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## **Observation of the parliamentary elections in Albania (25 June 2017)**

### **Election observation report**

Ad hoc Committee of the Bureau

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### **1. Introduction**

1. On 5 December 2016, President of Albania Bujar Nishani called parliamentary elections for 18 June 2017. At its meeting on 9 and 10 March 2017, the Bureau of the Assembly decided, subject to receiving an invitation, to observe these elections and to constitute an ad hoc committee for this purpose composed of 30 members in accordance with the D'Hondt system (EPP/CD: 11, SOC: 10, ALDE: 4, EC: 4, UEL: 1) and the two co-rapporteurs of the Monitoring Committee. It also authorised a pre-electoral visit. On 14 April 2017, Mr Ilir Meta, Speaker of the Albanian Parliament, sent the Parliamentary Assembly an official invitation. The Bureau approved the composition of the ad hoc committee and appointed Mr Paolo Corsini (Italy, SOC) head of delegation at its meeting on 28 April 2017. The list of members appears in Appendix 1. Following a political agreement, details of which will be given in the next section, the elections were postponed to 25 June 2017.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

3. A pre-electoral delegation went to Tirana on 1 and 2 June 2017 to assess the political situation, the electoral legislation, the election campaign, the organisation of polling and the work of the election administration. In a statement published at the end of its visit, the delegation welcomed the political agreement reached on 18 May between the leaders of the two main Albanian political parties, enabling parliamentary



elections to be held with the participation of the main opposition parties. The delegation also urged all stakeholders in the electoral process to work in good faith to ensure that the independence of electoral and independent oversight and watchdog bodies was preserved and strengthened, that the legal procedures were followed and that a level playing field for all electoral subjects was ensured throughout the process. The programme of the delegation's meetings and the text of the declaration are set out in Appendices 2 and 3.

4. The ad hoc committee was in Albania from 22 to 26 June 2017 to observe the parliamentary elections on 25 June. The ad hoc committee operated as part of an International Election Observation Mission (IEOM) together with delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), the European Parliament and the electoral observation mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) that had been in the country since 9 May 2017. The programme of the delegation's meetings is set out in Appendix 4.

5. On polling day, the delegation of the Parliamentary Assembly of the Council of Europe split into 12 teams which observed the elections in Tirana and the surrounding areas, as well as in the regions and municipalities of Kruje, Durres, Fier, Shkodra, Kavaja, Elbasan, Vorë and Gjirokastra.

6. The Assembly's ad hoc committee concluded that the candidates were able to campaign freely and fundamental freedoms of assembly and expression were respected. The continued politicisation of election-related bodies and institutions, as well as widespread allegations of vote-buying and pressure on voters, reduced voter trust in the electoral process. At the same time, the Head of the Assembly delegation welcomed the agreement reached by the leaders of the two main political parties which made the election possible, and stressed that it was time for Albania to move forward towards genuine democracy bound by the rule of law. The press release by the IEOM is set out in Appendix 5.

7. The ad hoc committee wishes to thank the Albanian Parliament and the Council of Europe Office in Tirana for the support provided to the delegation, as well as the heads and members of the parliamentary delegations of the OSCE-PA, the European Parliament and the OSCE/ODIHR observer mission for their excellent co-operation.

## 2. Political context

8. The parliamentary elections on 25 June were the tenth elections observed by the Parliamentary Assembly in Albania since 1991. In the previous elections, the main problems identified by the Assembly observers included the inaccuracy of the voter lists; errors in vote counting and the entry of results; misuse of administrative resources; shortcomings in the establishment of election commissions; and allegations of vote-buying and of pressure on public servants.

9. However, the main difficulty repeatedly criticised at the previous elections was the extreme polarisation of the political climate and the politicisation of State institutions,<sup>1</sup> at all levels of the election administration. This is compounded by long-standing distrust between the main political parties and leaders, who regularly level abuse and accusations at one another. These political tensions have on several occasions resulted in major demonstrations<sup>2</sup> and the boycotting of parliament by the party in the minority at the time. This situation, which has been going on for many years, hinders the work of parliament in the process of the reforms needed for the independence of the judiciary, the fight against corruption and organised crime and electoral reform, which is currently at a standstill. The Assembly delegation noted that this issue once again was the major problem in these elections and had an impact on the entire electoral process.

10. Since the collapse of the communist regime in 1991, politics in Albania has been dominated by two parties: the Democratic Party (DP) and the Socialist Party (SP). A third political force emerged in 2004: the Socialist Movement for Integration (SMI) founded by SP dissidents and led since its establishment by Mr Ilir Meta, who was elected President of the Republic on 28 April 2017.

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1. See also Parliamentary Assembly [Resolution 2018](#) (2014) and the information note by the Monitoring Committee co-rapporteurs on their visit from 27 February to 1 March 2017.

2. Demonstration on 30 April 2010 by the Socialist Party, which was in opposition at the time; demonstration on 21 January 2011 by the Socialist Party, which degenerated when several demonstrators tried to force police barricades outside the Prime Minister's office, leaving four demonstrators dead; demonstration of 13 May 2017 by the Democratic Party.

11. In spite of their deep-rooted hostility and animosity, the government and the opposition succeeded in having the decriminalisation law passed by parliament in December 2015 and agreed on the principles of judicial reform with the unanimous passage of constitutional amendments on 21 July 2016, which enabled parliament to undertake comprehensive reforms.

12. In January 2017, the DP and 22 opposition parties declared that the elections could not be democratic unless several conditions were met: the establishment of a technical government until the elections; electronic voting and counting and biometric voter identification; “decriminalisation” of elections; reduction of election campaign costs and harsher punishments for election-related offences; prohibition of the use of administrative resources; fair access to the media.

13. From February 2017, the opposition parties held several demonstrations, the DP boycotted parliament and announced that it would also boycott the parliamentary elections initially scheduled for 18 June if its demands were not met, while also calling for the resignation of the Prime Minister. This deadlock brought the discussions concerning electoral reform to a standstill and seriously jeopardised the holding of the elections, especially since the opposition did not register any candidates with the CEC by the deadline of 9 April 2017 laid down by law.

