



Doc. 12007

16 September 2009

Observation of the parliamentary elections in Albania (28 June 2009)

Report

Ad hoc Committee of the Bureau

Rapporteur: Ms Corien JONKER, Netherlands, Group of the European People's Party

Summary

- I. Introduction
- II. Political and legal context
- III. Election administration
- IV. Registration of candidates and voters
- V. Election campaign
- VI. Medias
- VII. Polling day – Counting of votes
- VIII. Conclusions and recommendations

I. Introduction

1. On 27 April 2009, the Bureau of the Assembly decided to set up an ad hoc committee of 20 members to observe the parliamentary elections in Albania, which were scheduled for 28 June 2009, subject to receipt of an invitation. The Speaker of the Albanian Parliament invited the Assembly to observe these elections. Subsequently, the Bureau appointed Ms Corien Jonker as the committee's chair and rapporteur.

2. On 4 October 2004, a co-operation agreement between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) had been signed. The Bureau of the Assembly invited an expert to join the ad hoc committee as an adviser, in accordance with Article 15 of that agreement: "*When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser*".

3. As proposed by the Assembly's political groups, the membership of the ad hoc committee was as shown below:

Corien JONKER, Head of Delegation

Group of the European People's Party (EPP/CD)

FARINA Renato	Italy
GRUBER Attila	Hungary
HERASYM'YUK Olha	Ukraine
JACQUAT Denis	France
JONKER Corien *	Netherlands
OLSSON Kent	Sweden
de POURBAIX-LUNDIN Marietta	Sweden
RACHONÍ Janusz	Poland

Socialist Group (SOC)

GROSS Andreas	Switzerland
MARTINS Maximiano	Portugal
MELČÁK Miloš	Czech Republic
SAAR Indrek *	Estonia

Alliance of Liberals and Democrats for Europe (ALDE)

MEMECAN Memeca Nursuna	Turkey
WILLE Paul	Belgium
ZERNOVSKI Andrej *	"the former Yugoslav Republic of Macedonia"

European Democrat Group (EDG)

CHOPE Christopher	United Kingdom
-------------------	----------------

Unified European Left Group (UEL)

KESKIN Hakki	Germany
--------------	---------

Venice Commission

DARMANOVIC Srdjan	Montenegro
-------------------	------------

Secretariat

Mr Chemavon CHAHBAZIAN, Deputy Head of Secretariat, Interparliamentary Co-operation and Election Observation Unit

Mr Gaël MARTIN-MICALLEF, Elections and Referendums Division, Venice Commission

Ms Daniele GASTL, Assistant

(*) pre-electoral mission (4-5 June 2009)

4. The ad hoc committee did its work in the framework of the International Election Observation Mission (IEOM), which also comprised the election observation missions of the Parliamentary Assembly of the OSCE, the Parliamentary Assembly of NATO and the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR).

5. In order to assess the conduct of the election campaign and the political climate as the elections approached, the Bureau of the Assembly decided to send a "pre-electoral mission" to Albania, which was in Tirana on 4 and 5 June 2009. The multi-party delegation comprised Ms Corien Jonker (Netherlands, EPP/CD), head of the delegation, Mr Indrek Saar (Estonia, SOC), Ms Ganira Pashayeva (Azerbaijan, EDG) and Mr Andrej Zernovski ("the former Yugoslav Republic of Macedonia", ALDE). Unfortunately, no member of the Unified European Left Group was available to represent the group within the delegation. The memorandum on the pre-electoral mission is attached as appendix 1.

6. The pre-electoral delegation concluded that "the national authorities and all political players must make sure that the conditions are right for all Albanian citizens freely to exercise their will. The delegation hopes that the authorities will keep their promise and ensure that the elections are democratic – a matter it will monitor very closely."

7. The ad hoc committee met in Tirana from 26 to 27 June 2009, inter alia, meeting the leaders of the main political parties which were standing in the elections, the Prime Minister, the Chairperson of the Central Election Commission (CEC), the head of the OSCE/ODIHR election observation mission and his team, representatives of the international community in Tirana and representatives of civil society and the media. The ad hoc committee's programme of meetings is in appendix 2.

8. On election day, the ad hoc committee divided into 11 teams to observe the elections in the cities and regions of Tirana, Dures, Lezhe, Elbasan, Kavaje and Shkoder.

9. The IEOM concluded that the parliamentary elections of 28 June 2009 in Albania marked considerable progress thanks to the introduction of new voter registration and identification procedures and the adoption of an improved legal framework. However, these improvements were overshadowed by the politicisation of technical aspects of the process and by violations noted during the campaign, which had undermined public confidence in the electoral process. The mission declared that it would be premature to make a final assessment, as the vote counting and compilation of results were not yet completed. The press release published by the IEOM is in appendix 3.

