



Office for Democratic Institutions and Human Rights

**REPUBLIC OF ALBANIA**

**PARLIAMENTARY ELECTIONS 2009**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

**16 - 19 March 2009**



**Warsaw  
1 April 2009**

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# REPUBLIC OF ALBANIA PARLIAMENTARY ELECTIONS 2009

## OSCE/ODIHR Needs Assessment Mission Report 16 – 19 March 2009

### I. INTRODUCTION

Following an invitation extended by the Albanian Delegation in the OSCE Permanent Council in January 2009, and which was subsequently confirmed in the form of a written invitation from the Ministry of Foreign Affairs on 18 March 2009, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Albania from 16 to 19 March 2009. The NAM was headed by Mr. Gerald Mitchell, Head of the OSCE/ODIHR Elections Department, accompanied by Ms. Nicola Schmidt and Mr. Gilles Saphy, OSCE/ODIHR Election Advisers.

The purpose of the OSCE/ODIHR NAM was to assess the conditions and level of preparations for the 28 June 2009 parliamentary elections in line with OSCE commitments, and to advise on a possible election observation activity. The OSCE/ODIHR NAM held meetings with the Prime Minister, the Minister of Foreign Affairs, the Central Election Commission, as well as other government officials, representatives of political parties, civil society, and the international community in Tirana (see annex for a list of meetings).

The OSCE/ODIHR is grateful to the OSCE Presence in Albania and to the Ministry of Foreign Affairs of Albania for the support provided prior to and during the NAM.

### II. EXECUTIVE SUMMARY

Albanian voters are due to vote on 28 June 2009 to elect the 140 members of the National Assembly, the unicameral parliament. These elections will be conducted after constitutional amendments, and adoption of a revised electoral code in 2008 affecting, *inter alia*, the electoral system for parliamentary representation and the framework for voter registration. These changes were overall positively assessed in a legal opinion issued jointly by the OSCE/ODIHR and the Venice Commission.<sup>1</sup>

The electoral reform repealed the controversial electoral system for parliamentary elections, which combined 100 single member constituencies and 40 supplemental seats allocated at national level. The 140 members of the new Assembly will now be elected through a proportional system within 12 regional constituencies.

The reform has also reduced the number of members of the Central Election Commission (CEC), which is now formed based on parties' nominations and voted in the Assembly. The elections will also be administered by 66 mid-level commissions, each of them responsible for one Ballot Counting Centre (BCC). Some of the small parties criticised the

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<sup>1</sup> OSCE/ODIHR – Venice Commission, Joint Opinion on the Electoral Code of the Republic of Albania, CDL-AD(2009)005, 13 March 2009, available at: <http://www.osce.org/odihr-elections/13446.html>

reduction of election commission membership, as excluding them from participating in the administration of the process. There were also some concerns expressed that belated nominations for mid-level commissions by some political parties could impact negatively on election preparations.

Voter lists are compiled on the basis of modernised civil registers. Most OSCE/ODIHR NAM interlocutors expressed optimism concerning the quality of voter lists. It must, however, be noted that Albania is still lacking a uniform system for addresses of buildings, although this should have been an essential part of the recent reform efforts.

The political landscape of Albania remains dominated by the Democratic Party (DP), the Socialist Party (SP), and their respective allies, with only a few political parties not aligning themselves with either of the two largest parties. While the former electoral system lent itself to the fragmentation of the political party landscape, there are signs that the new electoral system may lead to a more consolidated party system.

Most OSCE/ODIHR NAM interlocutors expected that the new electoral framework could provide an opportunity for the forthcoming elections to mark significant progress towards meeting international standards for democratic elections. However, there were concerns that this opportunity would only be realised if current challenges pertaining to the administration and infrastructure for the elections were surmounted in due time.

The question of the on-going distribution of new identity cards was a key issue for all OSCE/ODIHR NAM interlocutors. While the Government expressed confidence that all eligible voters without a valid passport would receive an identity card before the election, many interlocutors, in particular those representing the opposition and civil society representatives, expressed doubts that this could be achieved on time, and some requested that ID cards be provided free-of-charge. Some interlocutors emphasised that the success of the ID card distribution will ultimately depend on the efforts dedicated to it, in particular in terms of a public awareness campaign and on its access for all citizens.

