



ENEMO International Election Observation Mission Parliamentary Elections, 25 April - Albania 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS 26 April 2021

ENEMO assesses the electoral amendments introduced in 2020 as a step forward in harmonizing the legislation with international standards. However, the 2021 Parliamentary elections took place in a highly polarized and tense political and campaign environment, despite the efforts to ensure proper conduct of the polls. ENEMO raises concern over alarming cases of violence few days before and on Election Day. At odds with the Law, a significant number of voters, mainly citizens living abroad and hospitalized patients, were deprived of their right to vote.

On 29 March 2021, the Central Election Commission of Albania accredited the European Network of Election Monitoring Organizations (ENEMO) International Election Observation Mission (IEOM) to Albania, to observe the 25 April 2021 Parliamentary Elections.

ENEMO has deployed four Core Team experts based in Tirana. The Mission is headed by Dr. Gianluca Passarelli. The IEOM's scope is limited in scale, and has not engaged additional long-term or short-term observers and, as a result, did not conduct a comprehensive observation of the voting and counting process on Election Day. However, the mission has provided information on the preparation and conduct of the elections, and observed at a number of selected polling stations on the day of voting.

The mission has been monitoring and assessing the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Albanian legal framework.

This Preliminary Statement is based on ENEMO's findings from the pre-election period and Election Day. The Mission will stay in the country until the conclusion of the electoral process to follow post-election developments. A final report, including a full assessment, which will depend in part on the conduct of the remaining stages of the elections, detailed findings, and recommendations will be issued within sixty days from the certification of results.

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Preliminary Conclusions

The 2021 Parliamentary elections were conducted within the framework of new amendments to the electoral legislation adopted on 23 July and 5 October, 2020. Amendments concerned a wide range of issues such as election administration, campaign funding, abuse of state resources, voting by citizens living abroad, election dispute resolution, etc. Adoption of the amendments was a step forward for improving the election legislation. However, there are still a number of issues that need to be addressed after the 2021 Parliamentary elections in order to further elaborate upon existing regulations. Some of these issues include the reform of election management bodies, campaign funding, right to vote of certain citizens, etc.

Voting on Election Day was overall orderly and election commission members seemed to be managing the process well. However, in some cases Voting Center Commission (VCC) members seemed to lack proper knowledge of the procedures at polling stations observed. Despite the high presence of police forces deployed to ensure security on Election Day, concerns should be raised regarding cases of violence, disruption to public order, allegations of vote-buying, violation of the secrecy of the vote or family voting reported by the media. These cases should be properly investigated by the state authorities and prosecuted if necessary.

Introducing preferential voting enabled citizens to vote for their preferred candidate. However, the established threshold of preferential votes needed to be received by candidates to be able to affect the ranking on the candidates' list reduced the impact of the amendment. Additionally, the possibility for leaders of the party to run in up to four districts compared to other candidates who may run only in one district created more opportunities for them. ENEMO assesses that this differentiated treatment of candidates is not justified.

The legislation guarantees a gender quota of 30 percent on a candidates' list. Based on the 2020 amendments, candidates' lists should not be allowed to register if the required gender quota is not respected. ENEMO positively assesses the introduction of this provision to the Electoral Code, for further strengthening the implementation of a gender quota mechanism.

Overall, ENEMO assesses the work of the Central Election Commission (CEC) as transparent and informative to the public. Decisions were made in a collegial manner among the same-level bodies within the CEC, with the exception of the State Election Commissioner (SEC) which makes decisions independently. Deadlines were mostly followed, while no publicly available electoral calendar was prepared to increase transparency and accountability, in terms of following the legal deadlines and the overall timeline for election preparations. ENEMO notes that the inclusion of former political officials and cabinet officials creates potential space for additional politicization of the CEC.

ENEMO welcomes the adoption of relevant bylaws by the CEC that enabled the use of new technologies, including the Electronic Voter Identification System (EVIS) and pilot projects of electronic voting and counting. However, ENEMO notes that the voter education materials presented on the CEC website were limited and mostly quote the articles of the Electoral Code. Additional concerns were raised in terms of numerous changes of voting center locations close to the Election Day, that led to confusion of voters and could have potentially discouraged a number of voters from participating in the elections.

ENEMO notes that the right of voters residing abroad should have been guaranteed, while the CEC should have drafted all sub-legal acts and ensured the conditions to enable out-of-country voting, despite the limited timeframe. Moreover, ENEMO condemns the complete lack of political will to enable voting for COVID-positive and self-isolated citizens, in addition to other hospitalized voters, since no special polling units at health institutions were established. This approach is in contrast to international standards, as well as the Electoral Code.

On the other hand, ENEMO welcomes the initiative of the Regulatory Commission, as well as the decision of the Minister of Interior to extend the validity of expired biometric ID cards and passports for the Election Day, avoiding additional limitation of voters' rights.

When it comes to the registration of candidates, ENEMO assesses that the overall process was transparent and inclusive for political parties, while, on the other hand, the same rules were not systematically applied to all electoral subjects, violating the principle of equality of electoral contestants. A total of 12 electoral subjects and five independent candidates were registered to run in the election.

ENEMO observed a highly tense campaign environment, marred by accusations and inflammatory language among candidates, as well as cases of physical altercations among various party supporters. The campaign lacked moderation and was marred by serious allegations of affiliations of electoral contestants to organized crime and corruption, vote buying, pressure on state employees, voter intimidation and "state capture". ENEMO assesses that regardless of the accuracy of these accusations, which should be investigated by the respective authorities, they significantly and negatively affected the perception of the campaign and the integrity of the election process.

Media reports indicated a number of physical incidents involving firearms and injuring several individuals, during the last week of the campaign, and in one case tragically leading to the murder of a local politician. ENEMO strongly condemns any form of violence, and raises alarming concerns regarding the negative consequences of such tragic events, when it comes to the environment of the campaign.

ENEMO positively highlights the provisions and definitions in the Electoral Code aimed at preventing the misuse of state resources. Likewise, the SEC took a number of decisions related to possible abuse of state resources in the campaign and issued guidelines in that regard. However, issues related to political finance remain, such as risks of black funds and "shadow funding" of electoral campaigns, a lack of transparency pertaining to funding of political advertisement of "third-party" pages on social media, and a lack of interim financial reports of electoral contestants before the election.

In 2021, a number of reports indicated cases of physical attacks, intimidation, smear campaigns, vandalism attacks, abusive lawsuits and investigations towards journalists, which ENEMO assesses as a reason for alarming concern. In particular in these elections, the request of the Special Anti-Corruption Prosecutor (SPAK) for seizure of servers and computer data of the Lapsi.al portal regarding the voter database leak containing personal data of voters was met with an urgent security measure of the European Court of Human Rights (ECtHR), to suspend proceedings until the case is tried on its merits. ENEMO condemns unjustified or political proceedings against journalists and media outlets, which is at odds with the Constitution, media freedom and right to information.

Hearings of the newly created Complaints and Sanctions Commission (CSC) were public and transparent, ensuring the participation of the interested parties. At the same time, in some cases the CSC followed a

narrow interpretation of regulations that contradicts the spirit of those regulations and might reduce their effectiveness for preventing violations. This also risks damaging the reputation of the CSC as an independent body. Deadlines for adjudicating complaints/denunciations are too long and could decrease the effectiveness of remedies and timely information of the public about violations.

Background

Parliamentary elections in Albania were called by President Ilir Rexhep Meta on 6 September 2020, and scheduled for 25 April 2021¹. The 25 April 2021 Parliamentary elections took place in a competitive environment despite a considerably tense political climate in the pre-election period. The process of counting and tabulation of results is ongoing, and the outcome of the election remains to be determined. According to the CEC, as of 22:00 on 25 April, the voter turnout was approximately 48.59 percent.

Albania has a mono-cameral parliamentary system, with an indirectly elected President. The stakes of these Parliamentary elections were particularly high, taking place in the context of the ongoing COVID-19 pandemic. Moreover, this was the first electoral process held under the amended Electoral Code. Amendments brought forth significant changes, including the introduction of a preferential voting component within the party lists, along with a revised framework for electoral procedures, changes to the structure of the CEC, financing of electoral campaigns and political finance, media oversight of campaign coverage, electoral disputes resolution, and other key aspects of the electoral process. Constitutional amendments in July 2020 were also passed, which modified crucial provisions pertaining to the electoral system, a process criticized for its lack of inclusiveness.

These elections were also of a high importance given that electoral reform in Albania was one of the pre-conditions stated² to pursue negotiations on Albania's potential EU membership accession and the holding of the first "Intergovernmental Conference".

Previous Parliamentary elections in June 2017 were characterized by the Socialist Party obtaining an absolute majority of seats in Parliament (74 out of 140). By February 2019, following a series of street protests led by the opposition demanding the resignation of the Government and Prime Minister Edi Rama, 66 MPs from the opposition yielded their parliamentary mandates. Although vacant seats were filled with replacement members in the Parliament, it resulted in an extra-parliamentary opposition which, until now, has operated outside of the official institutional framework of the Parliament.

This culminated in the extra-parliamentary opposition's boycott of the 2019 Local elections. Positively however, a "Political Council" was established in January 2020 as a cross-party consensus, with the Socialist Party (SP), parliamentary opposition, and extra-parliamentary opposition agreeing to negotiate amendments to the electoral legislation.

¹ Presidential Decree No. 11700 dated 06.09.2020. "On determination of the date of the Assembly Elections".

² Along with other key aspects such as judicial reform.

The process and the outcome of the 2021 parliamentary elections are therefore essential to renewing the democratic legitimacy of the Parliament, in a context of decreasing trust in political actors by the public, and pursuing the various reform processes the Albanian state is committed to.

