

# EUROPEAN PARLIAMENT

## COMMITTEE ON FOREIGN AFFAIRS

### DELEGATION FOR RELATIONS WITH THE COUNTRIES OF SOUTH-EAST EUROPE

#### AD HOC DELEGATION FOR ELECTION OBSERVATION OF THE ALBANIAN PARLIAMENTARY ELECTIONS JULY 2005

#### NOTICE TO MEMBERS N° 2/2005

**Subject: Ad hoc delegation for election observation in Albania from 1 to 4 July 2005**

**Members will find attached, for information, the report, including the minutes of the briefing sessions, of the ad hoc delegation for election observation in Albania from 1 to 4 July 2005 to the Chairman of the Committee on Foreign Affairs.**

DIRECTORATE-GENERAL FOR  
EXTERNAL POLICIES OF THE UNION

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24 August -1 September 2005  
SMZ/SW/pel

# **Report of the ad hoc delegation for election observation in Albania**

## **1-4 July 2005**

### **1. Context**

On a proposal of 20 April 2004 by the Chairperson of the Delegation for relations with the countries of South East Europe, Mrs. Doris Pack (EPP, DE), to the Election Coordination Group, which the latter decided to endorse in its letter of 1st June 2005 to the President of the European Parliament, the Conference of Presidents of the Political Groups decided, on 9 June 2005, to authorise the sending of a delegation to Albania, composed of 7 members, to observe legislative elections in that country, due to be held on 3 July 2005.

Consequently, the Coordination of the Political Groups communicated to the General Directorate III of the General Secretariat that the ad hoc delegation would be made up of 2 Members of the EPP-ED Group, 2 Members of the PES Group, 1 Member of the ALDE Group, 1 Member of the Greens Group and 1 Member of the Not-Attached.

The EPP-ED decided to designate Mrs. Doris Pack and Mr. Zsolt Laszlo Becsey; the PES decided to designate Mr. Robert Evans and Mr. Wieslaw Stefan Kuc, the Greens decided to designate Mr. Sepp Kusstatscher, the Not-Attached decided to designate Mr. Ryszard Czarnecki and the ALDE could not designate any Member.

By letter of 16 May 2005, the Speaker of the Parliament of Albania, Mr. Servet Pellumbi, had informed the President of the European Parliament, Mr. Josep Borrell Fontelles, of his wish that the Institution monitors the electoral process in the country.

The European Parliament, which had been participating in election observation exercises in Albania since 1992, would undertake the 2005 election observation jointly with the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of OSCE, in the framework of the OSCE-ODIHR International Election Observation Mission.

### **2. Constituent and preparatory meeting**

The ad hoc delegation held its constituent and preparatory meeting on 21 June 2005 in Brussels. The "doyen d'age" Mrs. Pack opened the meeting and she was subsequently elected chairperson of the ad hoc delegation. The ad hoc delegation, after an exchange of views with a representative of the European Commission, agreed on the programme

(attached to the present report) and decided to deploy 4 teams of observers to the following destinations: Tirana, Durrës, Vlorë and Shkoder.

### **3. Development of the mission, Friday, 1st July 2005**

#### *Briefing programme*

The members of the ad hoc delegation arrived in Tirana on **Friday, 1st July**, where the briefing programme, organised by the OSCE-ODIHR for parliamentarians taking part to the international election observation mission (from the Council of Europe Parliamentary Assembly, the OSCE Parliamentary Assembly and the European Parliament), started at 15,00 in the Rogner Hotel.

#### *Introductory remarks by the Head of the IEOM and the Chairs of the parliamentary trojka delegations*

**Ambassador Grunnet**, Head of the International Election Observation Mission, presented a picture of the situation in Albania in the months preceding the elections and noted that the general atmosphere was better than in the same period of past elections. The Central Electoral Commission had been working professionally and in a spirit of collegiality. The media had worked better than in the past and in a balanced manner, with the exception of the State Television, which seemed to favour the party currently in power. The general development of the electoral campaign also showed progress compared to the past, but currently the campaign was "over-heating". In the final stage of the campaign, preoccupations were concentrated on the issue of birth certificates, which were the main means of identification in Albania. In particular, the Socialist Movement for Integration (LSI) was claiming numerous manipulations of birth certificates. Other shortcomings exposed were a large number of double entries in the voters' lists, a large number of so-called "999" voters, whose place of residence was unclear, and a lot of false entries, in order to allow some people to vote twice. These allegations, which also came from the main opposition party, the Democratic Party (DP), had not been checked yet, but the OSCE was trying to find out whether proof existed or not. Mr. Grunnet admitted that in the last days the atmosphere gave cause for some concern. Concerning the so-called "Dushk " phenomenon, consisting in a kind of pre-election day accord between parties in order to agree on mutual support between two different parties, to gain the maximum number of seats in Parliament , by-passing, in a certain way the law and the voters' will, Mr. Grunnet said that the Democratic Party had formally concluded some agreements of this kind with other parties. With regard to the Socialist Party, its leader claimed that he would not use the Dushk method, but there were allegations that in fact it was used at a local level. Small parties would be the main losers, in the view of the speaker.

In concluding, Ambassador Grunnet reported that the IEOM was made up of more than 300 OSCE short term observers and that the final report would be published around 6 weeks after the release of the final election results.

**Mr. Smorawinski**, Chair of the Council of Europe Parliamentary Assembly delegation, recalled that he had been rapporteur on Albania for his Institution and , in that capacity, he had already written various reports, the last one in March 2005. He expressed the wish that , after the election observation, the Council of Europe would be able to propose to Albania a post-monitoring political dialogue.

He presented his delegation, which was made up of 17 members, although it had been foreseen as a 40-members strong delegation.

Mr. Smorawinski looked forward to the correct application by the Albanian authorities of the new electoral code, which, even with some shortcomings, was certainly better than the previous one.

**Mrs. Pack**, Chairperson of the European Parliament delegation, pointed out that the EP had been participating in election observation exercises in Albania since 1992. Albania represented currently a big question mark for the European Union, and the conduct of the election would be crucial for advancing towards the end of the negotiations for concluding a Stabilisation and Association Agreement. She declared that the 2001 parliamentary elections had been "totally falsified" and, as a result, she had, in her capacity as EP rapporteur on Albania, written in her report not to open the SAA negotiations. Furthermore, the EP had recommended to the Albanian political leaders - in 2002 - to vote a consensual President of the Republic, instead of the candidate of the majority party, and luckily that recommendation had been followed.

Coming to the present election, she indicated the fact that, for the past year, newspapers contained reports every day on the forthcoming elections. This excessive emotion and problematic approach to elections was an undesirable "unique" in the Western Balkans.

The Dushk phenomenon, which was named after a circumscription, had undoubtedly allowed serious manipulations of the vote in 2001. Of course, it was not an illegal method of inter-party understandings, but it allowed the law to be by-passed. Mr. Meta, the leader of the Socialist Movement for Integration, was now exposing this method, but it was disappointing to note that when he was in government he had not.

She recommended to the election observers to pay special attention to the way the electoral administration had worked and would work. If improvements could certainly be already observed, they were not sufficient yet: for example, the new provisions on the counting procedure posed the problem of how to control the transport of the electoral materials from the voting centres to the counting centres.

She was afraid that the conduct of the present election would not succeed in helping Albania to come closer to the EU.

**Ambassador Nothelle**, Coordinator of the OSCE Parliamentary Assembly delegation, informed the participants that the assembly of his Institution was currently going on in Washington, and therefore it had not been possible to send parliamentarians to take part in the election observation exercise in Albania. The OSCE PA was represented by substitute persons.

### ***Briefing by international organisations***

**Ambassador Vacek**, Head of the OSCE Presence in Albania, recalled that his Institution had been constantly supporting Albania in the electoral reform, the administrative reform and the procedures of property restitution.

The present election certainly posed the problem of the so-called "999" voters, whose domicile could not be identified, as well of the re-composition of the country's electoral circumscriptions/zones.

Despite the allegations disseminated during the campaign, a great deal of administrative preparation had been done: with the financial assistance of the EU and the OSCE technical assistance, efforts had been made to improve the accuracy of the voters' lists, and this had passed through the reform of the civil status registers, and technical assistance to the mayors.

As far as the "Dushk phenomenon" or "tactical voting" was concerned, which apparently had been used more openly by the Democratic Party and more ambiguously by the Socialist Party, the best thing, in Ambassador Vacek's view, would be to render the inter-party understandings as transparent as possible.

Another serious problem was represented by the too casual production and distribution of birth certificates. 14.000 certificates had been stolen, and this was regularly referred to. It had therefore been decided that the certificates used for voting would be kept by the personnel of the polling station, and that in case of doubt, they would apply an alternative identification procedure.

**Ambassador Salzmann**, Head of the European Commission delegation to Albania, indicated that the main purpose of the delegation in the country was to accompany and facilitate the stabilisation and association process and to apply the CARDS programme, which was worth around 50 Million Euro per year, above all in the justice and home affairs sector. After summarizing the main steps of the SAP, from Zagreb to Thessaloniki, he recalled that the EU had started SAA negotiations with Albania two years before, and the process appeared very long. The political dialogue had been initiated and, as far as the political criteria were concerned, the more difficult questions on the table were fight against organised crime, corruption, the reform of the judiciary. Technical negotiations were almost finished but the European Commission's negotiators were not satisfied with Albania's performance yet, and would only recommend to end negotiations and conclude the agreement if the present elections will have been conducted democratically and if the country would demonstrate to be actually able to implement the SAA.

The Commission had noted that various steps had been accomplished and that better conditions were now in place for conducting the elections, thanks to a basic agreement worth 800.000 Euro, signed by the Commission with the OSCE Presence in Albania in 2004 for the improvement of the system of voters' registration, but was also aware of the potential risks represented by the "999" voters, the abuse of sophisticated technology, etc..., to which the relevant State Institutions should carefully look.

**Mr. Brandtner**, Head of the Council of Europe Representation in Albania, said that many people thought of the Council of Europe as the "anti-chambre" of the European

Union, he though thought it was more than that. The Council of Europe used to work on an inter-governmental basis, much of the work being done in Strasbourg. But there were also bilateral programmes and local projects, not only the EU CARDS. The Council of Europe too had contributed to the preparation of the present elections, through the assistance provided for the revision of the electoral code by the Venice Commission and the co-ordination of various international players acting in Albania.

He expressed the hope that the elections would be conducted in the way one could expect from a democratic country; of course, he said, there would be problems and delays in the procedure, but the elections had been the best prepared ever in the history of democratic Albania and one should remain optimistic.

### ***Role of the media in the 2005 elections***

**Mr. Lami**, Director of the Albanian Media Institute, said that these were the first elections in Albania where one did not know in advance who would win. Voters would have a lot of choice, and the vote would not only express the protest against the government in office. There would also be a lot of abstentions. In his view, the electoral campaign 2005 had been the most mediatic and expensive ever. Campaigning had moved from the streets to the screens and, recently, a certain verbal "over-heating" had been noticed.

Generally speaking, the financial temptations and dependence and the non transparency of the media from this point of view remained a big problem in Albania, not only in the context of the elections.

He also reported that the proposed TV debate between the leaders of the two main political parties had not taken place.

Nevertheless, the media had played a positive role in informing the general public about the electoral procedures.

