

INTERIM REPORT No. 2
22 May–3 June 2009

8 June 2009

I. EXECUTIVE SUMMARY

- The official campaign period started on 28 May, and campaign activities have started to pick up during the reporting period. The campaign environment has been generally calm and peaceful, with only a few isolated incidents. The campaign has been marked by frequent examples of harsh language and accusations.
- The Central Election Commission (CEC) continues its preparations for the elections. During the reporting period, it adopted an instruction on the tabulation and transfer of election results, finalized the ballot paper layout, and took several other important decisions. Despite efforts by the CEC Chairperson to reach consensus when possible, the CEC continues to be divided, and most disputed issues are decided along party lines.
- OSCE/ODIHR EOM long-term observers report that many Commissions of Electoral Administration Zones (CEAZs) are not meeting regularly or following the working hours requested by the CEC. The formation of Voting Center Commissions (VCCs) has been delayed due to the failure of many political parties to nominate their members within the legal deadline.
- In an inclusive process, the CEC registered the candidate lists of most parties which submitted candidate lists and of one candidate nominated by a group of voters. One party was de-registered after it emerged that it had submitted falsified documentation.
- Efforts to provide each citizen with an ID card are continuing. Since 30 May, only citizens who do not hold a passport and would not be able to vote otherwise are allowed to apply. According to the Ministry of Interior (MoI), around 1.17 million applications had been received as of 31 May. The opposition continues to allege that the process is not handled properly and, on 1 June, announced it will file a lawsuit against senior MoI officials for what the Socialist Party (SP) claimed was deliberate manipulation of data.
- During the reporting period, none of the electoral subjects contested the content of the voter list, in sharp contrast with the experience from previous elections.
- In the two weeks before the start of the official campaign period, all monitored TV stations broadcast advertisements by different political subjects, in violation of legal provisions. OSCE/ODIHR EOM media monitoring indicates that during this period, the monitored broadcast media in the news and current-affairs programs provided unbalanced and partial coverage of the main political subjects.
- During the reporting period, the Electoral College received four appeals against CEC decisions. One CEC decision was returned to the CEC, and one was upheld. Two separate appeals on a third case will be heard on 6 June. No complaints were filed with the CEC.

- Many parties' candidate lists were returned by the CEC for corrections since they did not meet the gender requirements of the Electoral Code. In two cases, approved lists still do not meet these requirements.

II. THE POLITICAL ENVIRONMENT

The official campaign period began on 28 May. Campaign activities have started to pick up during the reporting period but in many areas of the country remain thus far limited. Several political parties held opening rallies to mark the start of the campaign, at which they presented their platforms and candidates. Party leaders have been travelling extensively in the country, holding rallies. Campaign offices are being opened. Billboard posters have started to appear, especially around Tirana.

The Democratic Party (DP) of Prime Minister Sali Berisha has focused on the achievements of the outgoing Government, as well as laying out its aims for a future term in office, in areas such as infrastructure development, fight against corruption, education, tax reform, and the promotion of small businesses. The Socialist Party (SP) has stressed the achievements of its leader, Edi Rama, as Mayor of Tirana, and promised to extend that success to the rest of the country, in areas such as infrastructure, taxation and the environment.

The campaign environment has been generally calm and peaceful. In isolated incidents, on 21 May a campaign tent of the G99 party in Kamza was damaged by police officers, and on 26 May an SP office in Tirana was damaged by unknown persons.

The campaign has been marked by frequent examples of harsh language and accusations. The DP has particularly focused on the prominent participation at the SP's opening rally of a former Interior Minister from the Communist period. The SP has repeatedly accused the DP of corruption. On 31 May, the head of the SP branch in Tirana, alleging government misuse of funds for the Durrës-Kukës highway, claimed that "Berisha worked to increase the wealth of his friends and family."

Both the Government and the Mayor of Tirana have used official events for campaign purposes, blurring the distinction between state and party. For example, on 25 May the Prime Minister presided at the inauguration of a project to build a hydro-electric plant near Shkodra, in the presence of a large crowd. Numerous DP flags were distributed at what was clearly a campaign event. The OSCE/ODIHR EOM also received credible allegations that public-sector workers in the locality had been required to attend the inauguration. On 29 May, the Mayor of Tirana inspected the renovation work at the Park of Tirana. His speech called on people "to vote for me and the SP, and we are going to transform the situation in the country, as we are doing in Tirana."

The OSCE/ODIHR EOM has received numerous allegations of pressure on public-sector workers from some opposition parties, including threats that they would lose their jobs if they did not desist from political activities. The Human Rights Union Party (HRUP) has claimed that 18 of its supporters had been dismissed from state jobs on political grounds after that party decided to join the SP-led Union for Change coalition. The OSCE/ODIHR EOM is following up on these allegations.

