

MONITORING REPORT

No. 6

on restrictions of
the use of admin-
istrative resources
during electoral
campaign

Period: March 25, 2021
– April 25, 2021

Thanks to the monitoring
contribution of lecturers
and students in targeted
regions

Project

*"Strengthening Election
Transparency in Albania (SETA)"*



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This report reflects the findings of monitoring of the observance of the new provisions of the Electoral Code, in respect of:

- the conduct of the state administration during the election campaign;
- use of public assets for electoral purposes;
- expenditures and propaganda materials of electoral subjects.

The SETA project monitored the observance of these restrictions in seven major regions of the country (Shkodra, Durrës, Tirana, Elbasan, Vlora, Gjirokastra and Korça) thanks to the cooperation of 54 lecturers and students using a monitoring methodology drafted by the international expertise supported by the Council of Europe and the European Union “Action against Economic Crime in Albania” and approved by the Central Election Commission. At the same time, the cooperation with local journalists trained in the framework of the project SETA according to the fact-checking methodology by the media organization “Faktoje”, further expanded the network of monitoring the use of state resources and other restrictions during the election campaign.

Due to the signing of a Memorandum of Understanding with the Department of Public Administration, it was possible to efficiently and rapidly exchange the required information on the appointments and movements of civil servants in public and local institutions.

The main findings of the monitoring process are as follows:

- Restrictions on appointments and dismissals in the state administration focused only in one month of electoral campaign have not proved effective.
- Public assets, mainly high schools, have been made available for the electoral activities of the party in power. To date, no pressure has been found to have been made on students in order to participate in these activities.

- Despite restrictions on the use of institutional resources during the campaign, ministers and senior candidate officials have not made a clear distinction between their function of office and the activity as a political candidate.
- Electoral propaganda materials have been limited and mainly displayed in promotional spaces.
- Gifts offered by candidates as promotional materials did not respect in all cases the cost limit of ALL 500. Prohibited cultural and sportive events with the participation of candidates were noted in some of the regions.

Public Administration during the Campaign

Upon the official start of the election campaign (March 26), further restrictions of the Electoral Code on the use of public resources and the conduct of the state administration entered into force. More specifically, the restrictions laid down:

Restrictions on the public administration

- *Compulsory use of the administration employees during the election campaign, within working hours, for electoral purposes. [Article 91, point 2]*
- *Promising or offering benefits to public servants or students to*

participate in activities related to the campaign, beyond the working hours or school time, or exerting pressure on them for this purpose. [Article 91, point 2]

- *Employment, dismissal, movement and transfer of office in public institutions or entities during the election campaign, except in justified cases. [Article 91, point 3]*

On March 8, 2021, based on the restrictions provided by the Electoral Code, the **Department of Public Administration (DoPA)** drafted an internal document / Memo to further clarify prohibitions / restrictions / obligations for civil servants / employees during the election campaign. The document further emphasized the obligations of state employees for:

- Civil servants running in the parliamentary elections are obligated to seek suspension from office.
- Employees of the state administration, during the official working hours and within the premises of state institutions, are prohibited from any kind of participation in activities of a political nature or in function of politics/candidates or in activities of the election campaign of an electoral subject or a candidate in elections.
- Civil servants can not publicly declare their political beliefs and preferences in the exercise of their duties or in participating in political or electoral activities and can not be engaged in a campaign in favor of an electoral subject or candidate.
- During the election campaign, hiring, dismissal, discharge, movement and transfer of office in public institutions or entities are prohibited, except when; (i) the dismissal or discharge results from violations, according to the applicable legislation; (ii) hiring takes place within the structure and vacancies available prior to

the election campaign. Emergencies due to unforeseen events that lead to hiring make an exception.

- During the election campaign, additions to the staff of any public institution or public entities or provisional appointments in them are prohibited.

Also, the **Commissioner for the Oversight of the Civil Service (COCS)**, in the letter no. 458, dated 05.04.2021, addressed to the human resource monitoring groups of institutions, part of the civil service, further interpreted these restrictions by extending their scope of action to social media. According to the Commissioner: “... *sharing or liking electoral-related materials of political entities on social media (Facebook Twitter, Instagram) from the personal accounts of civil servants constitutes a violation of the obligation not to publicly express their political beliefs or preferences.*”

This was an interpretation worthy of acclaim and in line with the recommendation of previous SETA reports to the CEC and other public monitoring institutions during the campaign, in view of qualifying social media at the same level as traditional media, because it has at its core sharing and disseminating information, ideas, views and beliefs. COCS is expected to publish in the forthcoming report further data on the results of the monitoring groups set up at public institutions to verify the implementation of these restrictions and the conduct of officials during the campaign.