14. During April and May, intense international mediation headed by the European Union and the United States again sought to put an end to the political deadlock. On 18 May, a political agreement was reached between the leaders of the two main political parties, the DP and the SP, to the surprise of many observers.

15. The agreement of 18 May laid down the following conditions:

- the establishment of a technical government with seven ministerial posts for the opposition;
- the appointment of members of the opposition to head five important State agencies and as heads of the Central Election Commission and the office of the Ombudsman, contrary to the existing legislation, which provides that the latter should both be appointed by parliament on the basis of candidacies;
- the postponement of the elections to 25 June and the extension of the deadline for the submission of candidacies to the CEC to 26 May 2017<sup>3</sup> for parties, but not for electoral coalitions, which would therefore no longer be able to register;
- changes to the Criminal Code to toughen the penalties for electoral offences and to the Law on Political Parties so as to limit campaign spending;
- continuation of judicial and electoral reform.

16. The Assembly’s pre-electoral delegation welcomed the political agreement reached on 18 May between the leaders of the two main Albanian political parties, enabling parliamentary elections to be held with the participation of the main opposition parties, which would provide voters with a meaningful variety of choices. At the same time, the delegation noted with concern the strain put on independent institutions and on the electoral process as a whole with regard to the implementation of the agreement. Its discussion partners voiced criticisms of the procedures followed by the parliament and the Central Election Commission (CEC) respectively for the installation of the new CEC Chair, the Ombudsperson and the late registration of some political parties

### 3. Legal framework and electoral system

17. The Albanian Parliament has 140 members who are elected for four-year terms. Members are elected through a closed-list proportional representation system in 12 multi-member districts that correspond to the country’s 12 administrative regions. Only parties registered in their respective districts which win at least 3% of the votes cast and coalitions which win at least 5% of the votes cast are allocated seats. Coalitions are made up of political parties registered with the CEC. The allocation of seats between coalitions and parties running separately is based on the highest averages method (D’Hondt method).<sup>4</sup> Thereafter, seats are allocated to the individual parties within coalitions using the Sainte-Lagüe method.<sup>5</sup>

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3. The deadline laid down by law was 9 April 2017.

4. Article 162 of the Electoral Code.

5. Article 163 of the Electoral Code.

18. Parliamentary elections are governed primarily by the Electoral Code, which was adopted in December 2008 and amended in July 2012 and April 2015, as well as the 1998 Constitution. Other applicable provisions include the instructions and decisions of the CEC, the relevant articles of the Criminal Code and the following laws: Law on Political Parties (2000); Law on Demonstrations (2001); Law on Gender Equality in Society (2008); Law on Audiovisual Media (2013) and the Law on Decriminalisation (2015).

19. According to the joint opinion of the Council of Europe's Venice Commission and the OSCE/ODIHR on the electoral law,<sup>6</sup> the Electoral Code provides a thorough technical foundation for democratic elections, if implemented fully and properly and with the political will to uphold the letter and the spirit of the law.

20. The Electoral Code was drafted by a bipartisan committee and gives the two largest political parties (currently the DP and the SP) significant responsibilities at every step of the electoral process, including election administration. As the joint opinion indicates, as a result, the code "is overly detailed and includes many checks and balances that can result in challenges in administering elections, as well as possible obstruction of the electoral process by representatives of the two largest parties".<sup>7</sup>

21. Substantial amendments were made to the Electoral Code in July 2012, taking account of many recommendations made by the Venice Commission and the OSCE/ODIHR in the joint opinion. The amendments related to the selection procedure for the election administration, including the Chair of the CEC, revision of the procedure for drawing up voter lists, simplification of the provisions applicable to candidate registration and tougher penalties for electoral offences.

22. In February 2016, following the December 2015 local elections, the parliament set up an ad hoc committee co-chaired by a representative of the majority (SP) and a representative of the main opposition party (DP) tasked with proposing the amendments to the Electoral Code so as to implement the outstanding recommendations by the Venice Commission and the OSCE/ODIHR and address shortcomings in the electoral system. Although the committee had technical terms of reference, its work was often impeded and blocked and was ultimately boycotted by the DP. This electoral reform process remains at a standstill today.

23. Following the 18 May agreement, the parliament adopted on 22 May the amendments to the Law on Political Parties, the Criminal Code and the Law on Audiovisual Media. Most of the people whom the Assembly delegation spoke to welcomed these amendments, some of which were in line with the Council of Europe's earlier recommendations, in particular concerning transparency and accountability in election campaign financing and measures aimed at combating corruption and undue pressure on public servants.

24. Nevertheless, some key Venice Commission recommendations were not taken into account, in particular:

- the de-politicisation of election administration at all levels so as to enhance its independence and impartiality;
- increasing the rights of independent candidates;
- strengthening the gender quota;<sup>8</sup>
- enhancing transparency of election campaign financing;
- clarification of the responsibilities and procedures for the effective settlement of electoral disputes.

25. The Assembly delegation would underline that an agreement of this kind and the resulting amendments to legislation only a little more than a month before the election were not in line with the Venice Commission's recommendations.<sup>9</sup> Moreover, as the Electoral Code was not amended, the changes to the above-mentioned laws produced inconsistencies in the overall legal framework. Most of the people whom the Assembly delegation spoke to criticised the way in which the interests of the two main political parties, i.e. the SP and the DP, were given precedence over respect for the principles of the rule of law which should prevail in democracies.

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6. CDL-AD(2011)042

7. *Ibid.*, paragraph 9.

8. A gender quota applies, under which there must be at least one man and one woman among the first three names on each list and at least 30% of men or women on the list as a whole. In the event of failure to comply with these provisions, the CEC may only impose fines (Article 175 of the Electoral Code), not invalidate the list.

9. CDL(2002)023rev: Venice Commission Code of Good Practice in Electoral Matters, which recommends that no major amendments should be made less than one year before an election.

#### 4. Election administration

26. The elections are administered by a three-tiered election administration comprising the Central Election Commission (CEC), 90 commissions of electoral administration zones (CEAZs) and 5 362 voting centre commissions (VCCs). Election commissions at all levels have seven members nominated by the parliamentary majority and opposition.

