

## INTERNATIONAL ELECTION OBSERVATION MISSION

### Parliamentary Election, Republic of Albania – 3 July 2005

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#### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Tirana, 4 July 2005** – Following an invitation by the Ministry of Foreign Affairs of the Republic of Albania, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in Albania on 18 May 2005. For observation of election day procedures, the OSCE/ODIHR EOM joined efforts with the observers of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). They assessed compliance of the electoral process with domestic legislation, OSCE Commitments, Council of Europe commitments, and other international standards for democratic elections.

This statement of preliminary findings and conclusions is delivered prior to the completion of the vote count in all 100 counting centres, the expiry of legal deadlines for hearing possible appeals in regard to voting, counting and tabulation of results, and instalment in office of elected officials. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

The OSCE/ODIHR EOM will remain in Albania to continue the observation and may issue additional public commentary, as necessary. The OSCE/ODIHR will publish a Final Report, including a comprehensive analysis of all observers' findings and subsequent recommendations, approximately six weeks after completion of the process.

#### Preliminary Conclusions

The conduct of the 3 July 2005 parliamentary elections, during the pre-election period, voting, and counting so far, complied only partially with OSCE Commitments, Council of Europe commitments, and other international standards for democratic elections. While these were overall competitive elections and media generally provided voters with a diversity of electoral information, major political parties have yet to demonstrate political will and responsibility to a measure commensurate with the broad authority granted to them on the electoral process.

The continued inaction of the Albanian authorities in introducing a uniform system of addresses of buildings and new personal identification documents across the country diminished the significance of efforts undertaken to improve the voter lists. These issues are of fundamental importance and their resolution requires immediate and unconditional commitment.

A lack of trust between political parties led to delays in reaching agreement on the electoral framework and negatively affected the preparations and conduct of the elections. In view of future elections, further improvements to the electoral framework would require urgent attention and more inclusive efforts.

The provisions of the election code detailing the election system do not guarantee the accomplishment of the constitutional objective to achieve proportionality “to the closest possible extent” between the votes received by party lists and the overall composition of the Parliament. This system allowed many contestants to adopt electoral strategies which challenged the limits of the law and blurred distinctions between political parties. After the experience of the 2001 legislative elections, the 2005 election process confirms that the current election system will remain prone to abuse until it is reformed.

The following positive developments characterised the election process to date:

- A wide spectrum of parties and candidates were registered, largely without impediments, to contest the elections and offered voters a diversity of choices;
- Parties were active in conducting their election campaigns and pledged to adhere to a Code of Conduct, which was instrumental in setting campaign standards;
- Media coverage of the official campaign period was overall sufficient and politically balanced to enable most parties, across the political spectrum, to convey their messages;
- Amendments to the election legislation adopted by a large majority in Parliament presented a number of improvements;
- For the most part, the CEC administered the process transparently, professionally and in line with the provisions of the Electoral Code;
- A considerable and relatively successful, if late, effort by the state and local government authorities introduced a new framework for voter registration providing clarity in the division of responsibilities of the bodies involved, which in many election zones, resulted in improved accuracy of voter lists;
- The Electoral College fulfilled its obligation to adjudicate pre-election complaints against CEC decisions fairly and impartially;
- While more consideration was given to issues related to national minorities by a number of contestants, further efforts are needed to improve voter registration of minority populations, especially among the Roma community.

However, a number of issues remain to be addressed, including the following:

- While major political parties enjoy overwhelming authority on the administration of the election, they are yet to deliver a corresponding measure of responsibility;
- A significant number of allegations, some of which substantiated, of interference with citizens’ right to freedom of expression and to engage into political activities, including cases of civil servants being put under pressure to support or to refrain from supporting a particular candidate or party;
- Administrative decisions of the mayor of one borough of Tirana and of university officials that amounted to possible disenfranchisement of a considerable number of students, in their place of study.
- No improvement to the participation and representation of women in public affairs;
- There is a high number of voters who could not be located during the verification process (so called ‘999’ entries on voter lists). Linked to problems in voters identification on election day, in particular related to the issuance and use of birth certificates, these fuelled fears of possible abuses, such as impersonation of voters with an incomplete numerical address;
- While a significant number of multiple records on voter lists were cleaned up by the responsible institutions within a short timeframe, further effort is needed to address remaining multiple records, in particular across boundaries of local government units, as well as spelling in voters names.

The conduct of the poll on election day showed only limited progress over previous elections. In many cases, VCCs did not have sufficient regard for correct procedures, particularly regarding the use of ink to prevent multiple voting, the secrecy of the vote and the checking of voters' identity. While some voters were turned away from polling stations because their names did not appear on voter lists, this occurred far less frequently than during earlier elections. While polling was conducted in a generally peaceful atmosphere, a few violent incidents, including one fatal, marred the process.

