

Legal Restrictions on the Right to Vote in Albania's Parliamentary Elections and EU Accession

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Abstract

This paper presents a comprehensive legal analysis of current voting restrictions and the right to be elected in Albania, examining both national legislation and international democratic standards. While Albania has undertaken substantial electoral reforms in pursuit of European Union accession, the framework governing voting rights remains problematic due to exclusionary provisions and systemic barriers. Key constraints include the disenfranchisement of prisoners, persons with mental disabilities, and long-term non-resident citizens; insufficient accommodations for persons with disabilities; and procedural complexities that hinder effective legal redress. The study employs a doctrinal legal research method, combining textual analysis of constitutional provisions, the Electoral Code, and relevant legislation with jurisprudential review of Constitutional Court and European Court of Human Rights (ECtHR) cases. A comparative approach is applied to contextualize Albania's legal framework within the broader Western Balkans region, while secondary sources, such as OSCE/ODIHR reports, Venice Commission opinions, and academic scholarship, are used to critically evaluate compliance with international obligations under the ICCPR, ECHR, and CRPD. The analysis also draws on field reports and

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policy assessments to identify the practical impact of legal restrictions on marginalized groups. The findings reveal that despite constitutional guarantees of universal suffrage and recent reforms, Albania continues to be deficient of ensuring inclusive and accessible elections. Disenfranchisement of vulnerable groups, combined with weak enforcement of existing protections, undermines both democratic legitimacy and EU accession prospects. The paper concludes that Albania must pursue deeper structural reforms beyond formal legislative amendments, particularly by strengthening enforcement mechanisms, ensuring accessibility, and further improving the mechanism of diaspora voting. Only by addressing these gaps can Albania achieve substantive compliance with international democratic standards and build durable public trust in its electoral institutions.

Keywords: *voting rights, electoral legislation, court decisions, electoral inclusivity, democratic legitimacy, international obligations.*

Introduction

Background and Context

The right to vote is recognized by scholars as an important foundation of a democratic system of governance and political participation. In terms of national legislation, the Republic of Albania's legal framework provides a solid foundation in guaranteeing the right to vote. Currently, according to reports from international institutions like OSCE and ODIHR, "the legal framework for elections in Albania provides a satisfactory basis for the conduct of democratic elections", and "the electoral administration managed the process in an inclusive and transparent manner" (OSCE/ODIHR, 2025). However, in practice, a combination of restrictive laws, administrative challenges, and electoral practices approved from the Central Election Commission, limit the ability of many citizens to participate in elections fairly.

As a post-communist society, Albania has undergone significant political transformation since the early 1990s, aiming to design a legal and institutional framework that guarantees fundamental civil and political rights. However, despite substantial legal progress, Albania continues to face challenges in ensuring universal and equitable access to electoral participation. This paper seeks to analyze the current legal restrictions on voting rights in Albania, offering a comprehensive review of national laws, court decisions, international obligations, and reform initiatives, in the context of Albania's accession to the European Union (EU).

Albania's path toward EU accession has necessitated profound transformations, particularly in the field of electoral reform. This is because electoral integrity,

transparency, and institutional trust are key components of the EU's Copenhagen criteria (1993), which Albania must fulfill to progress toward full membership. The Copenhagen Criteria are the requirements a country must meet to join the (EU). These criteria, established in 1993, focus on political, economic, and legal aspects, ensuring a candidate country is ready for integration into the EU. As such, electoral reform has emerged as a foundation stone of Albania's Europeanization strategy, driven by both domestic political imperatives and external conditionality (Schimmelfennig & Sedelmeier, 2005, p. 5).

The central thesis of this paper argues that despite constitutional guarantees of universal suffrage, multiple legal restrictions and systemic challenges, including the disenfranchisement of vulnerable groups, continue to undermine the effective exercise of the right to vote in Albania; thus, necessitating comprehensive legal and institutional reforms to ensure truly inclusive elections. The paper argues that these restrictions are either codified in legislation or result from administrative shortcomings that disproportionately impact vulnerable communities, thereby interfering with the application of democratic principles and international human rights.

Ethnic minorities, particularly Roma and Egyptian communities, are often disenfranchised due to systemic exclusion. Many lack birth certificates, identification documents, or permanent addresses, all of which are prerequisites for inclusion in the voter registry (European Commission, 2022). In addition, the absence of multilingual electoral materials limits the meaningful participation of these communities, despite Albania's commitments under the Framework Convention for the Protection of National Minorities.

Addressing these issues of voting rights in Albania requires a multilateral approach involving legislative amendments, improved voter registration system, and further improving the infrastructure for diaspora voting. Ultimately, safeguarding the right to vote for all eligible citizens is essential for strengthening Albania's democracy and fulfilling its commitments to international human rights standards.

Research Objectives and Questions

The primary objective of this paper is to provide a comprehensive legal analysis of the current restrictions on the right to vote and the right to be elected in Albania, with particular attention to their compatibility with international human rights standards and the requirements of European Union (EU) accession. The study aims to critically examine both the normative framework and the practical application of electoral laws, identifying the extent to which Albania ensures genuine universal suffrage.

Specifically, the research pursues the following objectives:

- To analyze constitutional and legislative provisions governing voting rights in Albania, focusing on categories of exclusion such as prisoners, persons with mental disabilities, and non-resident citizens.
- To assess the practical barriers to voting faced by marginalized groups, including women, ethnic minorities, and persons with disabilities.
- To examine the jurisprudence of the Constitutional Court of Albania and the European Court of Human Rights (ECtHR) as it relates to electoral restrictions.
- To evaluate the alignment of Albania's electoral legislation with international obligations under the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention on the Rights of Persons with Disabilities (CRPD).
- To situate Albania's experience within the broader Western Balkans context, drawing comparative insights into regional trends and challenges.
- To formulate evidence-based recommendations for legal and institutional reforms that would advance electoral inclusivity and strengthen democratic legitimacy in Albania.

The analysis is guided by the following research questions:

1. What are the main legal and practical restrictions on the right to vote and be elected in Albania?
2. To what extent do these restrictions comply with international human rights standards and EU accession requirements?
3. How have Albanian courts and the ECtHR interpreted and addressed the legality of such restrictions?
4. What lessons can Albania draw from other Western Balkans states in overcoming similar challenges?
5. What reforms are necessary to ensure inclusive, transparent, and equitable electoral participation in Albania?

Methodology and Structure of the Paper

This paper employs a doctrinal legal research methodology, relying on a critical examination of constitutional provisions, the Electoral Code, and relevant legislation governing voting rights in Albania. Primary legal sources include the Constitution of the Republic of Albania, Law No. 10019/2008 (Electoral Code), and Law No. 138/2015 ("Decriminalization Law"). Jurisprudence from the Constitutional Court of Albania and the European Court of Human Rights

(ECtHR) is analyzed to evaluate how electoral restrictions have been legally interpreted and applied.