27. In Albania, counting does not take place in the polling stations, but in 90 ballot counting centres (BCCs) corresponding to the 90 electoral administration zones. This specific feature is one of the consequences of the general lack of trust between the various players, including within individual political groupings.

28. The CEC is a permanent body which is in charge of the administration of elections and referendums. It comprises seven members broken down as follows: two members are nominated by the majority party in parliament, two by the main opposition party in parliament, and two others by the two next-largest majority and opposition parties. The seventh member, i.e. the Chair of the CEC, is appointed by parliament. Two of the current commission's seven members are women.

29. Under the terms of the 18 May agreement, the chairmanship of the CEC was to be held by a member of the opposition. In application of the agreement, the CEC Chair was dismissed 35 days before the election and replaced by another member from the opposition. This was in breach of the provisions laid down in the Electoral Code.<sup>10</sup> The former Chair became the Vice-Chair of the CEC.

30. The 90 CEAZs each comprise seven members:<sup>11</sup> two are nominated by the SP, two by the DP, and the MSI and the RP each have one representative. The seventh member is nominated by the largest majority party (SP) in 45 of the 90 CEAZs and by the largest opposition party (DP) in the other half. Further to its decision to boycott the elections, the opposition did not nominate its representatives by the deadline. The CEC therefore decided to solicit applications from citizens who met the eligibility criteria to fill the seats left vacant by the opposition. On 3 April, the CEAZs were formed by the CEC without opposition representatives. On 31 May, the CEC had to dismiss the many members whom it had previously appointed to the CEAZs and replace them with opposition representatives.

31. The VCCs also comprise seven members who must be nominated 20 days before polling under the same rules as for the CEAZs.<sup>12</sup> Each VCC covers between 200 and 1 000 registered voters and has the task of organising polling and then packing the ballot papers and other electoral material and sending them to one of the 90 BCCs to which polling stations are assigned.

32. The counting teams who work in the 90 BCCs have to be set up by the 90 CEAZs 10 days before polling. The four members who make them up are appointed on a political basis.<sup>13</sup>

33. Following the 18 May agreement and the amendments passed by parliament, the CEC faced a complex set of legal, institutional, financial and administrative challenges, starting with the replacement of its Chair. In spite of these exceptional circumstances, the CEC implemented its core tasks and succeeded in taking all the necessary decisions on time.<sup>14</sup> It operated transparently, with public sessions in the presence of observers and representatives of the media and political parties, and regularly published the necessary information. However, it did not take measures to clarify the inconsistencies caused by the amendments passed by parliament on 22 May. Some of its decisions were therefore not consistent or legally sound.

34. The importance of the counting teams working in the 90 BCCs was underlined by almost everyone whom the delegation spoke to. Vote counting in dedicated centres is a feature specific to Albania. The CEC Chair explained to the delegation that counting used to take place in the polling stations themselves. However, because of fears of manipulation, undue pressure which might be exerted on commission members and a lack of trust between the various parties, it had been decided that counting would be conducted in this

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10. Article 15 of the Electoral Code.

11. Article 29 of the Electoral Code – It should be noted that at least 30% of the members nominated by the largest majority party and by the largest opposition party must be of the under-represented gender.

12. Article 36 of the Electoral Code.

13. Articles 95 and 96 of the Electoral Code.

14. At our meeting on 24 June, the CEC Chair quoted the figure of 427 decisions taken by the CEC, including 75 concerning the local elections in Kavaja which were held the same day.

way, even if that led to delays in the publication of the results.<sup>15</sup> The representatives of the smallest parties expressed serious concern about counting given that they did not have any representatives on the counting teams.

35. The establishment and training of the VCCs and the counting teams were problematic. Firstly, the CEC was faced with various amendments passed on 22 May which sought to prevent the risks of the misuse of administrative resources (both logistical and human resources) by introducing harsh penalties for public servants who might be involved in campaigning. A large number of the around 37 000 persons nominated to form the relevant commissions were public servants who expressed concern following the instructions issued by their ministries on the basis of the amendments. A press release issued by the CEC on 27 May to reassure them on this point proved inadequate. On 10 June, the CEC asked public institutions to release the individuals concerned from their duties so that they could form the commissions and begin training without delay.

36. At the same time, political parties were slow in nominating their representatives on the various election commissions. None of the 90 CEAZs could form the VCCs and counting teams by the legal deadlines. Some 720 VCCs had still not been formed as of 23 June. At the meeting with the delegation on the eve of polling, the CEC Chair also complained that the CEC had been placed in complicated situations by political parties which were abusing their rights in terms of the nomination of commission members. This was compounded by very large numbers of replacements of commission members, mostly at the request of the parties which had nominated them.<sup>16</sup>

37. According to some people whom the delegation spoke to, the main reason for the delays in appointing members of the commissions and the counting teams and for replacing members already nominated involved fears of the members possibly being bribed by the opposing parties. This once again demonstrates the extreme lack of trust among political parties, including regarding their own members, and the weakness of a highly polarised and politicised election administration.

## 5. Voter lists and candidate registration

38. Voter registration is passive and is based on information extracted from the National Civil Status Register maintained by the Ministry of the Interior, and includes all Albanian citizens who are 18 years of age or older on the day of the election. According to the CEC, as at 24 June there were a total of 3 452 260 registered voters. This figure may seem surprising given the population census figures published on the website of the Albanian Statistics Institute for 2017 (2 876 591 inhabitants, from which those under 18 years of age should be deducted).<sup>17</sup> This difference may be explained by the fact that many Albanians who have left the country still appear in the registers. It also puts into perspective the turnout rate of 46.77% which could accordingly be higher in reality.

39. Voters are included on the electoral register of the polling station serving their place of residence. They can only vote in person and there are no provisions for voting abroad, by post or via mobile ballot boxes for those who are ill or have reduced mobility.

40. Voters aged 100 or more are systematically removed from the electoral registers, which is contrary to international standards.<sup>18</sup> This concerned 1 480 voters who were able to ask to be re-registered when the lists were published. Following the postponement of the elections, the lists which had been printed and published outside polling stations had to be replaced by new lists which were published late, if at all. These delays limited the possibility for voters to check the lists and make any changes.

