

POSITION PAPER

ON CASES OF ABUSE OF PUBLIC RESOURCES IN THE PRE-ELECTORAL PROCESS OF THE PERIOD JANUARY-MARCH 2025

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1. Methodology

From January 11, 2025, legal obligations envisaged in the Electoral Code, according to which public institutions and officials should respect prohibitions envisaged in article 91 and 92 of this Code, to prevent the misuse of state resources in the electoral process for the coming parliamentary elections of May 11, 2025, went into effect.

On December 21, 2024, the Regulatory Commission revised Decision no. 9, dated December 24, 2020, providing further detail into events that are prohibited for promotion, prohibitions for public officials, rules for reporting public events, and potential decision-making by the State Election Commissioner, in cases of denunciations or failure of public institutions to file reports.¹

The preparation of this paper relies on a concrete monitoring process, through which observers of the Albanian Helsinki Committee (AHC) and Civic Resistance (CR) have found cases that create a reasonable basis to claim that they are in contravention of electoral legislation, with regard to the fair administration of state resources in an electoral campaign, and on a more extended 4-month period from voting day, in accordance with article 91, paragraph 4, of the Electoral Code. Pursuant to the independence of each of our organizations, the cases addressed hereinafter are analyzed by the respective experts of AHC and CR.

The *legal basis* for the activity of the mentioned organizations and their observers is article 91 of the Electoral Code, which sanctions in an exhaustive manner the cases when certain uses of the state administration, shall represent a violation and, therefore, inappropriate practices by the government in creating an environment favorable for an electoral process that is orderly and with integrity:

1. *Except for cases envisaged by law, it is not possible to use or make supportive of candidates, political parties, or coalitions in elections resources of the public bodies or entities at the central or local level, or any other entity whereby the state possesses capital or quotas and/or appoints the majority of the oversight body or the administrative body of the entity, independently from the source or ownership of the capital.*
2. *In the sense of this article, “resources” shall be movable and immovable assets, envisaged in article 142 of the Civil Code, as well as any human resource of the institution. The use of “human resources” shall mean the forced use in the electoral campaign of the administration of the institution within working hours for electoral purposes, as well as the forced and organized use within class hours of students of the pre-university education system in the electoral campaign. The use of human resources shall also mean the promise or provision of benefits to public employees, or students, to participate in events linked with the electoral campaign, outside working or class hours, and the use of pressure on them for this purpose.*
3. *During the electoral campaign, it is prohibited to hire, dismiss, move, and transfer in office in the public institutions or entities, except for legitimate cases. Legitimate cases shall be*

¹ https://kqz.gov.al/document/vendimkrr_2024_16_p%D1%91r-disa-ndryshime-dhe-shtesa-ne-vendimin-nr-9-date-24-12-2020-te-komisionit-rregullator-per-rregullat-e-raportimit-te-veprimtarive-me-karakter-publik-te-cdo-institu

those cases when the move or dismissal from office is a result of violations, according to relevant legislation, or when hiring is done within the structure and staffing in force before the electoral campaign by the public institution or entity, pursuant to its mission. An exception is that of cases of emergencies due to unforeseen events that dictate hiring.

4. *Four months ahead of the election date until the formation of the new government after the elections, it is forbidden to propose, approve, or issue legal acts or by-laws, which envisage the issuance of benefits for certain categories of the population, such as acts that envisage the increase of salaries, pensions, economic or social welfare aid, reduction or exemption of taxes, imposition of fiscal amnesties, privatization or issuance of properties or rewards, etc., except for when the initiative is conditioned by a situation of natural disasters.*
5. *The CEC shall issue detailed instructions to determine the use and abuse of public resources.*

Based on the systematic interpretation of the provisions of the Electoral Code and those of Decision no. 9/2020, of the Regulatory Commission, in order to be faced with an administrative violation regarding the (mis)use of state resources, some conditions need to be met in a cumulative manner. First, it is necessary that the activity has been carried out by one of the subjects that has been assigned obligations by the law and by-laws. Second, it is necessary that the activity include the making available of movable and immovable assets envisaged in article 142 of the Civil Code, under the ownership or administration of the public bodies or entities. Third, it is necessary that the making available of public resources is done for electoral purposes.

Regarding the condition linked with the subjects, the lawmaker in paragraph 1, article 91 of the Electoral Code, makes a general definition and sanctions that except for cases envisaged by law, public resources may not be used or provided to support candidates, political parties, or coalitions in elections.

Regarding the second condition, on making available public resources, the resources should be movable or immovable assets that are under the ownership or administration of central public bodies or local self-government units.

