



INTERNATIONAL ELECTION OBSERVATION MISSION

Republic of Albania — Parliamentary Elections, 28 June 2009

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 29 June 2009 – The International Election Observation Mission (IEOM) for the 28 June 2009 parliamentary elections in Albania is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the NATO Parliamentary Assembly (NATO PA).

The elections are assessed for their compliance with OSCE commitments and Council of Europe standards for democratic elections, as well as with Albanian legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the process. The final assessment of the elections will depend, to a significant extent, on the conduct of the remaining stages of the election process, in particular the vote count, the aggregation of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will discuss the report at the OSCE PA summer session in Vilnius on 1 July 2009. The delegation of the PACE will present its report at the September/October 2009 part of the plenary session of the Assembly.

The institutions represented in the IEOM wish to thank the Albanian authorities for their co-operation and stand ready to continue their support for the conduct of democratic elections.

PRELIMINARY CONCLUSIONS

The 28 June 2009 parliamentary elections in Albania marked tangible progress with regard to the voter registration and identification process, previously a contentious issue, and the legal framework, adopted in a consensual manner by the two main parties. These improvements were overshadowed by the politicization of technical aspects of the process by political parties and violations observed during the election campaign which undermined public confidence in the election process. Election day was overall calm and peaceful, and the atmosphere was improved. The voting process was assessed slightly more positively than in previous elections although procedural violations were observed. It is premature to make a definite assessment since the vote count and tabulation, essential elements of the electoral process, are yet to be completed. The final assessment will depend to a significant extent on the conduct of these stages of the election process.

Following longstanding recommendations, the Government undertook significant efforts to establish a digitalized civil register and to provide each eligible voter with a new ID card. Overall, 1,321,376 ID cards were distributed, including to voters who do not possess a passport, the only other valid means of voter identification. About 81,000 ID cards remained uncollected by election day. However, the late start of the ID card distribution, the lack of administrative capacities and technical deficiencies contributed to this endeavour being one of the most contentious issues surrounding these elections. Instances of undue interference by Democratic Party (DP) activists occurred. Opposition parties, in particular the Socialist Party (SP), claimed the process was compromised by politically motivated manipulation, often without substantiating their claims; in a number of cases these seemed to be unfounded.

The legal framework, which introduced the new system of regional proportional representation, provides a thorough technical foundation for the conduct of democratic elections, if implemented in

good faith by the authorities and the political parties. Nonetheless, further improvements are needed to bring the Electoral Code fully in line with OSCE commitments and Council of Europe standards.

The election campaign took place in a highly polarized political environment and, as in previous elections, was characterized by a large number of allegations made against the governing parties about electoral violations. The campaign was active and lively, and the range of parties contesting the elections offered voters a genuine choice. The campaign environment was mostly calm, with some violent incidents and use of harsh language.

There were many allegations of pressure on public-sector workers and students to attend DP campaign events or desist from opposition activities. Several of these were substantiated. Such action would contradict Paragraph 7.7 of the OSCE 1990 Copenhagen Document.

The Government repeatedly used official events for party campaign purposes, as did the SP leader in his capacity of Mayor of Tirana, to a lesser extent. There were allegations of misuse of administrative resources by the ruling DP, some of which were confirmed. This is in contradiction with the Electoral Code and violates Paragraph 5.4 of the OSCE 1990 Copenhagen Document, which calls for a clear separation between political parties and the state.

The following positive aspects of the election process were noted:

- The Central Election Commission (CEC) administered the technical preparations of the elections professionally and mostly within legal deadlines.
- The registration process of candidate lists of political parties, as well as one independent candidate, was conducted in an inclusive manner.
- Voters were provided with a plurality of views due to a large number of broadcast and print media which gave political parties opportunities to get their messages across. The public broadcaster fulfilled its legal obligation to provide free airtime to all political parties.
- The Electoral College adjudicated appeals during the pre-election period in an impartial manner, thus providing effective and timely remedy.
- Newly enacted legal provisions establish quota requirements for the presentation of women as candidates and members of mid-level election commissions for the first time.
- A number of parties representing national minorities participated in the elections, and such parties were represented in most electoral coalitions.
- The level of transparency of these elections was enhanced by the CEC's functioning in an open manner as well as the presence of a large number of domestic election observers, including party observers, on election day.

The following issues of concern were also noted:

- The CEC was divided on most contentious issues and frequently voted along majority-minority party lines. The representatives of the two main parties at the CEC often made political statements that added to the tension.
- The work of the CEC was negatively affected by the failure of local governments to submit information necessary for logistical preparations and of parties to provide lower-level election commission members within the legal deadlines. This resulted in the late establishment of Commissions of Electoral Administration Zones and of Voting Center Commissions as well as in problems to provide training to all commission members.