41. Any citizen aged 18 or over can stand for election, except those whose right to stand for office has been restricted by the so-called “decriminalisation” law and officials whose position is incompatible with the right to stand.<sup>19</sup> The CEC registered 15 political parties within the statutory deadlines. Following the political agreement of 18 May, three other political parties were registered (the DP, the RP and the Albanian Democratic Christian Union). While the agreement extended the deadline for registration until 26 May 2017,

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15. Election results in Albania have often been tight. For instance, at the first local elections in 2011, there was a difference of only 81 votes between Mr Basha and Mr Rama (124 786 as against 124 705) for election as mayor of Tirana.

16. As at 24 June, 118 of the 720 members and secretaries of the CEAZs had been replaced. This is contrary to the Venice Commission’s Code of Good Practice in Electoral Matters.

In the case of the VCCs, the delays mainly stemmed from the fact that, unlike the situation with CEAZs, the Electoral Code does not allow the replacement of members already nominated.

17. [www.instat.gov.al/en/themes/population.aspx](http://www.instat.gov.al/en/themes/population.aspx)

18. Article 26 of the International Covenant on Civil and Political Rights.

19. Article 45 of the Constitution

the CEC decided on 29 May to give the DP until the morning of 30 May to forward its full list of candidates. The CEC immediately approved the list of candidates submitted by the DP, while on 26 May it rejected the candidature of an independent candidate (submitted on 25 May) on the ground that it had reached it after the deadline laid down in the Electoral Code. This selective and non-systematic application of the legislation, based on political agreements rather than law, tainted the candidate registration process. In all, 18 parties and 2 666 candidates were registered by the CEC (as compared with 66 parties and 7 149 candidates in 2013). The CEC immediately drew by lot the order in which parties would appear on the ballot paper, which it then approved.

42. A gender quota applies to each candidate list and requires at least one woman and one man among the top three positions and at least 30% of candidates of each gender in the list as a whole. Despite significant progress made in this area, women's participation and representation in political life remain limited.<sup>20</sup> Although women account for 40% of candidates (38.5% in 2013), all the leaders of the political parties registered in these elections were men. Furthermore, the larger parties did not always adhere to the gender quota.

43. The CEC imposed sanctions of 1 million Albanian lekë (approximately €7 400) against the SMI (Tirana district) and SP (Berat district) lists for not complying with these quotas. However, it did not sanction the DP for failing to comply with this quota in all 12 districts. Moreover, the law makes no provision for refusing to register a list if the gender quota is not complied with. Women were under-represented in the electoral administration, particularly in decision-making posts (for example, only two of the seven members of the CEC were women).

44. The Albanian Constitution provides for full civil, social and political rights for minorities and the Electoral Code provides that they can take a full part in elections as voters and candidates, including in their mother tongue.

45. While the political agreement pushed back the deadline for registering candidate lists for the political parties, this was not the case for electoral coalitions. The representatives of the small parties met by the delegation roundly criticised this difference in approach and this selective change based primarily, in their view, on the interests of the larger parties to the detriment of the smaller parties.

## 6. Election campaign, funding and the media

46. Following the political agreement of 18 May, the election campaign officially started on 26 May. The amendments adopted on 22 May to the Law on Political Parties were on the whole well received by the majority of those with whom the delegation spoke, insofar as massive campaign expenditure reductions could be made as a result. The clause prohibiting the display of election posters more than five metres from campaign offices significantly limited the normally massive use of giant posters, flags and other campaign material. The campaign was dynamic throughout the country and fundamental rights such as freedom of assembly and freedom of expression were upheld.

47. In the course of the campaign, the political parties made little reference to their programmes on topics such as the economy, employment, the fight against crime, security matters, education, social issues and accession to the European Union which would have enabled voters to compare the programmes so as to be able to make an informed choice on election day. The main parties stuck to very general statements, promising better living conditions and stepping up the fight against drug trafficking and organised crime. In contrast, the political parties focused significantly on vote buying and selling, pressure exerted on voters and especially civil servants, and the misuse of administrative resources, all of which further undermined voters' confidence.

48. These mutual accusations, often highly personalised, were regularly fuelled by the leaders of the main parties who also voiced their concerns over the involvement in the electoral process of criminal networks, particularly those linked to drug trafficking, and the role they could play following the elections.<sup>21</sup>

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20. Women occupied 32 of the 140 seats in the outgoing parliament (i.e. 23%, putting Albania in 78th place out of 193 countries), 9 of the 21 ministerial posts and only 9 of the 61 positions of mayor.

21. See also the information note by the co-rapporteurs of the Monitoring Committee: <http://website-pace.net/documents/19887/3136217/AS-MON-2017-07-EN.pdf>.



49. A task force to monitor and prevent the misuse of administrative resources was established on 2 June. It was headed by the Deputy Prime Minister and comprised four technical ministers from the opposition and four ministers from the SP. In this context, several governmental agencies, mainly headed by the opposition further to the political agreement, suspended or dismissed several civil servants. In some cases, these moves appeared to be more politically motivated than related to the elections.

50. Media coverage of elections, including free airtime and paid commercials, is regulated by the Electoral Code and the Radio and Television Broadcasting Code. During the campaign, public radio and television provided the political parties registered for the elections with free airtime to campaign, and broadcast spots entirely prepared and submitted by the parties, while at the same time prohibiting parties from paying for the broadcasting of election spots.

51. On 25 May, 10 television channels officially wrote to the CEC rejecting the amendments to the Law on Political Parties and those obliging the media to broadcast prepared spots. They highlighted the inconsistencies between the amendments and the Electoral Code, claiming that the latter, as an institutional law, passed by a qualified majority, took precedence over the amendments. The CEC took no measures to clarify the legal framework and several private TV channels broadcast paid advertising for five political parties.

52. Albania has a very dynamic and saturated media environment with more than 100 television channels for a country with about 3 million inhabitants. In addition there is a wide variety of newspapers and magazines. Some people with whom the delegation spoke said that while the media were free in Albania, this was not true of journalists and editors-in-chief, whose editorial content was, it was claimed, considerably influenced by the economic and political interests of the owners of these media. For example, while the media provided voters with good coverage of the campaign and presented a range of political views, the analyses proposed were nonetheless limited. Candidates were able to take part in debates, but there were no debates held between the leaders of the main political parties.

