

PUBLIC STANCE*

The integrity and quality of the electoral offer is a moral, political and legal obligation, but above all, respect for the Albanian citizen.

Today, March 27, 2023, the electoral subjects registered with the Central Election Commission, will submit for registration the candidates they selected for Mayors and Members of Municipal Councils, for the electoral contest of May 14, 2023.

Candidates constitute the main component of the electoral offer that the political class in the country with the capacities, experience and prudence it possesses will offer the country and the Albanian people, as administrators for ensuring self-government and local good governance for the next four years.

The Coalition for Reforms, Integration and Consolidated Institutions (KRIIK), in continuity of its constant commitment to monitoring the integrity of the electoral process, which is closely related first of all to the entire political and institutional situation that precedes it, **expresses its concern for the level of responsibility, wisdom and political and institutional dialogue** shown so far and developed by the current political class, which does not respond in any way to the aspirations, expectations and interests of the ordinary Albanian citizen and the country.

KRIIK brings to the attention of all public opinion, including Albania's important international partners, that these elections in terms of the electoral offer and the product expected from them should be and remain entirely administrative and local in nature.

But at the same time, contrary to what is often stated, **in view of the context and full commitment of the majority with all means, this election is found to be in fact political**. This consideration is reinforced especially in view of the democratic experience that this electoral process is creating¹, the context in which it is being developed², delineating political and institutional relations, as well as addressing the major challenges required to be met through ODIHR reports³, the European Parliament⁴, Department of State⁵ or even other important international institutions.

The Electoral Process of May 14, 2023, is the third⁶ held after the 2017-2020 political crisis, the Political Agreement of June 5, 2020 and the subsequent important amendments to the Electoral Code, some of which were carried out unilaterally by the majority, including the change in the Constitution of the rules of the game.

This election process comes after the failure of way politics is being conducted by political and decision-making actors; of the ability to develop political and institutional responsibilities as a function of a real dialogue which should take place first in the parliament hall; of undertaking major reforms as promised for this legislature, marking the failure of the administrative-territorial reform and the electoral reform⁷; of the possibility for a normal functioning of the Parliament of Albania, the highest institution of the Republic which exercises and represents the sovereignty of the Albanian people.

Address:

Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
Nj.Adm.5,
Tirana

Mailing address:

P.O.Box. 2396
Tirana, 1001,
Albania

These choices are also directly affected by keeping the political scene in a context of instability, as long as the entire political-institutional system is built on the basis of the principle of the political balance of the two biggest forces, the Socialist Party and the Democratic Party, this extended to all the capillaries of the state in the country, not leaving at any moment the necessary space for the growth and consolidation of institutions and the rule of law, as the Constitution of the Republic approved by the popular referendum of 1998 aspired.

The complicated situation in the camp of the largest opposition party, the Democratic Party, which essentially has the problem of internal democracy, a problem which is widely manifested in all political parties in the country, including the Socialist Party, seems to have its impact in the administration of the electoral process, specifically in terms of **the credibility that the process will manifest after the concrete difficulty to politically balance the second and third level administration commissions with commissioners**, as was evidenced during the Partial Local Elections of March 6, 2022.

In this continuously aggravated political and institutional context, where the responsibility lies entirely with the political class, especially the parliamentary parties and their leadership, the leadership of the main political parties **has again started the electoral contest to legitimize the political establishment and the dominance of power in the next elections**. Especially the socialist majority, which does not seem to want to stop, but will gain/keep power at all costs, regardless of the costs and the negative practice it creates and marks in the democratic experience of institutions and democracy in the country.

Meanwhile, the Albanian citizen in whose function and for whose interest the entire political-judicial-constitutional system was established, which is legitimized through free and uninfluenced elections, is **daily facing insecurity, rampant corruption, and high criminality**.

It is necessary to constantly bring to attention a number of essential problems for the democratic state and the democratic system that Albania has, such as: lack of media freedom⁸, pressure on the media by the Government⁹, the use of the media by owners and criminal groups in an unwarranted manner¹⁰; lack of judicial independence¹¹, endemic and systemic corruption¹², the phenomenon of using state resources for electoral gain during the 2021 parliamentary elections¹³, violation of the freedoms, political rights and free will of the voters in the elections¹⁴, etc.

KRIIK, as an actor who has started monitoring this election process since the announcement of the decree of the President of the Republic, finds the opportunity to **call on the leadership and all political parties, as well as public officials to reflect, take appropriate responsibilities, showing political vision and maturity**. Sovereignty and power belong to the citizens. Elections too.

