

Observation of local elections in Albania (21 June 2015)

Final Report

Upon invitation by the Minister of State for Local Government of Albania, the Congress deployed a 24-member delegation to observe the local elections held on 21 June 2015. From 27 to 29 May 2015, a pre-election visit was organised in Tirana. On Election Day, 11 teams – including five members of the EU Committee of the Regions – were deployed throughout the country and visited more than 150 polling stations. The 21 June local elections were the first to be held after the adoption of the territorial-administrative reform on 31 July 2014 and based on changed legislation concerning female candidates.

Election Day was, by and large, assessed positively by the Congress, not least due to the calm and orderly nature of the voting in most of the places visited. This was noted – together with the “civilised” campaign – as an important step towards normalisation, in terms of European standards. This holds true also for the choice between a range of candidates and the fundamental freedoms of assembly and expression which were generally respected. However, the high degree of politicisation of electoral bodies and inconsistencies, in particular related to the registration procedures, as well as irregularities prior to E-Day, undermined the electoral process as a whole. Furthermore, reports on intimidations, pressure on certain groups of voters and allegations of vote-buying were not conducive to voters’ confidence in the elections.

Lastly, the Congress highlights that the issue of voters’ lists – which still include some 1 million of people living *de facto* outside Albania – remains to be addressed. Apart from the risk of electoral fraud and manipulation resulting from this situation, according to the Congress, local issues should be decided by the electorate actually residing in a specific municipality. In this light, the Congress encourages the Albanian authorities to revise the legal provisions on residence requirements for voter registration.

Other recommendations include the revision of the modalities of appointment and dismissal of members of electoral bodies along with the reinforcement of the training provided to them, in order to achieve de-politicisation and ensure professionalism of the whole electoral administration as well as the overhaul of legal provisions related to independent candidates in order to ensure the right to stand on an equal basis to all subjects who intend to run for elections.

DRAFT RESOLUTION²

1. Further to the observation of local elections held in Albania on 21 June 2015, carried out by the Congress of Local and Regional Authorities based on the invitation by the Minister of State for Local Government of Albania, the Congress refers to:

a. Article 2 of Statutory Resolution CM/Res (2011)2 of the Committee of Ministers, stating that the Congress of Local and Regional Authorities of the Council of Europe regularly prepares reports on the situation of local and regional democracy in all member States and candidate countries and that it prepares also reports and recommendations following the observation of local and/or regional elections;

b. Resolution 307 (2010)REV on Procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government;

c. Congress Resolution 306(2010)REV on Observation of local and regional elections – strategy and rules of the Congress;

d. Congress Resolution 353(2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue;

e. revised Rules and Procedures of the Congress;³

f. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Albania on 4 April 2000.

2. The Congress reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

3. It welcomes the report on the observation of local elections held in Albania on 21 June 2015 stating that progress was achieved, compared to previous elections, notably with regard to the overall campaign environment and the phase immediately after the elections during which political parties and coalitions refrained, by and large, from violent disputes. Voters were offered a choice between a range of candidates, including the requirement of a 50 per cent quota of female candidates, and the fundamental freedoms of assembly and expression were generally respected. The Congress endorses also the basic assessment of the report requiring further improvements of the legal framework of elections, in particular a depoliticisation and professionalisation of the whole electoral management.

4. Considering the issues drawn to the Congress' attention by the Chairman of the Democratic Party and the decision by the Constitutional Court of Albania of 15 December 2014, rejecting the appeal filed by the Democratic Party Parliamentary faction against the Law no.115/2014 "On the territorial administrative division of Local Government Units in the Republic of Albania", the Congress:

a. invites its Monitoring Committee to undertake, at the very earliest, a fact-finding mission in Albania, in the framework of the Congress' post-electoral dialogue and its mechanism to assess the situation of local and regional democracy, against the background of the implementation of the territorial-administrative reform in the aftermath of the 2015 local elections;

b. asks, in particular, to that allegations of gerrymandering and malapportionment of mandates, heard by the Congress' delegation observing the local elections on 21 June 2015, be investigated.

5. It suggests that – based on the outcome of this fact-finding mission – the relevance of a new monitoring visit in Albania be examined.

DRAFT RECOMMENDATION⁴

1. Following the invitation by the Minister of State for Local Government of Albania to observe the local elections held in the country on 21 June 2015, the Congress of Local and Regional Authorities refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution (2000)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Albania on 4 April 2000;

c. Congress Resolution 306(2010)REV on Observation of local and regional elections – strategy and rules of the Congress;

d. Congress Resolution 353(2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue.