53. The Media Monitoring Board monitored the media and sent weekly reports to the CEC, which in some cases included proposals for sanctions. The CEC asked 27 broadcasters to remedy, within 48 hours, disproportional coverage identified. The media largely complied with these requests.

54. All parties taking part in the elections are eligible for public financing for their campaigns: political parties registered as electoral subjects which had obtained at least 0.5% of valid votes in the previous elections, received 95% of the funds, proportionally to the number of valid votes obtained. The remaining 5% was distributed to parties registered as electoral subjects that had received less than 0.5% of votes and to parties which had not taken part in the previous elections. The total budget for funding campaigns was 65 million Albanian lekë, distributed by the CEC to the various parties on 31 May.

55. Candidates may also receive donations from natural or legal persons, may take loans or use their own funds.<sup>22</sup> However, no donation to an electoral subject may exceed 1 million Albanian lekë (approximately €7 400) or the equivalent in in-kind contributions. The total campaign expenses of a political party, including its candidates, must not exceed ten times the highest amount that an electoral subject has received from public funds.

56. Contrary to the Electoral Code, the 22 May amendments to the Law on Political Parties authorised the CEC to determine a spending limit for each electoral campaign, but the CEC refrained from doing so. However, in line with the amendments, the CEC appointed financial experts to monitor each party's campaign expenses.

57. The Electoral Code authorises electoral subjects to appeal against the CEC's decisions before the electoral college of the Tirana Court of Appeal; only parties, coalitions and independent candidates standing for election may appeal against the CEC's decisions before the CEC. The electoral college is composed of eight judges selected by lot from among appellate court judges by the High Council of Justice. Nevertheless, the limited possibilities for challenging the CEC decisions may leave the parties concerned without legal remedy. Few appeals were filed prior to the elections, with parties indicating that they preferred to voice their complaints publicly and in the media rather than filing appeals which had little chance of succeeding.

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22. Article 87/1 of the Electoral Code.



## 7. Voting and counting

58. In general, election day proceeded in an orderly fashion without any serious incidents, despite a few isolated cases of violence. The backdrop of mutual accusations of vote-buying and pressure on voters lasted throughout polling day, with incidents being reported and amplified by the media. Tension or unrest was observed in 4% of voting centres. Polling stations were open from 7 a.m. to 7 p.m., but ten minutes before the closing of stations, the CEC decided to postpone closing until 8 p.m., hoping in this way to boost the relatively poor turnout. This was not a particularly successful move, especially as certain polling stations received the information after having already closed their doors and very few voters were seen in the polling stations which remained open.

59. The Parliamentary Assembly observers, deployed throughout the country, were able to observe the opening of polling stations, the voting, the closing and the transfer of the ballot boxes to the counting centres, and part of the counting. On the whole, they were well received by the members of the electoral commissions, who were co-operative and enabled them to monitor the whole process unrestricted.

60. According to OSCE/ODIHR statistics, the opening was assessed positively in 84% of the polling stations visited; voting was assessed positively in 93% of the polling stations visited; the following irregularities were observed throughout the day:

- instances of failing to comply with voting procedures, in particular regarding checking for traces of ink on the fingers of voters entering the polling station;
- attempts to influence voters to vote for a particular party in 5% of cases and interference in the process by unauthorised persons;
- the presence of numerous groups of activists outside polling stations (and sometimes inside) who often seemed to be telling voters who they should vote for;
- many polling stations were not accessible to people with reduced mobility; this is all the more problematic since there is no provision for the voters concerned to vote at home using mobile ballot boxes;
- in some cases, the size and layout of the premises did not guarantee the secrecy of the vote;
- station closing procedures were not always correctly followed;
- in some cases, counting was delayed and did not always begin immediately after receipt of all the material and ballot boxes.

61. On 26 July 2017, the Central Election Commission unanimously approved the final results of the elections, which had a 46.77% turnout. The 140 seats were allocated as follows: Socialist Party (SP): 74 seats (48.34%); Democratic Party (DP): 43 seats (28.85%); Socialist Movement for Integration (SMI): 19 seats (14.34%); Party for Justice, Integration and Unity (PJIU): 3 seats (4.81%); Social Democratic Party (SDP): 1 seat (0.95%). The number of valid votes was 1 580 778, with 32 309 spoiled votes (approximately 2%).

## 8. Conclusions and recommendations

62. The Parliamentary Assembly delegation concluded that candidates in the parliamentary elections of 25 June 2017 in Albania had been able to campaign freely and fundamental rights, such as the freedom of assembly and freedom of expression, had been upheld. Election day had on the whole proceeded in an orderly manner, without any serious incidents, despite some isolated cases of violence.

63. The election campaign was marked by a climate of serious mistrust between the main political parties, which undermined voters' confidence in the electoral process. It was influenced by the political crisis which began in late 2016, followed by the opposition's boycotting of parliament and its threat of boycotting the elections. The Parliamentary Assembly delegation considers that the main political leaders of the country should focus on nurturing a culture of dialogue and compromise instead of on confrontation. In this connection, it welcomed the political agreement reached on 18 May between the leaders of the main political parties, making it possible for the parliamentary elections to go ahead with the participation of the main opposition parties, providing Albanian voters with a meaningful number of candidates from various political opinions.

64. With regard to the legal electoral framework, the Venice Commission believes that it offers a sound basis for the organisation of democratic elections, provided that it is applied appropriately, in full and with the political will to respect the letter and spirit of the law. However, the Parliamentary Assembly delegation

stressed that a significant improvement in the holding of democratic elections in Albania cannot be based solely on electoral legislation, but depends above all on its application and on a change of attitude and practices of the main political leaders. Although several amendments have been introduced, many of the Venice Commission's recommendations have not yet been acted upon.

65. The Parliamentary Assembly delegation was informed by various people, including political party representatives, of recurrent problems identified during the election campaign, in particular vote-buying and selling, pressure exerted on voters, especially on civil servants, and misuse of administrative resources. The Assembly delegation strongly condemns such practices and calls on the competent authorities in Albania to take all the necessary measures to put an end to these irregularities and boost voter confidence in the democratic process.