To monitor the implementation of the restriction on appointments or changes in the staff of the state administration, the SETA project relied on official data from the Department of Public Administration. It should be clarified that DoPA is the body responsible for the administration of the civil service for the Council of Ministers, ministries, central institutions under the Prime Minister or ministers, including their territorial branches, as well as the administration under the Prefect. The rest of the state employees, which constitutes the main share of employees paid from public funds, such as state police officers, the armed

forces, etc., operate under their own special laws and are not administered by DoPA. **Due to this reason, the data presented below are limited only to the civil service staff.**

More specifically, during the election campaign (March 26, 2021 - April 23, 2021) were carried out:

- 63 new appointments in the civil service, following the procedures published in January and February 2021. [DCM no.13](#), approved on 27.01.2021 “On the Annual Admission Plan for 2021 in state administration institutions, part of civil service”, laid down that the number of vacancies planned for recruitment during 2021 is 705 (seven hundred and five).
- 28 dismissals from the Civil Service (6 due to old age pension, 16 were resigned, 2 civil servants were sentenced by final decision, 2 civil servants passed away, 2 others discharged under disciplinary measures).
- No permanent or temporary transfers are reported to be made for legal reasons provided in law no. 152/2013 “On the civil servant”, as amended. *(On April 12, the director of ARDA, Frida Krifca, was re-*

ported to the CEC over a transfer of the complainant during the election campaign from local branch in Gjirokastra to Kukës. As a result of the administrative investigation it turned out that no violation took place based on the decision of the CEC no. [334, dated 05.05.2021](#))

Official data confirm that there have been appointments and movements even during the campaign, but to the minimum extent. These changes were justified as a continuation of the procedures initiated before March 26, i.e., the start of the campaign, when the restrictions of the Electoral Code entered into force. Consequently, **the restriction provided in the Code can be said to have been ineffective in achieving the objective of preventing movements in the administration that could have brought electoral benefits.**

To find out if there has been an increase in the civil service structures during the election period, DoPA made available to us the structure of the administration of the ministries at the end of 2019 and 2020, which results in an increase of 189 employees, justified of having taken place due to the Covid- 19 pandemic and in the framework of the restructuring of institutions.

Institution	Dec 2019	Dec 2020	Difference
Prime Minister Office System	3378	3427	49
Sports and Youth Education System	814	829	15
Agriculture and Rural Development System	1929	1967	38
Justice system	5282	5282	0
Infrastructure and Energy system	1303	1332	29
Finance and Economy system	4395	4359	-36
Culture system	1012	1011	-1
Defence system	563	656	93
Tourism and Environment System	1088	866	-222
Interior system	1129	1348	219
Europe and Foreign Affairs system	204	209	5
Health and Social Protection system	3449	3449	0
Total no.	24,546	24,735	189

Source: DoPA

The denunciations of the opposition for an increase of about 10 thousand employees of the state administration structure at the end of 2020, referred to the statistics of the INSTAT report on the [Administrative Data of the Labor Market 2020](#) which showed a figure amounting to 182,000 employees paid from the state budget over the past year. This increase has been justified by various representatives of the executive following the different needs that arised after the earthquake and Covid-19 pandemic and not related to the approach of the April 25 elections. DoPA raises some questions about the accuracy and methodology used by INSTAT to achieve this figure. It should be noted that the current system of control and administration of the structure of state employees, where DoPA throught the electronic management portal HRMIS administer less than 15 percent of all employees paid from the state budget, makes it difficult to verify data and appointments / dismi

ssals related to electoral processes.

Another trend that ignited accusations during the election campaign was the increasing number of **contract employees, known as short-term employees**. The SETA project verified statistics for contract employees, a category of employees who do not have the status of civil servant, but are recruited depending on the needs to perform temporary duties or due to vacancies in institutions (sick leave, maternity leave, etc.) and includes mainly support staff (communications workers, maintenance workers, etc.).

According to DoPA data, for the current year, 2472 contract employees have been appointed, based on [DCM no. 1151](#), dated 24/12/2020. This decision was approved two days before the entry into force of Decision no. 9 of the CEC and the start of restrictions on the 4-month election period.

The number of contract employees increased by institutions as follows:

Institution	Contract employees
Prime Minister's Office	85
Ministry of Agriculture	248
Ministry of Infrastructure	76
Ministry of Finances	662
Ministry of Education	75
Ministry of Culture	72
Ministry of Health	844
Ministry of Foreign Affairs	23
Ministry of Interior	66
Ministry of Tourism	55
Other	266
Total no.	2472

Source: DCM no. 1151, dated 24/12/2020

To analyze this data, it is necessary to make a comparison with previous years. It turns out that this year's temporary contracts are higher in number than 2019, in which local elections were held, but lower than 2020, when the increase was justified following the situation due to Covid-19 and the demand for additional staff for the education sector, health sector and OSHEE.

