

**INTERIM REPORT No. 3**  
**4–13 June 2009**

**18 June 2009**

**I. EXECUTIVE SUMMARY**

- Campaign activities have been picking up during the reporting period. While the campaign environment has mostly remained calm, there has been a rise in tension in some areas. Controversy has particularly revolved around the placement of posters and banners, as well as campaign stands and tents. A Democratic Party (DP) activist was killed by a Socialist Party (SP) activist on 12 June in a dispute over the placement of posters; both sides made statements calling for calm.
- The Government has continued to use official events for campaign purposes. In some cases confirmed by OSCE/ODIHR long-term observers, schools were closed so that pupils could attend such events. The OSCE/ODIHR EOM continues to receive allegations of pressure on public-sector workers.
- The Central Election Commission (CEC) has adopted most procedures and decisions necessary for the conduct of polling and counting. However, many Commissions of Electoral Administration Zones (CEAZs) are still not meeting or are meeting on an irregular basis. Appointment of Voting Center Commissions (VCCs) has only been completed in one third of Electoral Administration Zones as none of the four parties entitled to nominate VCC members have submitted nominations for all positions.
- The Final Voter List includes 3,084,067 citizens. The SP has publicly contested the accuracy of the Final Voter List, stating that it contains various types of errors.
- The campaign to provide each citizen without a valid passport with an ID card continues to be the focus of public attention. According to information from the Ministry of Interior (MoI), by 12 June 1.33 million applications had been submitted, and almost 900,000 ID cards had been collected. The OSCE/ODIHR EOM continues to receive reports of technical and organizational failures. The SP is claiming selective application of the application process and of subsidies for obtaining ID cards, to the disadvantage of its supporters.
- OSCE/ODIHR EOM media monitoring indicates that two of the five TV channels monitored gave fairly equal amounts of airtime to the DP and the SP. However, these two and one other broadcaster continued to show bias in terms of the quality (tone) of the coverage.
- The members of the CEC-appointed Media Monitoring Board have voiced different views on what constitutes Government activities related to the election campaign, which under the Electoral Code should be counted towards the time allocated to the respective political party.
- During the reporting period, the Electoral College adjudicated appeals against two CEC decisions. It rejected a request by the SP to repeal the CEC decision which approved the candidate lists of the Environmental Agrarian Party. The Electoral College partially overturned another CEC decision establishing which parties were eligible to participate in the lottery to determine the third and fourth member of ballot counting teams.

## II. THE POLITICAL ENVIRONMENT AND THE CAMPAIGN

Campaign activities have been picking up during the reporting period, with prominent political leaders travelling extensively and holding rallies throughout the country. Political parties have established local campaign offices in many parts of the country, although campaigning remains limited in some areas, especially in rural communities.

For the most part, the campaign environment has remained calm. However, as campaign activities have increased, there has been a corresponding rise in tension in some areas. Controversy has particularly revolved around the placing of posters and banners. According to Article 79 of the Electoral Code and CEC Instruction No. 14, local authorities are supposed to allocate public spaces for political posters and to inform electoral subjects accordingly. However, in many cases parties have not been informed about allocated spaces. This has led to controversy in several instances. For example, the Movement for National Development in Shkodër told the OSCE/ODIHR EOM that they had received no clear information about where they could place posters, despite written requests to the city administration and were told by municipal police to remove posters they had put up. On 3 June, and again on 7 June, municipal police of the City of Tirana removed DP banners in Tirana's Borough 6, amid controversy over whether the borough or the city mayor should approve the placing of campaign materials. Disagreements about placement of posters reached a new height on 12 June, when, in the village of Qerret, near Durrës, an SP activist shot and killed a DP activist over a dispute about poster placement. Both parties made statements calling for calm and downplaying the political aspect of the incident.

Campaign stands and tents have also caused controversy. On 4 June, the mayor of Borough 6 in Tirana removed an SP tent outside an ID card application center, in an argument over whether authorization should come from the city mayor or the borough mayor. After the incident, which involved violence, the tent was put back. In Shkodër region, G99 campaign stands were removed in Shkodër by municipal police on 6 June and reportedly also in Koplik and Velipoje on 5 and 7 June respectively. The Shkodër municipal police informed the party that such stands were prohibited.