66. Media coverage of the elections was very dynamic during the election campaign and the media provided voters with good coverage of the campaign, presenting a range of political views. However, the analyses proposed were limited and there were claims that editorial content was limited by the economic and political interests of the owners of these media.

67. The functioning of the Central Election Commission was transparent. Following the political agreement and the amendments adopted by parliament, the CEC was faced with numerous legal, financial, administrative and institutional challenges. Despite this, the CEC was able to fulfil its main tasks and managed to take all the necessary decisions within the deadlines laid down. However, it did not take all the measures required to clarify the inconsistencies created by the new amended legislation. Accordingly, some of its decisions had no legal basis or were inconsistent.

68. In its previous reports, the Parliamentary Assembly has been very critical of and deeply concerned about the politicisation of the electoral administration. The very significant influence exerted by the political parties on an electoral administration which should be institutionally independent was one of the main problems observed in these elections.

69. The Assembly delegation observed and identified a number of irregularities and shortcomings throughout the electoral process in Albania, including during the counting of votes. Albania therefore needs to improve its electoral legal framework, as well as certain electoral practices, taking into consideration the lessons of the elections, in order to increase citizens' confidence in democratic elections. This work should be accomplished in close co-operation with the Venice Commission and in the framework of the Parliamentary Assembly's monitoring procedure. The Assembly remains at the disposal of the parliament and other relevant authorities of Albania for actions of co-operation in the electoral field.

## **Appendix 1 – Composition of the ad hoc committee**

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Paolo CORSINI, Italy (SOC)

### **Group of the European People's Party (EPP/CD)**

- Ionuț-Marian STROE, Romania
- Attila TILKI, Hungary

### **Socialists, Democrats and Greens Group (SOC)**

- Paolo CORSINI, Italy\*
- Joseph DEBONO-GRECH, Malta
- Mirolsav NENUTIL, Czech Republic
- Luis Alberto ORELLANA, Italy
- Stefan SCHENNACH, Austria
- Predrag SEKULIC, Montenegro
- Idália SERRÃO, Portugal
- Jan ŠKOBERNE, Slovenia

### **European Conservatives Group (EC)**

- Ingebjørg GODSKESEN, Norway\*
- Serhii KIRAL, Ukraine
- Jaroslaw OBREMSKI, Poland

### **Alliance of Liberals and Democrats for Europe (ALDE)**

- Reina BRUIJN-WEZEMAN, Netherlands
- Fernando MAURA, Spain
- Andrea RIGONI, Italy
- Mart van de VEN, Netherlands

### **Group of the Unified European Left (UEL)**

- Marco NICOLINI, San Marino\*

### **Co-rapporteur of the Monitoring Committee (ex officio)**

- Joseph O'REILLY, Ireland

### **Venice Commission**

- Nikolai VULCHANOV, Expert
- Mesut BEDIRHANOGLU, Administrator

### **Secretariat**

- Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Co-operation Division

- Franck DAESCHLER, Principal Administrative Assistant
- Anne GODFREY, Assistant

## Appendix 2 – Programme of the pre-electoral mission (1-2 June 2017)

### Thursday 1 June 2017

- 10:00-11:00 Delegation meeting with the participation of Mr Claus Neukirch, Head of the Council of Europe Office in Tirana
- 11:00-12:30 Meeting with Ms Polyna Lemos, Deputy Head of the OSCE/ODIHR Election Observation Mission in Albania and members of the core team
- 12:30-13h:30 Meeting with members of the diplomatic corps in Tirana:
- Germany: Ms Anke Holstein, Chargée d’Affairs
  - Italy: Ambassador Alberto Cutillo
  - OSCE Mission: Ambassador Bernd Borchardt
  - Delegation of the European Union: Mr Jan Rudolf, Head of the Political, Economic and Information section
- 14:30-15:30 Meeting with representatives of civil society:
- Association for Democratic Culture: Ms Gerta Meta
  - Albanian Helsinki Committee: Ms Erida Skendaj and Mr Andi Muratej
  - Coalition for Free and Fair Elections: Ms Mirela Arqimandriti
- 15:30-16:30 Meeting with media representatives:
- Albanian Public Broadcaster: Mr Gert Selenica, Editor-in-Chief
  - Albanian Media Institute: Mr Remzi Lani, Executive Director
  - Albanian Media Council: Mr Blendi Sala
  - Balkan Investigative Network (BIRN): Mr Besart Likmeta
- 16:45-17:30 Meeting with Mr Gentian Salaj, Head of the Audiovisual Media Authority (AMA)

### Friday 2 June 2017

- 09:15-10:00 Meeting with Mr Ilir Meta, Speaker of the Parliament, with the participation of the Albanian delegation to the PACE
- 10:00-12:30 Consecutive meetings with leaders and representatives of the main parliamentary groups:
- Socialist Party: Mr Eduard Shalsi
  - Democratic Party: Mr Oerd Bylykbashi, Mr Aldo Bumci and Ms Jorida Tabaku
  - Socialist Movement for Integration: Mr Luan Rama and Mr Gaetano Doci
  - Republican Party: Mr Fatmir Mediu and Mr Arjan Madhi
  - Party for Justice, Integration and Unity: Ms Mesila Dode, Mr Halil Hyseni and Mr Erion Manohasa
- 14:00-15:30 Meetings with leaders and representatives of the main non-parliamentary political parties:
- Challenge for Albania: Mr Gjergj Bojaxhi and Ms Besa Xhumari
  - Social-democrat Party: Mr Skender Gjinushi
  - LIBRA: Mr Ben Blushi and Ms Mimoza Hafizi
- 15:30-16:30 Meeting with Mr Klement Zguri, Chairperson of the Central Electoral Commission
- 16:45-17:45 Delegation meeting (preparation of a statement)

### **Appendix 3 – Declaration of the pre-electoral delegation**

#### **PACE pre-electoral delegation welcomes that Albanian voters will have a variety of choices on 25 June but remains concerned about the strains put on the electoral process**

Tirana, 03.06.2017 – A PACE pre-electoral delegation, headed by Paolo Corsini (Italy, SOC) was in Albania on 1 and 2 June to assess the election campaign and the political climate prior to the parliamentary elections on 25 June 2017.

