

MONITORING REPORT

No. 4

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

Period March 1, 2021 –
March 25, 2021

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Thanks to the moni-
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lecturers and students
in targeted regions

Project
"Strengthening Election
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This report reflects the findings of the implementation of the new provisions to the Electoral Code in respect of:

- Legal and institutional practice for implementing the restrictions on state resources;
- The process of reporting and controlling the activities prohibited to the central and local officials;
- Legal acts adopted in violation of the prohibitions provided in the 4-month period before the elections;

Legal and institutional practice for implementing the provisions

The overturn of the administrative proceeding of the State Commissioner against the Mayor of Tirana, Mr. Erion Veliaj for promoting reconstructed buildings after the earthquake, was appealed on February 22 by the Socialist Movement for Integration (SMI) at the Electoral College. The Electoral Code, in its article 145, defines the establishment and duties of the Electoral College at the Tirana Court of Appeal, as an ad-hoc body of justice where “...the complaints of electoral subjects against the decisions of the CEC can be reviewed, when they violate their legitimate interests ...”.

SMI’s appeal was reviewed by the Electoral College and the relevant decision was taken within 9 working days ([decision no. 2, dated 04.03.2021](#)). The trial panel argued that: “... the administrative proceeding taken by the State Commissioner and then the Complaints and Sanctions Commission (the decision of which is opposed in the lawsuit), refers to a third person (the mayor of Tirana) , not an electoral subject. The Electoral College concludes that it does not have the competence to review this lawsuit... ”. In addition, the decision underlines that: “... with reference to Article 158/2 of the Electoral Code, the College will pass the acts for review to the Administrative Court of First Instance of Tirana” ..

Following this decision, the SMI has filed the lawsuit to the Administrative Court of Tirana, which is expected to be reviewed among many other cases pending in the latter. Involvement

in the “ping-pong” game between courts and delays in normal court proceedings risks postponing the final verdict on this important issue after April 25th.

Such a practice is most certainly demotivating and will dim the trust of all parties in the effective functioning of the restrictions of the Electoral Code regarding promotion of prohibited public activities of senior officials in the pre-election period. Following the start of the election campaign and the increased workload of the CEC structure, the implementation of the provisions of the Electoral Code on the control of prohibited activities of central and local officials may turn into an “impossible mission”.

Reporting of public activities

Senior central and local public officials are charged by the [Electoral Code](#) with the obligation to report in advance to the CEC their public activities in the 4-month period prior the elections. As of March 25, in the interface (<https://aktivitete.kqz.gov.al/>) it turns out that 311 public institutions have been registered, out of which a total of 890 activities have been reported by only 52 institutions.

So far, CEC has not decided to prohibit any public activity of officials, a task assigned by the Electoral Code in cases where it is found that the activities are in violation with reporting regulations. This is also a result of the ambiguous regulations of [Decision no.9 / 2020](#) as well as its interpretation by the Complaints and Sanctions Commission, which has

imposed the correlation between prohibited promotions of investments only *when public funds have been recently made available* for them. In these circumstances, the prohibition of a public activity prior to its development would require a lot of human capacities and access and analyzing to information by the CEC administration in a restricted 5 days deadline.

Since the entry into force of the provisions, 51 denunciations have been made in CEC interface page by various political entities and organizations, in the framework of the reporting of public activities and use of public assets by officials. As of March 25, over 31 decisions have been taken by the CEC on these denunciations, of which:

- 12 decisions on administrative measures (the case of the director of the Cadastre in Lushnja and the Mayor of Tirana) subsequently overturned after the review in the Complaints and Sanctions Commission at the CEC;

- 1 case of decision-making against the Prime Minister regarding the use of political images on the platform shqiperiaqeduam.al;
- 4 decisions of non-violation;
- 14 cases for non-initiation of investigation;

Regarding another 20 denunciations received in the last days, the administrative investigation continues or they are under review by CEC.



(the table of denunciations received by CEC interface for prohibited activities can be found in [Annex 2 of the report](#)).



The CEC monitoring structure has completed the recruitment of 64 field observers of the election campaign, hence covering the entire territory of the country. Denunciations from observers point out at violations and irregularities in the recognition and implementation of the restrictions of the Electoral Code by Local Government Units as well as electoral entities in the framework of the use of state resources and the use of propaganda materials. The [individual monitoring reports](#) are published transparently at CEC webpage, but so far there is not provided a summary report of the field monitoring by CEC observers.