After the elections, he feared, much time would be needed before official announcement of the results, which could bring about an increase of public and media emotion.

**Mr. Lubonja**, Media analyst, wondered why many international players were insisting that 2005 elections would be crucial for European integration of Albania because, in his opinion, the forthcoming 3 July elections would not be so important if compared to the mass of other elements to evaluate, which would take a long time by the way. Unfortunately, the presence of so many foreign observers for the elections showed that the country had not progressed enough yet. Mr. Lubonja compared the two main Albanian political parties to two "criminal bands", whose leaders should be brought to justice. In fact, the administrative problems observed, such as those with the birth certificates, were not so important as the concentration of power in the hands of few people. In Albania, at present, the power of money was the most important : as an example, he said that, due to the fact that the public TV did not accept spots of political parties, they used to pay private TVs in order to have their spots broadcasted.

He also wondered what was meant by "international standards for free and fair elections", and what was acceptable and what was not: unfortunately, in his view, the international observers had always more or less accepted the Albanian elections as free and fair so far, which demonstrated they were using double standards, and this had not served for the

good of the country: as an example, he mentioned the municipal elections of 2003, where there had been, in his view, an unacceptable number of people excluded from the voters' lists.

**Mr. Dervishi**, Media analyst, said that there were 23 newspapers and many TVs in Albania, which apparently showed a reality of media pluralism, but in effect this was not the case, because these media were not transparent.

The official electoral campaign had started one month before election day, on 3 June, but, in the reality, around the end of April. Nowadays, the mediatic image of candidates was much more important than their presence in the streets rallies, therefore they changed their campaign strategy accordingly.

Unfortunately, he observed, no one in the Albanian media bothered to talk and write about the problem of transparency, nor to conduct investigations on the electoral incidents and allegations of electoral irregularities.

In the course of the debate, speakers asked what was being discussed in the newspapers during the electoral campaign.

**Mr. Lami** answered that the Socialist Party used the "ghost" of 1997, when, under the government of the Democratic Party, the crisis of the financial pyramids with the consequent social unrest had taken place, and the Democratic Party accused the Socialists of being corrupt. Both accusations were misused though.

**Mr. Lubonja** confirmed that the campaign concentrated on proposing to the voters the choice between the ghost of Berisha or the mafia. But there was no analysis of such allegations in the media.

**Mr. Lami** added that the Albanian public considered the country's media "sympathic", but, ten minutes after listening to the news or reading the press, they forgot what they had learnt. He observed that the media were conscious of this situation and had started to work on a kind of self-monitoring.

Coming to the Albanian electoral system, he wondered why the country, which was still in transition, had not chosen a purely proportional system, which would be more appropriate.

**Mr. Lubonja** concluded that, in a "normal" democratic country, people used to trust the media, but in Albania this was not the case yet, because people knew about the links between the media and the political parties.

### *Domestic observers*

**Mr. Marku** and **Mrs. Hysi** gave a short presentation.

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After the coffee break, the briefing session resumed at 18.00.

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### *Overview of parliamentary elections and political context*

**Mr. Marion**, political analyst, observed that the electoral campaign had had strong visibility all around the country, especially the Socialist Party's campaign.

The code of conduct agreed by the political parties had been a step forward in Albania, which, at last, had contributed to more concentration on the political programmes by the parties, in comparison with the past.

Nevertheless, some violations of the code and some inopportune behaviour had been observed. For example, one political party had distributed food to the population, and another one had stuck posters with images of its candidates in public offices.

**Mrs. Marchese**, Media analyst, commenting on TV spots and photos projected to the participants, said that the two main political parties had mainly shared the "cake" of TV space between themselves. In the public TV, they had benefited each more or less of 50 % of the air time, whilst none of the other parties had been invited.

As far as the paid air time was concerned, the Socialist Party was the biggest user.

Private TV electoral spots were mainly concentrated on negative publicity against the adversaries.

**Mr. Zemon**, expert in minority issues, presented the following picture of the minorities in Albania: the most important community were the Greeks, who, provided that they were resident in the zones officially recognised as belonging to the minority, could benefit from some constitutional rights. The second community were the Macedonians, mostly concentrated near the Lake of Prespa, who had just a few rights. Then there were the Serbs and the Montenegrins, who did not have any rights. Finally, there were the Aromanians, who used to identify themselves as Roma of Romanian origin, the Vlachs, who used to identify in some cases with the Greeks, the Bosniaks, and the Balkan Egyptians, who considered themselves the most discriminated against in Albania.

Unfortunately, it was difficult to have a clear picture of the situation, because of a number of contradictions in the minority statistics. The basic problem was that no census had been carried out in the country, and, as a matter of fact, no representatives of the minorities were sitting in the country's Institutions.

Only the Party of Human Rights and Liberties, representing the Greek community, had a real political programme, which has, among its headlines, minority inclusion in the public life in Albania.

**Mrs. Gatterer**, expert in gender issues, said that women were under-represented in all fields in Albania. Currently, there were only 8 women MPs, out of 140, which represented a rate of less than 6 %.

**Mr. Pilgrim**, legal analyst, gave a presentation on the Albanian legal background and the election law.



**Mr. Krause**, election analyst, gave a presentation on election administration, voting and counting procedures. After recalling the problem of the so-called "999" voters, of voters' identification and candidate registration, he reminded the participants that voting would take place from 7.00 a.m. to 7.00 p.m., and that everybody would have to vote personally, there would be no representation, nor mobile voting stations. Voters would be marked on their finger with invisible ink. If voters would present a birth certificate for identification, but at least two members of the voting station would contest their identity, voters would have to submit another identification document, such a passport, a diploma, or others. Counting had been centralised in the counting centres, which involved a serious risk of security for transport of electoral material and very long journeys (in some cases, up to 8 hours) to reach the counting centres.

By 5 p.m. on Monday 4 July the counting centres were supposed to transmit the results to the Central Electoral Commission, which seemed an unrealistic deadline, at least for some Albanian regions.

Counting was supposed to be carried out without any interruption, but there was uncertainty on what would happen in necessity or emergency situations, such as electricity cuts.

**Mr. O' Grady**, Deputy Head of the Election Observation Mission, gave a presentation on the methodology of observation, by commenting some provision of the observers' handbook (he recommended in particular to pay attention to such phenomena as group and family voting). 370 short term observers had been accredited by the OSCE-ODIHR

**Mrs. Pack** asked why it had been decided to institute the counting centres in the new electoral code.

**Mr. Krause** answered that all amendments to the electoral code, including those relating to the counting centres, had been voted by consensus by the most important political parties. He specified that the counting would be carried out in the counting centres polling station by polling station.

Other **questions** from the participants were: since there were no mobile polling stations foreseen, how would it be possible for people in hospital to vote? It was answered that each hospital, prison, etc... would be equipped with a polling station.

Had a record of people turned away from the polling stations been foreseen? The answer was that it had not.

**Mrs. Osdoby**, Co-ordinator of the 26 long-term observers, **Mrs. Ehrnrooth**, OSCE Parliamentary Assembly liaison officer, and **Mr. Jurczak**, OSCE logistics officer, each gave a brief presentation.

**Mr. Pyrich**, security officer, reported that situation seemed quite calm in the country, from the security point of view, but that there was a potential risk linked to the forthcoming elections.

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At 20.30, the EP delegation had a briefing dinner, hosted by Mrs. Pack, with the Head of the European Commission Delegation and the Ambassadors of the EU Member States to Albania.

## **Saturday, 2nd July 2005**

The briefing session started at 9.15 a.m. .

### ***Briefing on the activities of Parliament and of the Central Electoral Commission***

**Mr. Pellumbi**, Speaker of Parliament, thanked the international observer parliamentarians for their interest and for undergoing such good preparation in view of election observation. Albanian parliamentarians were encouraged by the presence of the observers. Announcing that that precise day Parliament had just closed, he underlined that the outgoing legislature had marked steps forward for Albania, and the Parliament had played a central role in the institutional life of the country. The time when the rules were decided in the streets, instead of by Institutions, had gone. In the course of the legislature which had now come to the end, Parliament had witnessed important events marked by consensus, such as the election of the new President of the Republic, the support to the stabilisation and association process with the EU and to regional co-operation. Parliament had worked to increase effectiveness of legislation. Co-operation between the majority and opposition in Parliament had improved: in this respect, he mentioned the creation and the work of a bi-partisan committee to elaborate a new electoral law, and the revision of the Parliament's rules of procedure. The Albanian Parliament had also carried out a lot of "diplomatic" activities, promoting a number of international meetings and sending delegations abroad.

Mr. Pellumbi thanked the OSCE and the other relevant international Institutions for the assistance and support they had provided to the Albanian Parliament.

Coming to the forthcoming elections, he admitted that their fair conduct was a top priority of the Albanian political agenda: this was the reason why Parliament had been working for so long on the elaboration of the new electoral code. The final product was not perfect, of course, but, thanks to the assistance of various European Institutions, was good.

Parliament had instituted an ad hoc committee to look into the implementation of the electoral code and the other related laws.

The electoral campaign, unlike the previous ones, had been conducted with more discipline, for example even the rallies organised by the two most important parties, or by smaller parties, which were extremely crowded, had not provoked any incident. In fact, nothing had been noted which could invalidate the electoral process, and this showed that the country's political class had reached maturity.

Some minor preoccupations remained though, such as some delays in the conduct of procedures by the electoral organs, or the so-called Dushk phenomenon, but on these he wanted to let the Chairman of the Central Electoral Commission speak.

The Albanian electoral system was a mixed one, where 71 % of the seats would be attributed through the majoritarian system, and 29 % of the seats through the proportional

system. Electoral infrastructures had also improved and, in conclusion, he was confident that the elections of the next day would take place according to the rules.

**Mr. Celibashi**, Chairman of the Central Electoral Commission, recalled that he was in office since 2001, and that he had always acted according to the Albanian Constitution and laws. On the occasion of the present elections, the CEC had already issued more than one thousand decisions and some hundred resolutions, which had all regularly been implemented. The pre-electoral silence, which was ongoing for 24 hours before the beginning of the elections, had not been violated by any party so far. He mentioned some concrete measures adopted by the CEC in order to ensure security and regularity of the electoral process.

**Mrs. Pack** admitted that the CEC had worked much better than in the past, but asked for details over the allegations concerning falsified birth certificates.

**Mr. Celibashi** answered that the CEC had adopted two decisions to resolve this problem.

**Mr. Smorawinski** recalled that the Council of Europe had, in the past, recommended to the relevant Albanian authorities to introduce a fast track mechanism for people who needed to go to the courts in order to obtain registration in the voters' lists, and asked whether or not this recommendation had been followed.

**Mr. Celibashi** observed that this question, at least in part, was not of the competence of the CEC, but confirmed that it was possible for citizens who had not found their name on the voters' lists, to turn to the courts.

A **question** was asked on the recent court ruling which had excluded the possibility, for many students attending the University in Tirana but having their legal residence elsewhere in the country, to be registered in some polling stations of Tirana.

**Mr. Celibashi** answered that he would not comment a court's judgement.

On this point, **Mr. Pellumbi** said that, according to the administrative practice, university students were registered and able to vote in their place of residence.