- Controversy arose because many local governments failed to allocate public spaces for campaign posters, or did not inform parties accordingly. In some places, campaign stands and tents were removed by local authorities.
- The Ministry of Interior provided apparently contradictory figures on the progress of the ID card application process which decreased public confidence in the reliability of information provided by the Government, and thus fuelled allegations.
- The monitored broadcast media were biased in their coverage of the main parties and provided limited coverage of other contestants. There was a lack of editorial independence of most media outlets, especially TV stations, compounded by the absence of transparency regarding ownership.
- The Media Monitoring Board (MMB) at times made assessments which showed a lack of independence and used an inadequate methodology to discharge its duties as set out in the Electoral Code. The MMB generally failed to propose compensatory measures for “smaller” parties to receive the amount of airtime they are entitled to under the Electoral Code.
- Loopholes in the legal provisions to ensure representation of women as candidates created opportunities for parties to circumvent their intent, thus diminishing their impact.
- The lack of transparency in campaign finance is a matter of serious concern.

Election day was overall calm and peaceful, without major incidents or violence, although tension was evident in isolated cases. Generally, IEOM observers assessed the voting process positively in a large majority of voting centers visited. However, they noted procedural violations, including with regard to inking procedures and widespread family voting as well as the late opening of voting centers. The closing of voting centers and receipt of election material at Ballot Counting Centers was assessed overall positively. It is premature to assess the vote count which is still ongoing in all regions.

PRELIMINARY FINDINGS

Background

Albania is a parliamentary republic, with legislative powers vested in the Parliament, and executive powers exercised by the Government, led by the Prime Minister. President Bamir Topi on 14 January 2009 called parliamentary elections for 28 June. These were the first elections conducted under a regional proportional electoral system that replaced the controversial previous system. The reforms were adopted in a consensual environment between the two biggest political parties, the Democratic Party (DP) and the Socialist Party (SP). Many smaller parties expressed dissatisfaction with the new electoral system, which they felt favored the two largest parties at their expense.

The last parliamentary elections of July 2005 were won by a coalition led by the DP. The most recent elections were the local elections of February 2007. Both elections were assessed as having only partly met OSCE commitments and Council of Europe standards.

Legal Framework and Election System

The constitutional amendments of 21 April 2008 and the new Electoral Code are the product of the latest round of electoral reforms that were launched after the 2007 local elections. Having addressed several recommendations offered by previous OSCE/ODIHR Final Reports and by the Venice Commission of the Council of Europe, the legislation in force provides an adequate foundation for the conduct of democratic elections. The reforms brought about substantial improvements, in particular with regards to the electoral system and voter registration. However, some provisions of

the Electoral Code will need to be addressed in the future so as to further improve the Code and bring it fully in line with OSCE commitments and Council of Europe standards. These include: a) provisions which grant special rights to chairpersons of political parties to stand in more than one constituency which violates the principle of equality and non-discrimination in the exercise of candidacy rights; and b) provisions on access to the media, paid political advertising, and public funding of the campaign which strongly favour the major parliamentary parties.¹

The Parliament is a unicameral body composed of 140 members. The constitutional amendments introduced a regional proportional election system with closed candidate lists in 12 constituencies which correspond to the administrative regions of Albania. The constituencies are of different size, with the number of mandates ranging from four in Kukës to 32 in Tirana based on the total number of citizens registered in each constituency. The Electoral Code establishes a legal threshold of three per cent of the votes cast for political parties and five per cent for coalitions, which must be met within a constituency for a party or coalition to be eligible to participate in the allocation of mandates.

Election Administration

The 2009 parliamentary elections were administered by a three-tiered election administration, consisting of the CEC, 66 Commissions of Electoral Administration Zones (CEAZs), and 4,753 Voting Center Commissions (VCCs). The vote count is conducted in 66 Ballot Counting Centers (BCCs), one for each Electoral Administration Zone (EAZ).

The CEC was appointed by Parliament on 2 February 2009 and is composed of seven members.² The nomination formula is meant to ensure political balance but also resulted in the CEC being divided on contentious issues, as evidenced by frequent long discussions and decisions voted along political lines. Nonetheless, the CEC's technical preparations for the elections went ahead smoothly. Political party and candidate registration, adoption of various procedural instructions necessary for implementing the Electoral Code, as well as the appointment of CEAZs were completed on time or with very little delay.