The campaign continues to be partly overshadowed by controversy over the distribution of ID cards. The SP's campaign has focused on warnings that the election might be delegitimized if a significant number of voters remain without ID cards and are thus unable to vote, and on accusations that the Government has provided false data on ID cards and passports.

The Government has continued to use official events for campaign purposes. Inaugurations of infrastructure projects by senior Government officials have occurred with a greater frequency than is usual outside campaign periods. For example, the inauguration by the Prime Minister of a hydro-electric plant near Elbasan on 8 June, and of a road near Fier on 10 June, were attended by large crowds waving DP flags. The Prime Minister's speeches were of campaign character. Schools were closed so that pupils could attend the opening of the hydro-electric plant. Schools in the Korçë area were also closed for a rally attended by DP Deputy Chairperson and Speaker of Parliament, Jozefina Topalli.

The OSCE/ODIHR EOM has continued to receive allegations of pressure on public-sector workers. In an incident verified as credible, on 9 June, municipal workers were required by their superiors to attend a DP rally in Peqin (Elbasan region). During the day, the municipality office ceased working; OSCE/ODIHR EOM long-term observers were informed that the staff were engaged in preparing for the rally. In an example of intimidation, a petrol-station owner in

Gjirokaštër who was fined for selling sub-standard fuel told OSCE/ODIHR EOM long-term observers that he was warned by an inspector to cease his activities for the SP.

### III. THE ELECTION ADMINISTRATION

With most of the necessary procedures and decisions adopted, the CEC is about to conclude an important part of the election preparations. During the reporting period, the CEC adopted, *inter alia*, decisions regarding usage of specific devices for blind people to mark their ballot without assistance and the construction of ramps for 38 voting center locations (in which over 100 voting centers are located) in Tirana for paraplegic voters.<sup>1</sup> The CEC also adopted the Commission of Electoral Administration Zone (CEAZ) manual for procedures relating to the voting and counting process. The Counting Team (CT) manual has yet to be adopted. The CEC also drew lots to decide which political parties would nominate the third and fourth members of the CTs at each Ballot Counting Center (BCC).

The situation is less encouraging regarding the work of the 66 CEAZs, many of which are not meeting or are meeting on an irregular basis, according to reports by OSCE/ODIHR EOM long-term observers. On 11 June, the Head of the CEC's Election Commissions Department informed the CEC that in ten CEAZs one or more members had either resigned or did not participate in the CEAZ's work. Several CEAZ members nominated by the SP who tendered their resignation were not formally released from their positions, and no formal SP requests to replace CEAZ members have been discussed at CEC sessions since the OSCE/ODIHR EOM started attending them. The CEC Chairperson on 11 June told the SP-authorized representative at the CEC that the CEC would only accept SP nominations if the party fulfilled the legal requirement that at least 30 per cent of its CEAZ members nationwide were from each gender. To meet this requirement, the SP would have to nominate 12 more women as CEAZ members.

The process of appointing Voting Center Commission (VCC) members is delayed past the final deadline for the formation of VCCs, which was 8 June. By 10 June, only one third of the 66 CEAZs had finalized the appointment of all VCCs under their jurisdiction. None of the four political parties entitled to nominate VCC members (DP, SP, Republican Party and Social Democratic Party) submitted nominations for all positions they are entitled to fill, although the legal deadline for such nominations was 14 May. The CEC Chairperson as well as the Deputy Chairperson at the CEC session on 11 June criticized the parties for being in violation of the law, but the CEC has yet to find a solution to the problem of lack of nominations.

Technical preparations for setting up and equipping the BCCs are well underway. The CEC conducted a public presentation of the camera monitoring system which will be used at the BCCs, and managed within the reporting period to install these cameras in one half of the 66 BCCs. The CEC IT Department is conducting final tests of the software which will be used for the transmission of election results and for tabulation.

