

EUROPEAN
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FINAL REPORT



International Observation
Mission to Albania
Parliamentary Elections 2021



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EXECUTIVE SUMMARY

The existing legislative framework ensures conduct of democratic elections in accordance with international standards. Amendments adopted on 23 July and 5 October, 2020 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 for the 2021 Parliamentary Elections contributed to the improvement of the election legislation. However, there are still a number of issues that need to be addressed on the legislative level to eradicate existing loopholes or 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.

Elections were conducted within the framework of the amended electoral system. A total of 12 electoral subjects, of which ten political parties and two coalitions, along with five independent candidates were registered to run in the election. The introduction of preferential voting enabled citizens to vote for their preferred candidate. However, the established threshold for changing the ranking of the candidates' list reduced the impact of the amendment. Additionally, granting to the leaders of the party the right to run in up to four districts, unlike other candidates allowed to run only in one district, created unequal opportunities. ENEMO assesses that this differentiated treatment of candidates is not justified.

Overall, ENEMO positively assesses the work of the Central Election Commission (CEC), as it was transparent and informative to the public. While decisions were made in a collegial manner among the same-level bodies within the CEC, cooperation among the three bodies of the CEC was often perceived as insufficient, especially when the decisions of one body were overturned by the other. ENEMO notes that the inclusion of former political officials and cabinet officials creates potential space for additional politicization of the CEC.

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. When it comes to decision-making, the Regulatory Commission and CSC held sessions open for the public and broadcasted them online, while the SEC held non-public sessions which limited the transparency of its decision-making process.

Regarding information of voters, ENEMO notes that despite extensive funds being invested in this crucial aspect of elections, it failed to reach an optimal proportion of voters. The voter education materials presented on the CEC website were limited and mostly quoted the existing legislation without additional, user-friendly clarifications.

ENEMO welcomes the efforts made to enable the use of new technologies, including the Electronic Voter Identification System (EVIS) and pilot projects of electronic voting and counting, through the adoption of the relevant bylaws by the CEC. However, ENEMO notes that 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. Additionally, there was a lack of public discussion and independent control of the equipment and software, which is in contrast with international standards for e-voting.

Lower-level EMBs faced frequent replacements, sometimes close to Election Day, either due to the fact that nominees could have been recalled at the respective political party's discretion and without proper reasoning, or due to other factors such as the ongoing COVID-19 pandemic. Concerns were raised over the lack of training for some newly engaged CEAZ members, even though only minor obstacles were reported in their work. Additionally, VCCs and voters were not presented with comprehensive guidelines on how to ensure proper COVID-19 protective measures on Election Day.

Certain groups of voters faced different challenges when it comes to exercising their right to vote. ENEMO emphasizes 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 despite being foreseen in the Electoral Code. This approach is also in contrast to international standards, and has resulted in the disenfranchisement of an undisclosed but relevant number of voters.

Additional hurdle for the voters appeared as a result 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. 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.

Fundamental freedoms were overall respected in the campaign, despite limitations pertaining to COVID-19 which limited freedom of assembly on one hand, and a lack of compliance with COVID-19 prevention measures during campaign events on the other. The electoral campaign unfolded in a tense environment, marred by accusations and inflammatory language among candidates, as well as cases of physical altercations among various party supporters.

Despite attempts by the State Election Commissioner to appease the tone of the campaign, the campaign lacked moderation overall 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 assessed 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 additionally 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 raised alarming concerns regarding the negative consequences of such tragic events when it comes to the environment of the campaign.

ENEMO positively assesses 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 which limited the transparency of campaign finance.

Legislation sets forth regulations for ensuring minimum representation of women in the legislature. Since the 2020 amendments, candidates' lists should not be registered if the required 30 percent gender quota is not respected. ENEMO positively assessed the introduction of this restriction, for further strengthening the implementation of a gender quota mechanism.

Some representatives of national minorities were targeted for vote buying purposes, a recurring practice during every election according to the mission's interlocutors. Some of them do not have the possibility to participate in elections due to lack of identification documents.

In general, the Complaints and Sanctions Commission (CSC) worked transparently. Its hearings were transmitted online, enabling all the interested parties to follow them. In some cases, the CSC used a narrow interpretation of regulations that contradicts the spirit of those regulations, which may have reduced their effectiveness for preventing violations. This also risks damaging the rep-

utation of the CSC as an independent body. Deadlines for adjudicating complaints/denunciations are too long, negatively impacting the right to effective remedy and timely information of the public about violations. ENEMO notes that there is no unified registry of denunciations containing detailed information about them.

INTRODUCTION AND ACKNOWLEDGMENTS

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

The mission was composed of four Core Team members, and was therefore limited in scale. Due to the context of the COVID-19 pandemic, the mission did not deploy long-term or short-term observers (LTOs/STOs) and did not comprehensively observe the process at polling stations on Election Day, although Core Team experts visited a selected number of polling stations to observe the voting process (see Election Day section).

After observing the pre-election period and preparations for the holding of the election, the mission issued its Statement of Preliminary Findings and Conclusions on 26 April¹.

The Core Team observed Central Election Commission sessions and conducted meetings with international and domestic stakeholders at the central level. The mission monitored and assessed the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, Election Day developments, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the national legal framework of Albania.

This final report is based on the findings of the ENEMO Core Team, interviews with stakeholders, and analysis of the legal framework and other documents. The report also includes over 60 recommendations to key-election stakeholders, with the aim of addressing observed shortcomings and improving aspects of the electoral process in Albania.

ENEMO would like to express its gratitude to all interlocutors, representatives of public institutions; electoral management bodies, especially the Central Election Commission; election contestants; civil society; media; international community; and all other organizations, institutions, and individuals in Albania for their cooperation and support throughout the duration of the IEOM.

The International Election Observation Mission of ENEMO to Albania for the 2021 Parliamentary Elections was made possible thanks to the generous support of the National Endowment for Democracy (NED).

¹<http://enemo.eu/uploads/file-manager/ENEMO25April2021Albaniaparlamentaryelections-StatementofPreliminaryFindingsandConclusions.pdf>

I BACKGROUND

Parliamentary elections in Albania were called by President Ilir Rexhep Meta on 6 September 2020, and scheduled for 25 April 2021². ENEMO assessed that the 25 April 2021 Parliamentary elections took place in a competitive environment despite a considerably tense political climate in the pre-election period. According to the CEC, the voter turnout was 46.3 percent³.

As a result of these elections, a total of four political parties obtained mandates in Parliament, with the Socialist Party (SP) gathering the highest number of seats (74), followed by the Democratic Party – Alliance for Change (DP led coalition) (59), the Socialist Movement for Integration (SMI) (4) and the Social Democratic Party (3). Out of five independent candidates, none gathered sufficient votes to be elected (see Annex I with election results).

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. Additionally, the reform process as initiated in 2015 was not fully accomplished before the start of the electoral process, which should be criticized for its lack of inclusiveness, lack of motivation, and general lack of proper definition in the outcomes and results of the

These elections were also of a high importance given that electoral reform in Albania was one of the pre-conditions stated⁴ to pursue negotiations on Albania's potential EU membership accession and the holding of the first "Intergovernmental Conference", expected as the next step in Albania's path towards EU integration.

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.

The process and the outcome of the 2021 parliamentary elections were 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.

² Presidential Decree No. 11700 dated 06.09.2020. "On determination of the date of the Assembly Elections".

³ <http://kqz.gov.al/results/results2021/results2021.htm>

⁴ Along with other key aspects such as judicial reform.

LEGAL FRAMEWORK AND ELECTORAL SYSTEM

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, Criminal Code, Law on Audiovisual Media, Law on Gender Equality, Law on Guaranteeing Integrity of Persons Elected, Appointed or Exercising Public Functions (also known as the Law on Decriminalization), etc. Albania has also ratified a number of international treaties regulating protection and promotion of human rights, including the right to vote.⁵ Relevant by-laws are adopted by the CEC.

The 2021 Parliamentary elections were preceded by two waves of amendments to the election legislation. According to the agreement of political parties⁶ achieved on 5 June 2020, the first wave of amendments were adopted on 23 July 2020.⁷ Important amendments concerned restructuring the CEC by creating the position of the State Election Commissioner, the Regulatory Commission and the Complaints and Sanctions Commission; abroad voting of Albanian citizens; preventing misuse of public resources; campaign funding and its monitoring; oversight of campaign coverage in media; granting the right to any person to denounce election related violations; biometric identification⁸ of voters; piloting electronic voting and counting in one of the districts; introducing more guarantees for gender equality; etc.

The second wave of amendments to the Electoral Code was adopted on 5 October 2020. It was caused by a constitutional amendment introducing preferential voting that was initiated and very hastily adopted by the Parliament on 30 July 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.⁹ At this stage, the most important changes to the Electoral Code concerned establishment of a nationwide threshold of 1 percent and also allowing party leaders to stand in up to four constituencies.

ENEMO considers that the adopted amendments contributed to the improvement of the electoral legislation. Existing legal framework makes it possible to conduct elections in accordance with international standards. 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, media oversight, etc. Besides that, one of the problems related with the legislative framework were regulations adopted by the CEC that contradicted the Electoral Code.¹⁰

ENEMO recommends that in order to address all the remaining problems in election legislation a comprehensive electoral reform should be conducted. The process should be transparent and

⁵ 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.

⁶ 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.

⁷ Amendments were adopted to the Electoral Code, 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.

⁸ Introduced system ensures only collecting biometric signatures of voters, but not verifying their identity.

⁹ 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.

