



Office for Democratic Institutions and Human Rights

## REPUBLIC OF ALBANIA

### LOCAL ELECTIONS

18 February 2007

OSCE/ODIHR Election Observation Mission Report



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**REPUBLIC OF ALBANIA**  
**LOCAL ELECTIONS**  
**18 February 2007**

**OSCE/ODIHR Election Observation Mission Final Report**

**I. EXECUTIVE SUMMARY**

In response to an invitation by the Ministry of Foreign Affairs of the Republic of Albania to observe the local elections originally scheduled for 20 January 2007, and later rescheduled to 18 February 2007, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to the Republic of Albania on 13 December 2006.<sup>1</sup> The OSCE/ODIHR EOM assessed the electoral process for compliance with OSCE Commitments and other international standards for democratic elections. For election-day observation, the OSCE/ODIHR EOM joined efforts with a delegation of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) to form an International Election Observation Mission (IEOM).

The 2007 local elections only partly met OSCE Commitments and other international standards for democratic elections. While these elections provided for a competitive contest, it is of concern that the main political parties of Albania have, once again, placed narrow and short-term party interests over the stability and trustworthiness of the election process.

The main political parties of Albania have largely failed to fulfil the considerable responsibilities and duties vested with them in the preparation and conduct of the elections. The electoral process was therefore frequently stalled and seemed to be close to the point of collapse on repeated occasions. As a result, local elections had to be postponed by nearly a month from the original date of 20 January 2007.

The political deadlock in the conduct of the electoral process was resolved following a belated political agreement on 12 January which opened the way for amendments to the Constitution and the Electoral Code on the following day. This agreement was reached under the auspices of the President of the Republic of Albania with the strong support of the resident diplomatic community. The initiative of the OSCE Chairman-in-Office, Spanish Foreign Minister Miguel Angel Moratinos, who sent his special envoy Ambassador Jose Pons to Tirana to facilitate dialogue, was instrumental in this regard.

Mayors and local councils of the 384 local government units (LGUs) in Albania are elected in direct elections. Mayors are elected in a first-past-the-post contest, while councillors are elected under a proportional system. The January 2007 amendments introduced the possibility for parties and coalitions to change the order of candidates on the lists after election day. This diverges from international standards insofar as voters are left not knowing which candidates are likely to be seated as a result of their support for a particular party or coalition. Similar provisions for parliamentary elections have previously been criticized by the OSCE/ODIHR for reducing transparency and contravening OSCE Commitments and international standards.

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<sup>1</sup> All previous OSCE/ODIHR Election Observation Reports for Albania are available at [www.osce.org/odihhr](http://www.osce.org/odihhr)

The legal framework overall establishes a sound basis for democratic elections, provided political parties show sufficient will to implement it in good faith. Although the 13 January 2007 amendments to the legal framework came as a result of a last-minute political agreement rather than a comprehensive electoral reform effort, they addressed a number of previous OSCE/ODIHR recommendations. However, they also introduced provisions which proved problematic and cumbersome, in particular with regards to voter identification on election day.

The delayed agreement and consequent amendments to the Code resulted in tight deadlines, which imposed severe logistical and administrative challenges on the Central Election Commission (CEC). Despite challenges, the CEC administered these elections in a largely professional and impartial manner. The Local Government Election Commissions (LGECs) were affected by the widely-exercised right of political parties to replace their nominees at any time and without justification. Likewise, the late appointment of Voting Centre Commissions (VCCs) and Counting Teams (CTs) reduced their efficiency, with many members missing the official training.

Candidate registration was inclusive. However, only 33 of the 1,073 mayoral candidates were women. As in the 2005 parliamentary elections, the process of verifying support signatures was not regulated and remained unsatisfactory.

There was measurable improvement in the voter lists since the 2005 elections. In particular, many multiple entries were removed. However, cooperation between the Ministry of Interior and LGUs was not always trouble-free, mostly due to political parties' interference. Birth certificates, which are widely used as a means of identification, including for electoral purposes, were once again a controversial issue. In addition, transitory provisions for the identification of emigrant voters proved problematic, since they were discriminating and were not consistently implemented.

The election campaign was active throughout the country, and contestants noted few problems regarding their ability to campaign. Only few campaign incidents were noted, including some isolated violent ones. There were widespread allegations of abuse of administrative resources for campaigning, which in general could not be substantiated.

Broadcast and print media covered the elections extensively. While prior to the beginning of the official campaign, the broadcast media monitored by the OSCE/ODIHR EOM clearly favoured specific parties, their coverage became more balanced during the official campaign period.

The handling of electoral disputes was overall transparent and adequate before election day. Yet, this process deteriorated after election day, with a tendency to vote along party lines at the CEC, and some inconsistencies were noted in the adjudication of appeals against CEC decisions by the Electoral College of the Tirana Court of Appeals.

Election day was calm overall, and the elections were administered in a professional manner in the large majority of Voting Centres (VCs) visited by international observers. However, observers noted procedural shortcomings and, in a number of LGUs, some tension. Overall, observers rated the voting process as 'bad' or 'very bad' in 10 per cent of VCs visited.

The count was assessed as 'bad' or 'very bad' in 23 per cent of Counting Centres (CTs) visited. Often, party observers and MPs were interfering or trying to interfere in the process.

As a result, tensions were raised and some violent incidents were noted. In a few cases, due to deadlock, the CEC had to order LGECs to take all election material to Tirana so that the count could be completed.

On 6 May 2007, re-runs of the local elections took place in 20 LGUs. Despite numerous last-minute appointments and replacements of election officials, both the voting and counting process were generally satisfactory. Election re-runs were also held on 3 June in the LGUs of Pult and Shalë.

The performance of the Police was professional throughout the whole process and particularly commendable during the vote count.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation by the Ministry of Foreign Affairs of the Republic of Albania to observe the local elections originally scheduled for 20 January 2007 and later rescheduled to 18 February 2007, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in the Republic of Albania on 13 December 2006. The OSCE/ODIHR EOM, headed by Mr. Jørgen Grunnet, consisted of 33 experts and long-term observers (LTOs) from 15 OSCE participating States. The 18 February 2007 local elections in the Republic of Albania were the third local elections in the country observed by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

For observation of election day, the OSCE/ODIHR EOM joined efforts with an observer delegation of the Congress of Local and Regional Authorities of the Council of Europe to form an International Election Observation Mission (IEOM). Mr. Jean-Claude Frécon led the delegation of the Congress. On election day, some 345 short-term observers from 39 OSCE participating States were deployed within the IEOM, including 17 from the Congress. IEOM observers followed voting in 1,084 voting centres out of a total of 4,721, located in 247 of the 384 local government units. IEOM observers also observed the vote count in 77 counting centres, out of a total of 375 where the count took place.

The OSCE/ODIHR EOM wishes to extend its appreciation to the Ministry of Foreign Affairs, the Central Election Commission and other state and local authorities for their assistance and co-operation. The OSCE/ODIHR EOM would also like to express its appreciation to the OSCE Presence in Albania for its support throughout the duration of the mission, and to the Embassies of the OSCE participating States accredited in Tirana.

## III. POLITICAL CONTEXT

Since the 2005 parliamentary elections, the Government has been led by Prime Minister Sali Berisha, the chairperson of the Democratic Party (DP). His Governing majority includes six other parties, but together they still don't hold enough seats to control the three-fifths majority (84 votes out of 140) necessary to pass or amend key legislation, including the Electoral Code. Thus, the five-party opposition, led by Mr. Edi Rama, head of the Socialist Party (SP), was able to block the adoption of any amendment to the Code whenever they disagreed with the Government's position. Therefore, following the failure of cross-party talks on electoral reform in 2006, the opposition has been able to effectively paralyse the process.

The 2007 local elections were postponed by nearly a month from 20 January 2007, the date initially decreed by President Alfred Moisiu. Following a period of extended political

wrangling between the two main political poles, a solution to the crisis was finally found on 12 January<sup>2</sup>, which enabled the passing of changes to the Constitution and the Electoral Code on the following day. The initiative of the OSCE Chairman-in-Office, Spanish Foreign Minister Miguel Angel Moratinos, who sent his special envoy Ambassador Jose Pons to Tirana to facilitate dialogue, was instrumental in this regard. On 14 January, President Moisiu re-announced local elections for 18 February.

The political environment has continued to be highly charged and divisive between the two largest political parties; the Democratic Party, which leads the ruling majority, and the Socialist Party, in opposition. The continued antagonism between these two parties has often led to protracted political stalemates and frequent crises. In general, the political climate in Albania continued to be characterized by a considerable lack of trust that makes consensus building difficult. As a result, the international community was often called upon to mediate disputes.

#### IV. THE ELECTION SYSTEM

Mayors and members of councils of the local government units (LGUs)<sup>3</sup> are elected directly by voters who have a domicile in the relevant LGU. By a constitutional amendment of 13 January 2007, the mandate of local government authorities has been extended from three to four years, in line with the 2004 Joint Recommendations of the Council of Europe's Venice Commission and the OSCE/ODIHR.

Local elections are held in a single round of voting, with separate ballots for the mayoral and council contests. Mayoral candidates are elected in a first-past-the-post contest. The seats in the local councils are allocated through a proportional system, with application of a variant of the largest remainder method.

For the first time in local elections, the order of candidates on multi-name party lists could be changed after election day according to a re-ranking formula, provided the latter had been submitted to the competent Local Government Election Commission (LGEC) by the political party or coalition at the time of the list's registration.<sup>4</sup> This possibility, which already existed for parliamentary elections, had been criticized in the OSCE/ODIHR Final Report on the 2005 parliamentary elections as affecting transparency and certainty in the allocation of mandates. Such a provision limits the transparency, as it results in voters not knowing which candidates are likely to be elected as a result of the voters' choice. It also has the potential to increase the amount of complaints and appeals to be handled by the CEC and the Electoral College.