10. The ad hoc committee wishes to thank the OSCE/ODIHR election observation mission and the staff of the Council of Europe information office in Albania for their co-operation and their support for the ad hoc committee and its pre-electoral mission. The ad hoc committee also wishes to emphasise the spirit of co-operation and compromise which, on this occasion, characterised the work of the IEOM in Tirana.

II. Political and legal context

11. The parliamentary elections of 28 June 2009 in Albania were conducted in a context of confrontation between the two main political parties, the ruling Democratic Party (DP) and the opposition Socialist Party (PS), which monopolise the centre of the political stage. Following the reform of the electoral system, these two parties have been asserting themselves even more in the electoral process, a fact which gives rise to legitimate and understandable criticism from the other political parties.

12. Most of the elections which have taken place in the Republic of Albania during the post-communist era have been marked by irregularities, and sometimes by violence. The Parliamentary Assembly's ad hoc committee to observe the previous parliamentary elections had noted that "The Parliamentary Elections in Albania on 3 July 2005 only partially complied with Council of Europe Commitments and other international standards for democratic elections".

13. In Resolution 1538 (2007) on the honouring of obligations and commitments by Albania, the Parliamentary Assembly emphasised that "the Albanian authorities should in particular continue to improve the accuracy of civil registers and voters' lists and develop a uniform system of addresses for buildings; new identity documents should be introduced; the excessive role of political parties in electoral procedures should be limited and the election administration should be reviewed".

14. On 21 April 2008, the National Assembly of Albania amended the Constitution, bringing to an end a fairly complex electoral system which combined single-member constituencies and proportional representation: 100 seats were allocated on the basis of majority voting in each electoral constituency, and 40 compensatory seats according to the number of votes obtained by the lists competing at national level. This system of seat distribution was controversial and the subject of legitimate criticism, for it had been manipulated; this criticism was reflected in the joint opinion on the Electoral Code of the Republic of Albania drafted by the Venice Commission of the Council of Europe and the OSCE/ODIHR.

15. On 28 December 2008, the National Assembly of Albania revised the Electoral Code on which the Venice Commission of the Council of Europe and the OSCE/ODIHR had issued their Joint Opinion¹. It is important to emphasise that both the amendments of the Constitution and the adoption of the new Electoral

¹ Joint Opinion on the Electoral Code of the Republic of Albania, adopted by the Venice Commission at its 78th plenary session, based on comments by Mr Oliver KASK (Member of the Venice Commission, Estonia) and Mr Jessie Pilgrim (Electoral expert, OSCE/ODIHR) (Venice, 13-14 March 2009; CDL-AD(2009)005).

Code were the result of a broad consensus between the two main political parties but were strongly opposed by most of the small parties.

16. Under the new electoral system, the 140 members of the Albanian Parliament were for the first time elected under a regional proportional voting system. The threshold for representation in Parliament was set at 3% of the votes cast in a given constituency for political parties, and 5% for coalitions.

17. The country has been divided into 12 constituencies varying in size, corresponding to the administrative regions, with an average number of seats ranging from four, for the region of Kukës, to 32 for Tirana. This means that, in most constituencies, the small parties which achieve a score well above the requisite threshold will not win any seats. This situation has been strongly criticised by several small parties which asked for a compensation mechanism to be introduced.

18. The criticism voiced about the new system should, however, be treated with caution, especially as an electoral system unfavourable to small parties is not, as such, contrary to international standards.

19. The Venice Commission emphasises the negative aspect of the special treatment granted to the chairpersons of political parties under the Electoral Code, which allows political party chairpersons "the right to run on the political party's list *in each of the twelve electoral zones* for the National Assembly. [...] This special treatment for the chairpersons of political parties violates the fundamental principle of equality and of non-discrimination. [...] The special treatment granted to the chairpersons of political parties in the exercise of candidacy rights appears to be contrary to international and European standards".²

III. Election administration

20. Parliamentary elections in Albania are administered by the three-tiered election administration: the Central Election Commission (CEC), 66 Zone Election Commissions (ZECs) and 4,753 Voting Centre Commissions (VCCs).

21. The CEC is made up of seven members elected by Parliament on 2 February 2009. Three members, plus the chairperson, are appointed by the parliamentary majority and another three members by the opposition. Political parties' influence within the appointments system remains considerable. Consequently, most of the CEC's decisions are taken in line with the policies of the parties to which the members of the CEC belong. There was a general risk that this situation might give rise to tensions in the functioning of the commission which indeed did happen, especially during the counting process.

22. Each Zone Election Commission (ZEC) comprises seven members appointed by the CEC on the basis of the same principle of representation as within the CEC itself. In half of the ZECs, the chairperson is from the largest majority party, while in the other half, he or she is from the largest opposition party. The vice-chairperson and secretary come from the political camp which does not hold the chair of the ZEC. It should be noted that a Large number of the members of ZECs have been replaced, without justification, by the political parties which had appointed them. Furthermore, most ZECs did not hold regular meetings during the election campaign to prepare themselves properly.