¹⁰ For instance, Decision No.9/2020 of the Regulatory Commission states that prohibited public activities are those for which public funds have been spent, while Article 92 of the Electoral Code refers to "all activities of public nature" without specifying the origin of funds. The legal norm adopted by the Commission is narrower than the regulation of the Electoral Code.

inclusive ensuring the involvement of all important stakeholders from political parties as well as NGOs working on elections. The reform should start in a reasonable time ahead of elections and in accordance with international standards to avoid hasty changes.

Any regulations adopted by the CEC should correspond to the provisions and spirit of the Electoral Code.

Electoral System

The Assembly consists of 140 MPs, elected for a four-year term through a proportional system. 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.¹¹ This is attributed to the demographic changes since the last Parliamentary elections in 2017.¹²

Electoral subjects are political parties, coalitions of political parties and independent candidates nominated by a group of voters. Seats are allocated on a regional basis. The legal threshold is one percent of the valid votes nationwide.¹³ ENEMO deems that the same threshold for political parties and independent candidates puts them in unequal position, disadvantaging the latter.¹⁴

Consideration should be given to introducing different threshold for political parties and independent candidates.

Based on the constitutional amendments of 2020, voters can cast a vote not only for a party, or a coalition, but also for the preferred candidate on the party list. In order to change the ranking of the list, a candidate must receive more preferential votes (flexible list) than the average number of votes received for each mandate by his/her political party or coalition in a respective district. Only three candidates received enough number of preferential votes to change the predetermined ranking of the list which corresponds to the concern expressed by some of the mission's interlocutors that with the introduced version of preferential voting only few candidates would be able to receive a sufficient number of votes to affect the ranking of the list.

In order to increase effectiveness of the preferential voting and influence of the voters on the ranking of the candidates list ENEMO considers that the established threshold for preferential votes could be revised by lowering the threshold or by introducing a truly Open List Preferential List system.

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.¹⁵

ENEMO considers that the right of political party leaders to run in up to four districts should be annulled.

¹¹ The number of mandates for each electoral zone is determined in proportion to the number of citizens in each electoral zone. For determining the average number of citizens for each seat, the total number of citizens shall be divided by 140. The number of mandates for each electoral zone is determined by dividing the number of citizens with domicile in the electoral zone, by the average number of citizens for each seat. Article 75 of the Electoral Code.

¹² 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.

¹³ Seats are allocated according to the d'Hondt formula.

¹⁴ None of the five independent candidates received a mandate.

¹⁵ Code of Good Practice in Electoral Matters, Venice Commission, para. I.2.3. CDL-AD(2002)023rev2-cor

ELECTION MANAGEMENT BODIES

Election management bodies in Albania operate at three main levels:

1. Central Election Commission (CEC),
2. Commissions of Electoral Administration Zones (CEAZs),
3. Voting Center Commissions (VCCs) and Ballot Counting Teams (BCTs).

The CEC is the main competent body that organizes and oversees the overall election process. Elections are administered at the level of each Electoral Administration Zone (EAZ) by the respective Commission of Electoral Administration Zone (CEAZ). Main operative tasks concerning the Election Day, primary voting at the polling units, are handled by Voting Center Commissions (VCCs). Finally, each election zone had a Ballot Counting Team (BCT) established to count the votes at the election zone level.

Central Election Commission (CEC)

The CEC represents the key election management body that operates on a national level and is responsible for the overall organization of the electoral process. One of the key aspects of the political agreement made on 5 June 2020 was reorganization of the Central Election Commission. Thus, a monocratic body was transformed into a trilateral body with the intention to provide a proper checks and balances system, and to create a more independent state institution in charge of administering elections.

Three independent bodies compose the CEC:

1. The State Election Commissioner (SEC),
2. The Regulatory Commission (Regulatory),
3. The Complaints and Sanctions Commission (CSC).

The SEC consists of the Commissioner and their Deputy who hold seven- and four-year renewable terms, respectively. It is a monocratic executive body that administers the overall CEC administration and represents the CEC in relation with third parties. The Deputy Commissioner has an additional role to reinforce and oversee the technology for electronic voter identification as well as selection, recruitment and training of election officials along with the Commissioner.

The Regulatory Commission (Regulator) is composed of five members, out of which one exercises the duty of the Chairperson. Its members hold a five-year mandate and operate part-time. The Complaints and Sanctions Commission (CSC) is the competent body for reviewing administrative complaints that is composed of five members who hold a nine-year mandate and operate in a part-time manner. The CSC has the power to impose sanctions for violations of the electoral law. The Electoral Code stipulates that the mandate of the SEC is renewable, but no specifications are made regarding the renewability of the Regulator's and CSC members' mandates. EN-EMO notes that the duration of mandates of different bodies within the CEC, which is different from the terms of offices of MPs, is seen as positive as it somewhat ensures their independence from active political forces.

The selection process of the CEC, including the Commissioner, the Deputy Commissioner, members of the Regulatory Commission as well as CSC was handled by the Parliamentary Committee of the Assembly of the Republic of Albania that was specially established for this purpose. In

total, 136 candidates applied for all positions¹⁶, while the selection process was finalized on 2 October 2020¹⁷. One of the potential obstacles for the independence of the CEC and its bodies is the inclusion of former political officials and cabinet officials, which may lead to additional politicization of the CEC.

To enhance competence, transparency and public trust, it is recommended to further regulate the inclusion of former political officials and cabinet officials into the CEC and its bodies by putting focus on the members' qualifications and previous election-related experience.

Overall, ENEMO assesses the work of the CEC as transparent and open, mostly through the SEC's informative approach 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. On the other hand, the cooperation among three bodies of the CEC was often perceived insufficient, especially when the decisions of one body were overturned by the other. These kinds of actions sometimes gave the impression that the CEC is not a coherent body, but three separate institutions.

In order to avoid frequent overturning of the CEC's decisions by its own bodies, it is recommended to establish a more cooperative mechanism among the three branches of the institution. The communication system and deliberative process among the SEC, Regulatory and CSC should be reconsidered.

The CEC started with election preparations as soon as the elections were announced by the Presidential decree¹⁸. When it comes to decision-making, the SEC held non-public sessions and published the decisions shortly after they were made, while the Regulatory Commission and CSC held sessions open for the public and broadcasted them online.

To increase the transparency of the decision-making of the SEC, ENEMO recommends for the sessions to be broadcasted live,

During the election preparation process, deadlines were mostly followed. On the other hand, deadlines were often unknown since no publicly available electoral calendar was prepared. Electoral actors as well as the general public could not easily get acquainted with the legal and internal deadlines, which could have been ensured by publishing the electoral calendar. Moreover, it would have increased the transparency and accountability in terms of following the overall timeline for election preparations.

ENEMO recommends establishing and publishing an electoral calendar in advance to increase the transparency and accountability of the CEC as well as other election management bodies.

When it comes to voter education, ENEMO notes that, despite extensive funds being invested in this crucial aspect of elections, it failed to reach an optimal proportion of voters. The CEC published a number of informative videos for the voters that were broadcasted on television and radio, and could be found on the CEC's website¹⁹. The main topics covered included voters' rights, instructions on checking the voters list and voter identification, the ballot paper, election related crimes and instructions on how to vote. Moreover, funds were invested in social media advertising, mostly Facebook, as well as printing out different informational posters and flyers²⁰ that were translated into minority languages and posted in public spaces, such as bus stations and public administration buildings.

¹⁶ 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).

¹⁷ 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".

¹⁸ Presidential Decree No. 11700 dated 06.09.2020. "On determination of the date of the Assembly Elections"

¹⁹ <https://bit.ly/3awJ4fu>.

To ensure proper outreach of the voter education activities to the voters, ENEMO recommends to implement a set of systematic voter education activities that would contribute to proper understanding of the key aspects of the electoral process and, especially, the voting procedures.

Concerning the information presented on the CEC website in terms of voter education, it was very limited and mostly quoted the articles of the Electoral Code. In addition to that, the web-page designated to voter education that included informative video material was hard to reach for voters and was not easily accessible from the home page. Answers to the frequently asked questions almost exclusively included only excerpts from the Electoral Code, thus missing out the opportunity to provide proper explanations to some of the important issues, such as valid and invalid ballots²¹. The CEC organized a few additional activities that focused on the first-time voters, targeting students, youth and voters who turned 18 years old.

Additional efforts should be made to improve usability and voter education content of the CEC website. The website should be more user-friendly, content more detailed and voter education information should be easily approachable.

One of the challenges of the 2021 elections was the use of new technologies, which was enabled by 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). It is important to note that, 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. Electronic voting and counting pilot project was launched in EAZ no. 40 in Tirana²² that included 32 voting centers with 23,597 registered voters. A nine-day demonstration was organized by the CEC where all voters and other interested parties could test the technology up until three days before the Election Day. Given the very limited timeframe for preparing the electronic voting and counting, it influenced the procurement process of voting equipment as well as the configuration of the software. Additionally, there was a lack of public discussion and independent control of the equipment and software, which is in contrast with Council of Europe recommendation CM/Rec(2017)/5 on standards for e-voting²³.

ENEMO recommends further development of the use of new technologies, both the EVIS system and electronic voting and counting. It is crucial to include independent audit of the newly introduced systems and to increase public trust in new technologies.

Another challenge to the CEC was the introduction of preferential voting, which has caused a strong debate among stakeholders, specifically when it comes to the design of the ballot paper. Initial decision of the SEC on the design of the ballot paper included the names of candidates²⁴, but it was quickly appealed by SP. As a result, the CSC overturned the SEC's decision (see more in Complaints and Appeals section), resulting in removing the names of the candidates from the ballot papers and additionally burdening the Election Day preparations in terms of printing the ballot papers in a timely manner. On Election Day, a significant number of voters were confused which candidate to vote for, contributing to the significant proportion of invalid ballots that made up to 5% of total votes.