Politics must compete in addition to electoral offers, **with the quality of the integrity of the process, the electoral competition it builds and the real conditions in which it invites the expression of the self-determining and intact will of all citizens**.

May 14 Local Elections **must necessarily be maintained with complete integrity and legitimacy, as a request for the benefit of the citizens in the first place, but also in accordance with the international commitments made by Albania** as a Member of the Security Council of the United Nations Organization, or even as the first electoral process organized after the official opening of negotiations with the European Union.

Address:

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Albania

Already **47 political parties** are registered in the Central Election Commission¹⁵, **six of which are grouped into two coalitions**¹⁶.

The tense political climate, as well as the problems within the largest opposition party, shifted attention from the electoral offer that the parties had to present, starting first with the candidates and then with the electoral platforms of the local self-government for each municipality, the latter of which had been missing for a long time.

KRIIK is among the actors that has repeatedly called before every election process, joining the request and need of the citizens to have **candidates who enjoy full moral, legal and professional integrity, as well as the necessary capacity to assume and develop the responsibilities of the locally elected.**

Just as he emphasized the importance that these candidates, be they for mayor or members of municipal councils, **to be legitimized through democratic forums within political parties, as the spirit and letter of the Constitution provides.**

But despite the constant attitudes of local citizens and actors, including important international partners, until now **no full transparency has been made on the process and the selected candidates.** Even from what has been made public, it seems from the majority that some candidates have been (re) candidates despite the standard and expectations established and legitimized by the entire context described above.

In this context, taking into consideration the constitutional principles, legal and democratic standards, expectations towards Euro-Atlantic values, the aforementioned problems and challenges that the country has, as well as starting from KRIIK's experience in the analysis of previous election processes,

political parties and electoral subjects are called upon to take into consideration the electoral offer for the local government of the country:

- Giving due attention, full space and unreserved support to legitimation, first during the electoral campaign and, subsequently, **the real functioning of local self-government** during the next mandate 2023-2027;
- **Building competitive local electoral programs**, adapted according to the specific needs, capacities and development perspectives **of each municipality**, materializing there the vision and the best interests of the community, consulted in advance, in a significant, comprehensive and true manner with the respective local communities;
- **Real appreciation of the local community in each municipality**, selecting and promoting existing local capacities, **choosing the best candidates** for the direction of tomorrow's local government bodies.

Such an approach is not only in accordance with the spirit and letter of the Constitution¹⁷, but on the other hand it encourages and **ensures the implementation of the principles of local democracy, the development and assessment of local party and political capacities**, as well as the vitalization of doing politics and keeping democracy alive in the locality and within the political parties themselves;

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Rr. "Ymer Kurti",
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P.O.Box. 2396
Tirana, 1001,
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- **Renunciation of holding local governance and democracy hostage**, through those catapulted from the party headquarters of those individual candidates, who, although they may be originally from the municipality where they seek to run, have been building their lives in the capital or abroad for years and years and have no real connection with the community¹⁸, in addition to the close connection as a trusted representative and with a direct connection to the leadership of the respective political party, or even the narrow political or private interests of the latter.

This **kind of approach has created ridiculous situations over the years, and at the same time insulting the community**, when such candidates and their families did not even have the opportunity to vote for themselves, since they did not appear on the list of voters. This, since the relocation of their residence from the capital to the municipality where they ran, was done after the final drafting of the list of voters¹⁹.

- **The reflection in the list of candidates of municipal councils of the diversity of people of the local population**, as representatives, at the same time residents, of the constituent administrative units of the municipality, respecting and actually implementing the principle of equality and non-discrimination.

Political parties must ensure that potential candidates are not discriminated against in any case because of race, gender, ethnicity, religion or any other characteristic.

The electoral process for Local Government Bodies is **the best example for the materialization of all commitments and obligations undertaken by the Albanian state to ensure democratic participation**, where listening to all voices in society can become a reality in the political process;

- **The non-inclusion in the list of candidates for members of municipal councils of individuals who are holders or officials in central institutions, or those with central dependence**, as this constitutes *in fact* capture and a direct management of local policies, by the central policy of the government, contrary to all principles, aspirations and constitutional and European provisions of local democracy and autonomy;

- **Building the entire electoral campaign during the 30 days provided by the law, supporting and promoting local electoral programs** presented and defended directly by mayoral candidates and those as members of municipal councils, without distinction;

- The promotion of **active and concrete participation in the electoral campaign of all candidates on the list of municipal council members**, under the presumption that each of them will win the day after the election regardless of their ranking on the list, taking care that **to ensure especially the promotion of women candidates, as well as the necessary financial support, equally**, from funds and resources of the respective political party;

- **Avoiding fictitious candidacy for mayor, but especially for members of the municipal council.**

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Rr. "Ymer Kurti",
Nd.4, H.2, Ap.3,
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Mailing address:

P.O.Box. 2396
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The fictitious completion of lists of candidates, with the intention that one or several candidates participate in the competition with the format of a political party, is an illegal electoral practice, because **violates the principle of competitiveness and the equality of the competing parties**²⁰.

