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## **INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Albania – Parliamentary Elections, 25 June 2017**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 25 June 2017 parliamentary elections 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 were respected. The implementation of the political agreement created challenges for the election administration and resulted in a selective and inconsistent application of the law. The continued politicisation of election-related bodies and institutions as well as widespread allegations of vote buying and pressure on voters detracted from public trust in the electoral process. In an overall orderly election day, important procedures were not fully respected in a considerable number of voting centres observed. There were delays in counting in many areas.

The elections were held in the context of a longstanding and deep political division between the SP of the ruling coalition and the DP of the opposition, as well as low public trust in the electoral process. In a positive development, an internationally mediated political agreement was reached on 18 May between the leaders of the SP and DP that ended a three-month standoff, and allowed the DP to nominate several key ministerial positions, including a deputy prime minister, and chairs of other institutions.

The legal framework provides an adequate basis for the conduct of democratic elections, even though many prior OSCE/ODIHR and Council of Europe's Venice Commission recommendations were not addressed, including the need to depoliticize key aspects of the election administration. Legal changes following the political agreement aimed to enhance campaign finance oversight and ensure free-of-charge advertising in all broadcast media. The 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 challenged legal certainty and negatively affected the administration of several electoral components, at odds with OSCE commitments and Council of Europe standards.

The Central Election Commission (CEC) operated transparently with regular public sessions. Following the political agreement, the CEC and its secretariat faced a complex set of legal, institutional, financial, and administrative challenges. Despite this, the CEC implemented its core tasks. The CEC, however, did not 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 late nomination by parties of the commissioners. This, together with the high number of replacements, meant many election staff were not trained. Altogether, this diminished the efficiency of the election administration.

The voter registration is passive and overall no significant issues related to the accuracy of the voter lists were raised by interlocutors of the International Election Observation Mission (IEOM). The delayed publication of the final voter lists and inconsistent delivery of voter notifications limited public scrutiny of voter lists. Restrictions on voter registration related to age and mental disability are at odds with OSCE commitments and international obligations.

The CEC registered 15 political parties within the legal deadline and, following the political agreement, three additional opposition parties were registered after the deadline. At the same time, two other 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 and was, at times, based on the political agreement rather than the law.

The campaign presented a variety of political options. Fundamental freedoms of assembly and expression were respected. The campaign was significant throughout the country, even though the use of large-size posters and flags was limited due to the latest legal amendments. The campaign was characterized by widespread allegations of vote-buying, concerns over misuse of state resources and workplace-related pressures on voters, which further reduced public trust.

Women were active but underrepresented in the campaign. Several events specifically targeted women voters. There were some 40 per cent of women among the candidates. However, the largest political parties did not always respect the gender quotas in their candidate lists and women candidates received little media attention. Women were also underrepresented in the election administration, including in decision-making positions.

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 IEOM interlocutors. Transparency was reduced by the absence of disclosure requirements before election day.

Media provided the electorate with extensive campaign coverage, providing voters with a range of political opinions. However, media offered a limited analytical approach. Contestants were offered the possibility to participate in debates, but none were held among leaders of major parties. The OSCE/ODIHR EOM 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.

National minorities were generally afforded a fair opportunity to participate in the elections, both as candidates and voters, including in mother languages. The CEC provided some voter education materials in minority languages. Some IEOM interlocutors raised particular concern about attempts to buy votes in areas with high Roma and Egyptian populations.

The Electoral Code sets out an administrative complaint procedure against decisions of lower-level commissions and judicial appeal against CEC decisions. However, the responsibility for handling complaints about violations of campaign regulations was unclear. The limited standing to bring appeals against CEC decisions may leave affected stakeholders without a legal remedy. A limited number of appeals were made before election day to the Electoral College, which respected the deadline for adjudicating complaints. Procedural rights of the parties were observed and the decisions of the College were reasoned, although not always consistent.

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.

Election day proceeded in a mostly orderly manner but key procedural irregularities and omissions were observed. This included inconsistent inking verification procedures, instances of proxy and group voting, and interference by unauthorized party activists. Concerns were noted about possible intimidation by groups of party activists in and around voting centres. The counting process was delayed in many areas. Counting procedures were not always followed and transparency was not always guaranteed. Voter turnout was reported by the CEC as 45 per cent.

The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the counting, tabulation and announcement of results, and the handling of possible complaints or appeals.

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## PRELIMINARY FINDINGS

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### Background

On 5 December 2016, the president called parliamentary elections for 18 June 2017.<sup>1</sup> On 7 February, the DP started a boycott of the parliament and sustained public protests, alleging that the SP-led government could not guarantee credible elections. The DP and its allies did not initially register for the elections, calling for the resignation of the prime minister, the formation of a technical government, and the introduction of electronic voting. The SP rejected these demands and claimed that the DP did not want to participate in the elections due to a lack of popular support.

After intensive international mediation, the deadlock ended on 18 May with a political agreement reached between the leaders of the DP and SP.<sup>2</sup> The agreement secured the participation of the DP and its allies in the elections and assigned several key positions to the DP, including one deputy prime minister, six ministers, the chairperson of the Central Election Commission (CEC), directors of several public agencies, and the Ombudsperson.<sup>3</sup> On 21 May, in line with the agreement, the president postponed the elections to 25 June.

Following the political agreement, the government established a ministerial Task Force, chaired by the new deputy prime minister, with the stated purpose to avoid misuse of state resources in the elections. However, its effectiveness was diminished by conflicts between DP-nominated ministers and SP representatives of the state administration.

The political agreement was widely welcomed. However, several IEOM interlocutors claimed the existence of undisclosed parts of the agreement, allegedly to the detriment of other contestants.

### Electoral System and Legal Framework

The parliament's 140 members are elected for a four-year term through a closed list proportional representation system in 12 multi-member districts that correspond to administrative regions.<sup>4</sup> To qualify for seat allocation, parties must surpass a three per cent threshold of votes cast in the respective district.