23. The Voting Centre Commissions (VCCs) are appointed by four political parties: the Democratic Party, Socialist Party, Republican Party and Social Democratic Party. These commissions were due to be set up by 8 June 2009, but in a number of cases, this deadline was not met, the parties concerned explaining that it was difficult to find qualified persons. According to several different persons spoken to, the main reason for these belated appointments was the intention to limit any risk of corruption, which would have been even higher if the appointments had been known a long time in advance. The electoral legislation allows political parties to change their representatives on election commissions until the actual day of the ballot.

24. The belated appointment by political parties of the members of VCCs had a negative impact on the training programmes intended for VCC members. Consequently, on election day, the members of the ad hoc committee noted, especially in rural regions, that VCC members lacked professionalism and had very little knowledge of voting procedures.

² Joint opinion, already cited, paragraphs 18 and 19.

25. The ad hoc committee nevertheless notes that the CEC generally worked in a professional and transparent manner throughout the pre-election period, although deadlines were missed on many occasions during the different stages of the electoral process, mainly due the fact that the Mol and the political parties did not supply the necessary information in a timely manner.

26. On the question of the possibility of dismissal of CEC members, the Venice Commission and OSCE/ODIHR stated in their latest joint opinion that "The Assembly's control over the CEC extends from election of CEC members to removal. Although the prior Code did permit the removal of a CEC member by the Assembly, a dismissed member had the right to appeal the dismissal decision to the Constitutional Court. The suppression of such a right could make easier a removal for political reasons".

IV. Registration of candidates and voters

27. The CEC registered 34 political party lists and one candidate nominated by a group of voters. A total of 3,720 candidates were registered on the political parties' lists. 33 parties set up four electoral coalitions, while only one political party stood in the elections on an independent basis. The registration process for the voter lists did not give rise to controversy or discontent.

28. In accordance with the revised Electoral Code, each political party list has to comply with a minimum quota of 30% of candidates of each sex, unless one of the first three candidates on the list is of the opposite sex to the other two. Notwithstanding a delay in the presentation of the lists to the CEC, the political parties did include 30% of women candidates on their lists. In actual fact, however, their positions on the lists meant that female candidates had very little chance of being elected.

29. In this context, the ad hoc committee deplores the fact that the 2009 elections did not take account, in any significant manner, of the under-representation of women in Parliament. It also notes with regret that the role of women in Albanian political life remains fairly limited. This situation is at variance with the European aspirations of the Albanian political parties.

30. The problem of the accuracy of the voter lists, already reported by the Parliamentary Assembly of the Council of Europe in its report on its observation of the parliamentary elections in Albania of 3 July 2005, which also mentioned the problems relating to addresses, remains a persistent problem, although efforts have been made by the authorities to improve the said lists.

31. It ought to be pointed out that voter lists systematically gave rise to controversy in practically every previous election in Albania. There were arguments about the accuracy of the lists, but also about the identity documents required for registration and for the identification of voters on election day.

32. The new Electoral Code provides for a voter registration system based on a computerised national civil status register, as well as on modernised registers kept at local civil status offices. The main aim of the efforts made is to create and update a permanent database containing accurate and reliable information about all citizens.

33. The preliminary voter lists were drawn up on the basis of the civil status registers and subjected to public examination at polling stations, as well as on the Ministry of the Interior and CEC websites. The voter lists were finalised at the end of the two-month review period.

34. The final voter lists contained the names of 3 084 067 persons, i.e. 88 690 fewer than had appeared on the preliminary lists. According to the explanations given by the Minister of the Interior, this was the result of a major database updating exercise intended to avoid duplication. On the day when the distribution of new identity cards began, according to the Mol, approximately 730 000 of the electorate of 3 084 067 did not hold passports. This did not fail to give rise to questions about the national authorities' capacity to solve this serious problem by the scheduled deadline. The SP challenged the figures and claimed that more than one million people were without a passport. The government gave in to pressure and allowed also people claiming to be without a passport but whose names were not on the list of non-passport holders to apply which in the end resulted in some 130 000 extra applications.

35. According to public statements made by opposition party officials, the voter lists contained tens of thousands of inaccuracies, although the number of cases reported is relatively low. That said, Albania has still not equipped itself with a valid system of addresses, and the system cannot be perfect if citizens are not encouraged to register at their place of residence. So inaccuracies in voter lists were inevitable, because of the aforementioned deficiencies. The main question was whether these inaccuracies were politically based.