The delegation\* welcomed the fact that, following a political agreement reached between the two leaders of Albania's two main political parties on 18 May, parliamentary elections will be held with the participation of the main opposition parties, providing voters with a meaningful variety of choices.

At the same time, the delegation noted with concern the strain put on independent institutions and on the electoral process as a whole with regard to the implementation of the agreement. Interlocutors had shared with the delegation critical observations on the procedures followed by the Parliament and the Central Election Committee (CEC) respectively for the installation of the new CEC Chair, the Ombudsperson and the late registration of some political parties.

The extremely limited time frame for the implementation of the new regulations on campaign financing and its monitoring, as well as the requirements for public and private media to carry electoral advertisement of political parties free of charge were other issues brought to the attention of the delegation.

The delegation also noticed that concerns about the potential abuse of State resources, organised vote-buying and pressure on voters persist. Moreover, many interlocutors underlined the need for a full and verified implementation of the legislation on decriminalisation with regard to candidates competing in the elections. It also noted that media is widely regarded in the country as a propaganda tool.

It regrets that measures have not been taken in order to allow Albanians living abroad to participate in the electoral process without being obliged to return in the country.

The delegation urges all stakeholders in the electoral process to work in good faith to ensure that the independence of electoral and independent oversight and watchdog bodies is preserved and strengthened, that legal procedures are followed and that a level playing field for all electoral subjects is ensured throughout the process.

In its report following the 2013 parliamentary elections, PACE called on the Albanian authorities to take a number of measures in order to restore and strengthen citizen's full trust in the electoral process. The delegations recalls in this respect in particular the need to make a clear distinction between the political parties' activities and State institutions, the need to guarantee the impartial and neutral functioning of the election administration at all levels, by ensuring genuine institutional independence, and the recommendation to assess and improve the electoral framework. It strongly encourages the new Albanian Parliament to continue the electoral reform process after the elections in a constructive and goal-oriented manner, with the aim of bringing it to a successful end well before the 2019 local elections.

The delegation hopes that the reform of electoral and political party legislation will continue and contribute to bridging the gap between politics and ordinary citizens as well as to strengthening inner party democracy, accountability and due process, compatible with a genuine democratic society.

The PACE pre-electoral delegation was in Tirana at the invitation of the President of the National Assembly of Albania. It met with the President of the National Assembly, the Chairman of the Central Electoral Commission, leaders and representatives of the main parliamentary and non-parliamentary political parties, the Head of the Audiovisual Media Authority, NGO and media representatives, the Deputy Head of the OSCE/ODIHR election observation mission, representatives of international organisations and members of the diplomatic corps in Tirana.

A full-fledged team of PACE observers will arrive in Tirana to observe the vote on 25 June.

\* Delegation: Paolo Corsini (Italy, SOC), Head of Delegation, Ingebjørg Godskesen (Norway, EC), Marco Nicolini (San Marino, UEL)

## Appendix 4 – Programme of the International Election Observation Mission (IEOM) (23-26 June 2017)

### Friday 23 June 2017

- 10:00-11:00 Internal meeting of the ad hoc committee:
- Opening by Mr Paolo Corsini, Head of Delegation
  - Comments by the members of the pre-electoral mission
  - Briefing by the Venice Commission on legal issues
  - Briefing by the Secretariat on operational issues

### Joint parliamentary briefing

- 11:00-11:30 Opening remarks:
- Mr Roberto Battelli, Special Co-ordinator and Leader of the Short-Term OSCE Observer Mission
  - Mr Paolo Corsini, Head of the PACE Delegation
  - Ms Marietta Tidei, Head of the OSCE-PA Delegation
  - Mr Eduard Kukan, Head of the European Parliament Delegation
- 11:30-12:15 Remarks from the International Presence in Tirana:
- Ambassador Bernd Borchardt, Head of OSCE Presence in Albania
  - Mr Claus Neukirch, Head of the Council of Europe Office in Tirana
  - Ambassador Romana Vlahutin, Head of Delegation of the European Union to Albania
- 13:15-14:30 Briefing by the OSCE/ODIHR Mission in Albania – Part I:
- Ambassador Peter Tejler, Head of Mission
  - Ms Polyna Lemos, Deputy Head of Mission
  - Mr Wolfgang Sporrer, Political Analyst
  - Mr Vasil Vashchanka, Legal Analyst
  - Mr Kakha Inaishvili, Election Analyst
  - Mr Andrea Malnati, Media Analyst
- 15:00-18:00 Meetings with representatives of political parties:
- Socialist Party – Ms Blerina Gjylameti, Secretary for the Electoral Co-ordination
  - Democratic Party – Mr Ivi Kaso, Electoral Secretary, and Mr Akil Kraja, Executive Director of the DP's Foundation
  - Socialist Movement for Integration – Mr Luan Rama, Deputy Chairperson
  - Republican Party – Mr Fatmir Mediu, Chairperson
  - LIBRA-Equal List Party – Ms Mimoza Hafizi, Deputy Chairperson
  - Party for Justice, Integration and Unity – Mr Shpëtim Idrizi, Chairperson
  - Social-Democrat Party – Mr Skënder Gjinushi, Chairperson
  - Challenge for Albania Party (SFIDA) – Mr Hektor Ruci, Chairperson
  - Human Rights Union Party – Ms Olijana Ifti, Chairperson of Women's Forum for Human Rights

### Saturday 24 June 2017

- 10:00-11:00 Meeting with civil society/NGO representatives:
- Albanian Institute for Political Studies – Mr Afrim Krasniqi, Director
  - Coalition of Domestic Observers – Ms Gerta Meta (Association for Democratic Culture) and Mr Panto Gogo (Kriik Albania Association)
  - Coalition for Free and Fair Elections – Ms Mirela Arqimandriti (Centre for Gender Alliance Development)
- 11:00-12:00 Meeting with media representatives:
- Albanian Public Broadcaster (RTSH) – Mr Bledar Zaganjori



- Albanian Media Council – Mr Blendi Salaj
- Balkan Investigative Network (BIRN) – Mr Besart Likmeta
- Union of Journalists – Mr Aleksander Çipa