The legal framework for parliamentary elections consists of the 1998 Constitution, the 2008 Electoral Code, and other legislation.<sup>5</sup> While the Electoral Code provides an adequate basis for the conduct of

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<sup>1</sup> As a result of the last parliamentary elections, in 2013, the Alliance for European Albania received 83 parliamentary seats, including the Socialist Party (SP, 65 seats), Socialist Movement for Integration (SMI, 16 seats), Human Rights Union Party (HRUP, 1 seat), and Christian Democrat Party (CDP, 1 seat). The Alliance for Employment, Prosperity, and Integration received 57 seats, including the Democratic Party (DP, 50 seats); Republican Party of Albania (RP, 3 seats), Party for Justice, Integration, and Unity (PJIU, 4 seats).

<sup>2</sup> The political agreement was published on the [DP](#) and [SP](#) websites. It includes continuation of the process of judicial and electoral reform, introduction of electronic voting for the next elections, and institutionalization of dialogue between the two party leaders.

<sup>3</sup> The parliament dismissed the Ombudsperson and appointed a new one on 22 May, disregarding the legally prescribed process. The new Ombudsperson was sworn into office only on 17 June, leaving the human rights institution without leadership for much of the election period.

<sup>4</sup> On 3 December 2016, based on the population data from the Ministry of Interior (MoI), the CEC allocated the number of seats for each district, ranging from 3 in Kukes to 34 in Tirana. The parliament approved the allocation of the seats on 20 April, some five weeks after the legal deadline.

<sup>5</sup> Including the 2000 Law on Political Parties, 2001 Law on Demonstrations, 2013 Law on Audio-visual Media, 2015 Law on Guaranteeing the Integrity of Persons Elected, Appointed or Exercising Public Functions (the so-called Law on Decriminalization), 2008 Law on Gender Equality in Society, and relevant provisions of the Criminal Code.

democratic elections, shortcomings identified in previous OSCE/ODIHR reports were not addressed in advance of these elections. This included recommendations related to strengthening the gender quota, ensuring independence of the election administration, enhancing transparency of campaign financing, and clarifying responsibilities for election complaints.<sup>6</sup> Lack of clarity of some provisions of the Electoral Code negatively impacted on the electoral process.<sup>7</sup>

On 22 May, amendments were adopted to the Law on Political Parties, the Law on Audio-visual Media, and the Criminal Code. The amendments introduced new requirements to campaigning, campaign finance, and advertising in broadcast media, as well as establishing new electoral offences and increasing sanctions for existing ones.<sup>8</sup> The substance of the changes was welcomed by many IEOM interlocutors and some of the amendments addressed prior OSCE/ODIHR recommendations with regard to the transparency and accountability of campaign finance and more resolute measures to prevent pressure on public sector employees and corrupt electoral practices.

However, the manner of implementation demonstrated the primacy of political interests over respect for the rule of law. At odds with OSCE commitments and Council of Europe standards, the ensuing process lacked transparency and consultation with stakeholders, while the late timing created significant difficulties in the implementation of key aspects of the election administration.<sup>9</sup> Moreover, giving effect to the political agreement without amending the Electoral Code undermined the consistency of the legal framework, challenging legal certainty.<sup>10</sup> Collectively, this underlines the need for continued electoral reform that is inclusive, timely, and based on sound policy analysis.

## Election Administration

The elections were administered by a three-tiered election administration: the CEC, 90 Commissions of the Electoral Administration Zones (CEAZs), and 5,362 Voting Centre Commissions (VCCs). Counting was conducted by Counting Teams in 90 Ballot Counting Centres (BCCs). Election commissions at all levels have seven members nominated by the parliamentary majority and opposition. Only the CEC is a permanent body, which is in charge of the overall conduct of the elections. Women are underrepresented throughout the election administration, particularly in decision-making positions.<sup>11</sup>

Following the political agreement, the CEC faced a complex set of legal, institutional, and financial challenges, under considerable time constraints.<sup>12</sup> As part of the agreement, the parliament replaced the CEC chairperson 35 days before election day with another CEC member representing the opposition,

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<sup>6</sup> See [all previous OSCE/ODIHR reports on Albania](#).

<sup>7</sup> For example, the requirement that “high officials” in public administration should resign before standing as candidates (Article 63.4) is unclear because such officials are not clearly identified in the law; the meaning of “ruling majority” (Article 95.2) for the purposes of nominating counting team members is unclear and was disputed by the SMI in court (see *Complaints and Appeals*).

<sup>8</sup> New criminal offenses include abuse of public function for electoral activities, use of other peoples’ identification documents, and more detailed prohibitions on vote-buying and vote-selling.

<sup>9</sup> Paragraph 5.8 of the 1990 OSCE Copenhagen Document commits participating States to adopt legislation adopted “at the end of a public procedure”. Section II.2.b of the 2002 Council of Europe’s Venice Commission Code of Good Practice in Electoral Matters recommends that “the fundamental elements of electoral law...should not be open to amendment less than one year before an election”.

<sup>10</sup> Under the Constitution, codes carry greater legal weight as acts adopted by a qualified majority of votes (Article 81). See also the European Court of Human Rights 2002 judgment in *Podkolzina v. Latvia*, paragraph 35.

<sup>11</sup> Two of the seven CEC members and about one third of CEAZs members are women (some 20 per cent in management positions of CEAZs). Only 21 per cent of members of the VCCs observed on election day were women, and only 18 per cent of these were chaired by women.

<sup>12</sup> For instance, the CEC received ALL 10 million (some EUR 74,000; EUR 1 is approximately ALL 135 (Albanian *Lek*) from the government, which together with the CEC’s reserve budget had to be spent on new campaign finance monitoring experts.

bypassing the legally prescribed procedure.<sup>13</sup> The need to reapprove decisions adopted before the change of the election date and to adopt new regulations further burdened the CEC and its administration.<sup>14</sup>

Notwithstanding these constraints, the CEC implemented its core tasks and was forthcoming with information, operated openly, with public sessions live-streamed online and regularly attended by observers, media, and party representatives. However, the CEC did not take measures to clarify inconsistencies related to campaign advertising in broadcast media. The appointment of CEAZ members did not always adhere to the incompatibility criteria envisaged by the Electoral Code.<sup>15</sup> Furthermore, the CEC demonstrated an inconsistent approach while registering candidates and imposing sanctions for violations of the gender quota in candidate lists. Altogether, this raised concerns over the effectiveness of the CEC and the consistency of its decisions, detracting from public confidence in the election administration.

