

**INTERIM REPORT NO. 1  
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**26 May 2009**

**I. EXECUTIVE SUMMARY**

- The President of the Republic of Albania on 14 January called parliamentary elections for 28 June 2009. The elections will be held under a new regional proportional election system, with the 140 members of the Assembly (Parliament) being elected in 12 constituencies.
- A revised and significantly improved Electoral Code was adopted in December 2008, as the result of the latest round of electoral reforms.
- Thirty six political parties have submitted candidate lists to the Central Election Commission (CEC). In addition, two candidates nominated by groups of voters submitted supporting signatures. Thirty-three parties will contest the elections as part of one of four coalitions.
- The political environment remains highly polarized between the Democratic Party (DP) and the Socialist Party (SP). While the official campaign period does not begin until 29 May, several parties are already actively campaigning, which is not prohibited by the Election Code.
- The elections will be administered by a three-tiered election administration, comprising the CEC, 66 Commissions of Electoral Administration Zones (CEAZs) and around 4,800 Voting Center Commissions (VCCs). Votes will be counted in 66 Ballot Counting Centers (BCCs). The CEC in its current multiparty composition was appointed in February 2009.
- The issue of new ID cards is the most contentious issue in the election process thus far. According to the Ministry of Interior, around 354,000 out of an estimated 730,000 eligible voters without a valid passport have so far applied for ID cards. While the Government is confident that it will be able to provide all voters, who do not hold a passport, with an ID card, OSCE/ODIHR EOM interlocutors, in particular from the opposition, have questioned whether this will be possible in the limited time available. Some parties have alleged that applications are being processed selectively, to the disadvantage of their supporters.
- Albania has a wide range of media, which are seen as pluralistic but not independent from political influence. The Electoral Code contains detailed rules for media coverage of the campaign and provides for the allocation of free airtime on public TV and radio, as well as for paid advertisement.
- Two complaints against CEC decisions and instructions have thus far been filed with the Electoral College of the Tirana Court of Appeals. Both were dismissed on technical grounds.
- The OSCE/ODIHR EOM opened its office in Tirana on 8 May, with a 14-member core team and 26 long-term observers who are deployed to 12 locations throughout the country. They are drawn from 20 OSCE participating States.

## II. INTRODUCTION

The President of the Republic of Albania, Mr. Bamir Topi, on 14 January 2009 called parliamentary elections for 28 June. Following a Needs Assessment Mission and an early invitation from the Ministry of Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 8 May. The EOM, led by Ambassador Audrey Glover, consists of a 14-member core team based in Tirana and 26 long-term observers who were deployed to 12 locations throughout the country. The OSCE/ODIHR EOM is drawn from 20 OSCE participating States. Participating States were requested to second 400 short-term observers to observe voting, counting and tabulation.

## III. BACKGROUND

The parliamentary elections are being conducted following constitutional amendments and the adoption of a revised Electoral Code in 2008. The elections will be the first conducted under a regional proportional system that replaced the controversial previous electoral 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 favoured 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. The OSCE/ODIHR assessed both elections as having complied only in part with OSCE commitments despite marking some progress and providing for a competitive contest.<sup>1</sup>

## IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The legal framework governing these elections consists of the Constitution of the Republic of Albania (1998, last amended on 21 April 2008) and the Electoral Code approved by the Assembly (Parliament) on 29 December 2008. Pertinent provisions of other laws, including the Criminal Code, the Law on Political Parties and the Law on State Police, are also applicable. The legal provisions set by the Electoral Code are supported and implemented by Decisions and Instructions of the Central Election Commission (CEC).

According to the Constitution, the Parliament is a unicameral body composed of 140 deputies who will be elected by a regional proportional representation system, with closed multi-name lists within 12 constituencies corresponding to the administrative regions of the country. The 12 constituencies are of varying size, with the number of mandates ranging from four in Kukës to 32 in Tirana. The Code establishes a three per cent legal threshold for political parties and a five per cent legal threshold for coalitions, which must be met within a constituency for a party or coalition to be eligible to participate in the allocation of mandates.

