



Office for Democratic Institutions and Human Rights

ODIHR Mission to Albania

September 3-5, 1996

Introduction

The ODIHR undertook a visit to Albania from September 3-5, in order to re-establish a dialogue between the government of Albania and the ODIHR. The visit was led by ODIHR Director, Ambassador Audrey Glover, and included Election Advisor Gerald Mitchell and On-site Co-ordinator for the May 26 Parliamentary Election Anders Eriksson.

The ODIHR would like to thank the Albanian government for arranging the comprehensive schedule which included a meeting between the ODIHR Director and the President of the Republic, Dr. Sali Berisha. The Director also had personal meetings with Prime Minister Aleksander Meksi and Minister for Foreign Affairs Tritan Shehu.

The ODIHR would also like to thank Ambassador Thomas Feller of Switzerland for organising a consultation with OSCE Ambassadors and Embassy Representatives upon arrival in Tirana and prior to departure.

The ODIHR delegation met the Minister of Justice Kristofor Peci, Minister of the Interior Hali Shamata, Secretary of State for Local Government Njazi Kosovrasti, Chairman of the Central Election Commission Nestor Tereska and other members of the CEC, Head of the Albanian Parliamentary Delegation to the Parliamentary Assembly of the Council of Europe Genc Pollo, Chairman of the Supreme Court Avni Shehu, representatives of the Constitutional Court, and representatives of Albanian Radio and Television.

The delegation also met representatives of political parties, including the: Democratic Party, Socialist Party, Democratic Alliance, Social Democrats, Republican Party, Social Democratic Union, Christian Democrats, Human Rights Party, and the National Front.

The delegation met with the Albanian civic organisation the Society for Democratic Culture (SDC). The delegation also met with representatives of the International Republican Institute (IRI) and the National Democratic Institute for International Affairs (NDI).

Post-Election Developments

Frank and wide-ranging discussion was dominated by the further clarification of issues surrounding the May 26 Parliamentary elections and the ODIHR report. The authorities gave an overview of recent post-election developments.

Of primary importance has been the welcome establishment of a permanent election commission. The independence of this commission should be reflected in its composition, location, governing regulations, and freedom from government interference.

The ODIHR visit coincided with a multi-party roundtable which took place at the invitation of the President of the Republic, and was attended by approximately fourteen parties including the major opposition parties. The ODIHR strongly encourages all parties to participate in regular roundtable discussions.

The ODIHR was pleased to note that several of the recommendations made in its report on the May 26 Parliamentary election, and in line with recommendations resulting from the recent visit by the Council of Europe, were discussed and in principle agreed upon in this forum, including the following:

- An improved balance of political party representation in the composition of electoral commissions at all levels, including a representative of opposition parties in the Executive Committee (Chairman and / or Deputy Chairman) of election commissions at all levels.
- The final result sheets (protocols) of the vote count in the polling stations will be signed by both the Chairman and the Deputy Chairman of the Polling Station Committees (PSC). All members of the PSC will sign the official protocol and it is possible for them to make written complaints. A signed copy will be provided to all members of the PSC and to all accredited International and Domestic Observers.
- In order to speed up the polling process and reduce the number of invalid ballots, the design of the ballot will be simplified, whereby the voter selects only the party or candidate of his/her choice by marking only the party/candidate selected. This will eliminate the time-consuming process of having to draw a line through each party/candidate de-selected.
- In order to speed up the polling process, installation of more than one polling booth per polling station.
- The establishment of a detailed code of conduct more clearly defining the role and responsibilities of the police with regard to the election process.
- The establishment of uniform procedures for the accreditation of domestic observers.

- The introduction of restrictions to the “Law on Genocide and Crimes Against Humanity”, including the decision not to apply this legislation to any candidates for public office below the level of the Mayor of a Municipality.
- The delegation was also pleased to be informed that the Law on Public Meetings has been re-drafted and presented in parliament, eliminating the need for parties to obtain permission for indoor meetings and clarifying and simplifying the procedures for obtaining permission for outdoor meetings.