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<sup>2</sup> The 12 January agreement followed a meeting on 11 January between PM Dr Sali Berisha and former PM and SP Chair Fatos Nano, when they both publicly endorsed the 29 December agreement.

<sup>3</sup> There are 384 LGUs in Albania (65 municipalities, 308 communes and 11 boroughs in Tirana Municipality).

<sup>4</sup> In most cases the formulas permitted to re-rank the order of candidates on the lists according to the electoral results of the party's lists in specific polling stations or specific areas that were attributed to individual candidates on the lists before the election, and where each candidate had to campaign for the party.

## V. THE LEGAL FRAMEWORK

The 18 February 2007 local elections were held under a legal framework amended approximately one month before the election date. The Assembly amended several provisions of the Constitution of the Republic of Albania<sup>5</sup> and the Electoral Code on 13 January 2007.

Although the electoral reform had been on the agenda of the Assembly since December 2005, it had yielded little progress, and the aforementioned amendments were largely the result of a belated political agreement, rather than a comprehensive electoral reform effort. The amending of the electoral legislation, and the elections' postponement at a very late stage, led to the necessity to considerably compress all the legal deadlines for electoral preparations and procedures. This presented a major challenge to the election administration.

Overall, Albania has an adequate and sufficient legal framework for the conduct of democratic elections. However, these elections have shown once again that its implementation is fully dependent on the good will and constructive approach of political parties, whose role and responsibilities in the electoral process remain decisive.

The Electoral Code grants political parties the right to nominate members of election commissions at all levels. Following the recent amendments, the membership of the middle and low-level commissions, as well as counting teams, was increased from seven to thirteen, granting representation to the six largest parliamentary parties on each side of the political spectrum. The thirteenth member would be attributed to one of the two main parties randomly (see below). This amendment reduces the control of the SP and the DP over the election administration, while preserving the party-oriented approach to the formation of election administration bodies.

The Code fails to provide for any effective mechanisms of filling vacancies in case political parties do not exercise their right to nominate election officials.<sup>6</sup> This *lacuna* is compounded by the right of political parties to replace their nominees in the election administration at any time and without justification.

The amendment to Article 154 of the Constitution increased the membership of the Central Election Commission (CEC) from seven to nine members, enabling broader political representation in the CEC. However, Article 22 of the Electoral Code still provides that "no more than two [candidacies] for each vacancy" shall be put forward by the eligible political parties. This effectively restricts the constitutional prerogative of the Assembly to "elect" these members, especially in case only one candidature is put forward by a nominating party. This restriction also applies to the other nominating bodies, which are the President and the High Council of Justice. The OSCE/ODIHR previously criticized this as effectively abrogating the constitutional prerogative of these Institutions and turning them into rubber-stamping bodies.

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<sup>5</sup> The amendment to Art.109 of the Constitution extended the mandate of mayors and local councils to four years, and the amendment to Art. 154 of the Constitution increased the membership of the CEC from seven to nine members.

<sup>6</sup> The Electoral Code stipulates that if an eligible party does not nominate commission members within the deadline, the right to nominate members is exercised by the next-smaller parliamentary party from the same side of the political spectrum. However, this provision is rarely applied. Furthermore, it fails to address a situation where all parliamentary parties from one side of the political spectrum choose to not nominate election commissioners, as was the case before the January 2007 agreement.

The 13 January amendments to the Electoral Code addressed some previous recommendations of the OSCE/ODIHR. In particular, the vote counting procedures have been improved to some extent. In addition, the deadlines for the appointment of counting teams were made more realistic (two days prior to election day instead of two hours before the closing of polls), a flexible approach was introduced to determining the required number of counting teams depending on the size of an LGU, and operation of counting teams in shifts has been provided for.

Furthermore, some provisions of the Electoral Code on complaints and appeals procedures have been improved in line with previous OSCE/ODIHR recommendations. The newly-adopted amendment to Article 146 enables the CEC to group into one procedure the possible requests for invalidation of elections and complaints related to the same voting centre or electoral unit, with shortened deadlines. In the past, the existence of two separate and consecutive procedures led to considerable delays in reaching a final decision. The assessment of evidence by the CEC was also facilitated by amendments to Article 156 and Article 158 of the Electoral Code.

However, some of the recent amendments to the Electoral Code raise concerns. In addition to the above-mentioned possibility to change the order of candidates on lists after the results are known, some cumbersome procedures were introduced for the usage and administration of birth certificates as a means of voters' identification.

Furthermore, special transitory rules were adopted for voting of eligible voters residing abroad. Albanian legislation does not provide for out-of-country voting. Eligible voters residing abroad can only cast their ballot in their municipality of origin in Albania. The amendments foresaw that such voters would be marked before election day in the voter list as 'emigrants' and, in order to receive a ballot, would have to present, in addition to an Albanian passport, a second document issued by their state of residence. This provision was criticized for introducing excessive voter identification requirement and was widely interpreted as an attempt to narrow the number of emigrant voters. Such unequal treatment of voters should be avoided in the future as it is discriminatory and is not in line with paragraph 7.3 of the OSCE 1990 Copenhagen Document, which guarantees equal suffrage.

## **VI. THE ELECTION ADMINISTRATION**

### **A. ELECTION-ADMINISTRATION BODIES**

Local elections in the Republic of Albania are administered by a three-tiered election administration: the Central Election Commission (CEC), 384 Local Government Election Commissions (LGECs), and about 4,720 Voting Centre Commissions (VCCs). In addition, the amended Electoral Code provides for up to 15 Counting Teams (CTs) to be established in each Local Government Unit to conduct the vote count in 383 Counting Centres (CCs).<sup>7</sup>

The CEC is a permanent constitutional body. A constitutional amendment adopted on 13 January increased CEC membership from seven to nine. Both new members were to be elected by the Assembly, upon nomination from the Demo-Christian Party (DCP) and the Socialist Movement for Integration (SMI). The nine CEC members have a seven-year mandate. Political parties continue to largely influence the CEC composition as they are

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<sup>7</sup> As regards Tirana, one counting Centre has been established in each borough, none at the level of Tirana Municipality.



entitled to nominate all members, which are then appointed or elected by the Assembly (four members), the President of the Republic (two members) and the High Court of Justice (three members).

The required majority to adopt most CEC decisions is five votes, and CEC sessions are valid if five members attend them. However, a qualified majority of at least six votes is needed to declare the invalidation of elections, to adjudicate appeals against LGEC decisions on election results, and to declare the final results of parliamentary elections. Political parties are entitled to nominate representatives to the CEC, who may take part in discussions and put forward proposals, but who do not have the right to vote.

The January 2007 amendments increased the membership of LGECs from 7 to 13, with the six largest parties from the parliamentary majority and minority entitled to nominate members. As the opposition camp currently comprises five parties, the SP, as the main party of that group, was granted an additional member in each LGEC. The two biggest parties from both groups, the DP and the SP, retain the right to nominate the LGEC chairpersons and the thirteenth member of each LGEC on a parity basis, determined by “random selection” and “equal territorial distribution”. The nomination of LGECs was considerably delayed. By law, LGECs should have been nominated by 20 August 2006. LGEC formation effectively resumed after the January 2007 agreement. These delays were due to the political parties’ failure to submit to the CEC their lists of nominees for LGEC membership. In addition, the drawing of lots at the CEC aimed at determining which party takes the majority on each LGEC was prevented from taking place due to the continued absence of the Socialist Party representative to the CEC. Delays in LGEC appointments were also due to difficulties faced by some eligible parties to put forward nominations for all positions they had been granted by the amendments.

VCCs and CTs are formed under the same rules as LGECs. Political parties and independent candidates are entitled to have observers at LGECs and VCCs, as well as in CCs.

## **B. ASSESSMENT OF THE ORGANIZATION OF THE ELECTIONS**

Despite tight deadlines between the date the amendments took force and the date of the elections, as well as the uncertain political environment, the CEC administered the election process largely in line with the law.

After CEC membership was increased, the lack of nomination from the Demo-Christian Party (DCP) protracted the election of the two new members. The Socialist Movement for Integration (SMI), as the other party entitled to nominate one of the additional members, opposed the position of the Deputy Speaker of the Assembly. It was argued that the two parties should submit two nominations each, in order to respect the Assembly’s right of “election” of the new members. The members were finally appointed on 6 February. Despite the late appointment of the additional members, the CEC was able, in the meantime, to keep working and take decisions despite the new quorum (increased from 4 to 5) and majority requirements (increase from 4 to 5).<sup>8</sup>

During the period after the 12 January agreement, the CEC held frequent meetings, took over 1,300 decisions and adopted some 10 instructions regulating the electoral process. For the most part, CEC meetings were conducted professionally, collegially and transparently. The proposals of party representatives were generally given a fair hearing. While discussions were

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<sup>8</sup> The qualified majority was increased from 5 to 6 out of 9.

at times protracted and decisions delayed, this did not significantly affect electoral preparations.

In general, the staff of the various CEC departments also performed their duties in an impartial and professional manner. In addition to the staff in Tirana, the CEC established 12 Regional Election Offices, supported by 36 district assistants who provided technical and logistical support to LGECs. While not foreseen in the Electoral Code, these offices played a positive role in the elections by enhancing the flow of information to the LGECs. In a number of Counting Centres, their mediating role was decisive in resolving issues during the vote count.

