commissioner, Regulatory Commission, and Complaints and Sanctions Commission*”. Decision, dated 5.10.2020, the Parliament selected Mr. Ilirjan Celibashi as State Election Commissioner.

⁵⁷Meeting minutes of the Ad-hoc Parliamentary Committee on the selection of candidates, dated 28 September, 29 September and 30 September 2020.

⁵⁸Meeting minutes of the Ad-hoc Parliamentary Committee on the selection of candidates, dated 28 September, 29 September and 30 September 2020.

the letter of the law will be misplaced; and, in a recent analysis on the irreparable damage to the Central Election Commission's aspiration for independence and impartiality⁶¹.

CEC governing bodies in fulfilling their duties are supported by the permanent administration of this institution, as well as an additional staff, which is engaged part-time during the election period.

In the experience of previous elections, CEC has started working to organize the electoral process immediately after the decree of the election date by the President of the Republic, while the State Election Commissioner officially took office on 7 October 2020.

V.1.2. Decision-making of the Central Election Commission

V.1.2.1. State Election Commissioner (the Commissioner)

In exercising his functions, part of the decision-making of the Commissioner has been carried out in non-public sessions, whereas the decisions have been published, generally in a short time, on the CEC website.

In the frame of the 25 April 2020 elections,⁶² the Commissioner has held 21 public sessions, whilst has approved 167 decisions and 6 instructions⁶³.

V.1.2.2. Regulatory Commission (the Regulator)

The Regulatory Commission held its first meeting on 26 October 2020, where the regulation on the organization and functioning of this commission was approved.

In the frame of the electoral process, the Regulator has held 22 meetings taking 24 decisions up to 25 March. Decision-making was carried out in public hearings and on acts of a normative nature in the field of elections, as provided by the legal framework.

The Regulatory Commission takes decisions by qualified majority (4/5) regarding matters related to the approval of draft normative acts, as well as regarding the delimitation of electoral administration

⁶¹The aspiration for an independent CEC is not new in Albania. Under the previous composition formula of the Commission membership, its Chairperson would have to be an independent candidate. This aspiration, which was never fully achieved, was finally destroyed in May 2017, when as a result of a political agreement between the leaders of the majority and the opposition, Mr. Rama and Mr. Basha, the then CEC Chairman, Mr. Denar Biba, elected as an independent choice by the Assembly just a few months prior to the 2017 elections, switched seats with Deputy Chairman Zguri, who was elected to the CEC proposed by the second parliamentary minority party, the Republican Party. This casting of the chairman and deputy chairman was the *de jure* acceptance of what, *de facto* was at the time, that the CEC Chairman was a representative of the majority, under the guise of an independent candidate.

⁶²Whereas, in addition to the decision-making regarding the organization of the electoral process, in tandem has been carried out the process of filling the vacancies announced by the Municipal Councils and making the relevant verifications for these replacements. Through the 34 decisions made, 28 members were replaced in 23 Municipal Councils nationwide.

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zones, the use of technology in elections and voting of citizens residing abroad. Whereas decisions regarding the distribution of seats in the election zones and the certification of the final election result can be taken by a simple majority (3/5)⁶⁴.

It is thus favorably assessed that all decisions have been taken unanimously and by consensus by all Regulator members, although in some cases in the discussions of the members of the Regulator a one-sided political approach has been identified⁶⁵.

The legal framework, although fair in its obligation to take most of the qualified majority decisions, should have provided for this obligation by the legislator also in relation to the two matters whereby decisions can be taken by simple majority⁶⁶. This is particularly important in determining the number of seats for election zones, as it is a very important decision and potentially paves the way for electoral engineering and distortion of the will of the electorate, undermining suffrage parity⁶⁷.

The negative experience of the stalemates created in the previous processes by the impossibility of approving a decision-making on these two matters by consensus, does not constitute a basis for the removal of the guarantees that the election law must provide; furthermore, it goes against the spirit of the consensus of the 5 June agreement to set up a depoliticized CEC.

V.1.2.3. Complaints and Sanctions Commission (CSC)

The Complaints and Sanctions Commission (CSC) is the competent body for reviewing administrative complaints and imposing sanctions for violations of the electoral law.

CSC may decide on the invalidity of elections in individual polling stations, election zones or nationwide, as well as on the re-run of elections; examines complaints against the acts of the Commissioner or CEAZs; evaluates the performance of the commissioners and counters with regards to the matters it reviews, as well as imposes disciplinary measures in the cases when at *a posteriori* control of the election material, violations or irregularities during administration have been ascertained; as well as imposes administrative sanctions against persons or electoral subjects and/ or their candidates, who commit administrative offenses related to the elections, at the request of the Commissioner. CSC decisions are taken by simple majority (3/5), except for those decisions pertaining to the election results, which require a qualified majority (4/5)⁶⁸.

⁶⁴Article 20 of the Electoral Code.

⁶⁵Referring to the case of the member stances regarding the decision no. 9 of the Regulator, and their views on the functioning of this decision in practice at the meeting of 4 March 2021.

Moreover, it refers to the stance of this Commission members during the discussion on the issue of the number of identification documents that have expired. For more, see: <https://fb.watch/4s3u0iJFvp/>

⁶⁶The Code of Good Practice in Electoral Matters, of the Venice Commission (I.3.3.1.h) suggests that electoral commissions take decisions by a qualified majority or by consensus.

⁶⁷Paragraph 7.3 of the Document of Copenhagen determines that participating States shall guarantee that the people's will serve as the basis of the governing authority to ensure the universal and equal vote to its citizens. See also paragraph 25.b. of the International Covenant on Civil and Political Rights. The Code of Good Practice in Electoral Matters of the Venice Commission defines the equal voting power, whereby seats must be evenly distributed between the election zones (I.2.2).

⁶⁸Article 21 of the Electoral Code.

Since the first session held on 18 January 2021, CSC has reviewed and decided on six complaints⁶⁹. The first three complaints adjudicated by the CSC related to complaints of the Commissioner's decisions on matters related to the Decision of the Regulatory Commission on the use of state resources⁷⁰.

These decisions overturned the administrative measures imposed by the Commissioner, setting a negative precedent in terms of the implementation of one of the innovations set in the recent amendments to the Electoral Code, to prevent the use of state resources in the election campaign.

According to KRIIK, CSC has shown a close reading of the law in these three decisions, bypassing its spirit, which aims at preventing the use of state resources to guarantee equality in the electoral race. Despite this vision, CSC has focused on the letter of the law, ignoring the purpose for which the norm exists.

In addition, these decisions also call into question the impartiality of this structure, contrary to the spirit of the 5 June agreement on a politically impartial structure. Decision-making on these three issues has been a simple majority (3-2), and it appears that the political bias of CSC members has affected their judgment and decision-making.

For four of the five complaints filed in opposition to the decisions of the Commissioner⁷¹, CSC has decided to overturn the decisions of the State Election Commissioner, which is concerning when taking into account that we are only at the beginning of the process, and also because these are the first decisions made by this body since its constitution, and CSC decisions will set precedents for its continuous decision-making, not only in this electoral process but also in the future.

Moreover, this decision-making and approach by KAS calls into question its institutional behavior as part of the governing bodies of the CEC, which has the obligation and competence given by the Electoral Code to impose sanctions for violations of the electoral law, which KAS did not take it into account at all during all the reviews and treatments performed.

V.1.3. Use of technology during elections

One of the much-debated changes during electoral reform, which received high public attention and was considered a key factor in improving the integrity of elections by the opposition, was the use of technology in elections. The use of technology is expected to minimize or eliminate a number of ways of manipulating the electoral process, including multiple voting, voting for third parties, as well as

⁶⁹Complaint no. 1 dated 18.01.2021, complainant Mr. Arben Qalliu; Complaint no. 2 dated 18.01.2021, complainant Socialist Movement for Integration; Complaint no. 3 dated 11.02.2021, complainant Mr. Erjon Veliqaj; Complaint no. 4 dated 09.03.2021, complainant Mrs. Leonora Hyso; Complaint no. 5 dated 20.03.2021, complainant Democratic Party; Complaint no. 6 dated 20.03.2021, complainant Alliance Coalition.

⁷⁰For more, see the section on the use of state resources.

⁷¹On one of the complaints, specifically the one with no. 4, the CSC has decided on denying its review since it had no direct link to the 25 April 2012 electoral process.

One of the other complaints, with the complainant the coalition "Democratic Party / Alliance for Change", regards the decision of the Commissioner to register the list of candidates of this coalition, CSC decided to change the decision of the Commissioner.

The latest decision on the complaint of the Alliance Coalition, regarding the decision of the Commissioner not to register the multi-name list of candidates, CSC decided to reject the complaint and uphold the decision of the Commissioner.

possible manipulations throughout the counting process (for voting and electronic counting), adding to an expedited issuance of the election result, a problem that has been highlighted in all electoral processes since 2005, when the centralized vote counting was applied for the first time.

Pursuant to these legal obligations⁷², CEC adopted the relevant bylaws with the view of using technology during the 25 April 2021 elections.

These innovations include the nationwide implementation of electronic voter identification, and the electronic voting and counting, as a pilot project, in only one election administration zone.

V.1.3.1. Electronic Voter Identification System (EVIS)

Electronic identification is the identification of the voter through the verification of personal data from the reading by means of an Electronic Identification Device (EID) of the voter ID card or passport and fingerprint, as well as their access to the electronic database for voters list.

Electronic voter identification was an important part of the political agreement of 5 June 2020 and a major innovation in this electoral process.

In order to carry out the electronic voter identification, the Assembly appointed the Deputy State Election Commission, a proposal of the extra-parliamentary opposition, as a guarantee for implementing the application of technology in this electoral process. As per the Electoral Code⁷³, the main task of the Deputy Commissioner is directing, monitoring, and overseeing the implementation of technology for electronic identification, as well as recruiting and training election officials.

The electronic identification device (EID) will be used by individuals who are not members of the Polling Station Commission. The Regulatory Commission has approved by decision⁷⁴ the criteria and manner of recruiting and appointing the staff who is going to use these devices. CEC has also tested this voter identification method in 3 municipalities, respectively in Tirana, Kukës and Fier.

The electronic identification device contains the voter list of all Polling Stations of the election zone and can identify whether a voter has erroneously appeared at that polling station, where the voter must appear to vote or if he/ she has already voted at that polling station. As the device is not connected to the system with other devices or to a central database, voting at more than one polling station can only be identified after the process is completed⁷⁵. It can also be identified if a voter has voted more than once, as the device registers the voter's fingerprint. The electronic identification device also allows the search and addition of the voter manually, registering the fact that this voter is manually registered in the system.

⁷²The Electoral Code of the Republic of Albania Article 22 “CEC competences for the use of technology in elections” and Article 23 “Procedure to introduce technology in elections and decision-making”.

⁷³The Electoral Code of the Republic of Albania Article 14 “Deputy State Election Commissioner”

⁷⁴Decision no. 7 dated 2.03.2021 “On appointing the staff qualified to use information technology devices in Polling Stations”

⁷⁵Decision no. 02, dated 31.10.2020 of the Regulatory Commission.

The implementation of this project significantly facilitates the election administration process as well as increases the process guarantee, eliminating a number of potential manipulations to the process. Connecting all devices to the Internet would have further guaranteed the opportunity of eliminating the possibility of voting in more than one polling station during the process, while on the other hand it would have reduced the security of the system, as the likelihood for outside interference with the system increases. The possibility that voters can be added to the system manually remains problematic, which could lead to potential manipulation.

V.1.3.2. Electronic voting and counting

These elections aim at piloting electronic voting and counting (for the second time in the history of Albanian elections, following the failed attempts to do so in 2013). In order to get the political consensus on the matter, which may eventually affect the public trust in the electoral process, the State Election Commissioner addressed an official letter to 8 political parties on 29 December inviting them to unfold their claims on electoral zones they consider the most suitable for the implementation of electronic voting and counting. 4 political parties, namely the Socialist Party (SP), the Democratic Party (DP), the Socialist Movement for Integration (SMI), and the Democratic Conviction (DC) forwarded their own relevant claims⁷⁶ in their official replies.

Following internal discussions between the CEC and political parties, the Commissioner declared in the Regulatory Commission meeting that the CEC had decided for this new project to be first implemented in Tirana CEAZ (no more than 55 polling stations⁷⁷).

With reference to the fact that Tirana Municipality has three Electoral Administration Zones having under its jurisdiction no more than 55 polling stations, and based on consultations with electoral contestants, the Commissioner designated the EAZ no.40⁷⁸ (Administrative Unit No. 10, Tirana) as the zone where the electronic voting and counting project will be piloted in for the Parliamentary Elections of 25 April 2021.

The electronic voting and counting enables the voter to check the selection of the electoral subject and the relevant candidate before casting his/her final vote. The Electronic Voting Machine produces a hard-copy record (prints the voter's selection) which is stored in dedicated storage compartment in the machine.

⁷⁶The DP and the SMI demanded that the new technology be first piloted in Fier and Korça, the SP opted for Korça, while the DC proposed Tirana as the piloting area.

⁷⁷Regulatory Commission meeting, dated 12.02.2021, Mr. Celibashi: *“The CEC has aimed at fully implementing the pilot electronic voting and counting project in no less than 10% and no more than 20% of the polling stations. During this period, we tried to get a consensus on the zones where the project would be implemented in, in cooperation and consultation with the political parties. We agreed that due to time restraints and the engagement of multiple financial and human resources, it would be very difficult for the CEC to extend the project to a number of polling stations equal to no less than 10% and no more than 20%. Therefore, considering all the relevant restrictions, the CEC, the Commissioner, and the political parties consented that the project be implemented to a smaller zone. Upon consultation, we came up with the idea that the project will be implemented in one of Tirana EAZs, with no more than 55 polling stations - this would be indicative of the effects of the project. The zone will belong to the municipal unit 8 or 3. Both have 52 polling stations...”*

⁷⁸Decision No. 111, dated 02.03.2021 *“On designating the EAZ No. 40 in Tirana Municipality as the administrative unit where the electronic voting and counting project will be piloted in”*.

However, what is considered abnormal is the fact that the voter cannot check the accuracy of the paper record before being filed for storage⁷⁹.

V.2. Commissions of Electoral Administration Zones

EAZs are established and made functional for any type of election or referendum⁸⁰. In principle, an Electoral Administration Zone corresponds to the territory of a given municipality, except for municipalities with more than 80.000 voters, which are then divided into more than one electoral zone⁸¹. When designating the EAZs, except for EAZs with more than 80.000 voters, the following are considered: administrative territory indivisibility criterion, territory continuity, good communication opportunities within the territory, and the number of citizens entitled to vote according to the data retrieved from the General Directorate of the Civil Registry.

Electoral Administration Zones are approved by the CEC no later than 9 months before the Assembly's term comes to an end, based on the number of citizens entitled to vote in the last date of the electoral period for calling the elections, according to the data retrieved from the General Directorate of the Civil Registry.

As soon as the GDCR forwards the required information to the CEC, the latter considers if the criteria required by the law have been satisfied. This process was concluded by a Regulatory Commission Decision, which for the purposes of ensuring the most efficient administration of the process to the highest extent possible and a quick transparent counting process, foresaw⁸² the establishment of 92 Electoral Administration Zones⁸³ (as compared to 90 in the previous elections)⁸⁴. Elections for each electoral administration zone are administered by Commissions of Electoral Administration Zones, comprising the second hierarchical tier in the electoral administration.

The law provides that the CEAZ⁸⁵ consists of seven members and one secretary with no right to vote, with reference to the parliamentary political configuration, more specifically to the parliamentary majority and minority. Political parties bound to propose CEAZ members and secretaries were designated by CEC, upon State Election Commissioner's Decision dated 23 December 2020⁸⁶. The

⁷⁹Good practices call for a transparent electronic voting system. Code of Good Practice in Electoral Matters-Venice Commission (I.3.2.iii).

⁸⁰RoA Electoral Code, Article 27 “*Electoral Administration Zones*”.

⁸¹ *Ibid.*

⁸²Decision No. 6

dated 30.11.2020 “*On establishment of the Electoral Administration Zones for the Parliamentary Elections of 25 April 2021*”.

⁸³One EAZ was added to Berat Municipality and Fier Municipality. The need to add up the number was triggered by the increase in the number of voters in these administrative units.

⁸⁴The CEC decision-making was in line with the legal frames provided for by the Electoral Code.

⁸⁵RoA Electoral Code, Article 29 “*CEAZ composition*”.

⁸⁶Socialist Party two members, Democratic Party two members, Socialist Movement for Integration one member, and Social Democratic Party one member. State Election Commissioner's Decision No. 40, dated 23.12.2020 “*On designating the political parties that will propose CEAZ members and secretaries for Albania's Parliamentary Elections of 25 April 2021*”.

seventh member⁸⁷ in even-numbered CEAZs was appointed by the SP, while in odd-numbered by the DP. The last date for the political parties to submit the list of CEAZ members was 11 January 2021, which was not fully observed by the Social Democratic Party. This party made proposals only for 33 CEAZs, thus leaving some other 59 unfilled⁸⁸.

According to the provisions⁸⁹, under the Electoral Code and Regulation “On CEAZ organization and functioning”, as approved by the Regulatory Commission⁹⁰, the right to propose the members to fill out the vacancies will be transferred to the other party within the same parliamentary group, more specifically to the Socialist Party. Upon submitting its own proposals, the State Election Commissioner appointed the SP members⁹¹ in the 59 CEAZs, thus filling out the vacancy due to the SDP omission to propose its own members.

Such a decision, though in line with the legal framework, imbalances the political representation aimed at by Article 29 under the Electoral Code, given that the SP already has four members in even-numbered EAZs (more specifically 30).

CEAZs constitution, as well as⁹² the designation of their members and secretaries was concluded on 25 January 2021. The first meeting of CEAZs all over the county was held on 27, 28, and 29 January 2021 - as set forth by CEC decision - during which the chairpersons and their deputies were elected.

The CEC announced the delivery of training for CEAZ members on 22 and 23 March 2021. According to KRIIK long-term observers reporting, the training was delivered on the scheduled dates and only a few members were absent⁹³.

It is deemed that the CEAZs have well-functioned in general, despite some bottlenecks encountered due to the lack of the necessary infrastructure or materials. Failure to observe the schedule by some

⁸⁷According to the lottery with reference to Article 29, Paragraph 1, Sub-paragraph b under the Electoral Code, and approved by State Election Commissioner’s Decision No. 5 dated 07.01.2021 “*On announcement of the lottery results on the designation of the party that will propose the seventh CEAZ member*”.

⁸⁸Given the Social Democratic Party of Albania’s omission to forward its proposals within the set time frame, some CEAZ members were left unoccupied: Shkodra Region: CEAZ no. 5, CEAZ no. 6; Lezha Region: CEAZ no. 10, CEAZ no. 14, CEAZ no. 15; Dibra Region: CEAZ no. 17, CEAZ no. 18; Durrës Region: CEAZ no. 20, CEAZ no. 21, CEAZ no. 22, CEAZ no. 23, CEAZ no. 24, CEAZ no. 25; Tirana Region: CEAZ no. 39, CEAZ no. 41, CEAZ no. 42, CEAZ no. 43; Elbasan Region: CEAZ no. 44, CEAZ no. 45, CEAZ no. 46, CEAZ no. 47, CEAZ no. 48, CEAZ no. 49, CEAZ no. 50, CEAZ no. 51, CEAZ no. 52, CEAZ no. 53; Fier Region CEAZ no. 54, CEAZ no. 55, CEAZ no. 56, CEAZ no. 57, CEAZ no. 58, CEAZ no. 59, CEAZ no. 60, CEAZ no. 61, CEAZ no. 62; Berat Region: CEAZ no. 63, CEAZ no. 64, CEAZ no. 65, CEAZ no. 66, CEAZ no. 67, CEAZ no. 68; Gjirokastra Region: CEAZ no. 76, CEAZ no. 77, CEAZ no. 78, CEAZ no. 79, CEAZ no. 80, CEAZ no. 81, CEAZ no. 82; Elbasan Region: CEAZ no. 83, CEAZ no. 84, CEAZ no. 85, CEAZ no. 86, CEAZ no. 87, CEAZ no. 88, CEAZ no. 89; CEAZ no. 90, CEAZ no. 91, CEAZ no. 92.

⁸⁹RoA Electoral Code, Article 29 “*CEAZ composition*”.

⁹⁰Regulatory Commission Decision no. 5, dated 20.11.2020 “*On approving the regulation on Commission of Electoral Administration Zone organization and functioning*”, Article 3 “*CEAZ composition*”, Paragraph 7.

⁹¹State Election Commissioner's Decision No. 49, dated 11.02.2021 “*On appointing several CEAZ members*”, dismissal and designation of several members in CEAZ no. 72, Korça Region, CEAZ no. 77, CEAZ no. 81, CEAZ no. 82, Gjirokastra Region, and Secretariat of CEAZ no. 82, Gjirokastra Region.

⁹²State Election Commissioner's Decision No. 14 dated 25.01.2021 “*On establishment of the Electoral Administration Zones for the Parliamentary Elections of 25 April 2021*”.

⁹³CEAZ no. 59, Fier, the deputy chairperson and a member of the SP were absent in the CEC-delivered training. CEAZ no. 73, the deputy chairperson and a member of the SDP were absent in CEAZ no. 74. Absent 2 members of CEAZ no. 11, Kukës, for health reasons.

CEAZs has been raised as a concern. In some cases, the CEAZs members were not familiar with the legal framework and a full lack of transparency was noted towards the observers.

Although a great number of CEAZs declared to have at their availability all the necessary materials and logistics, the KRIIK long-term observers have noted and were informed by CEAZ members that the material basis was missing in several CEAZs⁹⁴.

Issues have also been noted with headquarters/offices designated by CEC as premises where the CEAZs should carry out their activities. Observers have also noted that some CEAZs do not have the adequate premises for providing the optimal conditions to carry out their work and activity. At best, the headquarters were displaced for the normal working conditions to be provided by the relevant CEAZ.⁹⁵ However, occasionally, such requests have not been exhausted to achieve the final goal, given the lack of a functional cooperation with the relevant municipality⁹⁶. There have also been cases where, although the municipality took all the measures to displace the headquarters, the functionality of the new CEAZs headquarters remained flawed⁹⁷.

KRIIK long-term observers have identified during their visit's cases when the CEAZ headquarters have been closed during the business hours, as displaced in the relevant CEAZ office.⁹⁸ There are

⁹⁴CEAZ no. 5, Shkodra, no Internet connection. CEAZ no. 17, Klos, no Internet connection and no strongbox. CEAZ no. 31, Tirana, no Internet connection, fixed phone line, and fax. CEAZ no. 57, Fier, no fixed phone line, mobile cellular line, and fax. CEAZ no. 58, Fier, no fixed phone line, mobile cellular line, and fax. CEAZ no. 59, Fier, no fixed phone line and mobile cellular line. CEAZ no. 60, Patos and CEAZ no. 61, Roskovec, no fixed phone line and fax. CEAZ no. 76, Përmet, no fixed phone line and fax. CEAZ no. 77, Këlcyra, lack of material basis such as fixed phone line, mobile cellular line, and office supplies. CEAZ no. 72 Devoll, no Internet connection, fax, and fixed phone line. CEAZ no. 78, Memaliaj, no fixed phone line and fax. CEAZ no. 79, Tepelena, no Internet connection. CEAZ no. 80, Gjirokastra, no material basis until 12.03.2021. CEAZ no 87, Selenica, no Internet connection, fixed phone line, fax, photocopier, PCs, printer, and office supplies. CEAZ no. 88, Himara, no fixed phone line, fax, and office supplies.