Accountability in the Election Process

The delegation was also pleased to hear that the issue of accountability had been raised at the roundtable, is clearly recognised, and will be supported with sanctions for election officials who abrogate their responsibilities, and all other persons with official election related responsibilities.

The delegation noted that accountability extends beyond those officials charged with responsibility in the election process, and includes participants in the political process. The delegation underlined the fact that the boycott of an election process and political institutions can only serve to undermine the democratic process.

Revision of the Election Law

All the points agreed upon above should be incorporated into the legal framework governing the Albanian election process, which will result in a significant step forward in re-establishing confidence in the Albanian election and political process.

This is of immediate concern to the local election process, as local elections are presently scheduled for October 20. According to the government, the amendments to the Local Election Law will be completed by September 12. While additional recommendations were tabled for discussion, the above points represent a consensus upon which all parties seem to be prepared to seriously engage themselves in the local election process.

Further Steps to Ensure Confidence

However, the delegation noted that further steps could be taken in order to ensure public confidence in the political process:

- An increased level of voter education materials available to the public, including non-partisan voter education programs on Albanian Radio and Television.
- Increased time on Albanian Radio and Television for political parties to convey their message to voters in a more equitable manner, and increased programs that allow parties/candidates to exchange their views in dialogue with one another.
- A commitment to organising standardised and inclusive training programs for members of election commissions at all levels.

- Updating the accuracy of the voter register through computerisation, and improved accessibility of the electorate to the voter register.
- The work of the Central Election Commission could be supported by international technical assistance and / or an independent international observation.
- A clearly defined, publicised and transparent complaints process that can respond to issues of concern.
- Full co-operation with international and domestic election observers at all levels during the election process.
- The “Law on Genocide and Crimes Against Humanity” could be made more transparent by including at least one verifiable member of the opposition in the seven-person government appointed Verification Committee that reviews candidate applications with the secret police archives. The need for a majority vote as a decision making mechanism of the Committee should be replaced and decisions of the committee should be made by consensus. The Committee should only be reviewing the facts contained in the secret police files according to a legally established criteria, and should not be interpreting those facts.
- The recognition that it is the responsibility of the government to keep the public informed about the election process and results, which could be facilitated by the establishment of a media centre in future elections whereby the Central Election Commission can keep the public updated.
- Members of the Polling Station Committees should not be removed by police from the polling station by any decision of the PSC. The PSC members are nominated by the parties and appointed by the Zone Election Committee (ZEC), and it should not be possible to remove them from their duties on the PSC by the PSC. This is a decision for the ZEC.
- The establishment of a more transparent process for amending the electoral map which should be based on recent, reliable and publicly available census information.
- Establishment of a more realistic timetable in the election law for election-related deadlines. While the Local Election Law will be issued on September 12, the election authorities have requested candidate lists to be submitted on September 10, two days before the revised law is issued.

Local Election Timetable

The Local Election is presently scheduled to take place on October 20. The revised Local Election Law will be completed by September 12, leaving 38 days in order to achieve the following:

- Production of all ballots and election-related materials, including training materials.

- Completion of a uniform and inclusive training program for approximately 35.000 Polling Station Committee members who will be recruited to administer the election in Albania's 4, 732 polling stations. This training must include clear procedures on the role of the Chairman, Deputy Chairman and Secretary, as well as other members of the Polling Station Committee.
- Establishment of a comprehensive voter education program to educate the electorate in changes to the law, in particular the new and simplified ballot.
- Elaboration of a detailed Code of Conduct defining the responsibilities of the police with regard to the election process, the dissemination of this information and the training of the police.
- Dissemination of information to the electorate, local officials and police to acquaint them with information about the newly revised law on public meetings.

While additional time cannot ensure a smoother election process, it would certainly allow the very positive steps now under consideration to be properly implemented and thereby a greater chance that they will contribute to ensuring the integrity of future elections.

Conclusion

The ODIHR thanks the government of Albania for their hospitality and co-operation during the course of the visit. The ODIHR considers that the visit has enabled it to re-establish a constructive dialogue with the government of Albania and looks forward to future co-operation.