The new electoral code provides for the filming, recording and screening of the counting process. While most interlocutors viewed this as a positive step, the implementation of this requirement raised some questions and concerns. The OSCE/ODIHR NAM received differing information regarding the financing and timeframe for the necessary equipment to be procured.

Some expressed concerns that the elections would take place at the time of university exams, and informed the OSCE/ODIHR NAM that some solution would need to be pursued with the Ministry of Education.

The OSCE/ODIHR recommends that an election observation mission (EOM) be deployed to the Republic of Albania in early May to assess the conduct of the 2009 parliamentary elections in line with domestic legislation, OSCE commitments and other international standards for democratic elections. Taking into account particular features of the electoral process, such as the existence of 12 regional constituencies, and of 66 counting centres, the OSCE/ODIHR kindly requests the OSCE participating States to second 30 long-term observers, as well as 400 short-term observers to be deployed across the Republic of Albania.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

While a consistent tendency towards improvement of the electoral process has been noted, in particular after the 2000 municipal elections,<sup>2</sup> elections in Albania are yet to meet OSCE Commitments and other international standards for democratic elections. OSCE/ODIHR Final Reports on the 2005 parliamentary elections and the 2007 local elections concluded that OSCE commitments were only partly met. The two reports noted the competitive nature of the contest, but also insufficient political will and persistent shortcomings in the infrastructure of the elections. All OSCE/ODIHR NAM interlocutors stressed the importance of the forthcoming elections, in particular, in the context of Albania's aspirations towards European Union integration.

The political landscape of Albania remains dominated by the Democratic Party (DP), the Socialist Party (SP), and their respective allies, with only few political forces not aligning themselves with either of the two largest parties. The previous electoral system and its particular implementation, referred to as "Dushk",<sup>3</sup> had lent itself to the fragmentation of the political system. It allowed the large political parties to maximise their gains by shifting proportional votes to smaller allies, without having to forfeit the seats won on their own in single member constituencies, and was disadvantageous to political parties that could not shift votes to smaller party allies. The 2005 elections resulted in parliamentary representation of some 13 political parties. The seat allocation was controversial and changing the electoral system became a benchmark for the international community.

After many years of distrust and acrimony between the DP and the SP, a more cooperative climate started to develop in 2007-2008, which led to changes to the Constitution in April 2008 and the adoption of the new electoral code in December 2008. These established a new electoral system of proportional representation with 12 constituencies corresponding to the current administrative regions.

The new electoral system may lead to a more consolidated political landscape around a smaller number of political forces. In this regard, some of the small political parties expressed concern that the electoral reform would largely be to their disadvantage.

Most political parties were already busy preparing regional lists for the elections, but the OSCE/ODIHR NAM received very little information about this process. It was unclear whether the large parties would opt for coalition lists with their current allies, or would run on their own and encourage their allies to form coalitions among themselves or whether new coalitions with other political parties would be formed.

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<sup>2</sup> The OSCE/ODIHR observed the 1996, 1997, 2001, 2005 parliamentary elections, the 1998 constitutional referendum, and the 2000, 2003 and 2007 municipal elections. All previous reports are available on the OSCE/ODIHR website: [www.osce.org/odihr-elections/14208.html](http://www.osce.org/odihr-elections/14208.html).

<sup>3</sup> See OSCE/ODIHR Final Report Republic of Albania Parliamentary Elections, 3 July 2005, available at [www.osce.org/odihr](http://www.osce.org/odihr)

On 22 December 2008, the Albanian Parliament adopted a lustration law<sup>4</sup> that covers some categories of officials during the communist regime, about which concerns were expressed. Article 14.2 of the law provides that “In the case of those elected to the Assembly, to the organs of local government or to other representative organs, the candidates who compete are subjected to verification of the figure of the official before registration as a candidate in the respective electoral process. This notification is made by the candidate or by those who propose him.” Article 14.3 of the law provides that “the Central Election Commission does not register a candidate if he does not submit a verification certificate.” On 16 February, the Constitutional Court decided to suspend the implementation of the law, and referred it to the Venice Commission of the Council of Europe for an *amicus curiae* opinion. As of writing this report, the possible impact of the law on prospective candidates for the forthcoming elections was still uncertain.