⁹⁵CEAZ no. 74, Korça, according to KRIIK observers was displaced given its failure to provide for the normal working conditions for a CEAZ. For VCC, the EAZ no. 87, upon proposal of Vlora Prefect, was displaced from “*Hajredin Beqari*” high school premises in Selenica, to the “*Eqerem Beqiri*” 9k school gym, since the latter provides better conditions.

⁹⁶CEAZ no. 3 and no. 4, Shkodra, made a request to change the premises given the inappropriate conditions, such as no power supply, no window glasses, no Internet connection, and humid environment. CEAZ no. 32, the office at “*Hasan Tasini*” street and the class where the CEAZ office has been located at is too small to receive and hand out the documentation for the PS. This has been verbally proposed to the CEC, but until 12.03.2021 there has been no decision on the matter. CEAZ no. 91, Finiq, has also sent a request to Finiq Municipality to change the headquarters given the tiny space.

⁹⁷CEAZ no. 18, although the headquarters have been displaced, there are still issues related to its functioning, because there is no power supply, no Internet connection, no printer, no fixed phone line, which prevents the CEAZ from carrying out its activity. Same applied to CEAZ no. 12, Lezha, which although displaced, its current location at the “*Hydajet Lezha*” high-school gym shower rooms lacks equipment, hand sanitizers, face masks etc.

CEAZ no. 26, Vora, according to the long-term observers reporting on 18.03.2021, although displaced, is still not functional. CEAZ no. 2, Shkodra, has been in non-functional premises until 25.03.2021, given that the premises are being used by the Ministry of Health for the vaccination campaign.

⁹⁸CEAZ no. 3 and 4, Shkodra, CEAZ no. 6 Vau i Dejës, CEAZ no. 11 Kukës, CEAZ no. 12 and 13, Lezha, CEAZ no. 14, Mirdita, CEAZ no. 18 Bulqiza, CEAZ no. 19 Dibra, CEAZ no. 25, Shijak, CEAZ no. 26, Vora, CEAZ no. 29, 30, 31, 32, 34, 37, Tirana, CEAZ no. 47, 48, 49, 50, Elbasan, CEAZ no. 53, Përrenjas, CEAZ no. 60, Patos, CEAZ no. 61, Roskovec, CEAZ no. 62, Mallakastër, CEAZ no. 73 and 74, Korça, CEAZ no. 76, Përmet, CEAZ no. 80, Gjirokastrë, CEAZ no. 83, 84, 85, 86, Vlora, CEAZ no. 88 Himara.

cases when the business hours⁹⁹ have not been displayed, or there have been no signposts at the entrance¹⁰⁰, which it far more difficult to be accessed¹⁰¹.

All the above, and the CEAZ members' refusal to recognize¹⁰² the rights of observers have made their work more difficult¹⁰³.

Additionally, although according to the Electoral Code¹⁰⁴ CEAZ meetings are public, in several cases, the KRIIK observers have not been allowed to attend such meetings, though accredited by the CEC¹⁰⁵.

Although CEAZ members are not legally banned from occupying another job position in addition to that of the CEAZ member, this brings about a lack of efficacy when carrying out their duties as a CEAZ member. According to KRIIK monitoring, about 35% of CEAZ members are employed in the public administration,¹⁰⁶ with some of them holding management positions¹⁰⁷.

During the last period, the CEAZs activity has not been overloaded, but when the activity intensifies and the responsibilities to ensure a smooth process increase, managing two jobs becomes almost impossible.

About the presence of observers, the commissioners have reported the presence of party observers that¹⁰⁸ follow the activity of such commissions in 14 CEAZs only.

⁹⁹CEAZ no. 4, Shkodra, CEAZ no. 6 Vau i Dejës, CEAZ no. 11, Kukës, CEAZ no. 12 and 13, Lezha, CEAZ no. 14, Mirdita, CEAZ no. 18, Bulqiza, CEAZ no. 19 Dibra, CEAZ no. 31, 32, 34, Tirana, CEAZ no. 80, Gjirokastër, CEAZ no. 52, Librazhd, CEAZ no. 74, Korça, CEAZ no. 88 Himara.

¹⁰⁰CEAZ no. 19, Dibra, CEAZ 39 Tirana, and CEAZ 90 Saranda lack of signposts at the entrance of the supposed CEAZ headquarters, which has made the work of long-term observers to receive information on the CEAZ operation more difficult due to the lack of contact.

¹⁰²Article 7, Paragraph 1 under the Electoral Code provides that “*When carrying out their duties, the observers shall be entitled... a) to observe without hindrance all aspects of the preparation and conduct of*

elections and all the phases of the electoral process; and c) to look at or examine the documentation or materials of the electoral process. Likewise, Article 34, Paragraph ë under the Electoral Code tasks the CEAZ Secretariat “...to give certified copies of CEAZ decisions or of the minutes of its meetings to the electoral subjects or to third persons, free of charge and within 24 hours from the submission of their request.”

¹⁰⁴RoA Electoral Code, Article 35 “*CEAZ meetings and decisions*”, Paragraph 1.

¹⁰⁵CEAZ no. 36, Tirana, refusal to give out copies of decisions, because the CEAZ chairperson considered it a violation to the law. CEAZ 30, Tirana, although the observer was accredited by the CEC, the CEAZ chairperson requested the list of CEC accredited observers. CEAZ no. 5, Shkodra, refusal to participate in the relevant CEAZ meeting with the reasoning that in addition to the accreditation, the members should unanimously request the list of CEC accredited observers.

¹⁰⁶CEAZ no. 1, Malësi e Madhe, CEAZ secretary is also the Mortgage Director. CEAZ no. 2, this CEAZ chairperson is also the principal of “Kol Idromeno” school, Shkodra. CEAZ no. 4, the CEAZ secretary is also an employee of Shkodra municipality. CEAZ no. 54, Lushnja, 5 of the commissioners are employed in the public sector. CEAZ no. 29, Tirana, the CEAZ deputy chairperson is also a teacher. CEAZ no. 60, Patos, CEAZ no. 61, Roskovec, and CEAZ 62, Mallakstra, have their members working in the public administration. CEAZ no. 12, Lezha, the CEAZ deputy chairperson is also an employee in the relevant municipality. CEAZ no. 15, Kurbin, the CEAZ chairperson is also the director of water supply and sewerage. CEAZ no. 74, CEAZ secretary is also the OSHEE Director. CEAZ no. 73, Korça, CEAZ secretary is also the Public Health Director.

¹⁰⁷Fier Municipality Deputy Mayor is also the CEAZ no. 59 deputy chairperson.

¹⁰⁸CEAZ no. 5, Shkodra, observers belong to the DP, SP, SMI CEAZ no. 9, Tropoja, DP, SMI CEAZ no. 10, Has, DP, SP, SDP CEAZ no. 12, Lezha, SP, DP, SMI CEAZ no. 15, Kurbin, SP, DP, and SMI CEAZ no. 20, Lezha, SP, DP, SMI.

Anti-Covid measures have been observed during this period within the acceptable levels of keeping the distance and wearing the face mask. But the main concern raised by the commissioners is that these measures have not been respected during the voting or counting, when contact with the parties intensifies.

As described below, in all the previous electoral process, this process has been distressed by the CEAZ members substitution. From their designation to the date of this report, 44 CEAZ members and secretaries have been substituted¹⁰⁹. The KRIIK observers claim among others that three second tier commissioners of a political party have been frequently substituted due to political¹¹⁰ pressures.

V.3. Polling stations

The voting process for the elections of 25 April 2021 will be carried out in 5.199 polling stations, of which 4.808 are in public premises, 371 in private premises¹¹¹ and 20 PSs are ad-hoc¹¹².

The Electoral Code provides that the polling stations should be established in public premises, whenever possible¹¹³. By comparing the ratio between the public and private premises where the polling stations were established at during the past two elections, it can be noticed that the percentage of polling stations established in private premises in 2019 has decreased. However, the ratio seems to go up again for the elections of 25 April 2021 in comparable levels to 2017.¹¹⁴

Ratio of the polling stations in public, private and ad-hoc premises during the last three elections.

	Parliamentary Elections 2017	Local Elections 2019	Parliamentary Elections 2021
PSs in public premises	4.952 (92.4%)	5.063 (93.5%)	4.808 (92.5%)
PSs in private premises	389 (7.3%)	334 (6.2%)	371 (7.1%)
Ad-hoc PSs	21 (0.4%)	19 (0.4%)	20 (0.4%)
Total of PSs	5.362	5.416	5.199

CEAZ no. 27, Kamëz, SP, DP, SMI. CEAZ no. 28, Paskuqan, SP, DP, SMI. CEAZ no. Tirana, 32, DP. CEAZ no. 35, 36, Tirana, SP, DP, SMI. CEAZ no. 73, Korça, SP, DP, SMI. CEAZ no. 80, Gjirokastra, SP, DP, SMI.

¹⁰⁹37 members and 7 secretaries have been substituted. Out of the total, 17 SMI representatives, 11 DP representatives, 11 SP representatives, and 6 SDP representatives.

¹¹⁰CEAZ no. 77, the frequent substitution of the 3 members from the SMI political subject has been caused by political pressures.

¹¹¹When it is not possible to designate a polling station in public premises, the CEC may designate to that polling station private premises upon mayor's proposal.

¹¹²Ad-hoc institutions comprise a special zone for the polling station. The polling station in these institutions is established when there are more than 15 voters.

¹¹³Article 93, Paragraph 1.

¹¹⁴¹¹⁴. According to the reasoning forwarded by the mayors who have proposed the location of the polling station, this has been mainly due to the public buildings being damaged by the November 2019 earthquake.

Following the amendments made to the Electoral Code in July 2020, the minimum threshold of the number of voters for each polling stations was changed from 200 to 300 voters¹¹⁵. Given the above legal amendment, 335 polling stations have been “merged”.

KRIIK considers the minimum threshold of voters for the establishment of a polling stations as a barrier to exercise the right to vote, thus driving the polling stations away from citizens’ residences, while the benefits of such an action remain vague and have not been explained so far.

The location of the polling station should not change during the last 40 days before the election date, i.e., after 16 March 2021, unless such change is authorized by the CEC due to Force Majeure.

The Regulatory Commission has laid down the rules and the criteria to be observed in case the chairperson of the local government unit proposes to the CEC to establish the PS in private premises by Instruction no.1, dated 05.12.2020¹¹⁶.

The KRIIK deems that, since all mayors are SP representatives, and in multiple cases they are political leaders of the electoral campaign for this political force in the relevant zones, the strict implementation of the law and criteria therein is considered paramount, while the thorough filtering of the options proposed by them is viewed as a guarantee for the prevention of potential abuses or even potential misinterpretations.

The composition of the PS Commissions is pretty much similar to the CEAZs composition. The process of PS Commission constitution should be concluded until 25 April 2021.

By bring to the attention the negative experience of overstepping this time frame in the previous elections, *KRIIK calls all political parties to propose the members for such commissions within the foreseen legal time frames and requires the CEAZs and the CEC to fully engage in concluding the process in time. This is very important to ensure a full training process for these commissioners.*

V.4. Counting Centers

Counting is carried out not in polling stations, but rather on counting centers, from the counting team under the CEAZ supervision¹¹⁷. Vote Counting Centers (VCC) are designated by CEC decision, following the Prefect’s proposal on the locations that may serve as VCCs in the relevant municipality covered by the respective region.

¹¹⁵RoA Electoral Code Article 62 “Establishment and location of polling units” paragraph 1 “A polling unit shall be part of a compact and contiguous geographic territory and the number of voters in each polling station shall not be lower than 200 and larger than 1,000 voters.

¹¹⁶Instruction no.1 dated 05.12.2020 “On defining the rules on the establishment, designation and announcement of the polling station location and preparing the local government unit map for the elections”.

¹¹⁷According to the Code of Good Practice in Electoral Matters- Venice Commission, vote counting should be performed in the polling station (I.3.2.2.4.)

Based on KRIIK observers' ongoing communication with the 12 Prefectures¹¹⁸, it was concluded that three of them have failed to observe the legal time frame for submitting¹¹⁹ their proposals on the locations that may serve as vote counting centers.

The CEC issues a decision on the¹²⁰ designation of the VCLs within the legal time frames provided for by the Electoral Code¹²¹.

¹¹⁸Lezha Region Prefect proposal submitted to the CEC by letter. no. 171/3, dated 26.02.2021; Tirana Region Prefect proposal submitted to the CEC by letter. no. 268/3, dated 9 March 2021; Korça Prefect proposal submitted to the CEC by letter. no. 296/1, dated 18.03.2021.

¹¹⁹RoA Electoral Code, Article 94 “*Location and preparation of Vote Counting Centers*”, paragraph 1.

¹²⁰Decision No. 148, dated 16.03.2021 “*On designating the vote counting locations for Albania’s Parliamentary Elections of 25 April 2021.*”

¹²¹RoA Electoral Code, Article 94 “*Location and preparation of Vote Counting Centers*”, paragraph 1.

VI. REGISTRATION OF VOTERS

All Albanian citizens aged 18 years old at the election day are entitled to vote, except for voters that have lost such right because they have committed a criminal offense, in line with the Law on Decriminalization, and voters declared as incapable to act by a final court decision. Voter registration is passive, except for voters aged 100 years old, who should make a request to be actively included in the voter list. The voter list is compiled by the National Register of Civil Registry (NRCR) and may be automatically extracted anytime¹²².

Limitation of the right to vote for people with disabilities, even though a court decision, is considered by the KRIIK a violation to the international obligations of the Albanian State¹²³. The *a priori* removal of citizens older than 100 years old from the voter list is also considered by KRIIK a violation to their right to vote and non-discrimination on grounds of gender, since these voters are treated differently from other voters (they are required the active registration).

Every Albanian citizen aged 18 years old until the election date will be automatically included in the voter list in the territory of the polling station, he/she resides, according to the NRCR¹²⁴. From the preliminary extract of the list will be eliminated all those voters aged 100 years old and the voters who have lost their right to vote according to the Law on Decriminalization. Voters older than 100 years may be included in the voter list in the polling station where their family members vote in, upon their active request.

The process of drafting and publishing the extract of gender components is carried out through a process involving the Minister of interior, the General Directorate of the Civil Registry (GDCR), 61 municipalities in the country and the Civil Registry Office (CRO) at every municipality. The total number of Albanian citizens entitled to vote in the elections of 25 April 2021, according to the final voter list is 3,588,869, of whom 1,812,442 males and 1,776,427 females.

VI.1. Voters' notification to be included in the list

Voters should be informed on the relevant polling station in several ways, including the frequent display of voter lists in public premises (carried out by the municipalities according to the temporary lists published by the civil registry in every municipality); written notification of voters in their place of dwelling (carried out by the municipalities through the funds allocated by the Ministry of Interior), and check of the voter e-list which is published in the Internet and where every voters has access through his/her personal data.

In conformity with the obligations provided under the Electoral Code, four days after the enactment of the election date by the President of the Republic, on 10 September 2020, the Minister of Interior

¹²² Article 47, paragraph 2e under the Electoral Code.

¹²³Article 29 under Disabilities binds the member states to guarantee the persons with disabilities their political rights and their enjoyment equally with others.

¹²⁴Personal voter data included in the Voter List are name, family name, father's name, mother's name, birthday, personal ID number, citizenship, code of dwelling place, and gender.

issued the Instruction “*On procedures for drafting the voter list for Albania’s Parliamentary Elections*”¹²⁵.

VI.1.1. Periodic publication of voter lists

According to the Instruction of the Minister of Interior ¹²⁶, six extracts of the voter list should have been drafted and published, starting with the publication of the first extract dated 6 October 2020, and concluding the publication cycle on 5 March 2021.¹²⁷ The extracts should be displayed in the Civil Registry Office or adjacent premises that are freely accessible by the public, so that the citizens may consult and check the list, with no limitation whatsoever. Based on the KRIIK activists non-systematic observation during October, November, and December, ¹²⁸some municipalities encountered issued with the publication of extracts during these months. These issues were about the delayed publication of extracts on electoral constituents or their non-publication in several cases.

Long-term KRIIK observers have noticed several issues in relation to the publication of voter lists. It has been noted for example that the preliminary lists, with the extracts of the electoral constituents¹²⁹ have not been displayed¹³⁰, or have not been regularly displayed, or have been displayed in premises not freely accessible by the voters¹³¹.

VI.1.2. Written notification of voters

The law provides for the written notification of voters in their residence on the polling station they should vote in; a very important process for rendering more accurate citizen data in the voter list, which should be performed within 60 days from the announcement of the election date¹³². The notification specifies the “polling station, its location and address, as well as the ordinal number of the voter in the voter list at his polling station”.

The Ministry of Interior allocated a special fund to the municipalities for the written notification of voters, as well as generates the template that should be used for the notification. The fund of ALL 14,435,000 has been allocated to municipalities on 22 October 2020. This fund has been leveraged by the municipalities from 22 October 2020, but nevertheless some municipalities have informed the

¹²⁵Instruction no. 298, dated 10.09.2020 “*On procedures for drafting the voter list for Albania’s Parliamentary Elections*.”

¹²⁶ Ibid.

¹²⁷Six extracts in total: 6 October 2020, 5 November 2020, 5 December 2020, 4 January 2021, 3 February 2021, and 5 March 2021 (final list).

¹²⁸Gjirokastrë Municipality, Elbasan Municipality, Peqin Municipality, Shkodër Municipality, Berat Municipality, Këlcyrë Municipality, Durrës Municipality, etc.

¹²⁹Durrës Municipality until 13.03.2021 recorded no display of the extract on electoral constituents in the premises of the civil registry office.

¹³⁰In Gjirokastra Municipality, the visit conducted on 12.03.2021 identified that the display of electoral constituent list dated 31.01.2021. During the visit dated 15.03.2021 the display of voter lists in the Civil Registry Office dated 31.01.2021.

¹³¹Extract of electoral constituents in Fier Municipality was displayed in the Civil Registry Office (indoors), thus limiting the free public access, while the administrative unit no.11 Has not updated the electoral constituent list and moreover, they have been displayed in a way that renders information on the polling station location more difficult.

¹³²From 6 October to 5 December 2020 for these elections.

KRIIK through their official replies that the fund on such matter has not been¹³³ leveraged yet, while some others mention different numbers from¹³⁴ the Ministry of Interior about the allocated amount¹³⁵. About the progress of this process, the Ministry has made no notification or public declaration.

The process of notifying by writing the voters encountered the same issues that have been noted in previous processes- issues that originate from how the notification template has been drafted, its progress in the field, lack of trustful information on the realization of the process and contradictory information collected by KRIIK observers and from municipalities towards the Ministry or Central Election Commission.

Based on the information used, the approved written notification template does not have a dedicated¹³⁶ space to be signed by the citizen that receives the notification to confirm (by signing) that he/she has received the written notification, just like requested by the Electoral Code¹³⁷. Likewise, the Instruction does not provide for any mechanism for mayors' accountability on the written notification of voters in the respective municipalities¹³⁸, as required by the Electoral Code. The instruction gives no guidance on the way the fund should be managed and the timing of its leverage¹³⁹ to the municipalities to complete the written notification of voters. According to the communication with the Ministry of Interior¹⁴⁰, the written notification template was generated on 30 November, which does not give the municipalities the necessary amount of time to carry out the process within the time frame set by the law (5 December 2020).

¹³³Gramsh Municipality, in its official reply to KRIIK with prot. no. 4598/1 dated 02.12.2020 informs that *"The fund has not been leveraged yet"* from the Ministry of Interior.

Dropull Municipality, in its official reply to KRIIK with prot. no. 151 dated 26.01.2020 informs that *"The fund from the Ministry of Interior has not been leveraged yet"*.

Memaliaj Municipality, in its official reply to KRIIK with prot. no. 1884/1 dated 22.01.2021 informs that *"The fund has not been leveraged yet due to the pandemic, because the responsible employees have been infected with Covid-19"*.

Kukës Municipality, in its official reply to KRIIK with prot. no. 5959/1 dated 02.12.2020 informs that *"...so far, the voters have not been notified because the fund has not been allocated by the line ministry covering the civil status service"*.

¹³⁴Letter with prot.no. 592/1 dated 02.02.2021 with subject *"Reply"* to KRIIK request addressing the Ministry of Interior with prot. no. 2012/80M, dated 28.12.2020 with subject *"Request for Information"*.

¹³⁵Dibër Municipality, the Ministry of Interior informs that the reward for this municipality is ALL 230,000, while the municipality itself in its official reply to KRIIK with prot. no. 4504/1 dated 15.12.2020 informs that the amount allocated by the Ministry of Interior is ALL 1,205,000.

Tepelena Municipality, the Ministry of Interior informs that the reward for this municipality is ALL 51,000, while the municipality itself in its official reply to KRIIK via e-mail dated 24 December 2020 informs that the amount allocated by the Ministry of Interior is ALL 156,000.

Dibër Municipality, the Ministry of Interior informs that the reward for this municipality is ALL 414,000, while the municipality itself in its official reply to KRIIK with prot. no. 9647/1 dated 15.01.2021 informs that the amount allocated by the Ministry of Interior is ALL 423.529.

¹³⁶See Instruction no. 298 of the Ministry of Interior (cit.).

¹³⁷RoA Electoral Code, Article 52 *"Written notification of voters"*, paragraph 4 *"The persons assigned to notify voters shall deliver the notice to the voter in person or, in the absence of the voter, to an adult member of his/her family, who is present at the voter's domicile, who signs to confirm the receipt of the notice ..."*.

¹³⁸Ibid, paragraph 4 *"... The mayor of the local government unit reports on the fulfillment of this obligation according to the instruction of the minister responsible for the civil status service"*.

¹³⁹ Ibid. Article 52, Paragraph 5 *"Expenses for the notification, according to this article, are covered by the ministry responsible for the civil status service. The respective fund is allocated to local government units commensurate with the number of voters in each local government unit."*

¹⁴⁰Verbal communication with the Director of the Information System Directorate at the Ministry of Interior.

Voter written notification should have been concluded on 6 December 2020. KRIIK addressed an official request to 61 municipalities in the country, in November 2020, requesting information on the progress of the process. Despite the issues encountered in terms of omission of several municipalities to reply¹⁴¹, it was noted that some municipalities were not familiar with the legal framework and the institutional obligations deriving from it. The official replies of several municipalities confirmed that this process started only in twelve municipalities¹⁴² in November; 27 municipalities in December¹⁴³ and January; while 12 municipalities¹⁴⁴ inform that they have not started the process yet, although the reply dated December 2020 and January 2021.

Long-term KRIIK observers have noticed several issues in relation to the realization of this process¹⁴⁵. In some cases, voters have been notified by employing the human and financial resources of the local government unit given the non-allocation of the fund from the Ministry of Interior (according to the municipalities). Some municipalities have reported difficulties in delivering the notification due to incorrect addresses, large distances¹⁴⁶ in certain municipalities, or the lack of employees given Covid-19 infection.

About the fulfillment of this legal obligation, the mayors should report the Ministry of Interior and the¹⁴⁷ Central Election Commission¹⁴⁸.

Based on KRIIK official communication with the Ministry of Interior, until 2 February 2021 there has been no reporting to this ministry from the mayors. Meanwhile, according to verbal communication, based on the data the ministry possesses, only 23 municipalities have used the fund on the written notification of voters, 16 municipalities have burned out the fund, while for the

¹⁴¹Cërrik Municipality, Fier Municipality, Kavaja Municipality, Këlcyra Municipality, Klos Municipality, Maliq Municipality, Vora Municipality have not replied yet despite the frequent communication with KRIIK on their omission to reply.

¹⁴²Mallakastër Municipality, Libohova Municipality, Konispol Municipality, Kolonja Municipality, Memaliaj Municipality, Tropoja Municipality, Vlora Municipality, Vau Dejës Municipality, Bulqiza Municipality, Divjaka Municipality, Gjirokastra Municipality, Mat Municipality.