ENEMO recommends further analysis and research to decide on the optimal design of the ballot paper for future elections. Voters' preferences on whether names of the candidates should be included on the ballot paper should be taken into consideration.

²⁰ <https://bit.ly/3tOfKZF>.

²¹ <https://bit.ly/3ndAbwu>.

²² ENEMO EOM observed the testing of the EVIS system prior to Election Day. During the testing process, no technical dysfunctions were noticed.

²³ <https://rm.coe.int/09000001680726f6f>

²⁴ Decision 198 of the SEC.

During the post-election period, the CEC continued to provide timely updates on the counting and tabulation process to the public, while the complaints and appeals were handled according to the prescribed deadlines (see more in Complaints and Appeals section).

Commissions of Electoral Administration Zones (CEAZs)

According to the Electoral Code, Electoral Administration Zones (EAZs) should be 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 2021 Parliamentary elections 92 EAZs were formed²⁵ and were administered by 92 CEAZs, comprising the second hierarchical tier in the electoral administration.

Each CEAZ consists of seven members and a secretary with no voting rights, in accordance with the parliamentary political configuration (or parliamentary majority and minority). Political parties eligible to propose CEAZ members and secretaries were designated by the CEC, upon SEC's decision from 23 December 2020²⁶. The last date for the political parties to submit the list of CEAZ members was 11 January 2021, which was not fully observed by the Social Democratic Party. This party made proposals only for 33 CEAZs, thus leaving 59 unfilled and later filled by members proposed by SP. The first meeting of CEAZs all over the county was held on 27, 28, and 29 January 2021 where chairpersons and their deputies were elected. CEAZ nominees could have been recalled at the respective political party's discretion and without proper reasoning, which resulted in frequent replacements of CEAZ members²⁷, some close to the Election Day.

To balance the politically nominated composition of the CEAZs and to decrease political pressure on the CEAZ staff, leadership positions within given bodies should be professionalized. At least chairpersons and secretaries of CEAZs should be selected based on their competencies and professionalism to ensure an independent leadership of CEAZs.

To increase the level of preparedness and professionalism of election commission members, training for all CEAZ members should be provided, in order to ensure all replaced commission members have received standard training or in case parties fail to nominate sufficient members. These trainings should be conducted prior to the beginning of the election process, so that the CEC has an existing base of trained professionals – either politically affiliated or independent.

Local observer groups reported minor obstacles in the work of CEAZs, which did not seem to significantly influence the election preparation process. Some of the reported obstacles included 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.²⁸

ENEMO recommends to conduct financial planning in a timely manner and to ensure sufficient budgetary resources to CEAZs to ensure that all commissions are operating continuously, permanently and without financial obstacles during the electoral period.

²⁵ Compared to 90 in the previous elections.

²⁶ State Election Commissioner's Decision No. 40, dated 23.12.2020 "On designating the political parties that will propose CEAZ members and secretaries for Albania's Parliamentary Elections of 25 April 2021".

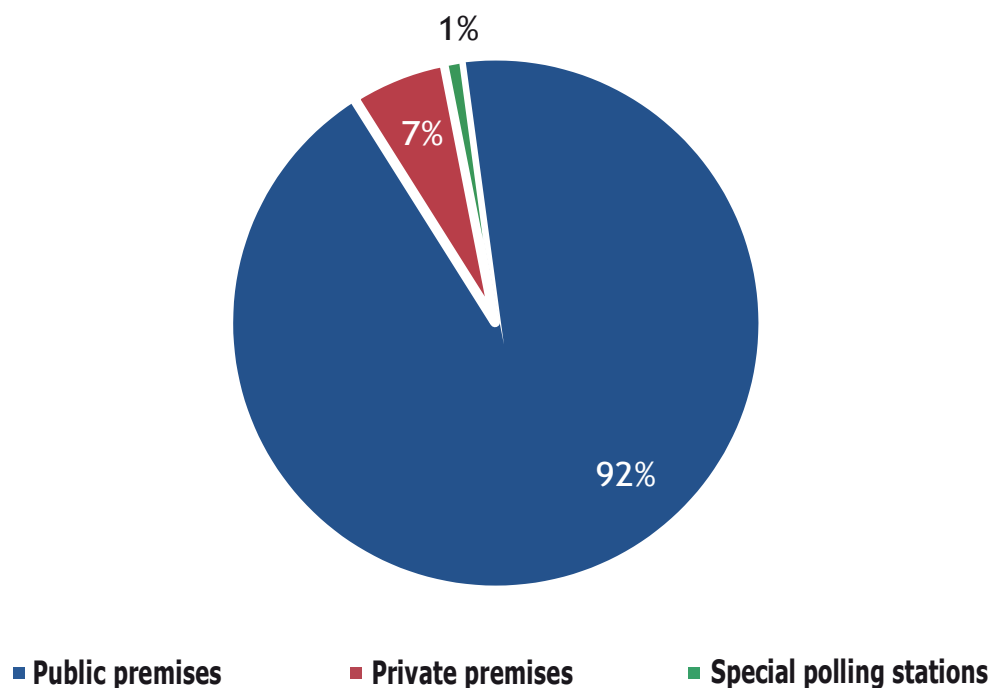
²⁷ Nearly 20% of all CEAZ members were replaced across Albania until Election Day.

²⁸ Interim Monitoring Report I, Elections for the Assembly of Albania, 29 March, 2021, KRIIK.

Voting Center Commissions (VCCs) and Ballot Counting Centers (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 from 200 to 300, which resulted in merging of 355 voting centers²⁹. 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). Even though the Electoral Code allows for creating special polling units in health institutions with more than 15 voters, no voting centers were formed in hospitals that admit patients for more than three days. This raises concern over the number of hospitalized voters who were disenfranchised for the 2021 Parliamentary elections (see Registration of voters section).

Types of voting centres



Counting was performed in 92 Vote Counting Centers (VCCs) under the supervision of the respective CEAZ³⁰. Voting Center Commissions were appointed only for the election period and were composed of seven members, with one of the members exercising the duty of secretary. Each CEAZ appointed a Ballot Counting Team (BCT) to perform the counting within the respective administrative unit. Each BCT consisted of the first counter, the secretary and two members, and covered 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.

²⁹ 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.”

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.

ENEMO recommends professionalizing the leadership of VCCs and BCCs (for instance, chairpersons and secretaries) to balance politically nominated composition of the commissions and decrease political pressure by ensuring an independent leadership of the commissions.

To increase the level of preparedness and professionalism of election commission members, training for all election commission members should be provided, in order to ensure all replaced commission members have received standard training or in case parties fail to nominate sufficient members.

To comply with international standards, it is recommended to conduct the counting process at the VCC level and protocols should be sent to CEAZs for centralized tabulation.

Although the Law prescribes that the locations of voting centers may not change 40 days prior to the election date, unless it is due to extraordinary circumstances and approved by the CEC, locations of 107 voting centers³³ as well as seven BCCs³⁴ were changed after the deadline. ENEMO notes that these changes of the voting center locations close to the Election Day led to confusion of voters and potentially discouraged a number of voters from participating in the elections.

Possible locations of voting centers should be determined and authorized in a timely manner to avoid frequent changes as well as changes close to Election Day.

In the context of COVID-19 pandemic, concerns were raised 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 Day. 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 their distance and wear protective masks.

³³ Decisions of the SEC no. 213, 237 and 249.

³⁴ Decisions of the SEC no. 196, 225 and 244.

REGISTRATION OF VOTERS

According to Albanian legislation, eligible voters are all Albanian citizens who turned 18 years old before or on the Election Day, 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 old³⁵, who require active registration as they are automatically excluded from the voters list and must make a request to be included. ENEMO notes that this requirement for active registration is contrary to the principle of equal and universal suffrage.³⁶

The principle of passive voter registration should also be applied for voters over 100 years old, provided they undergo regular checking and updating in the voters list by the respective EAZ.

According to the National Register of Civil Registry (NRCR), all Albanian citizens who turned 19 before and on Election Day were automatically included to the voter list within the respective administrative unit and voting center. According to the official information published by the CEC, there were 107,024 first-time voters registered for the 25 April elections.

Bodies competent for composing and updating the voters list include NRCR, 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 municipality³⁷. Additionally, the CEC supervised the compilation of the voters' list through two audit technicians. The voters list was finalized on 15 March, 2021, after which changes were possible only by the court's decision. Total number of voters eligible to vote in the 25 April elections was 3,588,869, out of which 50.5 percent were male and 49.5 percent female voters³⁸.

Voters could have obtained information on their respective voting center in several ways: through checking the frequent display of voters' lists by municipalities on public premises; by written notification sent out to their place of residence by municipalities; and online by checking the voter e-list that could have been accessed by inserting their personal information. Even though most municipalities published the printed excerpts of the voters' list at public premises, some of them failed to send out written notifications to citizens by post, reportedly due to insufficient funds allocated for this purpose. Concerns were raised by some ENEMO interlocutors regarding the security of the voter e-list portal since any person that disposes of basic personal information of a voter or a group of voters was able to check their respective voting center. Additionally, the newly introduced possibility to check the voting place online via e-Albania portal is seen as a more secure and positive step, even though only 54,280 users were registered as of end of March 2021³⁹.

The voter e-list portal should undergo additional security upgrades to ensure data protection and avoid possible misuse of citizen's personal information.

Special funding by the Ministry of Interior was allocated to municipalities to issue written notifications on voters' polling places. 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 pandemic⁴⁰. ENEMO raises concern that a number of voters were

³⁵ 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.