## **B. LEGAL FRAMEWORK AND ELECTORAL REFORM**

The current electoral code is the result of several waves of electoral reforms, dating back to 2002, with significant amendments made in January 2005, *inter alia* concerning the election administration, voter lists, centralized count, and complaints and appeals. Most of these amendments answered, to some extent, recommendations issued by the OSCE/ODIHR and the Venice Commission in 2004.<sup>5</sup>

Although improved with the 2005 amendments, the code still contained shortcomings evident during the July 2005 parliamentary elections, in particular in relation to the above-mentioned electoral system that the OSCE/ODIHR recommended to review.<sup>6</sup>

The reform was re-launched after the 2007 local elections, under the auspices of a Parliamentary Ad Hoc Committee on Election Reform (AHC) established in May 2007, where all 13 parliamentary parties were represented. Despite their pledges to amend the electoral system, the reform ended in a stalemate by the end of 2007.

In early 2008, the DP and SP agreed publicly on five points concerning the 2009 elections, including considerations on the electoral system. Other political forces proposed alternative solutions. Some of the smaller parties advocated for the preservation of a possibility for parties to change the order of allocation and to re-order the ranking of candidates on lists previously submitted to the CEC after the results are known, a practice unambiguously criticised by the OSCE/ODIHR and the Venice Commission in the 2004 Joint Recommendations.<sup>7</sup> The Socialist Movement for Integration (SMI), headed by former Prime Minister, Ilir Meta, advocated for a strict proportionality between votes and seats.

On 21 April 2008, the Assembly adopted, with a broad majority, amendments to the Constitution *inter alia* modifying the electoral system. The reform was finalised with the adoption of the electoral code in December 2008. Some political forces, in particular the SMI, opposed the reform as favouring the interests of the two larger parties.

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<sup>4</sup> Law No. 10 034, on the Cleanliness of the Figure of High Functionaries of the Public Administration and Elected Persons

<sup>5</sup> OSCE/ODIHR - Venice Commission, Joint Recommendations on the Electoral Law and the Electoral Administration in Albania, November 2004, CDL-AD(2004)017.

<sup>6</sup> OSCE/ODIHR Final Report Republic of Albania Parliamentary Elections, 3 July 2005, at pp. 4-5.

<sup>7</sup> OSCE/ODIHR – Venice Commission, Joint Recommendations, November 2004, op. cit. par. 66 to 68

The 140 members of the new Assembly will be elected through a proportional system within constituencies corresponding to the 12 administrative regions. The number of seats per constituency will range from 4 in the Kukes Region, to 32 for the Tirana Region. Seats will be allocated in a regional constituency to political contestants using *D'Hondt* divisors (1, 2, 3, 4, 5, *et seq.*) for the initial allocation, and *Sainte-Laguë* divisors (1, 3, 5, 7, 9, *et seq.*) for allocating seats to political parties within a coalition. The new code also includes changes for the CEC formation and voter lists (see below).

Recognising the substantial improvements brought about by the reform, in particular with regards to the electoral system and to voter registration, the Venice Commission and the OSCE/ODIHR nonetheless pointed out several provisions of the new code that should be addressed in the future.<sup>8</sup>

Article 67(3) of the code allows chairpersons of political parties to run on the party's list in each of the twelve electoral zones for the Assembly. This special treatment was criticised in the Joint Opinion for violating the fundamental principle of equality and of non-discrimination, and will need to be addressed in the future.<sup>9</sup>

Only parliamentary parties are entitled to receive public campaign funding. Moreover, the code obliges those parliamentary parties who do not obtain any seat in the new Assembly, to reimburse their initial allocation to the CEC, who reallocates these funds among the winners. This aspect was criticised in the Joint Opinion, as discriminatory and as running against the objective of providing information to voters about all electoral contestants' campaigns.<sup>10</sup>

The CEC is responsible for the auditing of campaign expenditure. Each electoral competitor must make available information, documents or data related to campaign finances to certified accounting experts selected by the CEC no later than 45 days after the announcement of the final result. OSCE/ODIHR NAM interlocutors expressed a low level of trust in the efficiency of the system, mostly due to the lack of pre-electoral declaration of assets and to the wide use of cash for campaign expenses.