The formation of lower-level commissions was problematic and completed long after the legal deadlines. Eligible opposition parties declined to nominate CEAZ members within the initial deadline. Therefore, the CEC formed the CEAZs with only four members and a secretary by soliciting applications from eligible citizens, as required by the law. After the political agreement, the opposition parties had the opportunity to nominate members again, but further delayed nomination of their CEAZ and VCC members, and a large number of CEAZ members were consequently replaced.<sup>16</sup> None of the 90 CEAZs could form the VCCs and counting teams by the legal deadlines.<sup>17</sup> Some 720 VCCs were not formed as of 23 June.

The IEOM was informed that all parties delayed nomination due to concerns about potential bribery of commissioners by their opponents, reflecting deep mistrust among political parties. The delayed nominations were also used to circumvent the legal prohibition on replacing VCC members.<sup>18</sup> This is indicative of systemic weaknesses of a highly politicised election administration.

The OSCE/ODIHR EOM visited 83 CEAZs before election day and observed that some lacked adequate premises and equipment, while others reported that they did not receive the necessary funds to administer elections in a timely manner and had to operate with their members' personal funds.<sup>19</sup> Representatives of some local administrations did not allow their employees to fulfil functions of CEAZ members, claiming that public servants may not engage in political activities, at odds with CEC statements.<sup>20</sup>

The CEC provided training for CEAZ members, which the OSCE/ODIHR EOM assessed as well attended but differing in quality. While some trainings were interactive and well-organised, others were

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<sup>13</sup> By law, the CEC chairperson is appointed by the parliament through an open application process.

<sup>14</sup> For instance, regulations for monitoring of campaign finance, clarifications of new campaign rules, template forms.

<sup>15</sup> Deputies, candidates, mayors, military, police, and security service staff as well as members or secretaries of another commission cannot serve in CEAZs. However, for example, CEAZ 3, 48, and 87 had members and secretaries registered as candidates from the SDP, SMI, and SP.

<sup>16</sup> The CEC finalized the formation of CEAZs after the RP submitted its nominees on 16 June. As of 24 June, 118 of the 720 CEAZ members and secretaries had been replaced, mostly due to requests by nominating parties. This contravenes paragraph II.3.1.f of the 2002 Venice Commission's Code of Good Practice in Electoral Matters which states that the "bodies appointing members of electoral commissions must not be free to dismiss them at will".

<sup>17</sup> On [13](#), [15](#), [19](#), and [21](#) June the CEC issued statements urging political parties to nominate VCC members.

<sup>18</sup> The Electoral Code does not allow political parties to withdraw their VCC nominees.

<sup>19</sup> For example, CEAZs 12, 15, 43, 52, 53, and 78-90.

<sup>20</sup> The OSCE/ODIHR EOM received such reports from Berat, Kukes, and Skoder. In its [27 May](#) and [10 June](#) public statements, the CEC clarified that employment at local public administration did not conflict with membership in the election commissions and appealed to heads of local administration to issue leave requests to commissioners.

poorly conducted and lacked training materials. The CEC organized VCC trainings from 17 to 22 June while CEAZs were still in the process of forming VCCs, negatively impacting on their effectiveness. The OSCE/ODIHR EOM observed that these trainings either did not take place or were poorly attended.

The CEC voter information campaign covered election day procedures, liability regarding electoral violations and information discouraging family voting. Some TV spots were supported by sign language. However, voter information was significantly delayed and of limited visibility.

## Voter Registration

Albanian citizens aged 18 years or older on election day are eligible to vote. Restrictions on the suffrage rights of citizens found mentally incompetent by a court decision challenge international obligations, which prohibit discrimination based on a disability.<sup>21</sup> The right to vote is removed for those serving a prison sentence for committing certain crimes.<sup>22</sup>

The voter registration system is passive. At odds with OSCE commitments, voters over 100 years of age are automatically removed from voter lists and must confirm their records for re-inclusion.<sup>23</sup> Voters are included in the voter list of voting centres serving their place of residence and can vote only there without possibility to vote abroad, by mail, or via mobile ballot box.<sup>24</sup> As of 24 June, the total number of registered voters was 3,452,260.<sup>25</sup>

Voter lists are extracted from the electronic database maintained by the General Directorate of Civil Status of the Ministry of Interior (GDCS). After the call for elections, the GDCS published updated extracts of voter lists on a monthly basis, allowing voters to register any changes with local civil status offices.<sup>26</sup> Voters could also check their records at the CEC website. In January 2017, the CEC appointed two auditors to assess the accuracy of voter lists who noted some incorrect address data. No significant issues concerning the accuracy of voter lists were raised by IEOM interlocutors, with the exception of barriers for the Roma community (See *Participation of National Minorities*).

Final voter lists related to the initial election date of 18 June were printed and posted at voting centres by the respective CEAZs. After the change of the election date, new voter lists were compiled and printed to include voters who would have turned 18 by 25 June. However, the OSCE/ODIHR EOM noted that in a majority of observations, new voter lists were not posted in the voting centres or were posted late. Municipalities are required to notify voters about their respective voting centres but some

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<sup>21</sup> See Articles 12 and 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD). See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and others v. Hungary*) which stated that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

<sup>22</sup> The Law on Decriminalization introduced restrictions on voting rights of citizens serving a prison sentence for committing crimes listed in some 60 articles of the Criminal Code. The OSCE/ODIHR EOM was informed that voting rights were thus suspended for 1,371 people.

