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Albanian Helsinki Committee



Kingdom of Sweden

REPORT ON THE MAIN FINDINGS ON THE LOCAL ELECTIONS JUNE 21, 2015

The Albanian Helsinki Committee (AHC) monitored the elections conducted for local government bodies in 9 districts or 15 municipalities of the country, such as in Tiranë, Durrës, Kukës, Shkodër, Elbasan, Fier, Vlorë, Korçë, Gjirokastër. AHC observed the voting process in about 600 Voting Centers, closely following the process of opening, conduct, and the conclusion of the voting.

Upon conclusion of the electoral process, although the vote counting process is still underway, AHC wishes to present some conclusions:

The electoral process was generally calm and in accordance with the law, but there were also sporadic events in which this calm was upset or cases of unlawful actions between party militants or commission members. Until this moment, overall, standards for free and fair elections were respected and legal violations encountered were not such as to impair the validity of these elections.

We have structured our evaluation, by subject with a role in the process, by grouping the findings of our observers as follows:

I. General evaluations for the conduct of elections

- The local elections were conducted in all VCs that were opened for voting, in accordance with the law.
- Voter turnout was approximately at 48%, a figure that marks a decline compared to previous elections.
- AHC considers **the conduct of voters as the best** in this process among subjects involved in the electoral process. They voted calmly and correctly, generally avoiding provocations, temptations or concerns of the electoral subjects or administration. Their low turnout in these elections should be read carefully. We think it is a reaction toward insufficient information and awareness of voters or discontent toward political forces and their candidates who should have been selected better in order to avoid incriminated persons. Participation along gender lines was at 46.2% of females and 53.8 of males. There were less cases of family voting.
- **The CEC made major efforts to provide solutions for the numerous problems manifested in the circumstances when electoral legislation was not completed in terms of highlighted needs.** The performance of the second or third-level electoral administration (CEAZ and VCC) demonstrated poor capacities for the management of elections. It appears



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that the quality of the training and their frequent replacement are factors that led to the lack of skills and knowledge over the rules for election administration, which harmed, in some cases, the quality of election administration.

- **Political forces or electoral subjects** were overly mobilized, both during the pre-electoral process and during voting day. **Although they gave their contribution to maintaining calm and the conduct of calm elections**, in some cases, their representatives conveyed tension, through the language used and some cases of behavior that were not in accordance with standards for free and fair elections. Electoral subjects did not clean up lists from incriminated candidates; frequently changed VCC and CEAZ commissioners; did not always guarantee the timely appearance of their members in VCs; did not always control the behavior of their militants, nearby VCs; in one case, tendentious behavior toward independent observers.
- **The media reported the electoral process extensively.** They created adequate space for all actors involved in the elections and for national and international observers. Reporting on news and the situation was generally professional within standards of neutrality, thus influencing a more transparent process.
- **Domestic and international observers monitored the process.** They were equipped with relevant authorizations by the CEC, in accordance with the law and were generally provided adequate access to voting premises.

II. Activity of electoral administration bodies

- The CEC has handled well the activity for the administration of the electoral process. It tried to provide solutions for the numerous problems presented to it, manifesting initiative and courage, in the circumstances when electoral legislation was not improved in all directions that had been identified as needing such improvement. However, the CEC did not ensure that all electoral materials were prepared in the necessary quantity and quality and distributed them beyond deadlines prescribed by item 1, article 99 of the EC (*such as in CEAZ no. 23, 29, 31, 35, 37, 39, 42, Tirana Municipality, CEAZ no. 78, Gjirokastër Municipality, CEAZ no. 81-84, Vlorë Municipality, CEAZ no. 71 and 72, Korçë Municipality, etc.*).
- AHC found that the level of qualifications of VCC members with regard to knowledge of the administration of the electoral process was generally poor. Their frequent replacement and the lack of necessary training for part of them considerably affected the quality of the management of the electoral process. This was found in the opening of VCs, during the voting process and during its closing.
- We found that in over 50% of the VCs monitored by AHC, the voting process began by a delay of 15-40 minutes and in some cases, even later. The causes for delays varied: lack of knowledge of legal procedures for opening the voting center, lack of organization of work by VCC members, replacement or delays of VCC members to report to VCs, lack of or errors in



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election materials, presence of political propaganda items at a distance less than 150 m from the VC, etc. Problems were also caused by errors in the printing of ballots for the Municipalities of Roskovec, Tepelenë and Devoll, which led to a very delayed start of the voting process.