Regarding the third condition that is linked with the purpose of making public assets available, referring to paragraph 2, of Decision no. 9/2020, of the Regulatory Commission, for the purpose of assigning administrative responsibility, it is necessary that the making available of state and public resources is done for electoral purposes.

Pursuant to the above analysis, the denunciations and requests submitted to the State Election Commissioner for the start of administrative investigations, contained a summarized and detailed clarification of the concrete situation, accompanied with the interconnection of the latter to the legal basis violated by the subject in question.

Observers of both organizations are impartial individuals who have been engaged in monitoring abuse of the public administration in the field, without any concrete conflict of interest, a

precondition that has allowed the organizations authoring this paper to carry out their denouncing activity in an independent manner.

2. Executive Summary

During the period before the parliamentary elections of May 11, 2025, observers of the AHC and the CR have noticed some disputable instances of violations of electoral legislation and relevant by-laws of the abuse of public assets for electoral purposes. We use the term ‘disputable’ because the analysis of specific cases in this paper also points out a legal vacuum that is used by state institutions to create a disadvantage in the race during the four-month period and the lawful electoral campaign, one month ahead of the coming parliamentary elections.

This legal vacuum is the result of provisions that have not been harmonized in the Electoral Code, the Law on Political Parties, the Law on local self-governance, and the need to improve the CEC’s own regulatory act, decision no. 9, dated 24.12.2020, amended, as will be analyzed further in this paper.

In general, there is still abuse of social network accounts of public institutions to share the political events and programs of candidates for MP. According to a *precedent*² decision by the State Election Commissioner, the social network accounts of state administration institutions shall be considered “public resources,” on which the same legal regulations linked with movable or immovable assets under state administration, referring to article 91, paragraph 1, of the Electoral Code, shall apply.

In spite of general engagement of public administration employees to share and like the posts by these candidates, as well as the misuse of social network accounts of these institutions to share electoral events of candidates for MP, the State Election Commissioner has pursued a non-rigorous method of interpretation regarding the relevant provisions of Decision no. 9/2020 of the Regulatory Commission, by demonstrating “tolerance,” sometimes not even sufficiently reasoned, on *human errors* by individuals who manage these profiles on social networks. Indeed, the denunciations of the CR have brought to light another disturbing phenomenon: often times, the managers of social networks of public institutions also administer the public profiles of candidates in question.

We find that such practices are in full contravention of the spirit of article 91 of the Electoral Code and the relevant provisions of Decision no. 9/2020 of the Regulatory Commission, thus creating marked disadvantage in the electoral race.

In the beginning of this year, the Council of Ministers made a decision to give financial support to the category of pensioners, reducing the relevant fund in the pension policy, and increasing considerably the fund envisaged for the financial bonus of pensioners. Although formally the

² Decision no. 421, dated 03.05.2023, “On the administrative review of denunciation no. 222 ID of the organization “Albanian Helsinki Committee” and denunciation no. 228 of MP Ms. Albana Vokshi for the General Directory of Pre-University Education and the Ministry of Education and Sports, for administrative violations, in the elections for local government bodies of May 14, 2023.

decision was made outside the fourth-month deadline from the voting day, envisaged in article 91 of the Electoral Code, its effects shall extend over March 2025, that is within the period when it is prohibited to provide *economic/social support* to certain categories of the population.

In these circumstances, the interpretation of article 91 of the Electoral Code should not be restricted to the rigid time limits when decisions are made, but much more than that, should consider the time of concrete effects that such decisions are bound to produce. The financial movements envisaged by the decision of the Council of Ministers represent a measure that, though it avoids formal financial electoral controls, in essence, it brings about the use of state resources to ensure a direct electoral advantage for the party in power. These instances point to the indispensability of stronger legal provisions for the prohibitions of the abuse of public resources for electoral purposes.

AHC observers have encountered continued cases of the opening of calls for projects or financial support by certain municipalities, to support *green models* of businesses and other cultural events. In essence, these calls should be interpreted as an inference of the phrase “economic/social support” envisaged by article 91 of the Electoral Code. Although all calls referred to in this paper were opened before the four-month prohibition from the voting day, the review of applications and decision-making to announce winners will actually take place during this period, a process that is in contravention with electoral legal requirements.

The CR has found that the Speaker of the Assembly of the Republic of Albania has undertaken a tour of meetings with local elected officials, groups of interest, professionals of different fields, and ordinary citizens, an activity that, according to the Assembly, only sought to inform citizens about legal initiatives in their favor. In truth, the meetings organized by the Speaker had an electoral nature and this is easy to see in the nature of delivered remarks in these events.