To complement the doctrinal approach, the paper adopts a comparative methodology, situating Albania's legal framework within the broader Western Balkans context. Reports and recommendations from the OSCE/ODIHR, Venice Commission, European Commission, and domestic monitoring organizations are examined to capture both normative standards and the practical challenges of implementation. Academic scholarship and policy studies are also incorporated to critically engage with ongoing debates about electoral inclusivity, political participation, and democratic legitimacy.

The choice of doctrinal legal research is justified by the nature of the inquiry. Since the right to vote is primarily framed, limited, and protected through constitutional and statutory provisions, the analysis must focus on interpreting these texts in light of international standards. The doctrinal method allows for a systematic exploration of how Albania's laws align—or fail to align—with its international obligations under the ICCPR, ECHR, and CRPD. Furthermore, because electoral rights are often adjudicated in constitutional and supranational courts, the jurisprudential method provides the most direct means of evaluating compliance. While empirical research would capture the lived experiences of disenfranchised groups, doctrinal analysis remains indispensable for clarifying the legal validity, scope, and limits of voting rights within Albania's evolving institutional framework.

Methodological limitations must, however, be acknowledged. The study relies primarily on legal texts, court decisions, and secondary literature, without the inclusion of empirical fieldwork such as surveys, interviews, or case studies of affected groups. Consequently, while the research provides a detailed account of the legal and institutional framework, it does not capture the full experiential dimension of disenfranchised populations or the sociological impact of electoral restrictions. Moreover, reliance on official reports and international assessments may reflect institutional perspectives that do not always align with grassroots realities. These limitations are mitigated through the use of a comparative regional perspective and the triangulation of multiple sources, yet they remain relevant for contextualizing the scope and applicability of the findings.

The paper is organized into eight core sections, each building upon the previous to provide a systematic and comprehensive analysis of legal restrictions on the right to vote in Albania.

- Introduction presents the historical background, research objectives, and methodology, situating the issue within Albania's democratic development and EU accession process.
- Chapter 2: The Electoral Code analyzes the constitutional and legislative framework governing elections, including recent amendments, diaspora

voting, gender representation, voter registration, electoral administration, and dispute resolution.

- Chapter 3: International Oversight and Compliance evaluates Albania's obligations under international human rights treaties and examines assessments by the OSCE/ODIHR, Venice Commission, and European Commission.
- Chapter 4: Comparative Analysis situates Albania's electoral laws within the broader Western Balkans, highlighting both common challenges and regional divergences.
- Chapter 5: Legal Limitations provides an in-depth examination of the most significant restrictions on suffrage, including those affecting prisoners, persons with mental disabilities, non-citizen residents, diaspora voters, and individuals facing accessibility barriers.
- Chapter 6: Public Perceptions and Democratic Legitimacy explores the societal implications of these legal restrictions, focusing on citizen trust and electoral participation.
- Chapter 7: Conclusions synthesizes the findings, identifying the core tensions between Albania's legal commitments and electoral practices.
- Chapter 8: Recommendations offers concrete proposals for legal and institutional reforms aimed at enhancing inclusivity, enforcement, and compliance with international standards.

This structure ensures a balance between doctrinal legal analysis, comparative assessment, and normative recommendations, thereby providing a complete picture of Albania's electoral challenges in light of its EU accession aspirations.

The Electoral Code

Electoral Legislation and Allocation of Mandates for Parliamentary Elections

The primary legislation governing elections in Albania is the Electoral Code of Albania, amended in July 2024 and with further, minimal, amendments in February 2025. In addition, the legal framework comprises the Constitution, Law on Political Parties, Law on Gender Equality, and Law on Decriminalization. Secondary legislation derives from this framework, including numerous decisions and orders issued by the Central Election Commission in its role as the national election management body.

The Parliament of Albania is a unicameral legislative body with 140 seats. Its members are elected every four years through a regional proportional and multi-

member system in 12 constituencies. The proportional system calls for multiple electoral candidates across jurisdictions, varying from a minimum of three mandates in Kukes to a maximum 37 in Tirana. Mandates are allocated by ranking quotients derived from dividing each electoral subject's votes by successive divisors (1, 2, 3, etc.) up to the total number of seats in the district. Contestants win as many seats as the number of their quotients that rank within the available seats. For independent candidates, votes are divided only by one.

The Albanian Electoral Code, details the rules governing elections and clarifies eligibility criteria for exercising the right to vote. Article 3 of the Code reaffirms constitutional provisions, emphasizing voter eligibility as dependent on age, citizenship, and mental competence. The Code, however, introduces additional restrictions, such as residency requirements and technical conditions for voter list inclusion. The Electoral Code also distinguishes heavily between the right to vote and the right to be elected, treating the latter with stricter conditions, especially concerning criminal convictions. The Code is administered and interpreted by the Central Election Commission (CEC), which has discretion in managing disputes and maintaining electoral integrity.

The European Commission's annual progress reports have recurrently identified deficiencies in Albania's electoral framework, including concerns about political polarization, limited voter trust, and irregularities in election administration. Responding to both international and domestic pressures, Albania undertook further electoral reforms more substantively in 2020, 2024 and February 2025.

From a historical perspective, it remains important to mention that the 2008 constitutional reform altered the electoral system from a mixed-member majoritarian representation system to a closed-list proportional system in a regional system composed from 12 multi-member constituencies. Scholars argue that this proportional electoral system has favored larger political parties and marginalized smaller ones; thus, consolidating party leadership power and weakening democratic pluralism (Rakipi, 2010, p. 76).

The 2020 reform package amendments introduced partial open lists for parliamentary elections, allowing voters to choose among candidates within party lists—a shift toward greater voter agency and intra-party democracy (OSCE/ODIHR, 2021, p. 6).

The Significance of the 2024 and 2025 Amendments to the Electoral Code

The recent electoral code amendments in July 2024³ and February 2025 introduced changes to the electoral system and to certain campaign finance rules but most importantly enabled the voting from out-of-country of the Albanian Diaspora, specified the competencies of the CEC in organizing overseas voting

³ These amendments were approved by the Parliament of Albania with 106 votes in favor.

and introduced provisions related to registration of voters residing abroad, as requested by a Constitutional Court ruling from December 2022. The ruling requested the Parliament to amend the legal framework to enable the constitutional right of Albanian citizens who reside abroad to vote from abroad. In the 2025 Parliamentary elections, approximately 245,935 overseas voters were approved to participate, enhancing electoral inclusivity, transparency, and representation.

The 2022 Constitutional Court of Albania decision also ruled that the criteria for allocating parliamentary mandates were unconstitutional, specifically the threshold required for reordering preferential list candidates, and the one per cent national threshold imposed on independent candidates. Thus, another important amendment to the electoral code was reducing the national electoral threshold to 1%, down from the previous 3% for parties and 5% for coalitions. This change was designed to enhance the inclusivity of the electoral system, providing smaller parties with a better opportunity to gain parliamentary representation. Thus, a very progressive amendment in improving the quality of electoral legislation in Albania to better align with the fundamental EU principles of justice and democracy.