³⁶ Code of Good Practice in Electoral Matters.

³⁷ 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".

³⁸ <https://bit.ly/2PfAdYh>.

³⁹ <https://bit.ly/3sOAvmx>.

⁴⁰ Interim Monitoring Report I, Elections for the Assembly of Albania, 29.03.2021, KRIIK.

registered in the election without proper mention of their place of residence, at odds with the Electoral Code⁴¹. This shortcoming was also identified by the CEC's auditor report⁴², while appropriate measures were not taken to solve this issue.

ENEMO recommends additional efforts outside the pre-election period to improve the efficiency of compilation of the voters' list along with accuracy of data, as well as to avoid any delays and mistakes of the voters' list.

After the initiative of the Regulatory Commission, in March 2021 the Ministry of Interior published a decision⁴³ to extend the validity of expired biometric ID cards and passports for the Election Day⁴⁴. ENEMO welcomes this decision, as it could have possibly limited the voting rights of over 700,000 Albanian citizens.

When it comes to the rights of voters residing abroad, their newly introduced right to vote was foreseen within the recent amendments to the Electoral Code⁴⁵. Consequently, the CEC should have drafted all sub-legal acts to ensure the conditions to enable out-of-country voting, as guaranteed by law. 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. Still, no decisions were made in this direction, leaving a significant number of voters without the possibility to exercise their right on Election Day. 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. It is estimated that 1.6 million Albanian citizens live abroad, out of which 1.3 million have the right to vote.⁴⁶ 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.

Until the next electoral cycle, a proper way to establish the possibility for voters to vote from abroad should be ensured in a timely manner, as provided for in the Electoral Code. This includes drafting and publishing all sub-legal acts, preparing procedures for out-of-country voting and voter education in this regard.

Even though the electoral amendments were made after the beginning of COVID-19 pandemic, they failed to address the right to vote for COVID-19 infected and self-isolated citizens. Furthermore, even after the election preparations began, there was a complete lack of political will to enable voting for citizens who were deemed to be excluded from the election process due to the pandemic. According to the official data, on 25 April, there were 22,431 active cases of COVID-19 in Albania, out of which 149 patients were hospitalized. Another group of voters that was fully prevented from exercising their right to vote were hospitalized individuals.

Despite numerous requests for information issued to the Ministry of Health regarding the number of self-isolated and hospitalized citizens on Election Day, given information was not disclosed until the day of publishing this report. Even though it remains unknown how many hospitalized and self-isolated voters were disenfranchised, ENEMO notes that this approach is in contrast to international standards⁴⁷ as well as the Electoral Code⁴⁸.

⁴¹ Articles 52 and 54 of the Electoral Code.

⁴² 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."

⁴³ 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.

⁴⁴ Validity of the biometric ID cards and passports was postponed until April 30, 2021. <https://bit.ly/3sILWwh>; <https://bit.ly/3aBabGx>.

⁴⁵ RoA Electoral Code, Article 46 "Voter list" paragraph 3.

⁴⁶ According to the National Diaspora Strategy 2021-2025.

⁴⁷ Code of Good Practice in Electoral Matters.

⁴⁸ 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.

The mechanism for hospitalized voters which includes provisions on establishing polling stations in hospitals should be implemented as provided for in the Electoral Code. An additional mechanism for self-isolated voters, or voters unable to render themselves to polling stations should be introduced to ensure the inclusiveness of voters.

Additional concerns are raised by ENEMO over the personal and sensitive data⁴⁹ leak that included data of 910,061 voters⁵⁰, 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.⁵¹ Making such personal data public represents a violation of the right to privacy, guaranteed by the Constitution⁵² 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.

Political parties should refrain from voter data collection and violation of personal voter data secrecy. All cases of alleged and proven abuse should be properly investigated and sanctioned by the relevant authorities.

⁴⁹ 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).

⁵⁰ <https://bit.ly/32DeCw0>.

⁵¹ <https://bit.ly/2QhTCbN>; <https://bit.ly/2RYJC7J>.

⁵² 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”.

CANDIDATE NOMINATION AND 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 offices⁵³.

The procedure for the registration of electoral subjects was changed in July⁵⁴ and October⁵⁵ 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, bringing the signature collection requirement more in line with international standards⁵⁶.

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 register four political parties, out of which three did not submit complete legal documentation⁵⁷, while one was refused to be registered as an electoral subject⁵⁸.

Members of electoral coalitions were obliged to sign a cooperation agreement defining each of their rights and duties. This agreement was part of the submission documentation for the coalition's registration within the CEC prior to elections. Out of three electoral coalitions that submitted their nominations⁵⁹, two were accepted⁶⁰.

Each political party or coalition had to submit to the CEC a list of candidates for each constituency no later than 50 days before the Election Day⁶¹. 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 coalition⁶². 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.

⁵³ 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.

⁵⁴ Law no. 101/2020, 23.07.2020.

⁵⁵ Law no. 118/2020, 05.10.2020.

⁵⁶ 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.

⁵⁷ 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.

⁵⁸ 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.

⁵⁹ 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).

⁶⁰ 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.

⁶¹ Article 67 of the Electoral Code.

⁶² Article 68 of the Electoral Code.

In total, 11 political parties and three coalitions submitted their lists of candidates on time, while all electoral subjects but one⁶³ 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 subjects⁶⁴.

The Electoral Code prescribes that each electoral subject should submit 153 candidates⁶⁵, 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 list⁶⁶. 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, on the other hand, the same rules were not systematically applied to all electoral subjects, violating the principle of equality of electoral contestants⁶⁷.

In order to avoid confusion of voters, possible mistakes or fraudulent attempts, the names of candidates should be introduced on the ballot papers. This would additionally facilitate voters' choice when marking their ballots.

The exact number of candidates which should be nominated per list should be clarified in the Electoral Code, with an amendment clearly enouncing the provisions for calculation of the number of candidates on the lists.

⁶³ Socialist Movement for Integration.

⁶⁴ "Alliance" Coalition and National Alliance Party.

⁶⁵ 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>).

⁶⁶ CSC decision no. 9, dated 23.03.2021.

⁶⁷ All electoral subjects registered 153 candidates, except for DP that registered 222 candidates.

ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE

Electoral Campaign

According to the Electoral Code, the official electoral campaign should start 30 days before the day of voting, and end on Friday before Election Day at midnight, when a period of “electoral silence” comes into force⁶⁸. However interlocutors of the mission raised concerns, in particular domestic civil society observation groups, that these provisions did not prevent electoral contestants from starting their campaigns earlier than required by the legislation. Although the official campaign should have started on 26 March according to the legal provisions, several contestants already started revealing elements of their campaign platforms and political advertising approximately one to two months before the official start of the campaign⁶⁹.

Political parties should refrain from starting their campaign before the legal start, while all cases of abuse should be properly sanctioned.

ENEMO notes that the amended Electoral Code, despite including a significant number of definitions in its general provisions⁷⁰, 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.

A proper definition of the term “electoral campaigning” should be introduced in the definitions (Article 2) of the Electoral Code.

Fundamental freedoms were generally upheld and electoral contestants were able to campaign freely overall. However, 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. Decisions taken by the Technical Committee and Health Minister prohibited gatherings of over ten individuals, as well as mass-meetings by political parties and rallies, and prescribed physical distancing⁷¹. 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 emphasized the need for political alternation and renewal of the political class. However, few of these themes were actually grounded in concrete policy platforms aimed at influencing the voters’ choice. The coalition led by DP (Democratic Party) and SMI (Socialist Movement for Integration) criticized the concentration of power in the hands

⁶⁸ Article 77 of the Electoral Code.

⁶⁹ 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.

⁷⁰ See Article 2 “Definitions” of the Electoral Code.

⁷¹ Order No. 633/2020 of the Minister of Health, upheld by the Constitutional Court.

of Prime Minister, claiming allegations of misuse of administrative resources and corruption by the Socialist Party (SP).

Political parties and candidates informed the mission that they were 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 SP, the DP and the SMI.

ENEMO raised concerns regarding the involvement of Prime Minister of Kosovo Albin Kurti in the Albanian electoral campaign, which should be considered as an attempt at foreign interference in the electoral campaign of another country⁷².

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.

ENEMO raised serious concerns that parties failed to appease tensions⁷³ 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.

All cases of negative campaigning, discreditation attempts and inflammatory language should be investigated by the competent authorities and properly sanctioned when necessary.

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 individual⁷⁴, and even a case tragically leading to the injury of four persons and the murder of a local politician⁷⁵. ENEMO strongly condemns any form of violence, and raised alarming concerns regarding the negative consequences of such tragic events when it comes to the environment of the campaign.

All cases of violence and altercations among party supporters should be investigated by the State Police and prosecuted accordingly.

ENEMO praised 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 subjects⁷⁶. 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 alleged vote-buying cases received considerable media attention, further damaging the image of the campaign⁷⁷. Likewise, cases of ministers inaugurating infrastructural projects or other inspection visits without prior notification to the CEC were reported to the mission.

⁷² 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.

⁷³ In particular, tensions between the two main parties, i.e the Socialist Party (SP) and the Democratic Party (DP).

⁷⁴ 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.

⁷⁵ 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.

⁷⁶ The CEC additionally deployed 64 support staff members throughout the country to verify compliance with campaign regulations by parties and candidates.

⁷⁷ 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.

Additional allegations⁷⁸ 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.

Sanctions against violations such as abuse of incumbency, misuse of administrative resources, vote-buying but also pressure on voters should be increased, and properly investigated by the competent authorities.