## **C. ELECTION ADMINISTRATION**

### **1. Election Commissions**

The upcoming parliamentary elections will be administered by a three-tiered election administration: the CEC, 66 Commissions of Electoral Administration Zones (CEAZs) – one per Electoral Administration Zone, and some 4,700 Voting Centre Commissions (VCCs). As in the 2005 parliamentary and 2007 local elections, counting will be conducted centrally in 66 Ballot Counting Centres (BCCs).

The electoral reform reduced the number of CEC members from 9 to 7. CEC members are now to be nominated by parliamentary parties and confirmed by votes in the Assembly. The parliamentary majority party and the largest parliamentary opposition party each propose two members, and the fifth and sixth CEC members are proposed by the other

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<sup>8</sup> OSCE/ODIHR – Venice Commission, Joint Opinion, March 2009, op. cit. p.4

<sup>9</sup> Ibid. p.6

<sup>10</sup> Ibid. p.11

parties of the parliamentary majority parties and the other parties of the parliamentary opposition respectively. The seventh member, at the same time the CEC Chairperson, is elected based on proposals from the parliamentary majority party. The formation of the CEC on the basis of the new election code was completed on 5 February 2009. The current CEC composition is as follows: two members each from DP and SP, one member each from the Republican Party and the Social Democrat Party; the chairman was proposed by the DP.

The CEAZs should be established by the CEC no later than 90 days before election day, so in this case by 30 March 2009. The CEAZs comprise 7 members and a secretary, and are appointed by the CEC. The parliamentary majority party and the largest party of the opposition propose two members each, while the second party of the majority and the second party of the opposition propose one member each. The seventh member is proposed by the largest majority party and the largest opposition party in half of the CEAZs each. The chairperson and deputy chairperson are appointed by the CEC upon a proposal by the CEAZ, with the chairperson representing the parliamentary majority or opposition, depending on which party representative is the seventh CEAZ member. The deputy chairperson will always be of the opposite political affiliation to that of the chairperson. The secretary is proposed by the party that proposes the deputy chairperson of the CEAZ. There were some concerns expressed that belated nominations for mid-level commissions by some political parties could impact negatively on election preparations.

VCCs are comprised of 7 members and a secretary, and are established according to the same mechanism as CEAZs. VCCs are appointed by CEAZs no later than 20 days before election day upon the proposals of the parties.

CEAZ and VCC members can be replaced upon requests by the parties that nominated them. OSCE/ODIHR NAM interlocutors have expressed concern that this provision could lead to late substitutions of election commission members, potentially with inexperienced and untrained members. Several interlocutors mentioned that late replacement of commission members would be necessary in order to avoid potential fraud and manipulation due to pressure put on commission members.

Some of the smaller parties criticized the reduction in election commission membership, as well as the formation procedures, and are concerned about their exclusion from the administration of the election process.

For the counting of ballots, Counting Teams (CTs) will be established two days prior to election day by the respective CEAZs, and are composed of four members. The members are again appointed according to a mechanism ensuring representation for the parliamentary majority and opposition: one member each representing the same party as the CEAZ chairperson and deputy chairperson, and one member each representing the parties of the parliamentary majority and opposition based on a random selection by lots. Each CT is responsible for the count of at least five Voting Centres, but not more than 10 Voting Centres, before being replaced by another CT.

Previous OSCE/ODIHR reports have noted that the late appointment of CTs may have resulted in insufficient training, and consequently to mistakes during the count itself.



The amended election code provides for the filming, recording and immediate screening of the counting process. This was introduced as a confidence building measure to allow all interested persons to follow the counting process. The CEC is currently procuring the necessary equipment, contingent on receiving approval for its amended election budget from the Government. The OSCE/ODIHR NAM, however, received differing information regarding the financing and timeframe for procurement of the necessary equipment. It was also unclear whether the absence of a video record could constitute grounds for possible legal challenges including possible invalidation of the election, and whether video recordings could be used as evidence in dispute proceedings.

## **2. Voter lists**

In all past election processes in Albania, voter lists have been a source of controversy, especially regarding their accuracy and the documents used as a basis for voter identification. The current voter registration system is the result of a step by step reform process, dating back to an agreement across party lines in late 2002, that lists should be based on personal data stored in the 'fundamental registers'; the books kept by Civil Status Offices (CSOs) within Local Government Units (LGUs).