More specifically:

- In 2019, 1806 contract employees were recruited;
- In 2020 this number increased to 2628 employees. The increase of 1,201 employees took place after the appointment of:
 - 745 employees in the Health Care Services Operator and the National Medical Emergency Center;
 - 65 in some independent institutions (SPAK, ILD, CEC);
 - 25 in the National Civil Protection Agency;
 - 300 in the National Veterinary Authority due to the official veterinarians added to this institution;
 - 66 have been added to various institutions according to their respective needs.

Regarding the **restriction of employees who run in elections**, the DoPA figures confirm 9 employees suspended from office due to running in the elections for the Albanian Parliament. This data is difficult to confirm because the candidate declaration form at the CEC does not contain data on employment, to enable so the exact number of candidates that have the civil servant status. In this situation, the implementation of this restriction is difficult to control even by the CEC itself and other monitoring entities. It is recommended in the next elections to further detail the information provided by the candidates in the registration process at the CEC.

Regarding the restriction provided in Article 91, point 2 of the Electoral Code “On forced use of the administration of the institution in the election campaign within working hours”, the denunciations at the CEC portals have been few in number (2 denunciations by

the DP). The most known case was that of a telephone conversation published by ERTV where Prime Minister Mr. Edi Rama and Agriculture Minister Ms. Milva Ekonomi were accused of pressuring education and health care employees to vote for the Socialist Party. This denunciation was reviewed by the CEC and in its [Decision no. 248](#), dated 16.04.2021, it was described as “a misinterpretation and discussion taken out of context”.

An [investigative article](#) supported by the SETA project in cooperation with the media organization “Faktoje”, proved the involvement during the official working hours of the employees of the Municipality of Korça in promoting the campaign of the Minister of Defense, Niko Peleshi and members of the Cabinet for Europe and Foreign Affairs, led by Olta Xhaçka, both candidates in the Korça area. This is certainly not a limited phenomenon in this area, but often difficult to prove.

Monitoring the use of public assets

Restrictions on the use of public assets

- *Prohibition of the election campaign in a public institution [Article 78, point 6]*
- *Making available to electoral subjects the resources of public bodies or entities at central or local level or any other type of entity where the state owns capital. [Article 91, point 1]*
- *Compulsory and organized use of students, during the class hours, of the pre-university school system in the election campaign. [Article 91, point 2]*

Field monitoring and denunciations received to the CEC prove the use of **public school facilities to organize electoral meetings**. These meetings were conducted mainly by the SP candidates arguing the need to ensure anti-covid measures (i.e., staying outdoors) as well as the fact that the meetings were held outside school hours, without the presence of students (in the afternoon or on weekends) and in schools that are community centers as well. SETA monitoring and an [investigative article](#) supported by SETA has found over 20 published cases of meetings of Socialist Party candidates in schoolyards, mainly in Tirana, Durrës, Kruja, Gjirokastra. No similar meetings of opposition candidates in schools in these cities have been reported in the meantime, offering them equal opportunities during the campaign.



The Mayor of Kruja, Artur Bushi, on April 9, speaks alongside the socialist candidates Milva Ekonomi, Rrahman Rrahja and Denis De-liu inside the “Bakushe Visha” school.



On April 4 (Sunday), the SP candidates in the gym of the school “Bakushe Visha” where a volleyball match was organized with the youth of the socialist youth forum of the area.



Candidate Bledi Çuçi, holds a meeting on April 15 in the joint yard of the high school “Siri Shaplo” and the Church of St. Mihal, Gjirakastra.



“Screenshot” from a video on the page of Erion Veliqj, during the presentation of the candidate Fidel Ylli, in the yard of the high school “Vajdin Lamaj”, Vora.

The Central Election Commission has so far reviewed two denunciations over meetings in the school premises of MPs Elona Gjebrea and Ervin Bushati ([Decisions no. 101](#) & [102](#), dated 25.02.2021), which were not considered as prohibited activities. However, the CEC provided a further clarification on this issue upon a recommendation to school leaders to avoid the presence of MPs in school activities.

There have been found no cases of **pressure on students** of the pre-university system to participate in electoral activities, probably due to non-mass meetings under the Covid-19 situation and online learning.