The 2024 amendments to the electoral code of Albania also added a closed list component alongside the existing preferential voting lists. Under the new electoral system, each party or coalition presents a closed list, with a number of candidates equal to one-third of the number of seats in the district, and a preferential list, with the same number of candidates as there are seats in the district.

In sum, the 2024 amendments to Albania's Electoral Code represent a significant step toward modernizing the country's electoral framework, with notable advancements in diaspora inclusion and further enforcing affirmative action for gender representation.

Voting Rights for the Albanian Diaspora

Diaspora voting has long been a contentious issue in Albania's electoral discourse. Before the 2025 elections, Albanians could not vote from outside the country, despite retaining their citizenship. This legal exclusion placed Albania behind regional peers like North Macedonia and Kosovo, which allow diaspora voting through embassies or postal services.

On July 20, 2024, the Albanian Parliament adopted amendments to the Electoral Code to permit external voting starting with the 2025 parliamentary elections. These reforms followed prolonged civil society advocacy and the recommendations of the Council of Europe and EU Enlargement Reports, which had consistently flagged Albania's lack of diaspora voting as a democratic deficit (European Commission, 2023).

Diaspora voters in the 2025 Albanian parliamentary elections were required to register through the Central Election Commission's (CEC) Electronic Registration

Platform (PER) between January 11 and March 4, 2025. Registration necessitated the submission of a valid Albanian identification document (passport or ID card) and at least one official document proving residence abroad. Acceptable documents included property ownership certificates, rental agreements, utility bills, bank statements, or official residency confirmations from host country authorities. Upon successful registration, voters were removed from domestic voter lists and added to a separate diaspora electoral list. Ballots were mailed to the registered foreign addresses, and voters were responsible for returning the completed ballots to the CEC by election day.

By the registration deadline, approximately 284,114 applications were submitted, with around 225,797 approved. Italy, Greece, and Germany had the highest numbers of registered diaspora voters. The CEC reported that a significant portion of initial applications were rejected due to mismatches between declared addresses and supporting documentation, highlighting the importance of accurate and consistent information. This initiative marked a pivotal step in Albania's efforts to include its diaspora in the democratic process, aligning with practices in other Western Balkan countries and addressing long-standing calls for electoral inclusivity among Albanians abroad.

Despite the legislative advancement, practical obstacles remain. The Electoral Code requires voters abroad to pre-register via consular offices, and the CEC is responsible for developing a more secure, transparent, and accessible voting infrastructure. It must be emphasized that the 2025 OSCE/ODIHR, praises the CEC of Albania concluding that “the out-of-country voting, was well managed” and that “the electoral administration managed the process in an inclusive and transparent manner” (OSCE/ODIHR, 2025). These conclusions represent a significant step forward for Albania in line with the European Union principles of justice and fairness toward building a more stable and inclusive democracy in light of EU membership.

Gender-Based Participation and Representation

While Albania's legal framework does not overtly discriminate against women's voting rights, structural barriers and cultural norms continue to impede full gender equality in electoral participation. The Electoral Code imposes a gender quota: one in every three candidates on a party list must belong to the less-represented gender. This measure, introduced in 2008 and strengthened in 2020 and 2024 through progressive amendments to the electoral code, seeks to improve women's representation in the Parliament and local councils.

Parliamentary elections were held in Albania on 11 May 2025 to elect the 140 members of Parliament. The total turn out of voters has been estimated around 45% of the 3.71 million Albanian citizens of voting age from the official data available

from the CEC. Among the two major political parties of Albania, the Socialist Party (SP) will be represented by 35 women and 48 men. In the opposition camp, the Democratic Party (DP) and its allies will be represented by 13 women and 37 men in the Assembly.

According to official data from CEC, in the 2025 parliamentary elections approximately 1.86 million women were enrolled on the electoral register. However, the number of women which voted was only 760,930 (676,000 voted domestically, and approximately 93 thousand voted by mail from the diaspora). Thus, from the total number of the women registered voters, only around 41.4% voted. On the other hand, approximately 788 thousand men voted domestically, and approximately 109 thousand voted by mail from the diaspora. In total, 48.4% of the 1.85 million men on the voting register voted. From the data, it becomes evident that female eligible voters both from domestically and abroad, voted in lesser ratio compared to male voters.

In practice, compliance with the gender quotas has often been superficial. This is because political parties sometimes place women candidates at the bottom of lists or replace them after elections. Moreover, in rural areas, family or patriarchal influence often determines women's voting behavior. A 2022 OSCE report found that in some regions, women were discouraged from voting independently or were expected to vote in alignment with male family members' preferences. To combat this, electoral authorities have begun implementing public awareness campaigns and capacity-building programs for female candidates. Nonetheless, cultural transformation and robust enforcement mechanisms remain essential to ensure substantive, not merely formal, gender equality (Gjonça, 2023).

Although the Electoral Code prohibits such practices, enforcement remains minimal, and legal remedies are rarely pursued. Legal scholar Arta Vorpsi (2023) argues that the gap between law and implementation stems from a combination of political interference, limited institutional capacity, and weak judicial oversight. She emphasizes the need for Albania to adopt a culture of constitutionalism in electoral enforcement, where rights are not merely declared, but institutionally protected through active remedies and independent oversight (Vorpsi, 2023, pp. 58-74).

Voter Registration

The voter registration system in Albania also presents legal obstacles. Voter registration can be active or passive. That is, a person may be required to actively apply for voter registration, or a person may be automatically (or passively) registered through participation in another process, such as holding a driver's license or being included on a national population register. Where voter registration is active, a process is needed to convert an application into a voter register record. While this process can be conducted using an entirely manual

paper-based system, the various outputs required of modern voter registers generally dictate that an application for registration be converted to an electronic form. Where voter registration is passive, data is generally taken from another source, such as a driver's licenses authority or a national population register (Kim et al., 2023).

Although Albania utilizes a passive voter registration system, inaccuracies in the National Civil Registry—such as outdated address information and failure to update records for deceased or emigrated individuals—often result in irregularities. This disproportionately affects marginalized communities such as the Roma, Egyptians, and internal migrants, many of whom face barriers to obtaining official documentation and residency status (OSCE/ODIHR, 2021). The OSCE/ODIHR has repeatedly recommended that Albanian authorities enhance the integrity and inclusiveness of the civil registry and voter lists.

First, the accuracy of the registry is undermined by high levels of emigration and frequent changes in residency, which often go unreported. This results in outdated voter lists, with numerous deceased individuals or citizens no longer residing in the country remaining on the roll. Second, the procedure for correcting errors or changing polling stations can be bureaucratic, discouraging citizen participation, especially among marginalized communities such as the Roma and Egyptian minorities (Koci, 2022, pp. 87-102).