On March 9, the Regulatory Commission adopted the [draft decision](#) “On procedures of functioning and maintenance of the portal of the complaints”, as part of new mechanisms introduced by the Electoral Code aiming to foster the role and approach of the CEC, as a body that proactively investigates the complaints against electoral subjects, political parties and public administration bodies on the use of public resources. The portal/interface





<http://kqz.gov.al/kallzo> was introduced at the same day on the CEC website. During the first days of its functioning the portal has collected a few denunciations but most of denounces has continued to be addressed by the political subjects and citizens through the reporting panel of public activities’ interface [aktivitete.kqz.gov.al](#).

In-site monitoring by SETA




During this period, the SETA project has continued to monitor the promotional activities of government cabinet members and mayors in seven major cities of the country. These public activities of officials, as well their activities on social media (mainly Facebook), were then cross-checked with the reporting data of these institutions to the CEC interface, to bring about an analysis of the effectiveness of the reporting process. Monitoring data have been further filtered to eliminate the activities of officials related to emergency situations or cases that are not subject to Electoral Code restrictions.



Summary table of activities of senior central and local officials in the March 1, 2021 – March 25, 2021 period

Official subject to reporting	Reportings to CEC	Promotional activities**	Unreported promotions
Prime Minister	85	110	4
Minister of Defense	4	3	1
Minister of Interior	2	14	10
Minister of Justice	1	4	0
Minister of Finance and Economy	27	13	2
Minister of Education, Sports and Youth	21	11	1
Minister of Agriculture and Rural Development	15	10	3
 Minister for Europe and Foreign Affairs	0	3	3
 Minister of Health and Social Protection	0	18	11
Minister of Infrastructure and Energy	2	12	5
Minister of Culture	8	10	2
 Minister of Environment and Tourism	0	13	8
Minister of State for Diaspora	0	0	0
Minister of State for Reconstruction	8	15	2
 Minister of State for Relations with Parliament	0	15	8
Minister of State for Protection of Entrepreneurship	0	0	0

MAYORS

Tiranë	18	21	6
Durrës	8	3	3
Shkodër	13	2	2
Elbasan	23	5	3
 Vlorë	0	5	5
 Korçë	0	2	2
 Gjirokastrë	0	2	2

*Official data from the CEC reporting interface for the period under monitoring.

** Visits or promotional posts of investments in infrastructure and public facilities that may constitute violations in the absence of reporting

It can be noticed that the public pressure and dedicated focus on the implementation of the provisions of Electoral Code has further increased the number of ministries and local governments which initiated to perform the reporting procedure, but nevertheless the quantity of their reports does not actually reflect all the promotional activities that are taking place in reality by the officials.

During this period, following the inclusion of 16 from 17 members of the government cabinet in the lists of candidates of the electoral subject Socialist Party, there can be noted a further increase in the promotional and political activities of the ministers who were previously more cautious. Some of them, who have been charged with directing the campaign in different districts, such as the case of the Minister of Interior, Mr. Bledi Çuçi or Minister of Foreign Affairs, Ms. Olta Xhacka, have appeared in the ‘costume of the candidate’ in the election campaign, physically promoting investments in road and social infrastructure, irrigation canals, school reconstructions etc.

Mr. Çuçi’s recent decision to delegate powers to one of the deputy ministers during the campaigning process is a partial solution to be adopted by other ministers, who must distinguish between the role of the official from that of the candidate during the ‘hottest’ weeks of the electoral campaign, as well as to set an example for other central and local officials.



The full list of activities of monitored officials since the entry into force of the restrictions of the Electoral Code can be found in our project database: monitorimi.asp.al

Monitoring of normative acts

Pursuant to Article 91, point 4 of the Electoral Code, the Normative Acts and Decisions of the Council of Ministers were monitored, which were published in the Official Journal

for the 1 March, 2021 – 25 March, 2021 period.

The following result as decisions in violation of the Electoral Code:

- 1 Legal act
- 2 Decisions of the municipal councils

which brings about **benefits or mitigation measures** for the four-month period before the elections.

More specifically, the adopted acts can be consulted [in Annex 1](#).



The full list of approved acts since the entry into force of the restrictions of the Electoral Code can be found in our project database: monitorimi.asp.al

Recommendations

The findings of this reports reconfirms and stress again the urgent need to further clarify the restrictions of prohibited public activities of officials by the Electoral Code. The request of the Academy of Political Studies, in cooperation with the Society for Democratic Culture and the Institute of Political Studies, to amend the regulation ([Decision no.9 / 2020](#)) “On the reporting of prohibited activities of senior public officials during the pre-election period”, [formally submitted](#) on March 3, has not been yet reviewed by the Central Election Commission due to the workload and other important decision making on the eve of elections.

More specifically, the three submitted proposals are :

- Amendment of point 1.1 of the article 3 of Decision 9/2020 by removing the phrase “*for which public funds have been recently or specially made available, or have been transferred not according to the approved budget plan*”

- Inclusion of social media in the definition of “public media”, hence avoiding any kind of limitations and incoherence in identifying and defining what “public activity” is comprised of.
- Clarification of the administrative responsibility of officials that are subject to restrictions of prohibited activities.