Regarding the use of other **institutional resources in the function of the campaign**, it is difficult to prove the extent of the use of offices, computer equipment, telephones or many other resources when the candidates are also senior officials. However, a practical approach to understanding how far the use of institutional resources can go is the use of office vehicles by members of the government in their campaign activities. Prime Minister Edi Rama, since the first day of the campaign

has started to travel to all meetings outside Tirana with a “Lincoln Navigator” vehicle, which has been used in previous campaigns when he was the leader of the opposition and has been declared as a personal vehicle of the prime minister.



Photo: In the background the personal vehicle used by Prime Minister Rama during the election campaign

However, in all the electoral meetings of the campaign, the Prime Minister was escorted by dozens of visible forces of the Republican Guard and police officers, as well as the operators of the Albanian Public Television, supported by generators to ensure live broadcast on ERTV channel of his activities as a candidate of the SP political force.

The same was found for the candidate cabinet ministers, who have traveled during the campaign sometimes with the means of the institution and sometimes with other borrowed means, but also in the company of drivers and escorts of the Guard in their constituencies. SETA monitoring is still awaiting official responses from ministries to confirm whether the Ministers have traveled at their own expenses cost or in function of their office. The answers will be made public in the next report.

Expenditure monitoring during the campaign

Restrictions on expenditures and propaganda materials

- *The electoral subject / candidate is prohibited from organizing or covering the expenses for concerts, cultural and entertainment events or charitable activities. [Article 78, point 9]*
- *The electoral subject / Candidate is prohibited from providing printed articles or materials worth more than 500 (five hundred) Lekë for election articles or materials. [Article 78, point 10]*
- *Display of static propaganda materials more than 5 meters from the election offices is prohibited. [Article 79, paragraph 2]*
- *Polling stations can not be at a distance of less than 300 meters from the location of CEAZs, VCs and VCCs. [Instruction no.6 dated 23.03.2021 of the CEC]*
- *Exclusion of the declaration of authorization in the visual materials of the propaganda campaign is prohibited [Article 79, paragraph 3]*

It is worth noting that political parties and candidates mainly implemented restrictions to avoid mass propaganda materials and spending on physical events. This happened not only following the experience of the last two elections, but also due to the pandemic that prohibited rallies, where the support of the participants needs to be proven. However, cases of violations were not absent in this regard.

Although not in the traditional format with the presence of singers or artists, **cultural events** for the supportive youth were organized, with the presence of some of the candidates in Shkodra, Kamza and Gjirokastra. Participation in these recreational or sports events was free and all expenses were covered by the organizers.



Screening of movies (3-day activity) in Shiroka, Shkodra and a party with the youth of FRESSH with the participation of the SP candidate, Lela Bërdica.



Activity with the socialist party youth held on April 12 in the castle of Gjirokastra, as well as the concert held on April 13 in the same city, with the presence of the SP candidate, Artemis Malo



DP candidates Flamur Noka and Korab Lita participated in the sports event organized on April 10 near the private complex "S.." in Kamza, where football-basketball matches with young people took place.

The same situation has been found regarding the limitation of gifts up to **500 ALL** that can be offered by the candidates. Masks, t-shirts and hoodies were the most common gifts for supporters and participants in campaign events. Some of the prices of items provided by one of the leading promotion companies in this field, confirmed that the limit of 500 ALL is low to cover the cost of printed hoodies or t-shirts.

***Average price list for promotional materials
(up to 100 pieces - VAT included)***

- *Stamped t-shirt - ALL 900 / 1000*
- *Light raincoat – ALL 1400*
- *Hoodie – ALL 2.400*



SP candidate Ervin Bushati promoting printed T-shirts and wearing his own hoodie with logo. The second photo, the DP candidate Jorida Tabaku, promoting her hoodies, printed with her logo and name.



Among the most common and widely distributed gifts were the raincoats. Despite the development of a campaign without mass rallies, in its last 3-4 days, the SP organized closing rallies having a wide participation in the main cities of the country. In two of them, in Elbasan and Tirana, more specifically on April 21 and 22, due to the rainy weather, the participants were given disposable raincoats and small national flags. SETA observers managed to obtain one of the raincoats given at the campaign gathering in Elbasan, which is imported from Italy. In retail, such a product reaches the value of 1.2 - 1.5 euros (about 150 ALL) while flags in retail have a cost under 50 ALL per piece. Buying them in large quantities, as it results from the number of participants in both rallies significantly reduces the