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the progress achieved, compared to previous elections, in respect of the campaign environment and that the local elections held on 21 June 2015 were carried out in an overall calm and orderly manner. This applies also to the phase immediately after the elections during which political parties and coalitions refrained, by and large, from violent disputes.

4. It notes with satisfaction that the authorities continued their efforts to improve the legal framework which, in principle, could have provided the basis for democratic elections.

5. The Congress welcomes, in particular, the new requirement of a 50 per cent quota of female candidates for the candidate lists to Municipal Councils which was also well implemented.

6. The Congress suggests that further improvements can be made in respect of the electoral legislation and the practical side of electoral management and therefore invites the Albanian authorities to:

a. revise the modalities of appointment and dismissal of members of electoral bodies at all levels, in order to achieve de-politicisation and ensure professionalism of the whole electoral administration;

b. overhaul the provisions related to independent candidates and parties running outside big coalitions, in order to ensure the right to stand on an equal basis to all subjects who intend

to run for elections, in particular with regard to requirements for candidates' registration and public funding;⁵

c. reinforce bodies in charge of complaints and appeal procedures, in order to solve disputes as soon as possible, especially for cases filed before Election Day and which have a potential influence on its outcome;

d. regulate the presence and the role of partisan observers within and in the vicinity of polling to ensure the secrecy of the vote and to avoid pressure on voters;

e. reinforce the training provided to Election Commission members at all levels in order to increase their knowledge of the procedures and strengthen confidence in the elections among citizens and stakeholders;

f. allocate more resources to the counting process in order to speed it up and lower political tensions – and related risks of unrest – created by its length.

7. In addition, the Congress encourages the Albanian authorities to revise the legal provisions on residence requirements for voter registration at local level, in the light of the Congress recommendation on Electoral lists and voters residing *de facto* abroad.⁶

8. Finally, the Congress encourages the Albanian authorities to overhaul specific legal provisions related to the media in order to ensure independent, sustainable and balanced journalism. In particular, the revision of the competencies and the composition of the Media Monitoring Board could foster its ability to monitor media in a more effective and impartial manner during electoral campaigns.

EXPLANATORY MEMORANDUM

1. Introduction

1. Following an invitation by the Minister of State for Local Government, Bledar Cuci, dated 13 March 2015, the Congress observed the local elections held in Albania on 21 June 2015. These were the first elections to be organised after the new Law on the territorial-administrative reform had been adopted in July 2014.⁷

2. The main electoral mission took place from 17 to 22 June 2015 and comprised 24 members from 15 countries including five members of the EU Committee of the Regions and Congress' expert in electoral matters, Professor Christina Binder. Stewart Dickson (United Kingdom, ILDG) served as Head of the delegation and Rapporteur. On Election Day, 11 teams visited more than 150 polling stations throughout the country and observed also parts of the counting process.

3. A pre-electoral delegation composed of four members, headed by Gaye Doganoglu (Turkey, EPP-CCE) which also included a member of the EU Committee of the Regions, visited Tirana from 27 to 29 May 2015 to assess the preparatory phase of the elections.

4. The good co-operation with the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), during the preparatory phase and on Election Day itself, should be highlighted in this context. A joint press conference with OSCE/ODIHR was held in Tirana on 22 June 2015 to present preliminary findings and conclusions.

5. The details of the delegation, programmes and deployment areas of the Congress' delegation as well as the joint preliminary conclusions presented together with OSCE/ODIHR at the press conference on 22 June 2015 in Tirana can be found in the appendices.

6. The Congress of Local and Regional Authorities in Europe has previously observed twice local elections in Albania, in 2007 and 2011.

7. The following report focuses specifically on issues arising out of exchanges held with Congress' interlocutors in the context of the local elections held on 21 June 2015 and on observations made by the members of the delegation on Election Day.

8. The Congress wishes to thank all those who met the delegation for their open and constructive dialogue. It thanks the Albanian authorities as well as the Head of the Council of Europe Office in Tirana, Marco Leidekker, and his team for their support in preparing this mission. Special thanks go also to Ambassador Audrey Glover, Head of the OSCE/ODIHR Election Observation Mission, and her team for their valuable support and fruitful co-operation.

2. Political context

9. The Republic of Albania is a unitary state and a parliamentary democracy since 1991. It is a member of the Council of Europe since 1995. The European Union granted the country the official candidate status in June 2014.

10. The Head of State is the President of the Republic, elected by the Parliament for a five-year term, renewable once. Albania's legislative power is vested in the 140-member Parliament; the executive power is exercised by the Government, led by the Prime Minister. The members of Parliament are elected for a four-year term through a proportional list system in 12 regional districts. The current Government is led by Edi Rama (Socialist Party) with the support in Parliament of a coalition composed of the Socialist Party (65 seats), the Socialist Movement Integration (LSI, 16 seats) and other parties. The political system is characterised by a strong polarisation between two political parties, the Socialist Party (SP), led by current Prime Minister Edi Rama, and the Democratic Party (DP), led by the former Mayor of Tirana Lulzim Basha.