¹⁴³Puka Municipality, Korça Municipality, Delvina Municipality, Pustec Municipality, Elbasan Municipality, Durrës Municipality, Dropull Municipality, Gramsh Municipality, Devoll Municipality, Kuçova Municipality, Tirana Municipality, Himara Municipality, Ura Vajgurore Municipality, Shijak Municipality, Kruja Municipality, Roskovec Municipality, Fushë-Arrëz Municipality, Finiq Municipality, Shkodra Municipality, Poliçan Municipality, Librazhd Municipality, Patos Municipality, Përmet Municipality, Malësi e Madhe Municipality, Kamëz Municipality, Saranda Municipality, Përrenjas Municipality.

¹⁴⁴Selenica Municipality, Lezha Municipality, Belsh Municipality, Mirdita Municipality, Skrapar Municipality, Lushnjë Municipality, Durrës Municipality, Kukës Municipality, Peqin Municipality, Dibër Municipality, Pogradec Municipality, Kurbin Municipality.

¹⁴⁵Lezha Municipality until 21 March 2021 informed the KRIIK long-term observers that the written notification of voters is still ongoing, and that the municipality does not have an accurate number of voters notified until this date.

¹⁴⁶Shkodër Municipality until 18 March 2021 reports difficulties with the written notification of voters due to incorrect addresses. About this, a second phase for the notification or verification of addresses of people who have not received a written notification has already started. The same thing is reported by Malësi e Madhe Municipality which establishes a direct connection between the non-completion of the process and incorrect addresses. Until 12 March 2021, the written notification process of voters in Lezha Municipality has been ongoing. The written notification process in Tepelena Municipality did not start until 18 March 2021, with the justification that the inhabitants are familiar with each-other. The same thing is reported by Memaliaj Municipality which reports some incorrect addresses because of problems with the computer system.

¹⁴⁷RoA Electoral Code, Article 52 “Written notification of voters decisions” paragraph 4.

¹⁴⁸Ibid, paragraph 6.

remaining 22 municipalities there is no information. Likewise, the MoI asserts that reporting of mayors to the MoI on the process has been almost inexistent.

About the CEC, 9 municipalities are confirmed¹⁴⁹ to have met their obligation to report.

VI.1.3. Online check of the voter list

Voters will be able to check their presence in the list and the details in the voter database, by accessing it online. Unlike the previous elections, where the electronic check of the name in the list and relevant polling station was made through a database accessible by the public, where everyone who had information on the name, father's name, and surname of someone could insert these data on the database interface and check where that person could vote, in these elections the voters should be logged in the personal account in the governmental service portal e-Albania (with the personal ID number, user name, and password) to check these data. This is a positive development, which makes personal data safer, but on the other hand puts into question the ability to verify the name of those citizens who are not e-Albania users, or technology users in general.

The final list of voters was generated by the GDCR on 15 March 2021, according to the time frames foreseen by the law. But, even on 24 March, some municipalities¹⁵⁰ informed the long-term KRIIK observers that the lists were not printed and published.

VI.2. Voters with expired ID

Voters may vote only with a valid biometric ID card in the election day¹⁵¹. Different actors have pointed out that many citizens entitled to vote on 25 April 2021 have an expired ID card. Until 25 March 2021, the number of citizens with invalid ID card in the election day was 674,234. The Ministry of Interior through the General Director of the GDCR developed an information and awareness-raising campaign in several municipalities of the country, thus inviting all citizens possessing an invalid ID card to apply for renewal. Although the numbers decreased, their levels remained a concern.

As soon as the concern was raised by two members of the Regulatory Commission, the CEC addressed an official letter to the Ministry of Interior demanding the Ministry to take the necessary steps to enable such citizens to exercise their right to vote, by even considering the postponement of the biometric ID card validity date.

¹⁴⁹Fier Municipality, Malësi e Madhe Municipality, Kruja Municipality, Ura Vajgurore Municipality, Kukës Municipality, Berat Municipality, Bulqiza Municipality, Puka Municipality, Poliçan Municipality.

¹⁵⁰Dropull Municipality, Libohova Municipality, and Gjirokastra Municipality have no drafted yet the voter lists. Bulqiza Municipality, Dibra Municipality, Mat Municipality and Klos Municipality have printed the lists but have not submitted them yet to the CEAZ, because the mayors have not signed them yet.

CEAZ no. 5, Shkodra Municipality, had some issues with handing over the final voter lists to CEAZ, because the municipality has submitted only 2 out of three copies provided for by the law. This lead the CEAZ to refuse the lists and to procrastinate the process.

¹⁵¹ Article 105, paragraph 1(a) under the Electoral Code.

Through a normative act¹⁵², the Council of Ministers, upon proposal of the Minister of Interior, decided to postpone the biometric ID card validity date until 30 April 2021.

VI.3. Audit technicians

The Central Election Commission, upon proposal of the Commissioner and Vice Commissioner, appointed two audit technicians¹⁵³ to supervise the voter list compilation process. By contracting the audit technicians, who have been able to access the database in the National Register of the Civil Registry same as the GDCR Director, the CEC supervises the voter list compilation process.

The contract conditions for the audit technician have been laid down in the CEC instruction¹⁵⁴, according to which the auditors should report every month to the CEC. Until 28 February, two reports have been filed from one audit technician and three¹⁵⁵ from the other.

Audit technicians are concerned that in many cases the GDCR gives delayed and superficial replies about the questions and points made¹⁵⁶. Moreover, in this electoral process, it was highlighted that one of the audits adopts a rather superficial and positive approach in its reporting, while the other audit is more detailed and focused on the issues pointed out, thus identifying violations, and putting into serious question the database operation and safeguarding from the GDCR employees.

VI.4. Registration of voters living abroad

Following the amendments made to the law no. 101/2020, dated 23.7.2020 “Electoral Code”¹⁵⁷, guarantees the right of the Albanian voters who live abroad to vote in the Parliamentary Elections, by preliminary registering in the National Register of the Civil Registry their permanent dwelling place address in the country they currently live in. Such applications are made through the e-Albania portal, with reference to the procedures set forth by the DCM¹⁵⁸ dated 4 November 2020. Until 25 March 2021, the number of citizens living abroad and registered according to the above-mentioned process is 2.959 individuals, of whom 1.472 have been processed by the Ministry of Interior.

Electoral Code¹⁵⁹ has charged the Central Election Commission, to draft all the sub-legal acts, prepare the conditions and implement the measures that enable citizens living abroad to vote in the

¹⁵²Normative Act no. 11, dated 25.03.2021 “*On amending the law no.8952, dated 10.10.2002, “On Albanian citizens’ electronic ID card”, as amended*” Official Gazette 48/2021.

¹⁵³Decision No. 1, dated 19.10.2020 “*On appointing the audit technicians to supervise the voter list compilation process for the Parliamentary Elections of 25 April 2021*”, and Decision no. 13 dated 28.10.2020 “*On appointing the audit technicians to supervise the voter list compilation process for the Parliamentary Elections of 25 April 2021*”

¹⁵⁴Instruction no. 2, dated 28.12.2012 “*On approving the special rules for the contract conditions and audit performance by the audit technicians to verify the actions in the NRRCR database and in the EVS Electronic Verification System*”.

¹⁵⁵Mrs. Brisela Mehmetllari has filed two reports only given her delayed appointment.

¹⁵⁶Roland Kërçuku Report on verification of actions with the National Register of the Civil Registry database, dated 24.02.2021, p. 6.

¹⁵⁷RoA Electoral Code, Article 46 “*Voter list*” paragraph 3.

¹⁵⁸DCM no. 915, dated 04.11.2020.

¹⁵⁹RoA Electoral Code Article 24 “*CEC competences on absentee voting*”

Parliamentary Elections. About the work progress, through its Order no. 91, dated 31 October 2020, the CEC has established its working group on absentee voting for the Parliamentary Elections of 25 April 2021.

The State Election Commissioner has continuously identified the importance of political concordance to realize such process, and the extremely limited time amount made available to the Central Election Commission on the establishment of the necessary infrastructure - including legal infrastructure, but not only - for the realization of this process¹⁶⁰.

Based on the information collected so far about the progress of the process, it seems like the absentee voting is impossible to be carried out in these elections, which represents a missed chance and a violation to the parties' political engagements, according to the Agreement dated 5 June 2020.

KRIIK has moreover highlighted the importance and the need to guarantee absentee voters the right to vote, not only as an institutional obligation towards these citizens, but also as a method to faint away the political patronage and vote-casting system established in the country. The legal regulation made through amendments of July 2020 is considered by KRIIK as totally unacceptable to achieve the effective implementation of this process, by tasking the CEC with duties which were unfeasible given the lack of a political consensus and detailed legal regulation. Just like already evidenced, beyond the political will expressed verbally by the parties, there is no clear political will for the process to be realized.

¹⁶⁰In another conference, Celibashi stated that unfortunately, there is still no specific results about absentee voting. We have prepared, according to the request of several parties, a list of acts requested by the parties for them to be clear about the procedures that CEC will follow. Probably, I will hand over to the Regulatory Commission the draft on absentee voting procedures. Theoretically speaking, we can make this process happen.
<https://www.facebook.com/Ilijan.Celibashi/videos/928718701201612>
<https://www.facebook.com/KQZShqipëri/videos/244749337277289>

I have never been optimistic, but rather wishful for this project, because the time made available is not as much as it should be. But we were hopeful that the process will be carried out. I am still looking forward to the realization of this process, for the mere fact that the number registered in the NRRC is small. Therefore, there is a slight likelihood to test in during these elections. We will wait and see. Theoretically speaking, I think that the project may be carried out even during these elections. The CEC is bound to prepare the acts and infrastructure for absentee voting, but timing is very important. Considering the time made available to the CEC, any country would find it difficult to correctly implement the process. It is truly impossible to provide the necessary legal infrastructure or other for 6 months only. It is a delicate process. The point made that the CEC was tasked to draft the acts until 20 February 2021 - there is a provision in the EC stipulating that the Regulatory Commission decides about including for the first-time voters living abroad in the elections. So, for the first time ever, the legislative gives full credit to the regulatory to make such a decision. The latter is fully entitled to decide on its own when to include them. We are writing the rules from scratch. It is paramount for the process to get the consensus of the political parties. The CEC is fully committed, as long as it can - if not, CEC is 0 responsible.

<https://youtu.be/lIfLZG0xPFA> "We are interested in getting the consensus of all political parties, not in re-establishing the CEC. This is all we can do. But we want to enter the electoral process with a full compliance with the rules that the CEC is trying to adapt, without damaging the Albanian voter interest. In this framework, the CEC approach on the absentee voting project is to get the consensus of all parties. The Electoral Code has provided no solution on the matter - it is already guaranteed by the Constitution. It is very complicated from the time perspective. We have today not more than 854 with permanent dwelling places abroad. The CEC should design the voting process for these emigrants. The Albanian law recognizes only 854 individuals as citizens with a permanent dwelling place outside of the territory of Albania. So to speak, the CEC should prepare the process for these 900 Albanian only". Moreover, it is not guaranteed how this handful of citizens will vote".

VI.5. Exclusion from the list due to the law on de-criminalization

Law no. 138/2015¹⁶¹, or the so-called Law on De-criminalization and the Instruction of the Minister of Interior¹⁶² foresee that the GDCR, in cooperation with the General Directorate of Prisons should identify and remove from the voter list all those citizens who are serving their sentence for the criminal offenses they have committed, pursuant to the law. The number of citizens who were not included in the list for these elections, with reference to this law, equals 1,098 citizens.

VI.6. The process of correcting the citizens' addresses

The process of correcting the citizens' addresses has been deemed necessary for quite a while now and has been qualified a necessity. However, the process has not been void of partisan and political approaches, which has prevented it from developing all-inclusively and transparently from the institutional perspective.

This highly criticized process which started in 2015, despite the series of flaws and lack of transparency, has been regarded by the GDCR as a healthy process for registering the addresses of citizens. Therefore, a year ago, the migration of the database on citizen addresses into the citizen register database started.

Based on the serious issues noted during 2019 and by the citizens themselves this fall, where the members from the same family were changed *a priori* their addresses because the GDCR had failed to declare them and to provide transparency on the process, the KRIIK publicly requested the Minister¹⁶³ of Interior to guarantee the missing transparency about a series of issues noted by the audit technicians authorized by the CEC from the elections of 2019 up to the most recent issues noted by citizens and made public by the media. It is quite concerning that such a transparency has not been guaranteed yet by the relevant authorities.

Meanwhile, the reports of one of the audit technicians highlight the current issue with designating false codes to the dwelling places of citizens with unknown residence code. The presence of citizens with unknown residence code in the voter list (000,888,999), as identified in the GDCR system has been an issue marking all electoral processes. Although the number of citizens with this residence code has been decreasing, the process was associated with critics and continuous problems encountered by audit technicians¹⁶⁴ contracted by the CEC. The audit technician requested information from the GDCR about the name of the CRO user who has changed the address in the

¹⁶¹“On guaranteeing the integrity of people that are elected, appointed or hold public offices”. *“On guaranteeing the integrity of people that are elected, appointed or hold public offices”*.

¹⁶²Instruction no.225, dated 11.05.2016 of the Minister of Interior *“On the procedures for suspending from the voter list the citizens serving their sentence as provided for by Law No.138/2015 “On guaranteeing the integrity of people that are elected, appointed or hold public offices”*.

¹⁶³KRIIK, Public Stance “The Ministry of Interior should provide full transparency on a regular basis on the entire process of drafting and correcting the voter lists”, dated 5 October 2020.

¹⁶⁴Roland Kërçuku auditor report: We concluded from the investigations that the process started by the GDCR on addresses with unknown residence codes has been totally abusive and that most of the codes are fictitious codes, just like many voters have their residence codes in places not used for dwelling.

system, but the GDRC response was incorrect and rather evasive, which impeded the full investigation of the¹⁶⁵ issue.

According to the information received so far, until 8 February, 163,185 voters have had their polling stations changed from the administrative unit they reside in.

VI.6. Right to vote of self-quarantined individuals (infected with SARS-COV-2 virus and their family members)

Although it could be easily deducted that the elections of 25 April would be held in a pandemic situation, the political parties never discussed the issue in the Political Council, at least as far as we know and as far as it was made public. The KRIIK addressed the issue through an Open Letter in June 2020 and invited the¹⁶⁶ institutions and political parties to consider this opportunity and to prepare the potential electoral process administration scenarios in a pandemic situation, an invitation made repeatedly several times.

The political parties and the institutions did not react on the matter for nine months. The first to react on the matter was the Prime Minister Mr. Edi Rama in a Press Conference¹⁶⁷, where in reply to the question posed by one of the journalists, he declared “we’ll do what other countries did. Those who tested positive and do not test negative should stay home”. This non-reaction and the disregard that the elections would be held in a pandemic situation indicate that the right to vote is not respected as a fundamental citizen right, and that the electoral process is considered as a mere mechanical voting process to mandate a political force.

The Albanian State seems to be failing in meeting its obligation to guarantee all citizens their right to vote, an undeniable right granted to citizens by International Conventions ratified by the Albanian state and the Constitution of the country.

On the other hand, such an approach violates the provisions under the Electoral Code, because it stipulates that the Ad-hoc Polling Stations should be established in hospital premises or health care centers hospitalizing no less than 15 patients for a period no less than three days.

¹⁶⁵Roland Kërçuku Report on verification of actions with the National Register of the Civil Registry database, dated 24.02.2021, p. 10.

¹⁶⁶Consensus reached in the Agreement of 5 June, the effort of the leadership to overcome the experience this far, 16 June 2021.

¹⁶⁷Rama “We’ll do what other countries did - those who tested positive and do not test negative yet should undisputedly stay home and self-quarantine themselves etc.”

VII. REGISTRATION OF ELECTORAL SUBJECTS AND CANDIDATES

The right to candidate is regulated by the Constitution of Albania¹⁶⁸, Electoral Code and Law on De-criminalization¹⁶⁹. An electoral subject is any political party or coalition submitting a list of candidates to the Central Election Commission, as well as any Albanian citizen proposed as an MP candidate from a group of voters, according to the provisions under the Electoral Code. Any citizen aged 18 years old is entitled to candidate, except for those who have lost such right because they have committed criminal offenses (set forth by the Law on De-criminalization), and some categories of individuals who hold public offices in the judiciary, armed forces, order and safety, electoral administration, or other duties¹⁷⁰.

Part IV under the Electoral Code, which is about the registration of electoral subjects, was part of the amendments of the Electoral Code approved by law no. 101/2020, dated 23.7.2020 and law no. 118/2020, dated 05.10.2020. The CEC approved a new instruction¹⁷¹ on candidacy rules by repealing Instruction no. 2/2013¹⁷².

The changes of October 2020, made without the consensus of the opposition outside the Parliament, in contradiction with the spirit of the Agreement of 5 June 2020, were preceded by the constitutional changes made in July 2020 within a short period of time, again in absence of the consensus with the opposition outside the Parliament and a genuine consultation process. Making legal changes to such an important election component, such as the registration of electoral subjects in absence of an all-inclusive consultation process and political consensus is deemed by KRIIK a negative aspect threatening to seriously undermine the trust in the electoral process.

Changes include banning the political parties to form pre-electoral coalitions by submitting individual candidate lists (for each party) and the obligation for each coalition to submit a unique candidate list.

Political parties that do not get a seat in the Parliament or candidates proposed by the voters are obligated to submit the support signatures of voters to be registered as candidates¹⁷³. The number of support signatures that should be submitted are in line with the good electoral practices¹⁷⁴.

¹⁶⁸Articles 45 and 69, Electoral Code, and Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions"

¹⁶⁹Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 2.

¹⁷⁰Judges, prosecutors, the military in active service, municipal and national safety employees, diplomatic representatives, mayors for Parliamentary elections, MPs competing in the elections for local government units, prefects in the countries they carry out their duties for Parliamentary and local elections, chairpersons and members of election commissions, President of the Republic and senior officers of the state administration as provided for by the law. Article 63, paragraph 4 under the Electoral Code.

¹⁷¹Instruction no. 1 dated 23.12.2020 "*On defining the rules on the submission and verification of candidacy documentation, time frames for the publication of candidate lists and approval of candidacy templates*".

¹⁷²Instruction no. 2, dated 29.01.2013 "*On defining the rules on the submission and verification of candidacy documentation time frames for the publication of candidate lists and approval of candidacy templates*".

¹⁷³5.000 support signatures in the case of political parties, 7.000 in the case of coalitions, and 1% of the number of voters in the relevant election zone, but in any case, no more than 3.000 signatures in the case of an independent candidate.

¹⁷⁴Code of Good Practice in Electoral Matters-Venice Commission, (I.1.3.i) suggests that the number of support signatures should not exceed 1% of the registered voters.

Irrespectively, the collection of support signatures was proved to be a barrier for the candidacy of independent candidates. Out of eight commissions registered in the CEC, only five managed to collect the required signatures and three out of five candidates are independent candidates supported by “Qendra Vetëvendosje”, which has been registered in Albania as an NGO¹⁷⁵, according to the Albanian law, i.e., they had the opportunity to use the resources of an existing organizations’ structure. Moreover, the candidates from this movement benefited from the public support of Kosovo’s Prime Minister (shadow prime minister at the time) and “Lëvizja VetëVendosje” movement, Mr. Albin Kurti during the stage of collecting support signatures, during the visit of the latter in Tirana dated 3 March 2021¹⁷⁶.

After the elections of 25 April 2021, the Central Election Commission registered 46 political parties¹⁷⁷ from 50 requests and 8 flagship committees for the organization of the work carried out to register the candidates proposed by the voters or independent candidates.

11 political parties¹⁷⁸, and three flagship committees, although registered as electoral subject, did not submit multi-name lists or support signatures for their independent candidates, which lead them to withdraw from the electoral competition. After some political parties merged into pre-electoral coalitions, in an all-inclusive process, the CEC registered 12 electoral subjects and five independent candidates for the same number of regions¹⁷⁹.

VII.1. Registration of political parties

The legal time frame, according to the Electoral Code, for the registration of political parties was 15 February 2021, while for the electoral coalitions the time frame was set to 25 February 2021¹⁸⁰. In the meanwhile, according to the Instruction¹⁸¹ of the electoral subject registration rules, the CEC should verify the submitted documentation from the political parties within 2 days from its filing.

The State Election Commissioner decided in its public meeting dated 22 February 2021 to register nine political parties. Based on the review of draft-decision reports for the registration of such parties,

¹⁷⁵Meanwhile, its activists consider themselves as part of the same nationwide movement with the political party “Lëvizja VetëVendosje! in Kosovo and joint activities are included. See: <https://shqiperi.vetevendosje.org/pyetje-te-shpeshta/>. “Lëvizja VetëVendosje!” leader in Kosovo and the current Prime Minister of Kosovo, Mr. Albin Kurti visited Albania and participated in a series of activities organized to introduce the candidates supported by “Qendra VetëVendosje” in Albania in March of this year.

¹⁷⁶¹⁷⁷Register of political parties registered for the Parliamentary Elections dated 25 April 2021.

¹⁷⁷Register of political parties registered for the Parliamentary Elections dated 25 April 2021.

¹⁷⁸Law and Justice Party, Albanian Homeland Party, Albanian National Reconciliation Party, People's Alliance Party, Social Democratic Party, Ethnic Greek Minority Party for the Future, Communist Party of Albania, Albanian Affairs Party, National Unity Party, Christian Democratic Party, Red and Black Alliance.

¹⁷⁹Mr. Plarent Aleks, MP candidate proposed by the voters in Berat Region; Mr. Boiken Abazi, MP candidate proposed by the voters in Tirana Region; Mr. Ijaz Shehu, MP candidate proposed by the voters in Lezha Region; Mr. Kreshnik Merxhani, MP candidate proposed by the voters in Gjirokastra Region; Mr. Pal Shkambi, MP candidate proposed by the voters in Shkodra Region.

¹⁸⁰RoA Electoral Code, Article 64 “Registration of political parties” paragraph 1.

¹⁸¹Instruction no. 1 dated 23.12.2020 “On defining the rules on the submission and verification of candidacy documentation, time frames for the publication of candidate lists and approval of candidacy templates”, Article 1 “Registration of political parties”, paragraph 3.

it was concluded that the requests, including the fill-out of documentation, have been submitted to the CEC within the legal time frame.

The State Election Commissioner decided by its official decision to not register 4 political parties given the¹⁸² incomplete documentation¹⁸³ submitted to the CEC.

VII.1.1. The term of the party leader according to the party statute

Like the previous electoral processes, it can be noted that the political parties have not displayed a correct behavior towards the overall observation of the legal framework, while the CEC has been rather tolerant in relation to such violations during the registration process of the political parties. Based on the review of registration acts at Tirana District Court, in terms of the parties registered by the CEC for the elections of 25 April 2021, it was noted that:

- i. the leaders of 20 parties¹⁸⁴ are within the legal time frame for exercising their term, according to the provisions under the relevant statute;

¹⁸²State Election Commissioner's Decision No. 94, No. 95, and No. 96, dated 23 February 2021, decided to not register 3 political parties due to the incomplete legal documentation. More specifically, the registration request of the Centrist Party for Albanian People's Welfare, Labor Party of Albania, Party for the Defense of Albanian Workers Rights, and by decision no. 97, dated 23.02.2021 the State Election Commissioner refused the request of Mr. Xhavit Zhuzhi to register the Albanian Emigration Party as an electoral subject.

¹⁸³The Labor Party of Albania, the Centrist Party for Albanian People's Welfare, and the Party for the Defense of Albanian Workers Rights have not submitted to the CEC the number of the dedicated bank account opened by the party; while the request for the Albanian Emigration Party was refused because it was signed by a member and not the leader of the party, or a duly authorized person. Moreover, the party had been previously registered as an electoral subject through its leader.