- 12:00-13:00 Electoral Administration:  
– Central Election Commission (CEC) – Mr Klement Zguri, Chairperson
- 13:45-14:45 Briefing by the OSCE/ODIHR Mission in Albania – Part II (election day procedures and observation forms):  
– Ms Polyna Lemos, Deputy Head of Mission  
– Mr Kakha Inaishvili, Election Analyst  
– Mr Robert Bystricky, Statistical Analyst  
– Mr László Belágyi, Security Expert
- 14:45-15:15 Regional briefing by OSCE/ODIHR EOM Long-Term Observers
- 15:15 Meeting with interpreters and drivers

**Sunday 25 June 2017**

Observation of opening, voting, vote count and tabulation of results

**Monday 26 June 2017**

- 08:00-09:00 Internal debriefing of the ad hoc committee
- 14:30 Joint press conference

## Appendix 5 – Press release issued by the International Election Observation Mission (IEOM)

### **Contestants campaigned freely, fundamental freedoms respected in Albania elections, but politicised election administration reduced trust in process, international observers say**

Strasbourg, 26.06.2017 – The 25 June parliamentary elections in Albania took place following a political agreement between the leaders of the Socialist Party (SP) and Democratic Party (DP) that secured the participation of the opposition. Electoral contestants were able to campaign freely and fundamental freedoms of assembly and expression were respected. The implementation of the political agreement, however, created challenges for the election administration and resulted in a selective and inconsistent application of the law, the international observers concluded in a statement today.

The continued politicisation of election-related bodies and institutions, as well as widespread allegations of vote-buying and pressure on voters, reduced public trust in the electoral process, the statement says.

“It is good that the elections could be held and that promises were made to improve elements of the electoral process that have created so much distrust in the past in the functioning of this key component of a democratic system”, said Roberto Battelli, Special Co-ordinator and leader of the short-term OSCE observer mission. “In light of this, it is disappointing that so much of what we observed was a repetition of past practices – in particular concerns related to pressure on voters, creating a negative atmosphere. I hope the new government will engage in serious efforts to improve this key aspect of free and fair elections.”

“The agreement between the leaders of two main political parties, which made these elections possible, was a positive development. However, the agreement also led to strains on the electoral process”, said Paolo Corsini (Italy, SOC), Head of the delegation from the Parliamentary Assembly of the Council of Europe. “It is time for Albania to move forward towards genuine democracy bound by the rule of law.”

The elections took place in the context of a long-standing and deep political division between the SP of the ruling coalition and the opposition DP, as well as of low public trust in the electoral process, the observers said. Positively, the internationally mediated political agreement reached on 18 May between the leaders of the two parties ended a three-month standoff, and allowed the DP to nominate several key ministerial positions.

“I have witnessed a broad desire to overcome once and for all the political gridlock that has held Albania back for too long”, said Marietta Tidei, Head of the delegation from the OSCE Parliamentary Assembly. “I sincerely hope that this momentum, triggered by the political agreement, will be exploited to the fullest in the best interests of our Albanian friends, to meet their domestic ambitions and aspirations for integration into the European Union. We will continue to support Albania.”

“We hope these elections will create a positive political atmosphere that will enable the government to make progress in implementing the reforms needed to move further towards the EU accession process”, said Eduard Kukan, Head of the delegation from the European Parliament.

The campaign presented a variety of political options and was significant throughout the country, although widespread allegations of vote-buying, concerns over misuse of State resources, and workplace-related pressure on voters further undermined public trust. Some 40 per cent of candidates were women, and women were active in the campaign. Several campaign events specifically targeted women voters.

Media provided the electorate with extensive campaign coverage and a range of political opinions, but with only a limited analytical approach. Media monitoring revealed that all monitored television stations focused mainly on the activities of the three largest parties. The public broadcaster complied with the legal obligation to provide proportional free air time to parties.

Election day proceeded in an orderly manner, but key procedural irregularities and omissions were observed, including inconsistent inking verification procedures, instances of proxy and group voting, and interference by unauthorised party activists. Concerns were noted about possible intimidation by groups of party activists in and around voting centres, the statement says. Counting procedures were not always followed, and transparency was not guaranteed.

The Central Election Commission (CEC) registered 15 political parties within the legal deadline, and three more following the political agreement – after the deadline. At the same time, two prospective contestants were denied registration due to late nomination. While largely inclusive, the candidate registration process suffered from selective and inconsistent application of the law, the statement says

The CEC operated transparently, with regular public sessions, and completed its core tasks despite the complex set of legal, institutional, financial, and administrative challenges that followed the political agreement. It did not, however, take measures to clarify inconsistencies related to newly amended legislation, and some of its decisions were not consistent or legally sound. The formation of lower-level election commissions was completed long after the legal deadlines, due to the late nomination of commissioners by parties. This, together with the high number of replacements, meant many election staff were not trained. Altogether, this negatively impacted on the efficiency of the election administration.

The legal framework provides an adequate basis for the conduct of democratic elections, even though many prior OSCE/ODIHR and Council of Europe Venice Commission recommendations were not addressed, including the need to depoliticize key aspects of the election administration. Legal changes following the political agreement aimed at enhancing campaign finance oversight and ensuring free advertising in all broadcast media. However, the manner of implementation demonstrated the primacy of political interests over respect for the rule of law. The late introduction of legal changes and lack of meaningful public consultation created legal uncertainty and negatively affected the administration of several electoral components.

“Importantly, fundamental freedoms were respected in a process where contestants were able to campaign freely,” said Ambassador Peter Tejler, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights. “Unfortunately, the continued politicization of the institutions and bodies responsible for administering the election’s limited public trust in the electoral process. Longstanding shortcomings have to be addressed to ensure public confidence.”

The amended legislation contributed to transparency and accountability of campaign financing, addressing some earlier OSCE/ODIHR and Council of Europe recommendations. New measures to reduce campaign costs were welcomed by most mission interlocutors. Transparency was reduced by the absence of disclosure requirements before election day.

The law provides for citizen and international observation at all stages of elections. In a positive step, the CEC obliged the lower-level commissions to publicly display the counting results protocols, adding to transparency. Accreditation of observers was inclusive and all contestants were able to observe voting, counting and tabulation.