



# KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

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## PRELIMINARY REPORT ON THE CONDUCT OF THE ELECTORAL PROCESS OF JUNE 28, 2009

HOTEL TIRANA, JUNE 29, 2009  
11:00

The Albanian Helsinki Committee conducted the observation of the June 28, 2009, elections, activating 150 monitors accredited by the CEC. The monitoring was made possible also thanks to support from the American Embassy in Albania, spreading mainly in 8 counties of the country: Tiranë, Gjirokastrë, Fier, Durrës, Elbasan, Shkodër, Vlorë and Kukës.

The monitoring did not focus only on Election Day and the vote count. It involved different aspects of the electoral process. On Election Day, about 700 VCs were monitored in all of the mentioned counties. All 150 observers were trained before hand and remained in continued contact with AHC specialists to update their knowledge.

AHC reached the conclusion that in the area of electoral reform and the conduct of elections, positive steps were made. In this context, we may mention the following achievements:

- a) for the first time, the law envisioned some special measures to ensure real equal gender opportunities;
- b) the legal obligation of equipping citizens with ID cards, besides the passport, was envisioned, thus excluding certificates that could allow for room for manipulations;
- c) we are of the opinion that the regional proportional electoral system, adopted by the Constitution and the Electoral Code, helped avoid the so-called “Dushk” phenomenon, which led to distortions of electoral will;
- d) In general, there was a calmer electoral campaign than in other elections. The voting process was also calm, and, in VCs that were the target of monitoring by AHC, there was a high voter turnout, approximately, 50%.

*Nevertheless, there were some problems, which have been highlighted below:*

1. **Regarding guaranteeing the participation of citizens in elections**, there were cases of difficulties of a technical-organizational character for voters seeking *to be equipped with identity cards*. In meetings that our monitors had with these voters, according to on-site monitoring, there were cases of interruption of work, delays and wandering of citizens, lack of electricity, etc.

Official data from the Ministry of Interior speak about 256,000 persons who did not apply for these identity cards. We are of the opinion that this figure shows a considerable number of voters who were not able to vote. Therefore, in terms of equipping citizens with ID cards, we are of the opinion that preliminary consultations



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should have been conducted, at the right time, as recommended by OSCE/ODIHR since 2005. Regarding this issue, AHC, through its press statements, has made not only its remarks and suggestions, but also appeals that voters go as soon as possible to apply for them.

2. **Regarding the voter lists**, it was noted that the preliminary lists and especially the final voter lists were announced late and voters' sensitization about becoming acquainted with these lists should have been more intensive. It is a fact that immediately after the final voter lists were announced, there was dissatisfaction over duplicates and different errors, absence of names, etc. According to data from our observers, it appears that until June 26, 2009, the Tirana district court had received 430 requests. There were requests to the court also in other districts, but in fewer numbers. The reasons for this situation could vary. However, it is disturbing that although an electronic register was put in place, this phenomenon was repeated in these elections.
3. **Regarding the election campaign**, we found that political parties, during this campaign, compared to previous campaigns, did a better job of displaying alternatives and programs and had more positive tones. Public and private TVs held electoral debates. AHC found that the campaign began a long time before the official opening of the campaign as envisioned in the Electoral Code, especially by the two biggest parties. Of note are the excess spending and lack of transparency about the source of these funds. In this aspect, it is our opinion that it is necessary to have a more operational and effective control mechanism. Also, in some rallies and TV debates, there was unethical and hate language. Some incidents, related or not to political motives, to some extent, increased tension in the pre-election environment. In AHC's opinion, the incident that occurred with the opposition regarding the permit for conducting its rally on the last day of the campaign should have been prevented or resolved calmly and quickly.
4. **Regarding the candidates name lists**, we find that some candidates holding jobs as heads of municipality units or communes or prefects also run for MP. It appears they did not resign from their jobs before running, pursuant to article 69 of the Constitution. This problem was the target of discussions and debates in the CEC but was not resolved and could lead to problems of validity of mandates, if these candidates are elected MPs.
5. **Regarding the establishment of election commissions, the counting groups, and their training**: Our observers reported that the ZCEAs were established late and VCCs even later. Almost two days before election day, the vote counting groups had not been set up. This was the result of political parties not submitting their proposed names to the ZCEAs on time. This fact raised questions especially about the training of VCC members and vote counting groups, which, carried out partially and late, was formal and lacking in quality. The above concern was made public by the CEC, especially its Chairman.