Additionally, voters with disabilities face logistical barriers, despite legal guarantees of equal access. According to the 2021 IFES report, many polling stations during the 2021 Parliamentary elections lacked ramps or accessible booths, and electoral staff were often not trained to accommodate voters with special needs. This creates a form of an alarming *de facto* disenfranchisement for disabled citizens.

Electoral Administration

The Central Election Commission (CEC) is the highest electoral authority in Albania, mandated to ensure the administration, oversight, and legality of elections. Articles 9–24 of the Electoral Code regulate the Central Election Commission (CEC). The 2020 reform divided the CEC into:

- State Election Commissioner (executive role),
- Regulatory Commission (rule-making), and
- Appeals and Sanctions Commission (KAS) (adjudicatory).

This tripartite model reflects Venice Commission recommendations for functional separation (Venice Commission, 2020). However, Albanian scholars question whether appointments remain too politicized, as commissioners are nominated by parliamentary parties (Rakipi, 2021).

Article 11 of the Electoral Code defines the CEC as an independent institution, yet its appointment process has drawn criticism for politicization. Commissioners are appointed by the Parliament, typically in accordance with party quotas, undermining public confidence in the CEC's neutrality (Caca, 2023).

The CEC plays a central role in enforcing legal provisions related to voter eligibility and registration. While it has issued some progressive directives, such as pilot initiatives for electronic registration and gender balance monitoring, it has also been criticized for insufficient enforcement of laws protecting marginalized voters, such as the disabled and Roma communities.

A further complication lies in the CEC's capacity. Despite being tasked with supervising tens of thousands of polling stations and handling thousands of registration corrections, the CEC's staffing and budget remain limited. Despite the CEC appraisal from the OSCE/ODIHR official report for the 2025 Parliamentary elections in Albania, scholars contend that the "CEC'S decisions often lack transparency, with rulings not always published promptly online or communicated clearly to affected parties" (Caca, 2023).

What remains problematic is that the Central Election Commission often lacks the legal tools to enforce regulations related to accessibility or discriminatory practices. In 2022, several NGOs documented over 100 polling stations that failed to meet minimum accessibility standards, yet no formal penalties were issued (Avokatët për Demokracinë, 2022). Thus, some legal electoral reforms have been only partially successful in addressing structural legal restrictions. For example, although biometric voting has increased confidence in voter identification, it did not significantly improve access for disabled or rural populations (Këshilli i Monitorimit Zgjedhor, 2024).

Electoral Disputes

Legal recourse is essential for protecting the right to vote. Albania's electoral dispute mechanism is governed by Articles 118–129 of the Electoral Code, which provide for complaints and appeals to be handled by the Central Election Commission and the Electoral College of the Court of Appeals in Tirana.

According to Part X of the Electoral Code, Administrative Appeals of Election Commissions Decisions (Articles 124–144) and Part XI, Judicial Appeals of CEC Decisions and Invalidity of Elections (Articles 145–159), electoral subjects and candidates have the legal right to appeal the official counts of the Commission for Electoral Administration Zone and CEC, along with any other violations of their rights stipulated in the Electoral Code and its sublegal acts. Complaints are filed first with the CEC, which must make a decision within 10 days of receipt regarding the table of election results and within two days for all other complaints. Complainants can appeal CEC decisions to the Judicial Electoral College within

five days of the decision during the election period. The Judicial Electoral College has 10 days to adjudicate and decide on the appeal and the subsequent decision is final and cannot be appealed.

However, legal scholars and international observers have criticized these procedures as insufficiently accessible, overly technical, and slow (Bajo, 2021). For example, complaints concerning voter registration errors must be submitted within extremely tight deadlines—often as little as 24 hours—making it difficult for ordinary citizens to react. Additionally, decisions by the Electoral College are final, with no opportunity for appeal to the Constitutional Court, thereby potentially limiting judicial oversight of electoral restrictions (Bajo, 2021).

A 2021 case, *Aleanca për Barazi dhe Drejtësi v. Komisioni Qendror i Zgjedhjeve*, highlighted the structural bias in the system when the Electoral College declined to rule on an appeal concerning voting access for voters in home isolation during COVID-19, citing lack of jurisdiction. This procedural opacity has deterred many voters from pursuing legal challenges to violations of their electoral rights.

International Oversight and Compliance

Albania is party to multiple international treaties that protect the right to vote, including the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and the Convention on the Rights of Persons with Disabilities (CRPD). These instruments impose obligations on Albania to eliminate unreasonable or discriminatory restrictions on suffrage. However, as recent critiques from the UN Human Rights Committee (2022) and the Venice Commission (2023) demonstrate, Albania's compliance is partial. The blanket disenfranchisement of individuals with mental disabilities, the practical exclusion of certain prisoners, and the under-regulation of diaspora voting are all seen as incompatible with Articles 25 (ICCPR) and Article 3 of Protocol No. 1 (ECHR), which guarantee equal and universal suffrage.

Frequent amendments to the Electoral Code in Albania on the eve of elections have been an issue of concern creating legal uncertainty. The 2020 constitutional and electoral code amendments, implemented without broad political consensus, were criticized by a legal opinion from the Venice Commission, for undermining electoral stability and transparency (Venice Commission, 2020). The Commission for Democracy through Law, popularly known as the Venice Commission (VC) is part of the Council of Europe (CoE) dealing with constitutional and other legal matters of importance for democratic and rule of law development. The 2020 rapid legal amendments, according to the legal opinion of the Venice Commission, violate the international principle that electoral laws should not be altered less than one year before elections, a standard advocated by the “Code of Good Practice in

Electoral Matters of the Venice Commission” (Venice Commission & Council of Europe, 2003).

The reason why the Venice Commission’s opinions are of crucial importance for countries like Albania on the eve of EU membership is because such opinions provide independent, expert legal advice on constitutional and legislative matters, to help a country align its legal framework with the European standards of democracy, human rights, and the rule of law (Cameron, 2021). Essentially, the commission’s opinions serve as a guide for states like Albania, seeking to strengthen their democratic institutions and legal systems.

Furthermore, the European Commission’s 2023 progress report identified electoral inclusiveness as a “key area for improvement” in Albania’s accession process. It recommended alignment of electoral law with international human rights standards, especially with regard to marginalized groups and dispute resolution mechanisms.

The Venice Commission and OSCE/ODIHR have repeatedly recommended depoliticizing electoral administration, strengthened campaign-finance oversight, and improved diaspora enfranchisement. Albania’s 2025 reform responded to long-standing ODIHR recommendations by introducing diaspora voting (OSCE/ODIHR, 2025).

The previous exclusion of the diaspora to vote from abroad was in contradiction with Albania’s international obligations under instruments such as the International Covenant on Civil and Political Rights (ICCPR), which mandates equal access to voting for all citizens (United Nations, 1966, art. 25). The 2024 legal amendments to the Electoral Code enabled the necessary legal framework for Albanian citizens to vote from abroad by mail ballot in the 2025 Parliamentary elections.