The tight deadlines imposed severe logistical and administrative challenges on the CEC with regards to organizing the elections. According to transitory provisions of the Electoral Code, LGECs should have been appointed by 20 January. The same deadline applied for the registration of electoral subjects with the CEC, while the deadline for registration of candidates with LGECs was 23 January. The CEC decided to postpone by one day the first LGEC meeting in order to allow the establishment of the most remote LGECs. The deadline for registration of candidates expired three days later. Most of the LGECs were initially set up with incomplete membership, as not all political parties made their nominations on time.

The right of parties to replace their LGEC members at any time also created problems, as more than one third of LGEC members were replaced. These frequent replacements impacted on the stability of the election administration, and meant that many LGEC members who served on and after election day had not undergone any training. Replacements continued up to the day before the elections, despite a previous call of the CEC chairperson to cease this practice.

Likewise, the late appointment of VCCs and CTs reduced the efficiency of the administration, especially since many of their members did not undergo training. Several political parties justified their actions by stating that if VCC and CT members were known well in advance of the election, they could be bribed by their political competitors. Some parties also informed that they themselves would train election administrators nominated by them. However, due to the lack of official training, observers detected some cases where VCC chairpersons received instructions on voting procedures from their respective party headquarters over the phone, despite the use of mobile phones being banned by the CEC in VCCs and Counting Centres.

Additionally, some local government authorities did not fully cooperate with the CEC. They did not meet legal deadlines on submitting the final number and location of VCs under their jurisdiction, which created last-minute logistical problems for the CEC with regards to the proper allocation of electoral materials.

At times, the lack of full control of the CEC over the lower echelons of the electoral administration threatened to jeopardize the electoral process. Occasionally, LGEC, VCC and CT members appeared to follow instructions coming from their parties rather than from the election administration hierarchy. This was particularly apparent during the count, when MPs were seen instructing CT members.

## VII. CANDIDATE REGISTRATION

The tight deadlines imposed by the transitory provisions of the amended Electoral Code with regards to the establishment of LGECs and the registration of candidates proved to be a challenge for both LGECs and candidates. Under these provisions, candidates had to be registered within ten days of the amendments taking effect, i.e. when LGECs had just been established and were often still undergoing training. In order to address this time constraint, the CEC decided to grant LGECs an additional 24 hours to receive nomination documents from prospective candidates.

Overall, a total of 1,073 mayoral candidates, 6,074 candidates for councillor on party and coalition lists for local councils, and 212 independent candidates for councillor were registered in an overall inclusive process. Only 33 mayoral candidates were women.

Occasionally, incumbents and other party activists who did not gain their party's nomination because of political agreements within the two major alliances, registered or attempted to register as independent candidates. Independent candidates who were not outgoing Mayors or who did not hold a seat in the respective council or the Assembly had to submit a number of support signatures from voters registered in the provisional voter list of the respective LGU.<sup>9</sup> This number varied according to the number of voters in the LGU. In some cases, their registration was rejected by LGECs, who challenged the authenticity of the support signatures submitted.

The process of verification of support signatures was unsatisfactory. The amendments to the Electoral Code did not specify the method the CEC or LGECs should apply when evaluating support signatures. Furthermore, the tight deadlines did not provide enough time for the LGECs to scrutinize the signatures adequately. A CEC decision specifying the verification process would have been useful. Some of the rejected candidates who appealed the LGEC decisions to the CEC and the Electoral College were eventually registered.

In Tirana, the registration of Mr. Akile Rama for the mayoral election also created a controversy. Mr. A. Rama's nomination was submitted by the Democratic National Front Party (DNFP) and was accepted by the Tirana Municipality LGEC, which would have placed him on the ballot above the name of the sitting mayor and Socialist Party leader, Mr. Edi Rama. Mr. Akile Rama originally declared that he was not aware of his nomination as a candidate. He subsequently requested the withdrawal of his candidacy due to health conditions; the LGEC accepted Mr. Akile Rama's request and took him off the list of registered candidates, even though his request for withdrawal came after the foreseen deadline. However, the SP filed a complaint with the Prosecutor's Office, alleging falsification of signatures in this case. An investigation was opened. In the meantime, the Chairperson and the Secretary General of the DNFP were detained, while the Organizational Secretary was placed under house arrest. Some days later, Mr Rama passed away.

## VIII. VOTER REGISTRATION

Following the 12 January political agreement, co-operation between civil status offices (CSOs) in LGUs and the General Directorate of Civil Status (GDSCS) in the Ministry of

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<sup>9</sup> This also applied to candidates put forward by parties not represented in Parliament of in the local Council.

Interior (MoI) resumed to a level which allowed for the updating of voter lists and removal of duplicate entries. The final voter lists included some 2.93 million registered voters.

Improvements in the accuracy of the civil status Fundamental Registers and the use of special software prepared by the MoI appear to have led to more accurate voter lists in many LGUs, compared to the 2005 parliamentary elections. The current software, designed by the GDCS, included a number of control checks with a detailed log file that kept records of all changes to voter lists.

The GDCS developed a plan to technically assist all CSOs nationwide, by building internal networks which allowed for data sharing in a secure environment, while avoiding creating duplicates during data entry. CSOs in all LGUs received training manuals and training sessions. However, the absence of a proper address system, as well as the absorption of the Temporary Registers into the Fundamental Registers, have kept the number of so-called '999 entries' (i.e. citizens without a complete numerical address) relatively high, despite an overall reduction of those entries by around 25 per cent. The problem of '999 entries' was particularly noted in urban areas. The compressed legal deadlines for the compilation of voter lists were repeatedly violated by a number of LGUs, mainly with regards to providing preliminary voter lists to the GDCS and posting the preliminary or final voter lists for public scrutiny.

Procedures for resolving duplicate entries have been enhanced. For these elections, the GDCS checked the lists for internal duplicates, external duplicates and duplicates coming from the Fundamental Register books. The number of electronic filters to identify duplicates was doubled compared to 2005. All these measures contributed to the identification of most such irregular entries. However, observers noticed that in certain LGUs, the directives for the elimination of duplicates were not or only partially followed by the respective mayors.

In most LGUs, the identification of emigrant voters, established by the special provisions of the 13 January amendments, was performed by the teams in charge of the notification of voters. There was a lack of uniformity in the implementation of these special provisions, including on the establishment of the identifications teams, their composition and working methods. The local government authorities often treated their findings arbitrarily. Although OSCE/ODIHR observers on election day noted relatively few problems with voters identified as emigrants in voter lists, these provisions had the potential to disfranchise a significant number of citizens.

The MoI published both the preliminary and the final voter lists on its website, which increased the transparency of the electoral process and the access of citizens to public data. In line with the law, the GDCS produced electronic copies of the final voter list for all political parties. For the first time, the Ministry of Justice was provided with copies of the final voter lists for the 29 District Courts in order to facilitate the process of verification by the judicial system before and on election day.

Before the 12 January agreement, the question of voter lists compilation had been heavily politicised and constantly referred to in the political standoff between the majority and the opposition. Following their parties' instructions, many opposition mayors prevented their respective CSOs from sending the preliminary voter lists to the GDCS of the MoI for checks of duplicate entries. By 12 January, only 299 of the 384 LGUs had sent their preliminary voter lists to the GDCS. This considerable delay past the original deadline of 22 December

2006 hampered the capacity of the GDCS to perform a nationwide check for possible duplicate entries.

As a part of the 12 January agreement, transitory provision for the compilation of voter lists established tight deadlines, including for checks of duplicates. Despite these challenging circumstances, the GDCS and CSOs were overall able to correct, print and publish voter lists within the legal deadlines. After the January agreement, LGUs in general proved to be more cooperative with the central authorities.

Notwithstanding imperfections in the process and deficiencies which remain to be addressed, efforts to improve the voter lists have been very significant and largely successful. However, the absence of a fully functional system of civil registration, addresses, and personal identification cards somewhat diminished the results of these efforts.

## **IX. BIRTH CERTIFICATES**

Under the Electoral Code, birth certificates with a photo of the bearer are one possible form of voter identification, and certificates are widely used in Albania as a means of proving one's identity. They are issued by CSOs at local level, of which there are over 400 in Albania.

In its Final Report on the 2005 parliamentary elections, the OSCE/ODIHR recommended that the central authorities ensure that CSOs keep records of certificates issued for all purposes, in particular for elections, and that such data are publicly available. This recommendation was implemented, although belatedly, when the Ministry of Interior issued Order No. 2656 of 1 November 2006, which foresees the detailed registration of all certificates issued by CSOs at local level in a special Index Book. However, it appears that not all CSOs implemented this order as early as foreseen.

A new model of certificate, with additional safety features, was introduced in 2006, and new blank certificates of this new model were distributed from August 2006 to the LGUs, although not all LGUs received them at that stage. In some places, the new certificates started to be issued to the population as late as October 2006.

The issue of the use of birth certificates became a matter of deep controversy between the Government and the opposition during the months prior to the elections, with parties from both sides disagreeing over whether voters should be given the possibility to use certificates issued before the recording of certificates in the Index Book became compulsory. An agreement was reached between SP and DP on 29 December, but was not upheld by the SP the following day. Eventually, the issue was settled as part of the 12 January agreement.

In some LGUs mayors decided to make the issuance of certificates conditional upon the payment of local taxes (e.g. in Vlorë). The MoI on 23 January issued a 'reminder' which reiterated the provisions of the Electoral Code and other legislation on the implementation of the relevant legal framework by CSOs. This 'reminder' was the subject of controversy between the Government and the opposition, with the SP alleging that the 'reminder' effectively facilitated the issuance of birth certificates to citizens who did not provide any proof of identity. The DP for its part alleged that CSO employees in SP-controlled LGUs demanded unreasonable supporting documentation from citizens believed to be DP supporters.