<sup>23</sup> Paragraph 5.9 of the 1990 OSCE Copenhagen Document states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law". See also Article 26 of the International Covenant on Civil and Political Rights. According to the GDCS, 1,480 voters over 100 years of age were removed from the voter lists between December 2016 and 24 May 2017, of which 271 confirmed their records.

<sup>24</sup> In total, 21 special polling stations were established in hospitals, prisons, and pre-trial detention centres.

<sup>25</sup> Voters residing abroad remain on voter lists according to their last registered address.

<sup>26</sup> Such requests could be made up to 40 days before the elections. As of then, and up to 24 hours before election day, requests for change or inclusion in voter lists could be made only through a district court. Some 600 requests for inclusion were filed, primarily by prisoners.



OSCE/ODIHR EOM interlocutors stated that these notifications were not always delivered.<sup>27</sup> The CEC had to change the locations of some 430 voting centres.<sup>28</sup> The late changes of voting centre locations, delayed publication of the final voter lists, and inconsistent delivery of voter notifications limited public scrutiny of voter lists.

## Candidate Registration

Any eligible voter can stand for election, except those whose right to stand for office has been restricted by the Law on Decriminalization.<sup>29</sup> The Constitution also lists categories of officials whose position is incompatible with the right to stand, including high officials of state administration.

Candidates may be nominated by political parties, their coalitions or run independently. Independent candidates can stand for election through nomination by a groups of voters.<sup>30</sup> The CEC complied with its obligations under the Law on Decriminalization to verify information contained in candidates' self-declarations by requesting data from the criminal records office and civil status office.<sup>31</sup>

Candidate lists of non-parliamentary parties must be supported by 5,000 voter signatures nationwide. As required by law, the CEC verified five per cent of supporting signatures presented by parties. The law is silent as to who may observe the verification process and the CEC rejected requests from opposition CEC members for additional verification of signatures for five parties.<sup>32</sup> The lack of possibility for other stakeholders to follow the scrutiny of supporting signatures does not allow for full transparency of the process.

On 7 May, the CEC completed the registration of candidate lists from 15 parties.<sup>33</sup> On 28 and 30 May, following the political agreement and with no legal change to registration deadlines, the CEC additionally registered candidate lists from the RP, Albanian Demo-Christian Union Party, and the DP.<sup>34</sup> At the same time, a prospective independent candidate was denied registration due to late submission of documents.<sup>35</sup> On 5 June, *Forca Rinia* party applied for registration of their candidate lists, which was denied by the CEC on the grounds that the party did not submit all required documents within the legal deadline.

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 per cent of candidates of each gender in each district list. The CEC imposed sanctions of ALL 1 million against the SMI and SP lists for not respecting this requirement in Tirana and Berat districts respectively. However, the CEC did not sanction the DP for failing to respect the quota in all 12 districts of the country, undermining the value of the measure to promote women

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<sup>27</sup> The legal deadline for issuing voter notifications was 5 March.

<sup>28</sup> Reasons for the changes included inadequate premises or requests from the private owners of the voting premises.

<sup>29</sup> According to the Law on Decriminalization, citizens convicted for certain crimes or deported, even in the absence of a final court decision, from an EU Member State, Australia, Canada, and the United States are barred to stand for election, as are those under an international search warrant.

<sup>30</sup> Groups of voters should comprise at least nine voters from an electoral zone and register with the CEC to collect signatures of one per cent of voters in the respective electoral zone, but no more than 3,000.

<sup>31</sup> Where necessary, the CEC requests in-depth verification by the Prosecutor General's office.

<sup>32</sup> The CEC informed the OSCE/ODIHR EOM that parties and observers are not entitled to follow the signature verification process and that verification is conducted solely by the administrative staff of the CEC. According to paragraph I.1.3 of the 2002 Venice Commission's Code of Good Practice in Electoral Matters "Checking of signatures must be governed by clear rules" and the "checking process must in principle cover all signatures".

<sup>33</sup> By that time, the CEC received candidate lists from 17 political parties, 2 of which (the National Union of Albania and the Moderate Socialist Party) did not resubmit their lists after the CEC's requests for corrections.

<sup>34</sup> In line with the Electoral Code, after setting the new election date political parties should have been registered no later than 16 April and candidate lists - no later than 16 May.

<sup>35</sup> On 26 May, the CEC rejected an independent candidate who submitted supporting documents on 25 May, reasoning that he missed the deadline set by the Electoral Code.

candidates and the necessity for parties to compete on an equal basis, at odd with OSCE commitments and Council of Europe standards.<sup>36</sup>

In total, 18 parties and 2,666 candidates were registered, including 1,073 women (40 per cent). Overall, while largely inclusive, the candidate registration process suffered from selective and inconsistent application of the law and was, at times, based on the political agreement rather than the law.

## Electoral Campaign

After the change of the election date, the electoral campaign officially started on 26 May.<sup>37</sup> There was significant campaign activity throughout the country,<sup>38</sup> although visibility was limited due to reduced use of large-size posters, flags, and other stationary printed materials by all contestants.<sup>39</sup> The campaign started off peacefully but later some violent incidents occurred.<sup>40</sup>

Freedom of assembly was respected and parties and candidates were free to express their views, with the most active campaigns conducted by the DP, SMI, and SP. A visible nationwide campaign was also carried out by the PJIU, while the Equal List Party (LIBRA) campaigned mostly in the cities. Other parties were only visible in a few areas.<sup>41</sup>

Women were active, visible but underrepresented in the campaign.<sup>42</sup> Several events specifically targeted women voters.<sup>43</sup> Women candidates received little media attention; the public and private channels monitored by the OSCE/ODIHR EOM devoted 13 per cent of campaign coverage to women.

The campaigns of many contestants were highly personalized. The prevailing mistrust among political parties and candidates, including widespread concerns over the involvement of criminals in the electoral process, fuelled mutual accusations at the expense of discussion of concrete platforms. All

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<sup>36</sup> Paragraph 3 of the 2009 OSCE Ministerial Council Decision 7/09 calls on participating States to “encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender balanced representation in elected public office”. Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits the participating States to provide “political parties and organisations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”.