Although all events submitted to the CEC are public, AHC and CR have not found a single instance of the start by the State Election Commissioner of *ex-officio* investigations. This represents a continued concern, which has been found by the monitoring activity of AHC also in previous elections.³ The cases addressed in this paper highlight the need for faster and timely administrative investigations of them by the CEC. Some of these instances have been submitted to the CEC about one month ago and there is yet no decision-making on them. Aware of the added institutional workload of the CEC, it is worth highlighting that investigations at the maximal end of the deadline or surpassing them weaken the role of the CEC as the only body for the administrative investigation and punishment of these violations and, likewise, does not help in their criminal investigation, in those cases when there are elements of criminal offenses.

³ Research Study on the Administrative Investigations and Sanctions of the CEC: <https://ahc.org.al/wp-content/uploads/2024/06/Hetimet-dhe-Sanksionet-Adm-te-KQZ.pdf>

3. Denunciations, administrative processes, and initial decision making practices of the CEC

3.1 Pension bonus, going beyond the law to secure an electoral advantage

The Council of Ministers, i.e. the government, decided to distribute financial support of 10,000 lek for pensioners, a measure that will have financial effects in March 2025, only two months ahead of the parliamentary elections. This decision, approved in the beginning of January 2025, falls within the limits of the use of the budget of 2024 and the limits of the period before it is not possible to make decisions due to the start of the electoral period. The financial effects deriving from the implementation of this decision are estimated to be six billion and two hundred and ninety-eight million and one hundred and forty five thousand lek.

From the legal standpoint, this act creates a disputable situation because although the decision has been made within the deadline of a budget year, its financial effects extend over a period when interventions of the government may affect the electoral tendencies of voters. The current law does not envisage clear prohibitions for such changes on the eve of elections, thus allowing room for interpretation and exploitation of legal vacuums.

Through a normative act, the government revised the budget by reducing by 59% the funds planned for the pension policy, a measure that would have secured sustainable increases of monthly pensions. At the same time, the funds envisaged for the bonus for pensioners was increased by 170%, a reward given for a certain period of time and does not have long-term impact on their financial well-being.

Amendments to the budget structure, though technically justifiable within fiscal year 2024, represent a financial strategy that takes advantage of the legal vacuum to secure an electoral advantage. Instead of focusing on permanent increases of pensions, the government has opted to shift resources toward an immediate award that, in the electoral context, may be perceived as a tool to affect the voters' preferences.

This maneuvering represents a form of “financial juggling,” whereby the government, through the restructuring of funds within the law’s restrictions, manages to avoid formal prohibitions of budgetary interventions on the eve of elections. In essence, this is a strategic use of state resources to create a positive perception among a broad category of voters, without crossing over the technical boundary of a direct electoral intervention.

This case shows the indispensability of revising the legal framework on the use of public resources in electoral periods, so as to avoid the direct impact of financial policies on the electorate. In the absence of such regulation, governments in power could continue to exploit legal space to guide fiscal policies toward favoring themselves in elections.

Paragraph 4, article 91, of the Electoral Code envisages that four months ahead of the election date until the formation of the new government after the elections, it is forbidden to propose, approve, or issue legal acts or by-laws, which envisage the provision of benefits for certain categories of

the population, such as acts that envision the increase of salaries, pensions, economic or social aid, reduction or exemption of taxes, imposing fiscal amnesties, privatization, or giving assets or rewards, etc., except for when the initiative is conditioned by situations of natural disaster. Based on the interpretation of this provision, it results that the prohibition applies to the approval of legal acts or by-laws that create benefits for certain categories.

3.2 The initiative “We converse for Albania,” use of public funds for political events

The Speaker of the Assembly of Albania, Ms. Elisa Spiropali began in October the initiative “We converse for Albania,” which according to information from the Assembly, seeks to inform citizens about initiatives in their interest, in order to solicit and collect opinions and solutions on certain draft laws.

According to the document sent to Civic Resistance, the Assembly informed that during the tour “We converse for Albania,” the Speaker of the Assembly has in her agenda meetings with locally elected officials, citizens, groups of interest, as well as information sessions for youth. Likewise, the Assembly informs that this initiative comes in the context of fulfilling engagements deriving from the Strategic Plan of the Assembly of Albania for 2020 – 2025.

In all three visits that CR monitored, the Speaker of Parliament, together with the Mayors of Dimal, Peqin, and Himara, visited pre-university education institutions. More concretely, it was 9-year school “Meleq Gjozi” in Goriçan, Dimal, the high school “Zihni Magani” in Peqin, and high school “Spiro Gjikhuri in Himara. According to public denunciations, the education process was interrupted mandatorily, in order to ensure the participation and hearing with the Speaker of Parliament who, in her remarks, reportedly used political propaganda.