**Mrs. Pack** commented that this was not a good solution, because the students, in this period of the year, had to undergo exams in Tirana. By the way, she noticed that some University professors were also candidates in the present elections.

**Mr. Pellumbi** observed that, Albania being a relatively small country, the students could return to their places of origin for voting without major inconvenience.

**Mr. Celibashi** observed that, the fact that exams had been foreseen in the same period of the elections, was unfortunate for both the students and the professors.

Another **question** was asked on the reason why the electoral code had foreseen that counting could not be interrupted, which left the problem of casualties unsolved.

**Mr. Celibashi** answered that the CEC could not change the terms of the law.

### *Briefing on the political parties*

**Mrs Leska**, Secretary of the **Socialist Party**, read a written speech. She underlined that the present electoral test was crucial for Albania, and rules would have to be respected.

**Mr. Smorawinski** asked her opinion on the Dushk phenomenon, on the possibility to institute the system of fast-track in the courts to help citizens to obtain their registration in the voters' lists and on the court ruling regarding the Tirana University students, which had practically robbed them of their right to vote.

**Mrs. Pack** observed that the Dushk method, in 2001, had been abused by the Socialist Party, and that, on the occasion of the present elections, the Party was also using it, although in a less open manner than other parties.

**Mrs. Leska**, answering Mr. Smorawinski, said that she did not wish to comment the court's judgement on the University students, but that she found it strange that the exams would take place at the same time of the elections. Concerning the fast-track, she considered it obvious that citizens should be given the right to check the voters' lists and, in case of problem, to turn to the courts.

**Mrs. Durrieu, member of the Parliamentary Assembly of the Council of Europe and of the Venice Commission** observed that her Institution still had many preoccupations in relation to the forthcoming Albanian elections, also if compared to elections in other countries. She was concerned in particular about the last-minute problems, the lack of proper organisation and the improvisation in the polling stations.

**Mrs. Leska** answered that her party was not responsible for the administrative organisation of the elections and that she could not foresee in advance what kind of problems would be detected by the observers.

**Mrs. Durrieu** insisted that, on the contrary, the Socialist Party should assume responsibility for the events of the forthcoming day.

**Mrs. Leska** said that she was confident that observers would not encounter any difficulty in their activity and that, in particular for the counting, the presence of so many observers, be they local or international, was encouraging.

The last remark from the participants related to the possibility to change the personnel of the polling stations at the last minute, which was considered a strange thing.

**Mr. Leka**, Secretary of the **Human Rights Union Party**, said that, in comparison to the elections of 2001, there was good progress in the preparation of the present ones. Nevertheless, there were still problems, such as the accuracy of the voters' lists, the stealing of birth certificates, the new counting procedure, which foresaw that the personnel of the counting centres would not have the right to abandon their duties, which was not a realistic provision, if one thinks that in certain cases counting would certainly take up to 48 hours.

**Mrs. Pack** asked his opinion on the Dushk phenomenon.

**Mr. Leka** answered that his party had not concluded any such agreement with any other party, neither in writing nor orally.

**Mr. Platvoet, member of the Parliamentary Assembly of the Council of Europe** asked what was the programme of the party, with particular reference to the defence of human rights.

**Mr. Leka** answered that his party intended to promote and protect the right of minorities, for example in the field of education. He was pleased to report that the outgoing Albanian Parliament had adopted a good framework legislation in this sector.

**Mr. Meta**, leader of the **Socialist Movement for Integration**, stressed that there were elements which could put in danger the regularity of the forthcoming elections: the main political negative element was the mega-Dushk phenomenon, which was being observed, like in 2001, and would concretize in a practice of trafficking of votes. From an administrative point of view, there were two key-questions: the voters' lists, which had been manipulated in order to favour the party in government, in particular in Durres, despite years of efforts for correcting them after the 2001 elections. The second problem was the uncontrolled circulation of birth certificates: in this regard, he was concerned that the Government was not acting properly; on the contrary, it was operating a series of "soft" manipulations in order to facilitate modifications of the results of the vote, in particular in Tirana, Durres, Elbasan and Korca: each voter has a code and for some voters the code had been changed without notice; as a result, there were at present many people with two codes, who could vote twice. The Socialist Movement for Integration had discovered these practices and denounced them to the competent authorities.

**Mrs. Pack** asked how would it be possible to vote twice if the voter has his finger marked with invisible ink .

**Mr. Meta** answered that in the polling stations not every party will have observers, and not every member of the staff present will pay attention to the ink-check procedure. The SMI had in the past asked that visible ink be used, but its request had been turned down.

**Mrs. Pack**, coming to the Dushk phenomenon, was disappointed to note that when Mr. Meta belonged to the Socialist Party had not denounced it.

**Mr. Meta** answered that the two situations, 2001 and 2005, could not be compared. Although he had been member of the Socialist Party (and he declared himself still a socialist, by the way), he was not the leader of it. Nevertheless, he and others had promoted in 2001 an appeal to the courts to contribute to the abolition of the Dushk practice. But the court's decision had only come after the elections. Moreover, in 2001, that practice had only been applied in one electoral circumscription.

**Mr. Platvoet**, member of the Parliamentary Assembly of the Council of Europe, asked whether, in Mr. Meta's opinion, elections would turn not to be free and fair, or was there a chance they would.

**Mr. Meta** answered that transport of the electoral material and counting would be the crucial moments to see whether the elections would be free and fair. Transport is risky in itself and there could be problems in the counting centres because this was the first time the new procedure would be applied.

Another **member of the parliamentary assembly of the Council of Europe** asked what problems he had encountered in the organisation of the electoral campaign.

**Mr. Meta** answered that the SMI had worked constructively for the reform of the electoral code, but, during the campaign, it had been victim of some incidents and intimidations, for example some SMI activists had been arrested, a SMI office had been destroyed and the SMI had been excluded by the public TV reports.

**Mr. Shehi**, leader of the **Movement for National Development**, noted that the electoral code in force was one of the worst in the history of Albania because it only protected the two most important political parties. The MND, as well as the SMI, therefore, were not being treated fairly. He was disappointed to observe that the IEOM was more concerned by the co-operation between the two major parties than by the necessity to protect the rights of the smallest parties. The so-called mega-Dushk phenomenon represented a serious problem, but the code in force allowed it. He indicated moreover the falsifications in the voters' lists. In a country of little more than 3 Million inhabitants, where 25% of the population was less than 18 years old, there could not be 2,7 Million voters! At the end of the day, the new electoral code had directly given more strength to the two major parties. Albanian people were tired of these abuses. In concluding, Mr. Shehi announced that his party would anyway accept the official results of the elections.

**Mr. Berisha**, leader of the **Democratic Party**, was disappointed to note that, already in 2001, the main problems had come from the voters' lists, and now, despite all the efforts deployed to improve their accuracy, the current lists were actually the worst ever. There were many people who would be excluded from the vote, and he wondered who would bear the responsibility for that. Ambassador Vacek, Head of the OSCE Presence in Albania, had recommended to use, for the 2005 legislative elections, the voters' lists of the 2003 municipal elections, but this was a violation of the Albanian law. Therefore, Ambassador Vacek had found an arrangement with the government. He was upset that

this kind of thing could only happen in Albania and reported that he had declared it in a recent European tour.

The DP had discovered 10.700 cases of people who would be able to vote twice in two different circumscriptions, and had sent the relevant documentation to the Commission; secondly, the DP was aware that thousands of birth certificates had been stolen, and for each one of them there would be a person able to vote twice or more. Moreover, in the Tirana municipality, the administration had illegally cancelled the bar code of the voters and replaced it with the district number. Another general remark to be made was that not one of the documents used for voter's identification actually enabled a check of his/her address.

In conclusion, Mr. Berisha said that some candidates were linked with criminal gangs.

**Mrs. Pack** asked him whether his Party had duly submitted appeals to the judicial authority for each one of the alleged facts he had listed.

**Mr. Berisha** answered that his Party had submitted appeals to the Central Electoral Commission and to some Zone Electoral Commissions, but all of them had been rejected.

**Mrs. Durrieu** invited him to admit that the implementation for the first time of the new Albanian electoral code was problematic. She asked what financial means had been put at the disposal of the political parties.

**Mr. Berisha** answered that, at the time of the elaboration of the new electoral code, he was absolutely against the provisions on having to vote separately for the candidate and for the party, which now allowed the so-called "Dushk" practice, and had proposed an amendment to unify the vote; unfortunately, it had been rejected. By the way, the ODIHR had also raised the problem in its reports. Coming to the question on the financial means, he said that all possible State means had been unduly put at disposal of the Socialist Party. Moreover, the SP had spent, for publicity spots, twice the amount spent by the DP.

**Other comments and questions** from the participants were related to the use of ink to mark voters' finger, which should impede people to vote twice, and to what the observers should pay particular attention on election day.

**Mr. Berisha** underlined that the documents used for voters' identification did not mention any address. Furthermore, he listed a series of electoral circumscriptions to observe particularly carefully: Zones 1 and 7 (Shkoder), Zones 21 and 22 (Dibra), all the Durres zones, Zones 33 and 38 of Tirana, Zone 99 which was the place of origin of the Prime Minister. In general, he recommended the observers to reserve particular attention to the zones where the current Ministers were candidate. He did not mind of course to mention that his own electoral zone was no. 48.

In concluding, Mr. Berisha ensured that his party would respect the results of the elections, be they what they would be. But the DP would not accept a refusal, from the SP leader and current Prime Minister, to step down from his office, according to the election results. He claimed that the DP had always loyally followed in the past the

recommendations of the International Institutions on the conduct of free and fair elections.

**Mr. Platvoet** asked Mr. Berisha to admit that, compared to the elections of 2001, the present ones represented an improvement.

**Mr. Berisha** did not agree: in his view, the electoral campaign, which had been characterised by negative publicity of the adversaries, had been the worst ever.

**Mrs. Pack** observed that in this respect the Central Electoral Commission should have reacted in due time.

**Mr. Pollo**, leader of the **New Democratic Party**, recognised that the present elections were being conducted in an improved context and under the provisions of a better electoral code. But two main problems needed to be mentioned: the electoral campaign, especially in certain circumscriptions, had been acrimonious, apart the fact that the party currently in government had used State resources, and the use of the birth certificates for voters' identification raised many preoccupations; in fact, it would be possible for a person to vote twice or more. He added that, in this respect, he had signed a proposal to adopt supplementary guarantees and safeguards for the voting procedure. Every municipality in Albania had a bar code, and this should be reproduced on the birth certificate, but, if voters would show up with a certificate bearing just the number of their electoral district, they would after all be able to vote more times.

There were remarks on the possible help to overcome the shortcoming, represented by the polling stations' obligation to retain the birth certificate of each voter.

**Mr. Celu**, **Secretary of the Republican Party**, was the last speaker to give his presentation. He also stressed the issue of the birth certificates and was asked by Mrs. Pack whether his party would benefit from the Dushk method.

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In the early afternoon, the EP delegation split itself into four teams with the following composition and destinations:

Team 1: Mr. Evans and Mr. Czarnecki  
**Shkodër**

Team 2: Mrs. Pack  
(+ 1 member of staff)  
**Tirana - Zone 33**

Team 3: Mr. Becsey and Mr. Kusstatscher  
**Vlore**



Team 4: Mr. Kus  
(+ 1 advisor of the PES  
+ 1 member of staff)

**Durres**

Teams no. 1 and 3 were immediately deployed at their destination, where they received a briefing from the OSCE-ODIHR long-term observers on arrival.