36. At the time of its visit to Tirana on 4 and 5 June, the Parliamentary Assembly's pre-electoral mission drew attention to the authorities' responsibility for ensuring that every citizen was in possession of a new identity card and could therefore exercise his or her constitutional right to vote. It also emphasised that the identity card and new passport distribution process needed to be wholly transparent, so that the public and all the political parties had confidence in the democratic electoral process in Albania. This was especially necessary because distribution on a huge scale of new identity documents, which would be needed in order to exercise the right to vote, was being done in a relatively short period before the election, with the election campaign in full swing.

V. Election campaign

37. The election campaign, which commenced on 28 May, was quiet but very much focused on the two main political parties, which ran a high-powered election campaign. Although there were four electoral coalitions, the campaign was conducted by the political parties, and not by the coalitions. The Democratic Party and the Socialist Party each accused the opposing party's leader of corruption. There were very few outbreaks of violence linked with the election campaign.

38. The ad hoc committee considered worrying the information supplied by the opposition parties about cases of administrative resources being used for the purposes of the election campaign and public servants threatened with loss of employment, specifically schoolteachers and medical personnel, chiefly in the rural regions supporting the opposition candidates.

39. The ad hoc committee was informed that a large number of ceremonies to open roads, hospitals and a hydro-electric plant, and other official functions had been organised during the election campaign in Tirana and in the regions by the authorities, with public servants, students and schoolchildren allegedly participating under coercion. Nevertheless, one of the main objectives of the election campaign should be to inform the citizens of the programmes and ideas of the political parties before asking citizens for a mandate.

40. The principal problem that dominated the election campaign concerned identity cards and new passports. In Albania since the 1990s, a substantial number of constituents have voted using their birth certificates delivered by the local civil status registry offices, thereby creating confusion and scope for manipulation as they could be easily falsified.

41. On 12 January 2009, the Albanian authorities launched an official campaign to ensure that each constituent would be in possession of a new identity card bearing biometric data, affording a very high standard of security. The 502 identity card issuing centres throughout the whole country were to carry out the distribution of cards within the specified time.

42. The representatives of the opposition criticised the authorities, complaining that the identity card distribution operation commenced too late, thus placing at risk a large proportion of the turnout at the parliamentary elections. Moreover, again according to the opposition, the identity card issuance procedure is quite complex and difficult, especially for residents of rural regions. Dealings are allegedly selective according to opposition or ruling party militancy. People wait for hours outside the offices to lodge their applications, not to mention the problems regarding accuracy of data.

43. The ad hoc committee considers that the publication during the election campaign, by Albania's competent authorities, of conflicting information about the number of identity cards and passports already issued and waiting to be picked up undermined public confidence in the reliability of the information provided. This state of affairs was conducive to the emergence of various rumours, manipulation and even tensions – all of which would have been better avoided in an election campaign.

VI. Media

44. Concerning media coverage of the election campaign, the results of the electronic media monitoring operation conducted by the Office for Democratic Institutions and Human Rights (ODIHR) over the period from 28 May to 26 June showed that media coverage was more balanced. That said, much of the transmission time of the television channels was devoted to the activities of the ruling Democratic Party. For example, the public channel (TVSH) devoted 45% of the political programmes to the ruling party, while the Socialist Party received only 25%.

45. The Parliamentary Assembly's pre-electoral mission of 4-5 June, on the basis of the information supplied by various informants, had observed that the coverage of the campaign preceding the elections began before the opening date of the campaign, 28 May. The national authorities, in particular the Prime

Minister and, to a lesser extent, the mayor of Tirana, made use of their office, or of official events, to pursue their own election campaign in breach of the Electoral Code.

46. The Electoral Code stipulates that public broadcasting bodies must grant the same airtime to all parties that obtained over 20% of the seats at the previous parliamentary elections. Media coverage by private and public television companies and broadcasters and the right to purchase political publicity messages, are governed by the same principles. This practice is plainly discriminatory towards small parties and helps to maintain the dominant position of the DP and the SP in the electronic media.

47. The role of the media in an election campaign is to show the voters the plurality of stances among the election candidates. In that respect, the election campaign under review was marked by the following preoccupations which persist in Albania from one election to the next: lack of editorial independence in many of the media, absence of transparency about the funding of the media, and covertness of the links thought to have existed between media owners and political party leaders. This situation, too, reduces the faith of the country's citizens in the process of democratic election.

48. The Parliamentary Assembly's pre-electoral mission nonetheless emphasised the need for impartial, balanced media coverage, particularly on the public channels, which were to remain sheltered from political pressure, while it commended the plurality of opinions in the printed press.

VII. Polling day – Counting of votes

49. Polling day was calm and the ballot was well organised with no incidents or violence whatsoever. According to the observers' statistical data, the voting process was rated "good" or "very good" in 93% of the polling stations inspected. The members of the ad hoc committee noted the atmosphere of mutual respect between polling station staff, and the absence of police near polling stations or inside the buildings.