On the other hand, the work of CEAZs was off to a slow start. The seven members of each CEAZ were appointed by the CEC using a similar formula as the one for appointing the CEC, with each side of the political spectrum holding the majority in one half of CEAZs. Many CEAZ members were replaced during the process at the request of the political parties that nominated them. The Electoral Code allows parties to request replacements without any justification. Most CEAZs did not hold regular meetings and were often not to be found during the working hours recommended by the CEC.

The appointment of VCCs was concluded extremely late, on the day before election day. The four political parties entitled to make nominations for the seven VCC members (SP, DP, RP and SDP) did not meet the 14 May deadline for nominations, and the 8 June final deadline for formation of VCCs was missed in many places. The parties explained this with difficulties in finding enough qualified people, and concerns that appointed VCC members would be corrupted by competing parties. Overall, the parties fell short of living up to the responsibilities given to them by the law.

¹ The Venice Commission of the Council of Europe and the OSCE/ODIHR have provided a Joint Opinion on the Electoral Code, available at: www.osce.org/documents/odihhr/2009/03/36881_en.pdf

² The chairperson and two members were nominated by the main party of the parliamentary majority (DP), the deputy chairperson and one other member were nominated by the main opposition party (SP), the sixth member was nominated by the Republican Party (RP), parliamentary majority, and the seventh member was nominated by the Social Democratic Party (SDP), parliamentary opposition.

Voting centers (VCs) were also established late. The legal division of responsibilities between the mayors of local government units, the CEC and the General Directorate of Civil Status (GDCS) of the Ministry of Interior (MoI) created co-ordination problems and was the main reason for the belated process. The majority of the 383 mayors of local government units (LGUs) failed to fulfill their duties to provide the CEC with polling unit maps, locations of VCs and a revised breakdown of the voter lists by VCs on the basis of which the CEC should establish the number and locations of VCs. Therefore, the CEC was forced to do so based on excerpts of the voter list by voting centers, as received by the GDCS. However, as most VC locations were retained from previous elections, this does not appear to have affected voters' ability to find their voting center.

Efforts were made to train election commission members. The majority of CEAZ trainings observed was assessed positively. However, due to the failure of political parties to nominate VCC members, not all VCC members were trained. Shortly before election day, the CEC Chairperson proclaimed the VCC training a failure and publicly appealed to parties to nominate members. The CEAZ, VCC and counting team manuals adopted by the CEC largely repeated provisions of the Electoral Code and in many instances did not offer sufficient practical guidance for lower-level election commissions.

Voter Registration and Identification

Over the past years, the Government undertook two important administrative reforms recommended by the OSCE/ODIHR; both were implemented by the MoI. The first was the completion of the National Civil Status Register (NCSR) database and the assignment of a personal identification number to every Albanian citizen by the end of 2008. The second was the start of a process to issue every citizen a new ID card containing biometric data. Both reforms had an important impact on the elections in terms of voter registration and voter identification.

For the first time in Albanian elections, the voter lists were extracted from the NCSR database maintained by the GDCS. The Civil Status Offices (CSOs) first extracted the preliminary voter lists (PVLs), which were displayed at the voting centers and available on the websites of the MoI and of the CEC. After a revision period of two months, during which citizens' requests for corrections should have been reflected in the database, the final voter lists (FVLs) were extracted on 29 May, by the CSOs, and sent to the CEAZs. The CEC and the electoral subjects³ received an electronic copy of the entire FVL as well as paper copies by LGUs, thus allowing parties to check the lists.

The FVLs contained 3,084,067 names, 88,690 less than the PVLs. Although some politicians publicly stated that the voter list contains tens of thousands of inaccuracies, the number of cases reported does not appear to support such claims. The SP contested 8,600 entries, mainly multiple records and registrations of people older than 110 years. The Director of the GDCS confirmed that these figures were accurate. However, legal restrictions and software limitations did not allow for the cleaning of the FVLs after their announcement. The MoI did not notify the VCCs on the verified wrong entries in their voter lists. Although not obliged by law to do so, this could have been a confidence enhancing measure.

Under the new Electoral Code, a voter must present a valid ID card or a valid passport in order to vote. An international consortium won the bid to produce and distribute the ID cards and signed the contract with the Government in October 2008. The campaign to produce the new ID cards started

³ Electoral subjects are political parties, coalitions or candidates nominated by a group of voters that are registered with the CEC to contest these elections.

on 12 January, later than initially planned. It quickly turned into one of the most contentious issues surrounding these elections.