11. At the last Parliamentary elections held in June 2013 and organised according to a new electoral system, the *Alliance for Employment, Welfare and Integration* led by the Democratic Party won 57 mandates (39.46%) and the *Alliance for European Albania* led by the Socialist Party won 83 mandates (57.63%). The elections were followed by a smooth rotation in power, Prime Minister Sali Berisha (Democratic Party) having recognised his defeat shortly after Election Day. The electoral process was assessed in line with European standards by observers although the atmosphere of distrust between the main political parties undermined the whole electoral process and, in particular, the Central Election Commission's work.⁸

12. The last local elections were held in May 2011 after Albania had experienced a long-lasting political crisis in the aftermath of the 2009 Parliamentary elections. In 2011, according to the Congress' assessment, the much tensed political situation affected the electoral process in a negative manner.⁹ Further to the local election in Tirana, a 7-week electoral dispute included the recount of ballots before Lulzim Basha (Democratic Party) was declared Mayor of Albania's capital city. The coalition led by the Democratic Party and the Socialist Movement for Integration won 218 Mayoral races and the coalition led by the Socialist Party won 145 races. Prior to the 2013 Parliamentary elections, the Socialist

Movement for Integration (LSI) joined the coalition led by the Socialist Party, also modifying the political equilibrium at the local level in the run-up to the next elections.

13. The political background in which the 2015 Local elections were held included two major issues: the 2014 administrative-territorial reform and cases of candidates with criminal records. The 2014 administrative-territorial reform provoked stormy debates because it has changed the administrative and electoral structure of the country; the opposition accused the Government of having been driven only by electoral considerations. The registration of candidates suspected of having a criminal record was also a major legal and ethical issue¹⁰ but little has been done to concretely implement a "de-criminalisation" policy.¹¹

14. Allegations of gerrymandering and malapportionment of mandates in the context of Albania's territorial electoral reform refer to a possible breach of the principle of equality in voting power as one component of the principle of equal suffrage. The allegations thus go to the very core of Europe's electoral heritage with its five principles of universal, equal, free, secret and direct suffrage.

15. Equal suffrage means that each vote carries equal weight. According to the General Comment on Article 25 of the International Covenant on Civil and Political Rights (CCPR) of the Human Rights Committee (HRC): "The principle of one person, one vote, must apply and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating the votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely".¹²

16. Respectively, international standards and best practices require that seats are evenly distributed between the constituencies. According to the Venice Commission's Code of Good Practice in Electoral Matters: "Equal voting power: seats must be evenly distributed between the constituencies. i. This must at least apply to ... regional and local elections: ii. It entails a clear balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged. iii. The geographical criterion and administrative, or possibly even historical boundaries may be taken into consideration."¹³

17. The permissible departure of the norm should not be more than 10 percent.¹⁴ In case of according inequalities in voting power, this may amount to "active electoral geometry"; i.e. to gerrymandering. In the terms of the Venice Commission Explanatory Report to the Code of Good Practice in Electoral Matters: "...When this principle [equality in voting power] is not complied with, we are confronted with what is known as electoral geometry, in the form either of 'active electoral geometry', namely a distribution of seats causing inequalities in representation as soon as it is applied, ...".¹⁵

18. Finally, certain standards/best practices apply to the drawing of the boundaries of electoral constituencies. According to the Venice Commission Code of Good Practice in Electoral Matters: "2.2. ...vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done: - impartially; without detriment to national minorities; ...".¹⁶ The Existing Commitments for Democratic Elections in OSCE Participating States require respectively that "3.3. When necessary, redrawing of election districts shall occur according to a predictable timetable through a method prescribed by law and should reflect reliable census or voter registration figures. Redistricting should also be

performed well in advance of elections, be based on transparent proposals, and allow for public information and participation.”¹⁷

3. Administrative structure at local and regional level

19. At second level of government, Albania is divided into 12 regions (*Qarks*): Berat, Diber, Durres, Elbasan, Fier, Gjirokaster, Korce, Kukës, Lezhe, Shkoder, Tirana, Vlore.

20. On 31 July 2014, the Parliament adopted the Law on administrative-territorial reform, which shrunk the number of Local Government Units (LGU), at first level of government, from 373 (former “Urban Municipalities” and “Communes”) to 61, also abolishing the “Communes”. However, at the time the 2015 local elections were held, the reform was still ongoing and no law on the new powers of Mayors and Councils had been adopted.¹⁸ Therefore, the precise competences of the new Municipalities as well as the financial issues remain to be determined in the post-election period.