50. The members of the ad hoc committee observed a number of irregularities and other problems: delayed opening of 2/3 of polling stations; shortage and poor quality of certain supplies, for example ink and ink pads for stamps; fairly frequent breach of the finger marking procedure applied to voters; breach of the secrecy of the ballot in certain cases, especially in the rural regions; cases of family voting; polling station staff members' ignorance of the procedure to be followed; cases of similar signatures on the voter lists which may be accounted for by the presence of illiterate voters, above all women in the rural regions; problems over the location of polling stations in cases where they were set up on private premises often owned by DP militants (bars; cafés and houses); problem of access to polling stations for the elderly or persons with limited mobility; there was no mobile ballot box voting; long queues in certain polling stations.

51. The members of the ad hoc committee were able to observe that on polling day a network of Democratic Party members was operating near many of the polling stations, chiefly in Tirana. These persons, using computers installed in the street, were helping voters to find their name, number and address on the voter lists and easing their passage through the polling stations.

52. The concerns expressed during the pre-electoral mission over the logistical difficulties of transferring the ballot boxes and electoral equipment to the area counting centres within the three hours initially stipulated according to electoral law, did not materialise on the election day and immediately afterwards.

53. It should be pointed out that the law does not provide for breaks or for replacement of counting team members from the moment when the counting process commences. Because of the scarcity of counting teams, the counting took up a great deal of time.

54. The ad hoc committee could not observe in its entirety the process of counting owing to the length of this operation. However, some OSCE/ODIHR observers stayed put until the process was completed.

55. The situation at the time of writing this report was as follows: the Democratic Party-led alliance won 70 seats, the Socialist Party-led alliance 66, the Socialist Movement for Integration 4.

56. The Central Election Commission was late in publishing the official election results because of delays in counting and the number of complains.

VIII. Conclusions and recommendations

57. The Parliamentary Assembly's ad hoc committee would emphasise that the parliamentary elections of 28 June 2009 in Albania showed marked progress thanks to the introduction of new procedures for

registering and identifying voters, and to the adoption of an improved legal framework. It also noted the improvement in functioning of the Central Election Commission.

58. Yet these improvements had been overshadowed by politicisation of technical segments of the process and by the infringements found during the campaign, which shook the public's confidence in the electoral process.

59. The ad hoc committee notes with satisfaction the calmness of polling day and the well-organised ballot without any incident or violence.

60. The ad hoc committee considers that the amendments to the Constitution, and the adoption of the new Electoral Code approved on the basis of a broad consensus between the two main political parties, have brought considerable improvement to Albania's electoral legislation. It remains for this legislation to be fully implemented by the authorities and the political parties in all good faith.

61. While emphasising the significant efforts made by the national authorities to complete the difficult process of identifying the country's inhabitants and issuing identity cards and new passports, the ad hoc committee regrets that this question became the main issue of the election campaign, overshadowing many political questions that preoccupy Albania's citizens and ought to be at the centre of the debate.

62. The ad hoc committee finds it worrying and unacceptable that the same irregularities continue to be persist from one election to the next: cases of administrative resources being misused and public servants, schoolteachers and medical personnel threatened with loss of employment, especially in the rural regions that support the opposition candidates. In that respect, the hoc committee invites political party officials and representatives of civil society to set up a joint group to examine all cases of pressure exerted on people during the election campaign and to establish the responsibility of offenders against the electoral law.

63. Having regard to the importance of the media during the election campaign, the ad hoc committee deplores the lack of editorial independence where many of the media are concerned. Another concern has to do with the lack of transparency regarding the funding of media, and the covertness of the links thought to have existed between the owners of the media and the political party leaders. This situation also lowers the confidence of the country's citizens in the democratic electoral process.

64. The ad hoc committee regrets the fact that the elections on 28 June 2009 did not take account, in a meaningful way, of the under-representation of women in Parliament. It also notes with regret that the role of women in Albania's political life remains fairly limited. This state of affairs is at variance with the European aspirations of the political parties.

65. The ad hoc committee emphasises how unacceptable it is that ten or more days after the date of the ballot, Albania's citizens and the international community are not yet informed of the official results of the parliamentary elections in a country with some 3.1 million voters.

66. The significant lapse of time between the closure of the polls and the announcement of the election results considerably weakens the people's confidence in the electoral process and its outcomes. The vote count was marked by a very high level of mistrust among political parties, the representatives of political parties at all levels of election administration. In many cases, the vote count was temporarily blocked. In several cases the problem was to decide whether votes from certain voting centres should be counted or not. Consequently, the ad hoc committee recommends that, for future elections, the vote counting procedure has to be considerably improved and the number of counting teams be substantially increased in each of the area counting centres.