Of the 3.1 million registered voters, approximately 730,000 did not possess a passport at the start of the ID card distribution process. Initial doubts about the capacity to produce ID cards for this number of voters have apparently not materialized. The Government supported the process through a public information campaign, by extension of working hours of application centers and introducing a credit scheme to support voters in paying the application fee. In total, 1,402,361 citizens applied for a new ID card by 18 June, the last day applications could be submitted in order to receive an ID card before election day. Of those, 472,236 do not possess a passport. The number of ID cards collected by applicants by election day was 1,321,376.

The administration of the process was hindered by a very tight timeframe, lack of administrative capacity and technical deficiencies. IEOM observers observed frequent power and Internet outages, equipment failures and changes in working hours. However, many of these problems appeared to be due to the short timeframe, lack of time to adequately train administrative personnel, and the involvement of 383 LGUs, all of which resulted in management and capacity deficits.

Considered too high by the opposition, the application fee of 1,200 ALL (around EUR 9) was reduced through a credit scheme and subsidy arrangements for various social groups. The SP claimed that these arrangements were applied selectively and to the disadvantage of opposition supporters. The SP also alleged that applicants' entitlements to reimbursement of travel costs were not always honored. Many IEOM observers received allegations of undue involvement of DP activists in the application process. They confirmed such cases in Vlorë and Korçë regions. They also confirmed instances of faster processing of applications and selective distribution of ID cards to the advantage of DP supporters, for example in Fier and Durrës regions. Other allegations were not confirmed.

Politically, the most significant disagreement stemmed from the failure of the Government to deliver reliable figures on the progress of the application process of those citizens who do not possess a passport. This issue was further complicated by the fact that out of the 730,000 citizens who do not hold a valid passport, a significant number (estimates range from 160,000 to 250,000) are thought to be out of the country, without any valid identity documents. The Government provided to the CEC and political parties several lists containing information on citizens' data as well as numbers on the progress of the ID card application and distribution process. Apparently contradictory figures on this process provided by the MoI decreased public confidence in the reliability of information given by the Government and thus fuelled allegations. An additional request by the SP to be provided with a list of citizens possessing a passport was turned down by the Government, citing data protection concerns.

Two categories of voters were at least partly disenfranchised in the processes of compilation of the voter lists and ID card distribution. The administrators of Tirana, Durrës and Lezhë prisons included only part of the prison inmates in a special voting center list. Representatives of organizations lobbying for the rights of disabled people told the IEOM that many disabled citizens could not apply for a new ID card because they could not access the application centers.

Registration of Parties and Candidates

Political parties wishing to contest the elections were required to register as electoral subjects with the CEC. Two or more parties registered as electoral subjects could register as an electoral coalition with the CEC. Political parties registered as electoral subjects had to submit candidate lists to the

CEC, separately for each constituency, no later than 40 days before election day. Registration documents of non-parliamentary parties, of coalitions whose constituent parties hold fewer seats in the outgoing Parliament than there are parties in the coalition, and of candidates nominated by a group of voters had to be supported by signatures of voters. Voters were required to deposit their supporting signatures individually before the CEC or a notary.

In an inclusive process, the CEC approved the candidate lists of 34 parties, and the candidacy of one candidate nominated by a group of voters. Party lists for all constituencies included 3,720 candidates. Thirty-three parties ran within one of the four coalitions registered, and only one party ran independently. The CEC also initially approved the candidate lists of the non-parliamentary Reorganized Party of Labour of Albania (RPLA), which submitted supporting signatures. The CEC reversed its decision and took the RPLA off the ballot after it established that the notary statement certifying the signatures had been falsified.

Campaign Environment

The elections took place in a highly polarized political environment. Opposition parties expressed deep mistrust in the authorities and the election administration. Smaller parties often expressed dissatisfaction with the Electoral Code for giving a dominant role in the election administration to the DP and the SP. The campaign was overshadowed by controversy over the distribution of ID cards, including claims that the election would be delegitimized if a significant number of voters remained without ID cards, and therefore unable to vote, as well as accusations that the Government provided false data on ID card distribution.

The official campaign period began on 28 May. The campaign environment was mostly calm, despite some violent incidents, especially in Korçë region.⁴ All parties were able to campaign throughout the country. Prominent political leaders travelled extensively, holding rallies around the country. Local campaign offices were established in most regions, although campaigning was limited in some areas. The DP and the SP campaigned most extensively. The campaign was occasionally marred by harsh language against opponents. The DP and the SP leveled corruption allegations against each other's leaders.