## V. CANDIDATE REGISTRATION

Political parties wishing to contest parliamentary elections were required to register as electoral subjects with the CEC. Two or more parties registered as electoral subjects may register an electoral coalition with the CEC. A political party that is registered as an electoral subject must submit to the CEC its multi-name list of candidates for each constituency (electoral zone) no later than 40 days before election day. Candidate lists of non-parliamentary political parties

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<sup>1</sup> All OSCE/ODIHR reports on elections in Albania are available at: <http://www.osce.org/odihr-elections/14208.html>.

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 and to be collected nationwide. The Code also allows individuals to be nominated as candidates upon the proposal of a group of voters, with the signature support of at least one per cent of voters registered in the respective constituency. Voters deposit their signatures in support of parties or candidates before the CEC or a notary. A voter can support only one candidate, party or coalition.

For these elections, 45 parties registered as electoral subjects with the CEC. Thirty-four of them formed four separate coalitions. According to the CEC, a total of 36 political parties submitted candidate lists to the CEC. Of these, 33 are part of a coalition.<sup>2</sup> In addition to political parties, three initiative committees for candidates supported by a group of voters were registered by the CEC as electoral subjects. Two of them submitted the required candidacy documents and supporting signatures.

The CEC started reviewing the candidacy documents on 21 May; it has until 24 May to complete the review process. In cases where parties are asked to correct mistakes on their lists, the last day for the CEC to decide on such lists is 29 May. The SP was the only party which submitted its lists after the deadline of midnight on 19 May.<sup>3</sup> The party claimed this was because nobody was at the CEC to receive their list, a claim which the CEC refuted.

## VI. THE POLITICAL ENVIRONMENT

The political environment remains highly polarized between the DP and the SP. While smaller parties objected to the new electoral system, many concluded that their prospects would be greater within a coalition, and most of them joined one of the four coalitions for these elections.

The Alliance for Change registered as a coalition made up of 17 parties, including the DP of Prime Minister Sali Berisha. Sixteen parties in the coalition submitted candidate lists to the CEC. Other parties in the coalition which are represented in the outgoing Parliament include the Republican Party, the Environmental Agrarian Party, the Democratic Alliance Party, and the Liberal Democratic Union. The Union for Change coalition is made up of five parties, including the SP, as well as the Social Democratic Party and the Social Democracy Party, which also have seats in the outgoing Parliament. The Human Rights Union Party (HRUP) participated in the current DP-led Government, but joined the SP-led coalition just before the deadline for the registration of coalitions. The Union for Change also includes a new party, G99, which was created by prominent civil-society figures.

The Socialist Alliance for Integration is a six-party coalition led by the Socialist Movement for Integration (SMI), which competes with the SP for the left-wing vote. It also includes the Real Socialist Party '91, a party formed at the beginning of 2009 following a split within the SP. The six-party Freedom Pole, a centre-right coalition, was formed in April 2009. It includes the Movement for National Development and the Demo-Christian Party, the latter of which was part of the DP-led bloc in the 2005 elections.

While the official 30-day campaign period does not begin until 29 May, parties are already campaigning actively, with leading political figures touring the country. Despite the formation of coalitions, campaign activities so far have been by parties individually, rather than by coalitions jointly. Many smaller coalition members stress the wish to assert their distinct identities.

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<sup>2</sup> One party within the DP-led coalition did not submit candidate lists.

<sup>3</sup> At 08:00 hours on 20 May, according to the CEC Protocol register book.

The DP emphasises its achievements in Government, including NATO membership and application for EU membership, as well as infrastructure development and the fight against corruption. Opposition parties promise improvements in areas such as infrastructure, education and healthcare. The SP and the DP accuse each other of corruption. Opposition parties allege that the DP has benefited from televised public-information campaigns stressing the Government's achievements, broadcast at a time before the official campaign, when parties are not allowed to have political advertisement on television.