¹⁸⁴Movement for Change Party, the current leader was elected according to Tirana District Court Decision dated 23.11.2020.

Albanian Democratic Movement Party, the current leader was elected by Tirana District Court Decision dated 19.10.2020. "Ora e Shqipërisë" Party, the current leader was formalized according to Tirana District Court Decision dated 23.11.2017. Democratic Conviction Party, the current leader was formalized according to Tirana District Court Decision dated 25.04.2019.

Legality Movement Party, the current leader was re-formalized according to Tirana District Court Decision dated 23.12.2017.

Justice, Integration and Unity Party, the current leader was re-formalized according to Tirana District Court Decision dated 28.02.2017.

Albanian Party of Democratic Reforms, the current leader was re-formalized according to Tirana District Court Decision dated 15.03.2019.

Albanian Christian Democratic Party, the current leader was formalized according to Tirana District Court Decision dated 10.05.2017.

Environmentalist Agrarian Party, the current leader was formalized according to Tirana District Court Decision dated 21.07.2016.

Albanian Christian Democratic Party, the current leader was re-formalized according to Tirana District Court Decision dated 14.01.2016.

New Democracy Alliance Party, the current leader was elected by Tirana District Court Decision dated 12.01.2021.

Socialist Movement for Integration Party, the current leader was re-formalized according to Tirana District Court Decision dated 15.01.2021.

Social Democratic Party, the current leader was elected according to Tirana District Court Decision dated 04.02.2021.

New Movement Party, the current leader was formalized according to Tirana District Court Decision dated 28.12.2020.

Albanian Workers Movement Party, the current leader was formalized by Tirana District Court Decision dated 27.04.2015.

- ii. The leaders of 4 parties ¹⁸⁵ are within the legal time frame of their representation term, although there has been no limited term over the years, expressly defined in the relevant statute (in this case, the 7-year term, which is the longest time frame identified among all parties, has been considered as a valid time frame);
- iii. The leaders of 6 parties ¹⁸⁶ have their legal time frame for exercising their term expired, according to the provisions under the relevant statute;
- iv. The leaders of 16 parties ¹⁸⁷ are within the legal time frame of their representation term, although there has been no limited term over the years, expressly defined in the relevant

“Nisma Thurje” Party, the current leader was elected according to Tirana District Court Decision dated 15.01.2021.
National Conservative Party, the current leader was formalized according to Tirana District Court Decision dated 20.02.2017.

Alliance for European Equality and Justice Party, the current leader was formalized according to Tirana District Court Decision dated 20.09.2017.

Albanian Civic Party, the current leader was elected by Tirana District Court Decision dated 01.10.2020.

Red and Black Alliance Party, the current leader was formalized according to Tirana District Court Decision dated 19.12.2017.

¹⁸⁵Democratic Alliance Party, the current leader was formalized according to Tirana District Court Decision dated 22.05.2014.

Democratic Party, last submission to the Court in 2013. According to the DP statute, the Leader shall be elected for a 4-year term. The current DP leader has been elected by the party membership on 22.07. 2017, but these changes have not been mirrored at the Court.

Socialist Party, last submission to the Court in 2013. According to the SP statute, published in its official website, as amended in 2016, the leader’s term shall be deemed renewed when elected as prime minister. However, these changes have not been mirrored at the Court. For more information, see [the SP Statute](#), Article 40, paragraph 5.

New Democratic Spirit Party, the current leader was formalized according to Tirana District Court Decision dated 20.04.2015.

¹⁸⁶National Front Party, the current leader was formalized according to Tirana District Court Decision dated 16.02.2004, although the statute expressly provides that the term of the party leader shall last for a 4-year period.

Albanian Christian Democratic Alliance Party, the current leader was formalized according to Tirana District Court Decision dated 07.12.2010, although the statute expressly provides that the term of the party leader shall last for a 3-year period.

People’s Union of Albanian Pensioners, the current leader was formalized according to Tirana District Court Decision dated 24.04.2009, although the statute expressly provides that the term of the party leader shall last for a 4-year period.

National Alliance Party, the current leader was formalized according to Tirana District Court Decision dated 01.06.2007, although the statute expressly provides that the term of the party leader shall last for a 4-year period.

Law and Justice Party, the current leader was formalized according to Tirana District Court Decision dated 17.02.2009, although the statute expressly provides that the term of the party leader shall last for a 4-year period.

Protection of Immigrant Rights Party, the current leader was formalized according to Tirana District Court Decision dated 18.02.2002, also comprising this party’s registration decision in the Court, although the statute expressly provides that the term of the party leader shall last for a 4-year period.

¹⁸⁷Alliance for democracy and Solidarity Party, the current leader was formalized according to Tirana District Court Decision dated 03.03.2009, which is the registration decision of this party in the court.

Alliance for Democracy and Solidarity Party, the current leader was formalized according to Tirana District Court Decision dated 09.11.2004, also comprising this party’s registration decision in the Court.

National Unity Party, the current leader was formalized according to Minister of Justice Decision dated 15.03.1991, also comprising this party’s registration decision.

National Democratic Front Party, the current leader was re-formalized according to Tirana District Court Decision dated 28.05.2005.

Albanian Democratic Union Party, the current leader was formalized by Tirana District Court Decision dated 18.05.2005.

Albanian Republican Party, the current leader was formalized by Tirana District Court Decision dated 22.05.2005.

Movement for National Development Party, the current leader was formalized by Tirana District Court Decision dated 16.06.2008.

statute (in this case, the 7-year term, which is the longest time frame identified among all parties, has been considered as a valid time frame);

The party's representation term by the relevant leaders should be within its validity time frame, according to the relevant statute. In these elections, 22 parties should not have been registered if the CEC would have adopted a more proactive approach. This implies documentation review, which should go beyond the mere verification from Tirana District Court, constitutional and legal criteria serving as the basis for qualifying such subjects as political parties.

VII.2. Registration of electoral coalitions

Two or more political parties registered as electoral subjects in the CEC may be registered as an electoral coalition no later than 60 days before the election date¹⁸⁸. At the registration moment, the coalition should declare the political party leading the coalition, responsible for meeting all the duties deriving from the Electoral Code. Political parties that are members of a coalition should sign a cooperation agreement among them, to define the mutual rights and duties. This agreement is then submitted to the CEC.

Three electoral coalitions appeared before the CEC for the elections of 25 April 2021: Alliance for Change Coalition - Democratic Party involving 13 political parties¹⁸⁹; Coalition Alliance involving 7 political parties¹⁹⁰ and the Coalition "People's Union Alliance-Emigration-Time of Hope and Conservatives" involving 4 political parties¹⁹¹.

Communist Party of Albania, the current leader was formalized according to Tirana District Court Decision dated 17.12.2012.

Albanian Democratic Union Party, the current leader was formalized by Tirana District Court Decision dated 11.03.2002. Ethnic Greek Minority Party for the Future, the current leader was formalized according to Tirana District Court Decision dated 10.06.2002, also comprising this party's registration decision.

Liberal Democratic Union, the current leader was re-formalized by Tirana District Court Decision dated 13.04.2005.

Social Democracy Party, the current leader was formalized according to Tirana District Court Decision dated 07.05.2003, also comprising this party's registration decision in the Court.

Albanian Homeland Party, the current leader was formalized according to Tirana District Court Decision dated 09.04.2013, also comprising this party's registration decision.

Albanian Emigration Party, the current leader was formalized according to the Minister of Justice Decision dated 16.07.1998, also comprising this party's registration decision.

National Reconciliation Party, the current leader was formalized according to the Minister of Justice Decision dated 24.12.1997, also comprising this party's registration decision.

People's Alliance Party, the current leader was formalized by Tirana District Court Decision dated 11.04.2013.

¹⁸⁸RoA Electoral Code, Article 64 "Registration of electoral coalitions".

¹⁸⁹Legality Movement Party; Justice, Integration and Unity Party; Albanian Democratic Party; National Democratic Front Party; Environmentalist Agrarian Party; Albanian Democratic Union Party; Christian Democratic Party; Democratic Party; Albanian Republican Party; Unity for Human Rights Party; Liberal Democratic Union Party; New Democratic Spirit Party; Movement for National Development.

¹⁹⁰Albanian Democratic Alliance Party; Alliance for Democracy and Solidarity; Alliance for European Equality and Justice Party; Albanian Democratic Reforms Party; Party for Protection of Human Rights; Albanian Worker Movement Party; Albanian Civic Party.

¹⁹¹"Ora e Shqipërisë" Party; National Conservative Party; People's Union of Albanian Pensioners Party, Albanian Emigration Party.

Only 2 out of these coalitions will be electoral subjects, given that the Coalition Alliance was refused¹⁹² the request to be registered in the multi-name list because it submitted an attestation from the Assembly on having the lowest number of seats than other parties forming the coalition¹⁹³. The Commissioner's decision remained unchanged despite complaining to the CSC.

Given the legal changes which force the pre-electoral coalitions to present their unique candidate list, the Democratic Party and the Socialist Movement for Integration signed an agreement, thus engaging in a post-electoral coalition¹⁹⁴. This agreement enables these parties to form a public coalition, by not being officially such and presenting two different MP candidate lists.

VII.3. Registration of candidates

The political party or coalition must submit to the CEC the multi-name list of its candidates for each constituency no later than 50 days¹⁹⁵ before the election date. The process of registering the name list of candidates for political parties, which hold seats in the Albanian Parliament, consists only in completing the necessary administrative documentation.

Meanwhile, the registration of candidates proposed by political parties who do not hold any mandate in the Assembly must be supported by not less than 5,000 voters or in the case of coalitions by no less than 7,000 voters nationwide¹⁹⁶. An exception to this rule is the coalition, where the participating parties should hold in the Assembly a total number of mandates that is not smaller than the number of the members of the coalition.

11 political parties¹⁹⁷ and 3 coalitions¹⁹⁸ presented name lists to CEC until March 8, 2021. The list of candidates filed from 13 political subjects¹⁹⁹ were overthrown from CEC²⁰⁰ for correction, due to

¹⁹²Decision No. 165 dated 18.03.2021 “*On reviewing the request on approval of Coalition Alliance (AL) multi-name list, for the elections of 25 April 2021*”.

¹⁹³Coalition Alliance, involving seven political parties, submitted to the CEC its request to register the multi-name list, associated with an attestation from the Albanian Parliament of having one seat. Even after the documentation fill-out procedure was concluded, given the absence of attestation on the necessary number of seats, which in this specific case had to be 7, the list was not registered. The representative of this coalition in the CEC claimed that the number of coalition party members, for CEC registration purposes, was changed from seven into two. By highlighting that the coalition had already been registered in the CEC and eventually its member parties had been specified, the State Election Commissioner decided through its decision no. 165, dated 18.03.2021 “to refuse the multi-name list of Alliance Coalition”. The Commissioner's decision was complained with CSC, which by decision dated 24.03.2021, unanimously upheld the Commissioner's decision to not register the multi-name list of Alliance Coalition. Until 26 March 2021 this decision has not been complained to the Electoral College.

¹⁹⁴DP and SMI will compete in the elections with two lists (DP-AfC + SMI), to guarantee a full and inclusive political and electoral representation. Representation at all future governance levels will be proportional, based on the electoral code.

¹⁹⁵Albanian Electoral Code, article 67 “*The list of candidates of parties and party coalitions*”, point 1.

¹⁹⁶*Ibid*, Article 68 “*Supporting lists of political parties and coalitions*” paragraph 1.

¹⁹⁷Socialist Movement for Integration, New Movement Party, Movement for Change Party, New Democracy Alliance Party, Albanian Democratic Movement Party, Knitting Initiative Party, National Front, Democratic Conviction, Social Democratic Party, Socialist Party of Albania

¹⁹⁸ “Alliance for Change - Democratic Party” Coalition, “Alliance” Coalition, “People's Unification Alliance - Immigration - Time of Hope and Conservatives”.

¹⁹⁹ All entities had shortcomings related to documentation, except for Socialist Movement for Integration

²⁰⁰Albanian Electoral Code, Article 73 “*Verification of documentation*”, paragraph 1.

deficiencies in documentation, which were mainly related to the number of candidates on the list²⁰¹, non-compliance with the gender²⁰² criteria, deficiencies in the accompanying documentation such as identification document, self-declaration forms, etc.²⁰³. Even after the completion of the correction process, the lists of the two electoral subjects²⁰⁴ were not approved by the Commissioner.

Nowadays as it is a well-known fact, the Socialist Movement for Integration Party, and the Democratic Party, due to their decision to withdraw their MPs from the Assembly in January 2019, are not parliamentary parties. This means that for them the only way to register the name lists of candidates for these elections, was to collect signatures according to the provisions of Article 68 of the Electoral Code²⁰⁵. From the review of the supporting documentation, it results that the SMI was registered through the submission of a certificate by the Albanian Parliament²⁰⁶ for owning one MP mandate. The PD-AN coalition registered multi-name lists with the CEC through the submission of supporting signatures. Specifically, the DP submitted 14,750 supporting signatures.

The guideline²⁰⁷ approved by the State Election Commissioner, made it mandatory for candidates to submit and publish the candidates' resumes on the official website. Although the relevant format is very simple there are at least 26 candidates²⁰⁸ who do not have this document published online. In addition, in the CVs that have been published, the necessary information, for the effect of which the publication of the CV was considered important, is missing in most cases.

²⁰¹Ibid, Article 67 “The list of candidates of parties and party coalitions” paragraph 4.

²⁰² Ibid, Article 67 “The list of candidates of parties and party coalitions” paragraph 6.

²⁰³Ibid, Article 72 Candidacy Documents.

²⁰⁴Name list of candidates proposed by the “Alliance” Coalition and the name list of proposed by the National Alliance Party.

²⁰⁵Albanian Electoral Code, Article 68 “Supporting lists of political parties and coalitions” Paragraph 1.

²⁰⁶Certificate from the Albanian Assembly no. 499/1 dated 16.02.2021, based on which it is proved that based upon the statement presented in the Albanian Parliament, the MP named Gjetan Gjetani has declared affiliation with the Socialist Movement for Integration Party.

²⁰⁷Guidance no. 01, on 23.12.2020 “Establishing the rules for the filing and verification of documentation of candidates, deadlines for the name list publication and the approval of candidacy samples.

²⁰⁸Mr. Kujtim Mema, candidate from the name list of ABEOK coalition in Durrës County. Mrs. Adivë Vraniçi, candidate from the name list of ABEOK coalition in Durrës County. Mr. Ardit Stojku, candidate from the name list of New Democracy Alliance Party, Vlova County. Mr. Ylli Hazizi, candidate from the name list of New Democracy Alliance Party, Vlova County. Mr. Andi Koroveshi, candidate from the name list of Democratic Conviction Party in Tirana County. Mr. Saimir Gjoka, candidate from the name list of Democratic Conviction in Tirana County. Mr. Kreshnik Merxhani, independent candidate, Gjirokastra County. Mr. Iljaz Shehu, independent candidate, Lezhë County. Mr. Gerti Meçaj, candidate from the name list of the Movement for Change Party, in Vlova County. Mr. Adrian Gjoka, candidate in the name list of the Movement for Change Party, in Vlova County. Mrs. Jonida Dauti, candidate from the name list of the New Movement Party, in Tirana County. Mr. Marjo Qama, candidate from the name list of the New Movement Party, in Tirana County. Mr. Erald Alika, candidate from the name list of the Socialist Movement for Integration Party, in Gjirokastra County. Mrs. Rexhina Lika, candidate from the name list of the Socialist Movement for Integration Party, in Durrës County. Mr. Mario Abazaj, candidate from the name list of Knitting Initiative Party, Tirana County. Mr. Endrit Diçi, candidate from the name list of Knitting Initiative Party, Tirana County. Mrs. Leonida Laçi, candidate from the name list of National Front Party, in Lezhë County. Mr. Emiljano Lato, candidate from the name list of National Front Party, in Gjirokastra County.

Mr. Dilaver Kamberaj, candidate from the Democratic Party name list, Fier County. Mr. Rezart Tusha, candidate from the Democratic Party name list, Durrës County. Mr. Gazmend Doda, candidate from the name list of Social Democratic Party in Tirana County. Mr. Ndrec Llusku, candidate from the name list of Social Democratic Party in Tirana County. Mr. Halim Dauti candidate from the name list of Socialist Party in Kukës County. Mr. Genc Luanaj candidate from the name list of Albanian Democratic Movement Party in Shkodra County. Mr. Muhamet Hysen candidate from the name list of Albanian Democratic Movement Party in Elbasan County.

In total, the CEC registered 1,910 individuals as candidates for members of the Albanian Parliament²⁰⁹, 1,905 included in the name lists of 12 electoral subjects and 5 independent candidates.

VII.3.1. The number of candidates in the PD-AN list

Article 67 point 4 of the Electoral Code²¹⁰ anticipates the number of candidates for each constituency. According to calculations following this article, the number of candidates that must be submitted by each electoral subject is 153 candidates.

Some entities submitted lists with more candidates than the required number. This was cause, or one of the reasons for the Commissioner to give back the lists for completion to some of these subjects. The entity that did not reflect changes in the list, even after receiving them back for completion, was the Democratic Party. Following the process and in coherence with the previous decision-making, the Commissioner decided to register the DP list by "deleting" the candidates found more than the required number in the list.

Despite this coherent stance by the Commissioner, The Commission on Complaints and Sanctions (CCS) did not reflect the same stance in its decision on that issue, thus making the CEC conduct regarding this case not a unified institution.

In the current situation, when the other 8 parties for the same point and letter of the law, the lists were returned for completion, forcing them to meet the legal criteria for the number of candidates, this did not happen with the DP-AC coalition. What minimally can be highlighted in this case is the violation of the equality of the subjects in the competition. In the situation when each electoral subject runs with 153 candidates, DP competes with 222.

The CCS decision was appealed in the Electoral College. The final number of the Democratic Party candidates will be determined by the decision of CCS, but also that of other subjects that may review their candidates' lists which were "shortened" due to the same reason.

This process brings difficulties in following up on time the procedures for the final form of the ballot paper, which is necessary for the education and the information of the voters, as well as in determining the technical elements for the continuation of procurement procedures to produce the ballot paper.

On the other hand, this has technical effects on the design and printing of the ballot paper. In addition, the list of candidates for MPs is the result of a consultation and selection process by the political entities themselves. Failure to conclude on a unified list, within the number required by law, transforms being "a candidate" into fulfillment of mutual political desires or 'obligations'.

²⁰⁹ The number of candidates refers to the final date of the period covered by this report, but it may change as the process goes on since the issue of the number of DP-AC coalition candidates has been appealed to the Electoral College at the Administrative Court of Appeal in Tirana.

²¹⁰ Albanian Electoral Code, Neni 67 "The list of candidates of parties and party coalitions" paragraph 4 "The number of candidates in the name list cannot be smaller than the number of mandates to be elected in the respective electoral zone, plus two. In any case the number of candidates in the name list should be fully divisible with number three.

VII.4. Decriminalization process

The Central Election Commission has a key role in protecting and guaranteeing the democratic functioning of the Assembly from the influence or participation in policy-making and / or decision-making of persons against whom the law has imposed prohibitions on holding a public position²¹¹.

In function of the registration process of candidates for parliament in the elections of April 25, 2021, the CEC administered the self-declaration forms, and before the decision-making for the registration of the respective lists of subjects, it carried out the process of verifying them, trying to cooperate also with the General Directorate of Civil Status and the General Directorate of Prisons. Even though the time available for verification was very short, for any element that may have been exceeded or needs a more in-depth investigation, or even for any clues that may be obtained regarding certain candidates, the CEC reserves the right to refer at any time to the General Prosecutor's Office cases for in-depth verifications or investigations²¹².

According to CEC²¹³ Guideline and Decision no. 17/2016 of Albanian Parliament²¹⁴, the self-declaration forms are filed at the Central Election Committee from the political entity that proposes the candidates for MP. According to the above guideline the self-declaration form should be filled out electronically in a clear way, with each page signed and delivered to the CEC in electronic and printed form.

After the decision on the registration of the name lists, the CEC must publish them immediately on its official website.

²¹¹Individuals who have been convicted, or against whom security measures have been taken, or have been convicted with an inconclusive decision for committing crimes, according to the provisions of Law no. 138/2015 “On guaranteeing the integrity of persons elected, appointed or exercising public functions” (the so-called decriminalization law), as well as Decision No. 17/2016 of Albanian Parliament.

²¹²of Law no. 138/2015 article 7, paragraph 5. “article 7, paragraph 5.

²¹³Guideline no.2, on 29.01.2013 of the Central Election Commission, “*On establishing rules on filing and certification of candidacy documentation, as well as of the deadlines for the publication of candidates lists*”, changed with Decision no. nr.44 on 17.02.2017 “*On some amendments and changes in the guidance no. 2, on 29.01.2013 “On establishing rules on filing and certification of candidacy documentation, as well as of the deadlines for the publication of candidates lists”* and Decision no. 22 on “Some additions and changes of guidance no. 2, on 29.01.2013 “*On establishing rules on filing and certification of candidacy documentation, as well as of the deadlines for the publication of candidates lists*”

²¹⁴Decision no. 17/2016, on 04.04.2016 of the Albanian Parliament on “*Defining detailed rules on implementation of prohibitions foreseen by the law no. 138/2015 “On guaranteeing the integrity of the people who are elected, nominated or that exercise public functions”*”.

We notice that there are candidates for whom this form has not been published yet²¹⁵. From a random review of the published self-declaration forms, the issue of handwritten completion is noticed in 11 subjects²¹⁶ for at least 2 candidates each²¹⁷, as well as for two independent candidates²¹⁸.

For criminal offenses committed within the territory of the Republic of Albania, or any coercive measure previously imposed on each candidate, and / or declared by them, the CEC performed the *prima facie* verification of the candidates' self-declaration forms if they are included in the scope of article 2 of law no. 138/2015.

In view of this verification²¹⁹ the CEC sent a written request to the General Directorate of Civil Status (GDSCS) and the General Directorate of Judicial Status (DPJS). From the review of the decisions of the Commissioner, it is concluded that the GDSCS has not responded to any of the lists submitted for review, while the DPJS has responded only to the lists of 9 entities out of 12. This lack of cooperation from public institutions in fulfilling a legal obligation to the Central Election Commission during an electoral process, especially in relation to such a key process as decriminalization, shows to say the least, negligence in fulfilling the obligations of these institutions.

From the *prima facie* verification of the self-declaration forms by the CEC administration, it resulted that 36 candidates, from 9 electoral subjects, had declared in the form acts which are not included in the sphere of prohibition of candidacy, according to the decriminalization law. For none of the 1910 registered candidates for the April 25 elections did the CEC decide to reject the candidacy due to the Decriminalization Act.

The two electoral subjects, the Socialist Party, and the Democratic Party, have made mutual accusations of including in their respective candidates' lists, individuals who are affected by the decriminalization law. These accusations were made through public statements in the media, and

²¹⁵Mr. Marsel Rupi, candidate from the name list of Knitting Initiative Party Durrës County.

Mrs. Sabina Jorgo candidate from the name list of Social Democratic Party in Kukës County.

Mr. Ermal Muçaj candidate from the name list of Social Democratic Party in Elbasan County.

²¹⁶This practice was applied by all entities, except from the Socialist Movement for Integration Party.