The creation of two-person teams nominated by the Prefect and by the main opposition party at the LGU level to monitor the work of CSOs also proved controversial. In Tirana, a few borough mayors refused to accept the presence of these teams in the CSO under their jurisdiction, arguing that the law provides for the presence of such teams only at the municipality level, but not at the borough level. However, in Tirana birth certificates for electoral purposes are only issued by the borough CSOs. It appears that the amendments to the Electoral Code did not take the particular territorial-administrative division of the Municipality of Tirana into account.

## **X. THE ELECTION CAMPAIGN**

Throughout the election period observed, the campaign was characterized by the active involvement of political parties and independent candidates. Although the general campaign environment remained calm throughout, regional campaigning was sometimes fraught with tension and the occasional violent incident was noted by observers.

Following the Presidential decree of 14 January, which rescheduled the local elections to 18 February, the election campaign got off to a quick and visible start throughout the country, with both major parties creating coalitions of political parties on each side of the political spectrum.<sup>10</sup> Both alliances proposed joint candidates for the heads of municipalities and communes, but ran separate party lists for local councils; neither side registered as a formal coalition. The campaign was marked by a substantial number of candidates breaking party rank in order to compete against their former partners as ‘independent’ candidates. There was also evidence that in certain cases, pressure was put upon such independent candidates, both Left and Right, to withdraw in order not to split the vote.

Interlocutors noted few problems regarding their ability to campaign, and visual campaigning was rife throughout the country. Most public events were held in context of the two alliances and included concerts, rallies, public meetings, and door-to-door campaigning. The campaign was also marked by the high-level involvement of central party leaderships in the local campaign, with party leaders from each side touring the country in support of their alliances’ candidates.

Some incidents of posters being torn down by opponents were noted and certain isolated cases broke out in violence. During one such occurrence in Gjirokastër, knives were drawn and a gun was waved around; in Tirana, DP activists were allegedly beaten up by an SP MP.

Excluding some negative and highly personalized attacks employed at the start of the election campaign, the tone of events became more constructive as the campaign developed. The issue of such personalized attacks was also raised by six NGOs tasked by President Moisiu to monitor parties’ compliance with a Code of Conduct suggested by him on 19 January. While campaign rally messages did focus primarily on criticisms by each side of the other, they also included some practical programmatic proposals. Cases of inflammatory campaign rhetoric remained rare.

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<sup>10</sup> The parliamentary majority parties coalesced into a nine-party alliance, which included six parliamentary parties and three extra-parliamentary parties. However, the Human Rights Union Party pursued a strategy of concluding local alliances. The parliamentary opposition joined together into a five-party alliance.

Widespread allegations of misuse of state resources emerged closer to election day. In Korçë, a health care centre worker was dismissed without prior notice. The person alleged that the dismissal was due to being an SP activist in a DP administration. The appellant went to court to appeal this dismissal. The issue of campaign funding was also publicly raised on a number of occasions. Although the Electoral Code only demands the filing of expenditure returns by political subjects with the CEC after the elections, there is no requirement that these returns be made public. It might be considered whether their publication might enhance financial transparency of political campaigns, thus increasing trust in the process.

## **XI. THE MEDIA**

### **A. THE REGULATORY FRAMEWORK**

Articles 133–142 of the Electoral Code provide the principal legal basis for the conduct of the election campaign in the media. Outside official campaign periods, broadcast media are guided by the Law on Public and Private Radio and Television, which obliges broadcast media “to present facts and events in a fair and impartial way”.

The Electoral Code established different limitations for the broadcast media during an election campaign, with regards to news coverage, free airtime (on public broadcasters) and paid advertisement (on private broadcasters). The Code also clearly sets out penalties applicable in the event of non-compliance with these regulations.

In their news programs, broadcast media are required to provide each ‘big’ party<sup>11</sup> with twice as much time as each ‘small’ party<sup>12</sup>, while the coverage of any non-parliamentary party should not be higher than the coverage for a parliamentary party. A similar approach applies to the allocation of free time on public TV and radio. Additionally, ‘big’ parties are entitled to purchase on private broadcast media twice as much paid advertisement as ‘small’ parties.

Albanian public television (TVSH) met its legal obligation to allocate free airtime to all parties registered for these elections. However, parties showed a limited interest in utilizing this opportunity. Debates among the main mayoral candidates running in the major cities were regularly broadcast on TVSH, providing these candidates with a public forum and voters with an opportunity to receive information. However, a planned debate between the two main candidates for Mayor of Tirana did not take place.

Compliance with the media-related provisions of the Electoral Code is overseen by the Media Monitoring Board (MMB), an advisory body established by the CEC. During the course of the election campaign, the CEC, on the basis of the MMB’s findings, ordered most relevant TV broadcasters, including TVSH, to “correct the imbalances” in their coverage in favour or the two main parties. However, although the MMB findings indicated that ‘small’ parties received less coverage than they were entitled to, the MMB did not use its power to propose that these parties also be compensated. The CEC rejected two requests for compensation filed by smaller parties, the Democratic Alliance Party (DAP) and the Social Democratic Party (SDP).

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<sup>11</sup> ‘Big’ parties are parties which obtained more than 20 per cent of the seats in the Assembly in the most recent parliamentary elections. Currently, these are the Democratic Party and the Socialist Party.

<sup>12</sup> ‘Small’ parties are parliamentary parties which won up to 20 per cent of the seats in the Assembly in the most recent parliamentary elections.

While the MMB in general fulfilled its mandate and assisted the CEC in identifying violations of the Electoral Code by the media, a number of shortcomings, including a belated start of monitoring activities and technical insufficiency, impacted negatively on its activities.

## **B. OSCE/ODIHR EOM MEDIA MONITORING**

The OSCE/ODIHR EOM monitored the main broadcast and print media outlets<sup>13</sup> from 13 December 2006 to 18 January 2007 (prior to the official campaign period) and from 19 January to 16 February 2007 (during the official campaign period).

The campaign in the media appeared to be focused on personalities rather than political platforms, with the two main parties receiving the bulk of the coverage. Although the media slightly increased the amount of coverage of smaller parties during the official campaign period, overall the two main political parties continued to dominate. Whereas broadcast media clearly favoured specific parties before the start of the campaign, their prime-time news coverage became more balanced once the official campaign period started.

Before the official campaign period, public TVSH allocated 32 per cent of its political prime-time news coverage to the DP, mostly positive and neutral in tone, while the SP received 23 per cent, with roughly equal shares of positive and negative information. During the campaign period, the public broadcaster presented both main parties in an equal manner, allocating 28 per cent to the DP and 29 per cent to the SP.

Similar trends were noted on private Vizion+ and News24, where the SP received considerably more coverage than the DP before the start of the official campaign but the coverage became more balanced during the campaign period. Another private television, TV Arbëria, provided the main political parties with roughly equal shares of positive and neutral coverage, both before and during the campaign period, but unlike other broadcasters, it allocated more time to the other parties, in particular the SMI. As regards private TV Klan, it gave the SP 29 per cent of mostly neutral and negative coverage, compared to 19 per cent of mostly neutral coverage for the DP before the start of the official campaign period. TV Klan devoted more time to the Government (27 per cent) than any other broadcaster monitored by the EOM. This approach did not change significantly during the official campaign period, and the broadcaster continued to present state officials as government representatives, even if they participated in campaign events.

Although the Electoral Code entitles each 'big' party to purchase twice as much paid airtime as each 'small' party, the relevant legal provisions were not respected. OSCE/ODIHR EOM monitoring findings indicate that on the monitored broadcasters, the two main parties purchased more than 65 per cent, and in some case up to 80 per cent of all political advertisement. The balance between the two main parties was also not maintained, and advertisements of the DP were significantly dominant on TV Klan, Top Channel and Vizion+.

The print media provided extensive election-related coverage and presented a diverse range of views. However, two major parties clearly dominated the coverage.

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<sup>13</sup> Televisions – TVSH (public), TV Klan (private; nationwide license), TV Arbëria (private; nationwide license), Top Channel (private; regional license), Vizion+ (private; regional license), News24 (private; regional license); newspapers – *Gazeta Shqiptare*, *Shekulli*, *Shqip*.



OSCE/ODIHR EOM media monitoring showed that a number of media outlets violated the silence period on the day before the elections and on election day by publishing political articles and interviews with various candidates.

## **XII. PARTICIPATION OF NATIONAL MINORITIES**

There is a continued absence of reliable official data on minorities in Albania.<sup>14</sup> However, it is widely accepted that the largest minority grouping is the Greek minority. In addition, Bulgarian, Macedonian, Montenegrin, Roma, Serbian, and Vlach communities live in Albania.<sup>15</sup>

A number of election-related issues arose within the Roma community during these elections. There were allegations of vote buying by candidates in Roma settlements; one case involving a DP candidate in Pogradec was substantiated. Specific problems were noted with the inclusion of Roma in the voter lists. This is an issue that has been highlighted during previous elections and in the delineation of a new national civil registry, particular attention should be paid to including such disenfranchised national minority groups.

The CEC confirmed that while ballots were only printed in the Albanian language, it did produce voter education materials and radio spots in Greek, Macedonian and Serbian/Montenegrin. However, it was unable to provide disaggregated national minority data on either members of election commissions or on registered candidates since such data is not recorded.

Also of note, in Liqenas commune (Korçë district), the newly constituted Macedonian Alliance for European Future (PMAEI) party managed to get one of its members elected as mayor. This provided a pertinent example of the effectiveness of political mobilization by a minority group.