There is a marked lack of trust among many political parties towards the election administration. Many smaller parties express dissatisfaction with the Electoral Code for giving a dominant role in the election administration to the DP and the SP, at the expense of others. Many parties have expressed fears of irregularities on election day, especially during the counting process.

## VII. THE ELECTION ADMINISTRATION

The upcoming elections will be administered by a three-tiered election administration, consisting of the CEC, 66 Commissions of Electoral Administration Zones (CEAZs), and around 4,800 Voting Center Commissions (VCCs). Counting will take place in 66 Ballot Counting Centers (BCCs), one for each Election Administration Zone (EAZ).

The CEC is a seven-member body elected by the Parliament. Three members and the chairperson are nominated by the parliamentary majority and three members by the opposition.<sup>4</sup>

For the purpose of administering parliamentary elections, the 12 constituencies are divided into 66 EAZs. The CEC appointed the members of the CEAZs within the legal deadline. CEAZs consist of seven members, including the chairperson and deputy chairperson, and are supported by a secretary. The nomination formula for six members mirrors that of the CEC. In one half of CEAZs, the chairperson is a nominee of the largest majority party, and in the other half, of the largest opposition party. The deputy chairperson and the secretary belong to the political camp which does not hold the chair of the CEAZ.

Voting will take place in Voting Centers (VCs) and will be administered by VCCs, which are appointed by CEAZs according to the same formula as for CEAZs. CEAZs should appoint VCCs by 19 May upon nominations by political parties. Special VCs will be established in hospitals, pre-trial detention centers and prisons. Mayors should have delineated the precincts and established the VC locations by 2 March, retaining the same VC locations as in previous elections where possible. The CEC on 14 May fined 59 mayors for not meeting this deadline. As of writing, the CEC was still missing these data from six local government units.

The CEC, on 21 May, finalized the establishment and locations of all BCCs. By 23 June, CEAZs have to notify VCCs and observers of electoral subjects about the location of the BCC in the respective EAZ. The CEAZs should appoint Counting Teams no later than two days before election day. In line with a new Electoral Code provision, cameras will be installed in all BCCs in order to enable those present to follow the count. The footage will also be recorded and delivered to the CEC. It can be used as evidence in post-election complaints and appeals processes. The CEC is also planning to stream footage of all BCCs to the CEC premises.

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<sup>4</sup> See OSCE/ODIHR Needs Assessment Mission Report, page 7 and 8, available at: [http://www.osce.org/documents/odihhr-el/2009/04/37057\\_en.pdf](http://www.osce.org/documents/odihhr-el/2009/04/37057_en.pdf).

## VIII. VOTER REGISTRATION AND IDENTIFICATION

For the first time, voter lists (VLs) will be extracted from the electronic database of the National Civil Status Register (NCSR), which is maintained by the General Directorate of Civil Status (GDCS) within the Ministry of Interior (MoI). The NCSR database is a digital transcript of paper files kept by local Civil Status Offices (CSOs), which are part of the local administration. Electoral subjects are entitled to receive a copy of the VL from the mayor of the respective local government unit or from the GDCS free of charge. They are also entitled to one electronic copy of the nationwide VL. The total number of registered voters is around 3.1 million. According to the GDCS, about 50,000 duplicate entries have been removed from the NCSR.

A VL contains the names of all voters residing within the boundaries of a given precinct. A voter is included in the VL of his or her place of registration where s/he must vote. Only army and State Police personnel, people in prison or pre-trial detention, patients in healthcare institutions and election officials may be included on a VL of a precinct other than that of their place of residence. Every voter may check his or her VL record on the websites of the MoI or the CEC.