²¹⁷Mr. Kujtim Mema, candidate from the name list of ABEOK in Durrës County. Mr. Adive Vraniçi, candidate from the name list of ABEOK in Durrës County. Mr. Ardit Stojku, candidate from the name list of Party New Democracy Alliance in Vloara County. Mr. Ylli Hazizi, candidate from the name list of New Democracy Alliance Party in Vloara County. Mr. Andi Koroveshi, candidate from the name list of Democratic Conviction Party in Tirana County. Mr. Saimir Gjoka, candidate from the name list of Democratic Conviction Party in Tirana. Mr. Gerti Meçaj, candidate from the name list of Movement for Change Party, Vloara County. Mr. Adrian Gjoka, candidate from the name list of Movement for Change Party, Vloara County. Mrs. Jonida Dauti, candidate from the name list of New Movement Party in Tirana County.

Mr. Marjo Qama, candidate from the name list of New Movement Party in Tirana County. Mr. Mario Abazaj, candidate from the name list of Knitting Initiative Party, Tirana County. Mrs. Alida Salillari, candidate from the name list of New Movement Party in Tirana County. Mr. Pëllumb Zekaj, c Mr. Bruno Xhaferaj, candidate from the name list of New Movement Party in Vlorë County. Mrs. Alta Haluci, candidate from the name list of Democratic Party in Vlorë County. Mr. Vangjel Anagosti, candidate from the name list of Democratic Party in Vlorë County. Mrs. Senëra Hoxha candidate from the name list of Social Democrat Party in Tirana County. Mrs. Teuta Dupi candidate from the name list of Social Democrat Party in Tirana County. Mr. Frrok Gjini candidate from the name list of Socialist Party in Shkodra. Mr. Nimet Musaj Candidate from the name list of Socialist Party in Fier County. Mrs. Ermira Gjika candidate from the name list of Albanian Democratic Movement Party, Korçë County. Mr. Artur Prishtina candidate from the name list of Albanian Democratic Movement Party, Elbasan County.

²¹⁸Mr. Pal Shkambi, independent candidate, Shkodra County. Mr. Plarent Aleks, independent candidate, Berat County.

²¹⁹Law no. 138/2015 “*On ensuring the integrity of those elected, nominated or exercise public functions*” and, Decision no. 17/2016 of the Parliament “*On defining detailed rules on enforcing the prohibitions foreseen by law no. 138/2015*” Chapter V, paragraph 2, letter “b” and paragraph 3, letter “c”.

served as clues for the CEC to refer these cases to the General Prosecutor's Office for a more in-depth investigation.

Even after the completion of the verification process, and the registration of the lists of CEC candidates, after indications or denunciations and verifications of the CEC administration, referred for in-depth verification in the General Prosecutor's Office, 28 candidates representing 9 different electoral subjects²²⁰. Even if these candidates, from the in-depth verification of the inquiry, will result in subjects involved in the scope of prohibition based in the decriminalization law after they have received the mandate, the CEC may decide to terminate their mandate at any time if and when referred by the results of the Prosecution investigation.

²²⁰ABEOK Coalition: Mr. Altin Gjeloshaj, Mrs. Elsa Voka, Mr. Daniel Prroj, Mr. Ervis Beu, Mr. Ido Pashaj; Socialist Movement for Integration Party: Mr. Arbër Arifaj, Mr. Ashim Tafilaku, Mr. Elton Ismaili, Ferdinand Aligjoni, Mr. Ilir Hysi, Mr. Artur Baku; Democratic Party: Mr. Agron Kapllanaj, Mr. Gentjan Muca; Mr. Rezart Tusha; Mr. Zef Hila; Social-democratic Party: Mr. Kleo Murataj, Mr. Tom Doshi, Mr. Serdar Hoxhaj; Socialist Party: Mr. Artan Bitri; Mr. Halim Dauti; Mr. Leonard Beqiri; Democratic Conviction Party: Mr. Arsen Belaj, Mr. Bahri Shabani; Nisma Thurrje Initiative Party: Mr. Boris Shakaj, Mr. Napolon Laska; The Movement for Change Party: Mr. Dashmir Tahiri, Mr. Adrian Gjoka; New Movement Party: Mr. Ilmi Kuka.

VIII. EARLY ELECTION CAMPAIGN

VIII.1. Campaign settings

The legal framework stipulates that the election campaign starts 30 days before the voting day and political parties are obliged to act according to the rules set by the Electoral Code²²¹. However, this did not stop electoral subjects from launching their campaign much earlier than required by law. The participating parties were very active in unveiling programs, slogans, or political advertisements about two months before March 26, the official day of the campaign starting²²², while other electoral related activities began months ago. The vacuum created by the law - by not defining the term “election campaign” - leaves room for electoral subjects to start their campaign *de facto*, with all its attributes.

The settings created by the pandemic and the Decision by the Technical Committee in November 2020, that was followed by the Health Minister’s Order that prohibited gatherings of more than 10 people and the political party meetings and rallies²²³, restricts the right of assembling. The Minister's order was appealed to the Constitutional Court by the Republican Party, and the Constitutional Court considered it unconstitutional, declaring that the Ministry of Health has the obligation to define the time period of its decision²²⁴. At its meeting on March 24, the Technical Committee decided that the restrictive measures would remain in force for another two weeks (until April 7, 2021).

The Minister's decree did not prevent political parties from gathering their supporters at events or rallies. The media constantly reported on its live broadcasts, meetings that violated these rules. Some representatives of the political forces who organized these activities were fined by the state police, based on the order of the Ministry of Health and Social Protection²²⁵

The pre-campaign was generally conducted through small meetings with citizens, in the form of walking meetings or close meetings from both main political wings. The Socialist Party has used more virtual communication, while Prime Minister Rama's face-to-face meetings with citizens in fulfilling his function as Prime Minister have been frequent.

²²¹Electoral Code, Article 77, The time of electoral campaign and of electoral silence,”1. *The electoral campaign begins 30 days before the election date and expires 24 hours before the election day*”.

²²²The Democratic Party announced its economic program on January 28, 2021.

The Socialist Movement for Integration announced its economic program on January 25, 2021.

The Socialist Party announced its program on justice “*Justice we want*” on March 3, 2021.

²²³Decree of the Ministry of Health and Social Protection No.633 dt.17.11.2020: “*Restriction of gatherings in open or closed locations*”

²²⁴For more info see the Appeals and Complaints Section.

²²⁵Some of the State Police announcements on penalties applied for violation of Government Act no. 3, date 15.03.2020, point 2 of article 3, and point 1 of Decree no. 633, dated 17.11.2020 of MHSP “*Restriction of gatherings in open or closed locations*”.

State Police Memo dated 12.02.2021, on the fines given to political representatives of DP Agim Cani and Fatmir Muça.

State Police Memo dated 11.02.2021 on the fine given to SMI political representative Endrit Brahimllari.

State Police Memo dated 12.02.2021 on the fine given to SP political representative Blendi Klosi.

State Police Memo dated 18.02.2021 on the fine given to DP political representative Edmond Spaho.

The fact that political parties set their electoral goals before the health and life safety of the people, exposing participants in these activities to an increased risk of contracting the COVID-19 virus, is disturbing.

As the election date approached, political parties intensified their political rhetoric, with accusations and counter-accusations that gave rise to an inappropriate environment for a peaceful election campaign. The rising of these tensions would manifest in the physical clash between the supporters of the Socialist Party and the Democratic Party, during the official celebrations of the Summer Day in Elbasan city²²⁶.

Both parties accused each-other of provoking and encouraging the resulting violence.²²⁷ None of the parties directly distanced themselves from the violence and the perpetrators, or neither did they call for calm and maturity. Furthermore, the accusations among them would be aggravated by the involvement of organized crime representatives, according to them, as instigators of this clash²²⁸.

Such acts of violence, along with the missing calls from the parties to calm down the situation, polarize the political climate further, as well as create an atmosphere of general tension, which does not help a smooth and a high standard election campaign. Such reactions from the political spectrum do not contribute at all to the electoral climate, directly affecting the serenity of the voters.

The pre-election campaign was also accompanied by arguments on the vote selling and/or purchasing and its safety, for a fair election result. Opposition members accused the government of using its power to secure illegal votes²²⁹.

The President of the Republic, Ilir Meta, was also involved in this debate, and he articulated repeatedly in several public speeches the phrase "Whoever touches a vote will be cut one hand"²³⁰ To his public declarations, President Meta added the one for the plan of establishing a space for citizens on his official website, where they could denounce the attempts to buy and sell votes by political parties, thus bypassing the cooperation with the institutions that guarantee vote safety²³¹.

²²⁶Report on Panorama Daily on 14.03.2021: Physical Clash between DP and SP supporters in Elbasan.

²²⁷The head of DP reacted during an interview by declaring: "*The time of Rama is gone, and he has understood this. The only thing that is left to him is to threaten (us) and unleash his criminal friends against us. Even this will not help him. We are determined to bring change*". (Post on the official Facebook page of DP chair)

Prime Minister Rama: "*This coarse show is another example of the degradation of an old-fashioned opposition, that is headed by a puppet in the hands of Sali&Ilir, that want quarreling and divisions, to take host of Albania and the justice system*". Deeply regret DP turning into a tool of two men in trouble with justice!" (Post on Twitter by Prime Minister Rama)

²²⁸Gazment Bardhi, DP Political director for Elbasan on a Facebook video post, highlighted (according to him) individuals with criminal past and that were part of Socialist Party and instigators of physical clashes occurring in the city.

²²⁹TV Klan Report "Vangjel Tavo denounces: Up to 500 Euro is being offered for one vote"

Facebook post of Mr. Alfred Rushaj, DP candidate for MP: "*Ervin Bushati, out of despair is giving charity for the socialists in need, that should receive the economic assistance from the municipal units and not from the SP offices.*"

²³⁰Declaration for the media of President Ilir Meta during a meeting in Korçë.

²³¹ On March 25, 2021 President Meta, published on his official website president.al an announcement that appeared as soon as entering that page. The announcement content was the following:

SAFEGUARD THE VOTE!

Honorable citizen,

These statements by political forces, but also by institutions that are above the parties, create a climate of insecurity among citizens and on the safety their vote. These statements, which often remain only in the media sphere, without addressing the prosecution bodies, only reinforce the widespread perception among voters: the impunity of this electoral crime.

The features of a genuine election campaign were also seen in the media, which widely covered these pre-election activities. The already consolidated tradition of broadcasting TV or audio reports prepared by the press offices of political parties, was significantly noticed throughout the pre-election campaign. The legal gap regulating pre-election campaigns causes audiovisual media to evade legal obligations, such as that to quote the author of broadcast audiovisual materials, or to monitor the balance of political representatives' coverage, and, at the same time, to evade administrative penalties for violating the established rules. In the same way political parties avoid declarations of expenses, which they are not obliged to declare for advertisements before the official start of the campaign.

The coverage of electoral activities was also evident in the printed and online media. Meanwhile an increased use of social media platforms was seen, through the websites of officials of political entities and political players, where each of their activities would be presented through pictures or live video streaming, or even from "third parties" in favor of one or the other electoral subject.

The two main parties officially launched their campaign on March 25, again in violation of legal provisions, which stipulate that the campaign starts 30 days before election day (March 26). Their organization had totally different approach, while in both rallies, but especially in that of the Democratic Party, it was evident that the order of the Ministry of Health prohibiting gatherings and rallies of more than 10 people²³², was disregarded. This fact was also used politically by the majority, as in the opening rally of the Socialist Party, Prime Minister Rama used it to attack the Democratic Party²³³.

Both official openings of the campaign had in common the content of the stand highlighted through the speeches of the party leaders. More than informative and program-related, their speeches had an emotional character. Disparagement of the opponent's image, with special focus on the chairman of

You too, unite with denouncing the electoral crime from every political subject, Public servant, candidate, or normal citizen!

If you are a witness of manipulation, pressure or any other act that harms free elections,

DENOUNCE!

We guarantee the confidentiality of your data!

Send your report to the following email address:

denonco@president.al

Contact us on these phone numbers:

0695726546 / 0695726561

"President's Decree"

Get informed on the election process!

You decide for the elections to be free and fair".

²³²The Democratic Party held its rally, at "Mother Tereza" square, where it invited the people to join the campaign opening with their cars, from where they would follow the speeches of their leaders. What was seen is that the DP supporters did not regard the rally plan, by gathering in the square, thus violating anti-covid measures.

The Socialist Party organized its campaign opening at Scanderbeg Square, that was not open to citizens, in the form of a meeting with only the candidates for MP.

²³³It is not clear whether the official bodies have taken any measure towards the Democratic Party to this day for violating the legal measures in effect.

the opposing party (Rama and Basha), failures or even the character of the opponent had a major part in their speeches²³⁴, same as during the pre-campaign, which indicates that the tone of the campaign seems to continue in the same line in the future.

The pre-election and the election periods are generally characterized by a tenser language than in a normal political times. The Albanian political past has often provided examples of disparaging language on the opponent, including personal insults to the identity, life, or work of the opponent.

The pre-election situation in Albania displayed the same characteristics as those in previous election processes. Hate speech, offensive labeling were part of the political dialogue, which strained the pre-election situation²³⁵.

This type of political discourse serves political parties to divert attention from the focus in and around the pre-election period, replacing the absence of real information that the voter should have. Such political behaviors generally turn the citizen into a spectator, as their aim is only to play with emotions and not with his ability to judge impartially.

²³⁴Extract from Lulzim Basha's speech *"It is a difficult journey... for Albania, for the nation, because we are pulling out and uprooting from the veins of the soil a caste, a handful, an evil that has decided to deplore and embezzle all the riches and resources that God has generously given to Albania for free for their interest. And we are fighting against a bunch of people that are ready to do anything only to keep their seats, but indeed they do not govern us but serve themselves and their partners that through looting actions are hijacking everything that the country has, your wealth, the nation's wealth"*.

Extract from Edi Rama's speech: "... The third mandate of SP is to eliminate every chance that Ilir Meta, Sali Berisha, Monika Kryemadhi can drag Albania again at the expense of their accounts, of their powers, of their possessions and all of their privileges and of course when it comes to Luli there is no way he gets a chance, because Luli is not Luli, Luli is Sali, is Ilir, he is Monika. *Luli is a doll, like those dolls that if you do not waggle them, they sleep, and when they are waggled, they open their eyes and bring out that lullaby song to put the babies to sleep. Luli is a waggled doll when we see him, when disappearing from the screen he is just a sleeping doll, a doll in the lap of 3 villains who are a very strong reason for the third term of the SP ...* "

²³⁵Edi Rama March 8, 2021 : *"Dash Shehi, who has been giving the liberal spirit of drinking to the right wing for 100 years... Agron Duka... Minister of Agriculture since Agrarians' rooster represents so many chickens, chicks and eggs that only the ministry of Food fits as his roost... Soot Idrizi of the customs, who in turn has the TV set for the bloody war with the Greek, while needs the deputy seat to sell pigeon holes in the government offices ...* "

At the opening of the SP campaign on March 25, 2021 Edi Rama declared: *"... Luli is Sali, Luli is Ilir, Monika He is a doll. Like those dolls that if not jiggled, they sleep, when jiggled they open their eyes and bring out a lullaby to put babies to sleep..."*

Former MP of PJIU Mesila Doda in one post on Facebook on March 10, 2021 *"... The psychic stream flowed even today ... oh pumpkin, the Prime Minister that is in power for eight years campaigns with his balance sheet, not by swearing men and women in confronting him."*

Vice chairman of SMI Petrit Vasili on March 10, 2021, in a press conference said: *"Unfortunately you are obliged, because your prime minister has no other job, except that of a pot house jester, to see and hear endless idiocies of this prime minister, who missuses his position and does not do his duty."*

In a newspaper interview on March 15, 2021 Erion Veliq said: *"... With this policy of Meta and Berisha "Take What You Can", I want to tell Ilir Meta and anyone from this minority that 'your time is over, you have no chance, you will let go of public property '. To violent men, those alcoholics, we are ready to offer free rehabilitation programs, everyone should have a second chance and we are ready to give it to them ...* "

VIII.2. Use of public resources for electoral gain

The use of public resources for electoral benefit has been and still remains a controversial element of the elections in Albania. The electoral advantage that the ruling party / parties gain at a given moment can reach to extremities, when the ruling party and the public institutions can no longer be distinguished, by blurring the dividing line between the party and the government and causing a visible disadvantage for the opposition parties during the election process.

The amendment of the Electoral Code of July 2020 brought a new arrangement regarding the use of public institutions activity with electoral effect. More precisely, at their core the changes addressed the use of public institutional activity²³⁶ and executive decision-making with electoral function. These legal changes were not part of a public consultation, as was the whole electoral reform process, but it had the consensus of the four political key players.

Legal amendments of July 2020 define the ban of certain types of public activities of government institutions in the period of four months before Election Day, that may have electoral goals²³⁷. Also, for the 4-month pre-election period, the new regulation prohibits actions such as "*proposing, approving or issuing laws or bylaws, which provide the provision of benefits to certain categories of the population* ." ²³⁸ Here we note that provisions of the Electoral Code suffers from legislative techniques, thus bringing unnecessary deadlocks in the administration work. Although that provision carries out a general and initially vague designation, it also provides a list of prohibited activities and concludes with the phrase "etc.". This feature of the provision is estimated to bring institutional cramps that go beyond the spirit of the regulation.

In this legal context, the Central Election Commission approved the decision on reporting and monitoring the public activity of institutions in the election period²³⁹. This decision, among other things, in its essence defined the adjustment of the reporting of institutions for public activities in the four- month period that precedes the elections. It also listed in a partially comprehensive way the categories of "prohibited activities for promotion" and "the prohibited activities".

The act, approved by the Regulatory Commission, was forwarded for preliminary consultation not only to political parties, but also to civil society organizations. CRICI²⁴⁰ sent to the CEC its opinion and suggestions regarding the draft of that act. In addition to the technical elements, the major importance of drafting an act which addresses the problems of a very worrying phenomenon for democracy in Albania, as well as the importance of proper treatment and cooperation with other institutions by the Central Commission was emphasized. of Elections.

²³⁶Electoral Code of the Republic of Albania, Article 92, Activities of public institutions during the campaign.

²³⁷ Before the changes of July 2020 article 88 of the Electoral Code foresaw a group of prohibitions of the use of public administration resources. In effect Article 92, after the changes, is a revert of this article by adding the arrangement related to decision making of the executive branch in the preceding period of four months, at point 4.

²³⁸Electoral Code of Republic of Albania, changed, Law No. 10019, dated 28/12/2008, Article 91, The prohibition of using public resources in support of electoral entities.

²³⁹Central Election Committee, Decision No. date 24/12/2020 "*On the rules for reporting activities of public character of public institutions, agencies and / or state enterprises, categories of prohibited activities, as well as monitoring the activity, behavior and use of human, financial and logistics resources of government administration before the elections*".

²⁴⁰Opinion: On the draft proposal *On the rules for reporting activities of public character of public institutions, agencies and / or state enterprises, categories of prohibited activities, as well as monitoring the activity, behavior and use of human, financial and logistics resources of government administration before the elections*".

The obligation to report activities and the restriction of some activities began its application from December 24, 2020, exactly on the date this act was approved, while the reporting on the CEC website began on December 27, 2020.

VIII.2.1. Reporting activities to CEC

Among other elements, Decision no. 9 of the Regulatory Commission, also provides mandatory reporting by public institutions of their activities during the period beginning four months before election day (December 25). According to the provisions of this act, public, central / local, and dependent institutions²⁴¹ must report their planned activities on the specific interface of the official CEC website. The activities are published by the CEC in a dedicated section of their website²⁴². Reporting must be done at least five days before the planned activity.

What is noticed from the monitoring of the reports on the CEC website, is that the mechanism for reporting the activities of the institutions has lost its meaning and lacks efficiency in achieving its purpose, transforming into a formalistic bureaucratic procedure. Issues noticed on reporting vary from lack of reporting, reporting late or insufficiently detailed reporting (in many cases without any details at all).

In total, until March 25, 48 institutions have reported on the CEC website, for a total of 890 activities. Out of 61 municipalities in the country, only nine reported as having carried out activities (187 in total) during this period²⁴³; with some reporting a very low number of activities. 52 municipalities, some of which quite large have not reported any activity performed²⁴⁴. The same situation is with prefectures, with only one²⁴⁵ out of 12 reporting.

The lack of reporting is noticed also for ministries, where two State Ministers²⁴⁶, the vice minister and the Ministry for Europe and Foreign Affairs have not reported any activity at all²⁴⁷. Moreover, the

²⁴¹Prime Minister, his administration, the Deputy Prime Minister, a Minister and the Deputy Minister, their administration, the Mayor, his Deputies and his administration, the Prefect and his administration, the General Director of agencies or institutions under the Prime Minister, the Council of Ministers or under the Minister, general director, directors of departments, department directors and respective administrations, heads and members of collegial bodies, entities, boards, any head of state-owned companies, as well as in any entity where the government owns shares and capital/quotas or appoints the majority of the supervisory body, or of the governing body, the chair and his deputies for state-owned enterprises (Article 3, point 2 of Decision No. 9 of the Regulatory Commission).

²⁴²<https://aktivitete.kqz.gov.al/category/aktivitetet-e-raportuara/>.

²⁴³Përmet Municipality, 1; Kuçovë Municipality, 3; Vorë Municipality, 3; Kavajë Municipality, 8; Kurbin Municipality, 8; Durrës Municipality, 12; Elbasan Municipality, 16; Shkodër Municipality, 45; Tiranë Municipality, 91

²⁴⁴Some identified activities carried out by municipalities that did not report:

Bulqiza Municipality Meeting with women of the administration dated 08.03.2021;

Activity 2, 04.03.2021: Inspection of works of "Serben-Shtushaj Bridge" project, dated 04.03.2021;

Kukës Municipality, Award of dr. Afrim Avdaj with "*Gratitude*" certificate, dated 24.02.2021.

²⁴⁵Elbasan County Prefect, 7 activities reported.

²⁴⁶The Minister of State for Diaspora and the Minister of State for Entrepreneurship Advocacy.

²⁴⁷Some identified activities carried out by Ministries that did not report:

Ministry of Europe and Foreign Affairs

Meeting with the Deputy Prime Minister of Northern Macedonia on 24.03.2021;

ministry with the most intense number of activities in this period (Ministry of Health) has also not reported any activity. 11 ministries and the Prime Minister reported a total of 586 activities²⁴⁸, almost half of which are activities of the Prime Minister.

The deadline of five days before the activity day was not observed in almost 69% of the reported activities (612/890), 71 of which (8% of the total reported activities) were reported on the day the activity was held. Meanwhile, there are activities that have been reported after their completion (18 of them). While in some cases it seems to be a slip when writing the time of the activity (February instead of March, for example), the Bank of Albania has reported every activity it has carried out (14 such) after it occurred²⁴⁹.

Finally, a problem observed in reporting is that, in many cases, the announcements do not respect the required format. According to the Decision of the Regulatory Commission, the announcement must contain: the body organizing the event, the date and time of the event, the theme of the event, the highest level of participation in it, the guests of honor, the planned speakers, and the media coverage of the event. Of all these elements, the media coverage of the activity is not mentioned in almost any of the reported activities. For most activities, the location is undefined (e.g., Tirana Region, or even just Tirana), while speakers and participants are often not specified too.

VIII.2.2. Denunciations on the CEC portal

From January 3, when the first case was reported on the CEC website, until March 23, a total of 51 reports were filed to the CEC website section. A decision was delivered for 31 of them, while others²⁵⁰ are being processed.

Regarding actual decision making:

- For 4 denunciations it was decided to end administrative review due to not finding of elements of violation of the Electoral Code provisions²⁵¹;

Virtual Meeting with Angleina Einchhrost on 19.03.2021;

Agreement Signed with Italian Ambassador for recognition of driving licenses on 19.03.2021.

Ministry of Health and Social Protection

Inspecting the conditions of vaccine storage 26.03.2021;

Inspection of vaccination process in Kamza dated 24.03.2021;

Workings' Inspection at Kukës hospital date 21.03.2021;

Inspection of vaccination process of Tirana University teachers, dated 23.03.2021.