Voter registration was reformed ahead of the 2005 parliamentary elections, with LGUs in charge of voter list compilation on the basis of civil status books. Challenges to this process included a lack of administrative capacity in many LGUs, occasional electricity cuts, and the often poor state of the books. In addition, the absence of a uniform address system for buildings resulted in voters being assigned a numerical address created on the basis of digitalized maps of the country.

While OSCE/ODIHR Final Reports on the 2005 and 2007 elections noted progress in the accuracy of the lists, they stated that due to the inaction of the Albanian authorities in introducing a uniform address system and new personal identification documents, voter lists and voter identification remained contentious issues. The OSCE/ODIHR recommended creating a computerized and centralized civil register, from which voter lists would be extracted, and considering the introduction of a form of identification that is not open to abuse.

The new electoral code provides for a voter registration system based on civil registers. A National Civil Status Register (NCSR) has been created under the responsibility of the General Directorate of Civil Status (GDSCS) within the Ministry of the Interior (MoI) on the basis of a computerization of the fundamental registers. The computerization was completed in July 2008, with extensive support from the OSCE Presence in Albania, the European Commission and Statistics Norway.

As a first step before extracting voter lists from the civil register, the MoI issued, on 23 January 2009, an instruction on cleaning multiple entries in the NCSR. By the end of January, the MoI informed that some 50,000 duplicates had been identified. The MoI issued a detailed instruction on voter list compilation on 6 February. Electronic copies of the preliminary voter lists were sent from the GDSCS to LGUs on 28 February. In total, the lists contain some 3.1 million voters, up from 2.9 million for the 2007 elections.

Preliminary voter lists (PVL) were made publicly available on 6 March. Citizens can also check their data on the MoI and CEC websites. The OSCE/ODIHR NAM was informed

that the voter list in electronic format was made available to political parties. Voters can request changes until the end of April. By 29 May, CSOs have to generate final voter lists. The OSCE Presence in Albania is launching an awareness campaign, with European Commission support, to encourage voters to check their data in the PVLs.

The voter registration process did not solve the remaining question of voters without identified location. This issue, often referred to as the “999 cases”, dates back to the creation of numerical addresses in 2004-2005, when a substantial number of voters could not be located, and were granted a numerical address ending with “999”. The OSCE/ODIHR NAM was informed that some 200,000 such cases are still in the register.

OSCE/ODIHR NAM interlocutors generally did not express strong concerns in relation to the overall quality of voter lists.

### **3. Identification documents**

The new election code limits the valid documents for voter identification to passports and identity cards, hence bringing an end to the long standing practice of voters using birth certificates with pictures attached for identification. This decision is commendable, as the use of birth certificates was controversial in all previous elections, and brought the 2007 local elections process to the verge of collapse.

On the basis of a comparison between MoI files on passport holders and of the NCSR data, the Government estimates that some 729,000 citizens do not hold a valid passport, and therefore need an identity card in order to be able to vote.

The identity card distribution takes several steps: citizens must buy a voucher at the post office for a price of ALL 1,200 (approx. EUR 9). They must then go to the CSO where their data is kept in the civil register. After the data is checked, the citizens must fill in an application form and have their biometrics recorded. The ID card is then printed centrally and sent back to a distribution centre for the citizens to collect it.

The process was initiated by a Council of Ministers Decision of 7 January 2009 that set the starting date for citizens’ application for ID cards for 12 January, obliging LGUs to notify voters who do not have a passport, and establishing sanctions for some categories of voters if they fail to apply by a certain date. A Government public awareness TV spot was broadcast on 12 January. Citizens’ participation in the process was high at the start and post offices ran out of vouchers within the first few days.

On 14 January, the Council of Ministers adopted a decision reducing the cost for certain categories of citizens applying for ID cards before 30 May, by offering to reimburse part of their costs. Beneficiaries obtain reimbursement upon the presentation of a proof of their application to the office which is in charge of the payment of the person’s pension or social benefit; for students the reimbursement is done by their respective university. It is unclear whether Albanian citizens are fully aware how this reimbursement will operate, and some OSCE/ODIHR NAM interlocutors suggested that expectations that the price might be lowered further could slow down the pace of voters’ applications and/or collection of the cards printed.

In view of the limited time left before the elections, the Government adopted a decision on 23 January giving priority to voters without a passport to apply until the end of March, and establishing sanctions if they are not in possession of an ID card by 15 April. The MoI was to supply the LGUs with the list of citizens without a passport before 30 January. Finally the MoI sent an instruction to LGUs on 29 January explaining the procedure and deadline for the notification of citizens without a passport.