Although all these events were considered normal and routine part of the Assembly Speaker’s agenda, in fact, these events are clearly of an electoral nature. This fact is clearly proven by the meeting held in the premises of the “Skampa” Theater.

On 11.03.2025, the third tour of meetings was held, starting from Himara and continuing in Vlora. During this tour, besides meetings with mayors, there were visits to “Spiro Gjikhuri” high school; meetings with students of the “Ismail Qemali” University, a dinner with businesswomen, as well the meeting “Converse-on.” In these meetings, it is noticed that there is also Mr. Bledi Çuçi, whose presence according to the Assembly Speaker is linked with his being the deputy speaker of the Assembly of Albania. Besides this function, Mr. Çuçi also holds the position of the Political Representative for the Socialist Party in Vlora. Precisely this fact, as well as the video of the meeting “Converse-on,” prove the entirely political nature of these events. As it results, during the meeting, Ms. Spiropali and Mr. Çuçi made political propaganda, using among others expressions such as “our voters,” “Can’t strike at Albania because you don’t like Edi Rama and the government,” “we made justice reform with great political costs,” “we have a kind of regret as a government during these years we’ve been governing Albania,” etc.

With regard to the condition linked with subjects, in paragraph 1, article 91, of the Electoral Code, the lawmaker makes a general stipulation by sanctioning that except for cases envisaged by law,

public resources may not be used or made available to support candidates, political parties, or coalitions in elections. In this concrete case, the public resources made available to the Socialist Party are the funds of the Assembly of Albania as well as education institutions where the mentioned meetings were held. As a result, this first condition regarding the subject that should be made available to support and that used the resources has been met.

Regarding the second condition regarding making available public resources, it is necessary that the resources are movable or immovable assets under ownership of central public bodies or local self-government units. As it results from the circumstances of the case, in this concrete case, the fulfillment of this second condition is entirely proven.

Regarding the third condition that is linked with the purpose of making public assets available, referring to paragraph 2, of decision no. 9/2020, of the Regulatory Commission, in order to assign administrative responsibility, it is necessary that the making available of state and public resources is done for electoral purposes. In this concrete case, it is clear that state assets have been made available for electoral purposes. Likewise, as long as the use of public resources has been done in favor of a political party, the latter should be held accountable for violation of the prohibitions of the Electoral Code.

3.3 Misuse of social networks by public employees and institutions

From January 11, 2025, onward, the monitors of the “Civic Resistance” Center noticed that the official pages of the pre-university education institutions, the Local Education Offices, as well as the official website of the National Agency of Pre-University Education, all institutions subordinate to the Ministry of Education and Sports, are engaged in different forms, including liking, commenting, or sharing posts that contain electoral appeals. Below, to demonstrate the degree of the spread of this phenomenon, we will mention some of the cases for each of the posts. On January 11, 2025, at 15:22, the profile of Ms. Ogerta Manastirliu disseminated the post that contains the following: 📍Athens 🇦🇹- Special pleasure to meet Lindita, Etleva, Dudina, Robert, Durim, Gaston, good and smart Tirana citizens who have lived in Athens for years but never severed their ties with the homeland. 🇲🇰 Thank you to Jani for the organization and support 🙏. Together, we shared information on the historic opportunity for the diaspora vote in the parliamentary May 11, 2025, elections and the registration process on the CEC platform. From today, January 11, registration begins for Albanian voters who live abroad ✅ until March 4! Register on the Electronic Platform of the Central Election Commission: <https://diaspora.kqz.gov.al> 📄 Do not miss the opportunity to decide on the future of the children and for Albania of 2030 🇲🇰. #DiasporaVoton 🇲🇰 #PS2030 🌹 for #Shqipërinë2030 🇲🇰.

Engaging in the form of likes for this post were among others the 9-year school “Mustafa Greblleshi,” Tirana, under the jurisdiction of the Durrës Pre-University Education Regional Directory, United High School “Arif Zeqiri,” Golaj, under the jurisdiction of the Lezha Pre-University Education Regional Directory, and in the form of shares, among others, the official

account of the 9-year school “Koli Sako,” Divjakë, under the jurisdiction of the Fier Pre-University Education Regional Directory, 9-year school “Jashar Dunga,” Kajan, under the Korça Pre-University Education Regional Directory.

At the same time, monitors of the “Civic Resistance” Center noticed that the official accounts of health care institutions, including the directories of hospital services, local health care units, municipal hospitals and health centers, engaged in sharing posts that have entirely political content. Below, to demonstrate the degree of the spread of this phenomenon, we will mention just a few of the cases we have encountered; nevertheless, these cases are not the only ones and, because of that, we ask the State Election Commissioner to investigate on his own initiative in an in-depth manner the cases of misuse of public resources by political institutions.