Political parties must make maximum efforts and **prohibit the candidacy for the same Municipal Council of persons with first-degree family ties**, as the Law "On Local Self-Government" provides that persons from the same family cannot be members of the same council²¹. The candidacy, despite this legal prohibition, in the practical conditions of knowing in advance the impossibility of simultaneously electing members of the same family, puts the political party and the candidate in the conditions of a fictitious candidacy.

It is brought to attention that from the observation made of the lists of candidates in the local elections **of 2019 showed that this legal obligation was not respected by any political party**²² participants, as they not only turned out to be candidates for the same council, but also for the same political party.

- **Ensuring the cleanliness of the image of each candidate** ensuring in advance, before sending the name as a candidate, at least, **for the implementation of the so-called decriminalization law**²³.

In KRIIK's judgment, the statement of the majority officials about an impossible process of preliminary filtering of the offered candidates is unacceptable. Collection and pre-processing of self-declaration forms²⁴, or the pre-filtering of information that can be collected or possessed from the vast database of information on activists and sympathizers, as it is acknowledged to be possessed by political parties, is an opportunity that should be exploited to the maximum **in order not to run unsuitable candidates, which then broke the trust of the citizens in the electoral offer, the political party or even in the institution** for which he is running.

- **Ensuring the purity of the candidate's image and making full and preliminary transparency regarding the existence or not for them of the information in the former State Security documents.**

Despite the fact that almost all political parties promote daily the importance of the process of breaking away from the past, through making transparency and clarifying the truth, from the information received by KRIIK at the Authority for Information on the Documents of the former State Security, **it turns out that no request was filed by any of the political parties.**

KRIIK encourages political parties to directly invest the Authority themselves regarding the candidates for Mayors, as the law provides²⁵.

Meanwhile, **political parties should also promote all individuals who are candidates for municipal council members**, in the name of transparency and the importance of informing the public, **to personally invest in the Authority** and make public the conclusions of their verification.

- Providing and ensuring transparency is vital to a functioning participatory democracy. Especially in the election period, the required spirit of transparency takes on a wider form.

Contrary to this spirit, it is brought to attention that the electoral processes in the country have suffered more and more from the lack of discussions on the electoral offers and on the profiles of the competing candidates.

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In this context, it takes a **special value of informing the citizens as best as possible about the candidates**, not only on the purity of the image, but also **on education and commitments²⁶ others that they have had, filling out their curriculum vitae (CV) with full details.**

This information takes on an added value for candidates for municipal council members who will have a partial commitment to the council, while citizens must necessarily have preliminary information on other commitments that the candidates have had before or at the time they run for office. to become members of the "local parliament".

- **Political parties should commit to inform each of the candidates in detail**, be it for mayor, be it for member of the municipal council, on **the legal obligations that they carry and must fulfill by submitting an individual report, in which they will make transparency on every financial source and expenditure** that they will perform for the effect of the election campaign.

It is emphasized that unlike what happened before, the legal regulatory framework and law enforcement practice of the CEC, as well as the decision-making of the CCS **has finally sanctioned that no candidates can be accepted without expenses or with zero expenses.**

The election campaign is inextricably linked with spending on campaign activities. All activities have a cost, which must be recorded and reported as an expense, both when it is covered by the candidate or electoral subject from his own income, when it is covered by budget funding, and when it is covered by donations in cash or in kind²⁷.

In conclusion we **call upon all candidates** that, as representatives of the electoral offer who carry the trust of the membership and the respective political party, **to take the appropriate responsibilities by reflecting on the recommendations made to engage maximally as far as the law provides, but also to invest maximally with personal will in order to properly implement the law and provide maximum transparency** for all that is in the interest of citizens and public opinion, especially related to the purity and integrity of their image, as well as their professional experience.

Tirana, on 27 March 2023!

*** This PUBLIC STANCE is published in Albanian and in English.
The Albanian version is the only official document.**

¹ Problems related to voter lists, registry, personal data, intimidation of the administration, massive use of state resources, etc.