21. In the course of the territorial reform, the political polarisation in Albania further deepened. Although the parties did agree, in principle, on a reduction of the number of Local Government Units, the opposition led by the Democratic Party strongly criticised the reform, qualifying, in particular, the drawing of the new Municipalities’ boundaries as intentionally favourable to the Socialist Party and its allies.¹⁹ The Democratic Party boycotted both the ad-hoc Parliamentary Committee aimed at discussing the reform and the Parliament itself for five months, until the European Parliament led a conciliation mission in December 2014 which achieved an agreement between the opposition and the Government.

22. In this context, several procedures have been launched.²⁰ The President of the Republic returned the Law to the Parliament in August 2014 because of the lacking consideration of the local communities’ will. A few weeks later, the Parliament approved the Law again without any amendment. One fifth of the Members of Parliament, representing the Democratic Party, filed a case to the Constitutional Court in October 2014 for violation of constitutional provisions including the lacking consultation with citizens; it was rejected. The Association of Communes and Municipalities in Albania also filed a request to the Central Election Commission (CEC) for popular referenda on the reform in 130 localities. Although the CEC had accepted the holding of these referenda, the Electoral College of the Court of Appeals of Tirana overruled this decision in January 2015, further to the Socialist Party’s appeal challenging the CEC decision.

23. The 2015 local elections took place in the new 61 Municipalities and were aimed at electing a total of 61 Mayors and 1,595 Councillors. The territorial-administrative reform did not change the local government structure. The Council represents the deliberative body and includes Councillors directly elected for four-year mandates under a proportional system. The executive power is held by the Mayor, directly elected under a majoritarian system. He/she does not fall under the authority or the competence of the Council. The city of Tirana has a special institutional setting with eleven districts, each district having its own Council in addition to the Council of the Municipality of Tirana.

4. Electoral management

a. Legal framework and electoral system

24. The legal framework of Albania, in principle, could provide a sound basis for democratic elections.²¹ Following recommendations from the OSCE/ODIHR and the Venice Commission, the Electoral Code was significantly amended in 2012.²² However, the lacking

implementation of this framework, a long-lasting politicisation of the institutions and gaps and ambiguities in the texts posed problems. As a result, the legal framework gave rise for inconsistent decisions and debates over its interpretation, which undermined the electoral process.²³

25. The amendments to the Electoral Code adopted in April 2015 aimed at reflecting the changes in the new territorial-administrative division of the country. The gender quota for the candidate lists for local Councils was also increased to 50 per cent. However, some important issues remained improperly addressed, such as the impartiality of electoral commissions, transparency of campaign financing and effective electoral dispute resolution.²⁴

26. The Electoral Code contains specific provisions for independent candidates in terms of candidate registration, their right to appoint members of the election administration and appointment of observers on Election Day. Independent candidates are not entitled to receive public funding, which is at odds with European standards.²⁵ Moreover, the inconsistent implementation of candidate registration rules by some CEAZs is considered as particularly disadvantageous for independent candidates.²⁶ According to Congress' interlocutors, these specific provisions and practices have led to the phenomenon of narrowing of the electoral process for the benefit of the two main parties. In addition, through the expansion of administrative units brought about by the administrative and territorial reform, the requirements of the Electoral Code for independent candidates became even more difficult to meet.²⁷

b. Electoral administration bodies

27. The three-tiered election administration is composed of the Central Election Commission (CEC), 90 Commissions of the Electoral Administration Zones (CEAZs) and 5,301 Voting Center Commissions (VCCs). The commissions at all level comprise 7 members appointed by the Parliamentary majority and by opposition parties. In the 2015 local elections, the CEC included 3 women, one of whom was the Chairperson; one third of CEAZ members were women as well as 17 per cent of the members of VCCs observed on Election Day.

28. The Central Election Commission is a permanent body whose members are appointed for 6-year mandates. Despite the fact that the CEC tried to ensure transparency by organising working sessions open to observers and through the adoption of internal Rules of Procedures, it appeared to remain politicised throughout the electoral process leading to inconsistent decisions, in particular regarding candidates' registration and withdrawals.²⁸ As a consequence, complaints were filed to the Electoral College.²⁹ In Durres, the CEC decided not to delete voters from the voters' lists, contrary to a district Court's decision. In general, according to Congress' interlocutors, many decisions made by the CEC cannot be seen as conducive to an increase of public confidence in its independence and managerial capacities.