## **Preliminary Findings**

### **Background**

The 3 July 2005 parliamentary elections were the sixth to be held since the establishment of a multi-party system in Albania in 1991. In 2001, the Socialist Party (SP), led by Prime Minister Fatos Nano, received a majority of seats. Together with MPs from four other parties: the Social Democratic Party (SDP), the Human Rights Union Party (HRUP), the Democratic Alliance Party (DAP) and the Agrarian Party (AP) and members of parliament elected as independent candidates, the SP formed a government coalition. The opposition comprised the Democratic Party (DP) led by Dr. Sali Berisha, and five other parties.

All major political parties contested the 2005 election either in coalition or separately. These included the abovementioned parties and a new party, the Socialist Movement for Integration (SMI), led by former Prime Minister Ilir Meta, who together with eight other SP-elected deputies split from the ruling party in 2004. From 2004, the Legality Movement Party allied itself with the Renewed Democratic Party.

Since 1991, rivalry between the two largest parties, the SP and the DP, has been intense and antagonistic. During and after previous elections, some parties, in particular those in opposition expressed their lack of confidence in the integrity of the electoral process. The last two elections were protracted, marred with uncertainties and parts of the elections had to be repeated because of irregularities.

### **Election System**

The Constitution establishes the following principles of the election system:

- A fixed number of parliamentary mandates (140), with 100 deputies (71%) elected in single mandate zones and 40 (29%) elected from party or coalition lists;
- That “the total number of deputies of a party [...] shall be, to the closest possible extent, proportional to valid votes won by them on the national scale [...]” ; and,
- That parties must obtain at least 2.5% of valid votes and coalitions must obtain at least 4% of valid votes, to participate in the allocation of the 40 ‘supplementary’ mandates.

In 2003, the Parliament adopted the Electoral Code, which further elaborated a complicated election system. Article 67 of the Electoral Code attempts to respect Article 64.2 of the Constitution and provides that the 40 supplemental mandates be allocated such that parties' shares of the total number of deputies (140) would approximate ‘to the closest possible extent’ the percentage of the vote received by their electoral lists.

However, the Electoral Code fails to guarantee the enforcement of the constitutional provisions which set forth an objective of proportionality in the Parliament's composition. Based on the right of voters to have two separate electoral choices, parties can circumvent the provisions designed to realise the constitutional objective of proportionality through developing strategies calling upon voters to split their two votes between formally or informally allied parties. These strategies have the potential to decrease the possible degree of proportionality and could result in fewer mandates being awarded to parties which are not involved in strategies. While such strategies might be within the law, they blur political identities and lessen transparency. Despite the fact that in the 2001 elections, attempts to manipulate the election system had already occurred, the legal provisions on allocating the supplemental mandates remained largely unchanged.

Both the experience of the 2001 and of the 2005 election process tend to show that the electoral system that is currently in force will remain prone to abuse until it is reformed.

### **Legal Framework**

The Electoral Code was adopted in June 2003. Notwithstanding the serious shortcoming noted above and outstanding concerns raised by the Venice Commission of the Council of Europe and the OSCE/ODIHR in their Joint Recommendations of 2004, the legislation can provide an adequate basis for a democratic election if there is a willingness from public authorities and political parties to implement the provisions of the Electoral Code in good faith.

The Electoral Code was amended on three separate occasions in 2004 and 2005. These amendments, most of which addressed some of the Joint Recommendations, brought about several changes, in particular concerning the election administration, the compilation of voter lists, the criteria for establishing electoral zones, counting proceedings, and proceedings for complaints and appeals. These changes were largely devised through a bi partisan process.

However, shortcomings remain, at times in conflict with international standards. The Code fails to ensure transparency and certainty in the allocation of mandates to party lists. In the 2005 elections, some parties submitted to the CEC internal party agreements on re-ordering mandate recipients according to criteria stipulated by the parties<sup>1</sup>. In addition, some provisions in the Code discriminate against "smaller" political parties. This is particularly true in the area of paid political advertisements in the private electronic media, where the Code grants 'larger' parties the right to purchase "double the amount of airtime" of 'smaller' parties.

Additionally, legislation was passed at the end of 2004 establishing new boundaries for the 100 election zones. The new electoral zones, which were the result of a political agreement between the SP and DP, are set out in a separate law adopted and enacted in March 2005. While the solution reached is an improvement over the previous boundaries, it does not fully meet the requirements of the law in a number of zones.

### **Election Administration**

Parliamentary elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 100 Zone Election Commissions (ZECs), and some 4,764 Voting

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<sup>1</sup> As already noted in the OSCE/ODIHR – Venice Commission Joint Recommendations issued in 2004, "to the extent that [the law] would permit a re-ranking or "final" ranking of candidates to occur after a voter casts the ballot, then [it] would be contrary to OSCE Commitments and international standards.