Campaign Finance

Campaign finance and related provisions are mostly regulated by the Electoral Code. Amendments brought forth in November 2020 to the Law on Political Parties further harmonized the legal framework and eliminated some of the inconsistencies in the Electoral Code.

Political parties in Albania 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. Before the 2020 amendments to the electoral legislation, all parties contesting the elections were eligible to receive public funds for their campaign⁷⁹.

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 LEK⁸⁰.

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 entities⁸¹, 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 guidelines⁸², the ceiling for self-funding of campaigns by candidates remained unclear until the CEC issued a decision⁸³ interpreting self-contributions as donations, therefore capped within the same ceiling (1 million LEK).

⁷⁸ 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.

⁷⁹ For instance, 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>.

⁸⁰ Decision of the State Election Commissioner N°172, page 5: <https://bit.ly/3aDRXE2>.

⁸¹ 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.

⁸² 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".

⁸³ 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".

⁸⁴ Approved by the Regulatory Commission on 6 April, while additional guidelines and clarifications were provided on 14 April as mentioned above.

⁸⁵ 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.

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.

At odds with best practices, the rules, procedures and reporting templates for final financial reports of electoral contestants were approved after the start of the electoral campaign by the Regulatory Commission⁸⁴. ENEMO assesses that this created a risk of confusion or lack of understanding by electoral contestants of the specific rules pertaining to campaign finance and reporting.

Provisions related to the framework for financial reporting of electoral contestants, including guidelines and templates, should be approved before the start of the electoral campaign.

ENEMO notes that no specific provisions are enshrined in the Electoral Code when it comes to political advertising online and on social media specifically⁸⁵. 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.

Transparency on financing of campaigns through third party social media pages should be increased. Provisions related to social media advertising and related expenses should therefore be introduced in the Electoral Code.

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 results⁸⁶. 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 finance⁸⁷.

In order to increase campaign finance transparency, sufficient capacity to effectively monitor political finance during the electoral campaign should be provided. This should be achieved either by increasing budgetary means and human resources within the CEC in order to do so, or alternatively consider the creation of an independent body responsible for campaign finance oversight.

The Electoral Code contains clear provisions and definitions sanctioning vote buying, whether direct or indirect⁸⁸. It also includes provisions regarding the misuse of administrative resources, mostly in line with international good practice⁸⁹. 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 regard⁹⁰. Although the SEC took a number of decisions related to possible misuse of state resources⁹¹, interlocutors

⁸⁶ 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.

⁸⁷ At the time of writing of this report, final financial reports of electoral contestants have not yet been published. Consideration will be given by ENEMO to publishing an Addendum to this final report, including further analysis of the final financial reports delivered by electoral contestants to the CEC once they are publicly available.

⁸⁸ Article 78, in particular point 7 of the Electoral Code.

⁸⁹ In particular, Article 91 of the Electoral Code.

⁹⁰ 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”.

of the mission voiced concern that this framework was insufficient at preventing other broader political finance issues, such as black funds and “shadow funding” of electoral campaigns.

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 the 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 interpretation⁹². 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 generally limited in these elections.

Electoral contestants should be required by law to submit interim financial reports income and expenses related to their campaigns.

The deadline for publication of final financial reports on campaign finance by the CEC should be shortened.

ENEMO positively assessed 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.

⁹¹ 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.

⁹² 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.”

ENEMO assessed 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 standards⁹³. The primary source of information used by Albanian citizens remains television, along with online media and social media. However, numerous media outlets were reported being under considerable influence of their owners, questioning their editorial independence.

The Electoral Code provides the framework for media coverage of the campaign⁹⁴, 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 term⁹⁵. For these elections, three positions remained vacant, while two mandates of the AMA's composition had expired⁹⁶.

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 did not hold seats in the Parliament had to seek coverage towards the various broadcast media, and that coverage could not exceed that granted to smaller parliamentary parties. ENEMO deems that this narrows opportunities for media access to non-parliamentary parties along with independent candidates, limiting equality of opportunity⁹⁷.

Consideration should be given to bringing the legislation more in line with international standards, by introducing a legal provision ensuring a minimum access to privately owned audio-visual media outlets for all electoral contestants.

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 candidates⁹⁸. 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 broadcasts⁹⁹. 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.

⁹³ Articles 22 and 23 of the Constitution.

⁹⁴ Article 85 of the Electoral Code.

⁹⁵ Renewable once.

⁹⁶ Due to a lack of applications submitted.

⁹⁷ See Venice Commission Code of Good Practice in Electoral Matters, Explanatory Report paragraph 20: "in conformity with freedom of expression, a legal provision should be made to ensure that there is a minimum access to privately owned audio-visual media, with regard to the election campaign and to advertising, for all participants in elections."

⁹⁸ Article 84 point a) of the Electoral Code. Fines can range from 1.5 million LEK to 3 million LEK.

⁹⁹ 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.

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 assessed 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 programmes¹⁰⁰. 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.

Excessive monetary sanctions towards media outlets, in particular those provided for in Article 84 of the Electoral Code should be reconsidered and decreased.

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 channels¹⁰¹. Compensation of airtime in this case was not ensured by the CEC, at odds with the coverage principles set out in the Electoral Code.

In cases of misbalanced media coverage, the CEC should provide systematic redress by granting compensatory coverage to electoral contestants which benefitted from less media coverage during the campaign, in line with the law.

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.

The AMA should be required by law to also cover media coverage of the campaign on social networks and, more generally, social media pages used for the purpose of electoral campaigning.

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 concern¹⁰². 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. On 6 May, the Special Court of Appeals in Tirana overruled the first instance court order for the seizure of equipment of Lapsi.al following their revelation on the data leak.

All cases of intimidation, pressure or violence towards journalists should be investigated by the competent authorities and systematically sanctioned.

¹⁰⁰ Article 84 point a) of the Electoral Code. Fines can range from 1.5 million LEK to 3 million LEK.

¹⁰¹ Available at: <http://kqz.gov.al/raportet-e-monitorimit-te-medias-2021/>

¹⁰² 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.

GENDER REPRESENTATION

For increasing women representation in the legislative body, the legislation sets forth certain regulations. The Constitution determines that the election legislation should ensure gender representation on candidates' lists.¹⁰³ In accordance with this provision, the Electoral Code recognizes the principle of gender equality which should be respected by electoral subjects and also the election administration, in order to ensure participation of the underrepresented gender¹⁰⁴ in public and political life.¹⁰⁵

It is determined that no less than 30 percent of the composition of the Parliament should belong to the less represented gender. For candidates' lists, it is required that one in every three candidates on the multi-name list submitted by the electoral subject belong to the under-represented gender.¹⁰⁶ In order to ensure better implementation of the gender quota requirement, a new sanction of rejecting the registration of the candidates list by the CEC for not respecting the 30 percent gender quota was introduced within the 2020 electoral amendments, replacing the previously existing administrative fine.

To ensure that the proportion of the less represented gender is not reduced in the legislature, the Electoral Code establishes special regulations both in case of allocating seats for candidates and withdrawal of a mandate. The candidates belonging to the less represented-gender are not replaced by those candidates who received the higher number of preferential votes. As regards withdrawal of a mandate, as a general rule, a vacancy is filled by the next candidate on the list unless this affects gender representation in the parliament. In that case, the vacancy should be filled by the first candidate on the list belonging to the less represented gender.

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 the involvement of women as candidates, out of 1,841 candidates, 732 were women (39.8 percent).¹⁰⁷ The New Movement Party was the only party that presented an almost equal number of men and women in the list. None of the five independent candidates competing in the elections were women.

In the newly elected parliament, out of 140 MPs, 47¹⁰⁸ are women (33.57 percent). This represents a positive step forward, but on the other hand the existing legislation has been in force for several elections and it could guarantee only the minimum representation of women in the parliament.

ENEMO considers that for further strengthening the participation of women in the decision-making process and political life the gender quota should be increased to 40 percent.

Besides establishing a gender quota for candidate lists, the Electoral Code determines that a 30 percent gender quota is 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.

¹⁰³ Article 64, paragraph 3 of the Constitution.

¹⁰⁴ The Electoral Code has a definition of underrepresented gender which refers to women - "Under-represented gender shall be the gender with the traditionally lower number of members in the Assembly or, according to circumstances, local councils at the national level". Paragraph 24 of Article 2.

¹⁰⁵ Article 4 of the Electoral Code.

¹⁰⁶ 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.

¹⁰⁷ <https://bit.ly/3ni4diX>.

¹⁰⁸ 27 women out of 74 MPs from SP, 17 out of 59 from DP, 3 out of 4 from SMI.

However, the Electoral Code guarantees 30 percent of gender quota for the election administration, that is the minimum standard.

ENEMO recommends that for engaging more women in election management bodies the gender quota should be increased to 40 percent, and the alternation “male/female” in the party lists should be insured in order to provide the same chances to both gender. Also, more women should be appointed to managerial positions.

Based on the information of the CEC, there were 1 776 427 women on the voters list, out of which only 792 703 (41 percent) voted on 25 April.

During the pre-election campaign leading political parties were promoting women candidates, but at the same time, local organizations reported verbal attacks against women candidates that might discourage women’s participation in politics.¹⁰⁹

Political parties and their leaders should not tolerate messages directed against women candidates due to their gender. Political parties should engage more women in the electoral campaign process. Also, they should appeal to women voters and offer them programs that would be tailored to their needs in order to increase women participation in elections and politics.