## **XIII. PARTICIPATION OF WOMEN**

While the Albanian constitution provides guarantees for equal gender rights, women remain consistently underrepresented in Albanian public life, rarely attaining senior political positions. Of the 140 deputies in the Assembly, only 10 are women, only one of 16 ministerial posts is held by a woman, and none of the parliamentary parties are led by women. In addition, in these local elections, just 33 of the 1,073 candidates nominated for mayoral posts were female (3 per cent).

Various initiatives to empower women have been undertaken by NGOs and in previous years by the OSCE Presence in Albania and by other IC organisations in the country, advocating the greater participation of women in political and election processes. One domestic NGO group, the Coalition for Women and Youth Participation in Politics, has petitioned the Assembly for

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<sup>14</sup> Although the Albanian Institute of Statistics (INSTAT) compiles information on national minority groups and the Albanian Ministry of Foreign Affairs sends reports to the UN Human Rights Committee and the Council of Europe, the last national census that dealt with the issue of national minority group identification was in 1989 (2 per cent of the population were identified as national minorities during that exercise). These figures are widely considered to be outdated and no longer representative.

<sup>15</sup> Not all these ethnic groups are recognized as national minorities by the Albanian Government. According to international best practice, however, affiliation with a minority group is based on self-identification.

the introduction of a 30 per cent quota for female MPs. They have also approached and received the support of the Ombudsman's Office in their endeavour. It is unclear, however, to what extent their initiative will be taken into account in the anticipated process of further electoral reform.

Most of the political parties address women's issues in their political programs and several organized events specifically targeted at female voters during the electoral campaign. In addition, a number of parties introduced internal party quotas for these elections; in the case of the SP, as high as 50 per cent. However, the application of political parties' post-election re-ranking formulas arguably diminished any possible beneficial effect of such quotas in these elections.

Family voting continued to be an issue in these elections, with IEOM observers noting this problem in 30 per cent of voting centres visited on election day. This practice continues to raise serious concern of the disenfranchisement of some women and other family members affected by it. Further voter education efforts and training of election commissioners on this issue could reduce this problem in the future.

#### **XIV. DOMESTIC NON-PARTISAN OBSERVERS**

Under Article 18 of the Electoral Code, Albanian non-governmental organizations (NGOs) have the right to send observers to elections. As such, this provision meets an important 1990 OSCE Copenhagen Commitment; namely paragraph 8. Overall, the CEC adopted an open and transparent approach to accrediting observers.

In total, 3,729 domestic observers were accredited by the CEC for these local elections. The largest civil society initiative was organized by a coalition of domestic NGOs that encompassed seven domestic groups and deployed over 3,200 domestic observers throughout the country.

In addition, the NGOs 'Mjaft!' and 'Elections to Conduct Agency' (ECA) ran a parallel vote tabulation (PVT) and posted the results on the ECA website. In the absence of a functional CEC website on election night and of timely preliminary results, this exercise increased transparency.

#### **XV. PRE-ELECTION COMPLAINTS AND APPEALS**

The Electoral Code specifies procedures for handling only certain types of electoral disputes. Namely, it regulates the process of appealing LGEC decisions (or failure of an LGEC to take a decision) to the CEC, and appealing CEC decisions to the Electoral College of the Tirana Court of Appeals. The CEC register of complaints is limited only to the aforementioned category. According to this register, the CEC adjudicated 56 complaints prior to election day. Of these, 14 were successful and led to overturning LGEC decisions. As a result, the CEC directed the LGECs to register five mayoral candidates and five multi-name lists of candidates for councils. Some 18 complaints were rejected as lacking grounds; the others were dismissed.

Most pre-election disputes had been triggered by controversies around the registration of candidates by LGECs. In many cases, the contested rejections of candidacies were grounded

on deficiencies in the lists of support signatures submitted under Article 81 of the Electoral Code. Given the absence of any centralized instruction or guidance on criteria and methods for the verification of support signatures by LGECs, the evaluation of the credibility of such documentation by the CEC was also sometimes questionable. Thus, out of eight appeals filed with the Electoral College by rejected or deregistered candidates, four were successful.

In total, during the pre-election period, 17 CEC decisions were appealed to the Electoral College, of which seven were overturned. Both the CEC and the Electoral College handled pre-electoral complaints in a transparent and professional manner and generally met the deadlines for taking decisions.

There were several cases when independent candidates for local council elections lost their candidacy status because of technical or administrative mistakes on the part of the election administration and, not being aware of that, missed the deadlines for seeking legal redress.

## **XVI. VOTING AND COUNTING**

### **A. VOTING**

Election Day was calm overall, and the elections were administered in a professional manner in the large majority of Voting Centres visited by observers. However, this overall positive picture was overshadowed by procedural shortcomings and, in a few LGUs, by tension.

Many VCs where the opening was observed opened with considerable delays; this appeared to have been mainly due to late or incomplete delivery of election material or late appointment of VCC members, some of whom were not nominated until the previous evening. Some 75 VCs did not open at all. In Tirana Borough 1, the mayor changed the numbering of VCs after the legal deadline; as a result, VCCs received voter lists and quantities of ballots foreseen for other VCCs.

Overall, IEOM observers characterized the voting process as 'bad' or 'very bad' in 10 per cent of VCs visited. Formal complaints were filed by electoral subjects in six per cent of VCs visited.

Certain problems observed, especially with regards to voter identification, derived from the implementation of the 12 January agreement. In a significant 13 per cent of VCs visited, copies of the Index book for birth certificates had not been provided to the VCCs. This appeared to be mainly due to uncertainty as to whom, of LGECs and LGUs, was responsible for providing them. In some VCs, the absence of these copies stalled the voting process. Where copies of the Book were available in VCs, they were sometimes not used by the VCCs, e.g. in Tirana Borough 7, Kamëz, Gjirokastër, Berat and Poliçan municipalities. In 20 per cent of VCs visited, birth certificates were not checked against the Index Book, and in 29 per cent, certificates were not retained by the VCC. While the procedures for checking the certificates against copies of the Index Book may have been overly burdensome and difficult to implement in practice, the frequent lack of any such checks violated provisions of the Electoral Code and removed an important safeguard against multiple voting or impersonation of other citizens.

In 34 per cent of VCs observed, voters were turned away because their names were not on the voter lists. However, the number of people affected was low in the overwhelming majority of

such cases. People marked as emigrants in the voter lists generally appeared not to have encountered undue problems in trying to vote, although some might have been disenfranchised.

The visible ink used to mark voters was at the centre of controversy, with claims that it could easily be removed. The SP filed charges against the CEC chairperson on election day regarding the quality of the ink, and random samples of it were confiscated in a number of VCs by the public prosecutor's office. However, this controversy quickly died down after election day. Regardless of alleged problems with the quality of the ink, there were issues with its application in practice: IEOM observers reported that in 20 per cent of VCs visited, voters were rarely or never checked for traces of ink, and in 11 per cent, ink was rarely or never applied.

Observers reported tension or unrest in seven per cent of VCs visited, as well as isolated cases of violence. Unauthorized persons were interfering in the process in four per cent of VCs visited. Also in four per cent of VCs visited, persons were attempting to influence voters. Instances of pressure on voters were reported from a few LGUs, for example Bushat and Gruemirë, both in Shkodër region. In one VC in Bushat, four VCC members from parties belonging to the ruling majority left and were not replaced after supporters of the Demo-Christian Party 'requested' the right to replace them.

Group voting was observed in a high 31 per cent of VCs; this underscores the continued need for voter education and training of election commissioners. Isolated cases of proxy and multiple voting were also reported. Observers also noted other isolated but serious violations. In a VC in Poshnjë, a VCC member was signing the voter list when no voters were nearby. In Himarë, one VCC appeared to be deliberately invalidating ballots by handing them to voters with the stub attached, by signing them, or by not stamping them properly. Observers reported the process as problematic in other VCs in Himarë.

In Tirana, ballots papers of somewhat similar colours were used for the different contests. This led to confusion and may have resulted in a considerable number of ballots inserted in the wrong ballot boxes and thus rendered invalid.

Party or candidate observers were present in 75 per cent of VCs visited; domestic non-partisan observers, mainly from the 'Domestic NGO Coalition', were positively identified in 33 per cent of VCs. Observers described many VC premises as too small and inadequate. While this was often due to infrastructural constraints, the high number of VCC members further contributed to the problem. Access to 12 per cent of VCs visited was considered difficult, which could have affected the voting of disabled and elderly citizens.

In certain LGUs, the situation deteriorated during the afternoon of election day. In several Tirana boroughs, large numbers of voters and other people gathered outside some VCs, tension was reported, and some VCs closed with considerable delays and in chaotic circumstances, with voters waiting outside not being allowed to vote.

Elsewhere, VCs generally closed on time, and most observers reported that voters waiting in line were able to vote, as foreseen in the Electoral Code. The closing procedures were largely respected. However, copies of the closing records were not always given to those entitled to receive them, namely VCC members and observers from parliamentary parties. Also, some observers reported the presence of unauthorized persons at the time of closing.

IEOM observers visited CSOs immediately before and on election day to observe the issuance of birth certificates. Most CSOs visited by IEOM observers immediately prior to and on election day were open, and in 49 per cent, lines of citizens were waiting to be issued with birth certificates. IEOM observers noted a lack of uniformity regarding opening and closing hours of CSOs on election day. Opposition parties alleged abuse of certificates in some LGUs.

## **B. THE VOTE COUNT**

The training of Counting Teams (CTs) began late, despite the fact that the legal deadline for nominating CT members was brought forward. Consequently, many CTs were not fully prepared for their tasks. Once the count got underway, observers frequently reported that the distance between the area allocated to observers and the counting tables prevented a proper observation of the CTs' work.