Center Commissions (VCCs). Following an agreement reached in October 2004, the ‘political balance’ of the CEC was altered with the parliamentary majority ‘surrendering’ one of its five seats to the opposition. The CEC appointed seven members to each ZEC, based on nominations from six designated political parties; three from each side of the political spectrum. The SP and the DP nominated ZEC chairpersons on a parity basis. VCCs and counting teams were appointed with a composition identical to ZECs. Through their nomination of members to election administration bodies at all levels, political parties exerted considerable influence over the electoral process. Political parties are in effect almost wholly responsible for the functioning of the electoral administration.

The CEC held meetings as often as twice per day. Prior to election day, it took over 1,000 decisions and adopted some 20 instructions. These appeared to adhere to professional standards and were generally in line with the Electoral Code. CEC sessions were, for the most part, conducted professionally, collegially and transparently. Representatives of the parties were in attendance and their proposals were given a fair hearing. The OSCE/ODIHR EOM did not observe any political bias for or against any election stakeholder in the decision making process. However, at times discussions were protracted and important decisions sometimes delayed. Nevertheless, these factors did not have a significantly adverse effect on the CEC’s electoral preparations. The CEC faced several logistical and administrative challenges in organizing these elections. Its task was complicated by a lack of full co-operation from some local government authorities and the CEC had to fine several mayors who missed deadlines for submitting important information.

To certify the final election results, to invalidate the elections or to take decisions on complaints against ZEC decisions regarding election results, the CEC requires a decision by five of its seven members. Hence the possibility exists that the CEC might be unable to adopt the election results. A final assessment on the CEC’s administration of the elections will only be possible after the tabulation and announcement of results and the adjudication of election day and any post-election complaints and appeals.

By law, all ZECs should have been appointed by 3 March 2005, but since the zone boundaries were not finalized until that date, the CEC decided to postpone the first ZEC meetings until 16 May, to give parties time to nominate members. Nonetheless, several political parties, in particular those in opposition, did not nominate all members by this date. Consequently only 63 ZECs were fully composed on time. Initially, parties also made extensive use of the right to replace members. This lessened the stability in ZEC’s composition. The CEC conducted training for ZECs and prepared training materials for VCCs and counting teams.

At least half of the ZEC chairs had served on a ZEC during a previous election. While this experience may have helped in the administration of the elections, a significant minority of ZECs lacked adequate material resources and the majority reported that they had not received operating funds in time. The appointment of VCCs constituted a major challenge for ZECs and some experienced difficulty in finalizing appointment on time. Some political parties asserted they delayed their nominations for fear that these VCC members could be bribed. This complicated the training of some VCCs.

### **Voter Lists**

The legislation covering the voter registration process was reformed in several steps between October 2004 and January 2005. Responsibility for the compilation and maintenance of voter lists was transferred from the CEC to local government authorities, and lists were drawn from

civil registers. A door-to-door verification exercise was first conducted with the aim of updating civil registries and assigning citizens a ten-digit ‘numerical address’. This new system was a welcome development, but the time and resources available to Municipalities to compile and computerise voter lists were scarce. Furthermore, spelling mistakes in voters’ names were frequently identified.

A state-wide voter registration database was created based on municipal voter registers and managed by the Ministry of Local Government and Decentralisation (MLGD), which has a responsibility to identify specific problems, in particular possible multiple records and inform local governments about them with a view for the latter to take remedial action.

Notwithstanding a number of shortcomings, a significant and largely successful effort was made to improve the accuracy of voter lists. On the final voter lists, some 2.85 million citizens were registered as voters. Yet, there remained some 470,000 entries on the final voter lists without a complete numerical address (so called ‘999 entries’). These entries correspond to persons who could not be contacted during the verification process. The problem was particularly noted in urban areas. An unknown number of these persons may have migrated within Albania or abroad.

By law, preliminary voter lists should have been publicly displayed from 1 April until 3 May. The MLGD extended the 3 May deadline twice, thereby increasing the time available to the public to check lists and request their inclusion, if omitted. A large-scale public information campaign was conducted to inform citizens of their rights and duties regarding voter registration. After 8 June, when voter lists were finalised, omitted persons could only vote by obtaining a decision from a district court.

The MLGD identified approximately 200,000 possible multiple entries on the preliminary voter lists, corresponding to some 100,000 registered citizens. By 8 June, the entries for over 80,000 citizens had been resolved such that these citizens were registered only once. Political parties were given the opportunity to analyse the final voter list. The DP provided the EOM with lists of remaining multiple records two days before polling day.