29. The fact that the electoral administration, in general, seems to be driven by political issues, resonates also at the lower levels of CEAZs and Voting Center Commissions whose members are nominated by political parties. As of 20 June 2015, 37 per cent of the CEAZ members had already been replaced, mostly upon request of the nominating political parties.³⁰ Moreover, many VCC and CEAZ members were nominated after the official deadline. Replacements of CEAZ members until Election Day and delayed appointments in CEAZs and VCCs negatively affected the electoral process, according to Congress' interlocutors. In addition, the CEC could have provided more specific instructions and monitored more closely the CEAZs and VCCs in order to ensure the efficiency of the process at all stages.³¹

c. Voter registration and voters' lists

30. Voter registration is passive and drawn directly from the National Civil Status Register which is managed by the Ministry of Interior. The CEC compiled the voters' lists and had this process assessed by two auditors. In total, 3,372,471 voters were registered for E-Day.³² Interlocutors expressed, by and large, satisfaction about an improvement of the quality of voters' lists. However, these lists included a large number of citizens residing *de facto* abroad. The high proportion of such voters remaining on the lists - from 1 to 1.5 million - involves the danger of electoral fraud and manipulation and is in contradiction to the conviction of the Congress according to which local issues should be decided by the electorate actually residing in a specific municipality.

31. Voters could verify their records online and in each Voting Center prior to E-Day. However, some CEAZs did not receive the final voters' lists on time. After 18 May 2015, the voters' lists were closed and voters could only be registered upon Court's decision. Voters were also supposed to receive a notification informing them about the location of their Voting Center; however, some claimed never to have received the said notification.

32. Voter registration was an issue during the campaign because of allegations of artificial moves of voters' addresses.³³ In Durres and in Kavaje, an increase of respectively 2,186 and 595 on the lists was questioned by an auditor of the CEC nominated by the Democratic Party. In Vore, an increase of 500 voters on the lists was also put into question by the SMI. The Prosecutor General launched an investigation³⁴ but it did not result in definitive conclusions before Election Day, causing suspicion about the outcome of the election.³⁵ In Durres, a district Court said that a number of voters - allegedly artificially moved from one address to another - should not be registered. The CEC did not withdraw them from the list because the deadline for modifying voters' lists had already passed.

d. Registration of parties and candidates

33. Two coalitions, 11 political parties and 26 independent candidates³⁶ contested in these local elections. The two main coalitions were the *Alliance for European Albania*, composed of 37 parties, led by the Socialist Party and the Socialist Movement for Integration, and the *People's Alliance for Employment and Dignity*, composed of 15 parties, led by the Democratic Party and the Republican Party. In total, there were 36,341 candidates for the 1,595 seats in Municipal Councils and 158 candidates for the 61 positions of Mayor, including 14 independent candidates.

34. All lists competing for local Councils should be in compliance with a gender quota of 50 per cent. Every second name on the list should be a woman for the list to be registered (so called 'zipper system'). There is no such provision for the Mayoral elections; there were 16 female candidates (out of 158) and none of them was an independent candidate. Most of the political parties' candidates both for Mayors and Councils were appointed at the last minute by the national leadership of the respective political parties. This selection process has been criticised within the political parties and is mostly ad odds with usual procedures implemented by parties in Albania.³⁷

35. According to Congress' interlocutors, the present electoral system clearly favours the two main political parties. What is more, independent candidates had to face many challenges to be registered. In particular, independent candidates are requested to gather supporting signatures of at least 1 % of voters from the municipality they run in whereas political parties' candidates do not have to do so if the party or the candidate is already represented in Parliament or in the local Government.

36. A number of decisions by the CEC regarding candidates' registration and withdrawal can be considered as incoherent, hindering the candidates' right to stand for elections on an equal basis.³⁸ In particular, the Electoral College cancelled a decision of the CEC (so-called Decision 88) on political parties running in Municipalities of which the boundaries have been changed. The Electoral College said political parties that had mandates within the previous municipalities did not have to collect signatures to run for 2015 local elections. Some contestants were thus registered after the registration deadline had expired. Moreover, the CEC accepted the withdrawal of some candidates for the Mayoral race (in Kelcyre, Mmemaliaj, Sarande) and denied it for others (in Dropull, Korce, Kucove) without consistent interpretation of the Electoral Code on that matter.³⁹

e. Observers

37. The electoral process was observed by a large number of observers, both international and domestic. Besides the Congress' delegation, a large number of international observers were deployed by OSCE/ODIHR. In briefings with the Congress, domestic observer organisations claimed not to have been able to be present in polling stations as expected because of the lack of funding.⁴⁰ The accreditation of all observers was made on time and smoothly.