The IEOM received numerous allegations of pressure from most regions, including threat of job loss, on public-sector workers to attend DP campaign events or to desist from opposition activities. Such actions would contravene Paragraph 7.7 of the OSCE Copenhagen Document. Several of such allegations were qualified as credible, for example:

- Municipal workers were required by their superiors to attend a DP rally in Peqin (Elbasan region) on 9 June.⁵
- At a school in Tirana region, the headmaster threatened that teachers would be dismissed if they did not vote for the DP. He told them to photograph their ballot papers.⁶
- In Fier region, a public-sector worker who attended an event with a senior SP official was threatened with dismissal.
- A public-sector worker in Kavaja (Tirana region) was warned his job could be at risk if he was too openly involved with the Human Rights Union Party.⁷

⁴ Other violent incidents were reported by IEOM observers from Dibër, Lezhë and Vlorë.

⁵ Other examples of pressure on municipal workers to attend DP campaign events were reported by IEOM observers from Elbasan and Shkodër.

⁶ Other examples of pressure on school teachers were reported by IEOM observers from Elbasan and Korçë.

⁷ Other examples of threats of job dismissal of public-sector workers, including teachers, were reported by IEOM observers from Gjirokastër, Elbasan and Fier.

- Pressure on university students, including threats of exam failure, to attend DP campaign events.⁸

The Government repeatedly used official events for campaign purposes, blurring the distinction between state activities and campaigning, in contravention of Paragraph 5.4 of the OSCE Copenhagen Document. Inaugurations of infrastructure projects by the Prime Minister and other senior DP officials occurred with great frequency during the pre-election period, including shortly before election day.⁹ They were attended by large crowds waving DP flags and featured campaign materials and speeches that were clearly of a campaign character. In some cases, it was alleged that such inaugurations were fabricated. For example, a renovated maternity hospital in Durrës opened by the Prime Minister was found shortly afterwards to be non-functioning.¹⁰ The IEOM received a number of allegations of schools being closed so that pupils could attend such inaugurations as well as DP campaign events, some of which were verified.¹¹ Municipal workers and teachers were also requested to be at an inauguration of a hydro-electric plant by the Prime Minister in Bushat (Shkodër region) on 23 May. The Mayor of Tirana also used official events to campaign for the SP. Notably, an event on the occasion of World Music Day on 21 June organized by the City of Tirana prominently featured the number “33” on the stage, which is the SP’s number on the ballot.¹²

Allegations were made about the misuse by the DP of administrative resources, such as official vehicles and buildings, as well as public sector workers for campaign purposes, in contravention of the Electoral Code. In three instances, in Shijak (Durrës region), Elbasan and Korçë towns, IEOM observers witnessed trucks belonging to the company OSSH, the privately owned distribution arm of the publicly owned electricity provider KESH, putting up DP flags. In Shijak, OSSH confirmed that its truck was loaned to local government bodies for maintenance and emergencies. In Elbasan, invitations to the Speaker of Parliament’s meeting with women, on 12 June, were distributed by employees of the Elbasan post office.¹³

There was also controversy over the placing of posters and banners in several regions. Local authorities did not always allocate public spaces for political posters or inform electoral subjects of these spaces as foreseen in the Electoral Code. In several instances this led to the removal of posters and violent confrontations.¹⁴ In the most severe incident, a dispute over the placement of posters resulted in the fatal shooting of a DP activist by an SP activist in Qerret, near Durrës, on 12 June. Both parties made statements calling for calm and downplaying the political aspect of the incident.

Campaign stands and tents also caused controversy. A G99 tent in Kamëz (Tirana region) was damaged by police officers on 21 May, and, on 4 June, the Mayor of Borough 6 in Tirana removed an SP tent. The Mayor of Shkodër adopted a restrictive approach based on the Law on Urbanization which is not applicable in this case; a G99 stand was removed by municipal police, and the party was fined. G99 stands were reportedly also removed in two other locations in Shkodër region.

⁸ Pressure on university students to attend DP campaign events was reported by IEOM observers from Elbasan, Korçë, and Tirana.

⁹ Some examples of inaugurations used as DP campaign events include the inauguration of roads in Korçë, Durrës, Vlora and Shkodër regions, the inauguration of a tunnel in Kalimash (Kukës region), and the inauguration of a section of the Durrës-Kukës road.

¹⁰ Other examples of fabricated inaugurations include the inauguration of a hydro-electric power plant near Elbasan.

¹¹ For example in Elbasan, Korçë and Shkodër regions.

¹² Other examples of official events used by the SP for campaign purposes include the renovation of a park and the inauguration of a kindergarten, both in Tirana.

¹³ Another instance of misuse of administrative resources by the DP was confirmed by IEOM observers in Peqin (Elbasan region).

¹⁴ This was, for example, reported by IEOM observers from Lezhë, Dibër, Korçë and Tirana regions.