The report was drafted by:

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ANNEX 1 – Normative acts in violation of the Electoral Code

1. Law no. 16/2021 “*On the approval of the amendment of the concession agreement between the Council of Ministers of the Republic of Albania and the concession company “Tirana International Airport” sh.pk, On the construction, commissioning, operation and maintenance of the international airport ‘Mother Teresa’ Tirana*”, ratified by law no. 9312, dated 11.11.2004, as amended “. With **Decree no. 11979, dated 24.02.2021 of the President of the Republic** of Albania, it was decided to return to the Parliament for review of the above law 16/2021; With Decision no. 26/2021 of the Albanian Parliament, it was decided to reject the Presidential Decree. In these conditions, the above law enters into force 15 days after its publication in the office notebook, on 01.04.2021 - Official Journal no. 41, dated 16.03.2021.

- Through this Agreement, the extension of the Rinas Airport Concession with 13 years has taken effect, a project, strategic, national investment of economic character in function of the public interest in general. In December 2020, the conces-

sion was sold to Kastrati Group, which is a 100% shareholder of Tirana International Airport.



The above-mentioned decision may be included in cases of “prohibited activities”, provided by Decision no. 9, dated 23.12.2020 (article 3, point 4) of the CEC Regulatory Commission, on the prohibition of concession and PPP contracts.

2. Decision of the Municipal Council of Tirana no. 12, dated 01.03.2021 “*For the treatment with the rent subsidy of some needy families who can not afford the free market rent*”.

- On the proposal of the Mayor of Tirana, the Municipal Council of Tirana, through this decision has decided:
- Approve the treatment with the rent sub-

sidy for individuals / families, according to the list attached to the decision;

- The duration of the rent payment will be for a period of 1 year;
- The financial effects in the amount of 506,205 ALL per month, will be borne by the housing bonus fund of the Municipality of Tirana.



It is found that there is a violation of article 91 point 4 of the Electoral Code, for the prohibition of proposing, adopting or issuing legal or sub-legal acts, which provide for the provision of benefits for certain categories of the population, in the form of pension increases, economic or social support, etc., which can bring far-reaching electoral benefits.

3. Decision of the Municipal Council of Lezha no. 47, dated 17.03.2021 “*On the use of the additional fund over the conditional fund for economic assistance with local budget funds for 2021*”.

On the proposal of the Mayor of Lezha, the Municipal Council of Lezha, through this decision has decided:

- To approve the criteria of the additional fund on the conditional fund for economic assistance with local budget funds;
- Families in need will be selected from the list of families who have applied within the last 3 months through the National Electronic Register for economic assistance and who have not been declared winners by the scoring system.



It is found that there is a violation of article 91 point 4 of the Electoral Code, for the prohibition of proposing, adopting or issuing legal or sub-legal acts, which provide for the provision of benefits for certain categories of the population, in the form of pension increases, economic or social support, etc., which can bring far-reaching electoral benefits.

Annex 2 – The table of denunciations recorded in CEC interface for prohibited activities

No	Decisions	Officials	Status	Provision category	Date	De-nounce by
1	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Prohibited activities	30-Dec	SMI
2	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Distribution property acts	30-Dec	SMI
3	Decision 7/ 14.01.2021	PS -MP - Arben Qalliu	Rejected by KAS/CSC	Distribution property acts	30-Dec	SMI
4	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Prohibited activities	30-Dec	SMI
5	Decision 7/ 14.01.2021	PS -MP - Arben Qalliu	Rejected by KAS/CSC	Prohibited activities	30-Dec	SMI
6	Decision 20/30.01.2021	Edi Rama	Not initiated	Prohibited activities	3-Jan	ISP
7	Decision 19/30.01.2021	Prime Minister	Vendimmar-rje	Prohibited activities	4-Jan	ISP
8	Decision 16/ 28.01.2021	Edi Rama	Not initiated	Prohibited activities	5-Jan	SMI
9	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Distribution property acts	5-Jan	SMI
10	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Distribution property acts	5-Jan	SMI
11	Decision 18/30.01.2021	PS -MP - Alket Hyseni	Not initiated	MP meeting with police officers	6-Jan	ISP
12	Decision 46/09.02.2021	Erion Veliaj	Rejected by KAS/CSC	Distribution property acts	9-Jan	SMI
13	Decision 16/ 28.01.2021	Edi Rama	Not initiated	Prohibited activities	9-Jan	SMI
14	Decision 16/ 28.01.2021	Edi Rama	Not initiated	Prohibited activities	9-Jan	SMI
15	Decision 16/ 28.01.2021	Edi Rama; Elton Arbana	Not initiated	Promotion of reconstruction earthquake	9-Jan	SMI
16	Decision 46/09.02.2021	Edi Rama; Erion Veliaj	Rejected by KAS/CSC	Distribution property acts	9-Jan	SMI
17	Decision 46/09.02.2021	Edi Rama; Erion Veliaj	Rejected by KAS/CSC	Promotion of reconstruction earthquake	9-Jan	SMI
18	Decision 46/09.02.2021	Erion Veliaj; Toni Gogu	Rejected by KAS/CSC	Prohibited activities	9-Jan	SMI
19	Decision 46/09.02.2021	Erion Veliaj; Xhemal Qefaliaj	Rejected by KAS/CSC	Distribution property acts	9-Jan	SMI
20	Decision 11/25.01.2021	Autoriteti i xxxxxx	Not initiated	Prohibited activities	11-Jan	xxx
21	Decision 12/25.01.2021	Bashkia Txxxxx	Not initiated	Dismissal of public servant	15-Jan	xxx