The voter lists remained a contentious issue during the pre-election period. The large majority of OSCE/ODIHR EOM observers reported positively on the accuracy of the lists, notwithstanding concerns over: the high number of ‘999’ entries; an inconsistent approach to allocating these entries to polling stations by local government units; the failure to meet legal deadlines on displaying the final voter lists, a delay in forwarding the complete voter registration data to political parties and almost 16% of voting centres which have in excess of 1,000 registered voters – the legal maximum. Observers reported that few voters checked their entries on the final voter lists, and even less sought a court decision to enable inclusion on election day.

Significant problems with voter lists were noted in some 17 zones, including zones 5 and 6 (Shkodra), 25 and 28 (Durrës). In zone 33 (Tirana) a high number of petitions for addition in the lists from citizens eligible to vote were not acted upon. In addition, in the same zone, as well as in zone 38 (Tirana) serious concerns exist over the possible disenfranchisement of students. This fuelled allegations that voter lists in zones 33 and 38 were being politically manipulated. Administrative decisions presenting obstacles to effective enfranchisement of eligible voters are incompatible with a democratic process.

In the later stage of the pre electoral period, a controversy arose over the use of birth certificates<sup>2</sup> as identification documents in voting centres, in the context of a continued absence of new identity documents for internal use and of a uniform address system. Usually, birth certificates are easily obtained. However, observers reported that, as a matter of practice, most local governments kept no records on certificates issued. This fact, combined with the alleged theft of a significant number of blank certificates and the alleged illegal printing and distribution of even larger number of such forms, raised concerns among stakeholders, that certificates would be misused to exploit shortcomings in the voter lists. However, the consistent use of ink, applied to voters' fingers had the potential to lessen possible multiple voting. Yet, it does not address possible problems of impersonation of voters with an incomplete numerical address.

### **Party and Candidate Registration**

Non-parliamentary parties were required to submit 7,000 signatures to register their party list. Seventeen non-parliamentary parties submitted lists. However, while the law grants the CEC insufficient time to verify the signature lists, the CEC's approach to the registration of parties was not consistent. This was partly because the Electoral Code does not adequately regulate the issue and partly because the CEC did not adopt a decision outlining its approach. The CEC rejected 13 party lists, registering the other four. In the case of the Green League, the CEC accepted notarised statements that citizens had signed on behalf of other family members, although such a practice is not foreseen in the Electoral Code. Five parties were successful in appealing against the CEC's decision to reject their lists.

Parliamentary parties and their candidates in election zones are not required to submit signatures. The lists of 17 parliamentary parties were registered by the CEC. These included the National Front Party and the National Security Party, each of which submitted a declaration by an incumbent MP that he was a member of that party. However, both MPs ran for other parties in the elections and documentation sent by the Assembly to the CEC on various other issues listed neither party as having a representative in the parliament.

The CEC registered 27 electoral lists. 18 parties were running separately, two coalitions with joint lists were formed, including the Movement for National Development – Leka Zog (MND) and a seven-party coalition 'The Alliance for Justice, Freedom and Welfare' (AJFW) whose constituents will appear separately on the ballot. Many parties have decided not to affix on their lists, before the elections, the order in which they would distribute the supplemental mandates they might possible win. These would be distributed according to formulas taking into account the electoral performances of the list in the zones.

Over 1,200 candidates will compete in the 100 single mandate election zones. The CEC upheld seven of sixteen appeals against ZEC decisions to reject candidates. Candidates are drawn from 31 parties. In addition, 11 independent candidates will contest the single-mandate contests. Notably, the parties in the AJFW coalition have not nominated any candidates under their own banner.

The ruling Socialist Party (SP) registered its candidates and party list separately from its allies in the parliamentary majority. These five parties are also contesting the election as separate election

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<sup>2</sup> Birth certificate means a copy of the birth record from the civil status book, which is issued by the local authorities and has a validity of three months. If used for internal identification purposes, it has to have a picture attached on the front page and a taxation stamp on the back. Both the pictures and the stamp have to be sealed with the seal of the Civil Status Office of the local government unit. A second personal seal of the civil servant in charge is also required on the stamp.

subjects at constituency and national level. No formal coalition agreement between the ruling parties was adopted. Repeatedly, in the course of the EOM, the SP has stated that they would not use strategies to influence the allocation of supplementary mandates in favour of their political allies. However, the SP also informed the EOM that it did not exclude the possibility that political agreements could be concluded at the local level. EOM observers reported repeated calls in a number of areas from SP allied parties to vote for SP majority candidates in the zone.<sup>3</sup> Similar calls were observed on broadcast media.