² The abandonment of the Parliament and the 2019 Elections by the opposition concentrated all the powers in the hands of the majority. Meanwhile, the opposition considered the 2021 Electoral process as an electoral massacre (see [here](#) the statement of the Chairman of the Democratic Party Mr. Lulzim Basha for TV ABC News Albania). Attention is also drawn to the start of work and the stalling of the Parliamentary Commission of Inquiry on the 2021 Elections.

³ "The state must guarantee the right to a free and secret election. Any form of pressure to find out whether someone voted or not and how they voted must be prevented." The second priority recommendation in the

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[ODIHR Final Report on the Elections for the Assembly of April 25, 2021, page 30](#). See also the other four Priority Recommendations of this Report.

⁴ [Draft Resolution on the 2022 Report of the European Commission for Albania \(2022/2199\(INI\)\)](#), dated March 7, 2023.

- [Resolution of the European Parliament of May 19, 2022 on the 2021 Report of the European Commission for Albania. \(2021/2244\(INI\)\)](#).

⁵ [Human rights report for Albania for 2022](#) of the US State Department.

⁶ This process comes after the General Parliamentary Elections of April 25, 2021, and the Partial Local Elections of March 6, 2022 in 6 municipalities of the country.

⁷ KRIIK, Statement "[The failure of the Electoral Reform Commission, an alarm bell for the next elections and other reform processes necessary for the country](#)", published on 11.08.2022.

KRIIK, Public, published on 11.06.2022.

⁸ There is little independent media, however, as most media outlets are owned by prominent businesspersons with sprawling interests who use their media outlets to advance their interests including by gaining favor and promoting their interests with political parties. . US Department of State, ALBANIA 2022 HUMAN RIGHTS REPORT, page 12.

⁹ Political pressure, corruption, and lack of funding constrained independent print media, and journalists reportedly practiced self-censorship. Ibid., page 12.

¹⁰ Observers asserted that the government, political parties, businesses, and criminal groups sought to influence media in inappropriate, nontransparent ways. Ibid., page 12.

¹¹ - Although the constitution provides for an independent judiciary, political pressure, intimidation, corruption, and limited resources prevented the judiciary from functioning fully, independently, and efficiently. Ibid., page 7.

- While individuals and organizations may seek civil remedies for human rights violations through domestic courts or through the ombudsman, instances of judicial corruption, inefficiency, intimidation, and political tampering were reported. Ibid., page 9.

¹² Corruption existed in all branches and levels of government, including through public procurement and public-private partnerships, though authorities made progress during the year in combatting corruption and ending impunity. Ibid., page 20.

¹³ [ODIHR's] IEOM reported, "the ruling party derived significant advantage from its incumbency, including through its control of local administrations, and from misuse of administrative resources. This was amplified by positive coverage of state institutions in the media." Ibid., page 19.

¹⁴ KRIIK, Public Stance "[Non-abuse of state resources as well as the correct and impartial behavior of the public administration employees, essential for ensuring the intact will of the citizen in exercising the right to vote](#)", published on 16.01.2023.

KRIIK Albania, [Final Observation Report "On the process of the Elections for the Assembly of Albania on April 25, 2021", September 2020 - January 2022](#).

KRIIK Albania, [Final Report, "Legal and institutional behavior of institutions and actors involved in the election process of June 30, 2019", November 2018 - February 2020](#).

¹⁵ Socialist Party; Democratic Party; Freedom Party; Democratic Obedience Party; Progressive Alliance Party LZHK; Party Movement Together; Alliance for Democracy and Solidarity; Left Front; Party for Europeanization and Integration of Albania; Alliance of Macedonians for European Integration; New Democratic Spirit; Albanian Democratic Christian League; Albanian Future Party; Liberal Democratic Union; Party of Democratic Reforms; Union Party for Human Rights; The Legality Movement Party; Albanian Democratic Alliance; Persons with disabilities; National Front Party; Social Democracy; New Democracy Alliance; Christian Democratic Party of Albania; New Movement Party; Conservative Party; Democratic National Front Party; Democratic Christian Alliance Party of Albania; Knitting Initiative; Albanian Labor Movement; Alliance for European Equality and Justice; Environmental Agrarian Party; National Unity Party; Albanian Homeland Party; Justice Integration and Unity Party; Republican Party; Greek Ethnic Minority for the Future; Albanian Civic Party; Communist Party of Albania; Albanian Emigration Party; Christian Democratic Party of Albania; National Tree Alliance; National Conservative Party of Albania; Ora Party of Albania; Albanian Democratic Union Party; Party for the Protection of Immigrants' Rights; Green Party; Party for the Protection of Workers' Rights of Albania.