Legal framework and electoral system

A. Legal Framework

The most important legal acts regulating elections are the Constitution of the Republic of Albania and the Electoral Code. Different aspects of elections are also regulated by the Law on Political Parties,³ Criminal Code, Law on Gender Equality, Law on Audiovisual Media, Law on Guaranteeing Integrity of Persons Elected, Appointed or Exercising Public Functions (also known as the Law on Decriminalization), and the Code of Administrative Procedure. Relevant bylaws are adopted by the CEC. Albania has also ratified a number of international treaties regulating protection and promotion of human rights, including the right to vote.⁴

The 2021 Parliamentary elections were preceded by a new wave of electoral reform. According to the agreement of political parties⁵ achieved on 5 June 2020, amendments were adopted to the Electoral Code on 23 July 2020.⁶ One of the important amendments concerned restructuring the CEC by creating the position of the State Election Commissioner, the Regulatory Commission and the Complaints and Sanctions Commission. The change was positively evaluated by most interlocutors as contributing to more transparency and division of power and responsibilities. However, it was also noted that the reform of election management bodies was not comprehensive and should also be extended to lower level commissions.

Other important changes concerned abroad voting of Albanian citizens; regulations for conducting the election campaign and preventing misuse of public resources; campaign funding and its monitoring; media coverage of election campaign and its oversight; granting the right to any person to denounce election related violations to the CEC; biometric identification⁷ of voters on the election day; piloting electronic

³ Law No. 8580, dated 17.02.2000, <https://bit.ly/32sH7fL>

⁴ European Convention of Human Rights, ratified in 1996; International Covenant on Civil and Political Rights, became party to in 1991; Convention on the Elimination of All Forms of Discrimination against Women, became party to in 1994; Framework Convention for the Protection of National Minorities, became party to in 1999, Convention on the Rights of Persons with Disabilities, became party to in 2013, etc.

⁵ In January 2020 Political Council was created in order to reach agreement on the amendments of election legislation. The Political Council was composed of leading political parties - SP, parliamentary opposition and extra-parliamentary opposition - DP and SMI.

⁶ Amendments were adopted also to the Criminal Code, the Criminal Procedure Code, the Law on Political Parties, the Law on the Status of Judges and Prosecutors, the Law on the State Police, the Law on the Protection of Whistleblowers, etc.

⁷ Introduced system ensures only collecting biometric signatures of voters, but not verifying their identity.

voting and counting in one of the districts; introducing more guarantees for gender equality in order to increase women representation; defining timeframes for conducting elections, etc.

Apart from the amendments agreed among political parties on 5 June 2020, the new amendment to the Constitution introducing preferential voting was initiated and very rapidly adopted by the Parliament on 30 July 2020. This ensued a second phase of amendments to the Electoral Code that were adopted on 5 October 2020. Amendments were adopted in a very short period of time, with a lack of public consultations and political consensus that caused criticism by a broad array of stakeholders.⁸

Overall, ENEMO assesses that the adopted amendments contributed to the improvement of the electoral legislation. However, a number of issues still require to be addressed, among which: further reform of the election commissions, campaign funding, granting of equal rights to observers, ensuring the right to vote for citizens living abroad, etc. Interlocutors of the mission underlined the need to pursue electoral reform after the 2021 Parliamentary elections.

B. Electoral System

The Parliament consists of 140 MPs, elected for a four-year term through a proportional system. Seats are allocated to the parties on a regional basis, after having defined how many seats each party has won. The legal threshold to participate in the allocation of seats is equal to one percent of the valid votes nationwide.⁹ There are 12 multi-mandate constituencies corresponding to the 12 administrative regions. The number of seats per constituency varies, ranging from three in Kukes to 36 in Tirana. For the 2021 Parliamentary elections the number of seats was changed for three constituencies, in particular, Tirana gained two more seats, while Diber and Gjirokaster lost one seat each. The reason for the change of the number of seats is attributed to the demographic changes since the last Parliamentary elections in 2017.¹⁰

As the Electoral Code defines, electoral subjects are political parties, coalitions of political parties and independent candidates nominated by a group of voters. The nationwide threshold for allocating mandates is fixed at one percent for all electoral subjects. Several interlocutors noted that the threshold could in fact still be high for independent candidates, making it difficult for them to obtain a mandate.

Based on the Constitutional amendments of 2020, the party list is flexible and voters can cast a vote not only for a party, or a coalition, but also for the preferred candidate on the list. In order to change the ranking of the list, a candidate must receive more preferential votes than the average number of votes received for each mandate by his/her political party or coalition in a respective district. As some of the mission's interlocutors noted, shifting to preferential voting has changed the campaign strategy of nominated candidates to more active campaigning. However, they expressed concern that the introduced version of preferential voting would not significantly influence the party list order, and only few

⁸ Public Stance: Breaking the Political Agreement and Unilaterally Amending the Constitution, a very dangerous precedent for the democratic development of the country, KRIIK, July 17, 2020;

Joint Opinion on the Amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020, European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), [CDL-AD\(2020\)036](#), 11 December, 2020.

⁹ Seats are allocated according to the d'Hondt formula.

¹⁰ Number of mandates per municipality for the 2021 Parliamentary elections: Kukes -3, Gjirokaster-4, Diber -5, Lezhe -7, Berat -7, Korce-11, Shkoder -11, Vlore -12, Durres -14, Elbasan -14, Fier -16, Tirana - 36.

candidates would be able to receive a sufficient number of votes to affect the ranking of the list. It was also noted that voters were not properly informed that marking a preferential vote for a candidate of a different party or coalition would render the ballot paper invalid.

The Electoral Code determines that candidates may be registered only in one electoral district. The exception is for the chairperson of the political party who may be registered in up to four districts. If he/she gains more than one mandate he/she decides which one to hold. ENEMO considers that this exception to the general rule grants undue privileges to political party leaders, thus creating more opportunities for them compared to other candidates. This is at odds with the principle of equality of opportunity set forth by the Code of Good Practice in Electoral Matters.¹¹

Election Administration

Election management bodies in Albania consist of three main tiers. The CEC is the main competent body that organizes and oversees the overall election process, while each Electoral Administration Zone (EAZ) is run by a Commission of Electoral Administration Zone (CEAZ). The Voting Centre Commissions (VCCs) are responsible for organizing voting at the polling units on Election Day, with additional Ballot Counting Teams (BCTs) established to count the votes at the election zone level.

A. Central Election Commission (CEC)

The CEC is the trilateral body responsible for organizing the electoral process that consists of the SEC, the Regulatory Commission and the CSC. The new, balanced model of the CEC is a result of the political agreement made on 5 June 2020, with the goal to create a more independent state institution in charge of administering elections.

The SEC is a monocratic executive body that directs the CEC administration and represents the CEC in relation with third parties. The Commissioner holds a seven-year renewable mandate, in contrast to the Deputy Commissioner, whose mandate lasts four years and whose mandate focuses on the technology for electronic voter identification as well as selection, recruitment and training of election officials along with the Commissioner. The Regulatory Commission (Regulator) adopts normative acts regarding the electoral process and establishes the rules for the elections. The body operates part-time within the five-year mandate and is composed of five members, out of which one exercises the duty of the Chairperson. The Complaints and Sanctions Commission (CSC) is a five-member competent body for reviewing administrative complaints, with the power to impose sanctions for violations of the electoral law within the nine-year mandate that five members hold in a part-time manner.

All members of the CEC, including the Commissioner, the Deputy Commissioner, members of the Regulatory Commission as well as CSC are elected by a Parliamentary Committee of the Assembly of the Republic of Albania that is specially established for this purpose. Active members of the CEC were elected

¹¹ Code of Good Practice in Electoral Matters, Venice Commission, para. I.2.3. [CDL-AD\(2002\)023rev2-cor](#)

on 2 October 2020¹², among 136 candidates who applied.¹³ ENEMO notes that the inclusion of former political officials and cabinet officials creates potential space for additional politicization of the CEC.

Overall, ENEMO assesses the work of the CEC as transparent and informative to the public. Decisions were made in a collegial manner among the same-level bodies within the CEC, with the exception of the SEC who makes decisions independently. Deadlines were mostly followed, while no publicly available electoral calendar was prepared to increase the transparency and accountability in terms of following the legal deadlines and the overall timeline for election preparations.

The CEC started with election preparations as soon as the elections were announced by the Presidential decree¹⁴. When it comes to decision-making, the SEC holds non-public sessions and publishes the decisions shortly after they are made, while the Regulatory Commission and CSC hold sessions open for the public and broadcast them online.

The CEC published a number of informative videos for the voters¹⁵ that were broadcasted on television and radio, and can be found on the CEC's website.¹⁶ In addition to this, the CEC's website contains different informational posters and flyers¹⁷ translated into minority languages. ENEMO notes that the information presented on the CEC website in terms of voter education is limited and mostly quotes the articles of the Electoral Code. The Voter Education page that includes video material is hard to reach for voters and is not easily accessible from the home page. Along with that, the information on the voting procedure contains eight frequently asked questions, but provides very brief answers and misses out the opportunity to explain what makes a ballot invalid¹⁸. The CEC organized a few additional activities that focused on the first-time voters, targeting students, youth and voters who turned 18 years old.¹⁹

Space was created to pursue the use of new technologies for the 25 April elections as a part of the political agreement of 5 June 2020, and with the amendments made to the Electoral Code. ENEMO welcomes the adoption of the relevant bylaws by the CEC that enable using the new technology, including Electronic Voter Identification System (EVIS)²⁰. In addition to this, a pilot project was launched in EAZ no. 40 in Tirana²¹, where each polling station was equipped with two electronic voting and counting devices. The CEC issued procedural rules and guidelines for VCCs for using the new technology on Election Day,

¹² Decision No.2. dated 02.10.2020 "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".