After the close of voting, ballot boxes were transported to 375 counting centres. In eight LGUs, voting did not take place, and consequently there was no vote count. Observers reported that, in general, the reception of election material at counting centres proceeded smoothly. Most problems were noted in larger LGUs where many VCCs arrived at the same time and had to wait to hand over their election material. The reception was slow and poorly organized in most Tirana boroughs. In all counting centres observed, the vote count started only after the election material had been received from all VCs, as stipulated in the Electoral Code.

While the count was reasonably well organized in most counting centres observed, the late appointment of counting team members appears to have resulted in insufficient training of commissioners, and consequently to mistakes being made during the count itself.

Although the majority of counting teams attempted to carry out their duties in a professional manner, observers rated the count as 'bad' or 'very bad' in 23 per cent of observation reports submitted. Only a few LGECs were able to complete the vote count, tabulate the results and submit them to the CEC within the legal deadline of 17:00 on 19 February.

The role played by political parties in some LGUs after election day was problematic. In many counting centres, observers noted a higher number of party observers than foreseen by the Electoral Code, and these observers were often interfering or trying to interfere in the process. In addition, the presence of MPs from both sides in some 'problematic' counting centres contributed to rising tensions and a more confrontational atmosphere.

In a few counting centres, the vote count was fraught with tension, and in some instances, violent incidents occurred. In Gjirokastrë, the vote count was repeatedly blocked, in one instance following a fistfight between DP and SP supporters inside the counting centre. In Bushat, the count had to be postponed during the night after election day due to obstruction by the local MP and his supporters. In Ndroq, the count degenerated into violence and two opposition commissioners had to be hospitalised. In several Tirana boroughs, the vote count had not started until the morning after election day.

In 19 per cent of counting centres visited, disagreements over the validity of ballots were noted. Disputes among counting team or LGEC members, or between counting teams and LGECs, led to disturbances and stoppages during the count. In several counting centres, the count was blocked as commissioners representing various political interests walked out. In 38

per cent of counts observed, the presence of unauthorized persons was noted, and in around one third of these cases, they were unduly interfering in the process. Furthermore, observers also noted other persons, including authorized party observers, trying to unduly influence counting teams or LGECs.

In a limited number of LGUs, observers reported that the decision-making process was blocked by the counting team or the LGEC. In some cases, the CEC had to send regional inspectors or CEC trainers to help LGECs resolve problems with the vote count or the tabulation of results.

In Himarë municipality (Vlorë region), disputes between the candidates of the Democratic Party and the Human Rights Union Party, over alleged voting irregularities and the composition of counting teams, hampered the counting process from the very start. Counting was conducted in a tense atmosphere and was repeatedly stalled. On 20 February, the CEC ordered the LGEC to finish the count and sent inspectors to help resolve problems. Staff representatives from the Vlorë Prosecutor's Office were also sent to Himarë. On Thursday 21 February, the count in Himarë was eventually concluded.

In Bushat commune (Shkodër region), the ballot boxes from only five out of 25 Voting Centres were counted. The LGEC could not finish the count because of pressure from a crowd of supporters of the competing mayoral candidates, who had gathered outside the counting centre. The standoff resulted in violence and the police had to intervene to restore order. Ultimately, the CEC decided that all election material should be brought to Tirana and be counted there by the Bushat LGEC and two counting teams, in the presence of CEC inspectors.

In Gjirokastër municipality, problems were already evident before the start of the vote count, as the LGEC members nominated by the parliamentary majority did not show up for the count. Counting commenced only after a CEC representative held a separate meeting with the two main candidates. Even then, however, the count took place in a tense atmosphere and was occasionally interrupted. There was also a fist fight among members of a counting team. After the mayoral results were established on 21 February, tensions were lessened. The count for the council was completed on 22 February, and the results were aggregated the following day.

In Paskuqan commune (Tirana region), the LGEC failed to follow a CEC decision to proceed with the vote count. The CEC then decided to dismiss the LGEC chairperson and file criminal charges against ten LGEC members. In addition, all LGEC members and the secretary were each fined 30,000 Lek (approximately 240 EUR).

In Durrës municipality, the LGEC failed to take a decision on the election results for mayor; the LGEC members nominated by the parliamentary majority voted against the tabulation of results, objecting to the invalidation of 1,189 ballots during the count. On 23 February, the result tables were signed, but only the six LGEC members nominated by the parliamentary minority voted in favour. The count for the council finished on 25 February.

In Elbasan municipality, the tabulation and transmission of results was impeded by a controversy over the counting of one ballot box because the serial number of one of the security seals on the box did not match the official records. Given the failure of the LGEC to reach a decision on this ballot box, on 23 February the CEC ordered the LGEC to transport all election material and documentation to Tirana. In Hekal commune (Fier region), where the count was also blocked, the CEC ordered the LGEC on 23 February to transport all election

material, including the ballot boxes, to the CEC premises escorted by CEC personnel.

On election day and throughout the counting process, the police forces continued to perform their duties in a professional manner. They were able to maintain order under circumstances that were at times difficult, and their involvement was called upon only when tensions resulted in physical violence. Observers noted the particularly commendable performance of the police during the count in Gjirokastër.

## **XVII. PUBLICATION OF ELECTION RESULTS**

The Electoral Code does not regulate the question of the publication of preliminary results. On election night, the CEC through its spokesperson provided information on preliminary election results to the media, which widely carried them. However, reported problems with the software for compiling and processing election results prevented the CEC from posting these results on its website on election night, although it had received some results from LGECs. The process of publishing election results was protracted, and most results were published far beyond the deadlines envisaged in the Electoral Code. Transmission of results from large urban centres was particularly slow.

As of 25 February, one week after election day, the CEC had only published the results for 331 LGUs and posted them on its website. While the vast majority of LGECs had sent the results for their LGU at that stage, the transmission of results from other LGUs was delayed due to disagreements between political parties or candidates which hampered the counting process and the tabulation and announcement of results.

## **XVIII. POST-ELECTION COMPLAINTS AND APPEALS**

### **A. ADJUDICATION OF POST-ELECTION COMPLAINTS BY THE CEC**

The electoral Code establishes that election subjects are entitled to file complaints to the CEC against LGECs' decisions within three days after the decision. The CEC has ten days to reach a decision which can be appealed to the Electoral College within five days. The high number of complaints constituted a challenge for the CEC, considering the timeframe provided for adjudication by the Electoral Code.

Election subjects can also request the CEC to invalidate election results for a VC, a LGU, or the whole country up to three days after the declaration of the results by the LGEC. CEC decisions on complaints against election results, on requests for invalidation, or for overturning results from LGECs, require a qualified majority of 6 out of 9. If the invalidation of one or more VCs' results can affect the allocation of mandates, the CEC may decide to order a re-run in the relevant LGU. Partially invalidated results do not imply the repetition of elections if the CEC decides that such invalidation does not affect the seat allocation.

The CEC received 251 post-election complaints. Of these, 152 were challenging LGECs decisions (or lack of decision) on results, and 93 were requests for invalidation of some VCs or of a whole LGU, while six complaints related to other issues. More than 100 complaints were dismissed on formal grounds, and over 90 were rejected. 24 complaints were sent back for completion and in 31 cases did the CEC grant relief. Approximately half of the requests

for invalidation were filed by the two major political parties. The remaining requests were submitted by independent candidates or third political forces.

Even though an amendment to Article 156 of the Electoral Code allows the CEC to consider facts, circumstances and events as evidence even if these are not reflected in any official document, the CEC has mainly relied on election administration documents and hearings of LGEC members. In some complaints for invalidation, this somewhat formalistic approach appears to have prevented a more thorough examination of the case. In addition, the CEC did not use its recently increased powers of self initiative inquiry.

In line with the amended Electoral Code, the CEC opened and examined 27 electoral boxes (11 ballot boxes for mayor, 1 ballot box for council and 15 election material boxes). Although in some cases, the CEC counted ballot papers<sup>16</sup>, it also ordered in other cases the corresponding LGECs and CTs to come to Tirana and count uncounted ballot papers.<sup>17</sup>

In many cases, parties and candidates were unable to provide any substantial evidence to support their claims. Yet, occasionally appellants did prove significant irregularities had occurred, in particular during the counting or tabulation of results.

Though, as the complaint process progressed, there were important cases when the CEC members voted along partisan lines, notwithstanding clear legal provisions. During the post election period, the CEC work has been affected by political animosity, personal conflicts and lack of collegial spirit among its members. At times, some members have shown intentions to disrupt or obstruct CEC meetings.

The issue of the validity of the content of ballot boxes and of their inclusion in LGU results raised controversy, in particular in one case, when after declaring the contents of two ballot boxes valid, these were not included in the LGU aggregated table of results<sup>18</sup>.

Finally, a high number of complaints resulted from difficulties and mistakes encountered by some LGECs' when applying the formulas for the final re-ranking of candidates on parties' multi-name lists. The CEC considered recalculating them for all the LGUs, but eventually did not do so.

## **B. ADJUDICATION OF POST-ELECTION APPEALS BY THE ELECTORAL COLLEGE**

After election day, 106 CEC decisions were challenged to the Electoral College<sup>19</sup>. Some half of those pertained to the invalidation of elections in separate VCs or at LGU level, while the remaining part mostly included disputes on the election results and the allocation of mandates. More than 30 per cent of the appeals were successful.

The Electoral College granted nine appeals on invalidation of elections in separate VCs and ordered re-runs at LGU level. In eight cases, these were re-runs for the mayoral elections<sup>20</sup>, and in one case, for the council elections<sup>21</sup>.