¹⁰⁹ See some of the examples: <https://bit.ly/3anlDoU>; <https://bit.ly/3gj1YKI>; <https://bit.ly/2QFNh9B>; <https://bit.ly/3spEgPm>; <https://bit.ly/3x9OKWs>; <https://bit.ly/3v6IOfl>

NATIONAL MINORITIES

The Constitution of Albania guarantees the same political, civil and social rights to national minorities as enjoyed by other citizens of the country. In Albania, the rights and freedoms of national minorities are also regulated by the Law on the Protection of National Minorities¹¹⁰, which recognizes nine minorities in Albania: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities. According to the last census in 2011, national minorities represent less than 1.5 percent of the population, though this data is considered outdated and not reliable. 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.¹¹¹

The legislation does not establish any quota for national minorities in the legislative body. For the 2021 Parliamentary elections, there were no registered electoral subjects representing any of the above mentioned minorities, though some of them had candidates belonging to national minorities.

Some of the voter education materials (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.¹¹² Despite having the voter education materials available in minority languages, ENEMO notes that the ballot papers were available only in Albanian. Providing election materials in minority languages is a very positive step, but should not be considered sufficient.

ENEMO recommends that the CEC should conduct more active outreach campaigns in order to ensure that national minorities are informed about the election procedures and their rights. In local municipalities where minorities constitute 20 percent of the population, the ballot papers should be provided also in respective minority languages.

During the pre-election campaign no facts or messages of discrimination directed against national minorities were identified by the mission. However, there are several issues which national minorities still face. For instance, there were cases when Roma and Egyptian minorities were targeted for vote buying purposes, which was reported to the mission as being an established practice. Also, many Roma do not have identification documents that prevent them from exercising their right to vote.

State authorities should take appropriate measures to ensure that persons belonging to national minorities have adequate identification documents enabling them to exercise their rights granted by the Constitution and relevant international instruments.

Political parties/candidates should offer to national minorities programs oriented on the solution of their problems and by that contribute to their engagement in the election process.

¹¹⁰ The Law No. 96/2017 on the Protection of National Minorities, adopted on 13.10.2017

¹¹¹ Paragraph 4 of Article 15, Law on the Protection of Minorities in the Republic of Albania

¹¹² <https://bit.ly/2QnEN7C>, <https://bit.ly/3gGJpQK>. Egyptian was the least represented minority language.

INCLUSION OF PERSONS WITH DISABILITIES

Albania ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2013, with an obligation to undertake all necessary measures for ensuring that persons with disabilities exercise their rights, including the right to vote and stand for elections, without any hindrance. The Law no. 93/2014 on the Involvement and Accessibility of Persons with Disabilities promotes participation of persons with disabilities in decision-making.¹¹³ The Law on Protection from Discrimination determines that disability and health condition should not be grounds for discrimination. There are also CEC decisions that regulate voting for persons with disabilities.¹¹⁴

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 a court decision, are not entitled to vote. Similarly, Article 53 of the Electoral Code states that persons who are recognized as incapable to act by the court do not have the right to vote. Depriving persons with mental disability the right to vote contradicts international standards and can be considered as discriminatory.

The restriction on the right to vote of persons declared mentally incapable by a court decision should be annulled.

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. Voting centers with registered PwDs having difficulties accessing premises should be organized in such a manner as to ensure that they are freely accessible to those 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. Also such obstacles risk discouraging PwDs to vote, especially if they are not familiar with the procedure. It should also be noted that on Election Day many VCCs were not accessible, with some of them located on the upper floors. ENEMO assesses that these regulations and practices are at odds with the standards set forth by the CRPD¹¹⁶ and do not guarantee the right to vote without any hindrance.

ENEMO recommends that in order to fully guarantee the right of PwDs to vote independently in accordance with international standards, respective authorities should proactively ensure that voting premises are adequately accessible for all voters and are also equipped with the devices necessary for persons with vision impairment. There should not be any requirement of filing requests to that end to the respective authorities.

Voter education materials prepared and published by the CEC were also available in Albanian sign language, while the CEC's website was not adjusted for visually impaired users.

¹¹³ Based on information received from the State Social Service, the total number of persons with disabilities 18 years old and over is 55 182. The State Social Service does not have information about how many of them are deprived of the right to vote, because of the court decision.

¹¹⁴ Decision No.1, dated 12.12.2012; Decision No.33, dated 19.01.2021; Decision No.1, dated 25.03.2021; etc.

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>

ENEMO deems that CEC should take additional measures to ensure that its website is readable and user-friendly for persons with vision impairment.

The electoral legislation does not establish a requirement for electoral subjects to use sign language for their political advertisements. It decreases the possibility for PWDs to receive full information about election campaign and accordingly, make informed decision.

ENEMO considers that the electoral legislation should oblige electoral subjects to use sign language for their political advertisements.

When it comes to the campaign, few messages directly targeted the involvement of persons with disabilities in political life, or encouraged them to vote.

In order to increase participation of PWDs in elections, political parties should address the problems and needs of these voters during their pre-election campaign and present their vision for tackling those problems. This will contribute to engaging more PWDs in political life.

COMPLAINTS AND APPEALS

The Electoral Code determines authorized bodies for adjudicating election related complaints. Complaints and Sanctions Commission (CSC) is responsible 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 that is the highest instance in respect of election disputes.

The limited number of subjects have a right to file complaints. Complaints against the decisions of the SEC and CEAZs can be lodged within three days from issuing of the decision by those whose legal interests have been affected. 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 have the right to challenge the decision, as well as those subjects whose accreditation as observers was rejected. The complaint regarding the decision on the refusal to change data on the voters' list can be filed by the respective voter with the district court, which has to take a decision within five days from the lodging of the complaint.

As a rule, a decision should be taken no later than two days after the filing of the complaint, while in case of complaints regarding election results, the CEC should take a decision no later than ten days.

Besides complaints, the Electoral Code sets forth filing of denunciations regarding election related violations to the CEC by any person.¹¹⁸ The timeframe for adjudicating denunciations is up to 60 days.

Decisions of the CSC can be appealed to the Electoral College no later than five days after the issuing of the decision.¹¹⁹ The Electoral College renders a decision within ten days.

ENEMO recommends that deadlines for adjudicating complaints should be reduced, both in case of the CSC and the Electoral College, as extensive deadlines put into question the principle of reasonable timeliness and effective remedy, as well as prompt information of the public about alleged election violations. Five-day deadline for filing complaints should be reasonably reduced in order to ensure that the election dispute resolution process is not protracted.

There are no regulations in respect of adjudicating complaints related to the violations of Election Day procedures by the lower-level commissions.

The law should contain clear regulations regarding the authorized body and deadlines for adjudication of complaints related to procedural violations on Election Day.

54 complaints were filed with the CSC, 24 complaints before the Election Day and 30 complaints after it. Complaints with the request of recount of the election results were submitted in respect of ten electoral districts. The CSC satisfied the recount request in respect of only 114 ballot boxes in Berat.

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

¹¹⁸ Complaints and denunciations can be filed online through the official website of the CEC, <http://kqz.gov.al/kallzo/>

¹¹⁹ The Electoral College consists of eight judges selected by drawing lots by the High Judicial Council. Judges are appointed for a four-year term.

In some decisions¹²⁰ the CSC used narrow application of the law against the purpose of the established regulations. In particular, this concerns provisions on abuse of state resources.¹²¹ The CSC used a more narrow interpretation of legal norms that reduces their effectiveness. Some of the interlocutors noted that these decisions of the CSC could raise doubts about its impartiality.

Questions regarding the impartiality of the CSC were raised also in respect of the complaint concerning the design of a ballot paper. SP appealed the decision of the SEC that approved the ballot paper with the names of the political parties/coalitions and candidates¹²² to the CSC which changed the decision of the SEC excluding the names of the candidates and leaving only their attributed numbers.¹²³ DP appealed the decision to the Electoral College which did not satisfy it.¹²⁴ The Electoral College used the technical argument that having names of candidates on the ballot paper would delay their printing, instead of considering the interests of voters.

23 complaints were filed with the Electoral College and 14 decisions issued (complaints concerning the same decision of the CSC were merged in one decision). None of the complaints related with the election results were satisfied.

In one of the cases concerning the decision of the SEC to fine the Mayor of Tirana the Electoral College stated that it did not have jurisdiction to consider the complaint. This contradicts regulations of the Electoral Code that election related complaints should be considered by a body specially created to that purpose in order to ensure their timely adjudication. It will create confusion regarding jurisdiction of different courts in respect of election violations and will protract the adjudication of relevant complaints.

ENEMO considers that the respective bodies should interpret legal norms in accordance with their purpose and spirit for effective implementation of the law, prevention of future violations and expedited adjudication of election related complaints. Also, whenever necessary more clear regulations should be adopted regarding the jurisdiction of the courts to adjudicate complaints.

As of 21 May 2021, CEC received 125 denunciations, out of which a decision has been taken in respect of 61 denunciations.¹²⁵ Also according to the CEC statistics, 38 denunciations were filed on the Election Day and afterwards (two of them by e-mail) mostly concerning the violations on the Election Day.

ENEMO recommends that there should be a uniform and user-friendly registry of denunciations containing updated information about submitted denunciations and decisions taken in respect of them.

According to the information of the General Prosecutor's Office as of June 10, there were 53

¹²⁰ 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 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.

¹²¹ 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.

¹²² Decision no.198.

¹²³ Decision no.19, dated 03.04.2021.

¹²⁴ Decision no. 5 dated 04.04.2021.

¹²⁵ 69 denunciations were submitted by political parties (by DP and SMI), 2 by the President of Albania, one by the municipality and the rest – by citizens and NGOs.

criminal offences related to the elections, 11 persons under investigation and 3 persons in prison. 41 notifications of criminal offences related to elections were under preliminary verification. It was decided not to initiate criminal proceedings for 25 notifications and 23 notifications were transferred to SPAK.