III. THE ELECTION ADMINISTRATION

During the reporting period, the Central Election Commission (CEC) concluded the verification and approval of political party lists, adopted the ballot paper layout, and made some progress regarding the adoption of procedural instructions necessary for implementing the Electoral Code.

The CEC continues to be divided along majority-minority lines on contentious issues, between the four members nominated by the parliamentary majority and the three members nominated by opposition parties. Most disputed issues are adopted by four votes against three. However, the CEC Chairperson is making relentless efforts to consult all members and to reach consensus whenever possible. Most controversial discussions in the CEC were related to procedures or interpretations of the Electoral Code. Authorized representatives of political parties have extensively used their right to speak and to make proposals during CEC sessions.

After the verification and approval of candidate lists (see Section IV, Candidate Registration), the CEC on 30 May approved the ballot paper design and agreed to print the ballots on special watermarked paper which will contain three additional security features that will be chosen by the printing company and will not be communicated to the CEC. The ballots will be printed by a Slovenian printing house, which has printed ballots for several previous elections in Albania.

The CEC also made progress regarding the procedures for tabulation and transfer of election results from Ballot Counting Centers (BCCs) to the CEC. On 22 May, the CEC adopted an instruction regulating the tabulation and transfer of results. The CEC is in the process of testing the software to be used for this purpose. An instruction regarding procedures at BCCs, on receiving and verifying election materials, and on counting the ballots, was adopted by the CEC on 3 June, after several attempts to reach the required qualified majority of five votes in favor. As in previous elections, the instruction is unnecessarily long and repeats Electoral Code provisions without providing sufficient additional procedural clarifications and guidance.

According to the CEC, all Commissions of Electoral Administration Zones (CEAZs) are functioning; however, OSCE/ODIHR EOM long-term observers have reported that many CEAZs are not meeting regularly or following the working hours requested by the CEC, and that a few CEAZ offices continue to be closed. The CEC continues to replace CEAZ members at the nominating parties' requests. According to the Electoral Code, political parties may replace CEAZ members they have nominated, without an explanation. Voting Center Commission (VCC) members should have been nominated by 14 May and appointed by 19 May, according to Article 36.2 of the Electoral Code. However, political parties frequently failed to nominate VCC members, pointing to a provision in the same article that "in any case, their appointment is made no later than 20 days prior to the election date". Training of VCCs is scheduled to take place between 15 and 23 June.

IV. CANDIDATE REGISTRATION

In an inclusive process, the CEC initially approved the candidate lists of 35 of the 36 parties who had submitted lists, and the candidacy of one of the two candidates nominated by a group of voters. One party was rejected because it had submitted incomplete documentation and had failed to correct it within the legal deadline; one candidate nominated by a group of voters was rejected because the nominating initiative committee had been registered too late with the CEC. All parties' candidate lists have been posted on the CEC website.

However, most parties had submitted candidate lists which had to be returned for corrections. Most deficiencies in the lists related to inappropriate documentation (in most cases expired passports used by candidates as identity documents) or failure to meet gender requirements.

The collection of supporting signatures proved to be controversial.¹ According to the Electoral Code, support signatures had to be deposited by each supporter individually, in front of a public notary or the CEC. The CEC initially decided to register one independent candidate and the lists of the Reorganized Party of Labour of Albania (RPLA), although neither had provided support signature lists with separate notarized statements for each voter, but had only submitted statements by notaries for the entire list of supporters. The RPLA provided a statement by a notary according to which all signatures had been deposited in front of her on one and the same day. On 1 June, the SP representative at the CEC brought a written statement from the notary who had purportedly notarized the signatures deposited in support of the RPLA and who denied ever having witnessed the signing of support signatures for the RPLA. After contacting the notary, the CEC reversed its earlier decision and took the RPLA off the ballot.

V. VOTER REGISTRATION AND IDENTIFICATION

Local Civil Status Offices (CSOs) had to extract the Final Voter List (FVLs) from the National Civil Status Register (NCSR) separately for each Voting Center (VC) by 28 May, as stipulated by the Electoral Code. Signed by the mayor of the respective local-government unit, the lists for each VC were to be sent to the CEAZs in three paper copies. Within five days from the extraction of the FVL, the CEAZs are obliged to display one of the copies at the respective VC. One category of special voters has not been accommodated yet, those who will vote in special VCs opened in hospitals. Although the deadline for establishing VCs in hospitals and healthcare institutions is 7 June, the procedure related to the deletion of a name from the FVL of the precinct of residence has yet to be established.