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<sup>16</sup> E.g. Paskuqan and Shupenzë communes

<sup>17</sup> E.g. Bushat commune

<sup>18</sup> Hekal commune VCs 3137 and 3142

<sup>19</sup> I.e. 36 per cent of the CEC decisions on post-election disputes

<sup>20</sup> In the following LGUs: Kodovjat Commune (Elbasan), Voskop Commune (Korçë), Kelmend Commune (Shkodër), Qendër Commune (Vlorë), Komsi Commune (Dibër), and Hekal Commune (Fier), Bushat Commune (Shkoder), and Tirana Borough 10.



Under Article 117 of the Electoral Code, a decision to re-run an election is to be taken by the CEC and requires two separate steps: firstly, the election must be declared invalid in at least one VC of the electoral unit; secondly, the potential impact on the allocation of mandates must be evaluated. Having granted appeals on the invalidation of elections, however, the Electoral College performed the aforementioned evaluation itself and ordered re-runs where it believed it was necessary. In doing so, the Electoral College overstepped its competence, since re-runs can only be ordered by the CEC.

The post-election disputes revealed some inconsistencies in the approaches of the CEC and the Electoral College, in particular with regards to situations where entire VCs were excluded from the election results of an LGU without the elections being declared invalid. Thus, there were cases when all ballot papers of a VC had been declared invalid by the LGEC (or the CEC) under Article 109/4 of the Electoral Code and the results of the elections were not tabulated for that VC and not included in the LGU results. The Electoral College declared invalid the elections in one VC where all ballot papers had been declared invalid because they were missing one stamp on their reverse side, while the CEC had previously only invalidated the ballot papers.<sup>22</sup> However, the Electoral College failed to follow its own precedent in an identical case. Namely, it decided to reject an appeal and not to declare the elections invalid in any of the VCs of Mamurras Municipality, despite the fact that three VCs had been excluded from the LGU results<sup>23</sup>, with all the ballot papers in one VC having been invalidated because one stamp was missing on the reverse. The Electoral College also granted two appeals requesting invalidation of the elections in VCs where all the ballot papers had been invalidated because the stubs with the ballots' serial numbers were still attached to the ballots.<sup>24</sup>

The invalidation of ballot papers and declaring the elections invalid have different legal consequences. Invalidation only of ballot papers does not constitute a precondition for ordering a re-run of elections, regardless of its scale and even if the number of such ballots exceeds the winning margin. As practice showed in these elections, the invalidation of all ballot papers in a VC is usually caused by mistakes or deliberate action of polling officials. It is not acceptable that the will of the voters of an entire VC is ignored and omitted from the election results only for that reason. Therefore, invalidation of all ballot papers in a VC should be clearly specified as one of the grounds for declaring the elections invalid in the respective VC.

Despite the fact that the elections had not taken place at all and therefore had been declared invalid by the CEC in one VC of Elbasan Municipality, with a number of registered voters exceeding the winning margin in the mayoral elections<sup>25</sup>, the Electoral College did not order a re-run of elections in the LGU as it had done in similar situations before. In the reasoning for rejecting the request for invalidation, a reference was made to the average turnout in the LGU (35%) and the "unlikelihood" of the invalidated VC to overturn the LGU results (that would require 85% turnout of voters in that VC, with 100% of voters being in favour of the losing

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<sup>21</sup> A re-run of the council elections was ordered in Qendër Çlirim Commune upon an appeal from the National Front Party, because of the failure of the CEC to implement an Electoral College decision prior to election day on the inclusion of the National Front Party on the ballot.

<sup>22</sup> VC 3743 of Voskop Commune.

<sup>23</sup> VCs 0911, 0917 and 0919, Mamurras Municipality.

<sup>24</sup> In VC 2609 of Kodovjat Commune and in VC 3142 of Hekal Commune

<sup>25</sup> There were 860 voters registered in the Final Voter List of VC 2378 (where the elections had not taken place), while the winning margin (after the inclusion of one VC in the LGU results by the Electoral College) was 678 votes.

candidate). Such grounding was inconsistent with the previous practice of the Electoral College, and appeared to lack legal basis. According to Article 117.5 of the Electoral Code, the mere possibility that the results in one invalidated VC may influence the allocation of mandates is a sufficient precondition for holding a re-run. The CEC eventually ordered a rerun in Elbasan Municipality in its decision on the date of the reruns. Though that decision was in line with the CEC competences, it was taken only two weeks before the election date, while the deadlines for its contesting would be fifteen days. The CEC decision on the rerun in Elbasan Municipality was appealed to and overturned by the Electoral College.

The Electoral College partially granted relief on an appeal from the SP mayoral candidate in Tirana Borough 10, who had requested that the results from two VCs<sup>26</sup>, which had originally been omitted by the LGEC and the CEC, be included in the overall results for the LGU. Namely, the Electoral College decided to count and evaluate the ballot papers from one VC, tabulated its results and included them in the aggregate table of results for the LGU. However, the Electoral College did not express an explicit opinion on the other VC in question, which thus remained excluded from the LGU results. As a result, the SP and DP mayoral candidates received an equal number of votes, and the winner was established by a lottery organized by the CEC.<sup>27</sup> Although the pending request for invalidation of the elections in the LGU was withdrawn by the complainant, who was declared the winner, the CEC proceeded with its consideration on its own initiative, as it considered it was in the interest of the public to continue with the adjudication of the case<sup>28</sup>. Since the invalidation request failed to win the support of the required qualified majority of CEC members<sup>29</sup>, it was considered rejected. However, the DP appealed the rejection to the Electoral College, which upheld the appeal and ordered that the elections be repeated.

The post-election disputes also confirmed previously voiced concerns regarding the use of formulas on the final re-ranking of candidates on parties' multi-name lists after election day. In one case, a candidate lost his right to even be considered for the allocation of mandates only because the VC which had been his 'area of responsibility' under the party's agreement on the final re-ranking had not been counted at all since the ballot box for council elections had been declared invalid.<sup>30</sup>

The Electoral College handled the appeals in an overall professional and transparent manner, ensuring adversarial process and respect for the procedural rights of the parties. However, its approach was not always consistent, as outlined above. Furthermore, its decisions were normally issued in a form of "extracts" lacking the reasoning and grounding part required by Article 174/1 of the Electoral Code. The Electoral College handled as a separate appeal and rejected a formal request from a political party for 'clarification and interpretation' of one

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<sup>26</sup> VC 1985 and VC 1996, Tirana Borough 10.

<sup>27</sup> The Electoral College ordered the CEC to hold the lottery and specified that the lottery should take place before consideration of the pending request by the SP candidate for invalidation of elections in the LGU. This decision constituted undue interference in the competence of the CEC, since under Article 174 of the Electoral Code, the Electoral College may oblige the CEC to take a decision only if the failure of the latter to take a decision within the established legal deadlines was appealed to the Electoral College.

<sup>28</sup> As permitted by art.161/1 of the Code.

<sup>29</sup> According to Article 30.6 of the Electoral Code, such requests need the support of six out of nine CEC members to be considered granted.

<sup>30</sup> CEC Decision No. 1425 of 28 February 2007 and the subsequent decision of the Electoral College of 10 March 2007 rejected the relevant complaint/appeal of the Democratic Alliance Party.

such extract<sup>31</sup>; in this case, the timely issuance of the complete text of the Electoral College decision would have resolved the problem.

## **XIX. REPEAT ELECTIONS, 6 MAY 2007**

On 6 May 2007<sup>32</sup>, reruns of local government elections took place in twenty LGUs<sup>33</sup>, i.e. in some five per cent of all the LGUs in Albania. Those included eight reruns of both mayoral and council elections<sup>34</sup>, ten reruns of mayoral elections only<sup>35</sup>, and two cases of repeat council elections<sup>36</sup>.

Delayed nominations and numerous replacements in LGECs, VCCs<sup>37</sup> and CTs membership were again frequent, being initiated in a number of cases by individual candidates rather than political parties.<sup>38</sup> The legal deadlines for appointments were once more often ignored<sup>39</sup>. The appointment of VCCs was finalized just one day before the elections. Most Counting Teams (CTs) were appointed hours after the close of polls.

The CEC conducted preparations for the reruns in line with the Electoral Code. There were improvements based on lessons learnt from the 18 February elections, such as subordinating the handing over of election materials to attendance at training sessions, or directing<sup>40</sup> LGUs to prepare photocopies of the Special Register of Civil Status and to deliver the relevant number of copies to the LGEC in due time.

Voting was overall smooth. The opening of the polls was generally regular, with some delays in the opening of few VCs reported<sup>41</sup>. In Shalle, two VCs did not open at all as the VC members did not show up. Election day was marred by tension and allegations of intimidation of commissioners and voters in Pult Commune<sup>42</sup>, where armed persons were visible in the VCs or in their vicinity. In Borough 10, the voting in one VC was sporadically interrupted.<sup>43</sup>

Though delayed because of late appointment of the CTs, counting was generally performed in a satisfactory and prompt manner. The process was however blocked in Lurë, where the LGEC took the decision not to count ballots, without any legal reasoning. The CEC dismissed eight LGEC members and filed a criminal charge against them. The Pult LGEC issued results

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<sup>31</sup> The Human Rights Union Party requested clarification of the Electoral College decision of 20 March 2007, by which the Electoral College had granted its appeal on invalidation of elections in one VC of Qendër Commune (Vlorë), but also ordered a rerun in the LGU which had not been requested by the appellant.

<sup>32</sup> The date of the repeat elections was set by CEC Decision No. 1683 of 22 April 2007.

<sup>33</sup> The elections were repeated in twelve LGUs and held for the first time in another eight.