The printing of ballot papers started on 8 June and ballots are expected to arrive at the CEC the weekend before election day. The packing of ballot papers for each voting center separately is expected to be time consuming since the Electoral Code stipulates that each VCC will receive a number of ballots equal to the number of voters in the voting center, plus a reserve of 2 per cent. The CEC has announced that a total of 3,145,748 ballot papers will be printed.

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<sup>1</sup> No equivalent decision was taken for voting center locations in the rest of the country since mayors failed to submit the relevant list of voters requiring assistance to the CEC. The 38 locations in Tirana were selected with the assistance of the Handicapped People's Association.

#### IV. VOTER REGISTRATION AND IDENTIFICATION

On 4 June, the General Directorate of Civil Status (GDSC) sent to the CEC the Final Voter Lists (FVLs), in which 3,084,067 voters are included. Although most FVLs are already displayed at the location of the respective voting center, as required by the Electoral Code, there are several reports from OSCE/ODIHR EOM long-term observers of CEAZs not being able to complete this duty a week after the prescribed deadline of 3 June, because of logistical difficulties. Such cases were reported from Peshkopi, Elbasan, Fier and Berat regions.

The 7 June deadline for establishing special voting centers in hospitals and healthcare institutions has also passed. Nonetheless, the procedure for the deletion of the names of voters included in the voter list of such voting centers from the voter list in their precinct of residence has yet to be established by the Ministry of Interior (MoI) in coordination with the CEC.

After parties received in electronic format the national FVL, the SP publicly contested the quality of the lists. The SP found 5,186 entries which fall in the category of multiple registrations; 516 names of people who have lost or renounced Albanian citizenship; 2,799 names belonging to people who, according to the records, are older than 110 years; and 98 entries containing various typographic mistakes which make the voters' names unreadable, therefore potentially disenfranchising them. The Director of the National Civil Status Register confirmed that these figures were accurate. However, the Law on Civil Status forbids the deletion of the names of people from the civil register unless their death is reported, and the software used to maintain the civil register does not allow the merger of more than two entries under one name, making it currently impossible to merge other multiple entries. Although politicians publicly state that the voter list contains tens of thousands of inaccuracies, the limited number of cases reported does not appear readily to support such claims.

The campaign to provide each registered voter without a valid passport with an ID card continues to be the focus of public attention, with reports of failures of a technical and organizational nature. Some application centers continue to be affected by power and Internet outages. The MoI on 28 May and 6 June issued two different orders on the working hours of Civic Status Offices. As of 6 June, Civil Status Offices and application centers should be open 14 hours a day. OSCE/ODIHR EOM long-term observers reported that application center staff were not always aware of these changes.

In two application centers (Hor-Vranisht and Poshnje communes), technical problems led to pictures accompanying the applications being of such poor quality that applicants had to return to the application centers. In Korçë municipality, OSCE/ODIHR EOM long-term observers reported one case of distribution of false birth certificates, which are needed to prove an applicants' identity. The case was confirmed by State police, who initiated criminal proceedings. In some observed instances, educational institutions were involved in checks on whether individuals have applied or not. The Shkodër Regional Directorate of Education ordered that pupils provide the school with the numbers of the ID cards their parents have received. OSCE/ODIHR long-term observers were informed that the rector of a university conditioned the sitting of exams or the disbursement of monthly stipends on presentation of a passport or proof of having applied for an ID card.

The SP is persistently claiming that the schemes allowing for reimbursement or subsidized prices for various groups of citizens are selectively applied to the advantage of DP supporters, while SP voters are forced to cover the maximum price of ALL 1,200 (around EUR 9) for an ID card. In addition, the SP claims that the technical problems are orchestrated by DP supporters in order to

slow down or discourage SP supporters from applying for an ID card. OSCE/ODIHR EOM long-term observers have received numerous allegations of undue involvement of DP activists in the process. They verified this in Vlorë and Korçë regions.

Since the end of May, the MoI has not provided the SP with any current data on the number of voters without passports who have already applied for an ID card. While not obliged to provide these figures, the MoI had previously given them to the SP on several occasions. The MoI stated that these figures will only be released publicly by a date close to the cutoff date for applications for ID cards (18 June).