Despite legislative advances, the OSCE/ODIHR reports have repeatedly noted challenges such as media bias, misuse of administrative resources, voter intimidation, and the lack of accountability in the Central Election Commission (CEC).

The Venice Commission has lauded Albania’s reform trajectory but has also emphasized that implementation remains inconsistent. It noted in 2023 that “the persistence of disenfranchisement of specific social categories undermines the democratic character of the reforms” (Venice Commission, 2023). Another concern according to scholars exists due to the fact that while the EU’s accession framework has encouraged important legal and procedural changes in Albania, including increased electoral transparency and voter empowerment mechanisms, the democratizing effect of these reforms is partially undermined by partisan entrenchment, reflecting the ongoing politicization of electoral rules (Ceka, 2018, p.183).

A Comparative Analysis of Albania's Electoral Legislation within the Western Balkans Region

When assessing the restrictiveness of Albania's electoral laws, comparative analysis with neighboring Western Balkan countries is instructive. North Macedonia and Kosovo, for instance, have initiated the external voting of the diaspora through embassies and postal ballots, whereas Albania only recently initiated the enablement of the already existing constitutional right in the 2025 parliamentary elections. Serbia, by contrast from Albania that as aforementioned has been praised for the successful and fair implementation of the 2025 diaspora voting, has been criticized for excessive control over electoral lists in diaspora voting and politically influencing electoral commissions (Vukovic, 2023, pp. 40-58).

In terms of inclusion, Montenegro has taken progressive steps to enfranchise citizens with disabilities and non-citizen residents in municipal elections, a model Albania has yet to emulate. Furthermore, Bosnia and Herzegovina's constitutional discrimination against ethnic minorities, highlights how the regional legal systems in the Western Balkans all struggle with reconciling democratic ideals with structural restrictions (OSCE/ODIHR, 2022). Nonetheless, Albania's legal framework is generally more progressive than those of some of its Western Balkans peers, in principle; however, it still lags in implementation. This suggests that Albania's main challenge lies not in legislative inadequacy but in enforcement and accessibility.

From a regional comparative perspective, scholars argue that for electoral reforms to meaningfully advance Western Balkans's EU aspirations, such transformations must be complemented by broader efforts to depoliticize public institutions, strengthen judicial independence, and ensure robust civil society participation (Kmezic, 2017, p. 89). As scholar Nathalie Tocci observes, the EU's transformative power in the Western Balkans remains "conditional, gradual, and reversible" depending on the political will and capacity of domestic institutions (2007, p. 4).

As scholars Dimitrova and Pridham suggest, Europeanization in post-communist states often results in "formal institutional compliance" that may not translate into behavioral or normative change without sustained internal reform pressure (Dimitrova & Pridham, 2005, p.100). In addition, Bieber contends that political elites in the Western Balkans region have often "adopted the language and laws of the EU while continuing to manipulate democratic institutions for partisan gain" (Bieber, 2020, p. 15).

In the Albanian context, this tension is evident in the pattern of cyclical reforms that coincide with election cycles or moments of increased EU scrutiny, rather

than being the product of a sustained internally driven democratization agenda. The EU has repeatedly emphasized that the importance of inclusive political dialogue as a condition for accession, emphasizing that democratic procedures cannot be reduced to periodic elections alone but must involve ongoing pluralistic engagement (European Commission, 2020, p. 14). These issues reveal an implementation gap between formal legal alignment with EU standards and substantive democratic practice.

In sum, while significant electoral amendments have been undertaken in formal legal alignment, the consolidation of a stable, inclusive, and transparent electoral system yet remains a central challenge on Albania's European path.

Analysis of Legal Limitations on the Right to Vote and be Elected in Albania

Restrictions on The Voting Rights of Persons with Criminal Convictions

One of the most debated restrictions in Albanian electoral law concerns individuals serving prison sentences. Article 45 § 1 of the Constitution of the Republic of Albania provides those Albanian citizens who have reached the age of eighteen have the right to vote. Article 45 § 3 provides that voting rights may be restricted for Albanian citizens who have been convicted by a court of a criminal offence and are serving a sentence in a penal institution. It provides:

“3. Citizens sentenced to imprisonment by a final decision for committing a crime are excluded from the right to stand for election, under the rules set out in a law to be approved by three-fifths of all the members of Parliament. In exceptional and justified cases, the law may provide for restrictions on the voting rights of citizens who are serving a prison sentence, or on the rights of citizens to stand for election before a final verdict has been given or when they have been deported for a crime or for a very serious and grave breach of public order.”

The law no. 138/2015 also imposes restrictions on the voting rights of persons who have been sentenced to a term of imprisonment, irrespective of its duration, for the commission of specified criminal offences. Section 2(1)(a) and (b) and (4) sets out the list of criminal offences of which conviction entails disenfranchisement, including some of the most severe offences such as: murder, the manufacture and sale of narcotic drugs, drug trafficking, participation in an organized criminal group, and, in general, offences which fall within the categories of: crimes against humanity; crimes against life or health; sexual crimes; crimes against a person's freedom and property; crimes against national sovereignty and constitutional order; terrorist acts; crimes against State authority and public order; crimes against justice; and electoral offences. Under section 4(8), the legal restriction on the right to vote ends when the prison sentence has been served, including where

the sentence has been reduced.

Section 12 regulates the procedure to be followed when a person is excluded from the electoral roll. Even though the exclusion should be mentioned in the judgment convicting the person concerned of one of the criminal offences listed in section 2 and sentencing him or her to a prison term, it is applicable even if it is not explicitly mentioned in such a judgment. Thus, what this means from a legal stand point is that in the Albanian legal system the measure of suspending the right to vote is applied by operation of law once the decision on a person's conviction for one of the offences specified in Law no. 138/2015 has become final; irrespective of the duration of the sentence imposed. Also, the voting restriction applies irrespective of whether it was mentioned in a judgment or not, because it stems directly from the legislation.

The Compatibility of Voting Restrictions for Incarcerated Persons with the ECHR

The European Court of Human Rights' judgment in *Hirst v. the United Kingdom* (No. 2) (2005) has become a mandatory point of reference in determining the compatibility of national voting restrictions with the European Convention on Human Rights. The Court's reasoning in *Hirst* offers critical guidance for Albania and other states in the Western Balkans regarding limitations on the right to vote, especially for incarcerated persons and others under legal disability. The principle established in *Hirst*—that any restriction on voting rights must be proportionate, pursue a legitimate aim, and be subject to individualized assessment—forms a standard against which Albania's current legal and practical approaches must be measured. The European Court of Human Rights (ECtHR) found that the UK's blanket prohibition on voting by prisoners under section 3 of the Representation of the People Act 1983 violated Article 3 of Protocol No. 1 of the European Convention on Human Rights. The Court emphasized that the right to vote is not a privilege but a fundamental democratic right. While the Convention permits restrictions on suffrage, these must not be arbitrary, and states must demonstrate that such limitations pursue a legitimate aim and are proportionate to that aim (European Court of Human Rights, 2005, paras. 82–85).