Ministry for Diaspora

Online meeting with diaspora medical doctors dated 24.02.2021.

²⁴⁸Prime Minister's Office, 290; Ministry of Finance and Economy, 79; Ministry of Education, Sports and Youth, 55; Ministry of Agriculture and Rural Development, 48; Ministry of Culture, 42; Ministry of State for Reconstruction, 17; Ministry of Infrastructure and Energy, 16; Ministry of Internal Affairs, 14; Ministry of Justice, 10; Ministry of Tourism and Environment, 9; Ministry of Defense, 5; Minister of State for Relations with the Parliament, 1.

²⁴⁹This is evidenced by the tense of verbs used in describing the activity.

²⁵⁰20 reporting, 11 of which are under preliminary review and 9 under administrative investigation.

²⁵¹Decision 102 dated 25.02.2021 "After considering denouncements for violations provisioned by decision no. 9, dated 24.12.2021 of the Regulatory Commission in CEC towards the MP of Republic of Albania, Mrs. Elona Gjebrea and "Abdulla Keta" High school Principal's Office.

- For 14 denunciations, it was decided not to initiate an administrative inquiry because the report did not contain facts and circumstances that are included in the group of prohibitions defined by the Electoral Code²⁵².
- For 12 denouncements it was decided for administrative sanction with a fine, but these decisions have been overturned by CCS²⁵³.
- On one case the decision makers have concluded with the suggestion on the Prime Minister's office to take necessary measures²⁵⁴.

Decision 101 dated 25.02.2021 "After considering denouncements for violations provisioned by decision no. 9, dated 24.12.2021 of the Regulatory Commission in CEC towards the MP of Republic of Albania, Mr. Ervin Bushati, "Misto Mame" high school Principal's Office, Tiranë".

Decision 104 dated 26.02.2021 "After considering denouncements for violations provisioned by decision no. 9, dated 24.12.2021 of the Regulatory Commission in CEC towards Tropoja Municipality.

²⁵²Decision 103, "On the review of denunciations received by CEC for Mr. Bujar Çela, for violations prevised in decision no. 9, dated 24.12.2021 of the Regulatory Commission".

Decision 122 dated 8.3.2021: "On non-initiation of administrative proceedings on denunciations for violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission at CEC, cannot be published due to provisions of article 123/3 of the Electoral Code.

Decision 41, dated 09.02.2021: "On the administrative review of the denunciations received by CEC for violations prevised in the decision no. 09, dated 24.12.2020 of the Regulatory Commission against the Mayor of Korça, Mr. Sotiraj Filo".

Decision 42, date 09.02.2021: "On the administrative review of the denunciations received by CEC for violations prevised in the decision no. 09, dated 24.12.2020 of the Regulatory Commission against Mr. Ardit Çollaku".

Decision 40, date 09.02.2021: "For non-initiating administrative proceedings of denunciations received by CEC for violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission against (name of subject cannot be published due to article 123/3 of Election Code."

Decision 20, dated 30.01.2021: "On the administrative review of denunciation nr. 379, received by CEC on 03.01.2021, for violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission against the Prime Minister's office".

Decision 16, dated 28.01.2021: "On non-initiation of administrative proceedings of denouncements no. 409, dated 05.01.2021 and no. 564, 566, 568, dated 09.01.2021, received by CEC for violations prevised by decision no. 9, dated 24.12.2020 of the Regulatory Commission".

Decision 18, dated 30.01.2021: "For the administrative review of denunciation no. 460 dated 06.01.2021 received by CEC for violations prevised by decision no. 9, dated 24.12.2020 of the Regulatory Commission against Mr. Alket Hyseni".

Decision 12, dated 25.01.2021: "On non-initiation of administrative proceedings of denouncements of violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission at CEC (cannot be published due to article 123/3 of Electoral Code.

Decision 11, dated 25.01.2021: "On non-initiation of administrative proceedings of denouncements of violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission at CEC (cannot be published due to article 123/3 of Electoral Code.

Decision 10, dated 25.01.2021: "On non-initiation of administrative proceedings of denouncements of violations prevised by decision no. 9, dated 24.12.2020" of the Regulatory Commission at CEC (cannot be published due to article 123/3 of Electoral Code.

²⁵³Decision 46 dated 09.02.2021 "On the administrative review of the denunciations at CEC for violation prevised in the decision no. 9, dated 24.12.2020 of the Regulatory Commission against the mayor of Tirana, Mr. Erion Veliaj."

Decision 19 dated 30.01.2021 "On the administrative review of the denunciation no. 395 to CEC dated 04.01.2021 for violations prevised by decision no. 9, dated 24.12.2020, of the Regulatory Commission towards Prime Minister's Office".

Decision 7 dated 14.01.2021 "On the administrative review of the denunciation to CEC for violation prevised in the decision no. dated 24.12.2020, of the Regulatory Commission towards Mr. Arben Qalliu".

²⁵⁴Decision nr. 19 dated 30.01.2021 "On administrative review of denunciation no. 395 to CEC, dated 04.01.2021, for violations prevised by decision no. 9, dated 24.12.2020, of the Regulatory Commission towards Prime Minister's Office".

- As for the denouncers, in 46 cases they are juridical subjects²⁵⁵, and in 5 cases they are individuals²⁵⁶. Meanwhile, there are 21 entities or individuals whose activity has been denounced²⁵⁷. The highest number of denunciations is against the Mayor of Tirana and the Prime Minister.
- The denunciations are mainly related with the promotion of newly constructed facilities, carrying out prohibited activities, distributing property titles, job dismissals, to the use of government assets, to the conclusion of contracts, etc.

VIII.2.3. Publication of contacts

Decision no. 9 dated 24.12.2020 of the Regulatory Commission previsions the obligation to publish official contact details of heads²⁵⁸ of central and local public institutions.

From the monitoring of the official websites of all municipalities, prefectures, and ministries and of the Prime Minister's office, it results that this legal obligation has been partially completed by the above-mentioned institutions. Specifically, eight municipalities²⁵⁹ and two prefectures²⁶⁰ have published contacts according to the requirements of the law.

VIII.2.4. Normative acts related to the use of government resources

The Electoral Code²⁶¹, in addition to activities categorized as prohibited 4 months before election day, also disallows the proposal, approval or issuance of laws or bylaws, which foresee the provision of benefits to certain categories of the population²⁶².

²⁵⁵27 denunciations by the Socialist Movement for Integration Party, 9 denunciations by the Democratic Party, 4 denunciations by the Institute of Political Studies and 6 denunciations by the Civic Resistance organization.

²⁵⁶Due to the protection of personal data in accordance with the law, the names of these whistleblowers are not disclosed.

²⁵⁷There was respectively one denunciation against each of the MPs: Elona Gjebrea, Alket Hyseni, Bujar Çela and Mimi Kodheli; 1 denunciation each against the Municipalities of Durrës, Vora, Belsh; 1 denunciation each against the Ministry of Finance, Shkodra Elderly Home, the Mayor of Korça; 1 denunciation against Mr. Arben Muçaj; 2 denunciations each against Mr. Arben Qalliu and MP Ervin Bushati; 2 denunciations each against the Municipalities of Tropoja and Kukës; 16 denunciations against the Mayor of Tirana and 3 denunciations against the Municipality of Tirana; 8 denunciations against the Prime Minister and 2 against the Council of Ministers. There are also one Regional Authority and one Regional Director against whom a denunciation has been made, but their full name has not been published.

²⁵⁸Decision no.9 Dated 24.12.2020, Article 7, point 1: "General secretaries of central and local public institutions, independent and dependent, mayors, prefects, heads of administrative units and heads of institutions of affiliation: "letter c" publish their contact details on the relevant official website, in order to administer any case of involvement, incitement, ordering, blackmailing or request for involvement of employees of that institution in political activities, or in support of an electoral subject, or an election candidate."

²⁵⁹Vau Dejës Municipality, Tropojë Municipality, Shijak Municipality, Pukë Municipality, Dropull Municipality, Konispol Municipality, Lezhë Municipality, Peqin Municipality.

²⁶⁰Durrës County Prefecture, Berat County Prefecture.

²⁶¹Electoral Code of the Republic of Albania Article 91 "Prohibition of the use of public resources in support of electoral subjects" point 4.

²⁶²Are specifically includes acts that anticipate increases in salaries, pensions, economic or social support, tax cuts or abolitions, the decision of fiscal amnesties, privatization or the award of assets or rewards, etc., unless the initiative is conditioned by circumstances of natural disaster.

Monitoring results show that such bylaw acts²⁶³, in disagreement to this provision of the Electoral Code were approved.

VIII.2.5. Activity of public institutions on websites and official accounts on Facebook social network

The official websites of public institutions are mirrors of transparency of an institution and of informing the citizens about the activity of the latter. Referring to these major functions, their activity publication through social nets should relate only to the fulfillment of the duties of the institution and its specific activity that serve the citizens. This is the reasoning behind establishing social network pages (Facebook, Instagram etc.) of these institutions since its goal is only to simplify the access of the citizens to the activities of the respective institution. Here again, the purpose in following the institution's website is the same as following the official website.

From the monitoring of the websites of the Prime Ministry, Ministries, Prefectures and Municipalities, there is no evidence of their use for the purpose of publishing political activities of electoral character. But something like this happens very often on their social media pages. Such a phenomenon is evidenced in two ministries²⁶⁴, and several municipalities.

The issues observed when monitoring the official websites and Facebook accounts of 61 municipalities are the following:

- Publication on the official Facebook account of the municipality, of activities of the electoral campaign of the political party to which the mayor belongs to²⁶⁵.

²⁶³Decision of the Council of Ministers no. dated 17.02.2021 “On the designation of the Ministry of Infrastructure and Energy as the contracting authority for the possible development of the concession procedure / Public Private Partnership, for the Port of TriPort, Vlora. Official Journal No. 27, dated 19.02.2021. Through this DCM, the Council of Ministers has initiated, by appointing the Ministry of Infrastructure and Energy, the procedure of a concession / Public Private Partnership. This decision is contrary to the provisions of decision no. 9 of the Regulatory Commission, article 3 point 4.

²⁶⁴The official Facebook page of the Ministry of Culture - Reposting a photo published by Minister Elva Margariti, comparing the public attending activities and performances organized by this institution during Berisha’s government and during Rama’s government. In addition, on the website of this ministry is published the activity of opening the electoral campaign of the Socialist Party and the cover photo is that of the electoral campaign of the Socialist Party.

The official page of the Ministry of Finances and Economy on Facebook – Publication of the activity organized by the Socialist Party on March 15, 2021 for the presentation “Road towards April 25 - SALARIES, TAXES and BUSINESS in the Action Plan 2021-2025”.

²⁶⁵Belsh Municipality Reposting the official opening of SP electoral campaign from the official page of Mr. Taulant Balla. Reposting the event of SP program presentation on education from the official page of Mr. Taulant Balla).

Kukës Municipality Posting of YFESA (SP youth branch) Kukës event, posting electoral events of SP Kukës, posting electoral event of SP when presenting MP candidates of Kukës county ;

Librazhd Municipality Riposting the opening event of SP electoral campaign from the official page of the PM, riposting electoral activity of socialist MP of that region, Taulant Balla, riposting SP electoral events from the official page of the PM; Përrenjas Municipality Riposting of the SP electoral program presentation event, from the official page of Taulant Balla, posting of presentation events of SP.

Shijak Municipality Riposting events of electoral program presentation of SP, from the official page of Elton Arbana.

Tropojë Municipality Riposting electoral activity of the MP candidate of this area, Petrit Malaj, from his official page.

- Presence of slogans used by political parties during the election campaign in posts about the activities of the municipality, on their respective Facebook pages²⁶⁶.

Regarding the monitoring of official Facebook accounts of 12 Prefectures, posts with electoral content were found in two of them²⁶⁷.

VIII.3. Electoral Offices and propaganda materials

VIII.3.1. Electoral Offices

Based on the electoral campaign experience of the country, for the electoral subjects was introduced, for the first time in 2017, the duty²⁶⁸ to register the electoral offices with the Local Government Units where the office is located. The legal definition of "electoral office" is laid down in²⁶⁹ an Instruction of the State Election Commissioner stating that an "electoral office" is the premises/office utilized by the electoral subjects or their candidates during the electoral campaign. The Instruction also imposes the obligation²⁷⁰ of entities to notify the Mayor of the territory where the electoral office will be opened, and the locations where their opening is not permitted.

The process of opening an electoral office implies, inter alia, the duty to make an official notice to the Municipality of the area where the office is planned to be opened. Based on the communication of CRICI observers, in all the municipalities of the country, only three entities²⁷¹ out of 10 opening electoral offices have notified only nine municipalities²⁷² about the opening of these offices.

²⁶⁶In Facebook posts of Berat Municipality, Cërrik Municipality, Durrës Municipality, Elbasan Municipality, Gramsh Municipality, Kamëz Municipality, Kurbin Municipality, Mat Municipality, Memaliaj Municipality, there is a presence of slogans used from SP in its electoral campaign like: "No time to rest", "Albania, our future", "For the city we desire", "Work, no sleeping". In posts on the official Facebook page of Shkodër Municipality, there is presence of DP used motto "Together everybody wins".

²⁶⁷On Facebook posting of Gjirokastrë County Prefecture there is presence of mottos used by SP in its electoral campaign like: The third term belongs to SP but is not simply for SP. It belongs to the Albania we want. There is no time to lose, no time to rest.

On Facebook posts of Durrës County Prefecture there's presence of mottoes used by SP in its electoral campaign like: "No time to rest", "Albania, our future".

In Facebook posts of Elbasan County Prefecture there is presence of mottoes used by SP in its electoral campaign like: "No time to rest", "Working, not sleeping".

In Facebook posts of Vlorë County Prefecture there is presence of mottoes used by SP in its electoral campaign like: "No time to rest", "Albania, our future".

²⁶⁸ Instruction no. 1 dated 31.05.2017 "On the use of propaganda materials and their posting places during the electoral campaign" Article 2, paragraph 3 provides "The electoral entity has the duty to inform, within 5 days from the entry into force of this Instruction, in writing the respective Mayor about the exact addresses of the electoral offices".

²⁶⁹ Instruction no. 6 dated 23.03.2021 "On the use of propaganda, education materials and their posting rules during the electoral campaign".

²⁷⁰ Ibid, Article 5, "Electoral Offices", paragraph 2 "No later than 35 days before the election date, the electoral entity informs in writing the respective Mayor and sends a copy to the CEC about the setting up of electoral offices and their exact addresses."

²⁷¹ The Socialist Party, the Democratic Party, and the Socialist Movement for Integration Party.

²⁷² Delvina Municipality, Dropull Municipality, Elbasan Municipality, Kruja Municipality, Libohova Municipality, Mat Municipality, Kashar Municipality, Peqin Municipality and Përrenjas Municipality.

Until 28 March 2021, the observers hired by CRICI in charge of, among others, monitoring the electoral offices, have found a total of 392 electoral offices located in 45 municipalities²⁷³, which belong to 10 electoral subjects²⁷⁴. The entity ranking with the highest number of identified electoral offices is the Democratic Party, with 175 offices, followed by the Socialist Party with 135 offices and the Socialist Movement for Integration with 52 offices.

VIII.3.2. Propaganda materials

Out of 61 municipalities in the country, 16²⁷⁵ of them, at least, have not taken yet a decision on the place where electoral campaign propaganda materials can be posted. 12 municipalities²⁷⁶ have not even responded to CRICI observers, despite they have received an official request for such information. The other 33 municipalities²⁷⁷ have taken a decision on the places where propaganda materials can be displayed during the electoral campaign.

Although the latter have fulfilled the obligation sanctioned by the Election Code, some of them result to have fulfilled it partially. Namely 21 municipalities²⁷⁸ have not published this decision on their official website, whereas 3 decisions²⁷⁹ of the three municipalities result to have been published after the expiration of the deadline.

²⁷³ Tirana, 97; Fier, 50; Vlora, 33; Shkodra, 30; Elbasan, 16; Berat, 13; Lezha, 12; Patos, 11; Gjirokastra, 8; Kamza, 8; Korça, 8; Durrës, 7; Kurbin, 7; Saranda, 7; Kruja, 6; Kukës, 5; Vau i Dejës, 5; Vora, 5; Divjaka, 4; Gramsh, 4; Kavaja, 4; Kuçova, 4; Librazhd, 4; Peqin, 4; Pogradec, 4; Shijak, 4; Lushnja, 3; Poliçan, 3; Puka, 3; Rrogozhina, 3; Belsh, 2; Cërrik, 2; Mallakastër, 2; Mirdita, 2; Skrapar, 2; Bulqiza, 1; Devoll, 1; Finiq, 1; Himara, 1; Memaliaj, 1; Përmet, 1; Përrenjas, 1; Roskovec, 1; Selenica, 1; Tepelena, 1.

²⁷⁴ Democratic Party, 175; Socialist Party, 135; Socialist Movement for Integration, 52; Justice, Integration and Unity Party, 14; Social-Democratic Party, 10; Democratic Obedience Party, 2; Demo-Christian Party, 1; New Democratic Spirit, 1; Movement for Change Party, 1; Republican Party, 1.

²⁷⁵ Bulqiza Municipality, Gjirokastra Municipality, Kolonja Municipality, Lezha Municipality, Has Municipality, Divjaka Municipality, Fushë-Arrëz Municipality, Himara Municipality, Korça Municipality, Kuçova Municipality, Librazhd Municipality, Poliçan Municipality, Rrogozhina Municipality, Shkodra Municipality, Skrapar Municipality, Vlora Municipality.

²⁷⁶ We have no accurate information yet about the following municipalities: Durrës Municipality, Tropoja Municipality, Belsh Municipality, Cërrik Municipality, Fier Municipality, Kamza Municipality, Lushnja Municipality, Shijak Municipality, Pogradec Municipality, Vora Municipality, Maliq Municipality, Tirana Municipality.

²⁷⁷ Memaliaj Municipality, Selenica Municipality, Tepelena Municipality, Malësi e Madhe Municipality, Patos Municipality, Elbasan Municipality, Përmet Municipality, Delvina Municipality, Finiq Municipality, Konispol Municipality, Gramsh Municipality, Këlcyra Municipality, Libohova Municipality, Mallakastër Municipality, Devoll Municipality, Kukës Municipality, Kruja Municipality, Saranda Municipality, Puka Municipality, Vau i Deja Municipality, Mirdita Municipality, Mat Municipality, Ura Vajgurore Municipality, Përrenjas Municipality, Dropull Municipality, Roskovec Municipality, Peqin Municipality, Kurbin Municipality, Dibra Municipality, Klos Municipality, Pustec Municipality, Kavaja Municipality, Berat Municipality.

²⁷⁸ Tepelena Municipality, Patos Municipality, Delvina Municipality, Finiq Municipality, Këlcyra Municipality, Mallakastër Municipality, Mat Municipality, Pustec Municipality, Bulqiza Municipality, Gramsh Municipality, Kavaja Municipality, Kruja Municipality, Kukës Municipality, Kurbin Municipality, Lezha Municipality, Mirdita Municipality, Përrenjas Municipality, Saranda Municipality, Divjaka Municipality, Kolonja Municipality, Peqin Municipality.

²⁷⁹ Roskovec Municipality, Dropull Municipality and Klos Municipality.

IX. CAMPAIGN FINANCE

Following the latest legal amendments, the amendments to 19 provisions regulate in specificity the financial affairs of electoral subjects²⁸⁰.

These amendments deal with the broad powers of comptrollers, prohibitions, penalties, as well as the transparency. However, the said amendments did not introduce any new transparency mechanisms, in general or to be used during the electoral campaign.

The amendments made by the legislator can be summarized and listed as follows:

- The monitoring of electoral subjects' activities during the campaign is to be made partially²⁸¹;
- The retention of complete financial documentation is required for a certain period of time²⁸²;
- Explicit consent of third parties to disclose facts about unlawful acts committed by electoral subjects²⁸³;
- More severe penalties for electoral subjects in case of non-cooperation with the accounting auditor appointed by CEC;
- Lowering the maximum ceiling of electoral subjects spending²⁸⁴;
- Including the candidates in the multi-name lists, in the financial activities reporting and controlling of electoral subjects;
- Duty of candidates in multi-name lists to open a specific bank accounts for receiving donations over ALL 50,000²⁸⁵;
- Lowering the threshold of donations to be given through the bank account²⁸⁶;

In addition to the above-mentioned positive amendments, major issues of financial auditing and control remained unaddressed. We can mention the following issues that were not addressed:

- Allowing financial activities and third-party activities in favor of the electoral subjects, or the so-called *shadow campaign*;
- The expenses incurred for electoral purposes before or after the election period continue to have a different control regime;
- The disclosure of electoral subjects and candidates spending during the electoral campaign is not required;
- The control and verification of the quotas reached by the electoral subjects;
- Interaction with tax authorities to control the financial activities of electoral subjects.

In CRICI's opinion, the amendments made did not bring in general any qualitative change for the mechanism. The mechanism will continue to cause the main problems and the CEC will suffer from a limited number of legal instruments. However, the will and decision-making of the institution remains an opportunity to advance in controlling the financial activities of electoral subjects.

²⁸⁰ Articles 3, 20, 78, 86, 87, 88, 89, 90, 91, 92, 92/1, 92/1, 92/3, 92/4, 92/5, 92/6, 92/7, 173, 180.

²⁸¹ Article 92/4, Monitoring of Electoral campaign.

²⁸² Article 92/3, Disclosure and publication.

²⁸³ Article 123/3, Public participation in the denunciation of facts.

²⁸⁴ Article 173, Sanctions concerning campaign funding.

²⁸⁵ Article 92/2, paragraph 2, as amended.

²⁸⁶ Article 92/2, paragraph 3, as amended.

The legal framework defines that lawful sources of funding for the electoral campaign are the funds allocated by the State Budget to political parties registered as electoral subjects; the incomes of the electoral entity generated according to the law; the gifts in cash, in kind, or services provided to the electoral entity and its candidates, and the credits or loans obtained by the political parties or their candidates under the law.

The modalities of the Cooperation Agreement between CEC and the political party benefiting funds from the State Budget were laid down in a CEC Instruction²⁸⁷. In particular, the political party benefiting funds from the State Budget and CEC shall, prior to the fund disbursement, sign an agreement stipulating that the political party accepts the allocated fund, that it will use it in accordance with all the conditions and obligations laid down in this Law, and that it acknowledges the monitoring of expenses incurred by the entity and its candidates, and undertakes to comply with all restrictions established by law.

Any electoral entity, which has received more than 1% of the votes nationwide in the previous elections of the same type, benefits a pre-financing from the state budget, in proportion to the number of votes received. These funds are to be recovered if the party does not spend them. The parties that do not receive any pre-financing but have received more than 1% of votes nationwide, shall benefit funding after the elections in proportion to the number of votes received.

The funds allocated by the state budget for the 2021 parliamentary elections, referring to the Election Code, are twice higher than the funds allocated for the 2017 general elections, which²⁸⁸, according to estimates, was ALL 130,000,000. In addition, to estimate the funding amount for these elections were taken as reference both the results of the previous elections of the same type, and the results of elections of 2015, 2017 and 2019²⁸⁹, also considering the parties that managed to receive not less than 1% of the votes nationwide. According to the decision of the State Election Commissioner, only 10 political parties²⁹⁰ out of 27²⁹¹ running as part of coalitions or alone, received funding from the state budget, according to the calculation. 63% of the total funding was allocated to only 3 political parties²⁹², while 37% to the other seven parties.