### **I. Regarding procedures on opening the voting centers and the voting**

2. AHC monitors attended preparations for the start of the voting process in over 700 VCs in the 8 counties mentioned above. The voting centers appeared orderly, in spite



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of problems in some cases, with facilities being too small (Tiranë), or cases of voting booths being very close to each other (Durrës). Initially, there were some delays and irregularities, but then the process proceeded calmly during the day. We may mention some delays in opening voting centers in Tiranë, Durrës, Elbasan (2364, 2343 and 2301), Korçë, and Fier. This took place also because the materials arrived late, especially the stamp ink, or because of the fact that VCC members and some observers of electoral subjects were not all present at the time supposed for preparing the voting centers. It was disturbing that during Election Day, political parties continued to replace commission members, causing delays and suspensions of the voting process (*a flagrant case is that of VC Kukës 0652, at 16:00*). There were some cases of voting being suspended for some hours and then resuming calmly (Vlorë, Kukës). These took place because of absences in the voter lists, holding of pens that were considered photo tools, disagreements between commission members, etc.

## II. Regarding voting procedures

In general, there was respect for voting procedures, but in some cases deviations were noted.

1. *Family voting.* E.g., cases of family or group voting were highlighted, thus violating the fundamental principle of the secrecy of the vote. This phenomenon was noted in some voting centers in Durrës, Shkodër, Korçë, Tiranë. AHC observers presented in all identified cases written remarks, which helped stop the violation.
2. *Voting of disabled persons or persons unable to vote.* AHC considers it an achievement that the possibility to provide the blind with special ballots. Nevertheless, monitoring in the field, showed that there were no special ballots for the blind in some voting centers. The same situation appeared with disabled persons who did not have the possibility to access voting centers through ramps, etc., in all VCs.
3. *Voter lists.* Based on AHC observers' information, there were some cases of voters being unable to vote because they could not find their names on the voter lists. There were also inaccuracies in the first names and family names, particularly in Tiranë, Kukës, Vlorë, Durrës, Elbasan, Korçë, the Peqin Detention Institution and the Durrës Detention Institution. There were also few cases of mismatches of names between those in the final voter lists posted at voting centers and those that VCCs possessed. A problem was that some VCs did not allow women voters who carried their maiden name in their passports, but the husband's family name in the voter lists. AHC notified the CEC about this.
4. *Freedom to vote.* It is worth mentioning that in general, the voting process was conducted in an orderly and calm fashion. There were some sporadic incidents that created temporary tension in some voting centers, e.g., pressure by some party observers or militants on voters.
5. *Role of the police.* In centers observed by AHC, it was generally noted that police officers behaved correctly.

## IV. Procedures for closing the voting process and the vote count



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6. *Closing the voting process.* Procedures for closing the voting process ended without problems. In most of them, voting was ended by 19:00. In some voting centers, it ended 30 or 60 minutes late. In only one case, due to the suspension of the voting process for several hours, the process ended about 2 hours late (Kukës). There were no incidents during the transport of ballot boxes. In a large part of the vote counting locations, ballot boxes arrived on time. There were delays in those VCCs belonging to communes far from vote counting sites.
  
  7. *Establishment of Vote Counting Commissions and start of the counting.* The vote count began at different times, but generally late. Of 25 VCGs that AHC monitored during the night, in some of them the counting process began 2-3 hours late and in two others it began at 4:00 am of today (ZEACs 25, 8).

We deem it necessary to note that our monitoring is continuing in terms of the vote counting process.

Thank you!