According to reports from OSCE/ODIHR EOM long-term observers, the majority of CEAZs did not receive the FVLs by the deadline established by the Electoral Code. Only 19 out of 59 CEAZs contacted on 30 May confirmed that the three copies of the FVLs had been delivered to them. Many CEAZs were not sure whether they have the physical resources to display each voter list at the premises of the VCs under their jurisdiction. Some suggested that support from the local administration would be requested.

The FVL contains 3,084,067 names, 88,313 less than the Preliminary Voter List, which indicates that further efforts have been made to clean the database from duplicate entries or names of deceased people. During the reporting period, none of the electoral subjects contested the content of the voter list, in sharp contrast with the experience from previous elections.

Efforts to provide each citizens with an ID card are continuing. On 28 May, the Government issued an order that after 30 May, application centers would only accept applications from citizens without passports, who would otherwise not be able to vote. The SP warned that the elections might be delegitimized if a significant number of voters remained without ID cards and, as a result, are disenfranchised. The cutoff date for applying for an ID card slated for delivery before election day is 15 June. A hotline is to be opened where applicants can receive advice and instructions as to how to proceed in order to receive an ID card before election day.

¹ Candidate lists of non-parliamentary political parties running individually, or of coalitions which have less seats in the outgoing Parliament than the number of parties in the coalition, must be supported by the signatures of 10,000 or 15,000 registered voters, respectively, collected nationwide. Candidates nominated by a group of voters need the signature support of at least one per cent of voters registered in the respective constituency.

Since the current technical design of the system does not allow for mobile application stations, homebound citizens are excluded from the process.

According to information from the Ministry of Interior (MoI), a total of 1,172,279 applications had been received by 31 May, and 1,045,910 ID cards had been produced. A total of 1,019,910 ID cards have been distributed to the application centers, out of which 652,067 have been collected by citizens. According to the Government, around 730,000 citizens do not have a passport, a figure which the opposition has questioned as too low. Of these citizens, 460,000 had submitted an application by 29 May. Among those eligible voters who have yet to apply, an estimated 160,000–260,000 are believed to be abroad without valid documents, according to a letter from the Deputy Interior Minister to the SP.

Most issues related to the process of ID card applications, production and distribution continue to be fiercely disputed between the Government and the opposition. The SP continues to allege that applications are accepted selectively, that subsidies for ID cards are applied selectively in favor of supporters of the DP, and that there are deliberate electricity cuts and internet problems to slow down the application process and discourage known SP supporters. Reports by OSCE/ODIHR EOM long-term observers indicate that in some cases not all citizens received a loan for an ID card although they were entitled to it under the relevant Government decision, and that not all post office staff were aware of that decision (e.g. in Elbasan and Korça regions). Several groups of applicants were refused compensation for travel expenses incurred, on various grounds (e.g. in Dibër and Korça regions). OSCE/ODIHR EOM long-term observers also reported power cuts or internet problems at application centers, in particular from Elbasan, Përmet, Dibër and Korça regions, which made it difficult for citizens' applications to be processed in a timely manner.

On 28 May, the MoI distributed to the SP, the OSCE Presence in Albania and the OSCE/ODIHR EOM a database with incorrect data (as of 26 May) about citizens who do not possess a passport. This led to a dispute between the Government and the SP; the MoI attributed it to a technical mistake, while the SP alleged deliberate manipulation of the database which could affect the election results. On 1 June, the SP announced that it will bring a lawsuit against senior MoI officials over the issue.

VI. THE MEDIA

The Media Monitoring Board (MMB), which monitors the provisions of the Electoral Code on the campaign coverage by public and private broadcasters and reports to the CEC, uses the technical capacities of the National Council of Radio and Television (NCRT) to carry out its tasks. The NCRT's monitoring capacities provide the MMB only with 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 does not allow for establishing whether broadcasters comply with the legal obligation to provide "pluralism of information", as stipulated by Articles 80.2 and implied in Article 84 of the Electoral Code.

Article 55.8 of the Law on Public and Private Radio and Television prohibits advertisements of political parties or associations outside the official campaign period. Nonetheless, between the beginning of the OSCE/ODIHR EOM media monitoring on 14 May and the official beginning of the campaign on 28 May, all monitored TV channels broadcast advertisement by different political subjects, including the Government, the SP, the Socialist Movement for Integration and G99. In several of these advertisements, the Prime Minister, other Government officials, and SP leader and Tirana Mayor Edi Rama, took advantage of their institutional functions to engage in

campaigning. Several civic information spots launched by Government ministries and agencies could be interpreted as election campaigning in favor of the DP.

