

STATEMENT

by

The Embassy of the Republic of Albania

**Briefing on Albania's Elections 2009
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Helsinki Commission**

THE ELECTORAL REFORM IN ALBANIA

The government of Albania is fully committed to hold free and fair elections, in line with the international standards of democratic elections. The government is also committed to guarantee a transparent election process. To this end, it has invited the international community, including the ODIHR and the Parliamentary Assemblies of the OSCE, the Council of Europe and NATO, to monitor these elections with the largest number of observers that have ever been sent to Albania.

With a view to address shortcomings occurred in the previous elections the ruling majority and the opposition have worked together very closely, in order to amend the relevant provisions of the Constitution and pass a new electoral code. To this end they agreed to create an Ad-Hoc Parliamentary Committee (AHC) co-chaired by representatives of the democratic and the socialist party.

The Constitution of Albania was amended by the National Assembly on 21 April 2008. Some of the amendments repealed the complicated election system that used a combination of proportional representation and single member electoral zones. This system allocated 100 mandates in a plurality election in each electoral zone and an additional 40 mandates based on an electoral subject's share of the national votes. The prior election system had an element of proportionality that attempted to allocate mandates in proportion to a political party's or coalition's national share of the valid votes. However, political parties were able to circumvent the constitutional goal of proportionality by applying various strategies in Assembly elections. In the elections of 2001 and 2005 the allocation of mandates was controversial and subject to legitimate criticism. The April 2008 constitutional amendments address this issue and are in line with the recommendations of the OSCE's ODIHR.

Article 64 of the Constitution now provides that 140 members of the Assembly are elected "on a regional proportional system with multi-names electoral zones". Article 64 also provides that these zones correspond to the administrative divisions "of one of the levels of the administrative-territorial organisation". The rules for implementation of the electoral system, including the level of administrative-territorial organisation that is to be used for electoral zones and number of mandates to be elected in each electoral zone, are determined by the Electoral Code.

Article 2(25) of the Electoral Code provides that the "Electoral zone is the administrative territorial division of the region for the elections for the Assembly and the municipality or the commune in the case of local government elections." There are currently twelve

administrative regions in Albania. Thus, there will be an election in each region (electoral zone), based on proportional representation, for National Assembly elections.

Following the amendment of the Constitution, the ACH finalized the new Electoral Code and it was approved in December 2008. It entered into force in mid January 2009. According to the Joint Opinion of the ODIHR and the CoE's Venice Commission the Electoral Code overall is in compliance with the recommendations of the OSCE's ODIHR.

The new Electoral Code establishes the rules for the new electoral system and the composition of Electoral commissions of all levels. It defines the electoral zones and the method of distribution of mandates.

According to the Code the upcoming parliamentary elections will be administered, by a three-tiered election administration: the Central Election Commission (CEC), 66 Commissions of Electoral Administration Zones (CEAZs) - one per Electoral Administration Zone, and some 4,700 Voting Centre Commissions (VCCs). As in the 2005 parliamentary and 2007 local elections, counting will be conducted centrally in 66 Ballot Counting Centres (BCCs).

The electoral reform reduced the number of CEC members from 9 to 7. CEC members are now to be nominated by parliamentary parties and confirmed by votes in the Assembly. The parliamentary majority party and the largest parliamentary opposition party each propose two members, and the fifth and sixth CEC members are proposed by the other parties of the parliamentary majority parties and the other parties of the parliamentary opposition respectively. The seventh member, at the same time the CEC Chairperson, is elected based on proposals from the parliamentary majority party. The formation of the CEC on the basis of the new election code was completed on 5 February 2009.

The CEAZs should be established by the CEC no later than 90 days before election day, so in this case by 30 March 2009. Currently the CEAZs are established and fully functional.