¹³ In total, seven members of the current CEC composition were nominated by the Socialist Party (58,33 percent), four by the Democratic Party (33,33 percent) and one by Socialist Movement for Integration (8,33 percent).

¹⁴ Presidential Decree No. 11700 dated 06.09.2020. "On determination of the date of the Assembly Elections"

¹⁵ The topics covered voters' rights, instructions on voters list and voter identification, the ballot paper and how to vote, election related crimes, etc.

¹⁶ <https://bit.ly/3awJ4fu>.

¹⁷ <https://bit.ly/3tOfKZF>; Posters were observed in public spaces, such as bus stations and public administration buildings.

¹⁸ <https://bit.ly/3ndAbwu>.

¹⁹ Some examples: <https://bit.ly/3ver81f>; <https://bit.ly/3sJeKF0>; <https://bit.ly/3vr0Rgv>.

²⁰ Despite the Electoral Code acknowledging biometric identification of voters, the system in place for these elections was not implemented to confirm the identity of voters prior to voting, but only to collect biometric signatures of voters.

²¹ ENEMO EOM observed the testing of the EVIS system prior to Election Day. During the testing process, no technical dysfunctions were noticed.

while testing of the EVIS system was conducted 10 days before the Election Day²². An app for CEAZ staff was developed for reporting and communication with the CEC on Election Day.²³

The introduction of preferential voting caused a strong debate among stakeholders, especially with regard to the design of the ballot paper. The SEC's initial decision on the design of the ballot paper that included the names of candidates²⁴ was appealed by SP. The CSC overturned the decision (see more in *Complaints and Appeals* section) which additionally burdened Election Day preparations, especially when it comes to printing the ballot papers in a timely manner.

B. Commissions of Electoral Administration Zones (CEAZs)

Electoral Administration Zones (EAZs) are reconsidered for each election or referendum. Usually they correspond to the municipal territories, except in municipalities with over 80,000 voters that need to be divided accordingly. EAZs must be approved by the CEC no later than nine months before the Assembly's term comes to an end. For the 25 April Parliamentary elections 92 EAZs were formed²⁵ and are being administered by 92 CEAZs.

CEAZ members are nominated by the parliamentary majority parties and opposition parties according to the actual parliamentary political configuration. Each CEAZ consists of seven members and a secretary with no voting rights.

The Social Democratic Party failed to propose a sufficient number of CEAZ members until 11 January 2021 and, according to the legal provisions, the vacancies were transferred to the other party within the same parliamentary group, the Socialist Party²⁶. The electoral preparations within the EAZs were highly affected by frequent replacements of CEAZ members. Local observers report that many changes were a result of political pressures.

Additionally, local observer groups reported minor obstacles in the work of CEAZs, such as individual cases of missing material, lack of adequate premises, insufficient cooperation with local governments and their offices being closed during working hours. Moreover, local observers were sometimes denied access to CEAZs' public meetings, while dual employment of CEAZ members sometimes interfered with their work.²⁷

²² On April 15, a random sample of 3 percent of EVIS devices was tested by the CEC. <https://bit.ly/3gzxJzo>.

²³ <https://bit.ly/3sHsu32>.

²⁴ Decision 198 of the SEC.

²⁵ Compared to 90 in the previous elections.

²⁶ The Social Democratic Party nominated only 33 CEAZ members. Socialist Party, as a second party within the same parliamentary group, filled the remaining 59 vacancies in CEAZs. - State 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.

²⁷ Interim Monitoring Report I, Elections for the Assembly of Albania, 29 March, 2021, KRIIK.

C. Voting Centre Commissions (VCCs) and Ballot Counting Centres (BCCs)

Amendments made to the Electoral Code in July 2020 raised the minimal threshold of the number of voters needed to create a separate voting center, which resulted in merging of 355 voting centers²⁸. In total, 5,199 voting centers were formed for April 2021, out of which 92.4 percent are placed in public premises, 7.3 percent in private premises and 0.4 percent (22 voting centers) are special polling stations (20 in prisons and pre-trial detention institutions, one in a military institution and one in a home for elderly). ENEMO notes that no voting centers were formed in hospitals that admit patients for more than three days, even though the Electoral Code allows for creating special polling units in health institutions with more than 15 voters²⁹.

Counting is performed in 92 Vote Counting Centers (VCCs) under the supervision of the respective CEAZ³⁰. Each CEAZ appointed a Ballot Counting Team (BCT) to perform the counting within the respective administrative unit. Each BCT consists of the first counter, the secretary and two members, and covers between five and ten voting centers³¹. While deciding on the parties that will have their representatives in the BCTs, the CSC declined this right to the Justice, Integration and Unity Party, claiming that the party lost its right to have BCT members since they are a part of a coalition³², which is contrary to the Electoral Code.

The legal deadlines for nominating the VCC members were often not respected, which resulted in delays in the formation of few VCs. Additionally, the Law³³ prescribes that the locations of the voting centers may not change 40 days prior to the election date, unless it is due to extraordinary circumstances and approved by the CEC. However, locations of 107 voting centers³⁴ as well as seven BCCs³⁵ were changed. ENEMO notes that these changes of the voting center locations close to the Election Day lead to confusion of voters and could potentially discourage a number of voters from participating in the elections.

ENEMO raises concerns regarding a lack of guidelines for VCCs and voters on how to ensure proper COVID-19 protective measures. Only a brief and hardly accessible video was prepared for voters and published on the CEC website a few days before the Election Day³⁶.

²⁸ The threshold was raised from 200 voters to 300. See Article 62 of the Electoral Code “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.”

²⁹ Articles 2, 43 and 62 of the Electoral Code.

³⁰ Decision No. 148, dated 16.03.2021 “On designating the vote counting locations for Albania’s Parliamentary Elections of 25 April 2021.”

³¹ Decision of the Regulatory Commission, no. 19, from 14.04.2021.

³² Decision of the CSC no. 20, from 05.04.2021.

³³ Article 62 of the Electoral Code.

³⁴ Decisions of the SEC no. 213, 237 and 249.

³⁵ Decisions of the SEC no. 196, 225 and 244.

³⁶ In the video, it was claimed that the measures would be respected in all voting centers, the premises would be disinfected and equipped with a disinfectant. Voters were asked to keep distance and wear protective masks.

Registration of voters

Each Albanian citizen that turned 18 years old before or on the election day has the right to vote, with the exception of voters who committed a certain criminal offence and voters declared as incapacitated by a final court decision. Voter registration is passive, with the exception of citizens over 100 years old³⁷, who require active registration as they are automatically excluded from the voters list and must make a request to be reincluded. ENEMO notes that this requirement for active registration is contrary to the principle of equal and universal suffrage.³⁸

All Albanian citizens who turned 18 before and on Election Day were automatically included to the voter list within the respective administrative unit and voting center, according to the National Register of Civil Registry (NRCR). According to the official information published by the CEC, there were 107,024 first-time voters registered for the 25 April elections.

Total number of voters eligible to vote in the 25 April elections was 3,588,869, out of which 50.5 percent are male and 49.5 percent female voters³⁹. The voters list was finalized on 15 March, 2021, after which changes were possible only by the court's decision. The NRCR administers the voters list, which may be extracted automatically at any moment.⁴⁰ The process of composing and updating the voters' list also involves the Ministry of Interior (MoI), the General Directorate of the Civil Registry (GDCR), 61 municipalities as well as the Civil Registry Office (CRO) in each municipality.⁴¹ Additionally, the CEC supervised the compilation of the voters' list through two audit technicians.

Voters were informed on their respective voting center in different ways: through frequent display of voters' lists by municipalities on public premises; by written notification sent out to voters' place of residence by municipalities; and online - by checking the voter e-list that can be accessed with personal information. ENEMO considers as a positive step the newly introduced possibility to check the voting place online⁴², although insufficient measures were taken to integrate a larger number of citizens.⁴³

Special funding by the Ministry of Interior was allocated to municipalities to issue written notifications on voters' polling place. However, local observers reported delays and difficulties in the process, mostly due to incorrect addresses, long distances and limited human resources because of the COVID-19 pandemic.⁴⁴ ENEMO raises concern that a number of voters were registered in the election without proper

³⁷ Law on Decriminalization (138/2015) limits the voting right for persons convicted of criminal offence(s) such as crime against humanity, crime against the constitutional order, conspiracy, criminal offences by criminal organizations and structured criminal groups, etc. For the 25 April, 2021 elections, 1,098 prisoners in the Republic of Albania did not have the right to vote.

³⁸ Code of Good Practice in Electoral Matters.

³⁹ <https://bit.ly/2PfAdYh>.

⁴⁰ Electoral Code, Article 47, paragraph 2e.

⁴¹ On 10 September, 2020, the Minister of Interior issued the Instruction no. 298 "On procedures for drafting the voters list for Albania's Parliamentary Elections".

⁴² Voters could check the location of their voting center via portal e-Albania, by logging in with their personal ID number, unique username and password.

⁴³ As of the end of March 2021, there were 54,280 users registered on the e-Albania portal. <https://bit.ly/3sOAvmx>.

⁴⁴ Interim Monitoring Report I, Elections for the Assembly of Albania, 29.03.2021, KRIIK.

mention of their place of residence, at odds with the Electoral Code⁴⁵. This shortcoming was also identified by the CEC's auditor report⁴⁶, while appropriate measures were not taken to solve this issue.

ENEMO welcomes the initiative of the Regulatory Commission as well as the decision of the Minister of Interior⁴⁷ to extend the validity of expired biometric ID cards and passports for the Election Day⁴⁸, which could have possibly limited the voting rights of over 700,000 Albanian citizens.