Teams no. 2 and 4 attended briefings from the long-term observers in Tirana.

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**Sunday, 3 July 2005 (election day)**

The EP teams observed opening of the poll stations, voting, closing of the poll stations and transport of the material to the counting centres.

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The Heads of the Parliamentary Institutions met with the IEOM Head and other OSCE representatives at various moments and places in Tirana on Saturday, Sunday and Monday for first debriefing. They also discussed the text of the press release and statement of preliminary findings of the IEOM to be published on Monday, the 4th of July 2005.

**Monday, 4 July 2005**

*Debriefing of the EP observers*

**Team 1 - Shkodër**

Members observed that, as far as the stations they had visited were concerned, the elections could be considered as fair and democratic. They had not noted any political manipulation nor apparent falsification but on the contrary, from an organisational point of view, they had often found critical and chaotic situations. This, in their view, was mostly the result of the way the use of birth certificates as an identification tool had been regulated by the country's central authorities. Some polling stations had opened later than scheduled. Two more remarks concerned the logistics: long queues of waiting voters had been noted outside many polling stations and, often, polling stations were too small.

## **Team 2 - Tirana (Zone 33)**

Mrs. Pack reported that, after visiting around 20 polling stations in the electoral zone which had been assigned to her, she was convinced that, despite improvements in the Electoral Code, progress in conducting these elections, in comparison to those of 2001, was insufficient. In her view, the election system remained open to abuse. The quality of the voters' lists, in particular, was not adequate. Inaccuracy might have even been intentional in certain cases, which left voters turned away disillusioned and showed that public administration and justice in Albania had still a long way to go to become independent and professional. She had also observed in some cases too crowded and chaotic polling stations, and had been approached by some representatives of the students of the University of Tirana who had raised the problem of their non-inscription in the capital's voters' lists. In one case, she had been told of serious irregularities going on, in particular that a person had tried to introduce in a polling station falsified double ballots. In some cases, she had assisted in an over-heated dispute among members of the polling station personnel. The behaviour of the police in maintaining order around the polling stations, on the contrary, was very correct and deserved positive mention.

After the closure of operations in the last polling station she had visited, a long time, more than 1 and a half hours, had passed before the official car arrived to collect the electoral material for transport to the counting centre. This was of course not an ideal situation for security reasons.

## **Team 3 - Vlore**

Members reported that they had visited 14 voting premises, of which two were in rural areas. With the exception of one voting premise, their impression on the conducting of the vote was satisfactory. The party-pluralism had been generally respected. The personnel of the polling stations, in which the two major Albanian parties were equally represented, pursued their work in a generally satisfactory way. Party observers were also fairly present in all the polling stations and in half of the stations representatives of different Albanian civil society organisations were also present.

The procedure of opening and closure of the ballot boxes was satisfactory.

Nevertheless, the following shortcomings were observed :

- in some polling stations, tensions had been observed among the members of the electoral commission, although mostly they resulted from an effort and sincere preoccupation to do well;
- in some areas, where people knew each other, the control of personal identity was not always carried out, although invisible ink test and UV lamp control were made. In other areas, the high participation was coupled with turbulences in the voting premises, making the identification and the UV and ink control uncertain;
- due to the very stringent control procedure, in voting premises with more than 1.000 possible voters it was impossible to conduct the vote with the necessary speed to avoid long queues outside the premises; therefore the voting procedure had finished only hours after the official closure time. Older couples sometimes wanted to vote together, but family vote was not a general practice.

The major problem, anyway, was represented by the unavailability of properly drawn up voters' lists :

- several people had not been able to vote, because they were not on the list, which, in certain cases, had been changed shortly before the vote; 5 to 10 % of the voters had been identified with birth certificates under the code 999, which was used to indicate that their place of residence was not identified; they could therefore vote in any district, influencing the results in the individual constituencies.

The public authorities bore the responsibility of not having dedicated enough care to the assurance of basic standards for an election (a guaranteed right to vote for each citizen, the possibility to prove the rights of voters, training of the staff of the polling stations, etc...

Moreover, the electoral procedure was, in one of the members' view, too complicated, and opened the way to abuses such as electoral frauds, and the counting in centralised voting centres made things unnecessarily more difficult and longer.

#### **Team 4 - Durres**

The observer team was generally welcomed by the voters and by the Voting Centre Committee's members who were always pleased to collaborate and give information and answers concerning voting procedures and voting development.

The voting in the electoral zone and its voting centres assigned to the team took place in general without any serious shortcomings, problems or serious incidents. However, some problems and incidents of limited importance should be mentioned:

- a delay of more than half an hour in the opening of the first observed voting centre occurred but it did not really disturb the voting procedure. Citizens and VCC members spoke about some delays but did not indicate that they had caused serious problems. A limited number of voters could not find their name on the voters' lists and had to go to another voting centre or electoral zone;
- the lack of trust between the main political parties (SP and DP) and the suspicion of a possible falsification of ballots led to a limited time (30') of interruption of the voting procedure in a voting centre. After a moment of tension between the VCC members and representatives of the DP, the voting procedure continued without problems;
- in a voting centre, an incident between a voter, who did not want to deliver his special voting certificate, provoked the intervention of the police. After that, the voting procedure in the voting centre continued without problems;
- the conclusion of the voting procedure in the voting centre observed at that moment was acceptable according to the electoral law; however the transportation of the ballots to the Counting Centre was chaotic and lengthy as the road access to the voting centre was completely blocked with parked cars. This problem could have been avoided with adequate police intervention.

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After the debriefing, and due to the beginning of the EP plenary session in Strasbourg that day, Members left to the airport and could not be able to assist to the IEOM press conference which had been set at 4 p.m. .

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## **Final remark**

Due to electoral complaints on alleged irregularities, official results could not be announced rapidly and elections had to be re-run in three constituencies ( no. 2 - Shkoder, North Albania, no. 64 - Lushnje, West Albania and no. 90 - Gjirokaster, South Albania ) on Sunday, 21 August 2005. The Chairman of the Central Election Commission (KQZ) Ilirjan Celibashi said at mid-August that "the KQZ has taken all measures for a normal conduct of polls in constituencies Nos 2, 64, 90."

The re-run concerned the majority list in the abovementioned constituencies.

Therefore, final results of the parliamentary elections were only announced by the Central Electoral Commission on 1st September 2005 (see attached).

The OSCE-ODIHR Final Report is expected around six weeks after the publication of the official results.

- Encl.: - Press release and statement of preliminary findings of the International Election Observation Mission of 4 July 2005
- Official results of the vote
  - Programme
  - List of participants



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## **Competitive Albanian elections weakened by insufficient political will and system open to abuse**

TIRANA, 4 July 2005 - The parliamentary elections in Albania on 3 July complied only partially with international commitments and standards for democratic elections. The elections were competitive and voters were provided with a diversity of information. While the Central Election Commission has so far administered the elections professionally, state and local authorities and major political parties have yet to demonstrate political will that corresponds with their responsibilities for the electoral process.

These are the preliminary conclusions of the International Election Observation Mission (IEOM) for the parliamentary elections in Albania on 3 July. Some 410 observers from 36 countries observed the elections for the four organizations represented in the mission.

“Overcrowding, delays and uncertainty regarding identification of voters gave an impression of disorganization, but so far few allegations of serious irregularities have been substantiated,” said Jørgen Grunnet, Head of the Election Observation Mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).

Doris Pack, MP, who headed the delegation from the European Parliament, said: “The election system remains open to abuse. Intentionally inaccurate voter lists have left voters disillusioned.”

Senator Jerzy Smoravinski, Head of Delegation of the Parliamentary Assembly of the Council of Europe, added: “The delay in launching the electoral reforms to address the shortcomings from previous elections affected negatively the preparation and conduct of these elections. The authorities and political parties should continue the reforms without delay, in order to redress the remaining shortcomings noted by the IEOM.”

Ambassador Andreas Nothelle, who co-ordinated the OSCE Parliamentary Assembly's Delegation, said: “The Albanian voters and the local voting commissions were obviously dedicated to making use of their rights and having free and fair elections. With that they showed more democratic maturity than some of their political leaders, who should understand that reciprocal allegations aimed at influencing international observers create distrust, detrimental to the development of a democratic society.”

Election day was generally peaceful but a few violent incidents, one fatal, cast a shadow over the process. The conduct of the poll showed only limited progress over previous elections. In many cases observers noted incorrect procedures, particularly with regard to the use of ink to prevent multiple voting, the secrecy of the vote and the checking of voters' identities. While some voters were turned away from polling stations because their names did not appear on voter lists, this affected relatively few voters. A few polling stations could not open on time since they did not receive voter lists.

The OSCE/ODIHR will remain in Albania to continue the observation until the completion of the election process, vote count and hearing and ruling on complaints.

## **INTERNATIONAL ELECTION OBSERVATION MISSION**

### **Parliamentary Election, Republic of Albania – 3 July 2005**

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#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Tirana, 4 July 2005** – Following an invitation by the Ministry of Foreign Affairs of the Republic of Albania, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in Albania on 18 May 2005. For observation of election day procedures, the OSCE/ODIHR EOM joined efforts with the observers of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). They assessed compliance of the electoral process with domestic legislation, OSCE Commitments, Council of Europe commitments, and other international standards for democratic elections.

This statement of preliminary findings and conclusions is delivered prior to the completion of the vote count in all 100 counting centres, the expiry of legal deadlines for hearing possible appeals in regard to voting, counting and tabulation of results, and instalment in office of elected officials. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

The OSCE/ODIHR EOM will remain in Albania to continue the observation and may issue additional public commentary, as necessary. The OSCE/ODIHR will publish a Final Report, including a comprehensive analysis of all observers' findings and subsequent recommendations, approximately six weeks after completion of the process.

#### **Preliminary Conclusions**

The conduct of the 3 July 2005 parliamentary elections, during the pre-election period, voting, and counting so far, complied only partially with OSCE Commitments, Council of Europe commitments, and other international standards for democratic elections. While these were overall competitive elections and media generally provided voters with a diversity of electoral information, major political parties have yet to demonstrate political will and responsibility to a measure commensurate with the broad authority granted to them on the electoral process.

The continued inaction of the Albanian authorities in introducing a uniform system of addresses of buildings and new personal identification documents across the country diminished the significance of efforts undertaken to improve the voter lists. These issues are of fundamental importance and their resolution requires immediate and unconditional commitment.

A lack of trust between political parties led to delays in reaching agreement on the electoral framework and negatively affected the preparations and conduct of the elections. In view of future elections, further improvements to the electoral framework would require urgent attention and more inclusive efforts.

The provisions of the election code detailing the election system do not guarantee the accomplishment of the constitutional objective to achieve proportionality “to the closest possible extent” between the votes received by party lists and the overall composition of the Parliament. This system allowed many contestants to adopt electoral strategies which challenged the limits of the law and blurred distinctions

between political parties. After the experience of the 2001 legislative elections, the 2005 election process confirms that the current election system will remain prone to abuse until it is reformed.