Compilation of VLs for these elections started on 29 January, with CSOs extracting the Preliminary Voter Lists (PVLs) for the territory of the respective local government unit. Mayors were then responsible for further dividing the PVL by precincts. PVL were made available for public scrutiny on 5 March. Until 4 May, every individual request for corrections should have been accommodated. The period for amending the VL, including possible appeals to the courts, ends on 28 May, when the Final Voter Lists (FVLs) are to be extracted from the NCSR and sent to the respective CEAZ. One copy should be posted at the respective VC. A person who was registered in the territory of a precinct before the FVL was closed but was omitted can apply for a District Court decision for inclusion in the VL. Such inclusions are possible until 13:00 hours on election day.

To be able to vote, an eligible voter must present a valid ID card or passport. As no proper identity documents for in-country use had been issued since the early 1990s, many voters were previously using so-called birth certificates with a photograph, issued by local CSOs. The lack of reliable ID documents was a source of concern and contention in previous elections.

On 12 January, the Government officially launched a program aimed at providing each voter with a new ID card with biometric data. Though opposition parties supported this step as necessary for a proper election process, they also strongly criticized the Government for delaying the process to a point where, in their view, the elections were endangered. The SP has repeatedly warned that time is running out for the successful distribution of ID cards, and that, as a result, significant numbers of voters risk being disenfranchised. According to the MoI, the last four registration offices would open on 20 May. Production of the new ID cards started in February.

The issue of new ID cards is the most contentious issue in this election process thus far. Of a total of around 730,000 eligible voters who do not possess a passport, around 354,000 had applied for an ID card as of 19 May, according to information from the MoI. An estimated 160,000 Albanian voters are believed to be abroad without valid documents. Some 220,000 eligible voters appear not to have applied for a new ID card so far. The MoI is confident that it would be able to process this number in time for the elections, while others have questioned whether the company contracted to manage the application centers and produce the ID cards has the capacity to cope with a possibly high number of applicants late in the process.

Opposition parties have complained that the process of obtaining a new ID card is unnecessarily cumbersome, and some, in particular the SP, have claimed that applications are being processed selectively in some areas, to the disadvantage of their supporters.

The initial price of 1,200 ALL (around 9 EUR) caused a controversy between the Government and the opposition, which demanded that ID cards should be issued free of charge in the run-up to the elections. In January, the Government decided that certain categories of citizens would pay a reduced fee or would be exempt from paying for a new ID card, provided they do not possess a passport. After intense negotiations, a compromise was reached between the DP and SP on 28 April that the initial fee to be paid for ID cards by those without passports would be reduced to 200 ALL (under 2 EUR), with the remainder to be paid by the citizen later on. The Government on 30 April opened a credit line to implement that agreement.

## IX. THE MEDIA

The broadcast media are the main source of information for citizens. In the absence of restrictive licensing requirements, the National Council of Radio and Television has currently licensed three commercial TV stations with national coverage, 69 local TV stations and 50 cable TV stations. While the real market share of media outlets is not known, private *Top Channel*, *TV Klan*, *Vizion Plus* and the all-news channels *News24* and *Alsat* are considered to be the most popular broadcast media.

The high number of media competing in a limited advertising market (estimated at 21 million EUR per year) and the lack of transparency regarding their funding have raised concerns among journalists and national and international media professionals about interference by business and political interests in the media sector, with claims of self-censorship and threats to media independence. The most important broadcast and print media are generally considered to be aligned with one or another of the two main political parties, and media overall are considered by many to be pluralistic but not independent from political influence.

The reform of the public-service broadcaster, Albanian Radio-Television (RTSH), which still has the largest territorial coverage of all broadcasters, has stalled. With only nine per cent of its budget coming from subscription fees, the public broadcaster remains financially dependent on funding from the State budget. There have also been claims of politically motivated appointments and dismissals of senior RTSH staff. RTSH is seen by many interlocutors as serving the Government and the ruling party, rather than being a genuine public-service broadcaster.