According to the amendments to the Electoral Code⁴⁹, the right of voters residing abroad⁵⁰ should have been guaranteed, while the CEC should have drafted all sub-legal acts and ensured the conditions to enable out-of-country voting. On 31 October, 2020, a working group on voting abroad was established by the CEC, while the SEC often brought up the importance and the limited time to prepare out-of-country voting. ENEMO notes that, along with the limited timeframe that surely influenced the final decision not to pursue voting from abroad for these elections, there was a noticeable lack of political will of all electoral contestants to enable out-of-country voting in due time, as prescribed by law.⁵¹

Additionally, several days before the election, the Government decided to introduce a two week quarantine for citizens returning from Greece and North Macedonia, referring to the need to prevent the spread of the virus. Accordingly, those citizens who are eligible to vote were not able to do so.⁵²

An important issue which was not addressed through electoral amendments was the right to vote for COVID-19 infected individuals. Though it was anticipated that elections would have to be held amidst the pandemic, necessary amendments were not adopted to enable hospitalized or self-isolated citizens to exercise their right to vote. ENEMO condemns the complete lack of political will to enable voting for Covid-positive and self-isolated citizens⁵³, in addition to other hospitalized voters. This approach is in contrast to international standards⁵⁴ as well as the Electoral Code⁵⁵.

⁴⁵ Articles 52 and 54 of the Electoral Code.

⁴⁶ Auditor report by Roland Kërçuku, dated 24.02.2021.: "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 residing."

⁴⁷ Normative 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.

⁴⁸ Validity of the biometric ID cards and passports was postponed until April 30, 2021. <https://bit.ly/3sILWwh>; <https://bit.ly/3aBabGx>.

⁴⁹ RoA Electoral Code, Article 46 "Voter list" paragraph 3.

⁵⁰ It was estimated that 1.6 million Albanian citizens live abroad, out of which 1.3 have the right to vote. (According to the [National Diaspora Strategy 2021-2025](#))

⁵¹ Even though only 854 voters residing abroad had officially applied to vote, the real number is much higher, especially since some voters residing abroad were discouraged to register after the announcement that out-of-country voting would not be possible.

⁵² Decision no. 219 dated 19.04.2021 by the Ministry of Health. <https://bit.ly/32Ahud5>

⁵³ On 25 April, there were 22,431 active cases of COVID-19 in Albania, out of which 149 patients were hospitalized (<https://bit.ly/3sPjU2d>). It remains unknown how many additional citizens were self-isolated on 25 April.

⁵⁴ Code of Good Practice in Electoral Matters.

⁵⁵ Article 62 of the Electoral Code stipulates that the ad-hoc voting centers should be established in hospital premises or health care centers hospitalizing no less than 15 patients for a period no less than three days.

On the other hand, ENEMO raises concerns over the personal and sensitive data⁵⁶ leak that included data of large number of voters,⁵⁷ such as ID number, names, surname, date of birth, voting center, place of birth, phone number, employer, as well as political preferences and “patron” within the party.⁵⁸ Making such personal data public represents a violation of the right to privacy, guaranteed by the Constitution⁵⁹ as well as the European Convention for Human Rights (ECHR). ENEMO calls upon the state authorities to adequately investigate this violation of personal data of citizens.

Candidate registration

Registration of candidates in the electoral process is regulated by the Constitution, the Electoral Code and the Law on Decriminalization. An electoral subject is identified as any political party or coalition that submitted a list of candidates to the CEC, as well as any citizen aged 18 years or more, who is proposed as an MP candidate from a group of voters. The legislation excludes citizens who committed criminal offences as well as certain categories of individuals who hold public offices⁶⁰.

The procedure for the registration of electoral subjects was changed in July⁶¹ and October⁶² 2020, without proper discussion and consensus in the Parliament. Recent changes banned any pre-electoral coalitions by submitting individual candidates’ lists for parties within the coalition and obliged the parties to submit a unique candidate list for each coalition. Additionally, non-parliamentary parties were obliged to collect one percent of voters’ signatures, as opposed to the previous three percent for independent candidates and five percent for coalitions, making the requirement in line with international standards⁶³.

Regardless of lowering down the threshold of citizens’ signatures, only five out of eight non-parliamentary electoral subjects, and three out of five independent candidates succeeded to submit a sufficient number of signatures and, therefore, run in the election. Political parties were due to register until 15 February, while the coalitions were due on 25 February, 2021.

The CEC reviewed the submitted documentation within the legal framework of two days and registered a total of 12 electoral subjects and five independent candidates to run in the election. The SEC did not

⁵⁶ Law on the Protection of Personal Data distinguishes personal data (any data of an identified or identifiable person) and personal sensitive data (that includes racial and ethnic origin as well as political opinion or affiliation). Moreover, dissemination of personal data is a criminal offence (Article 121, Criminal Code).

⁵⁷ In total, data of 910,061 citizens was published. <https://bit.ly/32DeCw0>.

⁵⁸ <https://bit.ly/2QhTCbN>; <https://bit.ly/2RYJC7J>.

⁵⁹ Article 35 of the Constitution of Albania stipulates that “no one may be compelled, except when the law requires it, to make public data related to his person” and that “the collection, use and making public of data about a person is done with his consent, except for the cases provided by law”.

⁶⁰ Judges, 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. Article 63, paragraph 4 of the Electoral Code.

⁶¹ Law no. 101/2020, 23.07.2020.

⁶² Law no. 118/2020, 05.10.2020.

⁶³ Code of Good Practice in Electoral Matters of the Venice Commission recommends that the number of support signatures should not exceed 1 percent of the registered voters.

register four political parties, out of which three did not submit complete legal documentation⁶⁴, while one was refused to be registered as an electoral subject⁶⁵.

When it comes to electoral coalitions, their members should sign a cooperation agreement which defines each of their rights and duties. The agreement makes a part of the submission documentation for the coalition's registration within the CEC prior to elections. Out of three electoral coalitions that submitted their nominations⁶⁶, two were accepted⁶⁷.

Each political party or coalition needs to submit to the CEC a list of their candidates for each constituency no later than 50 days before the Election Day.⁶⁸ Candidates who held seats in the Parliament did not have to submit any voters' signatures, while those who were not members of the Parliament had to submit at least 5,000 voters' signatures, or 7,000 signatures nationwide if they represented an electoral coalition⁶⁹. An exception is made for coalitions that hold at least the same number of seats in the Parliament as the number of parties within the coalition.

In total, 11 political parties and three coalitions submitted their lists of candidates on time, while all electoral subjects but one⁷⁰ needed to correct the data provided due to the number of candidates presented in the list, failing to comply with the gender criteria, missing identification documents and incorrect self-declaration forms. After the correction process was finalized, the SEC did not approve two electoral subjects⁷¹.

The Electoral Code prescribes that each electoral subject should submit 153 candidates⁷², which caused numerous corrections. The Democratic Party failed to shorten the list of candidates, causing the SEC to register the party with an excessive number of candidates on the list⁷³. None of the 1,910 candidates registered for the elections were rejected on grounds set in the Decriminalization Act. ENEMO assesses that the overall process of candidate registration was transparent and inclusive for political parties, while,

⁶⁴ Centrist Party for Albanian People's Welfare, Labor Party of Albania and Party for the Defense of Albanian Workers Rights were refused because they did not submit a designated bank account number. - Decisions of the SEC number 94, 95 and 96 on 23.02.2021.

⁶⁵ Albanian Emigration Party was refused, as the submission was not signed by the leader of the party. - Decision of the SEC number 92 on 23.02.2021.

⁶⁶ Alliance for Change Coalition - Democratic Party (13 political parties); Coalition Alliance (7 political parties) and the Coalition "People's Union Alliance-Emigration-Time of Hope and Conservatives" (4 political parties).

⁶⁷ Coalition Alliance was refused due to an insufficient number of seats (one instead of at least seven) the parties within the coalition hold in the Parliament.- Decision of the SEC number 165 on 18.03.2021., confirmed by the decision of the CSC on 24.03.2021.

⁶⁸ Article 67 of the Electoral Code.

⁶⁹ Article 68 of the Electoral Code.

⁷⁰ Socialist Movement for Integration.

⁷¹ "Alliance" Coalition and National Alliance Party.

⁷² Article 67 of the Electoral Code specifies that "the number of candidates on the multi-name list shall not be less than the number of seats assigned to a respective electoral zone, plus two. In any case, the number of candidates on the multi-name list shall be fully divisible by three. For the parties that are members of a coalition and run by special multi-name lists, the number of candidates on the multi-name list shall not be less than half of the number of seats assigned to the respective electoral zone plus two." The number of seats assigned to electoral zones is determined in the decision of the Regulatory Commission no. 7 on 11.12.2020. (<https://bit.ly/3nplzKV>).

⁷³ CSC decision no. 9, dated 23.03.2021.

on the other hand, the same rules were not systematically applied to all electoral subjects, violating the principle of equality of electoral contestants⁷⁴

Electoral Campaign and Campaign Finance

A. Electoral Campaign

The Electoral Code prescribes that the official electoral campaign should start 30 days before the day of voting, and end on Friday before Election Day at midnight, when “electoral silence” comes into force⁷⁵. However, concerns were raised by interlocutors of the mission, in particular domestic civil society observation groups, that these provisions did not prevent electoral contestants from starting their campaigns earlier than required by the law. Although the official campaign should have started on 26 March according to the legal provisions, several contestants had already started revealing elements of their campaign platforms and political advertising approximately one to two months before the official start of the campaign⁷⁶.

ENEMO notes that the amended Electoral Code, despite including a significant number of definitions in its general provisions⁷⁷, does not contain a clear definition of the notion of “electoral campaign” or “electoral campaigning”. This legal loophole leaves space for abuse by electoral contestants in the form of early campaigning, but also does not provide for a clear distinction between what constitutes “campaigning” and what does not.