According to information from the MoI, by 12 June, 1,333,463 applications had been received. Of the 1,218,393 ID cards produced, 892,778 had been collected by applicants. Although during the week of 6–13 June, the average daily rate of collections has risen to approximately 22,000 and by far exceeds the average rate of applications (about 12,500), it is still lower than the average daily collection rate required for everybody without a passport to receive their ID cards before election day. To accelerate the process, the MoI started a media campaign, advising applicants to collect their ID cards as soon as possible.

## V. THE MEDIA

Articles 81.3 and 84.2 of the Electoral Code provide that airtime in broadcast media allotted to the coverage of Government activities that are related to the election campaign must be included in the time allocated to the party to which the head of the respective institution that organizes the activity belongs. The Electoral Code does not further define which Government activities are related to the election campaign. Thus, the CEC-appointed Media Monitoring Board (MMB), which monitors the implementation of media-related provisions in the Electoral Code, is free to make its own interpretation.

In the MMB report covering the period of 28 May–8 June, several events in which the Prime Minister campaigned in his institutional function were assessed as being institutional events by the four MMB members appointed by the CEC members who were nominated by the parliamentary majority. The other three MMB members assessed these appearances as campaign-related. The different assessment whether events are purely institutional or campaign-related has a significant impact on the total amount of airtime devoted to the coverage of the DP's and the SP's campaigns and whether broadcasters comply with Articles 81.3 and 84.2 of the Electoral Code. According to international recommendations, no privileged treatment should be given to public authorities during news and public affairs programs covering an election campaign.<sup>2</sup>

The MMB also reported that, although some media outlets showed a bias towards the DP or the SP, a considerable number of monitored media devoted rather equal coverage to the main parties during their news programs. The MMB stressed that since there were no significant irregularities and broadcasters tended to balance the time devoted to electoral subjects, any imbalances could be corrected during the rest of the campaign period and within the time allocated to each party.

OSCE/ODIHR EOM media monitoring for the period from the start of the official campaign on 28 May until 10 June indicates that two of the five monitored broadcasters devoted a fairly equal amount of airtime to the two main parties. The public-service broadcaster TVSH devoted 57 per cent of time to the DP and 27 per cent to the SP. News 24 devoted 40 per cent of the coverage to

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<sup>2</sup> Council of Europe, Committee of Ministers, Recommendation No. R (99) 15 of the Committee of Ministers to Member States, on Measures Concerning Media Coverage of Election Campaigns (adopted by the Committee of Ministers on 9 September 1999, at the 678<sup>th</sup> meeting of the Ministers' Deputies).

the DP and 41 per cent to the SP, while Top Channel gave 37 per cent to the DP and 34 per cent to the SP. The DP received 46 per cent and the SP 32 per cent of coverage on Vizion Plus. TV Klan dedicated 58 per cent of airtime to the DP and 25 per cent to the SP.<sup>3</sup>

While devoting fairly equal airtime to the two main parties, News 24 showed a bias towards the SP in terms of the tone of the coverage. Sixty-four per cent of the SP's coverage was in a positive tone, while the DP received 39 per cent in a negative tone. Top Channel favored the SP with 58 per cent of positive coverage, while the DP received 33 per cent negative coverage. Vizion Plus displayed a critical approach towards the DP (46 per cent negative), covering the SP mostly in a neutral tone (56 per cent). On TV Klan, 85 per cent of the time devoted to the DP was positive in tone, as was 59 per cent of the time devoted to the SP. On TVSH, the majority of coverage for both DP (77 per cent) and SP (58 per cent) was in a positive tone, mainly due to the absence of comments by journalists and coverage of campaign events produced by the political parties themselves. All monitored broadcasters failed to comply with Article 81.1 and Article 84.2 of the Electoral Code with regards to the coverage of smaller parliamentary parties.