38. On Election Day, a large number of partisan observers were present in the polling stations. Each coalition or party running alone was allowed to appoint up to three observers per polling station and counting table. On the other hand, independent candidates were entitled to appoint only one observer per counting table.⁴¹ This situation made it very difficult for independent candidates to monitor properly all stages of the electoral process.

5. Campaign and media environment

a. Financing

39. Public funds are allocated to registered political parties both for their regular activities and for campaigning purposes. All parties having received more than 0.5 per cent of the votes nation-wide at the last local elections are entitled to public campaign funding.⁴² According to Congress' interlocutors, the CEC allocated the funds 13 days after the start of the official campaign, after the legal deadline, thus creating uncertainty for political parties.

40. Independent candidates - not entitled for public funding, independently from the number of votes they get - criticised vis-à-vis the Congress that such restrictions on public funds allocation favours the main political parties and prevents new contestants from entering the political scene.

41. Private funding is regulated by the Electoral Code.⁴³

42. Donations from individuals or legal entities must not exceed 1 million Lek (approximately 7,140 Euros). The total amount of expenses is limited, for a political party's candidate, to 10 times the amount of the public funds received by the largest political party and, for an independent candidate, to 50 per cent of this amount.

43. All parties and independent candidates are required by law to disclose their incomes and expenditures after the elections. However, the legislation and its weak implementation did not provide the basis for comprehensive reports and full transparency of campaign financing.⁴⁴ In particular, the CEC lacked professional expertise on that matter.

b. The electoral campaign

44. Compared to previous electoral campaigns in the country, the 2015 electoral campaign was peaceful and civilised. It started officially on 22 May 2015, even though campaign activities already took place beforehand. The campaign intensified until Election Day, especially when Mayoral candidates accepted to debate in a number of Municipalities (with the exception of Tirana). The campaign was active and visible in urban areas – but much less vivid in rural areas. Campaigning mainly focused on small-scale activities, when voters could interact directly with candidates.⁴⁵

45. On top of the issues of the campaign were national concerns such as the social and economic situation of the country. Local issues were thus less often raised, with the exception of the provision of basic services such as water supply, electricity, road construction and maintenance. In line with this, national leaders dominated the campaign and local candidates did not receive as much attention. Some interlocutors of the Congress highlighted that the campaign was very similar to a Parliamentary election campaign. Mayoral races in Tirana, Shkoder and Durres were monitored by the media nation-wide, notably because the last local elections in Tirana were highly contested.

46. Despite the peaceful campaign and its improved tone, the largest parties made personal accusations and attempted to discredit other contestants. Allegations of pressure exercised by these parties on smaller parties, independent candidates and their supporters were reported in many areas, including Tirana and Vore.

47. Allegations of pressure on public officials and employees were widespread during the campaign. In particular, teachers and health workers were said to have been pressured to attend campaign activities such as rallies.⁴⁶ Allegations of vote-buying as well as of voters being paid to hand over their ID cards to parties before Election Day and who were thus not able to go to vote, were also mentioned during Congress' briefings.⁴⁷

48. Abusive use of administrative resources was reported to the Congress' delegation and concerned in most cases the participation of ruling coalition's candidates to State official visits and activities.⁴⁸ Moreover, property legalisation certificates are said to have been given out by the authorities prior to the elections, bringing about the smell of nepotism.⁴⁹

49. According to law, candidates had to respect a 24-hour silence period before Election Day. However, a large number of removable campaigning materials, such as flags, remained visible throughout the silence period and on Election Day. Some cases of campaigning in the vicinity of or within polling stations were observed by Congress members on Election Day.⁵⁰

c. The media

50. The political affiliation of many media and their dependence from owners are well-known features of the media landscape in the country.⁵¹ During the campaign, this raised concerns about the independence of editorial contents, self-censorship of journalists and the limitation of information pluralism. Allegations of pressures, blackmailing and intimidations of journalists from political parties and candidates were reported during the campaign.⁵²

51. The independent reporting of the campaign was very limited, mainly due to the lack of protection and status provided to journalists and the lack of resources of independent media.⁵³ However, the Internet in general and social media in particular provided space for alternative viewpoints and investigation journalism. Small parties and independent

candidates intensively used social media to bypass their limited access to traditional media, and TV in particular.