The DP concluded written agreements with the seven parties in the AJFW coalition, whereby the DP and these parties registered a single candidate in each zone in the name of the DP. Thus, formally, the DP had 100 candidates in the single mandate zones, as required by law. However, at the invitation of the DP, fifteen of these candidates were *de facto* nominated by the DP's allies. The DP and the AJFW both registered separate lists and encouraged their supporters to vote for the AJFW lists, rather than the DP one. It is noteworthy that the list of the Republican Party, a AJFW member, contains the names of 30 DP members, including MPs elected as candidates for the DP in the outgoing Parliament.

It is of concern that the abovementioned strategies appear to exploit shortcomings in the Electoral Code to maximise the number of supplemental mandates for both SP and DP allies, may misrepresent candidates' political affiliation and thereby mislead voters. Such strategies could lessen voter's confidence in the ability of the election system to translate their electoral choices into mandates according to the principles foreseen in the Constitution.

## **Gender**

Equal rights for men and women are guaranteed in the Albanian Constitution. Nevertheless, in Albania women are significantly under-represented in public life. Moreover, the representation of women and their participation in the electoral process has not improved over time. No significant initiatives have been undertaken to increase the number of women appointed and elected to decision-making positions. Of the 38 parties contesting the elections, the leader of only one, the Albanian Green League, is a woman. In the outgoing parliament, only 6.4% of MPs are women, significantly fewer than 1991 when the corresponding figure was 20.5%.

The party statutes of the two main parties include gender quotas for female candidates; 25 % in the DP and 20% in the SP. Nevertheless, both parties implemented the clauses in a manner that is unlikely to result in the election of more women MPs. In the single mandate election zones, the SP nominated eight women while the DP nominated only three. The two parties nominated women on their party lists in higher numbers, but their political strategies i.e. urging party supporters to cast their votes not for their own list, but for those of their political allies, might have lessened the electoral opportunity for their own candidates. Therefore, the 2005 elections may be another missed opportunity to increase in the numbers of women participating at the highest levels of public life.

It is of serious concern that the gender imbalance is also apparent at the mid-level of public administration. Six political parties have the legal right to nominate members to the ZECs and VCCs, yet only four of the 100 chairpersons of zone election commissions are women and only about 16% of VCC chairpersons are women.

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<sup>3</sup> For example in Fier, Korca, Himara, and Tirana

## **Participation of National Minorities**

The 2001 census did not include questions relating to respondents' ethnicity. Hence there is an absence of reliable current official data on national minorities. Nevertheless, Greek-speaking communities reside in some areas of the south of Albania and Roma and Egyptian communities are resident in cities and villages across Albania. Other minorities include Aromanians (Vlachs), Macedonians and Serbs/Montenegrins, with the latter two minorities mostly living in concentrated settlements in specific communes.

In 2004, the government approved the establishment of a Special State Committee for Minorities, tasked to make recommendations on the promotion of the rights of some minorities. The position of some minorities has improved, partly through their own initiatives to create or develop political associations and their advocacy efforts. Nevertheless, obstacles remain to the full participation by Roma and Egyptian minorities in the election process and there has been little progress concerning their registration as voters. Observers received credible allegations that attempts were made to influence their electoral choices in certain communes, these allegations referred to pressure, vote buying and bribery.

Traditionally, the HRUP has sought the political support of minority populations. In 2005, the party fielded a high number of candidates from minority populations, although the large majority were from the Greek minority. In its election campaign, the HRUP devoted little attention to minority issues. The Movement for Human Rights and Freedom was the only party whose platform included calls for the enactment of minority rights. The EOM noted that the DP commented on the social problems faced by Roma and Egyptian populations during their campaign. However, in general, the media devoted little attention to the participation of minorities in the election. In some election zones, campaign material in Greek and Macedonian languages was seen by observers. While the CEC placed some public information advertisements in minority languages in the local media (Greek, Macedonian and Serbian), electoral material, including ballot papers were printed solely in Albanian.

## **Campaign and Pre-Election Environment**

In general, the campaign was highly visible and a large number of campaign events took place. While the campaign of the SP and DP were the most intense, the SMI was also active. The campaigns of the HRUP, the MND and the RP appeared to be concentrated in specific election zones. Observers reported that, in general, the campaigns of the AFJW and the smaller left-wing parties in the ruling coalition were less active and had a lower profile. On occasions, the AFJW and the DP held joint campaign events, as did SP candidates with candidates from parties in the ruling coalition. The parties reported that candidates conducted door-to-door canvassing. A number of debates were held between candidates in the media. Overall, the campaign provided the electorate with a large volume of political information.