The campaign took place during the ongoing COVID-19 pandemic and was affected by a number of restrictions, despite a lack of enforcement in public places to ensure the respect of health measures. This refers to the decisions taken by the Technical Committee and Health Minister which prohibited gatherings of over ten individuals, as well as mass-meetings by political parties and rallies, and prescribed physical distancing⁷⁸. Despite these measures being aimed at limiting the risks of coronavirus infections, ENEMO assesses that they limited the visibility of the campaign and encroached on freedom of assembly in principle. However, in several instances, the Health Ministry’s Decree did not prevent parties and candidates from conducting meetings or gathering voters for events. The disregard of political parties and candidates for the health of voters involved in such events is a reason for concern, as is the overall lack of intervention by State Police authorities.

As Election Day drew nearer, particularly during the last week before Election Day, the visibility of the campaign increased considerably including on social media. Main campaign themes included the ongoing COVID-19 vaccination process, the reconstruction process after the 2019 earthquake, employment and other economic aspects, the struggle against corruption and judicial reform, while smaller parties

⁷⁴ All electoral subjects registered 153 candidates, except for DP that registered 222 candidates.

⁷⁵ Article 77 of the Electoral Code.

⁷⁶ For instance, three of the main parties which include the Socialist Party, Democratic Party, and Socialist Movement for Integration announced their programs on a number of policy aspects several months before the official start on 26 March.

⁷⁷ See Article 2 “Definitions” of the Electoral Code.

⁷⁸ Order No. 633/2020 of the Minister of Health, upheld by the Constitutional Court.

emphasized the need for political alternance and renewal of the political class. However, few of these themes were actually grounded in concrete policy platforms aimed at influencing the voters' choice. Political parties and candidates informed the mission that they were also conducting door-to-door canvassing, smaller meetings with voters indoors or outdoors, and shifting a considerable amount of their campaigning efforts to social media platforms. The most visible political parties in terms of social media outreach were the Socialist Party (SP), the Democratic Party (DP) and Socialist Movement for Integration (SMI).

Concerns should be raised regarding the involvement of Prime Minister of Kosovo Albin Kurti in the Albanian campaign, which should be considered as an attempt at foreign interference in the electoral campaign of another country⁷⁹.

The campaign unfolded in a highly tense environment marred by accusations of vote buying among the main party leaders, inflammatory language, negative campaigning, *ad hominem* verbal attacks among candidates and cases of physical altercations among various party supporters. The SEC called upon parties to appease the language during the campaign in an attempt to moderate its tone.

However, ENEMO raises serious concerns that parties failed to appease tensions⁸⁰ or call for moderation. The positioning of the President of the country, openly against the Prime Minister and the current majority, also added to the polarized nature of the campaign. Additionally, accusations of affiliations of electoral contestants to organized crime and corruption, as well as harsh rhetoric and violence, are concerning when it comes to the overall image of the campaign, and may have affected voters' perception of the integrity of contestants and of the campaign.

During the last week before the election, media reported on a number of physical incidents involving firearms, for instance an attack at a party's electoral office wounding an individual⁸¹, and even a case tragically leading to the injury of four persons and the murder of a local politician⁸². ENEMO strongly condemns any form of violence, and raises alarming concerns regarding the negative consequences of such tragic events when it comes to the environment of the campaign.

ENEMO praises the statement of the SEC addressed to all ministries and local self-government bodies to respect the provisions set forth in the law related to the ban on the use of state resources to support electoral subjects⁸³. Nevertheless, interlocutors of the mission consistently raised the issue of abuse of state resources and "state capture" by the ruling coalition, along with numerous allegations of pressure on state employees, voter intimidation, and vote-buying on either side of the political spectrum. A number of

⁷⁹ In particular Prime Minister Kurti visited the cities of Tirana, Lezha, and Gjirokastra calling upon voters to vote for a specific party running in the elections, in an attempt to promote pan-Albanian views.

⁸⁰ In particular, tensions between the two main parties, i.e the Socialist Party (SP) and the Democratic Party (DP).

⁸¹ Events which took place in the vicinity of a party electoral office in Kavaja on 19 April, where a political party staff member was wounded by gunfire.

⁸² Shooting which took place in Elbasan on 21 April, four days before Election Day. According to the authorities, the armed clash between supporters of rival parties occurred over a dispute involving a vote-buying attempt and led to the death of a former local state official.

⁸³ The CEC additionally deployed 64 support staff members throughout the country to verify compliance with campaign regulations by parties and candidates.

alleged vote-buying cases received considerable media attention, further damaging the image of the campaign⁸⁴.

Additional allegations⁸⁵ also included the ruling coalition threatening an interruption of the COVID-19 vaccination process should they not be reelected, accusations of withholding construction permits and/or ID cards in exchange for votes, and accusations pertaining to voter data collection (see *Registration of Voters* section). ENEMO assesses that regardless of the accuracy of these accusations, which should be investigated by respective authorities, they significantly and negatively affected the perception of the campaign and the integrity of the election process.

B. Campaign Finance

Political parties are entitled to receive public funding, under the condition that they competed in the previous Parliamentary elections. Parties which received at least one percent of the votes in the previous elections additionally receive public funding for their campaigns, in proportion to the number of votes obtained. ENEMO notes that before the 2020 amendments to the electoral legislation, all parties contesting the elections were eligible to receive public funds for their campaign⁸⁶.

In application of the new provisions of the Electoral Code, the Socialist Party received approximately 55,8 million LEK; the Democratic Party approximately 33.3 million LEK; the Socialist Movement for Integration approximately 18,9 million LEK; the Party for Justice, Integration and Unity approximately 5.5 million LEK; the New Democratic Spirit Party approximately 2,1 million LEK; the Republican Party approximately 3.9 million LEK; Party Social Democrat approximately 1,6 million LEK; the Democratic Conviction Party approximately 1,4 million LEK; the Christian Democratic Party approximately 1,4 million LEK, and the Movement for National Development-approximately 1,4 million LEK⁸⁷.

Independent candidates were not entitled to receiving public funding. Contestants were additionally allowed to finance their campaigns using their own funds (funds generated by the electoral subjects themselves), donations from citizens (in-kind or monetary), donations from physical persons or legal entities⁸⁸, and loans from banking institutions. While the ceiling for donations was clear (capped at 1 million LEK), including in-kind donations on which the CEC issued detailed guidelines⁸⁹, the ceiling for

⁸⁴ For instance the case in Dibra area where money was found in a car by supporters of a party, allegedly for the purpose of buying votes by a rival party.

⁸⁵ Due to its limited nature, the mission was not able to systematically verify these allegations on the ground. However, these concerns were mentioned by a broad range of interlocutors, and remain problematic regardless when it comes to the perception of the integrity of these elections.

⁸⁶ For instance, see CSC Decision n°13 stated that the Albanian Emigration Party was part of the electoral process in 2019 and received less than the limit (1 percent) allowed by points 1 and 2 of Article 180 of the Electoral Code: <https://bit.ly/2Posjfm>.

⁸⁷ Decision of the State Election Commissioner N°172, page 5: <https://bit.ly/3aDRXE2>.

⁸⁸ With a ban on donations from legal entities having received public procurement funds over 10 million LEK, or having been involved in public projects, having debts towards the state budget, or carrying out media-related activity.

⁸⁹ In line with Article 91 of the Electoral Code. See in particular Decision n°10, 24.12.2020, “On the approval of the rules and modalities for calculating the monetary value of in-kind donations or services, loans and credits for electoral or political purposes obtained by political parties and candidates during the election campaign”.

self-funding of campaigns by candidates remained unclear until the CEC issued a decision⁹⁰ interpreting self-contributions as donations, therefore capped within the same ceiling (1 million LEK).

The total campaign expenses of political parties could not exceed 167,480,000 LEK per party, while expenses of independent candidates could not exceed 27,913,000 LEK.

ENEMO notes that no specific provisions are enshrined in the Electoral Code when it comes to political advertising online and on social media specifically⁹¹. Campaign finance on social media remains poorly regulated, while the definition of a “public event”, by which media are participating to qualify the event as campaign coverage, does not encompass social media. Social media per se also remain improperly defined in the Electoral Code, leaving space for abuse. This shortcoming allows third party social media pages to publish paid political advertising, potentially avoiding the constraints of the law, since these pages are not political party groups and their affiliation is not systematically monitored.

The CEC is the body responsible for campaign finance oversight. The CEC mandated auditors in charge of monitoring political finance during the electoral period, and contestants are required by law to submit their financial reports 60 days after the announcement of results⁹². The CEC is authorized to impose sanctions for non-compliance with campaign financing rules. However, interlocutors of the mission voiced that this considerably burdened the work of the CEC, along with concerns regarding a lack of sufficient staff and internal resources for monitoring campaign finance.

The Electoral Code contains clear provisions and definitions sanctioning vote buying, whether direct or indirect⁹³. It also includes provisions regarding the misuse of administrative resources, mostly in line with international good practice⁹⁴. For instance, public authorities are prohibited from enforcing regulations aimed at increasing social benefits four months prior to Election Day. The CEC has a mandate to check events held by public institutions and verify any cases of possible misuse of state resources, The CEC issued detailed guidelines in this regard⁹⁵. Although the SEC took a number of decisions related to possible misuse of state resources⁹⁶, interlocutors voiced concern that this framework was insufficient at preventing other broader political finance issues, such as black funds and “shadow funding” of electoral campaigns.

⁹⁰ 14 April CEC Decision N°18 “Approval of Guidelines on the manner of financial reporting by political parties’ multiple number lists and candidates proposed by voters for the election campaign for the Assembly of Albania”.