<sup>37</sup> The electoral campaign begins 30 days and ends 24 hours before the election date.

<sup>38</sup> The OSCE/ODIHR EOM observed 120 rallies.

<sup>39</sup> Under the 22 May amendments to the Law on Political Parties, stationary campaign materials could only be placed within five metres of campaign offices. These rules were largely respected throughout the country.

<sup>40</sup> On 27 May, the DP held its rally in Tirana, attended by several thousand people. Following the event, the MoI stated that 73 people sought medical assistance due to eye and skin irritation. On 28 May, the Ministry of Health announced that 140 people had sought first aid, 14 of which had been hospitalized. An investigation is ongoing. On 14 June, in Tirana region (Kavaje) three DP supporters were arrested for threatening an SP member. On 16 June, in Berat region, the head of a local SMI branch was assaulted by three persons threatening to kill him. On the same day, in Lezhe region, an SMI supporter was threatened by three armed men. On 18 June, in Durres region (Fushe Kruja) an SMI activist was hospitalized after being attacked and beaten up by unknown perpetrators. On 18 June, in Shkoder region (Puka) the local chairs of the SMI and its youth branch were threatened by the local SP coordinator and reportedly later by the Police. The police action was cleared by the Disciplinary Board. On 21 June, in Tirana, an SMI supporter was stabbed in front of a bar while he was tried to forcefully enter just prior to a scheduled meeting between the local official and DP representatives. On 23 June, an explosion occurred in front of the local SMI office in Durres causing minor material damage but no casualties. The police informed the OSCE/ODIHR EOM that all of the above mentioned cases are under investigation.

<sup>41</sup> Representatives of several smaller parties, which were allied with the DP in the past, were included in the DP candidate lists and redirected their campaign efforts in support of the DP.

<sup>42</sup> None of the chairpersons of the 18 parties that contested the elections are women.

<sup>43</sup> For example, the SP rallies in Durres on 23 May, in Fier on 26 May, in Berat on 5 June. The SMI also held events targeting women in Kukes on 6 June and in Diber on 18 June.



major parties promised higher wages, better living standards, and an intensified fight against corruption and crime, including related to cannabis cultivation, but there were rarely concrete policy prescriptions. The SP and the DP publicly agreed on the policies required for Albania's EU integration process.

Within the work of the Task Force several state organs, mainly headed by DP nominees, suspended or dismissed a number of public sector employees.<sup>44</sup> Some of these dismissals had no apparent connection to the electoral process and some were alleged to be politically motivated.<sup>45</sup> A concern exists that in an environment of politicized institutions electoral choices of public-sector employees, a segment of society vulnerable to pressure, can have consequences for individual livelihoods and future employment. The campaign was characterized by widespread mutual allegations of vote-buying,<sup>46</sup> concerns over misuse of state resources,<sup>47</sup> and of workplace-related pressures on voters.<sup>48</sup> Such circumstances undermined the public trust in the electoral process.

## Campaign Finance

Electoral campaigns may be financed from public and private funds. Public funds are allocated to parties for their regular activities based on their results in the last parliamentary elections. Additional public funds are provided for campaign purposes to all parties contesting the elections.<sup>49</sup> The total budget for funding campaigns was ALL 65 million and it was distributed by the CEC on 31 May.<sup>50</sup> Electoral contestants may also receive donations from citizens or legal entities, take loans, or use their own funds. No donation can exceed ALL 1 million, including the equivalent value for in-kind contributions. All contributions exceeding ALL 100,000 should be made through a designated bank account.

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<sup>44</sup> In several instances, the dismissals and suspensions were not carried out in accordance with legal procedures. For example, on 2 June, the Minister of Finance ordered the dismissal of the General Director of the Albanian Post. Such authority should be exercised by the Supervisory Board of the Albanian Post; on 8 June, the Minister of Justice ordered the suspension of the Secretary General of this Ministry. According to the Law on Civil Service, such authority should be exercised by the Department of Public Administration.

<sup>45</sup> For example, on 13 June, the Minister of Education and Sports ordered the dismissal of the General Secretary of the Ministry; on 13 June, the Minister of Social Welfare and Youth requested the Department of Public Administration to initiate procedures for dismissal of the Secretary General of the Ministry.

<sup>46</sup> While there were widespread allegations of vote-buying across the country, the OSCE/ODIHR EOM received confirmation by regional police that it had taken action in the following cases: on 17 June, the police ordered the arrest of an individual suspected of promising citizens ALL 10,000 for each vote that would be given to a certain candidate in the Shkoder region. On 23 June, the police apprehended in the same region the chair of a party branch and another person who were distributing food packages to obtain votes. On 24 June, two men driving in a car with a large amount of money and a copy of the voter list were detained by the police in Shkoder region. The police also received reports of vote-buying involving an SMI candidate in Shkoder region and SMI activists in Fier region.

<sup>47</sup> For example, several party representatives informed the OSCE/ODIHR EOM that the spouse of an SMI candidate in Gjirokaster, while campaigning, used agricultural subsidies to attract voters. The OSCE/ODIHR EOM observed in Fier, Diber, and Korce regions DP, PJIU and SP public officials campaigning during working hours at the rallies of corresponding parties. An SMI rally in Kukes was attended by public sector employees during working hours. On 16 June, the prime minister called on the police and teachers to campaign for the SP outside of official working hours, but apologised for this later.

<sup>48</sup> For example, the OSCE/ODIHR EOM was informed of three cases of public employees of the OSHEE company in Cakran, who were relocated and/or demoted for being SMI supporters. A party representative in Fier told the OSCE/ODIHR EOM that the mayor urged public and private companies to dismiss employees who support the DP. The OSCE/ODIHR EOM received two reports that the SP in Delvine exerted pressure on employees to attend a rally and noted down names of administration staff present or absent at the SP anniversary celebration.