Prior to the start of the official campaign, sixteen political parties agreed to sign a Code of Conduct initiated by the President of Albania, Mr. Alfred Moisiu. The signatories largely conformed to the Code of Conduct. At times the tone of the campaign was rancorous. However, compared to previous elections candidates and parties devoted more time to promoting their own political platforms than in previous election processes. Nevertheless, many of the paid advertisements in the media, particularly from the larger parliamentary parties contained direct

attacks on their rivals and a high degree of ‘negative campaigning’. Although less widespread than previous elections, acts of violence marred the campaign.<sup>4</sup>

While the rights to free speech, association and peaceful assembly were generally respected, observers received many allegations and reports of serious shortcomings during the campaign period, some of which challenged these rights. The most noteworthy include:

- Numerous allegations that some public employees, in particular at local level, were being pressured to attend campaign events, support a specific candidate or party or to refrain from supporting a candidate or party.<sup>5</sup>
- Allegations were made that students were being pressured to support university officials running as candidates in Tirana and Korça. In addition, credible reports were received that school children were brought to campaign rallies by their teachers<sup>6</sup>.
- In some 12 election zones, observers received allegations, some of which credible, that the police had intimidated citizens over their electoral choices or political activity, or did not respond to violations of campaign regulations or attempts to intimidate electors<sup>7</sup>.
- In almost a quarter of all election zones, observers received allegations that citizens received, or were offered, gifts or money to support a particular candidate;
- Observers received allegations that state resources were being misused to benefit a party’s campaign in almost half of the election zones and that public service personnel were supporting candidates’ campaigns;<sup>8</sup> and,
- The demolition ordered by local authorities of buildings, allegedly illegal, including an SMI office in Tirana and a house belonging to the DP Mayor of Saranda before the owners/occupants had an opportunity to present their cases for appeal in the district court, were very disturbing.

It is noteworthy that the large majority of the allegations claimed that the violations were conducted to favour the SP. While it was not possible for observers to verify the accuracy of all the allegations, observers found many to be credible and some were verified as accurate. Such violations would be contrary to paragraph 7.7 of the OSCE Copenhagen Document.

## **Media**

The Electoral Code regulates the media’s coverage of political issues during the 30-day official campaign period. Free airtime is provided in the public media. Private and public media are required to cover parties’ campaigns according to their relative strength in the outgoing parliament. During the official campaign, the electronic media are monitored by a Media Monitoring Board (MMB), which reports to the CEC. Despite some methodological and procedural shortcomings, it generally carried out its mandate successfully. However, official ‘local-level’ media monitoring operations were in general less effective and many were not established on time.

The OSCE/ODIHR EOM analysed the content of the main electronic and printed media from 18 May to 2 June (prior to the commencement of the official campaign period) and from 3 June to 3

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<sup>4</sup> For example in Durrës (EZ28), where a DP supporter was allegedly assaulted by the SP candidate, or in Shijak (EZ26), where SP supporters broke into a private building and assaulted its occupants for displaying opposition posters. Party offices were vandalised in Fier, Korça, Laç, Shkodër and Tirana.

<sup>5</sup> For example in Delvinë, Durrës, Elbasan, Gjirokaster, Korça, Kukës, Përmet and Tirana.

<sup>6</sup> For example, in Berat, Elbasan, Fier and Lezhë.

<sup>7</sup> For example in Gramsh, Kukës, Lezhë, Tirana and Durrës.

<sup>8</sup> For example in Durrës, Sarandë, Mallakaster, Shkodër and Tirana

July.<sup>9</sup> During the first phase, TVSH, which is financed largely from the State budget, gave favourable coverage to the government during its news coverage. Before the commencement of the official campaign period, the main news broadcasts of all the electronic media monitored by the OSCE/ODIHR EOM gave the government, the SP and the DP approximately 65% of time devoted to political issues.

After the start of the official campaign period, TVSH's news coverage of the SP and DP was more balanced. The DP received 19% of airtime devoted to political subjects while the SP received 16% (including coverage of Government officials engaged in campaign activities). The SP and DP also received generally equal airtime in the news broadcasts of the private channels monitored by the OSCE/ODIHR EOM<sup>10</sup>. However, all these media gave a disproportionately high amount of airtime to the 'big-two' parliamentary parties compared to the 'smaller' parliamentary parties. Thus, they did not comply with legal provisions, which require that the total amount of time allocated to each 'large' parliamentary party should be "double the amount of airtime" allocated to each of the 'smaller' parliamentary parties. Monitors also noted inequalities among the small parties. Some received considerably less coverage than others. More positively, monitors found that, in general, the media reported on the parties in a politically neutral manner during news broadcasts.