The Electoral 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, and apply exclusively to broadcast media. The public broadcaster is required to provide free airtime to parties contesting the election, as well as two hours of free airtime to the CEC for voter information broadcasts. The amount of free airtime depends on parties' representation in the Parliament, with parties which hold more than 20 per cent of mandates receiving the largest amount of airtime. Private broadcasters can put time at parties' disposal for paid advertisements. In addition, the Electoral Code provides that private national and satellite broadcasters have to provide free of charge half of the total advertising time bought by a political party. Public and private broadcasters are required to cover parties' election campaigns in their news programs. Media coverage of the election campaign is monitored by a Media Monitoring Board, established by the CEC on 19 May and regulated by the Electoral Code.

In order to assess the media coverage of the campaign, the OSCE/ODIHR EOM has, since 18 May, been conducting media monitoring of the prime-time broadcasting of five television channels (*TVSH, Top Channel, TV Klan, Vizion Plus* and *News24*) and of the content of four daily newspapers (*Panorama, Shqip, Gazeta Shqiptare* and *55*).

## **X. COMPLAINTS AND APPEALS**

The CEC is the competent body to examine and resolve complaints and to adjudicate appeals against CEAZ decisions. The CEC also decides on appeals against the CEC decision on the ‘Approval of the Aggregation of Election Results’ and on requests to invalidate an election. The right to file a complaint or appeal is limited to ‘electoral subjects’ i.e. parties, coalitions or candidates registered by the CEC for the elections, to individuals or parties who were denied registration as electoral subjects, and to subjects who were denied accreditation as observers. Apart from asking to be added to the VL under certain conditions (see above), individual voters cannot seek redress if their electoral rights have been violated.

All CEC decisions can be appealed, within five days, to the Electoral College of the Court of Appeals of Tirana. Under the Electoral Code, Electoral College decisions are final and cannot be appealed. However, the Constitution gives the Constitutional Court jurisdiction over issues related to the eligibility of deputies, as well as the verification of their election.

Thus far, only two appeals have been filed with the Electoral College, one against a CEC decision on the appointment of CEAZ members, and one against a CEC instruction on the documentation required for the registration of candidates. The Electoral College did not examine the merits of either appeal and dismissed both on procedural grounds.

## **XI. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES**

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). The new 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 Code also contains provisions to ensure the participation of both women and men in the CEC and the CEAZs. Two of the seven CEC members are women. The requirement that each gender accounts for at least 30 per cent of nominated CEAZ members was not observed by all parties. The CEC told the OSCE/ODIHR EOM that they accepted the nominated members nonetheless due to the deadline for establishing CEAZs.

National minorities are guaranteed full rights under the Constitution. The most significant minority is the Greek minority, located mainly in the south of the country. Smaller minorities include Macedonians, Bulgarians, Serbs, Montenegrins, Bosniaks, Vlachs and Roma. The HRUP and the Movement for Human Rights and Freedom Party (part of the Socialist Alliance for Integration) compete for the vote of the Greek minority. Also registered for these elections is the Alliance of Macedonians for European Integration, which is part of the DP-led coalition. The New Tolerance Party, which advocates the interests of the Roma community, is a member of the Socialist Alliance for Integration.

## **XII. OSCE/ODIHR EOM ACTIVITIES**

The OSCE/ODIHR EOM opened its office in Tirana on 8 May 2009. The Head of Mission has met the members of the CEC, the Deputy Minister of Interior, leaders of the parliamentary and some non-parliamentary political parties (the DP has so far agreed to working-level contacts), the Head of the OSCE Presence in Albania, and Ambassadors of OSCE participating States. The OSCE/ODIHR EOM also met representatives of the Prime Minister's office and the Ministry of Foreign Affairs and has established regular contacts with the CEC, political parties, civil society, and the media. Long-term observers are meeting election stakeholders in the regions.