<sup>49</sup> Parties that received more than 0.5 per cent of valid votes during the last parliamentary elections receive 95 per cent of the fund, proportionally to the number of valid votes received. The remaining five per cent was distributed to parties that received less than 0.5 per cent of votes and to parties that did not participate in the last elections.

<sup>50</sup> These funds were distributed as follows: the SP – ALL 28 million; DP – ALL 20.8 million; SMI – ALL 7 million; RP – ALL 2 million; PJIU – ALL 1.8 million; other parties – between ALL 1.2 million and 325,000.

The Electoral Code establishes a campaign spending limit that applies to all parties, ALL 280 million for these elections.<sup>51</sup> Contrary to the 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.<sup>52</sup> In line with the amendments, the CEC developed guidelines for calculating the costs of the campaigns, and appointed financial experts to monitor campaign expenses of political parties.

The amended Law on Political Parties improved transparency and accountability of campaign financing, addressing some of the earlier OSCE/ODIHR and Council of Europe recommendations. Thus, within 60 days from the announcement of election results, the parties must make public and submit to the CEC a financial declaration of all campaign incomes and expenditures. The newly introduced financial experts were empowered to monitor campaign activities and report to the CEC within four months from the announcement of election results. On 16 and 23 June, these experts also provided interim reports on their observations on campaign activities in the field, which were posted on the CEC website. The CEC took steps to ensure compliance with new campaign regulations on the basis of expert reports.<sup>53</sup> However, the absence of disclosure requirements during the campaign limited the transparency of campaign donations.

## Media

Albania has a dynamic and saturated media environment, including public and private broadcasters and a variety of online and print media, although the economic and political interests of media owners often influence journalists' reporting. The media offered the electorate an ample range of political information and opinions that enabled voters to compare parties and make their choice on election day. However, coverage given to the elections often lacked a critical approach, and focused more on parties' activities rather than on analysis of their political platforms.

The Electoral Code contains clear rules for proportional access for all electoral contestants to broadcast media news and information programmes, and similarly for free-of-charge campaign opportunities in the public media. Amendments to the Law on Political Parties obliged private broadcasters to provide free air time to all contestants. In addition, contrary to the Electoral Code, the amendments prohibited paid political advertising, resulting in inconsistent application. The CEC did not take any measures to clarify the legal framework, and private TV channels monitored by the OSCE/ODIHR EOM broadcast paid advertising for five parties (APD, DP, PJIU, SMI, and SP).

The Media Monitoring Board (MMB) monitored the broadcast media and submitted daily and weekly reports to the CEC, which included proposals for administrative sanctions.<sup>54</sup> The CEC requested 27 broadcasters to remedy disproportional coverage to contestants within 48 hours, and the media largely complied with these requests. In practice, media outlets had difficulty in attaining proportional coverage of electoral contestants due to the differing intensity of campaign activities by smaller parties, and this was acknowledged by the MMB.

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<sup>51</sup> According to the Electoral Code, a political party may not spend more than 10 times the highest amount that a contestant has received from public funds.

<sup>52</sup> The meaning of this new provision remained unclear.

<sup>53</sup> For example, on 15 June, the CEC asked the Mayor of Durres to remove materials in unauthorized locations.

<sup>54</sup> As of 26 May, the MMB started monitoring 13 audiovisual operators broadcasting from Tirana and 25 operators broadcasting from 8 regions. The MMB submitted 28 daily and 4 weekly reports, asking 27 national and local media to provide for compensation of coverage, and to sanction 7 media.

The OSCE/ODIHR EOM media monitoring results revealed that the media offered contestants the possibility to participate in debates and talk-shows.<sup>55</sup> The coverage of campaign-related events of the main political parties, however, was mostly done through footage of campaign events, frequently prepared and submitted by the parties to the media. Contrary to OSCE commitments and Council of Europe standards, the Electoral Code still provides for a possibility to use information prepared by the electoral contestants in the news, which may impinge the editorial autonomy of broadcasters.<sup>56</sup> Positively, a CEC Decision on 1 June clarified that private radio and TV channels are not obliged to broadcast material submitted by parties in their news editions but, if accepted, these materials should be clearly identified with the party logo. Not all private TV channels consistently and clearly identified submitted materials, but this was not reflected in the MMB reports. Coverage dedicated to in-depth analysis was very limited. No debates were held among major party leaders.

In all monitored TV channels, campaign coverage focused mainly on the activities of the three main parties. Electoral contestants other than the DP, SMI, and SP voiced concerns about their restricted access to electronic media. The public broadcaster *RTSH* provided all contestants with free air time, in line with the law. In its news and information programmes, *RTSH* allocated 25 per cent of its coverage to the DP, 24 per cent to the SP, and 19 per cent to the SMI; the tone of the coverage was mostly neutral or positive. While more balanced coverage was observed in *Vizion Plus*, *ABC News* allocated 37 per cent of the coverage to the DP, 28 per cent to the SP, and 21 per cent to the SMI, where the tone was also generally neutral or positive. Marginally more critical coverage was noted in *TV Klan* (for all main parties), which devoted 42 per cent of its coverage to the SP, 24 per cent to the DP and 17 per cent to the SMI. A similar pattern was observed in *Top Channel*, which allocated 42, 33, and 16 per cent of the coverage to the SP, DP and the SMI respectively; but the tone of the coverage of the DP was partly negative. On 24 and 25 June, during the electoral silence period, some TV channels broadcast an SMI press conference.

In respect of other media, *Panorama* newspaper favoured the DP (40 per cent of space allocated to campaign coverage) to the detriment of the SP and SMI (respectively 32 and 20 per cent), with mainly neutral and positive coverage of all contestants. Among the monitored online portals *balkanweb.com* provided balanced coverage to all main contestants, while *gazetatema.net* equally covered the DP and SP (37 per cent each) but 44 per cent of the information on the DP was negative in tone. In turn, *syri.net* was in favour of the DP (47 per cent, with largely neutral and positive coverage), providing 34 per cent to the SP (with almost one third of the content in negative tone).