67. The ad hoc committee invites the Albanian authorities, under the procedure for monitoring compliance with its commitments and obligations, and in close co-operation with the Venice Commission, to improve the legislative framework and enhance the capabilities of the electoral administration in the following respects:

- the civil status register and the electoral register, and in that context a solution to the problem of the franchise for Albanian citizens resident abroad;
- regulation of the media coverage and the public funding of campaigns, which disadvantages political parties not represented in Parliament;
- the rules of transparency relating to media ownership and their effective implementation so as to strengthen voters' confidence in the equity of the electoral system;

- the manner of dismissal of members of the lower-level election commissions, incompatible with an impartial, professional electoral administration;
- the ambiguous requirements as to the inclusion of women in the lists of candidates, which could be reviewed in order to guarantee that women candidates are in an eligible position;
- the granting to political party chairs of special rights to stand for parliamentary elections should be abolished.

68. The ad hoc committee considers that the Electoral Code should undergo revision only on the points where this is dictated by international standards or particular difficulties. For the remainder, in order to guarantee the confidence of the country's citizens, the Albanian authorities are invited to step up their efforts to implement in full the electoral legislation. The ad hoc committee recalls that sincere implementation of the rules is as important as their substance.

Appendix 1

Observation of the parliamentary elections in the Republic of Albania (28 June 2009)

Pre-electoral mission, Tirana, 4 and 5 June 2009

Memorandum

prepared by Corien Jonker (Netherlands, EPP/CD),
Chair of the Ad Hoc Committee

1. The pre-electoral delegation visited Tirana on 4 and 5 June 2009 to assess the state of the preparations and the political climate in the run-up to the parliamentary elections on 28 June 2009. The multiparty delegation comprised Ms Corien Jonker (Netherlands, EPP/CD), Head of delegation, Mr Indrek Saar (Estonia, SOC), Ms Ganira Pashayeva (Azerbaijan, EDG) and Mr Andrej Zernovski ("the former Yugoslav Republic of Macedonia", ALDE). Unfortunately, no member of the Unified European Left Group (UEL) was available to represent the group on the delegation.
2. The statement issued by the delegation at the end of its visit is set out in Appendix 1.
3. During the visit to Tirana, the delegation met the Prime Minister, Sali Berisha, the Speaker of the Parliament, Jozefina Topalli, the Minister for Foreign Affairs, Lulezim Basha, the Minister of the Interior, Bujar Nishani, the members of the Albanian delegation to the PACE, the Chair and members of the Central Electoral Commission, leaders of political parties participating in the elections and representatives of the mass media, civil society and the international community. The programme of the visit is set out in Appendix 2. The pre-electoral committee wishes to thank the Parliament of Albania and the staff of the Council of Europe information office in Tirana for organising the programme so efficiently and for the logistical support provided.
4. For the parliamentary elections to be held on 28 June 2009, the Central Electoral Commission (CEC) registered the lists of 35 political parties and one individual candidate put forward by a group of voters. The CEC was obliged to return a considerable number of political party lists in order to make corrections linked to identification documents (mainly invalid passports and failure to comply with representation quotas for women).
5. The pre-electoral delegation wishes to underline the positive effect of the broad consensus between the political parties concerning the changes to the constitution and the adoption of the new electoral code in 2008. For the first time, the 140 members of the Albanian Parliament will be elected by the regional proportional system. The country is divided into 12 constituencies of differing sizes corresponding to the administrative regions. The threshold for representation in Parliament is 3% for political parties and 5% for coalitions of votes for given constituencies.
6. The number of voters on the electoral register is 3 084 067, which is 88 313 fewer than at the previous elections. According to the explanations by the Minister of the Interior, this is the result of major updating of the databases to prevent duplication. The delegation noted that there were no challenges to the electoral registers from either opposition parties or NGOs, which was not the case during the previous elections.
7. The overriding problem during the election campaign has been that of ID cards. In Albania, since 1990, a considerable number of electors have been voting using birth certificates issued by local Civil Status offices which has created confusion and which could give rise to manipulations. This problem was also a source of concern during the previous elections. On 12 January 2009, the Albanian authorities launched an official campaign to provide every voter with a new ID card with biometric data guaranteeing a very high degree of document security.
8. The Minister of the Interior informed the pre-electoral delegation that, on the date of its visit to Tirana (5 June), the total number of citizens having applied for ID cards was 1 236 496, 743 996 of whom had already received their new cards. The 502 ID card distribution centres throughout the country would distribute the cards on time.
9. The opposition representatives were critical of the authorities; according to them, the distribution of the ID cards had started very late, thereby jeopardising the participation of a large number of citizens in the parliamentary elections. The opposition also maintained that the procedure for obtaining the ID cards was quite complex and difficult, especially for the inhabitants of rural areas, and selective approaches were being

taken depending on whether people were supporters of the opposition or the ruling party. People were having to queue for hours outside the offices to submit their applications and there were problems with the accuracy of the data.