The private electronic media frequently aired debates between candidates, thereby enhancing the type and amount of information available to voters. Nevertheless, these programs tended to provide a forum for four political parties (SP, DP, and to a lesser extent SMI and MND). A number of local TV stations also aired candidates forums. The SP placed the largest number of paid advertisements in the monitored media, although the DP and SMI also placed advertisements in high numbers. The EOM is not aware of any allegations that parties were offered favourable terms compared to rival parties. During paid slots, parties tended to present their rivals in negative terms rather than promote their own merits. Overall, the print media offered a diverse range of views, although some newspapers displayed clearly partisan editorial policies. In the print media as a whole, the contest between the SP and the DP was predominant.

### **Resolution of Election Disputes**

The Electoral College of the Court of Appeals of Tirana rules on complaints against decisions of the CEC. The Electoral College, consists of eight judges selected at random from a pool of eligible judges. It decides cases in panels composed of five judges. The panels are also chosen by lottery. Thirty-four appeals against CEC decisions were filed with the Electoral College. The Electoral College upheld 19 CEC decisions, overturned 9 decisions and returned 2 to the CEC for additional consideration. Five successful appeals concerned CEC decisions not to register parties' multi-name candidate list. Three successful appeals related to the registration of independent candidates in the single member electoral constituencies. One successful appeal related to a CEC decision.

Observers attended most cases heard by the Electoral College. No political bias was apparent during the hearings or in rulings. All parties were given a fair opportunity to present their claims and in several cases were granted postponements in order to secure relevant evidence. In general,

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<sup>9</sup> The EOM monitored the broadcasts of three TV stations: *TVSH*, *TV Arberia*, *TV Klan* between 18.00 and 00.00 on a daily basis, and the main news broadcast of Top Channel. In addition, the content of six newspapers was monitored: *Shekulli*, *Panorama*, *Korrieri*, *Gazeta Shqiptare*, *Tema* and *Koha Jone*.

<sup>10</sup> *TV Arberia* allocated 27% of the political time in the news to DP and 26% to SP, *TV Klan* 27% to DP and 29% to SP, *Top Channel* 28% to DP and 24% to SP. Figures on SP include coverage of Government members engaged in campaign activities.

prior to the election, the Court fulfilled its obligation to adjudicate fairly and impartially. However, it may be called upon to make rulings regarding election day and to adjudicate appeals regarding CEC decisions on election results. The EOM will observe these cases paying close attention to how the College fulfils its obligation under Article 174/1 of the Electoral Code to provide reasoned written decisions.

The decision by the Mayor in Borough 2, not to register to vote 1,422 students at Universities in Tirana deserves a special mention. As a result, these students were not given an opportunity to vote in Tirana, although this was their legal right. As university officials decided to hold exams in Tirana on election day, students were in effect disenfranchised. Five of the students appealed the Mayor's decision to the District Court of Tirana. Subsequently the DP filed a request to the CEC to impose sanctions on the Mayor. On 9 June, the Court ruled in favour of the students. However, it only ordered the registration of the five students who had lodged the appeal. Even these persons were not included in the voter lists because the final voter lists were already printed. It is highly problematic that these students were omitted from the voters list, not through any fault of their own, but due to the actions of government authorities. The CEC fined the mayor 80,000 LEK (approximately €670) for his actions in disenfranchising these voters. Such sanction appears to be inadequate to the infringement and may prevent criminal prosecution of the mayor.

### **Election Day – 3 July**

Election day was generally peaceful. Nevertheless, a few violent incidents marred the process, including a fatal shooting in the vicinity of a voting centre (VC) in zone 37 in Tirana, and the activity of armed persons in election zone 65. Other notable incidents were reported in zones 25 and 26, which caused an interruption in observation activity, and zones 38, 63, and 79. Parties alleged violent incidents took place in zones 4, 10, and 34. Observers reported 14 violent incidents at VCs.

Despite the sometimes tense atmosphere (11% of VC visited), the members of a large majority of VCCs (96%) co-operated well with each other to conduct polling. In the large majority of cases, Police respected their legal obligation to remain outside voting centres. However, unauthorised persons were interfering in the process in 4% of VC visited.

While election observers received a relatively high number of allegations of serious irregularities from a variety of quarters, including allegations of vote buying, few were substantiated or observed directly. Most written complaints received by the OSCE/ODIHR EOM emanated from the SP and the SMI. Formal complaints were filed in 6% of VCs. Observers were informed that some 700 families were unable to participate in the election due to the continued practice of traditional blood feud. In a very few areas, observers received allegations that blank birth certificates were issued illegally.

A considerable number of voting centres did not open on time, with particular problems in zone 26 and in zone 2, where several could not open at all. Interruptions in polling were reported in 8% of VCs visited and overcrowding in some 9%. Access to polling stations was difficult in 14% of voting centres, which could have affected the voting of disabled citizens. However, provisions that allowed blind persons to vote unaided were a welcome innovation.