22	Decision 101/25.02.2021	PS -MP - Edvin Bushati	Perfundim pa Shkelje	Use of assets - Schools	15-Jan	ISP
23	Decision 10/25.01.2021	Erion Veliaj	Not initiated	Use of assets - Schools	15-Jan	xxx
24	Decision 101/25.02.2021	PS -MP - Ervin Bushati	Perfundim pa Shkelje	Use of assets - Schools	15-Jan	Qen- dresa Qytetare
25	Decision 41/09.02.2021	PS-KB-Sotiraq Filo	Not initiated	Promotion of reconstruc- tion earthquake	19-Jan	SMI
26	Deci-	PS-MP-Mimi Kodheli	Not initiated	MP meeting with police officers	19-Jan	SMI
27	Deci-	Drejtoria Rajo- nalexxxx	Not initiated	Dismissal of public servant	24-Jan	xxx
28	Decision 102/25.02.2021	PS -MP - Elona Gjebrea	Perfundim pa Shkelje	Use of assets - Schools	28-Jan	Qen- dresa Qytetare
29		Erion Veliaj	Administrative Investigation	Prohibited activities	2-Feb	SMI
30		Erion Veliaj	Administrative Investigation	Prohibited activities	2-Feb	SMI
31		Erion Veliaj	Administrative Investigation	Promotion of reconstruc- tion earthquake	2-Feb	SMI
32		Erion Veliaj	Administrative Investigation	Promotion of reconstruc- tion earthquake	2-Feb	SMI
33	Decision 103/25.02.2021	Bujar Cela	Not initiated	Promotion of reconstruc- tion earthquake	2-Feb	SMI
34		Erion Veliaj	Administrative Investigation	Promotion of reconstruc- tion earthquake	2-Feb	SMI
35		Erion Veliaj	Administrative Investigation	Promotion of reconstruc- tion earthquake	2-Feb	SMI
36		Erion Veliaj	Administrative Investigation	Promotion of reconstruc- tion earthquake	2-Feb	SMI
37		Bashkia Durres	Administrative Investigation	Public contracts	2-Feb	DP
38	Decision 104/26.02.2021	Bashkia Tropoje	Perfundim pa Shkelje	Promotions	10- Feb	DP
39		Bashkia Vore	Administrative Investigation	Violation of provision from political subject	16- Feb	SMI
40	Decision 122/ 8.3.2021	PS-KDP- Arben Mucaj	Not initiated	MP candidate	17- Feb	xxx
41		Keshilli i Min- istrave	Shqyrtim Paraprak	Public contracts	22- Feb	DP

42		Keshilli i Ministrave	Shqyrtim Paraparak	Public contracts	1-Mar	DP
43		Bashkia Kukes	Shqyrtim Paraparak	Pressure to public administration	16-Mar	DP
44		Bashkia Tropoje	Shqyrtim Paraparak	Use of public assets	18-Mar	DP - Tropoje
45		Bashkia Tirane	Shqyrtim Paraparak	Use of public assets	18-Mar	Qendresa Qytetare
46		Bashkia Kukes	Shqyrtim Paraparak	Use of public assets	18-Mar	Qendresa Qytetare
47		Bashkia Tirane	Shqyrtim Paraparak	Use of public assets	19-Mar	Qendresa Qytetare
48		Shtepia e te moshuarve Shkoder	Shqyrtim Paraparak	Use of public assets	19-Mar	Qendresa Qytetare
49		Bashkia Belsh	Shqyrtim Paraparak	Promotional documents	19-Mar	DP
50		ATSH	Shqyrtim Paraparak	Use of public assets	20-Mar	DP
51		Ministria e Financave	Shqyrtim Paraparak	Public contracts	23-Mar	DP