The Media

The broad media landscape and the large number of media outlets enabled parties to reach out to voters and provided voters with a plurality of views. There is however concern about the lack of editorial independence of most media outlets, compounded by the absence of transparency regarding ownership. Party and business interests of owners of TV channels limit the level of critical coverage and jeopardize the media's obligation to provide impartiality in news programs and internal pluralism. The absence of a culture of self-regulation and the unprotected employment situation of most journalists also contributes to control or domination of broadcasts by party and business interests.

The Electoral Code includes detailed regulations for the campaign coverage on public and private broadcasters in news programs. It provides for free airtime for political parties on public TV and radio, and it limits the amount of paid airtime political subjects can buy on private broadcasters. The Media Monitoring Board (MMB), established by the CEC, the main body supervising the broadcast media during the campaign, relies on the technical capacities of the National Council of Radio and Television (NCRT) to carry out its tasks. The NCRT's monitoring unit provides only quantitative data, i.e. figures about the amount of time devoted to political subjects, but not about the quality, i.e. the tone of the coverage. This methodological shortcoming does not allow for establishing whether broadcasters comply with their legal obligation to present "pluralism of information".¹⁵

The Electoral Code provides that airtime allotted to the coverage of Government activities which are related to the election campaign must be included in the time allocated to the party to which the head of the institution that organizes the activity belongs. Due to a lack of definition in the Electoral Code, the assessment which Government activities are campaign-related is up to the MMB members. Events in which the Prime Minister gained advantage by campaigning in his institutional function were disputed within the MMB. The four MMB members appointed by the CEC members who were nominated by the parliamentary majority assessed them as institutional events, the other three members as campaign-related. This assessment resulted in separate statements in the MMB reports and showed a lack of independence by its members from party interests.

The different assessment as to whether events are institutional or campaign-related had a significant impact on the equality of the amount of airtime devoted to the coverage of the DP and SP campaigns, and as a consequence also on the total amount of airtime that should be devoted to "smaller" parliamentary parties.¹⁶ Although the MMB in its reports covering the period up to 21 June stated that a significant number of broadcasters failed to provide the "smaller" parties with the amount of airtime they are entitled to according to the Electoral Code, the MMB refrained from proposing concrete corrective measures to the CEC. The Electoral Code requires private broadcasters to be fined in case of a violation of the legal provisions. Measures for compensation through additional airtime were approved instead, for the SMI and SDP, as only these two parties had submitted such requests. The fact that the CEC also approved significant amounts of compensatory airtime in favor of the DP and the SP on several of the leading channels made it impossible for broadcasters to adjust their coverage in a way which would have given "smaller" parties the coverage they were entitled to.

¹⁵ As stipulated by Article 80.2 and implied in Article 84 of the Electoral Code.

¹⁶ Under the Electoral Code, "large" parliamentary parties holding more than 20 per cent of the seats in Parliament are entitled to twice the amount of airtime of "small" parliamentary parties.

A large number of broadcast and print media provided political parties with opportunities to get their messages across to voters. OSCE/ODIHR EOM media monitoring for the period from the start of the official campaign on 28 May until 26 June, the last day before the electoral silence period, indicates more balance in regard to the quantitative coverage of the two “large” parties than before the start of the official campaign.¹⁷ The public-service broadcaster TVSH devoted 45 per cent of time to the DP and 25 per cent to the SP. The DP received 37 per cent and the SP 28 per cent coverage on Vizion Plus. TV Klan dedicated 56 per cent of airtime to the DP and 30 per cent to the SP. Two of the five monitored broadcasters devoted a fairly equal amount of airtime to the DP and the SP. News 24 devoted 38 per cent of the coverage to the DP and 37 per cent to the SP, while Top Channel gave 30 per cent to the DP and 35 per cent to the SP. While devoting fairly equal airtime to the two “large” parties, both News 24 and Top Channel continued to show a bias in favor of the SP in terms of the tone of the coverage. Vizion Plus displayed a negative approach towards the DP, while the majority of the coverage of both DP and SP on the public service broadcaster and private TV Klan was in a positive tone.

The bias shown by the monitored broadcasters, be it in terms of the quantity of the coverage or in terms of the quality, displays a significant lack of editorial independence. Journalists employed by all monitored broadcasters informed that campaign coverage is largely reduced to broadcasting footage and commentary produced and provided by political parties.

Participation of Women

The role of women in Albanian political life remains limited. Only ten out of 140 deputies in the outgoing Parliament, including the Speaker, are women (7 per cent). Since 2006, several measures have been taken in the context of legal reform affecting the status of women in Albania as a whole.