⁹¹ Positively however, Facebook regulations imposed the publication of costs of political advertising posts, which should be mentioned in the financial reports on campaigns of electoral contestants.

⁹² The Electoral Code stipulates that electoral contestants are required to submit financial reports within 60 days from the announcement of the election results. Within five days from the announcement of results, the CEC should appoint auditors to review these financial reports, and findings are required to be published within 30 days after submission.

⁹³ Article 78, in particular point 7 of the Electoral Code.

⁹⁴ In particular, Article 91 of the Electoral Code.

⁹⁵ In line with Article 91 of the Electoral Code: see Decision n° 9, dated 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 logistical resources of state administration before the elections”.

⁹⁶ Most of which determined an administrative review was not required, determined insufficient facts to ascertain the claim, or terminated the administrative review. See for instance SEC Decisions n°200, n°201, n°202, n°203, n°205, n°233, n°245, n°246, n°247, n°248, n°250, n°252, n°253, n°255, n°256, n°269, n°271, n°273, and n°274. In the case of decision n°235, the SEC decision required the removal of illegal campaign materials from a municipality building,

Political parties and candidates are required to submit their financial reports only after the elections, and a considerable amount of time after they have already been held (two months after announcement of results). Although international standards recommend that political parties report on their income and expenses for reasons of public interest, the optimal frequency of these reports remains subject to interpretation⁹⁷. ENEMO notes that there is no requirement in the Electoral Code for political entities or electoral contestants to report on campaign finance before the election. For instance, no interim financial reports are provided as a legal requirement to increase the financial transparency of the campaign or sanction potential abuse. This also limited the opportunity for voters to make an informed choice, when it comes to the possibility of reviewing information related to income and expenditure of parties and candidates in the election. In light of the above, ENEMO assesses that transparency of campaign finance was limited overall.

ENEMO positively assesses the possibility for citizens to file complaints related to campaign finance, whether related to the financing of electoral campaigns or potential abuse of state resources, through the dedicated E-portal for complaints.

Media

ENEMO assesses the media environment as diverse and containing a high number of media outlets. The Constitution provides for media freedom, freedom of expression and right to information, with provisions overall in line with international standards⁹⁸. The primary source of information used by Albanian citizens remains television, along with online media and social media. However, numerous media outlets are reported being under considerable influence of their owners, questioning their editorial independence.

The Electoral Code provides the framework for media coverage of the campaign⁹⁹, while the Law on Audio-Visual Media determines the provisions for broadcasting media beyond the electoral period. The main body in charge of media oversight during the electoral campaign is the Audio Visual Media Authority (AMA). The AMA is composed of seven members appointed by the Parliament for a five-year term¹⁰⁰. For these elections, three positions remained vacant, while two mandates of the AMA's composition have expired¹⁰¹.

The Electoral Code regulates audio-visual coverage of the campaign, and provides grounds for access for all electoral contestants to broadcast media news and informational programmes. Parties with over 20 percent of mandates in Parliament were entitled to equal time of public coverage, while other parliamentary parties were entitled to half that time. Parties which do not hold seats in the Parliament had to seek coverage towards the various broadcast media, and that coverage could not exceed that granted to

⁹⁷ See Venice Commission's 2001 "Guidelines and Report on the Financing of Political Parties", Point B) 12. "*The transparency of electoral expenses should be achieved through the publication of campaign accounts.*" and *Conclusions: "It is also necessary to ensure greater transparency in the reporting requirements imposed on parties and more thorough supervision of the uses made of the funds that they receive."*

⁹⁸ Articles 22 and 23 of the Constitution.

⁹⁹ Article 85 of the Electoral Code.

¹⁰⁰ Renewable once.

¹⁰¹ Due to a lack of applications submitted.

smaller parliamentary parties. Private radios and televisions were required to cover the electoral campaign only during normal and special news editions, but were allowed to schedule debates among candidates¹⁰². ENEMO notes that, overall, few debates among candidates actually took place, and a debate between Prime Minister Rama and DP opposition leader Luzim Basha did not occur.

In line with the 2020 amendments, the AMA is the responsible body for supervising the compliance of broadcast media with the requirements of the law. The AMA began its monitoring on 26 March, which consisted in monitoring of 27 TV channels and radio stations in total on the national, regional and local level, including live broadcasts¹⁰³. Monitoring reports of the AMA were published on a daily basis on the CEC's website, with information on airtime allocated to parties and candidates, appearance in daily news, respect for standards of professionalism including ethics, gender ratio, etc. Additionally, the board of the AMA submitted weekly reports to the CEC.

In principle, this type of monitoring overall contributed to increasing the transparency of media conduct during the campaign. However, despite the monitoring provided by the AMA, the institution failed to provide information on the tone of the broadcasted content (negative, positive or neutral). The AMA's mandate consists mostly in monitoring media conduct and airtime allocation, not the actual content of campaign coverage and the speech of political parties and candidates. ENEMO therefore assesses that no public institution was actively monitoring hate speech by candidates or party representatives, or other types of discourse at odds with the law. Likewise, the AMA does not monitor social media, which is problematic given their importance in the context of the pandemic, with a considerable proportion of electoral campaign contents having shifted to these platforms.

The AMA was also responsible for recommending to the CEC potential sanctions to broadcasters and media, but could not administer sanctions itself. Among sanctions provided for in the Electoral Code, substantial monetary sanctions (fines) are envisaged along with the shutting down of media outlets for a period of up to two days in case of non-compliance of coverage ratios or political comments by journalists during programmes¹⁰⁴. These sanctions can be deemed excessive and at odds with international standards for media freedom, especially given that audio-visual outlets are required to maintain balance between political parties and can be sanctioned as mentioned above for not doing so, a provision which is imminently subject to interpretation. It should be noted that no definition of "balance" is provided for in the Electoral Code.

Weekly reports of the AMA from April, published on the CEC website, indicated a disbalance of coverage between the SP and DP. According to those reports, the SP benefitted from a higher amount of coverage in news editions, political talk-shows and live broadcasts on a number of channels¹⁰⁵. Compensation of airtime in this case was not ensured by the CEC, at odds with the coverage principles set out in the Electoral Code.

¹⁰² Article 84 of the Electoral Code.

¹⁰³ The mission was informed however of the difficulties of covering all live broadcasts given their quantity and the reticence of some of the broadcasters to share the recordings, while those recordings were at times incomplete. In this sense, a number of electoral contestants were able to benefit from a higher number of live broadcasts than others.

¹⁰⁴ Article 84 point a) of the Electoral Code. Fines can range from 1.5 million LEK to 3 million LEK.

¹⁰⁵ Available at: <http://kqz.gov.al/raportet-e-monitorimit-te-medias-2021/>

A considerable proportion of the electoral campaign unfolded on social media, in large part due to the pandemic and related restrictions. As noted above (see *Campaign Finance* section), social media remain largely unregulated and undefined in the electoral legislation. Concerns should be raised regarding the lack of transparency of campaign coverage and financial sources of “third-party” political content on social media.

In 2020, a number of reports indicated cases of physical attacks, intimidation, smear campaigns, vandalism attacks, abusive lawsuits and investigations towards journalists, which ENEMO assesses as a reason for alarming concern¹⁰⁶. In particular, in these elections, the request of the SPAK for seizure of servers and computer data of the Lapsi.al portal regarding the voter database leak was met with an urgent security measure of the ECtHR, to suspend proceedings until the case is tried on its merits.

Gender Representation

The Electoral Code recognizes gender equality as the fundamental principle for democratic society.¹⁰⁷ It determines that there shall be no less than 30 percent of the less represented gender in the Parliament. For each constituency one in every three candidates on the multi-name list submitted by the electoral subject shall belong to the under-represented gender.¹⁰⁸ If the political party does not satisfy the requirement of 30 percent gender quota for the candidate list, the CEC should reject its registration. This provision was introduced within the framework of 2020 electoral amendments.

Gender equality is also considered when allocating seats for candidates. The candidates belonging to the less represented-gender are not replaced by those candidates who received the higher number of preferential votes.

In order to ensure that the proportion of less represented gender is not reduced, the Electoral Code establishes special regulation for it. As a general rule, in case of interruption of a mandate, a vacancy is filled by the next candidate on the list unless this affects gender representation in the parliament. In that case, the vacancy shall be filled by the first candidate on the list belonging to the less represented gender.

Besides establishing a gender quota for candidate lists, the Electoral Code determines that 30 percent of gender quota shall be mandatory for the composition of election management bodies of all levels. Within the CEAZs, the gender quota was respected, with 30,7 percent of women members (226 out of 736 members were women), while the CEC failed to respect the gender quota with only three women out of 12 members.

Political entities submitting electoral lists mostly complied with the one third candidates of the opposite gender requirement. However, several lists were returned by the CEC for corrections. When it comes to

¹⁰⁶ See Reporters without Borders 2020 annual report: <https://rsf.org/en/albania>; but also the seizure order of the Special Court Against Corruption and Organized Crime (SPAK) against Albanian News Portal Lapsi in the case of the voter database leak.

¹⁰⁷ Article 4 of the Electoral Code.

¹⁰⁸ Paragraph 6 of Article 67 of the Electoral Code. The Law on Gender Equality also establishes that there shall be no less than 30 percent of each gender on the candidate list submitted by the political parties.

the involvement of women as candidates, out of 1,841 candidates, 732 were women (39.8 percent)¹⁰⁹. The New Movement Party is the only party that presented an almost equal number of men and women in the list. Although few campaign messages directly targeted women's involvement in political life, none of the five independent candidates competing in the elections were women. At the same time, local organizations reported verbal attacks against women candidates that might discourage women's participation in politics.¹¹⁰

National Minorities

The Constitution of Albania guarantees the same political and civil rights to national minorities. In Albania, the rights and freedoms of national minorities are also regulated by the Law on the Protection of National Minorities.¹¹¹ The Law recognizes nine minorities in Albania: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities. In local self-government units, where minorities constitute 20 percent of the population, they have the right to receive information about elections in minority language.¹¹² Legislation does not establish any quota for the representation of national minorities in the legislative body.