52. According to Congress' interlocutors, many media were provided with pre-fabricated content by the contestants and broadcasted it without any footage to inform the public about its origin. Such content included pre-recorded material and live feed from campaign events. Thus, the editorial content of some media was directly and heavily influenced by political parties, creating clearly biased coverage of the campaign.⁵⁴

53. The Media Monitoring Board (MMB) is the body in charge of monitoring the media during electoral campaigns. Appointed by the Central Electoral Commission, the seven MMB members were much politicised and materially unable to properly monitor the media during the campaign.⁵⁵ Contrary to the MMB proposal and in contravention of existing legal provisions, the CEC decided not to fine some TV stations for unbalanced coverage.⁵⁶ Overall, media legislation is not sufficiently implemented, allowing media to cover the campaign in an unbalanced manner, sometimes very openly.

d. Participation of women

25. Women are underrepresented in politics in Albania: only 29 of the 140 members of Parliament are women and only 7 women were elected Mayor in 2011, of the 373 Mayoral seats available. Same applies for the participation of women in public life in general. For the 2015 local elections, there was no provision to ensure participation of women in the electoral administration, although the CEC is composed of 3 women, one of them being the Chairperson. On Election Day, 17 per cent of the VCCs members were women.⁵⁷

26. Prior to the 2015 local elections, amendments to the Electoral Code increased the gender quota to 50 per cent for local councils. All parties and coalitions met the requirement of the so-called 'zipper system', meaning that every second name on each candidate list was a woman. Although no gender quota exists for mayoral elections, female candidates ran in major cities, such as Durres, Gjirokaster and Pogradec. In Shkoder, both mayoral candidates for the two main coalitions were women, for the first in Albanian electoral history.

6. Election Day

a. Voting

54. On Election Day, eleven Congress' teams were deployed throughout the country. The observers visited polling stations in different regions of Albania including the municipalities of Tirana, Durres, Shkoder, Elbasan, Kukes and Fier. Voting processes were monitored in more than 150 polling stations where the Congress' observers were given full access to information by the commission members, in the vast majority of the cases. With the exception of some incidents, polling day was peaceful and voting proceeded in an orderly and organised manner.

55. However, the Congress' teams noticed in many places an atmosphere of "controlled voting" created – in particular – by party activists inside and in the vicinity of polling stations (crowds of young men loitering around with the obvious aim of keeping an eye on people coming to vote). As the Congress' teams could make out, such party activists were not necessarily accredited to observe inside the polling station but still had an important role in "welcoming" and directing voters to the right polling station. Within the polling stations, accredited partisan observers were often interacting closely with commission

members mainly to get information on the identity and the number of voters (to tick them off on their lists). Domestic observers and observers from INGOs were present in some polling stations but not systematically.⁵⁸

56. Campaign materials often remained visible on E-Day outside polling stations closer than 150 meters which is prohibited by the Electoral Code. Congress' observers also reported some individual cases of campaigning within polling stations, often related to the distribution of "campaign goodies" by partisan observers and members of the commissions.

57. Particularly in polling stations with poorly trained or inexperienced commission members, Congress' observers noted procedural irregularities and interruptions of voting over the day and, in the morning, a significant number of late openings.⁵⁹ Although CEAZs usually tried to solve problems quickly, these problems seriously undermined the voting process in some areas. The absence of ink marking was observed by Congress' teams a few times, without the possibility to identify the reason.

58. Family voting and assisted voting are well-known phenomena in emerging democracies and have been observed by Congress' teams on Election Day in Albania in many places. The person assisting another voter was supposed to sign a declaration in which he/she assured not to influence the assisted voter. This procedure was not systematically followed on Election Day, as witnessed by the Congress' observers. In most cases observed by the Congress' teams, family members were assisting female voters. Also proxy voting has been observed in a number of polling stations.⁶⁰ Moreover, allegations of vote-buying have been reported to Congress' observers and some activities witnessed in certain areas created the impression of potential vote-buying. Problems possibly linked to fake ID cards were observed in Shkoder, where some voters could not vote because someone already voted on their behalf.

59. Problems related to the understanding of voting procedures were observed, in particular in minority communities. Illiteracy is high in Roma and Egyptian communities, leading to particular vulnerability of these voters when it comes to vote-buying. Materials in braille or minority languages were not consistently available in polling stations, according to Congress' observers.⁶¹

60. Despite the measures announced by the Central Election Commission⁶² access of voters with disabilities was, by and large, limited, polling stations being mostly in schools impossible to reach in a wheelchair. Still, observers were also able to visit a polling station specifically organised for physically disabled people in Kukes.

61. Although voters' lists were almost always publicly available outside polling stations, many voters did not know the exact location where they were supposed to vote. Also, they did not always seem to have received a notification informing them about their polling station's exact address.

62. The issue of voters residing *de facto* abroad was striking in some polling stations, where the turnout was very low. Congress' observers heard allegations of collective transportations organised by political parties to bring back voters on Election Day (in particular in municipalities close to the Greek border).

b. Counting

63. Given the lengthy procedure involving transport of ballots to Counting Centers,⁶³ the Congress' teams could observe only parts of the counting process. Counting Centers were

usually well organised, although the number of ballot boxes to count was very high compared to the number of counting tables available. Overall, the counting process was finished at the end of the week after Election Day, creating sometimes a climate of tension in the most competitive areas.