<sup>34</sup> In Lurë, Libofshë, Arren, Milot, Iballë, Pult, Shalë, and Shosh Communes

<sup>35</sup> In Gjerbës, Shupenzë, Komsj, Hekal, Voskop, Kelmend, Bushat, Qendër-Vlorë, and Kodovjat Communes, as well as in Tirana Borough 10

<sup>36</sup> In Qendër-Çlirim and Qendër Malesi e Madhe Communes

<sup>37</sup> The CEC took 55 decisions on appointment and replacements of VCCs' commissioners (including 26 for the new LGECs of Hekal and Shupenze).

<sup>38</sup> In a number of public addresses, the CEC publicly called upon the political parties to fulfil their obligations concerning the election administration formation.

<sup>39</sup> According to Article 45, paragraph 2 of the Electoral Code, VCCs should be appointed not later than ten days prior to the election date.

<sup>40</sup> Decision No. 1685 of 24 April.

<sup>41</sup> In Pult and in Borough 10.

<sup>42</sup> VC No. 0093 did open but voting did not take place. In VC No. 0094 the voting was on until around midday when someone stole the Chairman stamp.

<sup>43</sup> VC No. 1999.

having counted only two out of six VCs. In Borough 10, the results from two VCs were not tabulated.

In a positive development, the CEC ensured real-time disclosure of preliminary results on its website, having improved the software after the failures encountered during the first round of elections.

## **XX. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Republic of Albania, in further support of their efforts to conduct elections in line with OSCE Commitments and other international standards for democratic elections. A number of these recommendations have already been offered in previous OSCE/ODIHR final reports but remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of Albania to further improve the electoral process.

### **A. POLITICAL PARTIES**

1. Political parties should demonstrate political will for the conduct of democratic elections to a measure commensurate with the broad privileges granted to them by the law in regard to the conduct of elections.
2. To ensure that parties are able to compete with each other on an equal basis, as required by paragraph 7.6 of the OSCE Copenhagen Document, provisions that discriminate among political parties should be removed from the Electoral Code.
3. Effective enforcement mechanisms for provisions concerning the reporting of contestants of their campaign finances to the CEC should be established.
4. Consideration should be given to making parties' campaign expenditure reports public. This could enhance the financial transparency of election campaigns, thus increasing trust in the process.
5. Inconsistencies between articles 144 and 145/1 of the Electoral Code should be remedied to ensure further consistency in the campaign finance provisions.
6. Consideration should be given to strengthen institutional mechanisms for monitoring possible misuse of administrative resources and cases of vote buying, and holding the guilty party accountable. Domestic organizations may have a role to play in this regard.

### **B. LEGAL FRAMEWORK**

7. Amendments to the Electoral Code should be a result of a comprehensive electoral reform undertaken well in advance of an election. Delayed amendments to the electoral framework should be avoided as it runs counter to the best international practices and poses an extra challenge for the electoral administration.

### **C. ELECTION SYSTEM**

8. The re-ranking or “final” ranking of candidates by electoral subjects, after the completion of the vote, should be reconsidered. The Electoral Code should be amended to ensure that parties determine and announce the order in which their candidates will be awarded mandates before the election to ensure that voters are informed in advance of the candidates who are likely to be seated as a result of their support for a particular party or coalition.

### **D. ELECTION ADMINISTRATION**

9. While preserving the transparency and inclusiveness of the election administration formation and functioning, the Electoral Code needs amending with a purpose of eliminating any space for abuse and blocking the process by political parties. In particular, there should be effective mechanisms for filling vacancies in the election administration in case parties do not exercise their right to make nominations within the established deadlines.
10. In order to ensure independence and professionalism of the election administration, the possibility of arbitrary replacements of election officials by political parties should be curtailed. The Electoral Code could allow dismissals and replacements of election administration members only on clearly envisaged grounds listed in an exhaustive manner in the law.
11. Article 22 of the Electoral Code on the procedure of the election of the CEC members should be brought in compliance with the Constitution, in so far as it should not offer possibilities to restrict the constitutional prerogative of the appointing institutions.
12. Accountability of election commissioners, vis-à-vis higher levels of the election administration, should be strengthened. Commissioners are accountable to the higher levels of the election administration, not to the parties which nominated them.
13. Consideration should be given to reducing the membership of mid-level and lower-level election commissions in order to improve the operations of these commissions. This also applies to counting teams.
14. Training of LGEC, VCC and CT members should be intensified and improved. Consideration should be given to include in the code provisions foreseeing the conduct of CEC-organised sessions of in-depth training and qualification that would permit the constitution of a pool of trained and certified election officials, to be recruited in priority for election processes.
15. The role and competences of Regional Election Offices should be defined in the Electoral Code.
16. Strong consideration should be given to endow the CEC with increased administrative capacities, as well as adequate and sustainable financial resources.

## **E. REGISTRATION OF CANDIDATES**

17. The electoral legislation (either primary or secondary) should provide for clear and objective criteria, as well as uniformity and equal-scrutiny approach to the verification of support signatures of voters for the registration of candidates. These criteria should be established well in advance of the scrutiny period. If the election administration is to fulfil its task effectively, more time should be available to scrutinize support signatures.
18. The Electoral Code should be amended to specify that the number of support signatures needed for council lists refers to the lists as a whole, rather than to each individual candidate on these lists. The current wording is ambiguous and was interpreted in the sense that the specified number of support signatures was required for each candidate on a council list.
19. Penalties should be applicable in cases when support signatures have clearly been fabricated. The election administration should be required to notify parties when a decision on their applications will be taken. All parties should be given time to rectify technical errors in their supporting documentation.

## **F. VOTER REGISTRATION AND VOTER IDENTIFICATION**

20. To further improve the accuracy of voter lists, the ongoing efforts to improve the accuracy of civil registers must not only be continued but should be further intensified.
21. The task at hand will require a long-term commitment of the central and local governments if the Albanian authorities want a fully functional system of civil and voter registration to be in place in time for the parliamentary elections scheduled for 2009.
22. Many shortcomings of the process, including those concerning voter registration, originate from the lack of capacities of the Albanian administration, in particular in the regions. All Civil Status Offices throughout the country should be computerized, and a network between them and the General Directorate of Civil Status in the Ministry of Interior should be created, with a view to enabling real-time data exchange between all CSOs and the GDCS.
23. Until new identity documents are introduced, and as long as birth certificates are used as a means for identification, Civil Status Offices should continue to keep accurate official records of all certificates issued, in particular for electoral purposes, and such data should be made publicly available.
24. The production and issuance of new ID cards to citizens should be based on a modernised and functional civil registry and address system.

## **G. MEDIA**

25. Paid airtime should be available to all political parties on a non-discriminatory basis, regardless of previous electoral strength. The possibility of establishing limits for the total amount of paid airtime bought by each party could be considered in this case.

26. Steps should be taken by CEC to ensure the methodological basis and working procedures of the Media Monitoring Board are improved, both centrally and at local level. The local representatives of the MMB should be appointed in a timely manner and provided with all necessary equipment and documentation in order to fulfil their duty properly.
27. Violations of the official silence period prior to election day should be sanctioned.
28. Since local elections and referenda do not have to be held on a Sunday, all campaign and media-related deadlines in the Electoral Code should be established in relation to the election date, rather than referring to specific days of the week.
29. Steps should be taken to ensure and enhance the transparency of media ownership.

#### **H. VOTING AND COUNTING**

30. Better adherence by VCCs to voting procedures, in particular those concerning the use of ink to mark voters' fingers, or voter identification, should be ensured by appropriate training and possible sanctions.
31. Rules regarding the presence of individuals in voting centres and counting centres should be enforced strictly. In particular, it should be ensured that only authorized persons are present in counting centres. The number of party observers should be limited as foreseen in the law and to those who carry the prescribed accreditation.
32. Rules regarding the use of mobile telephones and other communication equipments should be enforced more strictly, especially during the vote count.
33. There is room for improvement of the transparency of the count. All election contestants should be allowed to observe counting on an equal basis. Substantial efforts should be made to improve the possibility for observers to check the accuracy of the count.

#### **I. COMPLAINTS AND APPEALS**

34. LGECs and the VCCs would need clearer guidance regarding their competence for handling complaints and ensuring a uniform approach.
35. Consideration should be given to amending Article 153 of the Electoral Code and to mentioning the defendant among the parties to the administrative review of an appeal, given the actual procedural rights of the defendant and the respective definition of Article 90 of the Civil Procedural Code.

#### **J. ELECTION OBSERVATION**

36. Transparency could be further enhanced by allowing domestic observers to register earlier than 45 days before election day.
37. Counting centres should be laid out in such a way that observers can properly follow the counting of votes (e.g. the distance between the space reserved for observers and

the counting tables should not be so great that meaningful observation becomes impossible).

**K. PARTICIPATION OF WOMEN**

38. Further training for election commissioners regarding the issue of family voting should be considered, with a view to reducing the problem in the future.
39. Political parties should undertake greater initiative in providing further outreach to women through their programs and activities.
40. Government and Parliament should explore ways to increase the participation of women in public life.

**L. PARTICIPATION OF NATIONAL MINORITIES**

41. In the preparation of a new national civil registry, particular attention should be paid to vulnerable national minority groups. The government should ensure that such groups are properly registered to vote.
42. The practice of attempting to influence the vote through vote buying methods in vulnerable communities should be addressed at all levels with a view to eradicate it.
43. The CEC voter information campaigns should be extended to all minority population, in a targeted manner.
44. The authorities should implement the OSCE Action Plan on Roma and Sinti, especially chapter VI, “enhancing participation in public and political life.”



## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).