For 2021 Parliamentary elections there were no registered electoral subjects representing any of the above mentioned minorities, while some of the voter education material (on voter identification, voting instructions and electoral crimes) prepared by the CEC were available on the CEC website in most of the official minority languages.¹¹³ Despite having the voter education materials available in minority languages, ENEMO notes that the ballot papers were available only in Albanian.

Inclusion of Persons with Disabilities

The Law no. 93/2014 on the Involvement and Accessibility of Persons with Disabilities promotes participation of persons with disabilities in decision-making.¹¹⁴ Albania ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2013.

Article 3 of the Constitution of Albania guarantees that any citizen has a right to vote and be elected regardless of physical condition. Article 45 determines that persons with mental disabilities, as declared by court decision, are not entitled to vote.

¹⁰⁹ <https://bit.ly/3ni4diX>.

¹¹⁰ See some of the examples: <https://bit.ly/3aniDoU>; <https://bit.ly/3gj1YKI>; <https://bit.ly/2QFNh9B>; <https://bit.ly/3spEgPm>; <https://bit.ly/3x9OKWs>; <https://bit.ly/3v6IOfl>

¹¹¹ The Law No. 96/2017 on the Protection of National Minorities, adopted on 13.10.2017

¹¹² Paragraph 4 of Article 15, Law on the Protection of Minorities in the Republic of Albania

¹¹³ <https://bit.ly/2QnEN7C>, <https://bit.ly/3gGJpQK>. Egyptian was the least represented minority language.

¹¹⁴ According to the Annual Report 2020 of the State Social Service there are in total 73,200 disabled persons. Out of these persons with physical/mental disability are 61,015, blind persons -12,185, <https://bit.ly/2QOmrwo>

As prescribed by the Electoral Code, citizens who need assistance should submit their request with supporting documentation¹¹⁵ to the mayor of the local government to register them as such voters. Voting centers with registered PWDs should ensure that premises are accessible to voters. If this is not possible, the mayor should ensure support staff or provide equipment to ensure free access. Additionally, based on received requests, the mayor informs the CEC about the number of visually impaired voters. According to this information, the CEC should provide respective voting centers with tactile ballot templates for voters to vote independently.

The existing regulation puts PWDs in an unequal position compared to other voters, resulting in additional requirements to file requests to the official authority and to present documents proving their physical condition, additionally burdening PWDs. Besides that, such obstacles risk discouraging PWDs to vote, especially if they are not familiar with the procedure. ENEMO considers that these regulations are at odds with the standards set forth by the CRPwD¹¹⁶ and do not fully guarantee their right to vote without any hindrance.

Voter education material prepared and published by the CEC was also available in Albanian sign language, while the CEC's website was not adjusted for visually impaired users. When it comes to the campaign, few messages directly targeted the involvement of persons with disabilities in political life, or encouraged them to vote.

Complaints and Appeals

As a result of 2020 electoral reform, the Complaints and Sanctions Commission (CSC) was created within the CEC for adjudicating complaints.¹¹⁷ Decisions of the SEC and CEAZ can be appealed to the CSC. Decisions of the CSC can be challenged to the Electoral College of the Court of Appeals in Tirana which is the highest instance for adjudicating election related complaints.

The Electoral Code determines the limited number of subjects which have a right to file complaints. As a general rule, subjects whose legal interests have been affected can file complaints against the decisions of the SEC and CEAZs within three days from issuing of the decision. Complaints regarding election results can be lodged within five days after the announcement of the decision, with a request to amend the results of the Electoral Zone and/or invalidate the results in one or more Voting Centers.

Political parties and individuals whose registration as electoral subjects was rejected had the right to challenge this decision, as well as those subjects whose accreditation as observers was rejected. Voters had the right to challenge decisions on the refusal to change their data on the voters' list. The complaint could be filed by the applicant with the respective district court, which had to take a decision within five days from the lodging of the complaint.

¹¹⁵ Documents proving the type and category of disability.

¹¹⁶ Article 29 of the UN Convention on the Rights of Persons with Disabilities, <https://bit.ly/3efXP7P>

¹¹⁷ For composition of CSC see chapter on Elections Administration, subsection on CEC.

Regarding complaints on election results, the CEC should take a decision no later than 10 days. On other types of complaints, the decision must be taken no later than two days after the filing of the complaint.

In addition to the complaints, the Electoral Code envisages filing of denunciations to the CEC by any person who has information about election related violations, whether administrative or criminal.¹¹⁸ The Electoral Code sets forth that rights of these persons shall be protected according to the standards established for the protection of whistleblowers. Timeframe for adjudicating denouncements is up to 60 days. As of 20 April 2021, CEC received a total of 91 denunciations, out of which a decision has been taken in respect of 53 denunciations and 38 were under consideration.¹¹⁹

As of 20 April, the CSC adjudicated 14 cases, out of which in six cases the request of the complainants were satisfied,¹²⁰ in seven cases rejected¹²¹ and one case was under consideration.

ENEMO notes that some decisions¹²² of the CSC are based on narrow application of the law against the purpose of the established regulations. In particular, this concerns provisions on abuse of state resources.¹²³ In those cases, the CSC used a more formalistic interpretation of legal norms that renders those regulations ineffective. ENEMO assesses that establishing low standards will not contribute to the prevention of abuse of state resources. It was also raised by interlocutors that these decisions of the CSC could raise doubts about its impartiality.

One of the important decisions of the CSC concerned the design of a ballot paper. The SEC approved the ballot paper with the names of the political parties/coalitions and candidates.¹²⁴ SP opposed the decision and appealed it to the CSC which overruled the SEC's decision and excluded the names of the candidates, leaving only their attributed numbers.¹²⁵ The decision was justified by the need to have a simple and

¹¹⁸ Complaints and denunciations can be filed online through the official website of the CEC.

¹¹⁹ Ten denunciations were submitted by non-governmental organizations, 66 by political parties (34 by DP, 32 by SMI), 14 – by individuals and one by municipality.

¹²⁰ Decision no.4, dated 21.01.2021; Decision no.6 dated 16.02.2021; Decision no.9 dated 23.03.2021; Decision no.19 dated 03.04.2021; Decision no.19, dated 03.04.2021; Decision no.20 dated 05.04.2021.

¹²¹ Decision no.7, dated 11.03.2021; Decision no.11, dated 24.03.2021; Decision no.13, dated 30.03.2021; Decision no.19, dated 03.04.2021; Decision no.20, dated 05.04.2021.

¹²² Important decisions are: 1. Decision no.4 dated 22.01.2021. Socialist Movement for Integration (SMI) filed two denunciations against Mr. Arben Qalliu (Director of Cadastre in Lushnje) and Mr. Bujar Çela, MP of the Socialist Party, because of the photos published on Facebook in which the MP appeared with citizens holding certificates of property legalization permits. The Commissioner fined only the Director of Cadastre stating that MP is not subject to restrictions. The decision was appealed to the CSC which overruled it and rejected the fine. The CSC also stated that the Facebook or other social media is not a media and publication of an activity on the Facebook does not make it “public”. Media participation required to qualify activity as public and consider it as abuse of state resources is not satisfied when it is published on social media; 2. Decision no.6 dated 16.02.2021. SMI filed a denunciation against the Mayor of Tirana for promoting reconstruction of buildings damaged as a result of the earthquake. The SEC imposed two fines on the Mayor for not reporting public activities and for distributing ownership certificates. The CSC overturned the decision stating that the Mayor is not responsible for reporting public activities and it is the responsibility of administrative staff. SMI appealed the decision to the Electoral College which rejected it based on the argument that it did not have subject matter jurisdiction.

¹²³ For more information, see: Monitoring Report No. 2 on restrictions on the use of administrative resources during electoral campaign, Academy of Political Studies, 15-31 January, 2021; Monitoring Report No. 3 on restrictions on the use of administrative resources during electoral campaign, Academy of Political Studies, 1-28 February, 2021; Interim Monitoring Report I, Elections for the Assembly of Albania, 29 March, 2021, KRIIK.

¹²⁴ Decision no.198.

¹²⁵ Decision no.19, dated 03.04.2021.

understandable ballot paper for the voters. It also stated that for identification of candidates inserting their numbers is in accordance with the law and additionally, providing their names is not required by it. DP appealed CSC's decision to the Electoral College which upheld it.¹²⁶ The Electoral College relied on the argument that having names of candidates on the ballot paper would delay their printing. Decision was based on a technical argument instead of considering the interests of voters.

Decisions of the CSC can be appealed to the Electoral College no later than five days after the issuing of the decision.¹²⁷ The Electoral College renders a decision within ten days.

ENEMO notes that the period of ten days is long for adjudicating complaints, both in case of the CSC and the Electoral College, as well as 60 days in case of denunciations. Extensive deadlines for adjudicating election related violations put into question the principle of reasonable timeliness and effective remedy, as well as public awareness about alleged election violations.

For the 2021 Parliamentary elections, the Electoral College issued six decisions. All of the complaints were rejected. Four decisions concerned registration of candidates' lists/electoral subject;¹²⁸ one was related to the formula for the distribution of public funds;¹²⁹ one concerned the abuse of state resources¹³⁰ and one was on the design of the ballot paper.¹³¹

Some types of election related violations are regulated by the Criminal Code.¹³² According to the information of the General Directorate of Police in Tirana, as of 16 April, the Police initiated proceedings on 12 election related crimes, out of which ten were under investigation and only two ended, resulting in

¹²⁶ Decision no. 5.dated 04.04.2021.