¹⁶ Coalition We Win Together (PBDNJ - PDK - PL); The "Right Liberal Alliance" coalition (PBKD - BLD - PBD).

¹⁷ Constitution of the Republic of Albania, Part Six, "Local Government", Article 109, point 3 "The right to be elected to local councils and as mayor or municipality is only available to citizens who are permanently resident in the territory of the respective local unit."

Article 113, "1. Municipal, municipal and district councils:

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Nj.Adm.5,
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Mailing address:

P.O.Box. 2396
Tirana, 1001,
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- a) independently regulate and administer local affairs within their jurisdiction.
- b) exercise property rights, independently administer the generated income, as well as have the right to exercise economic activity;
- c) have the right to collect and spend the income that is necessary for the exercise of their functions;
- ç) have the right to decide, in accordance with the law, local taxes, as well as their level;
- d) determine the rules for their organization and operation in accordance with the law;
- dh) create local government symbols, as well as local titles of honor;
- e) undertake initiatives on local issues before the bodies designated by law.

2. The bodies of the local government units issue ordinances, decisions and orders.

3. The rights to self-governance of local government units are protected in court."

¹⁸ "... It is different in the case of local elections. Here, a closer connection between the voter and the elected is intended for the very nature of the organization and powers of the local government. It is the local government that takes care of solving the current problems of citizens related to issues such as employment, health care, pre-school education, cleaning and greening of local unit environments, etc. For this reason, voting in local elections is treated as part of the structure of bottom-up democracy, enabling voters to participate in governance even in the smallest forums, apart from the national parliament. ..." Decision of the Constitutional Court no. 40/2007.

¹⁹ According to point 3 of Article 109 of the Constitution "The right to be elected to local councils and as mayor or municipality is only available to citizens who are permanently resident in the territory of the respective local unit."

Three candidates in the Partial Local Elections of March 6, 2022, changed their address of residence in compliance with the condition provided for in the Constitution, but in the final list of voters, there were no voters of the municipality where they ran. Specifically, the Candidate of the Coalition "House of Freedom" in the Municipality of Shkodër, Mr. White Spahia; The candidate of the Socialist Party in the Municipality of Dibër, Mr. Rahim Spahiu; as well as the candidate of the Democratic Party in the Municipality of Lushnje, Mr. Indrit Sefa.

A similar phenomenon occurred in the Early Elections for the Mayor of Dibër on September 11, 2016. The candidate proposed by the People's Alliance for Work and Dignity, Mr. Sherefedin Shehu, could not vote as he had changed his permanent residence on August 12, 2016, four days after the deadline for generating the final voter list had passed. Mr. Shehu could not even vote by court decision, as this was expressly forbidden by point 2 of article 57 of the Electoral Code.

²⁰ See point 10 of Decision no. 7 of the Complaints and Sanctions Commission of the Central Election Commission, "For consideration of request no. 04, dated 14.12.2022 of the State Election Commissioner", dated 25.01.2023.

²¹ Article 47 "Incompatibility of the advisor's function", point 3 "Related persons cannot be members of the same council: spouses, parents and children, brothers and sisters, as well as father-in-law and mother-in-law with the bride and groom".

²² From a random verification of a case and then from a superficial research of the candidacy documentation and the lists of candidates for municipal councils, it resulted that in each of the 33 parties participating in the elections of June 30, 2019, at least one case was found where candidates of the same party and for the same municipal council, had first degree family ties with each other.

²³ [Law no. 138/2015](#), "To guarantee the integrity of persons who are elected, appointed or exercise public functions", Official Gazette, published on 22.12.2015, Article 2, "Prohibition for running for and being elected to a high public function".

²⁴ In the 2021 elections, from the examination of the self-declaration forms of 1820 candidates, it was found that 63 candidates declared in the self-declaration form data on punishments that are not included in the scope of the ban on running for office, eight of which prison sentences, while 54 candidates declared changes of generalities. Of these 30 candidates were taken for in-depth verification to the Prosecutor's Office by the CEC after the indications received.

²⁵ Article 30 of Law no. 45/2015 "On the right to information on the files of the former State Security of the People's Socialist Republic of Albania".

²⁶ In the 2021 elections in which the number of candidates was not very high, because it was a parliamentary election, even though the CEC was committed to improving transparency, it still turned out that about 50% of the candidates had submitted a biography for publication which contained almost no data or the data were very general, where the necessary information was minimally missing.

²⁷ See Decision no. 7 of the Complaints and Sanctions Commission of the Central Election Commission, "For consideration of request no. 04, dated 14.12.2022 of the State Election Commissioner", dated 25.01.2023.

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