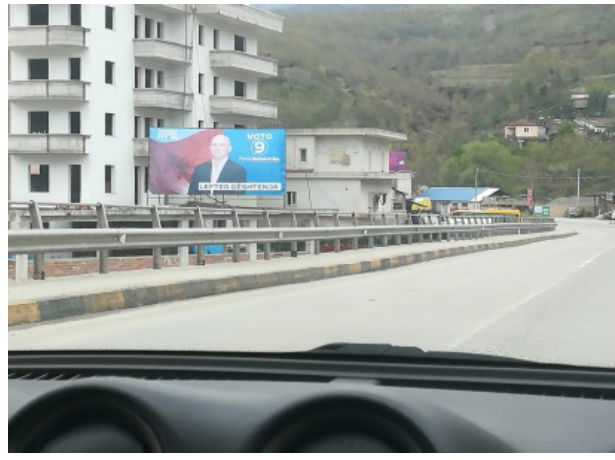
price per piece of these products. Based on these calculations, it is concluded that the threshold set by the Electoral Code has not been exceeded.



Photos above: SP candidate Taulant Balla helping one of the participants in the closing rally in Elbasan to wear a raincoat on April 21

Photos below: The raincoats used in the closing rally of the SP in Tirana as well as those used in the SMI rally in Tirana, in a limited quantity.

Regarding the restrictions on displaying **static propaganda materials** on the facades of residential buildings, public institutions or surrounding areas, the presence of posters (billboards) displayed on the facades or installations of private promotions by candidates of the main forces in Tirana has been found in Shkodër, Elbasan and particularly in Gjirokastrë. In the decision-making of the CEC [Decision no. 203/ 07.04.2021](#) (SP material on the LED promotional screen in the ‘Paris Commune’ area in Tirana) it was argued that the case of propaganda materials on the premises of private promotion companies cannot be considered as a violation as long as these spaces are licensed by local government. However, the examples encountered during the campaign are different and it remains to be examined case by case whether or not there were committed violations of the restriction on electoral promotions on public facades.



The poster (billboard) of the DP candidate Bardh Spahija in Shkodra and that of the SP candidate, Bledi Çuçi at the entrance of Gjirokastra. Photos below: Posters of Prime Minister Edi Rama and PD candidate Lefter Gështenja on the national road at the entrance to Librazhd

The cases of display of propaganda posters in public places comprised a limited phenomenon (SP candidates Halit Valteri in Kamza and Rrahman Rraja in Kruja) but that was not widespread. Other candidates chose to promote their campaign in more creative formats by avoiding the definition of “static material” format provided in the Electoral Code.



Photos: Projection on the facade of UPT of DP logo and number as well as non-static propaganda materials of DP candidate Agron Shehaj, Pandeli Majko and Mimi Kodheli

Regarding the restrictions on the **distance of propaganda materials from the polling stations**, SETA observers found a violation of the distance of 300 meters of a poster of the candidate Bledi Çuçi, placed near the CEAZ on the boulevard “18 September” Gjirokastra. Also, a violation supported by the decision-making of the CEC ([Decision no. 235](#) dated 14.04.2021) was found on the facade of the municipality of Librazhd, where a poster of the Socialist Party was displayed in a public institution. For this case, the CEC decided to punish only the council of the mayor Kastriot Gurra and ordered the municipal police to immediately remove the material.



Photos: Billboard of the candidate Bledi Çuçi located about 30 meters from the Gjirokastra CEAZ, not displaced until April 26. Another photo, the poster of the Socialist Party on the front facade of the municipality of Librazhd

Regarding the obligation of the **declaration of authorization** in the visual materials of the election campaign, this definition was not widely respected in the promotion materials of the candidates and electoral subjects. The main political forces were satisfied with placing their logo on the side of the visual materials, violating the obligation of the Electoral Code to place the note: “*Produced under the legal responsibility of ...*” To date, no administrative measures have been taken by AMA (authority mandated to monitor the media during the campaign) against television broadcasters as well as a decision of the CEC against the electoral subjects for violations found for this legal provision.

Recommendations

- The current management structure of the state administration, beyond the civil service, makes it impossible to fully control the appointments and changes that may take place on the eve of elections. The current restrictions to the Electoral Code, which are focused on the election campaign period (only 1 month), are invalid in case the structuring of staff, for electoral reasons, starts some months in advance.

-Despite the positive provisions in the legislation on campaign financing, the control of the use of state resources in elections requires much more investigation and audits by the relevant institutions. It may be more valuable involving the Supreme State Audit, as the main audit institution, to further fulfill the tasks assigned to the CEC by the Electoral Code.

-Restrictions on the use of institutional resources by running ministers and officials should be accompanied by secondary acts and internal institutional regulations to better define the division between office and political engagement as well as proper transparency to the public.