10. The pre-electoral delegation underlined the authorities' responsibility to provide all voters with new ID cards so that they could exercise their constitutional right to vote. The distribution of the ID cards and new passports must be entirely transparent so that the public and all political parties have confidence in the democratic electoral process in Albania, especially during campaigning.

11. The election campaign has been calm and there have been very few violent incidents related to the elections. The pre-electoral delegation was disturbed by reports from the opposition parties that there had been cases of the improper use of administrative resources and threatened loss of employment for public servants supporting opposition candidates. Cases of public servants being put under pressure to take part in events were also reported.

12. With regard to media coverage of the election campaign, which began officially on 29 May, the pre-electoral delegation noted, on the basis of information supplied by various discussion partners, that certain figures, in particular the Prime Minister and the Mayor of Tirana, had been using their institutional functions or official events to conduct election campaigning before that date, in violation of the electoral code.

13. The main source of information for most of the population is television, especially in rural regions. Monitoring of the electronic media by the Office for Democratic Institutions and Human Rights (ODIHR) has shown that the media coverage has not been balanced. Much television airtime is given over to the activities of the Democratic Party. For instance, the public broadcaster (TVSH) has devoted 64% of its political programming to the ruling party and only 22% to the Socialist Party.

14. The pre-electoral delegation stressed the need for impartial, balanced media coverage, in particular by the public broadcasters, which should be free from political influence. It welcomed the pluralism of opinions in the print media, but was concerned by the problem of equal access for all political parties to the audiovisual media.

15. The delegation asked the Albanian authorities to take all necessary measures to provide each voter with a new ID card so that all voters are able to exercise their constitutional right on 28 June. The parliamentary elections of 28 June 2009 will be a test of the maturity of democracy in Albania. In this regard, the delegation urges the Albanian authorities to implement in full the recommendations made by the Parliamentary Assembly in Resolution 1538 (2007).

16. The delegation concluded that the national authorities and all political players must make sure that the conditions are right for all Albanian citizens freely to exercise their will. The delegation hopes that the authorities will keep their promise and ensure that the elections are democratic – a matter it will monitor very closely.

Republic of Albania: Statement of the pre-electoral mission of the Parliamentary Assembly of the Council of Europe

Tirana, 05.06.2009 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE) visited Tirana on the eve of the parliamentary elections of 28 June 2009.

The delegation stresses that the authorities have the responsibility to take all necessary measures to provide each voter with a new ID card in order to ensure that all voters will be able to fulfil their constitutional right on 28 June. The issues relating to the identity card must be resolved in a fully transparent manner to secure public confidence, as well as the confidence of all political parties, in the democratic electoral process in Albania.

The delegation notes that the significantly improved Electoral Code, adopted in December 2008, could have a positive impact on the conduct of the democratic electoral process. However, the implementation of the Code in good faith also requires the commitment by the main political parties to respect the Code.

The pre-electoral delegation stresses the need for impartial, balanced media coverage, in particular by the Public Broadcaster (RTSH), which should be free from political influence. The delegation welcomes the pluralism of opinions in the print media, but is preoccupied by the problem of equal access for all political parties to the broadcast media.

The delegation considers that the parliamentary elections of 28 June 2009 will be a test of the maturity of democracy in Albania. In this regard, it calls on the authorities of Albania to fully implement the recommendations of the Parliamentary Assembly contained in its Resolution 1538 (2007).

The delegation stresses that democratic elections are not limited only to voting day. The authorities of the country and all political actors have the responsibility to ensure the necessary conditions for the free expression of the will of all citizens of the Republic of Albania. The delegation expects, and will closely monitor, that the authorities will guarantee the democratic character of these elections as promised.

The pre-election delegation met the Prime Minister, Sali Berisha, the Speaker of the Parliament, Jozefina Topalli, the Minister of Foreign Affairs, Lulezim Basha, the Minister of Interior, Bujar Nishani, the members of the Albanian delegation to PACE, Chairperson and members of the Central Electoral Commission, leaders of political parties participating in these elections, representatives of the mass media, civil society and the international community.

The Parliamentary Assembly will send a 20-member delegation to observe the parliamentary elections on 28 June 2009.