The CEAZs comprise 7 members and a secretary, and are appointed by the CEC. The parliamentary majority party and the largest party of the opposition propose two members each, while the second party of the majority and the second party of the opposition propose one member each. The seventh member is proposed by the largest majority party and the largest opposition party in half of the CEAZs each. The chairperson and deputy chairperson are appointed by the CEC upon a proposal by the CEAZ, with the chairperson representing the parliamentary majority or opposition, depending on which party representative is the seventh CEAZ member. The deputy chairperson will always be of the opposite political affiliation to that of the chairperson. The secretary is proposed by the party that proposes the deputy chairperson of the CEAZ.

VCCs are comprised of 7 members and a secretary, and are established according to the same mechanism as CEAZs. VCCs are appointed by CEAZs no later than 20 days before election day upon the proposals of the parties.

For the counting of ballots, Counting Teams (CIs) will be established two days prior to election day by the respective CEAZs, and are composed of four members. The members are again appointed according to a mechanism ensuring representation for the parliamentary majority and opposition: one member each representing the same party as the CEAZ chairperson and deputy chairperson, and one member each representing the parties of the parliamentary majority and opposition based on a random selection by

lots. Each CT is responsible for the count of at least five Voting Centres, but not more than 10 Voting Centres, before being replaced by another CT.

In line with the provisions of the code the President of the Republic decreed the date of the elections. They are to be held on 28 June 2009.

The next step was the composition of the Electoral College of the Court of Appeal, on 16 January 2009. In February the parliament appointed the members and the Chairman of the Central Election Commission (CEC).

The CEC is currently working to accomplish its obligations under the new Code. It has adopted an Action Plan for the General Election 2009 and a number of other decisions related to setting up regional offices for the elections, enhancing its administrative capacities, implementing the strategy for training different structures involved in the management conduct of the election process etc. At the same time a new PR strategy has been adopted, targeting all voters, with special emphasis on vulnerable groups, the youth, those residing in remote areas or overseas, minorities etc.

Election Infrastructure

In line with the international standards and the recommendations of the OSCE's ODIHR, the government of Albania has undertaken several measures to address previous technical shortcomings related to voters' lists and voters' identification.

The current voter registration system is the result of a step by step reform process consisting in three phases.

Project "Modernization of Civil Registry Service"

The First phase of this project consisted transferring the data from the "fundamental registers" stored in Civil Status Offices, to an electronic register. This process started on 5 November 2007 and concluded by the end of July 2008 with the digitalization of approximately 20 000 basic registers. Following this phase, Statistics Norway assisted in introducing computer applications, updating of the database with changes reported to the Civil Registry Service, as well as the electronic printing of certificates, until the final installation of the online system (Austrian model).

Second phase consisted in building the Central and Local Network System and Infrastructure of the national Civil Registry. To this end, preparations started in July and finished in October 2008, concluding with a communication network of 354 established Civil Registry Offices.

Third phase featured the establishment of the online system of National Civil Registry. Preparations started in July 2008 and the system was delivered in December 2008, as follow up of the agreement signed with the Austrian Ministry of Interior for the installation of this system. The system is entirely based on the Austrian system of civil registration and offers a comprehensive, functional and operational online Civil Registry.

Experts provided by the Austrian Ministry of Interior adapted the system to create the Albanian System of Civil Registry. The system guarantees operations that satisfy the Albanian and European Community legislation related to personal data, on-line networking of civil registry offices and offers the possibility to provide State institutions or private bodies, with data from this registry, in line with the legislation in force.

Once the National Civil Registry was established, efforts were concentrated in cleaning multiple records or the so-called duplications. This process concluded with deletion of approximately 50 000 duplications, thus ***ensuring for the first time an Electronic Registry of Citizens free of multiple records***. Corrections were reflected in the sole official source of data for citizens namely the National Civil Registry (NCR) and, any by-product, such as voters' lists, is automatically empty of duplications.

In addition to that, for the first time voters' lists were generated from the NCR, and any local government unit prepares the Preliminary Voters' Lists based on these data. Any modification to the voters' data is done in the NCR and is automatically reflected in the Voters Lists given that the latter are a by-product of the NCR.