Additionally, as of 10 May, the Special Anti-Corruption Structure (SPAK)¹²⁶ was investigating 40 cases related to electoral crime under its jurisdiction.

¹²⁶ SPAK is a specialized unit of the judicial police that investigates criminal offences under the jurisdiction of the Special Prosecution. Since 2020, under its jurisdiction are criminal offences of active and passive vote buying.

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.

As a next step towards implementing electronic voting devices, consideration could be given to introducing electronic identification of voters (rather than biometric ID scanners). The principle of using electronic ballot boxes could be generalized to all polling stations.

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.

Voters which had the opportunity to use the electronic ballot boxes had the opportunity to select names of candidates, as opposed to voters which were voting with paper ballots which could only mark numbers on the ballot papers. This inequality of suffrage should be corrected, in order to offer all voters the same ballot format.

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 violence¹²⁷, disruption to public order¹²⁸, allegations of vote-buying¹²⁹, violation of the secrecy of the vote or family voting¹³⁰ reported by the media.

Election Day violations, including violating the electoral campaign silence, possible cases of vote-buying, voter intimidation or disruption to public order should all be investigated and prosecuted accordingly.

ENEMO also raised 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.

Political party observers should refrain from noting voters coming to vote at the polls, as it is at odds with the principle of voter secrecy. Consideration could be given to enshrining this negative practice as a violation in the Electoral Code.

Several observed polling stations were crowded and voters were queuing without respecting the prescribed distance. Moreover, the systematic application of COVID-19 prevention mea-

¹²⁷ For instance, in the municipality of Maliq, Tropoje, Elbasan.

¹²⁸ For instance in Lushnja, Fier, Divjaka.

¹²⁹ For instance in Durrës and Kamëz.

¹³⁰ For instance in Tirana and Shkodra.

asures 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 standards (see recommendation in CEAZs subsection above)¹³¹.

¹³¹ 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.”

XIII. OBSERVERS

The Electoral Code authorizes local and foreign non-governmental and international organizations to observe elections.¹³² Local organizations may have only one observer present at the same time at CEAZs, VCCs and each table of the BCCs, while international organizations are allowed to have two. Local organizations shall submit requests for the accreditation of observers not later than 15 days before Election Day, while requests for foreign observers shall be submitted not later than 72 hours before Election Day.¹³³

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.

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.¹³⁴

ENEMO raises concerns that the Electoral Code grants a number of rights only to the observers of electoral subjects, for instance, screens for observing the counting are placed in front of the observers of electoral subjects,¹³⁵ copies of the records of sealing with stamp are given to the observers of the parliamentary parties,¹³⁶ copies of the records of closing of the polls are given to the observers of parliamentary parties,¹³⁷ 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 CEAZ,¹³⁸ copies of the election results are given only to the observers of electoral subjects¹³⁹. Specific reference to observers of electoral subjects excludes observers of non-governmental and international organizations. The purpose of this differentiation is unclear.

ENEMO recommends that all observers should be entitled to equal rights. The election legislation should be amended to ensure that observers of local and foreign organizations enjoy the same rights as those of electoral subjects, especially this concerns the right to receive the copies of the election results.

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 observers¹⁴⁰ and some isolated cases of preventing observers to carry out monitoring on Election Day and to report about violations.

¹³² In total, the CEC accredited 2113 domestic observers from 19 local non-governmental organizations and 291 international observers from international organizations and foreign embassies.

¹³³ 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.

¹³⁴ The rights and obligations of electoral observers are enshrined in Articles 6 and 7 of the Electoral Code.

¹³⁵ Ibid, Paragraph 4 of Article 94.

¹³⁶ Ibid, Article 101.

¹³⁷ Ibid, Paragraph 6 of Article 113.

¹³⁸ Ibid, Paragraphs 6 and 7 of Article 116.

¹³⁹ Ibid, Paragraph 2 of Article 119.

¹⁴⁰ Interim Monitoring Report I, Elections for the Assembly of Albania, 29 March, 2021, KRIIK.

RECOMMENDATIONS

Priority Recommendations

1. ENEMO recommends that in order to address all the remaining problems in election legislation a comprehensive electoral reform should be conducted. The process should be transparent and inclusive ensuring the involvement of all important stakeholders from political parties as well as NGOs working on elections. The reform should start in a reasonable time ahead of elections and in accordance with international standards to avoid hasty changes.

Other Recommendations

To the Parliament

2. Consideration should be given to introducing different threshold's for political parties and independent candidates.
3. In order to increase effectiveness of the preferential voting and influence of the voters on the ranking of the candidates list ENEMO considers that the established threshold for preferential votes could be revised by lowering the threshold or by introducing a truly Open List Preferential List system.
4. ENEMO considers that the right of political party leaders to run in up to four districts should be annulled.
5. The exact number of candidates which should be nominated per list should be clarified in the Electoral Code, with an amendment clearly enouncing the provisions for calculation of the number of candidates on the lists.
6. ENEMO recommends further analysis and research to decide on the optimal design of the ballot paper for future elections. In order to avoid confusion of voters, possible mistakes or fraudulent attempts, the names of candidates should be introduced on the ballot papers. This would additionally facilitate voters' choice when marking their ballots.
7. ENEMO recommends further development of the use of new technologies, both the EVIS system and electronic voting and counting. It is crucial to include independent audit of the newly introduced systems and to increase public trust in new technologies.
8. To enhance competence, transparency and public trust, it is recommended to further regulate the inclusion of former political officials and cabinet officials into the CEC and its bodies by putting focus on the members' qualifications and previous election-related experience.
9. In order to avoid frequent overturning of the CEC's decisions by its own bodies, it is recommended to establish a more cooperative mechanism among the three branches of the institution. The communication system and deliberative process among the SEC, Regulatory and CSC should be reconsidered.
10. To balance the politically nominated composition of the CEAZs and to decrease political pressure on the CEAZ staff, leadership positions within given bodies should be professionalized. At least chairpersons and secretaries of CEAZs should be selected based on their competencies and professionalism to ensure an independent leadership of CEAZs.
11. To increase the level of preparedness and professionalism of election commission members, training for all CEAZ members should be provided, in order to ensure all replaced commission members have received standard training or in case parties fail to nominate sufficient members. These trainings should be conducted prior to the beginning of the election process, so that the CEC has an existing base of trained professionals – either politically affiliated or independent.
12. ENEMO recommends to conduct financial planning in a timely manner and to ensure sufficient budgetary resources to CEAZs to ensure that all commissions are operating continu-

- ously, permanently and without financial obstacles during the electoral period.
13. ENEMO recommends professionalizing the leadership of VCCs and BCCs (for instance, chairpersons and secretaries) to balance politically nominated composition of the commissions and decrease political pressure by ensuring an independent leadership of the commissions.
 14. To increase the level of preparedness and professionalism of election commission members, training for all election commission members should be provided, in order to ensure all replaced commission members have received standard training or in case parties fail to nominate sufficient members.
 15. To comply with international standards, it is recommended to conduct the counting process at the VCC level and protocols should be sent to CEAZs for centralized tabulation.
 16. Possible locations of voting centers should be determined and authorized in a timely manner to avoid frequent changes as well as changes close to Election Day.
 17. The principle of passive voter registration should also be applied for voters over 100 years old, provided they undergo regular checking and updating in the voters list by the respective EAZ.
 18. The voter e-list portal should undergo additional security upgrades to ensure data protection and avoid possible misuse of citizen's personal information.
 19. ENEMO recommends additional efforts outside the pre-election period to improve the efficiency of compilation of the voters' list along with accuracy of data, as well as to avoid any delays and mistakes of the voters' list.
 20. Until the next electoral cycle, a proper way to establish the possibility for voters to vote from abroad should be ensured in a timely manner, as provided for in the Electoral Code. This includes drafting and publishing all sub-legal acts, preparing procedures for out-of-country voting and voter education in this regard.
 21. The mechanism for hospitalized voters which includes provisions on establishing polling stations in hospitals should be implemented as provided for in the Electoral Code. An additional mechanism for self-isolated voters, or voters unable to render themselves to polling stations should be introduced to ensure the inclusiveness of voters.
 22. As a next step towards implementing electronic voting devices, consideration could be given to introducing electronic identification of voters (rather than biometric ID scanners). The principle of using electronic ballot boxes could be generalized to all polling stations.
 23. Voters which had the opportunity to use the electronic ballot boxes had the opportunity to select names of candidates, as opposed to voters which were voting with paper ballots which could only mark numbers on the ballot papers. This inequality of suffrage should be corrected, in order to offer all voters the same ballot format.
 24. A proper definition of the term "electoral campaigning" should be introduced in the definitions (Article 2) of the Electoral Code.
 25. Sanctions against violations such as abuse of incumbency, misuse of administrative resources, vote-buying but also pressure on voters should be increased, and properly investigated by the competent authorities.
 26. Consideration should be given to bringing the legislation more in line with international standards, by introducing a legal provision ensuring a minimum access to privately owned audio-visual media outlets for all electoral contestants.
 27. Transparency on financing of campaigns through third party social media pages should be increased. Provisions related to social media advertising and related expenses should therefore be introduced in the Electoral Code.
 28. In order to increase campaign finance transparency, sufficient capacity to effectively monitor political finance during the electoral campaign should be provided. This should be achieved either by increasing budgetary means and human resources within the CEC in order to do so, or alternatively consider the creation of an independent body responsible for campaign finance oversight.
 29. Electoral contestants should be required by law to submit interim financial reports income and expenses related to their campaigns.
 30. The deadline for publication of final financial reports on campaign finance by the CEC should be shortened.
 31. The AMA should be required by law to also cover media coverage of the campaign on social