Observers reported that voters were turned away from 51% of VCs visited, because their names were not on the voter list. While this figure appears high, in a large majority of instances, the problem appeared to affect relatively few voters and the problem occurred much less frequently

than in earlier elections. Where the problem occurred, many VCCs directed citizens to information points at ZECs to check if they were registered elsewhere. However, the few cases where discrepancies existed between the final voter list posted at VCs and the voter list given to VCCs are of concern. Observers reported isolated cases where a small number of voters were prevented from voting due to the misspelling of their names. Most VCCs were aware of the late adopted CEC decision to retain voters' birth certificates. In many cases, voters who could not prove their identity with a second document or whose birth certificate had expired were prevented from voting until other identity documents were produced.

While some procedures were generally respected, such as the proper sealing of ballot boxes, others were not. Specifically, observers noted that some VCCs, particularly in rural areas, did not check voters IDs properly (6%), rarely or never checked voters for traces of ink (19%), or did not apply the ink (11%), reducing the effectiveness of safeguards preventing multiple voting. Voters did not sign the voter lists and have their names crossed in 5% of VCs. This might have complicated ballot reconciliation at a later stage of the process. The secrecy of the vote was not adequately respected in 13% of VCs. While so-called 'family voting' occurred less frequently than previous elections (observed in 10% of VCs), it remains a persistent and serious problem, particularly in rural areas. The late nomination by political parties of VCC members resulted in those members missing training sessions, and may have contributed to the apparent lack of familiarity with the procedures.

These factors had a negative effect on observers' overall assessment of the process. In general, polling was assessed less positively in the northern prefectures (Shkodër, Lezhë, Kukës and Dibër) and southern prefectures (Vlorë and Gjirokastrë), than in other areas. Overall, observers rated the process negatively in 11% of voting centres visited, while they assessed it positively in 67%.

In general, VCs closed on time and observers reported that those waiting in line were able to cast ballots. The closing procedures were largely respected. However, copies of polling records were not systematically given to those that were entitled to receive them.

### **The Vote Count**

At ZECs, some ballot boxes were deemed to be 'irregular' and hence their condition will require investigation by the CEC (31 cases reported). On occasions these boxes were not segregated and secured as required by law. Most counting centres (CCs) were located in adequate premises, but observers reported space was insufficient in about a quarter of CCs observed. Regrettably, one team of observers (in Lezhë District) was expelled from a counting centre. During the receipt of election material, observers reported a tense atmosphere in 29% of CCs and two violent incidents. The organisation of the receipt of the material was assessed as poor in nine CCs. The training of the counting teams, which began at a very late stage of the process due to the late nomination deadline and, in some cases to the late arrival of counting teams members, was frequently inadequate.

EOM observers have continuously followed the process of the delivery of election material to the counting centers, as well as vote count and tabulation in 82 Election Zones. In all counting centers observed, the vote count started only after all voting centers delivered protocols. Additional commentary on the counting process will be issued in due course.

## **Domestic Observation**

The relatively high number of observers from domestic civil society organisations including the Albanian Committee Against Corruption and the Albanian Youth Council as well as the multi-party composition of VCCs helped assure the transparency of the process. Domestic non partisan observers were clearly identified by EOM observers in 28% of VCs. EOM observers reported that party observers were present in 94% of VCs visited and in 95% of CCs.

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*This statement is also available in Albanian.  
However, the English language version remains the only official document.*

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## **Mission Information & Acknowledgements**

The OSCE/ODIHR Election Observation Mission (EOM) opened in Tirana on 18 May 2005 with 40 experts and long-term observers deployed in the capital and 11 regional centres. On election day, 408 short-term observers from 36 OSCE participating States, including 23 parliamentarians from the OSCE PA, 20 from the PACE and 9 from the European Parliament were deployed. The EOM observed the polling and vote count in over 1,200 voting centres throughout the country and 82 counting centres after voting centres closed, to observe the tabulation of results.

Ambassador Andreas Nothelle (Germany) coordinated the Delegation of the OSCE Parliamentary Assembly (PA). Mr Jerzy Smorawiński (Poland), Member of the Polish Senate, led the Delegation of the Parliamentary Assembly of the Council of Europe (PACE). Ms Doris Pack (Germany), Member of the European Parliament, led the Delegation of the European Parliament (EP). Mr Jørgen Grunnet (Denmark) headed the OSCE/ODIHR Election Observation Mission.

The EOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and other national and local authorities for their assistance and cooperation. The EOM also wishes to express appreciation to the OSCE Presence in Albania for their support throughout the duration of the mission, to the OSCE Missions in Kosovo and the former Yugoslav Republic of Macedonia for sending staff members to serve as OSCE/ODIHR EOM observers, and the Embassies of OSCE participating States in Tirana for their support.

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