64. As regards, the transfer of ballot boxes from polling stations to Counting Centers, no incident was reported. In Tirana, some ballot boxes remained a few hours outside a Counting Center, due to some mismanagement - but in general the process was smooth and well organised.

c. Appeals

65. A total of 115 appeals were filed to the Central Election Commission (CEC) from electoral subjects (out of them 23 before Election Day, 92 afterwards). Moreover, 40 complaints were filed against CEC decisions to the Electoral College (20 before Election Day, 20 afterwards). Out of these 40 complaints, the Electoral College repealed 9 CEC decisions.

66. The whole electoral dispute resolution process lacks a clear legal framework.⁶⁴ In particular, subjects allowed to file cases and jurisdictions in charge of handling complaints related to voter lists and electoral campaign rules violations are not well defined by law. Other concerns are related to inconsistent decisions or exceeded time limits. The impartiality of the dispute resolution bodies is doubted, creating more distrust in the electoral process as a whole.

6. Turnout and election results

67. According to the CEC,⁶⁵ the turnout was 47.86 per cent for the Mayoral elections and 46.32 per cent for the Municipal Councils elections. The main reasons for this particularly low turnout are, according to analysts, as follows: the lack of trust of citizens in the electoral process – and in the counting process in particular - and the high number of voters residing *de facto* abroad but still remain registered on the country's voters' lists.

68. The *Alliance for a European Albania* (led by the Socialist Party) has won 45 Mayors - the *People's Alliance for Work and Dignity* (led by the Democratic Party) 15 Mayors. Only one Mayor was elected outside a coalition - for MEGA, the Greek Minority for Future Party. Out of 61 Mayors elected on 21 June 2015, 9 of them were women,⁶⁶ meaning that more than 50 per cent of the 16 female candidates were elected.

69. In Tirana, the turnout rate was 50.18% for the Mayoral race. Erion VELIAJ (Socialist Party) won with 53.57 % of the votes, followed by Halim Kosova (Democratic Party) with 39 % and Gjergj Bojaxhi (independent) with 5.37 %.

70. In Durres, the Mayoral race was won by the candidate of the *Alliance for a European Albania* and in Shkoder by the candidate of the *People's Alliance for Work and Dignity*.

27. Tables including results can be found in the appendices.

7. Conclusions

71. The local elections held on 21 June 2015 in Albania were carried out in an overall calm and orderly manner, despite the irregularities reported on Election Day and allegations of pressure on some candidates, voters and public employees. Alike during previous elections, the polarisation between the two main political camps negatively affected the electoral

process and the election administration's work, in particular. However, the Congress noted with satisfaction the progress achieved in respect of the campaign environment. With the exception of some incidents, the electoral campaign was peaceful and civilised. This holds true also for the situation immediate post- election phase.

72. With a view to further improving the legal framework of elections, a new requirement of a 50 per cent gender quota for candidate lists to Municipal Councils was introduced to the Electoral Code in April 2015 which was well implemented during the candidates' registration period. However, some important issues still need to be more properly addressed, such as the impartiality of electoral commissions, transparency of campaign financing and effective electoral dispute resolution.

73. The areas which were identified by the Congress as being in need of improvement include:

Voter lists: Despite efforts to improve the quality of voter lists, they still include some 1 million of living de facto outside Albania. If on Election Day in the country, they are entitled to vote in local elections. Apart from the risk of electoral fraud and manipulation resulting from this situation, the Congress believes that local issues should be decided by the electorate actually residing in a specific municipality.

Impartial election administration: The modalities of appointment and dismissal of members of electoral bodies at all levels should be revised in order to increase its professionalism and provide a non-politicised and consistent managerial framework of elections.

Independent candidates: A level playing field for independent candidates is crucial for the further progress of the democratic system of checks and balances in Albania. For the time being, independent candidates or parties running outside the big coalitions have to face specific problems, in particular in the field of campaign public funding and candidates' registration.

Inclusiveness: Despite endeavors to provide a legal framework conducive to the inclusion of national and other minorities, their participation in the electoral process has not been fully achieved, mainly because of linguistic problems, illiteracy and non-accessibility of polling stations.

Media: Coverage does not provide unbiased and balanced information to voters during electoral campaigns.

74. Further to the decision of the Monitoring Committee of 17 September 2015, a fact-finding mission, within the scope of the Congress' post-electoral dialogue,⁶⁷ will be carried out at the very earliest, in order to assess the situation of local self-government in Albania in the context of the territorial administrative reform that was adopted in July 2014 and constituted the framework of the 2015 local elections.