OSCE/ODIHR EOM media monitoring results indicate that in the two weeks before the start of the official campaign, the monitored broadcasters in their prime-time news and current-affairs programs provided unbalanced and partial coverage of the main political subjects. Although all monitored TV stations devoted a majority of the time allocated to political subjects to the DP, the tone of the coverage differed, at times significantly.²

Public Albanian Television (TVSH) devoted 64 per cent of the coverage of political actors to the DP, 74 per cent of which was in a positive tone, while the SP received 22 per cent, 42 per cent of which was in a negative tone. Private Klan TV displayed a similar approach, devoting 55 per cent of its coverage to the DP, 57 per cent of which was positive in tone, while giving 37 per cent to the SP, 35 per cent of which was negative in tone. By contrast, other private broadcasters showed a bias towards the opposition and were critical of the ruling party although the latter received most coverage. Top Channel dedicated 37 per cent of its coverage to the DP, of which 38 per cent was negative in tone, while it gave the SP 29 per cent, of which 56 per cent was in a positive tone. Vizion Plus allocated 49 per cent of its coverage to the DP (74 per cent negative) and 23 per cent to the SP (53 per cent positive). News 24 devoted 51 per cent to the DP and 23 per cent to the SP, with mostly positive (44 per cent) coverage for the SP and 44 per cent negative coverage for the DP. Parties other than the DP and the SP received significantly less coverage on all monitored TV stations.

VII. COMPLAINTS AND APPEALS

During the reporting period, four appeals against CEC decisions were filed at the Electoral College. Two of these appeals were filed by the SP and pertain to the establishment of BCCs in private premises, namely in EAZ 41 (Bushat municipality/Shkodra region) and EAZ 58 (Paskuqan commune/Tirana region). The SP also requested that the CEC be obliged to establish these BCCs in public buildings. In the case of EAZ 41, the Electoral College partially accepted the appeal on the grounds that the CEC decision was based on a list submitted by the Prefect which did not include all suitable premises within the region, as required by Article 94 of the Electoral Code. The Electoral College stated, however, that it is not within its competence to oblige the CEC to establish BCCs in public buildings only. In the case of EAZ 58, the Electoral College upheld the CEC decision. As the transcriptions of both decisions are yet to be made public, it is not clear why the Electoral College took different decisions in what appear to be similar cases.

The other two appeals received by the Electoral College pertain to the CEC decision on which parties are entitled to participate in the lottery for determining which parties will nominate the third and fourth member of Counting Teams. Under Article 96 of the Electoral Code, the CEC should draw lots among the political parties of the parliamentary majority and the opposition which are registered in the elections and hold no less than two seats in the outgoing Parliament. Based on a letter it received from the Parliament, the CEC defined which parties belong to the parliamentary majority and to the opposition. The SP and the Social Democratic Party each filed an appeal contesting the definition of parliamentary majority and opposition, which the Electoral College decided to adjudicate jointly. The DP and the Democratic Alliance Party appeared in the hearing and claimed to be interested parties that had not been notified; therefore, they requested

² The figures in this section refer to coverage of political subjects as candidates or participants in campaign events. They exclude coverage of their institutional duties.

a postponement of the hearing, which the Electoral College granted. The case will be heard on 6 June.

No complaints have been filed with the CEC so far.

VIII. PARTICIPATION OF WOMEN

In submitting candidate lists, several parties did initially not meet the requirement that each list should either contain at least 30 per cent from each gender, or that at least one in the top three on the list should be from each gender. In such cases, the CEC required the parties to correct their lists in order to comply with the Electoral Code. However, in two cases the approved list still did not meet the gender requirement.³ In several cases, parties submitted lists with more candidates than the number of seats being contested in the constituency concerned. In a number of such cases, including the DP in Kukës, and the SP lists in Kukës and in Lezhë, the gender requirement was met only when the last, extra candidate on the list was a woman. While the CEC decided that such lists were in compliance with the Code,⁴ meeting the requirement in that way went against the spirit and intention of the provision in the Code to promote the participation of women.

IX. DOMESTIC AND INTERNATIONAL OBSERVERS

Election observers are accredited by the CEC. Due to the anticipated high number of party observers, the CEC decided, as provided by the Code, to delegate the responsibility for registering party observers to the CEAZs. Several domestic NGOs plan to deploy observers. Thus far, the CEC received and approved the accreditation requests of the Albanian Helsinki Committee and the Democracy and Social and Public Development Association. Two other NGOs' applications were rejected on formal grounds.

X. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities. The Head of Mission and other Core Team members continue to meet the CEC, state officials, party representatives, court officials, representatives of the media and civil society, and diplomatic missions. Most Core Team members have conducted meetings in regions outside the capital. OSCE/ODIHR EOM long-term observers deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. A briefing for members of the diplomatic community and international organizations accredited in the Republic of Albania was held on 22 May.

³ The lists of the Social Democracy Party and of the New European Democratic Party in Lezhë region.

⁴ Article 67 of the Electoral Code stipulates that the number of names on a party list "should not be less than the number of seats assigned to the respective electoral zone".