On the other hand, the NCR is the only official source of information that can offer this information to third parties. The first successful example in this direction was the interface established between the NCR and the Identity Documents System. The ID System is connected online to the NCR and the applicant's data are taken directly from the NCR through a safe online connection.

The new election code limits the valid documents for voter identification to passports and identity cards, hence bringing an end to the long standing practice of voters using birth certificates with pictures attached for identification.

The application, production and distribution process of IDs and biometric passports

The concession agreement for the production and distribution of identity documents and the electronic passports was signed with "Sagem Securite" and the "Albanian-American Enterprise Fund" on 18 August 2008, ratified by the Albanian Parliament in July 2008.

The Authority (Ministry of Interior) is monitoring the execution of the contract, providing the concession company with the necessary assistance and support, ensuring that tender documents and the contract signed, meets the deadlines and the standards required.

The concession contract stipulates that the Albanian government must put off circulation as from January 2011 all existing travel documents used for travelling abroad and have them replaced by the new ***biometric passports***. The biometric passports shall be fully in line with the ICAO standards in all the parameters: in form, content, production, personalization, testing and distribution. *On 25 of March 2009, the process of application for biometric passports started in Tirana and 10 other big cities. To date the number of applications for these passports is over 5000, out of which 3000 have been produced and can be collected as of 1st of May 2009.]*

The application process for IDs

On the basis of a comparison between MoI files on passport holders and of the NCSR data, the Government estimates that some 700,000 citizens do not hold a valid passport, and therefore need an identity card in order to be able to vote.

The identity card distribution takes several steps: citizens must buy a voucher at the post office for a price of ALL 1,200 (approx. EUR 9). They must then go to the Civil Status Office where their data is kept in the civil register. After the data is checked, the citizens must fill in an application form and have their biometrics recorded. The ID card is then printed centrally and sent back to a distribution centre for the citizens to collect it.

The process was initiated by a Council of Ministers Decision of 7 January 2009 that set the starting date for citizens' application for ID cards for 12 January, obliging Local Authorities to notify voters who do not have a passport, and establishing sanctions for some categories of voters if they fail to apply by a certain date. A Government public awareness TV spot was broadcast on 12 January.

Being absolutely committed to provide all citizens without passport with an ID card before the general election process takes place, the government of Albania passed a decision on the procedures of issuing ID cards to citizens without passports, who do not benefit compensation from the decision of the Council of Ministers no 366, date 15.04.2009 "On compensation of income for ID cards to needy persons". The latter foresees a number of social categories, including the Roma minority and Egyptian community, prisoners, etc, who benefit from a financial scheme which either reimburses a certain amount of payment or gives the ID cards for free.

The latest decision completes the by-laws' framework which set facilitating measures and, materializes the necessary political consensus aiming at guaranteeing the process of issuing ID cards to citizens who do not possess passports. The purpose of this decision is to assist citizens without passports in getting their ID cards upon a preliminary payment of 200 lek, if they apply before the election date.

These citizens will have to pay the difference of 1000 lek no later than 6 months after the date of application for ID cards.

Together with the concession company it has been agreed that starting from 18th of April all application offices will be open every Saturday and Sunday. This will facilitate application for those who are busy during the week.

As of 1st June, the working stations will accept only the applications of citizens without a valid travel passport. Until June the 15th the concessionary company has the capacity to accept more than 400,000 new applications.

As of **31st of May**, the process of application and delivery of IDs is as follows:

- The total number of operational working stations is **480**, covering 100% of the whole country territory;
- The total number of applications is **1,172,279**;
- The number of ID produced in the National Personalization Centre is **1,045,910**;
- The number of ID-s distributed in the Civil Service Offices is **1,019,956**;
- The number of ID-s collected by citizens is **652,067**;
- Out of approximately **700,000** citizens identified as having no passport, **450,000** have already applied for the ID card (**at least 150.000 out of 700,000 without passports do not reside in Albania anymore**);