## VI. COMPLAINTS AND APPEALS

On 6 June, the Electoral College adjudicated jointly the appeals of the SP and the Social Democratic Party (SDP) against the CEC decision which defined the parliamentary parties that were entitled to participate in the lottery for determining the parties that would nominate the third and fourth member of the Counting Teams. The SP contested the inclusion of the Democratic Christian Party (DCP) and the Human Rights Union Party (HRUP) in the list of parties of the parliamentary opposition. The SDP contested only the inclusion of the DCP in the opposition.

The Electoral Code does not provide specific criteria on the definition of majority and opposition parties; the CEC, therefore, sent a request to the Parliament to state which parties belong to the majority and which ones to the opposition. The Parliament's response defined only the parties belonging to the majority. The CEC sent a second request asking the Parliament to define which parties belong to the opposition. The Parliament responded that in the meantime the HRUP had ceased to be part of the ruling majority; as to the parties that belong to the opposition, the response stated that parties are under no obligation by the Assembly regulations to declare where they belong, therefore it would be up to the CEC to examine and decide on the issue.

The CEC determined to take a decision after the registration of electoral coalitions, as it considered that the position of the parties would be more evident at that stage. The SP disputed this reasoning on the grounds that both DCP and HRUP had been in the Government since the beginning of the mandate of the outgoing Assembly. The DCP supported the plaintiffs' claims, asserting that it belongs to the majority since it has always supported the Government. The Electoral College accepted fully the appeal of the SDP and partially the one of the SP. Therefore, the DCP participated in the lottery as a majority party, while the HRUP was considered an opposition party.

The SP filed another appeal, requesting the repeal of the CEC Decision which approved the candidate lists of the Environmentalist Agrarian Party (EAP). The EAP is contesting these elections within the DP-led Alliance for Change coalition. The SP claimed that two of the EAP's multi-name lists (for Fier and Shkodër) did not fulfill the gender requirements of Article 67 of the Electoral Code, even after the lists were resubmitted by the EAP upon the CEC's request for corrections. The SP further contended that corrections on the lists were done in an informal

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<sup>3</sup> The figures in this section refer to coverage of political subjects in news and special news programs. They exclude coverage of their institutional duties.

manner and after their final approval by the CEC, which would have been a violation of Article 73 of the Electoral Code. The appeal of the SP not only appeared to lack consistency with regards to the legal grounds, it also seemed disproportionate, as alleged minor irregularities in two multi-name lists cannot reasonably justify a request for the exclusion of a party from the electoral race. The Electoral College decided to uphold the CEC decision.

Under Article 158.6 of the Electoral Code, the Electoral College is required to prepare a final transcription of its decision not later than three days from the day the decision is given. However, thus far the transcriptions of Electoral College decisions were only prepared five to ten days after decisions were taken. This practice poses a problem, particularly when a CEC decision is repealed and the CEC has to issue a new decision without being acquainted with the reasoning of the Electoral College.

No complaints have been filed with the CEC so far.

## VII. DOMESTIC OBSERVERS

The CEC accredited 181 observers of the International Human Rights Forum in Albania, bringing the total number of accredited domestic non-party observer organizations to three by the end of the reporting period. The accreditation request of the “Domestic Observer Coalition”, a coalition formed of seven NGOs<sup>4</sup> that plan to observe the elections with 135 long-term and over 2,500 short-term observers, was sent back for corrections by the CEC. The former head of *MJAFT!*, one of the NGOs in the coalition, is also the leader of the G99 party, which has led to doubts over the coalition’s impartiality. Two Albanian NGOs, the Elections to Conduct Agency and KRIIK–Albania, plan to conduct a parallel vote tabulation exercise in all 66 BCCs.

## VIII. 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 have met the CEC, state officials, party representatives, court officials, representatives of the media and civil society, and diplomatic missions. LTOs 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 second briefing for members of the diplomatic community and international organizations accredited in the Republic of Albania was held on 5 June.

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<sup>4</sup> The Domestic Observer Coalition includes the following organizations: Democratic Culture Association, Center for Women and Children – *Kombinat*, KRIIK–Albania, *MJAFT!* (“Enough”) Movement, Center of Women for Global Action, Albanian Institute for Electoral System Development, and Partners–Albania.