¹²⁷ The Electoral College consists of eight judges selected by drawing lots by the High Judicial Council. Judges are appointed for a four-year term.

¹²⁸ Decision no.3, dated 29.03.2021; Decision no.4, dated 31.03.2021; Decision no.5, dated 04.04.2021; Decision no.7, dated 12.04.2021. In the latter case the Electoral College rejected the request, because the complainant did not appeal the decision of the SEC to the CSC and addressed the case directly to the Electoral College.

¹²⁹ Decision no.6, dated 08.04.2021.

¹³⁰ Decision no.2, dated 04.03.2021. The Electoral College rejected the complaint filed by the Socialist Movement for Integration based on the argument that the Mayor of Tirana is not an electoral subject and it does not have jurisdiction to adjudicate the case. The case was appealed to the First Instance Administrative Court.

¹³¹ Decision no 5. dated 04.04.2021.

¹³² Chapter X of the Criminal Code regulates crimes affecting free and democratic elections: Article 325 (Obstruction of electoral subjects), Article 326 (Falsification of election materials and election results), Article 327 (Violation of secrecy of vote), Article 327a (Voting more than once or without being identified), Article 328 (Vote buying), Article 328a (Use of public office for political or electoral activities), Article 328b (Passive vote buying), Article 329 (Intimidation), Article 330 (Obstruction of voters), Article 330a (Refusal to perform the duties by commission members), Article 331 (Violation of the right to vote), Article 331a (Illegal acquisition or use of identification documents), Article 332 (Abuse of military authority), Article 332a (Abuse of police authority).

the arrest of one person.¹³³ As of 2 April, the prosecutor's office initiated investigations on 16 cases, out of which investigation of five cases ended and 11 cases were still in process.¹³⁴

Additionally, as of 22 April, 91 complaints were filed with the Special Anti-Corruption Prosecutor (SPAK),¹³⁵ which decided to start an investigation on 32 cases; while 7 cases were rejected, 15 cases were sent to the State Police for verifications and 23 cases to judicial district prosecutors, 14 cases were in the process of verification by special prosecutors.¹³⁶

Election Day

On Election Day, the mission observed voting at selected polling stations in the capital Tirana, but also in the cities of Elbasan, Durrës, and Kamëz.

Voting was overall orderly and election commission members seemed to be managing the process well. However, in some cases VCC members seemed to lack proper knowledge of the procedures, in particular when it comes to the use of new technologies and voting with passports instead of IDs.

Additionally, a number of voters seemed confused by the fact that candidate names were not mentioned on the ballot papers. Along with voting for a party, voters had the possibility to insert a check-mark or a cross next to the number of the candidate on the list, to express their preferential vote, but without mention of the candidate's name itself. This may have also affected voters' capacity to properly express their will when marking the ballots.

The mission observed that some signs of campaigning were still visible in a limited number of voting centers (for example, cars bearing logos and party paraphernalia, campaign posters which had not been removed, etc.), violating the electoral silence.

Despite the high presence of police forces deployed to ensure security on Election Day, concerns should be raised regarding cases of violence¹³⁷, disruption to public order¹³⁸, allegations of vote-buying¹³⁹,

¹³³ 1 Case - Property Destruction and calls for violent action (Articles 150 and 223); 1 case –Property destruction by fire (Article 151); 1 case –property destruction; 1 case- impediment of electoral subjects (Article 325); 5 cases- falsification of electoral materials and giving rewards and promises (Articles 326 and 328); 3 cases- hindering right to freedom of expression and manifestation (Article 261).

¹³⁴ Those cases mostly concern vote buying and falsification of election materials, Articles 326, 326a, 327 and 328 of the Criminal Code. <https://bit.ly/3vmdb19>

¹³⁵ 50 were filed by DP, three by SMI, one by SP and one by another party. Also, 10 were filed by judicial police, four from district prosecutors, 18 by the President of the Republic and four by individuals. <https://bit.ly/2RPEe6D>

¹³⁶ SPAK is a specialized unit of the judicial police that investigates criminal offences under the jurisdiction of the Special Prosecution. Since the amendments in 2020, under its jurisdiction are criminal offences of active and passive vote buying.

¹³⁷ For instance, in the municipality of Maliq, Tropoje, Elbasan.

¹³⁸ For instance in Lushnja, Fier, Divjaka.

¹³⁹ For instance in Durrës and Kamëz.

violation of the secrecy of the vote or family voting¹⁴⁰ reported by the media. These cases should be properly investigated by state authorities and prosecuted if necessary.

ENEMO also raises concerns regarding systematic tracking of voters' ordinal numbers in the voters list by party observers, allegedly with the intention to keep track of voters having come to the VC to cast their ballot. This undue influence of political parties controlling the presence of voters at the VCs is a questionable practice as it may intimidate or exert pressure on voters.

Several observed polling stations were crowded and voters were queuing without respecting the prescribed distance. Moreover, the systematic application of COVID-19 prevention measures was lacking both by the VCC members and voters (lack of masks or not using the masks properly, as well as not disinfecting the hands and EVIS devices before and after use).

ENEMO notes that the process of counting ballots at counting centers rather than at polling stations is a practice at odds with international election standards¹⁴¹.

Observers

According to the Electoral Code, local and foreign non-governmental organizations and international organizations are authorized to observe elections¹⁴². Accreditation is granted based on the documents submitted to the CEC.¹⁴³ Local monitoring organizations may have only one observer present at the same time at the CEAZs, the VCCs and each table of the BCCs, while international organizations are allowed two.¹⁴⁴ Observers have the right to observe the whole electoral process, examine all election materials and submit written comments to the election commissions on identified violations.¹⁴⁵

Electoral subjects have the right to appoint one observer at CEAZs, VCCs and for each counting table at BCCs. In case of coalitions, observers may be appointed only by the coalition and it should not be more than three observers per coalition.

The Electoral Code grants a number of rights only to observers of electoral subjects, for instance, screens for observing the counting are placed in front of the observers of electoral subjects¹⁴⁶, copies of the records

¹⁴⁰ For instance in Tirana and Shkodra.

¹⁴¹ Venice Commission, Code of Good Practice in Electoral Matters, 3.2.2.4., point 45. “*The votes should preferably be counted at the polling stations themselves, rather than in special centres. The polling station staff are perfectly capable of performing this task, and this arrangement obviates the need to transport the ballot boxes and accompanying documents, thus reducing the risk of substitution.*”

¹⁴² The rights and obligations of electoral observers are enshrined in Articles 6 and 7 of the Electoral Code.

¹⁴³ CEC has adopted an Instruction No. 02 “On Accreditation Procedures and Election Observation Rules by Non-Governmental and Foreign Organizations, International Organizations, Other Countries, Media and Electoral Subjects’ Representatives”, dated 02.02.2021.

¹⁴⁴ In total, the CEC accredited 2,111 domestic observers from 19 local non-governmental organizations and 289 international observers from international organizations and foreign embassies.

¹⁴⁵ Articles 6 and 7 of the Electoral Code of the Republic of Albania.

¹⁴⁶ Ibid, Paragraph 4 of Article 94.

of sealing with stamp are given to the observers of the parliamentary parties¹⁴⁷, copies of the records of closing of the polls are given to the observers of parliamentary parties¹⁴⁸, results of the counting are declared to the observers of the electoral subjects and in case they discover discrepancies they have the right to notify the CEAZ¹⁴⁹, and copies of the election results are also given only to the observers of electoral subjects¹⁵⁰. Specific reference to observers of electoral subjects excludes observers of non-governmental and international organizations. The purpose of this differentiation is unclear, and ENEMO raises concerns that not all observers are entitled to the same rights.

Observers were generally able to monitor elections without hindrance, however there were some problems reported in terms of attending public meetings of CEAZs by local observers.¹⁵¹

¹⁴⁷ Ibid, Article 101. The whole refers to the observers of electoral subjects.

¹⁴⁸ Ibid, Paragraph 6 of Article 113.

¹⁴⁹ Ibid, Paragraphs 6 and 7 of Article 116.

¹⁵⁰ Ibid, Paragraph 2 of Article 119.

¹⁵¹ Interim Monitoring Report I, Elections for the Assembly of Albania, 29 March, 2021, KRIIK.

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 34 international election observation missions to ten countries: Ukraine 2020, Local elections; Moldova 2020, Presidential elections; Montenegro 2020, Parliamentary elections; Serbia 2020, Parliamentary elections; Moldova 2019, Local elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early parliamentary elections; Moldova 2016, Presidential elections; Ukraine 2015, Regular Local elections; Ukraine 2014, Parliamentary elections; Ukraine 2014, Presidential elections; Ukraine 2013 – re-run of Parliamentary elections 2012 in 5 DEC's; Kosovo 2013, Local elections, first round; Ukraine 2012, Parliamentary elections; Kosovo 2011, Re – run of Parliamentary elections; Kosovo 2010, Parliamentary elections; Kyrgyzstan 2010, Parliamentary elections; Ukraine 2010, Presidential elections, second round; Ukraine 2010, Presidential elections, first round; Kosovo 2009, Local elections; Moldova 2009, Parliamentary elections; Georgia 2008, Presidential elections; Kyrgyzstan 2007, Parliamentary elections; Ukraine 2007, Parliamentary elections; Ukraine 2006, Local elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary elections; Kazakhstan 2005, Presidential elections; Albania 2005, Parliamentary elections; Kyrgyzstan 2005, Presidential elections; Kyrgyzstan 2005, Parliamentary elections; Ukraine 2004, Presidential elections, second round re-run; Ukraine 2004, Presidential elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters' Rights 'GOLOS', Russia; Gong, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.