According to the Ministry of the Interior, some 320 application stations have been opened across the country, covering approximately 80 percent of the population. It appears, however, that no specific measure has been envisaged to facilitate the application and distribution of identity cards to people with limited mobility, elderly, patients in hospitals, prisoners and invalids, or persons living in remote areas.

According to the MoI, as of 17 March, some 277,000 applications had been made, approximately 13,000 a day. It must be noted that this number also includes applications of voters already holding a passport, since the decision to prioritise citizens without passport only came after the process had started. According to the MoI, by the same date 179,600 cards had been produced, and some 106,000 sent to the delivery centres. Only approximately 32,000 had been collected by citizens, the reason for this low figure was unclear.

Many OSCE/ODIHR NAM interlocutors expressed concern whether, due to the belated start of the process and with the current pace, all voters without a valid identification document would receive an ID before election day. Some opposition representatives alleged that the number of voters without a passport was higher than the number given by the Government. Some interlocutors alleged that some political parties were buying ID cards for their supporters and other citizens in exchange for their vote. SP leader Edi Rama specifically advocated for identity cards being provided free-of-charge.

The OSCE/ODIHR is not in a position to comment on these allegations, or to recommend any particular approach with regards to the ID card process, which is a public policy under the responsibility of the Government. It must be noted in this regard, that, as is the case with all public policies requiring the active participation of citizens, the success of the ID card distribution will ultimately depend on the efforts dedicated to it, in particular in terms of public awareness campaigns and access for all citizens.

A parliamentary ad hoc committee was created on 12 March to monitor the election preparations, including the ID card process. It is expected that, provided it receives full information, this structure may act as a transparency and confidence building mechanism.

#### **D. MEDIA**

Several broadcast outlets and newspapers operate in Albania. Electronic media dominate the media landscape while newspapers have a limited circulation. The public broadcaster TVSH as well as three other TV channels broadcast nationwide; several others broadcast regionally or via satellite networks. Generally, TV channels as well as newspapers are seen as being affiliated with one of the two large parties and exceedingly politicised.

The election code regulates media coverage of the election campaign. The media related provisions apply only during the official campaign period, which starts 30 days before

election day. Provisions exclusively apply to the electronic media. The public broadcaster is required to provide free airtime to parties contesting the election as well as 90 minutes of free airtime to the CEC for voter information broadcasts.

The allocation of free airtime is dependent on the parties' representation in parliament. The code distinguishes between three categories: parties with over 20 per cent representation in the Assembly (hereinafter large parties), parties with less than 20 per cent representation in the Assembly (hereinafter small parties), and parties which are not represented in the Assembly (non-parliament parties). During the electoral campaign period, large parties receive double (30 minutes) the amount of free airtime than small parties (15 minutes) while non-parliamentary parties are entitled to 10 minutes of free airtime within a daily four-hour slot for election campaign advertising.

Private broadcasters put time at parties' disposal for paid advertisements. Again, provision of this time is dependent on a party's representation in parliament. Large parties can buy up to 90 minutes of airtime on each private broadcaster while small parties can buy up to 45 minutes of airtime. The election code provides that private national and satellite broadcasters, i.e. those with nationwide reach, have to make available free of charge half of the total advertising time bought by a political party. In addition, private broadcasters must provide up to 10 minutes of airtime for purchase by non-parliamentary parties and independent candidates.

In addition, the public and private broadcasters are required to cover parties' election campaigns in their news programmes, with airtime dependent on a party's strength in parliament. The total amount of time allocated to large parliamentary parties should be double the amount of airtime provided to small parliamentary parties. Coverage of non-parliamentary parties should not amount to more time than for parliamentary parties. The election code clearly sets out penalties applicable for non-compliance with its provisions.

The National Council for Radio and Television (NCRT) is responsible for overseeing media conduct. However, its role during an election period is limited. Media coverage of the election campaign is monitored by a Media Monitoring Board, established by the CEC and regulated by the election code. The Media Monitoring Board makes use of the NCRT's monitoring capacities and reports to the CEC on a daily basis.