The following positive developments characterised the election process to date:

- A wide spectrum of parties and candidates were registered, largely without impediments, to contest the elections and offered voters a diversity of choices;
- Parties were active in conducting their election campaigns and pledged to adhere to a Code of Conduct, which was instrumental in setting campaign standards;
- Media coverage of the official campaign period was overall sufficient and politically balanced to enable most parties, across the political spectrum, to convey their messages;
- Amendments to the election legislation adopted by a large majority in Parliament presented a number of improvements;
- For the most part, the CEC administered the process transparently, professionally and in line with the provisions of the Electoral Code;
- A considerable and relatively successful, if late, effort by the state and local government authorities introduced a new framework for voter registration providing clarity in the division of responsibilities of the bodies involved, which in many election zones, resulted in improved accuracy of voter lists;
- The Electoral College fulfilled its obligation to adjudicate pre-election complaints against CEC decisions fairly and impartially;
- While more consideration was given to issues related to national minorities by a number of contestants, further efforts are needed to improve voter registration of minority populations, especially among the Roma community.

However, a number of issues remain to be addressed, including the following:

- While major political parties enjoy overwhelming authority on the administration of the election, they are yet to deliver a corresponding measure of responsibility;
- A significant number of allegations, some of which substantiated, of interference with citizens' right to freedom of expression and to engage into political activities, including cases of civil servants being put under pressure to support or to refrain from supporting a particular candidate or party;
- Administrative decisions of the mayor of one borough of Tirana and of university officials that amounted to possible disenfranchisement of a considerable number of students, in their place of study.
- No improvement to the participation and representation of women in public affairs;
- There is a high number of voters who could not be located during the verification process (so called '999' entries on voter lists). Linked to problems in voters identification on election day, in particular related to the issuance and use of birth certificates, these fuelled fears of possible abuses, such as impersonation of voters with an incomplete numerical address;
- While a significant number of multiple records on voter lists were cleaned up by the responsible institutions within a short timeframe, further effort is needed to address remaining multiple records, in particular across boundaries of local government units, as well as spelling in voters names.

The conduct of the poll on election day showed only limited progress over previous elections. In many cases, VCCs did not have sufficient regard for correct procedures, particularly regarding the use of ink to prevent multiple voting, the secrecy of the vote and the checking of voters' identity. While some voters were turned away from polling stations because their names did not appear on voter lists, this occurred far less frequently than during earlier elections. While polling was conducted in a generally peaceful atmosphere, a few violent incidents, including one fatal, marred the process.



## Preliminary Findings

### Background

The 3 July 2005 parliamentary elections were the sixth to be held since the establishment of a multi-party system in Albania in 1991. In 2001, the Socialist Party (SP), led by Prime Minister Fatos Nano, received a majority of seats. Together with MPs from four other parties: the Social Democratic Party (SDP), the Human Rights Union Party (HRUP), the Democratic Alliance Party (DAP) and the Agrarian Party (AP) and members of parliament elected as independent candidates, the SP formed a government coalition. The opposition comprised the Democratic Party (DP) led by Dr. Sali Berisha, and five other parties.

All major political parties contested the 2005 election either in coalition or separately. These included the abovementioned parties and a new party, the Socialist Movement for Integration (SMI), led by former Prime Minister Ilir Meta, who together with eight other SP-elected deputies split from the ruling party in 2004. From 2004, the Legality Movement Party allied itself with the Renewed Democratic Party.

Since 1991, rivalry between the two largest parties, the SP and the DP, has been intense and antagonistic. During and after previous elections, some parties, in particular those in opposition expressed their lack of confidence in the integrity of the electoral process. The last two elections were protracted, marred with uncertainties and parts of the elections had to be repeated because of irregularities.

### Election System

The Constitution establishes the following principles of the election system:

- A fixed number of parliamentary mandates (140), with 100 deputies (71%) elected in single mandate zones and 40 (29%) elected from party or coalition lists;
- That “the total number of deputies of a party [...] shall be, to the closest possible extent, proportional to valid votes won by them on the national scale [...]”; and,
- That parties must obtain at least 2.5% of valid votes and coalitions must obtain at least 4% of valid votes, to participate in the allocation of the 40 ‘supplementary’ mandates.

In 2003, the Parliament adopted the Electoral Code, which further elaborated a complicated election system. Article 67 of the Electoral Code attempts to respect Article 64.2 of the Constitution and provides that the 40 supplemental mandates be allocated such that parties’ shares of the total number of deputies (140) would approximate ‘to the closest possible extent’ the percentage of the vote received by their electoral lists.

However, the Electoral Code fails to guarantee the enforcement of the constitutional provisions which set forth an objective of proportionality in the Parliament’s composition. Based on the right of voters to have two separate electoral choices, parties can circumvent the provisions designed to realise the constitutional objective of proportionality through developing strategies calling upon voters to split their two votes between formally or informally allied parties. These strategies have the potential to decrease the possible degree of proportionality and could result in fewer mandates being awarded to parties which are not involved in strategies. While such strategies might be within the law, they blur political identities and lessen transparency. Despite the fact that in the 2001 elections, attempts to manipulate the election system had already occurred, the legal provisions on allocating the supplemental mandates remained largely unchanged.

Both the experience of the 2001 and of the 2005 election process tend to show that the electoral system that is currently in force will remain prone to abuse until it is reformed.

### Legal Framework

The Electoral Code was adopted in June 2003. Notwithstanding the serious shortcoming noted above and outstanding concerns raised by the Venice Commission of the Council of Europe and the OSCE/ODIHR in

their Joint Recommendations of 2004, the legislation can provide an adequate basis for a democratic election if there is a willingness from public authorities and political parties to implement the provisions of the Electoral Code in good faith.

The Electoral Code was amended on three separate occasions in 2004 and 2005. These amendments, most of which addressed some of the Joint Recommendations, brought about several changes, in particular concerning the election administration, the compilation of voter lists, the criteria for establishing electoral zones, counting proceedings, and proceedings for complaints and appeals. These changes were largely devised through a bi partisan process.

However, shortcomings remain, at times in conflict with international standards. The Code fails to ensure transparency and certainty in the allocation of mandates to party lists. In the 2005 elections, some parties submitted to the CEC internal party agreements on re-ordering mandate recipients according to criteria stipulated by the parties<sup>1</sup>. In addition, some provisions in the Code discriminate against “smaller” political parties. This is particularly true in the area of paid political advertisements in the private electronic media, where the Code grants ‘larger’ parties the right to purchase “double the amount of airtime” of ‘smaller’ parties.

Additionally, legislation was passed at the end of 2004 establishing new boundaries for the 100 election zones. The new electoral zones, which were the result of a political agreement between the SP and DP, are set out in a separate law adopted and enacted in March 2005. While the solution reached is an improvement over the previous boundaries, it does not fully meet the requirements of the law in a number of zones.

## **Election Administration**

Parliamentary elections are administered by a three-tiered election administration: the Central Election Commission (CEC), 100 Zone Election Commissions (ZECs), and some 4,764 Voting Center Commissions (VCCs). Following an agreement reached in October 2004, the ‘political balance’ of the CEC was altered with the parliamentary majority ‘surrendering’ one of its five seats to the opposition. The CEC appointed seven members to each ZEC, based on nominations from six designated political parties; three from each side of the political spectrum. The SP and the DP nominated ZEC chairpersons on a parity basis. VCCs and counting teams were appointed with a composition identical to ZECs. Through their nomination of members to election administration bodies at all levels, political parties exerted considerable influence over the electoral process. Political parties are in effect almost wholly responsible for the functioning of the electoral administration.

The CEC held meetings as often as twice per day. Prior to election day, it took over 1,000 decisions and adopted some 20 instructions. These appeared to adhere to professional standards and were generally in line with the Electoral Code. CEC sessions were, for the most part, conducted professionally, collegially and transparently. Representatives of the parties were in attendance and their proposals were given a fair hearing. The OSCE/ODIHR EOM did not observe any political bias for or against any election stakeholder in the decision making process. However, at times discussions were protracted and important decisions sometimes delayed. Nevertheless, these factors did not have a significantly adverse effect on the CEC’s electoral preparations. The CEC faced several logistical and administrative challenges in organizing these elections. Its task was complicated by a lack of full co-operation from some local government authorities and the CEC had to fine several mayors who missed deadlines for submitting important information.

To certify the final election results, to invalidate the elections or to take decisions on complaints against ZEC decisions regarding election results, the CEC requires a decision by five of its seven members. Hence the possibility exists that the CEC might be unable to adopt the election results. A final assessment on the

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<sup>1</sup> As already noted in the OSCE/ODIHR – Venice Commission Joint Recommendations issued in 2004, “to the extent that [the law] would permit a re-ranking or “final” ranking of candidates to occur after a voter casts the ballot, then [it] would be contrary to OSCE Commitments and international standards.

CEC's administration of the elections will only be possible after the tabulation and announcement of results and the adjudication of election day and any post-election complaints and appeals.

By law, all ZECs should have been appointed by 3 March 2005, but since the zone boundaries were not finalized until that date, the CEC decided to postpone the first ZEC meetings until 16 May, to give parties time to nominate members. Nonetheless, several political parties, in particular those in opposition, did not nominate all members by this date. Consequently only 63 ZECs were fully composed on time. Initially, parties also made extensive use of the right to replace members. This lessened the stability in ZEC's composition. The CEC conducted training for ZECs and prepared training materials for VCCs and counting teams.

At least half of the ZEC chairs had served on a ZEC during a previous election. While this experience may have helped in the administration of the elections, a significant minority of ZECs lacked adequate material resources and the majority reported that they had not received operating funds in time. The appointment of VCCs constituted a major challenge for ZECs and some experienced difficulty in finalizing appointment on time. Some political parties asserted they delayed their nominations for fear that these VCC members could be bribed. This complicated the training of some VCCs.

## **Voter Lists**

The legislation covering the voter registration process was reformed in several steps between October 2004 and January 2005. Responsibility for the compilation and maintenance of voter lists was transferred from the CEC to local government authorities, and lists were drawn from civil registers. A door-to-door verification exercise was first conducted with the aim of updating civil registries and assigning citizens a ten-digit 'numerical address'. This new system was a welcome development, but the time and resources available to Municipalities to compile and computerise voter lists were scarce. Furthermore, spelling mistakes in voters' names were frequently identified.

A state-wide voter registration database was created based on municipal voter registers and managed by the Ministry of Local Government and Decentralisation (MLGD), which has a responsibility to identify specific problems, in particular possible multiple records and inform local governments about them with a view for the latter to take remedial action.

Notwithstanding a number of shortcomings, a significant and largely successful effort was made to improve the accuracy of voter lists. On the final voter lists, some 2.85 million citizens were registered as voters. Yet, there remained some 470,000 entries on the final voter lists without a complete numerical address (so called '999 entries'). These entries correspond to persons who could not be contacted during the verification process. The problem was particularly noted in urban areas. An unknown number of these persons may have migrated within Albania or abroad.

By law, preliminary voter lists should have been publicly displayed from 1 April until 3 May. The MLGD extended the 3 May deadline twice, thereby increasing the time available to the public to check lists and request their inclusion, if omitted. A large-scale public information campaign was conducted to inform citizens of their rights and duties regarding voter registration. After 8 June, when voter lists were finalised, omitted persons could only vote by obtaining a decision from a district court.