The electoral subjects and candidates may accept private donations only from domestic natural and legal persons. There are restrictions imposed on private donations. It is prohibited to accept donations from a legal person or any shareholder who has received public funds, public contracts, or concessions in the last 3 years with a value over ALL 10 million; that exercises activities in the field of media; has been a partner in different publicly funded projects; or has outstanding debts to the State Budget or any public institution. Up to 3 years after the election date, no public contract, public private

²⁸⁷ Instruction No. 3, dated 16.02.2021 “On approving the cooperation agreement between the State Election Commissioner and the political party receiving funds from the state budget and the Central Election Commission”

²⁸⁸ An ALL 65,000,000- fund was allocated by the State Budget for the 2017 elections.

²⁸⁹ Election Code of the Republic of Albania, Article 180 “Transitional provision for receiving funding from the budget”, paragraph 4.

²⁹⁰ ALL 55,826,750 went to Socialist Party of Albania, ALL 33,318,149 to Democratic Party, ALL 3,926,232 to Republican Party, ALL 1,434,012 to the Movement for National Development Party, ALL 18,975,182 to Socialist Movement for Integration Party, ALL 5,552,885 to Justice, Integration and Unity Party, ALL 2,188,832 to the New Democratic Spirit Party, ALL 1,479,742 to the Demo-Christian Party, ALL 1,629,360 to Social Democratic Party, and ALL 1,485,550 to Democratic Obedience Party.

²⁹¹ The other parties contested in the 2015-2017-2019 elections, but in 2015 and 2017 did not meet the 1% criterion.

²⁹² Socialist Party 25.8%, Democratic Party 20.4%, and Socialist Movement for Integration 16.7%.

partnership contract can be awarded to the natural or legal persons that have made donations to an electoral entity or its candidates running in elections, nor it can receive funds in any other manner, whose total sum exceeds ALL 10 million.

The Election Code defines the obligation of electoral subjects to disclose and provide third parties full and uninterrupted access to the database where the electoral entity records donations, loans or credits obtained by the entity and its candidates for any amount over²⁹³ ALL 50,000. However, there is no specification how such access is given in practice and how such database should be configured, making this obligation unenforceable up to date.

Among the criteria required for recording, the Election Code²⁹⁴ and CEC's instruction²⁹⁵ provide for the duty to open a specific bank account. All electoral subjects registered with CEC contesting in the elections of 25 April 2021 have opened a specific bank account that is published on the website of the Central Election Commission²⁹⁶. Although all candidates planning to accept donations over ALL 50,000²⁹⁷ were supposed to satisfy such obligation, no data or publication is evidenced about their bank accounts.

In function of campaign finance auditing, the CEC approved the Instruction²⁹⁸ for the selection criteria, procedure and appointment of monitors, the scope of monitoring, the monitoring period, the assignment of the monitoring entity(s), the geographical area that the monitoring will cover, and the independent, impartial, and transparent monitoring reporting. Each monitor will sign the form approved²⁹⁹ by the Commissioner declaring the absence of conflict of interest, and a self-declaration for the criminal record.

The CEC appointed 64 monitoring experts in 12 districts of the country. 63 monitoring reports are published on the CEC website and all cover the period from 1 to 15 March 2021. After screening the reports, it is evidenced that 6 municipalities³⁰⁰ and 5 electoral subjects³⁰¹ were not monitored during this period and were not included in any of the monitoring reports.

In all reports, it seems that the monitors have identified two problems referring to violation of the law³⁰².

²⁹³ Election Code of the Republic of Albania Article 92/1, paragraph 5 of the Code.

²⁹⁴ Election Code of the Republic of Albania Article 92/2, paragraph 2

²⁹⁵ Instruction No. 01 dated 23.12.2020 “*On laying down the rules for filing of and verification of candidate documentation, deadlines for publication of candidate Lists and approval of candidacy models*”.

²⁹⁶ Details of bank accounts of electoral subjects.

²⁹⁷ Albania Article 92/2, paragraph 3

²⁹⁸ Instruction No. 1 dated 2.02.2021 “*On laying down the criteria for selection of monitors, procedure, appointment and scope of monitoring*.”

²⁹⁹ Order No. 89 dated 05.02.2021 “*On approval of the monitors' self-declaration forms*”.

³⁰⁰ Përmet Municipality, Saranda Municipality, Selenica Municipality, Shijak Municipality, Himara Municipality, Librazhd Municipality, Fushë-Arrëz Municipality.

³⁰¹ Movement for Change Party, Albanian Democratic Movement Party, Democratic Obedience Party, New Democracy Alliance Party, National Front Party.

³⁰² Monitoring report of A. S : In Durres Municipality, the Democratic Party and the Socialist Movement for Integration have opened more than one electoral office per the quarter.

Monitoring report of N. D: The Socialist Movement for Integration Party has not inserted, in the propaganda materials of the campaign, the wording “*produced under the legal responsibility of.....*”

X. MEDIA

A high number of media operators, both traditional and new online media operate in Albania. The traditional media are the most consolidated in the country. Due to the pandemic and restrictions on mass gatherings, the role of media in disseminating information during this pre-election period in Albania is even more crucial.

The audiovisual media has some legal obligations³⁰³, during the electoral campaign, ordering them to be balanced while covering the electoral subjects. Other print and online media do not have this obligation; however, their content must comply with the Code of Ethics for Journalists³⁰⁴.

The lack of financial independence and the absent law regulating the journalist profession made the media fall prey to the political pressures and their attacks, accusing them of having a bias towards a certain political force.

We have noted that media has taken the role of merely reporting, while it is little or not at investigative. It is generally broadcasting ready-made materials. Under these conditions, media has lost its role of *a watchdog*, as a verifier of the centers of power and constantly monitoring government authorities and organizations, institutions, and businesses³⁰⁵.

X.1. Attacks against media

Article 22 and Article 23 of Albanian Constitution guarantee the freedom of expression, including the freedom of press, radio, and television. This principle of personal rights and freedoms is the ground for media defense in Albania³⁰⁶. However, facing both political pressures and its internal problems, media has often been an easy prey to attacks becoming of political character.

³⁰³ Election Code Article 80, Electoral campaign of electoral subjects in public radio and television (as amended by the Law No. 74/2012, dated 19.7.2012),

Article 81 Public radio and television news (as amended by the Law No. 74/2012, dated 19.07.2012), Article 82 Free airtime for CEC, Article 83 Broadcasting schedule, Article 84, Electoral campaign in private radio and television stations (as amended by the Law No. 74/2012, dated 19.07.2012, inserting the letter “d” in paragraph 2; and amending the acronym and the time limit in paragraph 10, by the Law No. 101/2020, dated 23.7.2020), Article 84/1, Coverage of electoral campaign in local elections (inserted by the Law No. 74/2012, dated 19.07.2012), Article 85, Monitoring of electoral campaign in the media (the first sentence of paragraph 1 is inserted by, and paragraph 5 is repealed by the Law No. 74/2012, dated 19.07.2012, as amended by the Law No. 101/2020, dated 23.7.2020).

³⁰⁴ The last Code of Ethics was drafted in 2018 by the Albanian Media Institute (AMI), with the support of the Project for Strengthening the Legal Expertise in Freedom of Expression and Media in Southeast Europe (JUFREX) - a joint initiative led by the European Union and the Council of Europe (see Code of Ethics for Journalists).

³⁰⁵ In the 2020 report, Freedom House would give two out of four points to the question “Is media free and independent”, stressing the issue that journalists have little security on the job and are subject to judicial processes, intimidation and repeated physical attacks by those facing media surveillance; and the print media has continued to experience a drop in income resulting in the decrease of journalists' salaries.

³⁰⁶ Albanian Constitution, Article 22 and Article 23

According to such critics, the media is showing favoritism for one or the other political party, being at their service.³⁰⁷ Media has been accused of lacking objectivity and truthfulness in the news broadcasted³⁰⁸.

The attacks of the Prime Minister Edi Rama against media content in Albania have been constant. Over the years that he has been in power of the executive, he has called media a "trash bin" that is protecting the personal interests of its owners³⁰⁹. Such a situation is not only inclining media to position itself politically, but it is also creating a climate of distrust among citizens who follow these media, in particular when such accusations against media are uttered from the head of Government.

The case of Ora RTV is an example. It is in continuous disputes with the Mayor Erion Veliaj³¹⁰ because of broadcasting news critical of the Mayor, which were followed by accusations of the Mayor of Tirana against the owner of this media operator. Erion Veliaj would repeat the same accusations even on the eve of the campaign, in meetings with residents and citizens of Tirana, or in TV studios, alleging that media owners are drug dealers³¹¹.

Beyond conflicts between media owners and senior officials and their mutual accusations, what is unacceptable is undermining the integrity of the journalist per se, which is even worse if made by the state bodies, despite the journalist is fulfilling his/her duty and mission to inform the public. The case when the police arrested and exerted violence against two journalists while recording the protest of December 2020 for the murder of a young man by the police forces, is an example showing how vulnerable is the professional journalist.

Such acts of abuse of power are a great threat to the guarantee of free speech and the right of journalists to be informed, to process and disseminate information, particularly during the electoral campaign³¹².

³⁰⁷ Press conference of the President Ilir Meta on 10 March 2021 "... the media owners are under pressure to incline to the regime".

³⁰⁸ Press conference of the Prime Minister Edi Rama on 2 March 2021 "It started with a slander and ended with a slander...He who has ears to hear. He who has eyes to see. And then there are those who watch Syri, Fax, Shijak... well, thank you for existing for you are all the beauty to this fake news tele-comedy."

³⁰⁹ In tweet the Prime Minister Rama declared, "*Imagine for a moment as if children were taught that defamation, slander, tricks and lies are not only permissible but also necessary to defeat an opponent! Such tools are nowadays marketed every day to Albanian citizens by the political losers and media trash bins.*"

³¹⁰ In May 2020, media reported that the State Health Inspectorate demanded ORA RTV be shut down for violation of anti-covid rules, following two previous fines imposed. The Information Director of this TV station considered this a decision to shut down the free speech. There were also reactions from the President of the Republic, the opposition leader Lulzim Basha and other media actors considering as very worrisome such decision.

However, in a press release of the time, AMA said that there was no order to shut down the TV station, but only a warning to abide by the rules.

This TV station would again face political debates, as in August 2020, SPAK would order foreclosure of the assets this TV owner, Ylli Ndroqi, for his alleged involvement in international drug trafficking. Again, the representatives of this television station, considered this as a political attack.

³¹¹ During a television interview at s24 Erion Veliaj said "...It's very concerning for it is the drug dealers who own TV stations after having changed their names. This is supported by evidence. It is not a hearsay..."

³¹² Through a statement, the Council of Europe condemned the acts of police against two journalists arrested in November 2020 protests sparked after the murder of a young man by a police officer on the job, while it demanded further investigation into the events.

The Albanian authorities responded to the CoE request that the actions of Police were justified for both journalists had no identification mean, while denied the violence exerted against them. Despite this correspondence with the CoE, the State Police did not make any press release in Albanian media to clarify the situation or better apologize for the misunderstanding created, according to them, in the identification of journalists.

It is even more worrisome the fact that the media and its representatives' integrity is undermined by senior officials, by heightening artificially the tension of the situation and raising doubts on the relationship that the state, the political parties or the pyramid of militants and their supporters have with the media and the journalists. About a month before the campaign started, the Prime Minister took part in a debate with a Fax News reporter and demanded her to put on the protective mask while touching and pushing her away to leave the room where the press release was taking place³¹³.

The intensity of such behavior, or other reactions of intimidating character, especially when they come from a senior politician, regardless of his purpose, do not serve to calm the political and social climate in the country. Additionally, on the eve of the campaign, he is only casting doubt that media is biased and favors the political parties. Meanwhile, the task of the media, but at the same time its constitutional right, is to receive and broadcast information to the citizen.

X.2. Audiovisual Media.

The Audiovisual Media Authority is the competent body to regulates audiovisual media, based on the Audiovisual Media Law. This law provides for the basic principles forming the fundamentals for the development of audiovisual activity. This body must guarantee fair competition and compliance with the laws and decisions taken against audiovisual entities³¹⁴.

52 audiovisual media operate in Albania. One of them is public (RTSH) and three are national ("Top Channel", "Klan TV", "Vision +") and 46 are local media³¹⁵. Two years ago, AMA started the process of digitalization of visual broadcasting in nearly the entire country, but two districts, Dibra and Kukës, where this process is not completed yet.

After the *ad hoc* group of Media Monitoring Board, set up by CEC to monitor the media coverage of electoral actors and entities, as well as political advertising, during the electoral campaign was abolished, this task was assigned to AMA.

The working group set up by AMA will monitor live 23 television channels, selected by the Audiovisual Media Service Provider, among them the public and the national TV channels and the largest TV channels of the main districts, while the rest of audiovisual service providers will be monitored upon recorded content. After the official start of the campaign, AMA will publish a daily

³¹³ In a press statement for the continuation of the vaccination process on 13 March 2021, the Prime Minister Rama asked the Fax News reporter, who was not wearing a protective mask, to leave and use a mask. The Prime Minister Rama accompanied his request, in the form of an order, by physically touching the journalist and pushing her hand away in a sign to urge her to leave.

The reporter in concern, with a statement, reacted to the Prime Minister's action saying " ... *The Prime Minister was rightly impressed by me not wearing a mask, (although I used the scarf as a protective shield) and unjustly pushed me away commanding me to leave and get the mask... With my action today, I may owe to the state for violation of the administrative law for not wearing the mask, while the Prime Minister, with his action, is due a lot.*"

In a Facebook communication, the Union of Journalist stated , "*Such gesture by the country's Prime Minister is per se a violent and unethical act.*"

³¹⁴ Law No. 97/2013 On audiovisual Media in the Republic of Albania. Amended by Law No. 22/2016 dated 10.3.2016, as amended by Decision No. 56 dated 27.07.2016 of the Albanian Constitutional Court and by the Law No. 91/2017

³¹⁵ A list published on AMA's official website.

report about such monitoring (qualitative and quantitative). Such reports do not need to get the Board approval. Then they will be summarized in weekly reports, which will need to get the approval of AMA Board to be sent to the CEC for verifications. In this case, however, there will be no decision-making in cases of violations observed, which will be done only by the CEC. On 30 January 2021, the Regulatory Commission adopted the methodology of monitoring of these media³¹⁶. This methodology will also be applied to public and national radios operating in the country.

The monitoring focus will be on the freedom of expression during the electoral campaign, media coverage according to criteria for a balanced reporting, highlighting hate speech and the compliance with the professional standards and a fair equal access of candidates or electoral subjects in the news, *the talk shows* where representatives of electoral subjects are invited, as well as *live shows* of political parties and their actors.

However, the media were broadcasting a lot of materials of electoral character during the pre-electoral campaign. The political parties, launching earlier their electoral campaign, were present in the media, especially in media of an informative character, almost most part of the day. The tradition of live broadcasting was more noted, due to pandemic restrictions and the journalists were not allowed to be attend events, thus making it even more difficult to filter contents.

The broadcasting of ready-made materials prepared by the press offices of political entities, elaborated according to their bias, raises doubts over the objectivity of information. Such live broadcasting taken directly from the personal *Facebook* pages of political representatives, or of ready-made-and-processed chronicles of electoral character but broadcasted before the official start of the electoral campaign, are not part of the media monitoring from AMA working group, thus evading the penalties foreseen in the Election Code.

The fact that audiovisual media seem to fall prey to the media headquarters of political parties remains a cause for serious concern. Media is thus not serving to voters by offering a critical perspective about political parties, instead it has become a channel of disseminating propaganda materials originating from these parties.

X.3. Print media

Eleven daily newspapers of general character are published in Albania³¹⁷. Given the current trend, following the decrease in their number and the drop in circulation, print media is not anymore, the principal information source in the country. However, their impact remains significant, to mention here the fact that their front pages are read daily in Albanian TV morning shows. At the same time, most of them already have their own online websites publishing their articles as well.

Print media, unlike audiovisual media, is not regulated by any special law. The Election Code is silent about its duty to make a balanced coverage of electoral campaigns.

³¹⁶ Decision on approval of the methodology for monitoring the audio and audiovisual media, 30.01.2021 No.2

³¹⁷ 1. Panorama 2. Gazeta Shqiptare 3. Mapo 4. Koha Jonë 5. Sot 6. Standard 7. Telegraph 8. Dita 9. Tema 10. Fjala 11. Liberale

However, its reporting must first comply with the principles of the Constitution, the National Convention on Human Rights on Freedom of Expression³¹⁸ and the Code of Ethics for Journalists.

CRICI monitored ten newspapers³¹⁹, from 1 to 25 March. The quantitative monitoring consisted in monitoring the Politics pages and estimating the percentage that the political parties and their representatives occupied in these pages³²⁰. Only the news dedicated to the electoral activities, or interviews with the political representatives talking only about elections were taken into account. The purpose of this monitoring was to identify the election coverage percentage during the pre-electoral campaign. The front-page headlines were screened in each newspaper to identify the number dedicated to election reporting. The purpose of this monitoring was to understand the prevailing trend in the print press and how much the pre-electoral campaign was present on the front page of these newspapers.

Following such monitoring, 30% of these newspapers were found to make a balanced reporting of both the biggest political forces, DP and SP, in their election coverage. About 45% of the remaining newspapers showed a difference of more than 10% in reflecting more one or the other party. About 30% of the total monitored newspapers, in their election coverage, dedicated space to SMI activities reporting equal to or even than the other two big parties.

About 20% of the newspapers, in their election coverage, dedicated more space to the President's Ilir Meta activities. In total, about 70% of them have devoted more or equal space to the head of state than one of the three big parties in the country: DP, SP, and MSI.

The small parties contesting elections, do not exceed overall more than 5% of the space dedicated to election coverage of the selected pages, while 30% of the total newspapers dedicated 0 - 1.5% of the space to these parties.

In the internal of Politics pages, about 60% of the newspapers dedicated less than 50% to reporting on other institutions, internal editorials, representatives of civil society, or various experts.

During this pre-election period, a good part newspapers' front-page headlines were of electoral character.

The front page is a key overview of editorial policies that the newspaper is following. Therefore, the headlines of these newspapers are of great importance, as many morning shows in various television channels read them, thus increasing potentially the number of readers reading only the front page in these newspapers. This monitoring noted that 50% of the newspapers' banner headlines talked about a political entity or their representative actor. 10% of these newspapers reported only one political force in their banner headline. 30% of these newspapers' front-page headlines were not balanced. About 40% of them reported in their banner headline, in a significant part of their printing, negative remarks.

³¹⁸ Convention: Freedom of expression, Article 10

³¹⁹ 1. Panorama 2. Fjala (daily independent newspaper), 3. Dita (Daily info-analytical), 4. Koha Jonë (daily independent), 5. Gazeta Shqiptare, 6. Gazeta Mapo (daily independent), 7. Sot, 8. Tema (daily newspaper), 9. Telegraph (daily independent), 10. Standard (daily newspaper).

³²⁰ Tema and Mapo newspaper, although they do not have a "Political" column, the "Actuality" column was monitored. For Fjala newspaper, the principal pages were also included.

The incitement to violence or such implications are strictly prohibited in the profession of journalism, however, there have been such cases evidenced during this pre-electoral campaign³²¹.

X.4. Online Media

X.4.1. News portals

The Electronic and Postal Communications Authority (EPCA) is the regulatory authority responsible for electronic communications, as defined in the Law No. 9918 dated 19.5.2008 “On Electronic Communications in the Republic of Albania”³²². EPCA manages the *domains* registered with *.al* logo and its sub-domains. The number of *domains* of journalistic character is not updated³²³.

AMA guarantees that the authorized representative of these electronic media is responsible for the public interests and sensitivity, respecting the understanding and social coexistence of all individuals in the Republic of Albania. The frequency of internet use was accompanied by more easy access to information published in these portals³²⁴.

The prompt development of portals made traditional media to turn their attention and disseminate information through their own portals. Every newspaper has a portal with the same name. Likewise, public and private audiovisual media have a portal with the same name.

Although there is no special law on online media in the country, the constitutional principles of freedom of expression and freedom of the press, their rights and restrictions, are also applicable to the online media. Likewise, they must comply with the Code of Ethics for Journalists.

The growing influence of this new media made the government to unilaterally control its content through the “anti-defamation” package, which sparked off reaction from the local and international actors³²⁵.

³²¹ Koha Jonë, 17 March 2021, Banner headline “The regime is not changed with VOTES only! When SP district leaders cannot go somewhere, ... where the candidates have no chance to get votes or the mayors cannot ask for support because they have done nothing, they send the group of bandits to mistreat and frighten the citizens. Therefore, the opposition must be prepared for every kind of confrontation, as we are talking about life or death between two worlds: the world of Renaissance's crime and the world of citizens longing for change and a better life.”

³²² Law No. 9918, dated 19.5.2008 “On Electronic Communications in the Republic of Albania”, as amended by the Law No. 102/2012, dated 24.10.2012, No. 107/2018, dated 20.12.2018, as amended by the Law No. 92/2019, dated 18.12.2019.

³²³ According to EPCA reports, by 2019, 22,859 *.al* domains were registered and under their sub-domains, but there is not an accurate figure on how many of them are journalistic in character. According to a study of the Media Institute, which published the data of the Union of Journalists about the number of journalistic portals in 2019, there were about 800 journalistic portals.

³²⁴ According to INSTAT reports for 2019, about 98.6% of individuals aged 16-74 used mobile devices/smart phones to access the Internet.

³²⁵ The Socialist Government has made some efforts to regulate it, either through amendments to the Law *on electronic commerce*³⁸ or through the recent effort to extend the scope of the Audiovisual Media Authority on online media under the “anti-defamation package”.

The truthfulness and objectivity of information published on such portals did not only provoked political debate³²⁶ but was also followed by a request of EPCA, as responsible authority, to delete one of the biggest portals in the country³²⁷.

Following a survey CRICI made on 60 journalistic portals, it found that for the same news published in one portal, there was at least one duplication of its content in another portal. Survey conducted from 1-25 found over 5.000 news reporting elections, electoral subjects, or their political actors.

Considering the increasing influence these media have on the society and their inclusion in the political agenda, it is indispensable to make a comprehensive discussion on the platform regulation process and a self-regulation process of the content and freedom of expression. Understanding and including of the concept of *online media*, the transparency of their funding, raising awareness of individuals working for these portals on the codes of ethics, are all aspects that can improve the functioning and content of the information in these portals.

X.4.2. Social media

Social media, although not regarded as good media, have taken a very important role in political developments.

The frequent use of *Facebook* in Albania makes it a good asset for using this platform for electoral purposes³²⁸.

All political entities and its stakeholders are active on *Facebook* with posts fully of electoral character over the recent months. The leaders of the main parties, but not only, have a huge number of

This package was widely objected by both media representatives and the OSCE representation asking the Prime Minister to revise it. The Albanian Parliament send the law back for review, after the President remanded it back in January 2020, while waiting for the Venice's opinion, a request sent by the Council of Europe.

Even after the publication of the draft report by the Venice Commission arguing that “*the law is ambiguous and can have an restrictive effect on freedom of speech 39*”. The Prime Minister Rama in a statement of October 2020 said that this law was going to pass, because, for about one year, this law was subject to consultation with OSCE, and it would incorporate also the recommendations of the Venice Commission.

The amount of information published live by online media makes it even more difficult to track down the source of information. However, the approval of this Law and vesting in AMA's Complaints Council the power to assess the content of online media publications and to fine them, thus bypassing the courts, would prejudice the freedom of expression and would also create a climate of self-censorship.