Previous OSCE/ODIHR EOM reports noted that media have displayed positive trends while not always complying fully with legal provisions. The two large parties received most of the coverage with some broadcast media displaying clear party preferences. During the OSCE/ODIHR NAM concerns were raised regarding the ownership of media outlets and its effect on their independence as well as weaknesses of the regulatory body.

#### **E. PARTICIPATION OF WOMEN**

Previous OSCE/ODIHR reports have noted that although very active at the grassroots level in politics, women generally face difficulties in being selected as candidates and reaching leading positions in political parties. The code attempts to establish measures aimed at improving women's representation. Article 67 provides that "for each electoral zone, at least thirty percent of the multi-name list and/or one of the first three names on the multi-name list must be from each gender." The 2009 Joint Opinion criticised this

provision as not establishing an effective measure to promote women's representation, and recommended it be reviewed.<sup>11</sup>

#### **F. INTERNATIONAL AND DOMESTIC OBSERVERS**

All local stakeholders met by the OSCE/ODIHR NAM have asked for a significant representation of OSCE/ODIHR observers, both on election day and throughout the process. As regards domestic observation, five domestic NGOs<sup>12</sup> are expected to deploy about 2,500 domestic observers, with the support of USAID.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The OSCE/ODIHR recommends that an EOM be established at the beginning of May 2009, to observe the forthcoming parliamentary elections in the Republic of Albania. In addition to a core team of experts, the mission should include 30 long-term observers to be deployed throughout the Republic of Albania to follow the campaign and election preparations. In addition, the participating States will be requested to second 400 short-term observers to follow election day procedures and counting.

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<sup>11</sup> OSCE/ODIHR – Venice Commission, Joint Opinion, March 2009, op. cit. p.6

<sup>12</sup> Society for Democratic Culture, INZIZ, the Albanian Helsinki Committee, and KRIIK-Albania + No 5?.

## ANNEX 1

### OSCE/ODIHR NAM, 16-19 March 2009 Programme of Meetings

#### Monday 16 March

- 15:00 hrs Preliminary briefing by the **OSCE Presence in Albania**  
17.00 hrs Meeting with **Transparency International**, Mr. Lutfi Dervishi

#### Tuesday 17 March

- 10:00 Meeting with the **Minister of Foreign Affairs HE Lulezim Basha**  
11:30 Meeting with **Head of Socialist Party Mr. Edi Rama**  
12:30 Meeting with **Prime Minister HE Dr. Sali Berisha**  
14.00 Meeting with the **Central Election Commission**  
15:30 Meeting with the **Election Working Group**  
17:30 Meeting with the Head of the **National Council for Radio and Television Ms. Mesila Doda**  
19:00 Dinner with **EC Delegation Mr. Aneil Singh**

#### Wednesday 18 March

- 09:00 Meeting with the Chair and Deputy Chair of the **Parliamentary Ad Hoc Committee on the Implementation of the Electoral Code**, Mr. Ilir Rusmali and Mr. Kastriot Islami  
11:00 Meeting with **Ambassador of Greece, HE Nicolas Paxios**  
12:00 Meeting with **Deputy Minister of Interior Ferdinand Poni**  
14:00 Meeting with domestic Observation NGOs: **Albanian Helsinki Committee, INZIZ, Society for Democratic Culture, KRIIK Albania Association**  
15:00 First roundtable with parliamentary parties: **Mr. Neritan Ceka, Democratic Alliance Party, Mr. Refat Dervina, Agrarian and Environmental Party, Mr. Vangjel Dule and Mr. Leonard Solis, Human Rights Union Party, Mr. Arian Starova and Mr. Petrit Karabina, Liberal Democratic Union, Mr. Spartak Ngjela and Mr. Gilman Bakalli, Party for Law and Justice**  
16:30 Second roundtable with parliamentary parties: **Mrs. Diana Çuli and Mr. Teodor Osoja, Social Democratic Party, Mr. Ilir Meta and Mr. Edmond Haxhinasto, Socialist Movement for Integration, Mr. Petro Koçi, Real Socialist Party 91**  
19:00 Dinner with **US Embassy Mr. Paul Poletes, Chief of Political-Economic Affairs, and Mr. Michael Gray, Political Officer**

#### Thursday 19 March

- 10:00 Debriefing with **embassies of the OSCE participating States**  
11:00 Debriefing with the **OSCE Presence in Albania**