The MLGD identified approximately 200,000 possible multiple entries on the preliminary voter lists, corresponding to some 100,000 registered citizens. By 8 June, the entries for over 80,000 citizens had been resolved such that these citizens were registered only once. Political parties were given the opportunity to analyse the final voter list. The DP provided the EOM with lists of remaining multiple records two days before polling day.

The voter lists remained a contentious issue during the pre-election period. The large majority of OSCE/ODIHR EOM observers reported positively on the accuracy of the lists, notwithstanding concerns over: the high number of '999' entries; an inconsistent approach to allocating these entries to polling stations by local government units; the failure to meet legal deadlines on displaying the final voter lists, a

delay in forwarding the complete voter registration data to political parties and almost 16% of voting centres which have in excess of 1,000 registered voters – the legal maximum. Observers reported that few voters checked their entries on the final voter lists, and even less sought a court decision to enable inclusion on election day.

Significant problems with voter lists were noted in some 17 zones, including zones 5 and 6 (Shkodra), 25 and 28 (Durrës). In zone 33 (Tirana) a high number of petitions for addition in the lists from citizens eligible to vote were not acted upon. In addition, in the same zone, as well as in zone 38 (Tirana) serious concerns exist over the possible disenfranchisement of students. This fuelled allegations that voter lists in zones 33 and 38 were being politically manipulated. Administrative decisions presenting obstacles to effective enfranchisement of eligible voters are incompatible with a democratic process.

In the later stage of the pre electoral period, a controversy arose over the use of birth certificates<sup>2</sup> as identification documents in voting centres, in the context of a continued absence of new identity documents for internal use and of a uniform address system. Usually, birth certificates are easily obtained. However, observers reported that, as a matter of practice, most local governments kept no records on certificates issued. This fact, combined with the alleged theft of a significant number of blank certificates and the alleged illegal printing and distribution of even larger number of such forms, raised concerns among stakeholders, that certificates would be misused to exploit shortcomings in the voter lists. However, the consistent use of ink, applied to voters' fingers had the potential to lessen possible multiple voting. Yet, it does not address possible problems of impersonation of voters with an incomplete numerical address.

### **Party and Candidate Registration**

Non-parliamentary parties were required to submit 7,000 signatures to register their party list. Seventeen non-parliamentary parties submitted lists. However, while the law grants the CEC insufficient time to verify the signature lists, the CEC's approach to the registration of parties was not consistent. This was partly because the Electoral Code does not adequately regulate the issue and partly because the CEC did not adopt a decision outlining its approach. The CEC rejected 13 party lists, registering the other four. In the case of the Green League, the CEC accepted notarised statements that citizens had signed on behalf of other family members, although such a practice is not foreseen in the Electoral Code. Five parties were successful in appealing against the CEC's decision to reject their lists.

Parliamentary parties and their candidates in election zones are not required to submit signatures. The lists of 17 parliamentary parties were registered by the CEC. These included the National Front Party and the National Security Party, each of which submitted a declaration by an incumbent MP that he was a member of that party. However, both MPs ran for other parties in the elections and documentation sent by the Assembly to the CEC on various other issues listed neither party as having a representative in the parliament.

The CEC registered 27 electoral lists. 18 parties were running separately, two coalitions with joint lists were formed, including the Movement for National Development – Leka Zog (MND) and a seven-party coalition 'The Alliance for Justice, Freedom and Welfare' (AJFW) whose constituents will appear separately on the ballot. Many parties have decided not to affix on their lists, before the elections, the order in which they would distribute the supplemental mandates they might possible win. These would be distributed according to formulas taking into account the electoral performances of the list in the zones.

Over 1,200 candidates will compete in the 100 single mandate election zones. The CEC upheld seven of sixteen appeals against ZEC decisions to reject candidates. Candidates are drawn from 31 parties. In

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<sup>2</sup> Birth certificate means a copy of the birth record from the civil status book, which is issued by the local authorities and has a validity of three months. If used for internal identification purposes, it has to have a picture attached on the front page and a taxation stamp on the back. Both the pictures and the stamp have to be sealed with the seal of the Civil Status Office of the local government unit. A second personal seal of the civil servant in charge is also required on the stamp.

addition, 11 independent candidates will contest the single-mandate contests. Notably, the parties in the AJFW coalition have not nominated any candidates under their own banner.

The ruling Socialist Party (SP) registered its candidates and party list separately from its allies in the parliamentary majority. These five parties are also contesting the election as separate election subjects at constituency and national level. No formal coalition agreement between the ruling parties was adopted. Repeatedly, in the course of the EOM, the SP has stated that they would not use strategies to influence the allocation of supplementary mandates in favour of their political allies. However, the SP also informed the EOM that it did not exclude the possibility that political agreements could be concluded at the local level. EOM observers reported repeated calls in a number of areas from SP allied parties to vote for SP majority candidates in the zone.<sup>3</sup> Similar calls were observed on broadcast media.

The DP concluded written agreements with the seven parties in the AJFW coalition, whereby the DP and these parties registered a single candidate in each zone in the name of the DP. Thus, formally, the DP had 100 candidates in the single mandate zones, as required by law. However, at the invitation of the DP, fifteen of these candidates were *de facto* nominated by the DP's allies. The DP and the AJFW both registered separate lists and encouraged their supporters to vote for the AJFW lists, rather than the DP one. It is noteworthy that the list of the Republican Party, a AJFW member, contains the names of 30 DP members, including MPs elected as candidates for the DP in the outgoing Parliament.

It is of concern that the abovementioned strategies appear to exploit shortcomings in the Electoral Code to maximise the number of supplemental mandates for both SP and DP allies, may misrepresent candidates' political affiliation and thereby mislead voters. Such strategies could lessen voter's confidence in the ability of the election system to translate their electoral choices into mandates according to the principles foreseen in the Constitution.

## **Gender**

Equal rights for men and women are guaranteed in the Albanian Constitution. Nevertheless, in Albania women are significantly under-represented in public life. Moreover, the representation of women and their participation in the electoral process has not improved over time. No significant initiatives have been undertaken to increase the number of women appointed and elected to decision-making positions. Of the 38 parties contesting the elections, the leader of only one, the Albanian Green League, is a woman. In the outgoing parliament, only 6.4% of MPs are women, significantly fewer than 1991 when the corresponding figure was 20.5%.

The party statutes of the two main parties include gender quotas for female candidates; 25 % in the DP and 20% in the SP. Nevertheless, both parties implemented the clauses in a manner that is unlikely to result in the election of more women MPs. In the single mandate election zones, the SP nominated eight women while the DP nominated only three. The two parties nominated women on their party lists in higher numbers, but their political strategies i.e. urging party supporters to cast their votes not for their own list, but for those of their political allies, might have lessened the electoral opportunity for their own candidates. Therefore, the 2005 elections may be another missed opportunity to increase in the numbers of women participating at the highest levels of public life.

It is of serious concern that the gender imbalance is also apparent at the mid-level of public administration. Six political parties have the legal right to nominate members to the ZECs and VCCs, yet only four of the 100 chairpersons of zone election commissions are women and only about 16% of VCC chairpersons are women.

## **Participation of National Minorities**

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<sup>3</sup> For example in Fier, Korca, Himara, and Tirana

The 2001 census did not include questions relating to respondents' ethnicity. Hence there is an absence of reliable current official data on national minorities. Nevertheless, Greek-speaking communities reside in some areas of the south of Albania and Roma and Egyptian communities are resident in cities and villages across Albania. Other minorities include Aromanians (Vlachs), Macedonians and Serbs/Montenegrians, with the latter two minorities mostly living in concentrated settlements in specific communes.

In 2004, the government approved the establishment of a Special State Committee for Minorities, tasked to make recommendations on the promotion of the rights of some minorities. The position of some minorities has improved, partly through their own initiatives to create or develop political associations and their advocacy efforts. Nevertheless, obstacles remain to the full participation by Roma and Egyptian minorities in the election process and there has been little progress concerning their registration as voters. Observers received credible allegations that attempts were made to influence their electoral choices in certain communes, these allegations referred to pressure, vote buying and bribery.

Traditionally, the HRUP has sought the political support of minority populations. In 2005, the party fielded a high number of candidates from minority populations, although the large majority were from the Greek minority. In its election campaign, the HRUP devoted little attention to minority issues. The Movement for Human Rights and Freedom was the only party whose platform included calls for the enactment of minority rights. The EOM noted that the DP commented on the social problems faced by Roma and Egyptian populations during their campaign. However, in general, the media devoted little attention to the participation of minorities in the election. In some election zones, campaign material in Greek and Macedonian languages was seen by observers. While the CEC placed some public information advertisements in minority languages in the local media (Greek, Macedonian and Serbian), electoral material, including ballot papers were printed solely in Albanian.

### **Campaign and Pre-Election Environment**

In general, the campaign was highly visible and a large number of campaign events took place. While the campaign of the SP and DP were the most intense, the SMI was also active. The campaigns of the HRUP, the MND and the RP appeared to be concentrated in specific election zones. Observers reported that, in general, the campaigns of the AFJW and the smaller left-wing parties in the ruling coalition were less active and had a lower profile. On occasions, the AFJW and the DP held joint campaign events, as did SP candidates with candidates from parties in the ruling coalition. The parties reported that candidates conducted door-to-door canvassing. A number of debates were held between candidates in the media. Overall, the campaign provided the electorate with a large volume of political information.

Prior to the start of the official campaign, sixteen political parties agreed to sign a Code of Conduct initiated by the President of Albania, Mr. Alfred Moisiu. The signatories largely conformed to the Code of Conduct. At times the tone of the campaign was rancorous. However, compared to previous elections candidates and parties devoted more time to promoting their own political platforms than in previous election processes. Nevertheless, many of the paid advertisements in the media, particularly from the larger parliamentary parties contained direct attacks on their rivals and a high degree of 'negative campaigning'. Although less widespread than previous elections, acts of violence marred the campaign.<sup>4</sup>

While the rights to free speech, association and peaceful assembly were generally respected, observers received many allegations and reports of serious shortcomings

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<sup>4</sup> For example in Durrës (EZ28), where a DP supporter was allegedly assaulted by the SP candidate, or in Shijak (EZ26), where SP supporters broke into a private building and assaulted its occupants for displaying opposition posters. Party offices were vandalised in Fier, Korça, Laç, Shkodër and Tirana.

during the campaign period, some of which challenged these rights. The most noteworthy include:

- Numerous allegations that some public employees, in particular at local level, were being pressured to attend campaign events, support a specific candidate or party or to refrain from supporting a candidate or party.<sup>5</sup>
- Allegations were made that students were being pressured to support university officials running as candidates in Tirana and Korça. In addition, credible reports were received that school children were brought to campaign rallies by their teachers<sup>6</sup>.
- In some 12 election zones, observers received allegations, some of which credible, that the police had intimidated citizens over their electoral choices or political activity, or did not respond to violations of campaign regulations or attempts to intimidate electors<sup>7</sup>.
- In almost a quarter of all election zones, observers received allegations that citizens received, or were offered, gifts or money to support a particular candidate;
- Observers received allegations that state resources were being misused to benefit a party's campaign in almost half of the election zones and that public service personnel were supporting candidates' campaigns;<sup>8</sup> and,
- The demolition ordered by local authorities of buildings, allegedly illegal, including an SMI office in Tirana and a house belonging to the DP Mayor of Saranda before the owners/occupants had an opportunity to present their cases for appeal in the district court, were very disturbing.