- networks and, more generally, social media pages used for the purpose of electoral campaigning.
32. Excessive monetary sanctions towards media outlets, in particular those provided for in Article 84 of the Electoral Code should be reconsidered and decreased.
 33. ENEMO recommends that for engaging more women in election management bodies the gender quota should be increased to 40 percent, and the alternation “male/female” in the party lists should be insured in order to provide the same chances to both gender. Also, more women should be appointed to managerial positions.
 34. The restriction on the right to vote of persons declared mentally incapable by a court decision should be annulled.
 35. ENEMO considers that electoral legislation should oblige electoral subjects to use sign language for their political advertisements.
 36. The law should contain clear regulations regarding the authorized body and deadlines for adjudication of complaints related to procedural violations on Election Day.
 37. ENEMO recommends that deadlines for adjudicating complaints should be reduced, both in case of the CSC and the Electoral College, as extensive deadlines put into question the principle of reasonable timeliness and effective remedy, as well as prompt information of the public about alleged election violations. The five-day deadline for filing complaints should be reasonably reduced in order to ensure that the election dispute resolution process is not protracted.
 38. ENEMO recommends that all observers should be entitled to equal rights. Election legislation should be amended to ensure that observers of local and foreign organizations enjoy the same right as those of electoral subjects, especially this concerns the right to receive the copies of the election results.

To the Central Election Commission

39. Any regulations adopted by the CEC should correspond to the provisions and spirit of the Electoral Code.
40. To increase the transparency of the decision-making of the SEC, ENEMO recommends for the sessions to be broadcasted live.
41. ENEMO recommends establishing and publishing an electoral calendar in advance to increase the transparency and accountability of the CEC as well as other election management bodies.
42. To ensure proper outreach of the voter education activities to the voters, ENEMO recommends to implement a set of systematic voter education activities that would contribute to proper understanding of the key aspects of the electoral process and, especially, the voting procedures.
43. Additional efforts should be made to improve usability and voter education content of the CEC website. The website should be more user-friendly, content more detailed and voter education information should be easily approachable.
44. ENEMO recommends to ensure proper guidelines for VCC members, especially when it comes to specific circumstances such as COVID-19 prevention measures.
45. Provisions related to the framework for financial reporting of electoral contestants, including guidelines and templates, should be approved before the start of the electoral campaign.
46. In cases of misbalanced media coverage, the CEC should provide systematic redress by granting compensatory coverage to electoral contestants which benefited from less media coverage during the campaign, in line with the law.
47. ENEMO recommends that for engaging more women in the election management bodies the gender quota should be increased to 40 percent. Also, more women should be appointed to managerial positions.
48. ENEMO recommends that the CEC should conduct more active outreach campaigns in order to ensure that national minorities are informed about the election procedures and their rights. In local municipalities where minorities constitute 20 percent of the population, the ballot papers should be provided also in respective minority languages.

49. ENEMO deems that CEC should take additional measures to ensure that its website is readable and user-friendly for persons with vision impairment.
50. ENEMO recommends that there should be a uniform and user-friendly registry of denunciations containing updated information about submitted denunciations and decisions taken in respect of them.

To Political Parties and Candidates

51. Political parties should refrain from voter data collection and violation of personal voter data secrecy. All cases of alleged and proven abuse should be properly investigated and sanctioned by the relevant authorities.
52. Political parties should refrain from starting their campaign before the legal start, while all cases of abuse should be properly sanctioned.
53. Political parties and their leaders should not tolerate messages directed against women candidates due to their gender. Political parties should engage more women in the electoral campaign process. Also, they should appeal to women voters and offer them programs that would be tailored to their needs in order to increase women participation in elections and politics.
54. Political parties/candidates should offer to national minorities programs oriented on the solution of their problems and by that contribute to their engagement in the election process.
55. In order to increase participation of PWDs in elections political parties should address the problems and needs of these voters during their pre-election campaign and present their vision for tackling those problems. This will contribute to engaging more PWDs in political life.
56. Political party observers should refrain from noting voters coming to vote at the polls, as it is at odds with the principle of voter secrecy. Consideration could be given to enshrining this negative practice as a violation in the Electoral Code.

To the Government and Other Institutions involved in the Electoral Process

57. All cases of negative campaigning, discreditation attempts and inflammatory language should be investigated by the competent authorities and properly sanctioned when necessary.
58. All cases of violence and altercations among party supporters should be investigated by the State Police and prosecuted accordingly.
59. All cases of intimidation, pressure or violence towards journalists should be investigated by the competent authorities and systematically sanctioned.
60. State authorities should take appropriate measures to ensure that persons belonging to national minorities have adequate identification documents enabling them to exercise their rights granted by the Constitution and relevant international instruments.
61. ENEMO recommends that in order to fully guarantee the right of PWDs to vote independently in accordance with international standards respective authorities should proactively ensure that voting premises are adequately accessible for all voters and are also equipped with the devices necessary for the persons with vision impairment. There should not be any requirement of filing requests to that end to the respective authorities.
62. ENEMO considers that the respective bodies should interpret legal norms in accordance with their purpose and spirit for effective implementation of the law, prevention of future violations and expedited adjudication of election related complaints. Also, whenever necessary more clear regulations should be adopted regarding the jurisdiction of the courts to adjudicate complaints.
63. Election Day violations, including violating the electoral campaign silence, possible cases of vote-buying, voter intimidation or disruption to public order should all be investigated and prosecuted accordingly.

ABOUT ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international non-governmental 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 36 international election observation missions to ten countries: Moldova 2021, Parliamentary elections; Albania 2021, Parliamentary elections; Moldova 2020, Presidential elections; Ukraine 2020, Local 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; 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.

LIST OF ABBREVIATIONS

AMA: Audio Visual Media Authority
BCCs: Ballot Counting Centers
BCT: Ballot Counting Team
CDP: Christian Democratic Party
CEC: Central Election Commission/Central Election Commissioner
CRPD: Convention on the Rights of Persons with Disabilities
CSC: Complaints and Sanctions Commission
CSO: Civil Society Organization
CT: Core Team
CRO: Civil Registry Office
CSC: Complaint and Sanctions Commission
CEAZ: Commission of electoral administration zones
DP: Democratic Party
DCP: Democratic Conviction Party
EAZ: Electoral Administration Zone
ECHR: European Convention for Human Rights
ECtHR: European Court of Human Rights
ENEMO: European Network of Election Monitoring Organizations
EVIS: Electronic Voter Identification System
GDCR: General Directorate of the Civil Registry
ICCPR: International Covenant on Civil and Political Rights (1966)
KRIIK: Coalition for Reforms, Integration and Consolidated Institutions
LTO: Long-Term Observer
MP: Member of Parliament
MND: Movement for National Development
NGO: Non-Governmental Organization
NDSP: New Democratic Spirit Party
NRCR: National Register of Civil Registry
PJIU: Party for Justice, Integration and Unity
PS: Polling Station
PSD: Party Social Democrat
PwDs: Persons with Disabilities
RP: Republican Party
SMI: Socialist Movement for Integration
SP: Socialist party
SPAK: Special Anti-Corruption Structure
STO: Short-Term Observer
SRV: State Registry of Voters
SEC: State Election Commission/the State Election Commissioner
TEC: Territorial Election Commission
VC: Voting Center
VCCs: Vote Center Commissions

ANNEX I: FINAL RESULTS OF PARLIAMENTARY ELECTIONS 2021

| Party | | Number of Votes | Percentage of Votes | Number of Seats |
|--------------|---------------------------------------|------------------|---------------------|-----------------|
| 1 | Socialist Party of Albania | 768,134 | 48.67 | 74 |
| 2 | Democratic Party- Alliance for change | 622,187 | 39.43 | 59 |
| 3 | Socialist Movement for Integration | 107,538 | 6.81 | 4 |
| 4 | Social Democratic party Albania | 35,475 | 2.25 | 3 |
| 5 | Nisma Thurje (initiative) | 10,217 | 0.65 | 0 |
| 6 | Democratic Conviction | 8,239 | 0.52 | 0 |
| 7 | Movement for Change | 7,054 | 0.45 | 0 |
| 8 | Albanian Democratic Movement Party | 4,705 | 0.30 | 0 |
| 9 | New Movement Party | 3,767 | 0.24 | 0 |
| 10 | New Democracy Alliance Party | 3,232 | 0.20 | 0 |
| 11 | Albanian National Front Party | 1,946 | 0.12 | 0 |
| 12 | People's Union Alliance Coalition | 1,376 | 0.09 | 0 |
| | Independent candidates | 4,247 | 0.27 | 0 |
| Total | | 1,578,117 | 100 | 140 |

| | | |
|------------------------------------|-----------|---------------|
| Valid votes | 1,578,117 | 95.00 |
| Invalid ballots | 83,059 | 5.00 |
| Total votes | 1,661,176 | 100.00 |
| Registered number of votes/turnout | 3,588,869 | 46.29 percent |

*Data presented in both tables above gathered according to data published on the official website of the CEC: <http://kqz.gov.al/results/results2021/results2021.htm>

ANNEX II: ENEMO IEOM ALBANIA 2021 - COMPOSITION

Core Team

| Name | Position | Country |
|---------------------|--|---------|
| Gianluca Passarelli | Head of Mission | Italy |
| Pierre Peytier | Deputy Head of Mission | France |
| Kristina Kostelac | Election Administration Analyst/ CEC Observer | Croatia |
| Elene Nizharadze | Legal Analyst | Georgia |