- In some VCs in the Municipalities of Tiranë, Elbasan and Korçë, the quality of the ink was poor and could be wiped off easily, thus violating the relevant criterion in letter dh), article 105, of the EC (*the voter shall be marked in his left hand by a member selected by VCC decision with a special ink, which can be easily seen and that may not be removed in less than 24 hours*).
- Reported cases of family voting indicate a decline of this phenomenon, however VCCs did not reflect these cases properly in electoral documentation and did not make the necessary interventions to stop them (*more than 10 cases of family voting were encountered in VC no. 2041/1, Tiranë Municipality, one case at a VC in "Bajram Curri" School, VC no. 4278, Gjirokastër Municipality, VC no. 4591/1, Himarë Municipality, some other cases in Elbasan Municipality, such as in VC no. 2504, etc.*).
- VCCs are responsible also for cases of the wrong organization of the VC structure, whereby the secret booth did not guarantee the secrecy of the vote, in violation of item 1, article 109 of the EC (*in three VCs in Tirana Municipality, namely VC no. 1890, VC no. 1883/1 and in VC no. 1890*).
 - o We deem it appropriate to mention some cases of behavior by VC members in violation of the law, such as that in VC no. 1853/1, VC no. 1885, VC no. 4398, Vlorë Municipality, or VC no. 4507/2, Gjirokastër, **wearing clothes with party symbols or symbols of political subjects**, the conduct in VC no. 1853/1 (Ambulance, Selitë), whereby the **AHC observer was stopped from entering the VC until 08.15**, while observers of political electoral subjects were inside the VC; cases of interferences by VCC members to fold or cast the ballot of the voter, failure to act in accordance with the law in cases when the voter photographed their vote, etc. We encountered cases when VCC members did not check the finger for ink marking (as in VC no. 1741/1 and VC 1975, VC no. 1915, VC no. 4507/1, VC no. 1703, VC no. 1699, VC no. 1828).
 - o In some municipalities, VCs set in higher floors of buildings did not create optimal conditions for access by persons with disabilities. In spite of the promise, voting by blind persons through special voting means failed and there were cases of shortcomings in the procedures for voting by persons with disabilities due to the failure to respect legal criteria for the accompanying person or failure to reflect in writing, per legal requirements, the cases of assistance provided for this category of



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voters. (These violations were noticed in VC no. 2110, VC no. 2115, VC no. 1741/1, VC no. 1741/2, VC no. 1691, Tiranë Municipality, VC no. 1767, Tiranë Municipality).