It is noteworthy that the large majority of the allegations claimed that the violations were conducted to favour the SP. While it was not possible for observers to verify the accuracy of all the allegations, observers found many to be credible and some were verified as accurate. Such violations would be contrary to paragraph 7.7 of the OSCE Copenhagen Document.

## Media

The Electoral Code regulates the media's coverage of political issues during the 30-day official campaign period. Free airtime is provided in the public media. Private and public media are required to cover parties' campaigns according to their relative strength in the outgoing parliament. During the official campaign, the electronic media are monitored by a Media Monitoring Board (MMB), which reports to the CEC. Despite some methodological and procedural shortcomings, it generally carried out its mandate successfully. However, official 'local-level' media monitoring operations were in general less effective and many were not established on time.

The OSCE/ODIHR EOM analysed the content of the main electronic and printed media from 18 May to 2 June (prior to the commencement of the official campaign period) and from 3 June to 3 July.<sup>9</sup> During the first phase, TVSH, which is financed largely from the State budget, gave favourable coverage to the government during its news coverage. Before the commencement of the official campaign period, the main news broadcasts of all the electronic media monitored by the OSCE/ODIHR EOM gave the government, the SP and the DP approximately 65% of time devoted to political issues.

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<sup>5</sup> For example in Delvinë, Durrës, Elbasan, Gjirokaster, Korça, Kukës, Përmet and Tirana.

<sup>6</sup> For example, in Berat, Elbasan, Fier and Lezhë.

<sup>7</sup> For example in Gramsh, Kukës, Lezhë, Tirana and Durrës.

<sup>8</sup> For example in Durrës, Sarandë, Mallakaster, Shkodër and Tirana

<sup>9</sup> The EOM monitored the broadcasts of three TV stations: *TVSH*, *TV Arberia*, *TV Klan* between 18.00 and 00.00 on a daily basis, and the main news broadcast of Top Channel. In addition, the content of six newspapers was monitored: *Shekulli*, *Panorama*, *Korrieri*, *Gazeta Shqiptare*, *Tema* and *Koha Jone*.

After the start of the official campaign period, TVSH's news coverage of the SP and DP was more balanced. The DP received 19% of airtime devoted to political subjects while the SP received 16% (including coverage of Government officials engaged in campaign activities). The SP and DP also received generally equal airtime in the news broadcasts of the private channels monitored by the OSCE/ODIHR EOM<sup>10</sup>. However, all these media gave a disproportionately high amount of airtime to the 'big-two' parliamentary parties compared to the 'smaller' parliamentary parties. Thus, they did not comply with legal provisions, which require that the total amount of time allocated to each 'large' parliamentary party should be "double the amount of airtime" allocated to each of the 'smaller' parliamentary parties. Monitors also noted inequalities among the small parties. Some received considerably less coverage than others. More positively, monitors found that, in general, the media reported on the parties in a politically neutral manner during news broadcasts.

The private electronic media frequently aired debates between candidates, thereby enhancing the type and amount of information available to voters. Nevertheless, these programs tended to provide a forum for four political parties (SP, DP, and to a lesser extent SMI and MND). A number of local TV stations also aired candidates forums. The SP placed the largest number of paid advertisements in the monitored media, although the DP and SMI also placed advertisements in high numbers. The EOM is not aware of any allegations that parties were offered favourable terms compared to rival parties. During paid slots, parties tended to present their rivals in negative terms rather than promote their own merits. Overall, the print media offered a diverse range of views, although some newspapers displayed clearly partisan editorial policies. In the print media as a whole, the contest between the SP and the DP was predominant.

## **Resolution of Election Disputes**

The Electoral College of the Court of Appeals of Tirana rules on complaints against decisions of the CEC. The Electoral College, consists of eight judges selected at random from a pool of eligible judges. It decides cases in panels composed of five judges. The panels are also chosen by lottery. Thirty-four appeals against CEC decisions were filed with the Electoral College. The Electoral College upheld 19 CEC decisions, overturned 9 decisions and returned 2 to the CEC for additional consideration. Five successful appeals concerned CEC decisions not to register parties' multi-name candidate list. Three successful appeals related to the registration of independent candidates in the single member electoral constituencies. One successful appeal related to a CEC decision.

Observers attended most cases heard by the Electoral College. No political bias was apparent during the hearings or in rulings. All parties were given a fair opportunity to present their claims and in several cases were granted postponements in order to secure relevant evidence. In general, prior to the election, the Court fulfilled its obligation to adjudicate fairly and impartially. However, it may be called upon to make rulings regarding election day and to adjudicate appeals regarding CEC decisions on election results. The EOM will observe these cases paying close attention to how the College fulfils its obligation under Article 174/1 of the Electoral Code to provide reasoned written decisions.

The decision by the Mayor in Borough 2, not to register to vote 1,422 students at Universities in Tirana deserves a special mention. As a result, these students were not given an opportunity to vote in Tirana, although this was their legal right. As university officials decided to hold exams in Tirana on election day, students were in effect disenfranchised. Five of the students appealed the Mayor's decision to the District Court of Tirana. Subsequently the DP filed a request to the CEC to impose sanctions on the Mayor. On 9 June, the Court ruled in favour of the students. However, it only ordered the registration of the five students who had lodged the appeal. Even these persons were not included in the voter lists because the final voter lists were already printed. It is highly problematic that these students were omitted from the voters list, not through any fault of their own, but due to the actions of government authorities. The CEC fined the mayor 80,000 LEK (approximately €70) for his actions in disenfranchising these voters. Such sanction appears to be inadequate to the infringement and may prevent criminal prosecution of the mayor.

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<sup>10</sup> *TV Arberia* allocated 27% of the political time in the news to DP and 26% to SP, *TV Klan* 27% to DP and 29% to SP, *Top Channel* 28% to DP and 24% to SP. Figures on SP include coverage of Government members engaged in campaign activities.



## **Election Day – 3 July**

Election day was generally peaceful. Nevertheless, a few violent incidents marred the process, including a fatal shooting in the vicinity of a voting centre (VC) in zone 37 in Tirana, and the activity of armed persons in election zone 65. Other notable incidents were reported in zones 25 and 26, which caused an interruption in observation activity, and zones 38, 63, and 79. Parties alleged violent incidents took place in zones 4, 10, and 34. Observers reported 14 violent incidents at VCs.

Despite the sometimes tense atmosphere (11% of VC visited), the members of a large majority of VCCs (96%) co-operated well with each other to conduct polling. In the large majority of cases, Police respected their legal obligation to remain outside voting centres. However, unauthorised persons were interfering in the process in 4% of VC visited.

While election observers received a relatively high number of allegations of serious irregularities from a variety of quarters, including allegations of vote buying, few were substantiated or observed directly. Most written complaints received by the OSCE/ODIHR EOM emanated from the SP and the SMI. Formal complaints were filed in 6% of VCs. Observers were informed that some 700 families were unable to participate in the election due to the continued practice of traditional blood feud. In a very few areas, observers received allegations that blank birth certificates were issued illegally.

A considerable number of voting centres did not open on time, with particular problems in zone 26 and in zone 2, where several could not open at all. Interruptions in polling were reported in 8% of VCs visited and overcrowding in some 9%. Access to polling stations was difficult in 14% of voting centres, which could have affected the voting of disabled citizens. However, provisions that allowed blind persons to vote unaided were a welcome innovation.

Observers reported that voters were turned away from 51% of VCs visited, because their names were not on the voter list. While this figure appears high, in a large majority of instances, the problem appeared to affect relatively few voters and the problem occurred much less frequently than in earlier elections. Where the problem occurred, many VCCs directed citizens to information points at ZECs to check if they were registered elsewhere. However, the few cases where discrepancies existed between the final voter list posted at VCs and the voter list given to VCCs are of concern. Observers reported isolated cases where a small number of voters were prevented from voting due to the misspelling of their names. Most VCCs were aware of the late adopted CEC decision to retain voters' birth certificates. In many cases, voters who could not prove their identity with a second document or whose birth certificate had expired were prevented from voting until other identity documents were produced.

While some procedures were generally respected, such as the proper sealing of ballot boxes, others were not. Specifically, observers noted that some VCCs, particularly in rural areas, did not check voters IDs properly (6%), rarely or never checked voters for traces of ink (19%), or did not apply the ink (11%), reducing the effectiveness of safeguards preventing multiple voting. Voters did not sign the voter lists and have their names crossed in 5% of VCs. This might have complicated ballot reconciliation at a later stage of the process. The secrecy of the vote was not adequately respected in 13% of VCs. While so-called 'family voting' occurred less frequently than previous elections (observed in 10% of VCs), it remains a persistent and serious problem, particularly in rural areas. The late nomination by political parties of VCC members resulted in those members missing training sessions, and may have contributed to the apparent lack of familiarity with the procedures.

These factors had a negative effect on observers' overall assessment of the process. In general, polling was assessed less positively in the northern prefectures (Shkodër, Lezhë, Kukës and Dibër) and southern prefectures (Vlorë and Gjirokastër), than in other areas. Overall, observers rated the process negatively in 11% of voting centres visited, while they assessed it positively in 67%.

In general, VCs closed on time and observers reported that those waiting in line were able to cast ballots. The closing procedures were largely respected. However, copies of polling records were not systematically given to those that were entitled to receive them.

## **The Vote Count**

At ZECs, some ballot boxes were deemed to be ‘irregular’ and hence their condition will require investigation by the CEC (31 cases reported). On occasions these boxes were not segregated and secured as required by law. Most counting centres (CCs) were located in adequate premises, but observers reported space was insufficient in about a quarter of CCs observed. Regrettably, one team of observers (in Lezhë District) was expelled from a counting centre. During the receipt of election material, observers reported a tense atmosphere in 29% of CCs and two violent incidents. The organisation of the receipt of the material was assessed as poor in nine CCs. The training of the counting teams, which began at a very late stage of the process due to the late nomination deadline and, in some cases to the late arrival of counting teams members, was frequently inadequate.

EOM observers have continuously followed the process of the delivery of election material to the counting centers, as well as vote count and tabulation in 82 Election Zones. In all counting centers observed, the vote count started only after all voting centers delivered protocols. Additional commentary on the counting process will be issued in due course.

## **Domestic Observation**

The relatively high number of observers from domestic civil society organisations including the Albanian Committee Against Corruption and the Albanian Youth Council as well as the multi-party composition of VCCs helped assure the transparency of the process. Domestic non partisan observers were clearly identified by EOM observers in 28% of VCs. EOM observers reported that party observers were present in 94% of VCs visited and in 95% of CCs.

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*This statement is also available in Albanian.  
However, the English language version remains the only official document.*

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## **Mission Information & Acknowledgements**

The OSCE/ODIHR Election Observation Mission (EOM) opened in Tirana on 18 May 2005 with 40 experts and long-term observers deployed in the capital and 11 regional centres. On election day, 408 short-term observers from 36 OSCE participating States, including 23 parliamentarians from the OSCE PA, 20 from the PACE and 9 from the European Parliament were deployed. The EOM observed the polling and vote count in over 1,200 voting centres throughout the country and 82 counting centres after voting centres closed, to observe the tabulation of results.