The ECtHR took particular issue with the UK's indiscriminate nature of the restriction, which failed to consider the gravity of the offense, the length of the sentence, or the individual circumstances of the prisoner. As the Court noted, "the disenfranchisement of all convicted prisoners, regardless of the nature or gravity of their offences and irrespective of the length of their sentences, must be seen as falling outside any acceptable margin of appreciation, however wide that margin might be" (European Court of Human Rights, 2005, para. 82). The ruling thus established a requirement for states to apply nuanced and individualized criteria if they wish to restrict voting rights.

According to Article 3 of Protocol No. 1 of the European Convention on Human Rights (ECHR), the right to free elections includes the right to stand for election. While this right is not absolute, the European Court of Human Rights (ECtHR) has stressed that restrictions must be proportionate and must not impair the essence of the right itself.

In *Scoppola v. Italy* (2009), the ECtHR ruled that blanket bans on candidacy based on criminal records violate the Convention unless narrowly tailored to meet legitimate democratic objectives. The Venice Commission has echoed this interpretation, advising that while states may exclude individuals with serious criminal records from public office to preserve the integrity of democratic institutions, such exclusions must be clearly defined, proportionate, and subject to judicial oversight (Venice Commission, 2015, p. 10).

On 31 January 2017 the Albanian Helsinki Committee filed a complaint against Law no. 138/2015 with the Constitutional Court of Albania, concerning the inability of six Albanian citizens to vote in the parliamentary elections of 2017 while serving prison sentences, having been convicted of various criminal offences including murder, organized criminal behavior and drug-related offences. The Albanian Helsinki Committee claimed a potential violation of Article 3 of Protocol No. 1 of the European Convention on Human Rights. The Albanian Helsinki Committee argued that the list of offences for which the restriction on the right to vote was imposed was arbitrary and that it violated the right to be treated equally with other convicted prisoners whose voting rights were not restricted. Furthermore, it argued that there was no clear definition of the public interest purportedly protected by the law. On 5 June 2017 the Constitutional Court of the Republic of Albania dismissed that complaint, finding that Law no. 138/2015 did not violate the Constitution or the Convention. The Constitutional Court of Albania held that the restrictions on the right to vote pursued a legitimate aim and were not disproportionate.

The European Court of Human Rights (ECtHR) addressed the matter in *Mysliha and Others v. Albania* (2023). The ECHR ruled for this specific case the disenfranchisement of the six Albanian convicts was justified and proportionate and that the restrictions imposed on the applicants' right to vote did not "thwart the free expression of the people in the choice of the legislature" and that it maintained "the integrity and effectiveness of an electoral procedure aimed at identifying the will of the people through universal suffrage" (see *Hirst*, cited above). The Court accepted both the lawfulness of the restrictions, as well as the arguments of the Albanian Constitutional Court with respect to the legitimate aims that they served (para 63). Turning to necessity and proportionality, it noted that the Parliament followed a careful procedure in the approval of the Law and had sought the opinion of the Venice Commission, and that the Law enjoyed a high degree of support from Parliament, demonstrating a consensus among all political factions (para 65). The Electoral Code in Albania does not explicitly

impose a blanket disenfranchisement on convicted prisoners, which is a marked departure from the UK legislation invalidated in *Hirst*.

In practice, however, the application of these provisions has led to ambiguity. While prisoners serving sentences for minor crimes are legally entitled to vote, Albania has not institutionalized consistent mechanisms to facilitate voting in detention facilities. For example, the Central Election Commission (CEC) has in the past failed to install ballot boxes or ensure adequate registration for inmates during national elections, effectively rendering many prisoners unable to vote despite formal eligibility (Central Election Commission, 2021).

As a matter of fact, the legal restriction on voting in the 2017 parliamentary elections in Albania affected only 923 prisoners, compared to more than 5,300 prisoners who enjoyed the right to vote. Although Albanian law does not formally exclude most categories of prisoners from voting, its institutional and logistical shortcomings have resulted in de facto disenfranchisement. A 2021 report by the People's Advocate noted that prison administrations lacked coordination with the Central Election Commission to inform and register eligible detainees, and polling stations were not provided in most detention centers during the 2021 parliamentary elections.

Additionally, there are no specific legal guarantees or procedural frameworks that allow prisoners to challenge decisions or administrative inaction related to voting rights. This undermines the accessibility and justifiability of electoral rights in Albania, contravening the standards of legal clarity and procedural fairness articulated in *Hirst* and other ECtHR jurisprudence. The ECtHR's jurisprudence establishes that rights protected in the Convention must not only exist on paper but must be accessible in practice. As the Court emphasized in *Sejdic and Finci v. Bosnia and Herzegovina*, the lack of effective access to rights, even when formal protections are in place, constitutes a violation of the Convention (*Sejdic and Finci v. Bosnia and Herzegovina*, 2009). By this measure, Albania's failure to operationalize the right to vote for prisoners, and to apply individualized assessments for those with mental disabilities. A rights-respecting democracy must ensure that legal entitlements to suffrage are not hollow guarantees but are reinforced by meaningful access and procedural safeguards.

To fully align with the standards set forth in *Hirst*, Albania should consider the following reforms:

1. Institutionalizing the right of eligible prisoners to vote through clear administrative protocols and mandatory prison polling infrastructure.
2. Revising the legal framework concerning mentally disabled persons to require individualized judicial assessments of voting capacity, rather than automatic disenfranchisement.
3. Enhancing transparency and judicial remedies to allow for challenges to disenfranchisement and failures in voting facilitation.

Limitations Imposed by the “Decriminalization Law”

Law no. 138/2015 “On the Guarantee of Integrity of Persons Elected, Appointed or Exercising Public Functions” (“Decriminalization Law”) ensures the integrity of persons who are elected, appointed to or exercising public functions in the Republic of Albania. The law prohibits individuals who have been convicted by a final court decision of certain criminal offenses from holding or running for public office. These offenses include crimes such as murder, drug trafficking, corruption, terrorism, human trafficking, and money laundering. The length of the disqualification depends on the type and seriousness of the offense, ranging from five years after sentence completion to permanent bans in the most severe cases.

Article 2 requires candidates for parliament or local government to submit a self-declaration form disclosing any previous criminal convictions, both domestic and international. These forms are vetted by the Central Election Commission (CEC) and cross-checked with information from the General Prosecutor’s Office, Interpol, and other relevant authorities. Failure to provide accurate information or submission of false declarations, results in the immediate disqualification of the candidate, regardless of the stage in the electoral process. Even if a candidate wins the election, their mandate may be revoked *ex post facto* upon discovery of ineligibility, as established by several decisions of the CEC and the administrative courts.