On February 2, 2025, the profile of Ms. Albana Koçiu, disseminated the post with the following contents, “Today in the Youth Assembly of the Socialist party 🌹, among the energy and enthusiasm of youth ❤️.” This post was accompanied by different photos taken during the Youth Assembly of the Socialist Party, held in the Palace of Congresses. On February 1, 2025, the profile of Mr. Edi Rama broadcast in real time the Youth Assembly of the Socialist Party. This broadcast was accompanied with the description, “National Youth Assembly for Albania 2030 🇦🇱💛🇪🇺. [#KrenarpërShqipërinë](#) ❤️🇦🇱 [#VetëmPërpara](#) ➡️🇦🇱 [#SHQIPËRIA2030](#) 🇦🇱🌟.

Decision making of the Central Election Commission:

The State Election Commissioner decided to drop both cases after arguing that the Electoral Code has an awareness-raising and not punishing purpose, and, as long as the posts had been deleted, he did not find any violations. However, these cases served as indicia for the SEC to come out with a unified decision to specify and regulate the engagement of public officials and institutions in social networks. Decision no. 240, dated 04/03/2025 sanctions the following rules as a result of phenomena denounced by the Civic Resistance and other actors:

1. An official account on social networks is the account that has been opened and is used by the public functionary because of his/her job, which bears the name of the public institution and function, and the account that has been opened and is used by the relevant public institution, whose use and updating is done by relevant structures for media and information in this institution. This definition does not include personal accounts and addresses on social networks that only contain the name and last name of the public functionary and are not linked with his/her public function.
2. Public functionaries of every level may not use directly or indirectly their official accounts on social networks for party or electoral purposes. The coverage of party and electoral activities is only permissible on personal accounts in these networks.
3. It is forbidden to cover prohibited events on social network accounts of the public institution, as well as in official accounts of the public functionary.

4. It is forbidden to cover political and electoral events, and to post electoral messages on the official internet websites, social network accounts of the public institution, and the official ones of the public functionary.

3.4 Social Housing Program for Subsidizing Loan Interests

By means of a decision on 10.01.2025,⁴ on social networks and on its official internet website, Lezha Municipality opened the call for applications for the Social Housing Program for Subsidizing Loan Interests, for about one month, until 11.02.2025. On 11.02.2025, this deadline was extended until 11.03.2025.⁵

Based on the contents of paragraph 4, article 91, of the Electoral Code, based on the alerts from its observers, the AHC addressed the Central Election Commission with a request to start an administrative investigation.

Although it is worth emphasizing that in this case, the public resources were not made available to any political subject, AHC argued in its letter to the Central Election Commission that such cases represent approvals of by-laws for the purpose of granting benefits to certain categories of the population, concretely for economic or social support.

This argument is further supported by the fact that the call for applications established some further criteria for certain categories of applicants who will have priority in the selection process. More concretely:

1. New couples and young people not older than 40 years old;
2. Women heads of families/ violated women;
3. Single-parent families that are responsible for children;
4. Families with more than four children.

Further on, AHC considers that the initiation of such an initiative by Lezha Municipality, without there being a special budgetary item,⁶ the extension of the deadline for applications until 31.05.2025 represents not only a direct violation of paragraph four, article 91, of the Electoral Code, and article 3, paragraph 3, of the CEC Decision no. 9, dated 24.12.2020, *“On rules for reporting activities of a public character of public institutions, agencies, and/or state enterprises, forbidden categories of activities, and the monitoring of the activity, conduct, and use of human, financial, and logistical resources of the state administration ahead of elections,”* but it does create strong premises of reasonable confidence that the program in question may be used as an electoral tool for favoring certain political subjects.

⁴ <https://lezha.gov.al/njoftim-mbi-hapjen-e-thirrjes-per-aplikime-per-programin-social-te-strehimit-subvencionimin-e-interesave-te-kredise/>

⁵ [Njoftim per shtyrje afati, Programi Social i Strehimit “Subvencionim i interesave të kredisë” - Bashkia Lezhë](#)

⁶ https://lezha.gov.al/wp-content/uploads/2024/01/PBA-2024-2026_compressed.pdf

Until the time covered by this report, it results that Lezha Municipality filed with the Central Election Commissioner its claims on the above case.

3.5 Use of buildings under state administration for electoral offices and for the organization of events of a political nature

Based on alerts from its observers, AHC filed with the CEC the case of the use by the Socialist Party of Albania of a building that was under state administration for its electoral office in the city of Elbasan.

According to AHC claims, the premises in question were until a few months before the AHC alert (February 2025) under the use of the Immovable Property Registration Office.