Ambassador Andreas Nothelle (Germany) coordinated the Delegation of the OSCE Parliamentary Assembly (PA). Mr Jerzy Smorawski (Poland), Member of the Polish Senate, led the Delegation of the Parliamentary Assembly of the Council of Europe (PACE). Ms Doris Pack (Germany), Member of the European Parliament, led the Delegation of the European Parliament (EP). Mr Jørgen Grunnet (Denmark) headed the OSCE/ODIHR Election Observation Mission.

The EOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and other national and local authorities for their assistance and cooperation. The EOM also wishes to express appreciation to the OSCE Presence in Albania for their support throughout the duration of the mission, to the OSCE Missions in Kosovo and the former Yugoslav Republic of Macedonia for sending staff members to serve as OSCE/ODIHR EOM observers, and the Embassies of OSCE participating States in Tirana for their support.

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- Mr. Vladimir Dronov, Parliamentary Assembly of the Council of Europe, in Strasbourg (Tel: +33-388-41-20-00);
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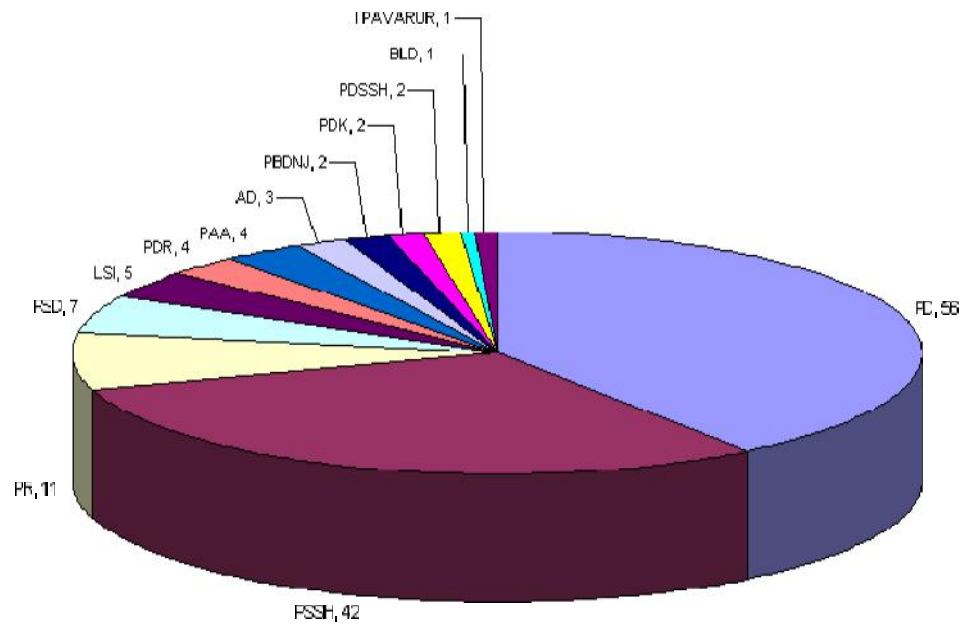
[www.osce.org/odihr](http://www.osce.org/odihr)

**ALBANIAN ELECTIONS JULY 2005**  
**NUMBER OF SEATS IN PARLIAMENT**

POLITICAL PARTY	ELECTED		TOTAL	%
	SINGLE-MEMBER SEATS	PROPORTIONALLY SEATS		
PD	56		56	<b>40</b>
PSSH	42		42	<b>30</b>
PR		11	11	<b>7,85</b>
PSD		7	7	<b>5</b>
LSI	1	4	5	<b>3,57</b>
PDR		4	4	<b>2,85</b>
PAA		4	4	<b>2,85</b>
AD		3	3	<b>2,14</b>
PBDNJ		2	2	<b>1,42</b>
PDK		2	2	<b>1,42</b>
PDSSH		2	2	<b>1,42</b>
BLD		1	1	<b>0,71</b>
INDEPENDENT	1		1	<b>0,71</b>
TOTAL	100	40	140	

**Legenda :**

PD: Democratic Party  
PSSH : Socialist Party  
PR : Republican Party  
PSD : Social Democratic Party  
LSI : Socialist Movement for Integration  
PDR : New Democratic Party  
PAA: Agrarian Party  
AD : Democratic Alliance Party  
PBDNJ : Union for Human Rights Party  
PDK : Christian Democrat Party  
PDSSH : Party for Social Democracy  
BLD : Liberal Democratic Front Party



# European Parliament

## AD HOC DELEGATION FOR OBSERVATION OF PARLIAMENTARY ELECTIONS IN ALBANIA

1- 4 July 2005

### Final Programme

**Mobile contact numbers of the secretariat:**

**Sabina Mazzi Zissis 0032.(0) 475.977002**

**Sarah Whittall 0032.(0) 496.599470**

### Friday, 1 July

During the early afternoon, arrival of the MEPs and staff in Tirana

Transfer to **Rogner Hotel 'Europapark'**  
**Boulevard Deshmoret e Kombit**  
**Tirana**  
**Tel: +355.(0)42.35035 Fax: +355.(0)42.35050**

- 15.00 **OSCE/ODIHR Parliamentary Assembly Briefing**  
**Venue: Rogner Hotel**
- **Welcome and introduction of speakers:**  
Head of Mission, **Mr Jorgen Grunnet** ,  
OSCE PA Coordinator, **Ambassador Andreas Nothelle**  
Chairperson of Delegation, PACE, **Mr Jerzy Smorawinski**  
Chairperson of Delegation European Parliament, **Mrs Doris Pack**
  - **Briefing by International Organizations**  
Head of OSCE Presence, **Ambassador Pavel Vacek**  
Special Adviser Council of Europe, **Mr Guy-Michel Brandtner**  
European Commission Delegation, **Ambassador Lutz Salzmann**
  - **Role of the Media in the 2005 Elections: Panel discussion**  
OSCE/ODIHR Spokesperson, **Ms Urdur Gunnarsdottir**  
Analyst, **Mr. Lutfi Dervishi**  
Chief of IREX, **Mr Andrea Stefani**  
Director of Albanian Media Institute, **Mr Remzi Lami**
  - **Domestic Observer Forum, Mr Pjerin Marku**
  - **Albanian Helsinki Committee, Ms Vasilika Hysi**
- 17.00 Coffee Break
- 17.30-19.30 Overview of the Parliamentary Election and Political Context
- Head of Mission, **Mr Jorgen Grunnet**
  - Political background, **Mr Laurent Marion**
  - Media monitoring, **Ms Mirella Marchese**
  - National Minority issues, **Dr Rubin Zemon**

- Gender issues, **Ms Edeltraud Gatterer**
- Legal background and the election law, **Mr Jessie Pilgrim**
- Election Administration, voting and counting procedures,  
**Mr Stefan Krause**
- Electoral Process, Methodology of Observation, **Mr Paul O'Grady**
- Deployment and logistics, LTO Coordinator, **Ms Sima Osdoby**, Liaison Officer, **Ms Tiina Ehrnrooth** and Logistics Officer, **Mr Pawel Jurczak**
- Security Briefing, Security Officer, **Mr Emil Pyrich**
- **Questions**

- 20.20 Departure from the hotel
- 20.30 Dinner briefing hosted by Mrs Pack, with EU Delegation and Ambassadors  
**Venue: The White Camelia Restaurant, Hotel President**

### Saturday, 2 July

- 09.00 **Meeting with the Central Election Commission:**  
Head of the Commission: **Mr Ilirijan Celibashi**  
Speaker of Parliament, **Dr Servet Pellumbi**  
**Political parties:**
- Professor Fatos NANO, Socialist Party – SP  
Dr. Skender GJINUSHI, Social Democratic Party – SDP  
Mr. Gergji LEKA, Party Secretary, Human Rights Union
- Party
- 10.30 Coffee Break
- 10.45-12.30
- Mr. Ilir META, Socialist Movement for Integration - SMI  
Dr. Dashamir SHEHI Movement for National Development – MND  
Dr. Sali BERISHA, Democratic Party – DP  
Mr. Genc POLLO, New Democratic Party  
Mr. Fatmir MEDIU, Republican Party
- 13.30 Meeting with drivers and interpreters and deployment of those who will observe outside Tirana
- Mr Czarnecki and Mr Evans: **Shkodër** (2 hour drive)  
Mr Becsey and Mr Kusstatscher: **Vlore** (3 hour drive)
- Briefing from the Long Term Observers on arrival
- 14.00-15.00 Briefing from the Long Term Observers for those who will observe in Tirana and Durrës. Meeting with drivers and interpreters

### Sunday, 3 July

06.00 Departure from the hotel of the observer teams to the polling stations:

Mrs Pack and Mrs Mazzi Zisis: **Tirana**  
Mr Kus, Mr Mylonas and Mrs Whittall: **Durrës**  
Mr Czarnecki and Mr Evans: **Shkodër**  
Mr Becsey and Mr Kusstatscher: **Vlore**

**Monday, 4 July**

Return of observer teams to Tirana

11.30 Debriefing meeting  
12.45 Departure to the airport for the 14.15 flight to Vienna  
16.00 OSCE Electoral Observation Mission Press Conference  
16.40 Flight departure time of Mrs Pack



**EUROPEAN PARLIAMENT**  
**AD HOC DELEGATION**  
**FOR OBSERVATION OF PARLIAMENTARY ELECTIONS IN**  
**ALBANIA**  
**1 - 4 July 2005**

**LIST OF PARTICIPANTS**

**Members of the European Parliament:**

<b>Name</b>	<b>Committee</b>	<b>Group</b>	<b>Country</b>
Ms Doris PACK Chairperson	PPE-DE	Germany	Committee on Culture and Education Committee on Women's Rights and Gender Equality Delegation for relations with the Countries of South-East Europe
Mr Zsolt László BECSEY	PPE-DE	Hungary	Committee on Economic and Monetary Affairs Delegation for relations with the Countries of South-East Europe
Mr Ryszard CZARNECKI	NI	Poland	Committee on Foreign Affairs Delegation for relations with the Countries of South-East Europe
Mr Robert EVANS	PES	UK	Committee on Transport and Tourism Delegation for relations with the Countries of South Asia and SAARC
Mr Wiesław Stefan KUC	PES	Poland	Committee on Budgets Delegation to the EU-Bulgaria Joint Parliamentary Committee
Mr Sepp KUSSTATSCHER	Verts/ ALE	Italy	Committee on Employment and Social Affairs Delegation to the EU-Former Yugoslav Republic of Macedonia Joint Parliamentary Committee

**Secretariat of the Delegation:**

Ms Sabina MAZZI ZISSIS Secretariat	Administrator, Head of
Ms Sarah WHITTALL	Assistant
Mr Vasilios MYLONAS Political Advisor	PES Group

**German Interpreters**

Ms Gertrude DIETZE

Ms Rita SPRENGER

Abbreviations:

EPP-ED  
Group) and European Democrats  
PES  
Verts/ALE  
NI

Group of the European People's Party (Christian-Democratic  
Group of the Party of European Socialists  
Group of the Greens/European Free Alliance  
Non-attached