Moreover, the law applies extraterritorially, meaning convictions issued by foreign courts are also recognized, provided they are final and meet the criteria defined in the law. This expansive scope has had significant consequences for several political candidates, some of whom were disqualified after verification of prior criminal records abroad.

In addition, critics have also raised concerns about the retroactive application of the law, especially in cases involving old foreign convictions or convictions for crimes that may have been politically motivated. Retroactive application of the law means applying a new law to events that occurred before the law was enacted. According to legal scholars, the retroactive application of laws can raise significant constitutional issues, particularly concerning fairness and due process (Stimson, 1939). In some instances, candidates in Albania for parliamentary elections were disqualified due to minor or outdated offenses, raising questions about whether the principle of proportionality was being consistently applied (Cani, 2020, pp. 135-150).

Cognitive Impairment and Legal Disqualification from Voting in Albania in Relation to International Norms

Albania's legal framework concerning the right to vote is primarily grounded in its 1998 Constitution and the Electoral Code. Article 45 of the Constitution guarantees the right to vote to all citizens aged eighteen and over. However, it includes exceptions. One of the most prominent legal barriers to suffrage in Albania is found in Article 45 (2) of the Constitution of the Republic of Albania, which provides that "every citizen who has reached the age of 18, even on the day of the elections, has the right to vote and to be elected" unless "he has been declared mentally incompetent by a final court decision" (Constitution of the Republic of Albania, art. 45). This provision reflects a long-standing legal assumption that certain mental conditions may impair a person's capacity to make rational and informed decisions, including those concerning political participation.

The Electoral Code of Albania, in alignment with the Constitution, reiterates this position. Article 2 of the Electoral Code defines voters as "Albanian citizens who are 18 years old on election day and not declared incompetent by a final court decision". The use of the term "final court decision" is significant because it sets a judicial threshold to prevent arbitrary or discriminatory disqualifications. However, scholars have raised concerns regarding the broadness and potential misuse of such legal provisions. As Erinda Ballanca, the People's Advocate (Ombudsman) of Albania, has argued, "restricting voting rights on the basis of mental capacity must be approached with extreme caution, to avoid violations of the principle of universal suffrage" (Ballanca, 2022, p. 14).

On an international level, the exclusion of individuals declared mentally incompetent—though legally sanctioned—has been increasingly criticized by international bodies, including the United Nations and the European Court of Human Rights (ECtHR), for violating the principles of non-discrimination and universal suffrage (Council of Europe, 2023). In addition, legal scholars criticize such blanket exclusions to not satisfy the requirement of proportionality and infringe upon rights protected by the UN Convention on the Rights of Persons with Disabilities (CRPD), to which Albania is also a party.

Individuals declared mentally incompetent in Albania are subject to automatic disenfranchisement without further procedural review. This restriction is codified in both constitutional and electoral legislation, with implications for human rights, legal theory, and electoral justice. This provision resembles legal frameworks invalidated in *Kiss v. Hungary* (2010), where the ECtHR held that a blanket exclusion of people under guardianship violated the Convention. In Albania, the absence of individualized judicial review for assessing voting capacity among mentally disabled persons raises potential concerns under the same standard.

Legal systems across democratic societies recognize the importance of safeguarding the integrity of the electoral process while balancing this objective with the imperative to respect individual political rights. In international human rights law, the issue of mental competence and suffrage is increasingly scrutinized under the principle of non-discrimination. The United Nations Convention on the Rights of Persons with Disabilities (CRPD, 2006), which Albania ratified in 2012, obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” (Article 12). Article 29 further mandates the protection of political rights, including participation in elections, for persons with disabilities. These obligations imply that blanket prohibitions based solely on mental incapacity may contravene international standards, unless narrowly tailored and individually assessed. As argued by legal scholar Arlinda Cikuli, “the Albanian legal framework remains only partially harmonized with the CRPD’s mandates on inclusive political participation” (Cikuli, 2020, p. 78).

In a 2020 report, the Commissioner for Protection from Discrimination of Albania emphasized the importance of judicial oversight and periodic review of disqualification decisions. The report noted: “Although the law requires a final court decision, the absence of clear criteria and procedural safeguards may lead to unjust exclusions from the electoral roll” (Commissioner for Protection from Discrimination, 2020, p. 56). Moreover, the Venice Commission has consistently encouraged member states to refrain from overly restrictive disenfranchisement policies, recommending that “a finding of mental incapacity should not automatically lead to the loss of voting rights” (Venice Commission, 2010, para. 1.1.b.ii).

Thus, while Albania’s constitutional and electoral laws formally permit the restriction of voting rights on grounds of mental incompetence, these provisions must be carefully scrutinized. The prevailing legal and human rights frameworks urge Albania to strike a balance between protecting electoral integrity and upholding the dignity and agency of individuals with mental disabilities. The jurisprudential trend across Europe and the mandates of the CRPD suggest that future reforms may be necessary to ensure a more inclusive interpretation of political rights, avoiding the risk of systemic exclusion.

Legal Conditions to Vote for Non-Citizen Residents and Stateless Persons

Another legal exclusion pertains to long-term non-citizen residents. The Electoral Code explicitly limits the right to vote and be elected in all forms of elections to Albanian citizens. Consequently, individuals who have resided in Albania for decades, including stateless persons and foreign nationals with permanent residency, are barred from participating in the democratic process.

This blanket exclusion contradicts emerging European standards, which increasingly recognize the rights of non-citizen residents, particularly in local

elections. The Council of Europe's *Convention on the Participation of Foreigners in Public Life at Local Level* (Council of Europe, 1992), though not ratified by Albania, sets a normative benchmark that participation in municipal governance should not be restricted solely to citizenship.

Moreover, Albania's legal framework is inconsistent with Article 25 of the International Covenant on Civil and Political Rights (ICCPR, 1996), which requires states to ensure participation in public affairs. While this article permits some limitations, the exclusion of all non-citizens from even local decision-making has been criticized as overly restrictive and at odds with Albania's commitments under the Stabilization and Association Agreement with the EU.

Accessibility of Electoral Legislation for Individuals with Disabilities

Despite Albania's ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2013, implementation of inclusive electoral policies remains limited. Article 29 of the CRPD obliges states to ensure that persons with disabilities can "effectively and fully participate in political and public life, including the right and opportunity to vote and be elected."

However, a 2023 assessment by the Albanian Disability Rights Monitor (ADRM) revealed that fewer than 30% of polling stations were physically accessible to individuals with mobility impairments. Additionally, there is no widespread availability of voting materials in Braille or sign language interpretation for the hearing impaired. Although Article 39 of the Electoral Code allows voters with disabilities to be assisted by a trusted person, this measure falls short of facilitating independent and confidential voting, as required by international standards (ADRM, 2023).

Discriminatory attitudes and lack of electoral staff training further exacerbate these issues. The Central Election Commission (CEC) has issued guidelines encouraging municipalities to improve infrastructure, but without legally binding enforcement, progress remains inconsistent. A 2022 OSCE report concluded that systemic inaccessibility constitutes a de facto restriction on suffrage for persons with disabilities in Albania.