Based on the response of Elbasan Municipality to the CEC, we found that in fact, this is about the premises “Former Offices of the National Employment Service,” located in Cadastral Area no. 852, which according to Council of Ministers Decision no. 337, dated 09.06.2021, was moved under the ownership of Elbasan Municipality.

Elbasan Municipality made available Decision no. 84 of the Municipal Council of Elbasan, dated 31.08.2021, no. 3918/1 Prot., which approves the decision to give for use without payment the premises of the “former Offices of the National Employment Office,” CA 8521, to the Socialist Party of Albania, Elbasan Branch, by Elbasan Municipality.

Based on this decision, a Contract for Use by Loan was entered into on 03.09.2021, between the Socialist Party of Albania in its capacity as the lessee, and Elbasan Municipality, in its capacity as the lessor, with the protocol number 2849/1.

Elbasan Municipality argues that these actions were carried out on the basis of articles 22 and 22/1 of the law no. 8580, dated 17.03.2020 “On Political Parties,” which specifies that to be equipped with a building for the central headquarters, political parties should file a request to the Mayor of the Municipality, in order to enter into a contract for use by loan for unoccupied buildings.

Per the above, two essential problems are noticed:

- 1) Although paragraph 1 of article 91 of the Electoral Code does establish a legal reservation regarding exceptions of prohibitions for putting under public use the movable and immovable state resources (except for cases envisaged by law), we notice that there is a contradiction between the spirit of the latter and article 22/1 of law no. 8580 “On political parties,” which establishes as a regular procedure the entering into contracts for use by loan between political subjects and respective municipalities; according to article 901 of the Civil Code, these contracts are without payment. Considering the Albanian political context and the previous cases of misuse of the public administration, we note that such a legal basis creates the foundations for making public resources available to the party in power, no matter which it is and the period when such an action is taken. Per the above,

we consider it necessary to revise the decision of the Regulatory Commission no. 9, dated 24.12.2020, which should be clearer and provide more detail to prohibit the making available of public assets to the party in power. Likewise, the entirety of legal and by-legal acts should be coherent, considering the fact that the party that runs in elections is at the same time on Executive Power while also enjoying Local Government. In such cases, the interference of political interests is even more evident. The creation of such a suffocating environment for a fair, equal, and honest race, although it may formally be in accordance with the provisions of laws and by-laws, in essence, completely violates the race and creates unfair favors.

- 2) Further on, neither the law “On Political Parties” nor the relevant Council of Ministers Decision establish a maximal deadline for the longevity of the contract for use by loan that may be entered into in such cases, thus creating premises for abuse of public resources for political purposes.

The above denunciation was addressed to the CEC and is in the phase of administrative investigation by the latter. To date, the claims of the denounced and the denouncer have been collected and a decision is awaited.

3.6 Conduct of activities of a political nature in buildings under state administration

As in the above case, based on alerts by AHC observers, we filed with the CEC another case that occurred in Elbasan Municipality, where it was claimed that in the building of the former “Volunteer” cinema (with the address in Elbasan, Youth Center at Aleksandër Xhuvani University, Main Building), a building under state administration, an electoral meeting was held on January 15, 2025, with the participation of the Mayor of the Municipality and other officials of the Socialist Party.

Elbasan Municipality claimed that such cultural and sports premises under state administration may be given for use to different subjects, as long as the routine activity of the relevant institution is not disrupted and the event is not held during official business hours.

In this instance, the Albanian Helsinki Committee refers in its official letter to the State Election Commissioner article 91, paragraphs 1 and 2, of the Electoral Code, which prohibits, except for exclusive cases envisaged by law, the making available of movable and immovable assets envisaged by article 142 of the Civil Code. Furthermore, *use during official business hours*, according to article 91, paragraph 2, of the Electoral Code, is exclusively linked with human resources of the relevant institution and not the building in which the event was conducted.

Therefore, AHC has analyzed in this referred case that buildings under state administration, except for exclusive cases envisaged by law, may not be made available to political subjects for holding electoral activities, even after official hours.

This denunciation submitted to the CEC is under administrative investigation by it and there is no decision making yet regarding the encountered violations.

3.7 Opening of the call for applications for financial support (Grants) for new green businesses by Tirana Municipality

AHC observers found that the opening of the call for applications by Tirana Municipality for financial support for businesses relying on ecologically friendly mechanisms on 01.03.2023 with a deadline until 31.03.2025, represents a prohibited activity, according to article 91, paragraph 4, of the Electoral Code, taking into consideration the holding of the call within four months from voting day and the supporting economic / social nature of this call for applications.

These claims were submitted in a special letter to the CEC, asking it to start an administrative investigation.