The Electoral Code stipulates that party lists for each constituency should either contain at least 30 per cent from each gender, or that at least one of the three top-ranked candidates on the lists should be from each gender. Thus, theoretically, parties with 30 per cent women all at the bottom on their lists would be in compliance. The law also fails to provide a ceiling on the number of candidates that can appear on a list relative to the total number of seats in the constituency. In certain instances parties whose lists had to be returned for corrections because they did not meet the gender requirements simply added women in positions that exceeded the number of seats available for election. While the CEC decided that such lists were in compliance with the Code, meeting the requirement in that way went against the spirit and intention of the legal provisions to promote the participation of women. For these elections, 61 per cent of the lists qualified under the 30 per cent option, while 19 per cent qualified under the top three placement option, and 43 per cent met both criteria. Three constituency lists were registered without meeting either criterion.

The Code also contains provisions to ensure the participation of both women and men in CEAZs. The requirement that each gender accounts for at least 30 per cent nationwide of CEAZ members nominated by the biggest parties of the parliamentary majority and opposition was not observed by the SP until 18 June. The CEC told the IEOM that they initially accepted the nominated members nonetheless, due to the deadline for establishing CEAZs.

¹⁷ The figures in this section refer to coverage of political actors as candidates or participants in the campaign in news programs including political debates. They exclude coverage of political actors’ institutional duties.

Participation of National Minorities

National minorities are guaranteed full rights under the Constitution. While there is no reliable official data on minorities in Albania, it is widely accepted that the most significant are the Greek and Roma minorities. Smaller minorities include ethnic Macedonians, Bulgarians, Serbs, Montenegrins, Bosniaks and Vlachs. A number of political parties target minority communities. The Human Rights Union Party mainly represents Greek voters. The Human Rights and Freedoms Movement (part of the Socialist Alliance for Integration) targets minorities generally. The Macedonian Alliance for European Integration is part of the DP-led Alliance for Change. The New Tolerance Party, which advocates the interests of Roma and Egyptians, is also a member of the Socialist Alliance for Integration.

A number of election-related issues arose concerning the Roma community. In order to facilitate the distribution of ID cards among Roma, the Government decided on 15 April that they could apply free of charge. Implementation of this decision was inconsistent and complicated in practice by the fact that official documents do not identify Roma as such. The IEOM received numerous allegations of vote-buying in Roma communities, also put forward by members of the Roma community, and two such cases were corroborated in Lezhë and Durrës regions.

Complaints and Appeals

The CEC examines and resolves complaints and adjudicates appeals against CEAZ decisions. The CEC also decides on appeals against its own decisions on the approval of the aggregation of election results for each constituency and on requests to invalidate an election. All CEC decisions can be appealed, within five days, to the Electoral College of the Court of Appeals of Tirana. The right to file a complaint or an appeal is limited to electoral subjects (parties, coalitions or candidates registered by the CEC for the elections), to individuals or parties that were denied registration as electoral subjects, and to subjects that were denied accreditation as observers. Individual voters have no means of legal redress in case of violation of their electoral rights, except to request inclusion in the Final Voter Lists.

Despite several allegations of violations of campaign regulations, electoral subjects chose to make little use of the available recourses and no complaints were filed with the CEC. During the pre-election period, three appeals against decisions of two CEAZs in Shkodër region that refused accreditation to the observers of the Freedom Pole coalition and the Socialist Alliance for Integration were filed with the CEC. The CEC overturned the CEAZ decisions and granted accreditation requests of the electoral subjects.

Seven appeals against CEC decisions were filed with the Electoral College prior to election day. Two of these appeals were dismissed on procedural grounds. The CEC decisions that were disputed pertained to the establishment of BCCs in privately owned buildings (two appeals), the definition of the parties that were entitled to participate in the lottery for the appointment of the third and fourth member of the Counting Teams, and to the approval of the candidate lists of the Environmentalist Agrarian Party. The Electoral College upheld two CEC decisions and overturned two, one fully and one partly. In general, the Electoral College adjudicated the appeals brought before it in an impartial manner thus providing effective and timely remedy during the pre-election period. It also provided all parties with equal opportunities to present their cases. It failed, however, to comply with the Electoral Code provision obliging it to provide written transcriptions that describe the evidence and reasons supporting its decisions, within three days from the day a decision was given.

Domestic Observers

The Electoral Code provides for domestic and international observation in line with OSCE commitments. Election observers are accredited by the CEC. Due to the anticipated high number of party observers, the CEC delegated, as provided by the Code, the responsibility for registering party observers to the CEAZs. The CEC accredited 4,537 observers from 16 domestic observer organizations. The biggest observation effort was undertaken by the Society for Democratic Culture, which fielded over 2,300 observers. The former heads of some NGOs were involved in the elections, including as candidates in two prominent cases. This raised doubts about these organizations' impartiality. Two Albanian NGOs, the Elections to Conduct Agency and KRIIK–Albania, conducted a parallel vote tabulation exercise in all 66 BCCs.