Public Perceptions and Democratic Legitimacy

The restrictions on voting rights in Albania have a profound effect on the public's trust in electoral systems and the overall credibility of democratic governance. Research carried out by the Institute for Democracy and Mediation (IDM, 2023) between 2020 and 2023 reveals that a significant segment of the Albanian population harbors doubts about the equity and inclusiveness of the electoral process. As per the 2023 *Democracy Perception Index*, only 38% of respondents

believed that elections in Albania are “entirely free and fair,” with marginalized groups—such as the Roma, Egyptians, and persons with disabilities—exhibiting notably diminished confidence in electoral institutions (Institute for Democracy and Mediation [IDM], 2023).

Between 2009 and 2025, Albania witnessed a decline in electoral participation. Voter turnout in national parliamentary elections decreased from approximately the low-50s percent in 2009 and 2013 to the mid-40s by 2017 and 2021, with the election on 11 May 2025 recording turnout below 45%. These statistics reflect a gradual withdrawal from formal electoral processes: International Foundation for Electoral Systems (IFES, 2025) election data indicates a turnout of about 53.3% in 2009 and 2013, declining to approximately 46.6% in 2017, 46.3% in 2021, and around 44.8% in 2025.

Scholarly and policy evaluations attribute this decline to a combination of factors. Emigration and population decline have been consistently identified as significant contributors to the reduction in absolute voter numbers and diminished registered-voter participation: various analyses conducted post-2021 highlight that migration from Albania has decreased the pool of potential voters and dissuaded turnout in 2025 compared to 2021 (Open Society Foundation Albania [OSFA], 2024; IFES, 2025).

Various public-opinion tools—such as the *Balkan Barometer* from the Regional Cooperation Council (RCC) and national surveys conducted in collaboration with international partners—indicate a lack of trust in both parliament and the judiciary, while also highlighting worries regarding corruption and the integrity of public institutions. These perceptions detract from the perceived effectiveness and legitimacy of voting as a means for enacting change (Regional Cooperation Council [RCC], 2023; United Nations Development Programme [UNDP], 2024).

Simultaneously, Albanians have consistently exhibited high levels of trust in and support for the European Union (EU) and its accession as a political initiative. Recent reports from Eurobarometer and regional summaries indicate that Albania ranks among the most pro-EU populations in the Western Balkans, with significant majorities holding a positive view of EU membership and expressing trust in EU institutions. This trend implies a cognitive divide where international institutions or external anchors (the EU) are perceived with greater confidence than local political figures, resulting in a duality: pro-European sentiments co-existing alongside skepticism regarding domestic democratic practices (European Commission, 2024; RCC, 2023).

The relationship between institutional performance and voter participation carries significant normative and practical implications. From a practical standpoint, declining participation complicates reform trajectories: governments aiming for EU accession require domestic legitimacy to implement politically challenging reforms, yet low trust undermines the social compact that supports

reform coalitions. Policy recommendations and scholarly insights derived from the evidence base spanning 2009 to 2025 typically highlight two interconnected priorities.

First, it is essential to enhance institutional integrity and transparency (including judicial independence, anti-corruption measures, and impartial election administration) to restore confidence that votes lead to accountable governance. Second, it is crucial to tackle structural barriers to participation: improving the accuracy of voter lists for emigrants and long-term non-residents, expanding diaspora voting mechanisms, and integrating institutional reforms with civic education and outreach aimed at groups that exhibit persistent disengagement. International monitoring organizations and domestic civil society actors have consistently advocated for such measures as strategies to reverse the decline in voter turnout and rebuild trust (Organization for Security and Co-operation in Europe [OSCE], 2025; RCC, 2023).

Academics like Gjergji Vurmo contend that procedural obstacles and perceptions of illegitimacy collectively contribute to a “democratic deficit” that jeopardizes Albania’s prospects for EU accession and diminishes civic participation (Vurmo, 2022). In the absence of trust in the essential fairness of electoral engagement, the entire democratic framework faces the risk of de-legitimization. To counteract these trends, it will be necessary to implement both concrete institutional reforms aimed at curbing corruption and enhancing the rule of law, as well as ongoing initiatives to re-establish citizens’ connection to political processes, ensuring that voting is once again viewed as an effective means of representation and transformation (European Commission, 2024; UNDP, 2024).

Conclusions

This paper has demonstrated that, despite Albania’s constitutional guarantees of universal suffrage and significant efforts to align its electoral framework with European standards, substantial shortcomings persist in ensuring the effective exercise of the right to vote and the right to be elected. The persistence of disenfranchisement for prisoners, persons with mental disabilities, and long-term non-resident citizens highlights the tension between formal legal commitments and the practical realization of inclusive democracy. Similarly, the insufficient accessibility for persons with disabilities and the lack of effective remedies for electoral grievances further erode the principle of equal participation.

The comparative perspective shows that while other Western Balkan states face similar challenges, Albania’s obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of Persons with Disabilities demand more robust

compliance. The findings make clear that Albania's progress cannot be measured solely by legislative amendments or alignment with EU recommendations, but must be assessed in terms of substantive enforcement, institutional capacity, and meaningful inclusion of marginalized groups.

Ultimately, the integrity of Albania's democratic system depends not only on the removal of exclusionary provisions but also on the establishment of mechanisms that guarantee accessibility, effective participation, and accountability. Strengthening enforcement, expanding accommodations, and further improving diaspora voting are essential steps toward bridging the gap between law and practice. By pursuing deeper structural reforms, Albania can further enhance public trust in electoral institutions, advance its EU accession objectives, and reaffirm its commitment to genuine democratic governance.

Recommendations

Addressing the current legal and practical restrictions on the right to vote in Albania requires a multi-tiered approach combining legal reform, administrative modernization, and civic education. Based on expert recommendations from the European Union Delegation to Albania (2023) and independent comparative analysis, the following reforms are essential:

1. Expand Voter Eligibility
 - Amend the Electoral Code to allow conditional voting rights for long-term resident non-citizens in local elections.
 - Eliminate blanket disenfranchisement of prisoners and persons with mental disabilities.
2. Improve Diaspora Inclusion
 - Fully implement external voting with more secure remote voting methods.
 - Create dedicated diaspora constituencies to enhance representational equity.
3. Strengthen Enforcement Mechanisms
 - Enhance CEC's legal powers and budget to investigate and penalize violations.
 - Establish an independent electoral ombudsman or supervisory body.
4. Improve Accessibility
 - Legally mandate all polling stations to meet international accessibility standards.
 - Provide electoral materials and offer mobile voting units for remote and disabled populations.

5. Promote Civic Education

- Launch national campaigns to inform citizens, especially youth and minorities, about their voting rights.
- Integrate civic and electoral education into high school curricula.

Such reforms would bring Albania into greater compliance with international standards and restore public trust in its democratic processes.

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