In the context of the administrative investigation of the CEC, which has begun, it results that Tirana Municipality submitted its claims, referring to the law no. 139/2015 “On local self-governance,” amended, and law no. 9374, dated 21.04.2005 “On state aid,” amended, according to which municipalities are a very important actor in fulfilling the function of local economic development, a function that is fulfilled, among others, through the issuance of grants/ financial support.

Also, Tirana Municipality also referred to Decision no. 167, dated 18.13.2020, of the Municipal Council “On the approval of the project ‘Financial support (grant) for new “green” businesses that are based on an environment-friendly model, or existing businesses that seek to turn into “green” businesses by introducing go-green elements into them.” This decision approved the project in question, drafted according to the operational Guidelines for its implementation, which aims at stimulating and motivating entrepreneurs to start environmentally friendly businesses, designed to raise environmental sustainability or to develop businesses that are conscious of their impact on the environment, toward a greener planet.

Further on, the Municipality referred to Decision no. 131, dated 18.03.2024 of the Municipal Council “On the approval of the mid-term budgetary program 2025 – 2027 and budget details of Tirana Municipality for 2025,” which approves the funds envisaged in the budget of Tirana Municipality, at the amount of 18.000.000 leks, for the implementation of this project for 2025.

The Municipality argued that the deadline for applications was set in the period February 1 – March 31, 2025, in order for the project to be implementable by the project beneficiaries and conclude within the deadline envisaged in the contract entered into by the grant beneficiary and Tirana Municipality, which is the end of November of each year.

As a conclusion, Tirana Municipality claimed that the project in question was carried out during the years 2021 – 2024 and, therefore, the call for applications for financial support does not represent a prohibited activity, as the support “*was not made recently or especially available, but*

has been continuously followed/implemented, according to the provisions of legal acts and by-laws in force for the issuance of financial grants.”

Based on the arguments of Tirana Municipality, we have found that neither Decision no. 131, dated 18.13.2024, of the Municipal Council “On the approval of the mid-term budget program 2025 – 2027 and details of the budget of Tirana Municipality for 2025,” which approves the funds envisaged in Tirana Municipality’s budget of 18.000.000 leks, for the implementation of this project in 2025, nor the Operational Guidelines for the Implementation of the Project, nor Decision no. 167, dated 18.13.2020, of the Municipal Council “On the approval of the project ‘Financial support (grant) for new “green businesses” that are based on an ecofriendly model, or existing businesses that seek to turn into “green” businesses by introducing go-green elements into them” do not contain application deadlines that are so close to voting day. As a result, the opening of the call within the dates 01.03.2025 – 31.03.2025 has been left at the discretion of the Municipality.

Based on this case, the Albanian Helsinki Committee concludes that although the referred financial support has been given continuously, and the deadline close to the electoral period has been established to implement the project within November of each year, such financial grants, given in periods that are expressly sanctioned by article 91, paragraph 4, of the Electoral Code as time segments that delegitimize this process, should be considered cases in contravention with electoral legislation, as they create evident electoral tendencies for their beneficiaries, which are very close to the election date. In this case, we consider it necessary to revise CEC Decision no. 9, dated 24.12.2020, which should be clearer and have more detail to prohibit activities that aim at advertising and attracting the electorate in an unfair manner toward a certain electoral subject. The conduct of investments, or as in the case in question, giving grants close to the electoral period, in the history of elections in Albania, represents a problem, raises suspicions about the destination and real goal of these grants. Therefore, the party that is in power has greater opportunities to misuse public funds to create good advertising for its ticket in the elections, which leads to unfair favors for it and puts other candidates in a disfavorable standing. The main principle of elections is that they should be fair and candidates have equal rights. The formulation of the provisions in decision no. 9, dated 24.12.2020, should also be along the spirit of these principles.

3.8 Opening of the call for projects by Durrës Municipality for the promotion of art, culture, and heritage

Again, based on alerts from its observers, similarly to the case of Tirana Municipality, the Albanian Helsinki Committee filed with the CEC the opening of a call for projects by Durrës Municipality on 03.02.2025, for the promotion of arts, culture, and heritage. Based on the consultation of the 2023 – 2025 Budget Plan published by Durrës Municipality, there is no special provision for this activity. Moreover, the selection of the time for opening the call to fund such projects coincides

with the prohibition envisaged in article 91 of the Electoral Code and according to article 3, paragraph 1.1., letter “b” of CEC Decision no. 9, dated 24.12.2020.⁷

Decision no. 9, dated 24.12.2020, of the CEC as a regulatory act should fulfill the criterion of accuracy and completeness of the regulation of prohibitions envisaged in it. The need arises for its revision as, in contravention with article 91 of the Electoral Code, it surpasses the legal reservation. This last quoted provision envisages that: *“**Except for cases envisaged by law, it is not permissible to use or to make available in support of candidates, political parties, or coalitions in elections, resources of public bodies or entities at the central or local level, or any other type of entity where the state owns capital or quotas or/and appoints the majority of the overseeing body or the administrative body of the entity, in spite of the source or ownership of capital.**”*

The opening of the call for projects on 03.03.2025 qualifies as a prohibited event as it is done within the four-month period from the election date, being considered concretely “social support.”