Election Day

Election day was overall calm and peaceful, without major incidents or violence. According to the CEC, all but six voting centers opened. Two-thirds of the voting centers where opening was observed opened late and some had to suspend voting during the day. The CEC started announcing preliminary results on election night as they arrived from the BCCs and posted them on its website, down to voting center level.

During opening of voting centers, IEOM observers noted the late start of voting procedures as well as incomplete election material, including cases where the indelible ink was missing or where the ink pads for stamping ballots had dried out. They also reported problems with the recording of the serial numbers of the ballot box seals and with depositing the Record of Sealing in the ballot box. These problems led to critical assessments of the opening process by many IEOM observers.

IEOM observers assessed the voting process as good or very good in 93 per cent of voting centers visited. The overall assessment was more positive in urban than in rural areas. VCCs' performance and understanding of procedures was assessed positively in the large majority of voting centers visited, but IEOM observers also noted that at times VCCs were not sufficiently familiar with procedures. Tensions were evident in some voting centers, sometimes caused by party activists. IEOM observers also reported cases of campaigning in or around voting centers.

IEOM observers noted procedural violations. In particular, inking procedures were not always followed: in 29 per cent of voting centers visited, not all voters were properly checked for ink, and in 10 per cent they were not always marked with ink, an important safeguard to prevent possible multiple voting. IEOM observers reported seven cases where voters who already had traces of ink were allowed to vote. In 9 per cent of voting centers visited, the secrecy of the vote was not ensured, mainly due to poor layout, space constraints or overcrowding. Family voting was reported from 19 per cent of voting centers visited, thus violating the secrecy of the vote. Other problems observed included: proxy voting (3 per cent) attempts to influence voters (4 per cent), the same person "assisting" more than one voter (4 per cent), pressure on election officials and voters (1 per cent), and seemingly identical signatures on the voter lists (4 per cent). In a few isolated cases, the voter list for the voting center was incomplete, which may have disenfranchised some voters. With very few exceptions, ballot boxes were sealed properly, but in 14 per cent of voting centers visited, the serial numbers of seals had not been recorded in the VCC Meeting Record Book. Unauthorized persons were observed in 3 per cent of voting centers visited and were seen interfering in or directing the process in nine cases.

Political party observers were present in 95 per cent of voting centers visited by IEOM observers, and domestic non-party observers in 26 per cent. In the voting centers visited, women accounted for only 16 per cent of VCC members and for 14 per cent of VCC chairpersons.

The CEC issued a statement that the use of micro cameras and fluorescent lamps inside voting centers was illegal and subject to criminal proceedings, after it was discovered in Tirana and other cities that several SP commissioners and activists carried such cameras, concealed in pens, and lamps.

Closing procedures were assessed overall positively by IEOM observers, but some noted that the process was slowed down due to apparent lack of training. They also reported procedural problems and frequent cases where copies of the Record of Closing were not given to party observers. The receipt of election material at BCCs was also described overall positively, although the number of VCCs waiting to be processed at some BCCs resulted in overcrowding.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Tirana on 8 May with 12 experts in the capital and 26 long-term observers deployed throughout Albania. The OSCE Parliamentary Assembly (OSCE PA) conducted pre-election visits on 15 May and 8–9 June, and the Parliamentary Assembly of the Council of Europe (PACE) conducted a pre-election visit on 4–5 June 2009. On election day, some 395 short-term observers were deployed in an International Election Observation Mission (IEOM), including a 36-member delegation from the OSCE PA, a 22-member delegation from PACE, and a 5-member delegation from the NATO Parliamentary Assembly (NATO PA). In total, there were observers from 38 OSCE participating States. The IEOM observed voting in over 1,375 polling stations out of a total of 4,753 and counting in all 66 counting centers.

Mr. Wolfgang Grossruck (Austria), Vice-President of the OSCE Parliamentary Assembly and Head of the OSCE PA delegation, was appointed by the OSCE Chairperson-in-Office as Special Coordinator to lead the short-term OSCE observer mission. Ms. Corien Jonker (the Netherlands) headed the delegation of the PACE, and Mr. Bruce George (United Kingdom) headed the delegation of the NATO PA. Ambassador Audrey Glover (United Kingdom) is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the authorities of the Republic of Albania for the invitations to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The IEOM also wishes to express appreciation to the OSCE Presence in Albania and other international institutions for their co-operation and support.

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