Members of the pre-electoral delegation:

Corien JONKER (the Netherlands, epp/cd), Head of the delegation

Indrek SAAR (Estonia, SOC)

Ganira PASHAYEVA (Azerbaijan, EDG)

Andrej ZERNOVSKI ("the former yugoslav republic of macedonia", ALDE)

Appendix 2**INTERNATIONAL ELECTION OBSERVATION MISSION**

Programme
Delegations of the OSCE PA, PACE and NATO PA
"Sheraton" Hotel, Tirana, 26-27 June 2009

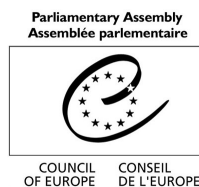
Hotel "Sheraton", Tirana, 26-27 June 2009

Friday, 26 June 2009

- 14:00 - 14:15 Opening by the Heads of Parliamentary Delegations
- 14:15 – 14:30 **Background by the OSCE Presence**
Ambassador Robert Bosch, Head of the OSCE Presence in Albania
- 14:30 – 16:00 **Briefing by OSCE/ODIHR EOM Core Team**
Ambassador Audrey Glover, Head of Mission
Political overview, campaign activities and media landscape
Mr Peter Palmer, Political Analyst
Ms Elma Sehalic, Media Analyst
Elections framework, polling procedures and observation forms
Ms Marianna Skopa, Legal Analyst
Mr Dimitar Dimitrov, Election Analyst
Mr Ovidiu Craiu, Election Analyst
Mr Stefan Krause, Deputy Head of Mission
Mr Anders Eriksson, Statistics Expert
Observers' Safety
Mr Trevor Harvey, Security Officer
- 16:15 – 17:00 **Electoral Administration:** Mr Arben Ristani, CEC Chairperson
- 17:00 – 17:30 **Panel discussion with domestic observer NGOs**
Ms Gerta Meta, Executive Director, Democratic Culture Association
Mr Premto Gogo, Chairperson, Election Administration Agency and KRIIK
Albania: Ms Aurela Anastasi, Executive Director, Albanian Helsinki Committee
- 17:30 – 18:00 **Briefing by NGOs/INGOs**
Ms Aleksandra Pajevic, National Democratic Institute
Mr Lutfi Dervishi, Transparency International
Mr Remzi Lani, Albanian Media Institute

Saturday, 27 June 2009

- 09:00 – 11:30 **Meetings with representatives of Political Parties**
Mr Sali Berisha, Party Leader, DP
Mr Edi Rama, Party Leader, SP
Mr Ilir Meta, Party leader, SMI
Mr Aleksander Meksi, Coalition Chairperson, Freedom Pole
Mr Spartak Ngjela, Party Leader, Law and Justice Party
- 11:45 – 12:45 **Roundtable with Media Representatives**
Skënder Minxhozi, Editor in chief of MAPO weekly magazine
Andi Bejtja, Editor in Chief of the news department, TV Klan
Edison Kurani, Editor in Chief, daily newspaper Koha Jonë
Artur Kopani, Editor in Chief of the news department, Public Service Broadcaster TVSH
Mero Baze, Director of daily newspaper TEMA
- 12:45 – 13:00 **Concluding Remarks**
- 13:00 **Deployment**



APPENDIX 3

Improvements in Albania's election process, but violations persist, observers say

Strasbourg, 29.06.2009 – In a statement issued today, the International Election Observation Mission concluded that Albania's election process demonstrated improvements, but also noted that violations persist.

The observers said the elections marked tangible progress with regard to the introduction of new voter registration and identification procedures, and the adoption of an improved legal framework.

But the observers also noted that these improvements were overshadowed by the politicization of technical aspects of the process and violations observed during the campaign which undermined public confidence in the electoral process.

Election day was overall calm and peaceful and the atmosphere was improved. Observers assessed the voting process slightly more positively than in previous elections, but noted procedural violations related in particular to inking procedures and widespread family voting.

The mission said it was too early to make a definite assessment, as the vote count and tabulation of results have yet to be completed.

"The country has matured, it has made progress, and many of the fears we had only some months ago have not materialized. I'm certainly happy about the progress we saw, but there is also a considerable number of issues that need to be tackled, in particular the polarized political climate," said Wolfgang Grossruck, Vice-President of the OSCE Parliamentary Assembly and Special Co-ordinator of the OSCE short-term observer mission.

"These elections demonstrated that the Albanian people has the full potential for building a democratic society like that of other European countries. Now there is a huge responsibility of the authorities and main political stakeholders to work hard in order to establish confidence among the citizens for a democratic electoral process," said Corien Jonker, Head of the delegation of the Parliamentary Assembly of the Council of Europe.

"Our report reveals positive but also some negative developments in the conduct of these elections. Progress has been achieved since the last parliamentary elections in 2005. However, greater efforts still need to be made by all political forces in order to meet demanding international standards," said Bruce George, Head of the delegation of the NATO Parliamentary Assembly.

"The new electoral code agreed to by both main political parties introduced a number of important improvements and safeguards, in particular with regard to voter registration and identification. It is unfortunate that the high level of distrust among parties, the use of official events for campaign purposes and allegations of pressure on voters did not increase public confidence in the election process," said Ambassador Audrey Glover, Head of the long-term election observation mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).