³²⁶ 25 February 2020, Edi Rama on Twitter “*Unfortunately, in any natural disaster or health emergency that may come up, this country has to face greatest disaster- the channels and portals where ignorance, viciousness, laziness and the greed for wickedness flourishes- that in these cases becomes inhuman.*”

Balla “*I am sure that the portal of Shkëlzen Berisha, Syri.Net or of the son-in-law of Sali Berisha, Jeta është Qef, will have many reasons to produce news today for the media issue was affected. Transparency of media ownership is indispensable for Albania. It must be officially disclosed who is the owner. Who are journalists writing fake news?*”

³²⁷ The General Directorate of Police asked EPCA to delete the domains “*joq.al*”, “*jetaoshqef.al*” and “*joqalbania.com*”, because they had violated the Law No. 45/2019 “*On Civil Protection*”, by publishing fake news about the earthquake of 26 November 2019.

³²⁸ Statista.com statistics have estimated that by February 2021 there are 1,606,000 Facebook users in Albania.

followers³²⁹. The number of their posts, through videos, photos, and various statuses, has increased significantly since the election date was announced, especially after the political programs were disclosed.

The use of these platforms to promote electoral subjects and political actors became even more important for it facilitated communication after the COVID-19 pandemic restrictions on gatherings or meetings with citizens.

The political actors thus bypassed the traditional media filter by communicating directly with the citizen using the *live* option these platforms offer, which are transmitted directly by electronic media or even through informative photos.

On the one hand, this form of communication potentially increases the opportunities for disinformation. Followers are fed only with what is posted by political actors avoiding having another critical perspective. On the other hand, the indicators of these publications, such as likes, comments or sharing, which are also target for manipulation through computer programs, are a distortion of reality about the real number of followers.

During this pre-electoral campaign, more than a confrontation of ideas or programs, the social media platforms had a confrontation of “*memes*”. Satirical posts or posts denigrating the image of the opponent by processing photos and videos were some of the forms of using the power of image.

We noted that from 11 March, *Facebook* formalized the political/ election advertising, while also helping to calculate the real costs that electoral subjects and political actors incur on these platforms during the electoral campaigns.³³⁰ After going through the Socialist Party, Democratic Party and Socialist Movement for Integration advertising library in Facebook, the Socialist Party is noted to be the one that mostly used this form of advertising, spending a considerable amount of money; while the other two parties have used less- an insignificant cost compared to SP³³¹.

Third parties are campaigning in social media platforms opening accounts not directly affiliated with any party, or at least is not evident in their description. Such pages continuously post similar or the identical content as the party they are supporting. Such pages seem to have spent funds on promoting political ads. This is an unquestionable proof of the third-party campaign. Although these are pages

³²⁹ The number of followers on the official websites of the leaders of the three main parties in the country, up to 23 March 2021 are as follows: Edi Rama 1,505,147 followers, Lulzim Basha 620,023 followers, Monika Kryemadhi 86,412 followers

³³⁰ Electoral subjects and actors contesting elections, or other Facebook pages that supporting such entities and publish election ads, i.e. intended to collect votes as of March 2021, will be subject to a regulation that Facebook applies also in Albania for these political advertisements. All electoral and political ads in Albania must originate from authorized advertisers, including the “Paid for by” reference. Any advertiser creating any advertisements about elections or politics and targets Albanian citizens must be authorized in the country where such ads are targeted and the payment for such ads must originate from a user located in our country.

³³¹ From the beginning of January to March 2021, the Socialist Party spent between ALL 2,311,303 and ALL 4,498,557 on Facebook ads. The Democratic Party has spent between ALL 10,408 and ALL 31,121. SMI has spent less than ALL 61,372.

are recently created or have recently started posting political content, thus changing their character, it indicates a clear strategy for electoral purposes³³².

³³² Up to date, CRICI was able to identify at least three sites. The three of them are posting content about the current government achievements while attacking the opposition:

- Untold Stories of Albania, whose posts previously had no political character, but as of March 2021, it is publishing sponsored electoral materials.
- Socialists, a page created in January 2021.
- Law and Order, a page created in November 2020.

XI. COMPLAINTS AND APPEALS

Complaints and sanctions on electoral issues are handled administratively or judicially. Decisions of the Commissioner and second level Commissions are appealed to the Complaints and Sanctions Commission, whilst the latter's decisions or failure to decide within legal time limits are appealed to the Electoral College at either Tirana Court of Appeal or the Administrative Court.

Electoral subjects, political parties or candidates that have been deprived of registration as electoral subjects, as well as subjects who have the right to accredit observers, are entitled to complain about their non-accreditation.

Reduction of the number of subjects that can appeal decisions of the election administration body to those subjects that are registered as electoral subjects only, or that have been deprived of registration, decreases electoral justice effectiveness.

Narrowing of the law is only justified when the complainant has a lawful interest. However, considering how significant the election process is to society, it is deemed that every individual has a lawful interest.

XI.1. Complaints reviewed by the CSC

Starting from its first session on 18 January 2021, the CSC has reviewed and decided on six complaints³³³. The first three complaints adjudicated by the CSC concerned appeals against the Commissioner's decisions about issues regarding the Regulatory Commission Decision on the use of state resources³³⁴.

The said decisions overturned administrative measures imposed by the Commissioner, which, in turn, established a negative precedent in terms of the applicability of one innovation created by the recent Electoral Code amendments for preventing the use of state resources in election campaigns.

According to KRIIK, in making these three decisions the CSC overlooked the spirit of the law, which aims at preventing the use of state resources to guarantee equality in elections. But, notwithstanding the vision, the CSC focused on the letter of the law rather than its spirit.

Additionally, the said decisions call into question the structure's impartiality under the framework of the June 5th agreement on a politically impartial structure. Decisions on these three cases were made by a simple majority (3-2), and the political bias of the CSC members has seemingly affected their adjudication and decision-making.

³³³Complaint No. 1, dated 18.01.2021, complainant: Mr. Arben Qalliu; Complaint No. 2, dated 18.01.2021, complainant: The Socialist Movement for Integration; Complaint No. 3, dated 11.02.2021, complainant: Mr. Erjon Veliaj; Complaint No. 4, dated 09.03.2021, complainant: Ms. Leonora Hyso; Complaint No. 5, dated 20.03.2021, complainant: The Democratic Party; Complaint No. 6, dated 20.03.2021, complainant: Alliance Coalition.

³³⁴For further information, please see use of state resources section.

The CSC decided to overturn the State Electoral Commissioner's decisions in four out of five complaints lodged against the Commissioner's decisions³³⁵. This is concerning if we consider that the process has only started, these are the first decisions of the said body since its establishment, and the CSC decisions create precedents its decision-making not only in this election process but also in future ones.

Moreover, the CSC decision-making and approach call into question its institutional position as one of the CEC steering bodies, which according to the Electoral Code oversees and tasked with imposing sanctions when the election law is violated. However, this seems not to have been considered by the CSC during its reviews and handling.

XI.2. Complaints to the Electoral College

By decision No. 2, dated 04.03.2021, the Judicial Electoral College decided to dismiss the case under Fundamental Register No. 2 with registration date 22.02.2021, where the Socialist Movement for Integration was the plaintiff, the Central Election Commission was the respondent, and the mayor of Tirana was the third party, on the subject: "Amendment of Decision of the Complaints and Sanctions Commission, dated 16.02.2021." The rationale specifies the decision that was declared on grounds of lack of subject matter competence of the Judicial Electoral College. These cases acts were transferred under the competence of the Tirana First Instance Administrative Court.

On an official response³³⁶, the Tirana First Instance Administrative Court confirmed the registration of this case.

XI.3. Complaint of the Republican Party to the Constitutional Court on the Order of the Minister of Health

The pandemic situation and the Technical Committee Decision No. 4856, dated 16 November 2020³³⁷, as well as the Order of the Minister of Health on prohibiting gatherings of more than 10 people and political meetings and gatherings as well³³⁸, restrict the right to assemble.

³³⁵For 1 of the complaints, more specifically Complaint No. 4, the CSC ruled the rejection for review, and it was not directly related to the election process of the April 25th, 2021.

One of the other complaints, where the complainant was the "Democratic Party/ Alliance for Change", regarding the decision of the Commissioner for registering the coalition's candidates list, the CSC decided to amend the Commissioner's decision.

The latest decision on the Alliance coalition complaint regarding the Commissioner's decision on the non-registration of the candidates' multi-name list, the CSC decided to cancel the complaint and uphold the Commissioner's decision.

³³⁶Letter No. with Protocol No. 3221/1 dated 23.03.2021, with the subject "Response."

³³⁷As cited by the Order of the Ministry of Health and Social Protection No. 633, dated 17.11.2020: Prohibition of gatherings indoors and outdoors.

the Order of the Ministry of Health and Social Protection No. 633, dated 17.11.2020: Prohibition of gatherings indoors or outdoors.

The Republican Party appealed the Order of the Ministry of Health to Constitutional Court, on 9 March, the Constitutional Court decided that a deadline was required for its review (until a second order was issued as stipulated by its original formulation)³³⁹.

The Republican Party complaint was based on the argument that the Order of the Minister violated the Constitution of Albania, which guarantees freedom of assembly and expression, and it also put opposition parties at a disadvantage to the governing majority which had higher visibility. The Constitutional Court deemed that the order prohibited political gatherings of more than 10 people, rather than all political gatherings (as claimed by the complainant, i.e., the Republican Party). Essentially, the decision of the Constitutional Court was only since the Minister's Order failed to determine a review deadline, instead of addressing, on the final decision, the constitutionality of prohibiting gatherings, as such³⁴⁰.

Under the Constitutional Court decision, on 11 March, the Ministry of Health issued an order extending the implementation period of Order No. 633 until 25 March³⁴¹. In the meantime, during the subsequent meeting on 24 March, the Technical Committee extended the applicability of restriction measures for two more weeks (until 7 April 2021).

It remains unclear whether the Ministry of Health issued another order to reflect the decision of the Committee, considering that Order No. 633 on prohibiting gatherings is no longer in force since 25 March and no other Order has been published on the Official Gazette.

XII. OBSERVERS

The law provides for the right of electoral subjects and national or international organizations to appoint election observers. Observers are free to observe all aspects of elections preparations and performance, as well as all stages of the election process, present written reprimands to electoral commissions on any irregularity they notice, and view or review paperwork or election process materials.

The CEC approved a new Instruction³⁴² on accreditation procedures and observation rules.

³³⁹Decision No. 11, dated 09.03.2021, of the Constitutional Court.

³⁴⁰It must be noted that on 31 March 2020, pursuant to the obligations deriving from the ratification of the European Convention on Human Rights, the Albanian State submitted a note verbale informing the General Secretariat of the Council of Europe on a temporary exemption of Albania from obligations stemming from Articles 8 and 11 of the Convention (right to privacy and freedom of assembly). The exemption from these obligations was in force until 23 June 2020, when the Albanian State informed the Secretariat that it withdrew from the exemption and the two rights would be fully observed in the future. The Albanian State has not announced the non-fulfilment of obligations stipulated by Article 11, which leads to incoherence between the Order of the Minister of Health and the positions of the Albanian representation at the Council of Europe.

³⁴¹Order No. 158, dated 11.03.2021 of the Minister of Health.

³⁴²Instruction No. 02, dated 02.02.2021, "On Accreditation Procedures and Election Observation Rules by Non-Governmental and Foreign Organizations, International Organizations, Other Countries, Media and Electoral Subjects' Representatives".

By 25 March 2021, the CEC accredited 199 long-term observers, 24 short-term observers and 446 media representatives.

In addition to local organizations, the OSCE/ODHIR has also started observing this year's election process³⁴³.

KRIIK observers have thus far not stumbled upon any serious hindrance in accessing the necessary information or getting in touch with relevant institutions, despite some sporadic cases of commissions of election administration zone failing to recognize the legal framework.

XIII. WOMEN'S PARTICIPATION

The Electoral Code stipulates the observance of the gender equality principle in the election process, in accordance with the entire Albanian legislative framework, deeming women's participation an essential tool in consolidating a democratic system. This implies the participation of the less represented gender not only in the political election process as candidates but also in the electoral administration. It was found that 49.5% of the voters in these elections are women.

As far as binding criteria of the Electoral Code³⁴⁴ are concerned, they are mainly related to political parties as subjects that propose candidates, and first or second level election administration members. The law guarantees gender participation by imposing a 30% gender quota both on the candidates' list and the electoral administration.

The result of legal amendments made by the Assembly of Albania in July³⁴⁵ was the sanctioning of electoral subjects when they fail to comply with the gender quota, by rejecting the multi-name list of the relevant subject³⁴⁶. Such violation was previously sanctioned by an administrative measure only, i.e., a citation.

In submitting their lists, some subjects³⁴⁷ failed to comply with this obligation stipulated by the Electoral Code, which, among other things, led to them getting their lists back for review.

³⁴³ODIHR OPEN ELECTIONS OBSERVATION MISSION TO ALBANIA.

³⁴⁴The Electoral Code of the Republic of Albania Article 29 "Composition of CEAZ", paragraph 1, subparagraph ç, on the election administration, and Article 67 "List of Candidates of Parties and Party Coalitions", paragraph 6.

³⁴⁵Law No. 101/2020, dated 23.07.2020.

³⁴⁶The Electoral Code of the Republic of Albania Article 175 "Sanction related to Gender Equality".

³⁴⁷The Socialist Party, the National Front Party, the Democratic Affiliation Party, the Democratic Party - Alliance for Change Coalition, the Social Democratic Party.

XIV. PERSONS WITH DISABILITIES

Albania signed the Convention on the Rights of Persons with Disabilities (CRPD)³⁴⁸ in 2009 and ratified it in 2013, but not its Optional Protocol³⁴⁹. Nonetheless, little has been done in terms of ensuring a full integration of persons with disabilities, inclusive of guaranteeing their political rights and freedoms. In violation of the Convention, persons who are considered unable to act by a final court decision are automatically deprived of the right to vote³⁵⁰.

State Social Service data show that by December 2020, the number of persons who have been officially recognized to have a disability is about 93,000 people, which is then disaggregated into 12,160 people suffering from vision impairments and 80,000 people with physical disabilities.

KRIIK official communication with 61 municipalities of the country shows that there are 8,887 people with vision impairments in 48 municipalities and 47,052 persons with disabilities. Notwithstanding data in every municipality, state structures should better coordinate to ensure full information in advance and guarantee the proper conditions in every voting center, where citizens with disabilities have been registered and will vote.

XV. NATIONAL MINORITIES

National minorities in Albania are entitled to exerting their specific rights and freedoms through a special law³⁵¹. As defined by this law, national minorities in the Republic of Albania include Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities³⁵².

In administrative units where national minorities make up over 20% of the population, the citizens have the right to get information on the voting process in their language. In the framework of informing minorities in the Republic of Albania territory who have the right to vote, the CEC prepared information about election crime acts.

None of the registered electoral subjects for the elections represents any of these minorities.

³⁴⁸Convention on the Rights of Persons with Disabilities.

³⁴⁹Optional Protocol to the Convention on the Rights of Persons with Disabilities.

³⁵⁰See Communication No. 4/2011,2013 of the CRPD Committee paragraph 9.4. “Article 29 does not provide for any reasonable restriction or exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote based on a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention.”

³⁵¹Law No. 96/2017 “On National Minorities”, adopted on 13.10.2017 and published on the Official Gazette No. 196, dated 09.11.2017.

³⁵²Ibid, Article 3 “Definitions”, paragraph 2.

XVI. RECOMMENDATIONS

- KRIIK calls upon political parties and state institutions to demonstrate maximum engagement for the good progress of the electoral process going forward. It must be noted that providing an election process with integrity and in fulfillment of the standards is both an obligation towards Albanian citizens and one of the prerequisites to move forward with the EU integration.
- Regardless of the noted gaps, the electoral legal framework guarantees the holding of elections in line with internationally recognized standards for democratic elections, if implemented in the spirit of the law. KRIIK calls for relevant institutions to implement the spirit of the legal framework in force primarily aiming at the integrity of the process, instead of a narrow reading of its letter.
- The Central Election Commission, as the main body responsible for managing the election process, must commit to fulfilling all legal obligations deriving from the legal framework and try to ensure the integrity of the process during its most important stages, i.e., campaign; voting; vote counting; tabulation of results; as well as political parties finances supervision throughout the campaign.
- Commissions of Election Administration Zones must be transparent and professional in fulfilling their duties in the remaining phases of the process, which are both the most important ones, as well as the ones where they play an essential role. Proper training of polling stations commissioners and vote counting team members is of significant importance.
- Political parties should avoid replacing second and third level commissioners) without strong and genuine reasons. It is important to note that replacing commissioners, especially after they have been trained, may cause serious damage to the administration of the process administration on election day or during vote counting.
- Even though the deadline for the written notification of voters has legally ended, municipalities that failed to complete or carry out the process must finish it using their own resources, ensuring that all voters are informed on their relevant polling station.
- The General Prosecutor's Office should earnestly and strictly investigate candidates referred by the Central Election Commission, aiming at guaranteeing the integrity of MP candidates and increasing citizens' trust in the election process.
- Political parties should carry out a calm and civil election campaign, based on concrete platforms and rational political communication, and not defamation of the opponents.
- Parties must take all necessary measures to protect public health during the campaign, calling for their supporters to follow rules against the spread of SARS-COV-2, including social distancing and personal protection equipment during the campaign.
- Parties should step away from violent acts or individuals who encourage or commit such acts and condemn them as unacceptable no matter the offender.

- Parties should condemn and step away from illegal forms of guiding and manipulating voters, vote buying, intimidation or threatening of voters, and discourage actions of their supporters that aim to manipulate the will of the citizens.
- State institutions should fulfill their duties deriving from the Electoral Code, aiming at preventing the use public resources for electoral gain, not only as a routine bureaucratic obligation, but in the spirit of guaranteeing equal and fair elections, with all political parties having equal opportunities.
- In absence of a binding legal framework, election contestants and candidates should show voluntary proactive transparency before the election day in terms of their revenue and expenditure during the electoral campaign, for purposes of citizens' information and transparency.
- Electoral contestants must refuse any type of support that includes financial support by third parties, exert full control on campaign expenditure, and report any expense made in the framework of the electoral campaign to the Central Election Commission, even when the expenses are made by their activists.
- AMA should guarantee the professional and detailed qualitative and quantitative monitoring of the electoral campaign, not limited in recording the timing dedicated to electoral subjects in the media but delving into the messages and context.
- The Central Election Commission should promptly impose sanctions in line with the media violation, not for purposes of punishing media breaching the legal framework per se, rather for purposes of making sure that Albanian citizens are impartially informed during the electoral campaign.
- The media should commit to attending and presenting campaign activities using their own resources rather than rebroadcasting film materials provided by electoral entities.
- The media should follow a critical approach to electoral entities, focusing on scrutinizing electoral programs rather than denigrating MP candidates and using emotion-based arguments.
- Citizens should report any criminal offense that aims at distorting citizens' will to law-enforcement bodies and the CEC website. In the meantime, the institutions should take all measures to guarantee that citizens' reports are followed up and election crimes are timely and effectively investigated and punished.
- Citizens should use every chance to obtain information on the candidates and programs of political parties, by also using preferential voting to support and vote candidates that show more integrity and earn the broader public trust, in addition to the political party they are part of.

XVII. ABOUT KRIIK

XVII.1. About the organization

The Coalition for Reforms, Integration and Consolidated Institutions (KRIIK Albania) is a nonprofit and nongovernmental organization, established in October 1997 by a group of students. The organization is headquartered in Tirana and it operates across the country through its local representatives and/or partner organizations. KRIIK was registered in December 1997 as an organization with membership. The highest decision-making body of the organization is the General Assembly of the Members, which elects steering bodies and supervises their work, and approves important statutory, strategic, and political documents.

The fundamental values at the core of the work of KRIIK include voluntary civic engagement; impartiality and independence; integrity; consistency in fulfilling its mission in a professional and dedicated manner; objectiveness in assessing facts and arguments; respect for human and opinions diversity; and transparency in activities and environmental protection.

KRIIK envisages a society where rule of law is respected; fundamental human rights and values, civil rights, political rights, and conscience rights of individuals are respected without compromise; where the sense of community and meaningful involvement of citizens in policymaking is a core value; and elected representatives and other public officials are primarily interested in the well-being of the citizens.

KRIIK works for the protection and guarantee of human rights and freedoms, as well as the full dimension of human security, through strengthening the rule of law, democratic governance, promotion of civic activism and engagement, and promotion of full transparency and accountability of public and political institutions.

XVII.2. Engagement for electoral integrity

KRIIK has engaged in election observation since its establishment, by working with voluntary activists in elections observation actions of other organizations. Since 2000, KRIIK has partaken in joint observation actions with several local organizations.

Since 2005, KRIIK has been a founding member and then one of the leading organizations of the Coalition of Domestic Observers (CDO), the largest group of local organizations observing elections in Albania. In the framework of or in cooperation with the CDO, KRIIK has observed all general, parliamentary, or local elections in Albania during 2005 - 2017, as well as most partial election processes during this period. In 2019, KRIIK observed the Elections for the Local Government Bodies, in cooperation with nine local organizations experienced in election observation, which used their resources to the benefit of observation action, as well as their activists as long-term observers.

In cooperation with the Elections to Conduct Agency (ECA), KRIIK carried out a parallel vote counting at the national level for the first time during the Elections for the Assembly of Albania of 2009.

As part of the European Network of Election Monitoring Organizations, a network of leading election observation organizations in Southeastern and Central Europe, Eastern Europe, and Central Asia, since 2009 KRIIK has contributed to strengthening electoral integrity in several countries of the region, by deploying its activists as observers in international observation missions, at all levels (core team, including head of mission; long-term; and short-term observers). KRIIK has been part of the Secretariat of ENEMO Secretariat since 2015.

In addition to election observation, KRIIK has also undertaken a series of initiatives aiming at strengthening electoral integrity in Albanian and continuously (not only during electoral periods) monitors every political or institutional development that may affect electoral integrity.

ACRONYMS

NDAP	New Democracy Alliance Party	DNFP	Democratic National Front Party
UETCA	Union, Emigration, Time and Conservatives Alliance	LDUP	Liberal Democratic Union Party
AMA	Audiovisual Media Authority	PUAPP	People's Union of Albanian Pensioners Party
OP	Ombudsperson	DP	Democratic Party
GDCS	General Directorate of Civil Status	DP - AC	Democratic Party - Alliance for Change Coalition
NDSP	New Democratic Spirit Party	PJIU	Party for Justice Integration and Unity
VCT	Vote Counting Team	CDPA	Christian Democratic Party of Albania
IECD	Institution for the Execution of Criminal Decisions	AEP	Albanian Emigration Party
CSC	Complaints and Sanctions Commission	CDP	Christian Democratic Party
SSAI	Supreme State Audit	NCPA	National Conservative Party Albania
Commissioner	State Electoral Commissioner	ADMP	Albanian Democratic Movement Party
PSC	Polling Station Commission	LMP	Legality Movement Party
CEC	Central Election Commission	MCP	Movement for Change Party
EC	Electoral College	NMP	New Movement Party
CEAZ	Commission of Election Administration Zones	TAP	Time for Albania Party
SMI	Socialist Movement for Integration	ARP	Albanian Republican Party
MND	Movement for National Development	SP	Socialist Party of Albania
MoI	Ministry of Interior	SDP	Social Democratic Party
LGU	Local Government Unit	PS	Polling Station
HIP	Hashtag Initiative Party	PS	Polling Station
ODHIR	Office for Democratic Institutions and Human Rights	NRCS	National Register of Civil Status
AEP	Agrarian Environmentalist Party	Regulator	Regulatory Commission
DAP	Democratic Affiliation Party	DCM	Decision of Council of Ministers
UHRP	Union for Human Rights Party	BCC	Ballot Counting Center
ADUP	Albanian Democratic Union Party	EAZ	Election Administration Zone
NFP	National Front Party	CSO	Civil Status Office
		REO	Regional Electoral Office