This case has been denounced to the CEC, which has been asked to start administrative investigations and take measures to highlight and sanction prohibited activities. The CEC has not yet issued a decision to address the case.

3.9 Giving of land for rent by the Fier Municipal Council

Through an official announcement on the internet website,⁸ the agenda for the meeting of 30.01.2025 of the Fier Municipal Council, included for review two draft decisions for renting out some plots of land in the villages of this municipality.⁹

According to article 91, paragraph 4, of the Electoral Code, and article 3, paragraph 3, of the CEC Decision no. 9, dated 24.12.2020: **Four months ahead of the election date until the formation of the new government after the elections, it is forbidden to propose, approve, or issue legal acts or by-laws, which envisage the issuance of benefits for certain categories of the population, such as acts envisaging the increase of salaries, pensions, economic or social support, reduction or exemption of taxes, imposing fiscal amnesties, privatization or issuance of assets or rewards, etc., except for when the initiative is conditioned by circumstances of natural disasters.**

Having said that, such a measure taken by Fier Municipality about three months ahead of the election date creates indicia that such a decision goes against article 91, paragraph 4, of the Electoral Code, and article 3, paragraph 3, of the CEC Decision no. 9, dated 24.12.2020, thus representing a forbidden act in the form of “giving of assets...”

⁷ <https://durres.gov.al/wp-content/uploads/2022/07/Relacioni-pba-2023-2025.docx>

⁸ <https://bashkiafier.gov.al/u-realizua-mbledhja-e-kryesise-se-keshillit-bashkiak-fier-6/>

⁹ Concretely in: A) Village Sheq Marinas, Tropojë Administrative Unit,
B) Village Peshtan Bregas, Frakull Administrative Unit
C) Village Hasturkas, Libofshë Administrative Unit

According to information obtained by observers in the field, the issuance of these land plots for rent has been approved by the Fier Municipal Council in the presence of continued protests by municipal councilors of the political force in opposition.

4. Recommendations

Based on findings to date, the Civic Resistance and the Albanian Helsinki Committee, hereby present these recommendations:

1. We suggest to the Assembly of Albania to improve the legal framework to address vacuums that help the political party holding the governing majority in the strategic use of public resources for political advantage and other artificial forms of the misuse of public assets, which formally enjoy protection according to legislation in force (article 91 of the Electoral Code, the law “On political parties,” the law “On local self-governance,” and based on the analysis of the cases elaborated above.
2. We suggest to the CEC to review decision no. 9, dated 24.12.2020, amended, so that it is in full compliance with the provisions of the Electoral Code and it does not create facilities that surpass the legal reservations of the Electoral Code, which are further exploited in the interest of misusing public assets and an advantageous race.
3. We suggest to the CEC to impose proportionate sanctions that respond to the serious violations for the use of state institutions and resources for electoral purposes.
4. We suggest to all political parties competing in the parliamentary elections of May 11, 2025, to increase transparency in reporting public spending during the electoral campaign, to avoid the manipulation of state funds.
5. We suggest to the CEC to monitor continuously and proactively for the purpose of general and special prevention for the implementation of its decision to prohibit electoral propaganda on the social networks of public institutions.
6. We suggest a concrete engagement of the prosecution body (SPAK and the general jurisdiction prosecution offices) to investigate in a detailed and impartial manner and to share periodically quality statistics on engagement on these cases, which serve the trust of citizens in the justice bodies. In this regard, based on the low number of denunciations from citizens to report violations of the electoral process, we think that the independent and impartial media have an important contribution to make for reporting publicly cases of violations that require the start of investigations upon initiative, according to the Criminal Procedure Code.

7. We suggest to the CEC to undertake an increased proactive role in administrative investigations, within the fastest possible deadlines, into the use of public resources and, where necessary, to submit the cases to the competent prosecution offices (SPAK when high-level officials are suspected and general jurisdiction prosecution offices when officials outside that rank are involved). We also suggest the start of investigations ex officio for cases of misuse of the public administration, which are easily accessible by the State Election Commissioner, thanks to the CEC reporting and monitoring interface in the field.

In our opinion, these suggestions are important for guaranteeing a fair, honest, and impartial electoral process in Albania.