## Complaints and Appeals

The Electoral Code sets out an administrative complaint procedure against CEAZ decisions and judicial appeal against CEC decisions. However, the responsibility for complaints about violations of campaign regulations is unclear. Some CEAZs informed the OSCE/ODIHR EOM that they would handle any complaints about campaign violations, while others believed only the CEC was authorised to do so.<sup>57</sup> Political party representatives indicated they preferred publicizing their grievances in the media as a

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<sup>55</sup> The OSCE/ODIHR EOM conducted media monitoring of a cross-section of media outlets with quantitative and qualitative analysis of their political coverage, specifically: primetime broadcasts (18:00 to 24:00) of five TV channels (public broadcaster *RTSH*, and four private channels: *ABC News*, *Top Channel*, *TV Klan*, and *Vizion Plus*), one daily print newspaper (*Panorama*), and three online portals (*balkanweb.com*, *gazetatema.net*, and *syri.net*).

<sup>56</sup> See paragraph 9.1 the 1990 OSCE Copenhagen Document and paragraph 26 of the 1991 Moscow Document See also paragraph I.3 of the Council of Europe Recommendation CM/Rec (2007)15, which states that “Regulatory frameworks on media coverage of elections should respect the editorial independence of the media”.

<sup>57</sup> According to the CEC, CEAZs do not have authority to handle complaints related to parliamentary elections.

means to seek remedy due to low trust in the effectiveness of formal complaint mechanisms. Few campaign-related complaints were made before election day.<sup>58</sup>

Decisions of CEAZs may be challenged to the CEC by contestants. No such complaints were made before election day. Citizen observers may challenge CEC and CEAZ decisions concerning their accreditation. Decisions of the CEC on approving election results are initially appealed to the CEC itself. The CEC must decide on complaints on election results within 10 days of submission but the deadline is not clearly specified for other types of complaints.<sup>59</sup> The CEC administrative complaint procedure is elaborate and involves the appointment of a rapporteur, preliminary verification, review hearing, and admissibility of each complaint.

Only contestants may appeal CEC decisions, actions, and inactions to the Electoral College of the Tirana Court of Appeals (the Electoral College).<sup>60</sup> The limited standing to bring appeals may leave affected stakeholders without a legal remedy.<sup>61</sup> Appeals in the Electoral College are heard by five-judge panels, drawn by lot for each case. A limited number of election-related appeals were made to the Electoral College before the election day, primarily regarding candidate registration.<sup>62</sup> The Electoral College respected the 10-day deadline for adjudicating complaints but its decisions were not always issued in writing within the required 3-day period. Procedural rights of the parties were observed and decisions were reasoned, although not always consistent.<sup>63</sup> Decisions of the Electoral College are final.

### Participation of National Minorities

The Constitution provides for full political, civil, and social rights for national minorities and guarantees the right to vote and to stand for election to all citizens regardless of ethnic background, race, religion or language. Members of national minorities stood as candidates in both minority and mainstream parties.

Campaigning in national minority languages is permitted and public campaigning in both the Greek and Macedonian languages were observed without incident. No national minority candidate expressed concern that they felt unable to use their own language, including through broadcast media.<sup>64</sup>

No significant incidents were observed that indicated ethnic tensions or discrimination against national minority communities. Some voters from the Roma community still face practical barriers in terms of voter registration due to a variety of factors including lack of official documentation and less stable

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<sup>58</sup> When complaints were made, they were often addressed simultaneously to different authorities. For example, a DP 6 June complaint in Diber about non-compliance with campaign regulations by the PJIU was addressed to the CEAZ, the mayor, and the police. In Gjirokaster, on 12 June, the DP complained about violations of campaign regulations by the SP and SMI to the police and CEAZ.

<sup>59</sup> According to the CEC, the 10-day deadline applies to all complaints.

<sup>60</sup> The Electoral College is composed of eight judges selected by lot from among appellate court judges in Albania for four years. The current College was formed in December 2016 and includes one female judge.

<sup>61</sup> Paragraph II.3.3.f of the 2002 Venice Commission's Code of Good Practice in Electoral Matters states that "All candidates and all voters registered in the constituency concerned must be entitled to appeal".

<sup>62</sup> The Electoral College heard nine complaints in total, three of which it decided were outside its jurisdiction (relating to revoked MP mandates under the Law on Decriminalization and remuneration of CEAZ secretary), while five others dealt with candidate registration. One appeal by SMI related to nomination of counting teams.

<sup>63</sup> The Electoral College held that a political party which registered for elections but did not submit candidate lists had no legal interest in challenging registration of DP and RP lists, avoiding judicial review of registrations under the political agreement. An independent candidate who claimed he could also register under the political agreement was rejected. The court held that the PJIU should be considered to be part of the opposition for the purpose of counting team nominations, while in 2015 the Electoral College ruled that PJIU was part of the ruling majority.

<sup>64</sup> MEGA party, the only national minority party on the ballot representing a national minority with a mother tongue other than Albanian, used its free airtime on *RTSH* half in the Albanian language and half in the Greek language.

residency. Several IEOM interlocutors acknowledged that attempts of vote-buying in areas with large Roma and Egyptian minority populations is an entrenched problem, as well as in rural or other economically disadvantaged areas.<sup>65</sup>

National minority issues featured to some extent in the campaigns of the larger parties, who sought to attract voters from these communities. Political disillusionment in Roma and Egyptian communities remains high, due to perceived broken promises made by candidates during previous campaigns. The largest Greek and Macedonian parties each chose to support mainstream parties, as opposed to standing separately.<sup>66</sup>

The CEC produced voter information posters and leaflets in Greek, Macedonian, Romani, Serbian, and Vlach/Aromanian languages. It also made some efforts to increase voter awareness among the Roma.

### **Citizen and International Observers**

The Electoral Code provides for citizen and international observation at all stages of elections, but citizen and international observers are not entitled to receive copies of the results protocols at BCCs and CEAZs. In a positive step, the CEC obliged the CEAZs to publicly display the counting results protocols at the BCCs. Contesting parties, citizen and international organizations are entitled to appoint observers to each CEAZ, VCC, and BCC; however, only parties are entitled to appoint observers at each counting table. Parliamentary parties may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives to attend the CEC sessions for the electoral period only.

The authorities extended invitations to a number of international observer groups. Accreditation of observers was inclusive and the CEC accredited a total of 541 international and 3,731 citizen observers.

### **Election Day**

Election day proceeded against a backdrop of accusations of vote-buying and incidents reported and amplified by the media. As of midnight, the CEC announced preliminary voter turnout at 45 per cent. In an attempt to allow all voters the time to cast their ballot, the CEC extended voting by an additional hour.

Observers were able to follow the process without restriction in almost all voting centres and transparency was overall ensured. Party observers were present in 95 per cent of voting centres observed, and were predominantly from the DP, SMI, and SP. Citizen observers were present in 17 per cent of voting centres observed.

The opening was assessed negatively in 16 per cent of observations, which is significant. The majority of voting centres observed opened late (63 per cent), largely due to the absence of commissioners or commissioners' poor knowledge of procedures, which is indicative of a lack of adequate training. The IEOM observed 11 cases of interference in the process by party observers.

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<sup>65</sup> A Roma representative reported to the OSCE/ODIHR EOM that PJIU activists in Fier were contacting voters door to door, showing them for whom to vote on the ballot and offering them ALL 10,000 in exchange for their IDs, which would be returned in the vicinity of the voting centre to those voters who had promised to show a photo of their marked ballot.

<sup>66</sup> The HRUP joined forces with the DP: the HRUP Chairperson accepted a prominent position on the DP list in Vlora, and another HRUP member was included on the DP list in Korca. The Macedonians Alliance for European Integration decided to support the SMI with a candidate on its list in Korca.

Election day proceeded in an orderly manner, although cases of violence were reported. Voting was assessed negatively in 7 per cent of voting centres observed. Several serious procedural violations were observed. This included checking voters for traces of ink (25 per cent of observation) and inking voters (13 per cent), which are key safeguards against multiple voting. Proxy voting was observed in five per cent of observations and seemingly identical signatures were observed in five per cent of observations. Instances of group voting were observed in 11 per cent of voting centres observed.

Tension or unrest was observed in four per cent of voting centres. Groups of party activists in the vicinity of the voting centres were observed, who often appeared to be instructing voters for whom to vote. IEOM observers noted many instances when party observers kept track of those who had voted by recording their ordinal numbers as assigned in the voter lists. This process was aided by commissioners announcing out loud the voters' ordinal number. In five per cent of observations, the IEOM observed individuals attempting to influence voters to vote for a particular party. Interference in the process by unauthorized persons was noted by the IEOM in five per cent of observations.

In 27 per cent of voting centres observed, voters were denied the right to vote, mostly for legitimate reasons and were redirected to other voting centres. This was indicative of the impact of late changes to the locations of voting centres and the delayed publication of voter lists.

More than two thirds of the polling stations observed did not allow for independent access for voters with disabilities while the layout inside of the voting centre was not suitable in 35 per cent of observations. The secrecy of the vote could have been compromised in 4 per cent of voting centres visited due to voting premises being inadequate for conducting polling (4 per cent) or overcrowding (6 per cent).

The closing was negatively assessed in 17 per cent of observations, primarily due to tension (11 per cent of observations). Some key procedures were not followed, including counting of signatures on the voter lists (9 per cent) or unused ballots (10 per cent). VCC understanding of the process was assessed negatively in 12 per cent of cases. The transfer of materials to the BCCs was assessed positively.

Counting did not always begin immediately after the receipt of all of the materials from the voting centres and breaks, often extended, were taken in 29 of the 42 BCCs observed. IEOM observers reported that some counting teams were still being appointed and trained on election night. The counting process is ongoing in all BCCs observed. Transparency of the process was often limited due to observers being placed too far from the counting tables; counting teams not always properly exposing the ballot to the camera (which displayed the ballot on a large screen in the BCC); and, at times, the poor quality of the equipment used to project the ballot onto the screen.



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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Tirana, 26 June 2017 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE), and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe and other international obligations and standards for democratic elections and with national legislation.

Mr. Roberto Battelli was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Ms. Marietta Tidei headed the OSCE PA delegation. Mr. Paolo Corsini headed the PACE delegation. Mr. Eduard Kukan headed the EP delegation. Ambassador Peter Tejler is the Head of the OSCE/ODIHR EOM, deployed from 8 May.

Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting in Minsk in July 2017. The PACE will present its report at its October 2017 part-session in Strasbourg. The EP will present its report at the meeting of its Committee on Foreign Affairs in July 2017.

The OSCE/ODIHR EOM includes 15 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 327 observers from 43 countries were deployed, including 255 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 34-member delegation from the OSCE PA, a 25-member delegation from the PACE, and a 11-member delegation from the EP. Opening was observed in 135 voting centres and voting was observed in 1,300 voting centres across the country. Counting and the tabulation were observed in 42 BCCs and CEAZs.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

For further information, please contact:

- Ambassador Peter Tejler, Head of the OSCE/ODIHR EOM, in Tirana (+355 44 541 850);
- Thomas Rymer, OSCE/ODIHR Spokesperson +355 69 759 3402 or +48 609 522 266), or Alexey Gromov, OSCE/ODIHR Election Adviser, in Warsaw (+48 663 910 311);
- Nat Parry, OSCE PA, +45 60 10 81 77;
- Bogdan Torcatoriu, PACE, +355 68 585 9602 or +33 650 39 2940;
- Tim Boden, EP, +355 69 685 6189 or +32 473 52 5072

### **OSCE/ODIHR EOM Address:**

Rruga Fuat Toptani, No.3, 1011 Tirana, Republic of Albania

Tel: + 355 44 541 850; Fax: + 355 44 541 851, Email: office@odihr.al

*The English version of this report is the only official document.  
Unofficial translation is available in the Albanian language.*