- **VCs no. 1883, 1883/1, 1910, 1910/1, 1911, 1911/1, 1912, 1912/1, 1912/2, 1914, 1914/1, 1915, 1915/1, 1916 and 1916/1** followed an unlawful practice. After the voter was given the ballot, the **VCC chair** announced the name, family name, and list number of the voter in order to notify the observers of electoral subjects. Commissioners claimed the CEC had instructed them so. This procedure is not foreseen in article 105 of the EC with regard to the appearance of the voter in the voting center and causes a violation of voter privacy.
- In VC no. 1459 Durrës Municipality and VC no. 1266, Krujë Municipality, members of the relevant CEAZ withdrew 100 unused ballots each, claiming they were needed for VCs located in institutions for serving penal sentences. It was not clarified whether they were authorized by the CEC to do this.
 - **AHC observers exercised their legal right to present Remarks in Writing** to VCCs for the above-mentioned violations and others. **More than 31 written remarks were presented, 17 of which were accepted and logged in by protocol by VCCs and 14 were not.** Remarks had to do with violations such as allowing family voting (VC no. 2041), the presence of VCC members near the voting booth or communication with the voter who was in the voting booth (VC no. 1699/1), use of a mobile phone inside the VC, failure to check the mark on fingers (VC no. 2115), communication of the list number of the voter loudly to observers of electoral subjects inside the VC (VC no. 1720/2), etc.;
- **The conclusion of the electoral process was generally** conducted at the time and in the manner prescribed by law. However, there were also some cases of legal violations, such as in VC no. 1709 in Tiranë, in “Mihal Grameno” School, where the VC was closed at 19.03 and was reopened at 19.10 to enable voting by two voters.
- In some CEAZs, the vote counting process did not begin until the early hours of June 22 because of the failure to present counters’ lists as well as for lack of training for them.
- The observers of an independent candidate for mayor in Vlorë Municipality and three observers of some small parties were stopped from entering CEAZ no. 83 while the observers of the major political forces had been admitted, thus leading to discriminatory treatment of observers.



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III. Performance of Courts, Prosecutor's Office and State Police

Courts

There was a higher number of requests submitted to Judicial District Courts to request the exercise of the right to vote and judicial bodies handled this influx successfully. Nevertheless, the majority of requests were submitted by persons deprived of their liberty (detainees or convicts). The courts took measures to admit and adjudicate requests in a timely manner, but organization measures were insufficient with regard to notification of requestors regarding the time of hearings.

It is noticeable that the majority of requests submitted by citizens eligible to vote were dropped while requests by convicts and detainees were accepted (388 requests in the Kavajë Judicial District Court, 290 requests in the Durrës Judicial District Court, 518 requests in the Elbasan Judicial District Court, 46 in the Korçë Judicial District Court, 73 requests in the Fier Judicial District Court, etc.).

Many decisions were reflected in the electronic database of the Court without the arguments. Among those decisions for which arguments were presented, one notices the shallow judicial investigation of the Request and their acceptance in clear violation of the law, namely item 2, article 57 of the Electoral Code, which specifies that **if the voter changes the place of residence upon announcement of the final voter list and files a judicial request for authorization to vote in the new place of residence, the request shall be rejected.**

State Police

AHC found that State Police carried out its duties correctly. It was on alert to preserve order by overseeing VCs and the conduct of the process from a distance. However, the issue remains that because of how work was organized, **voting by a high number of state police officers was not made possible**, for those who reported to duty before the VCs were opened and took off after their closing at 19:00.

Prosecutor's Office

The Prosecutor's Office should have acted more quickly to address criminal referrals filed for violations of the law regarding the electoral process and for verifying the degree of incrimination of candidates.

IV. Conduct of electoral subjects.

Electoral subjects made their contribution to preserve calm and hold peaceful elections. In public appearances during the electoral silence, leaders of the main political parties called on voters to go out and vote and explained the importance of these elections. However, in some cases, their representatives conveyed tension, through language used and incorrect behavior not compatible with standards for free and fair elections. Electoral subjects remain the main responsible parties for failure to cleanse the lists of their candidates from incriminated persons, whose presence is now confirmed by international bodies, the Prosecutor General, and the investigative media. Symbols of political



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subjects in the vicinity of VCs were noticed, in violation of the law, and should have been removed before the voting began (VC no. 1974/1, VC no. 1703/1, VC no. 0271, 0272, 0272/1 and 0273 Shkodër Municipality, VC no. 1804, 1804/1, 1805, 1806, 1806/1, 1807, Tiranë Municipality, etc.). Electoral subjects respected overall, electoral silence requirements, but there were also cases of their violation by certain candidates.

Electoral subjects had mobilized and dispatched to VCs numerous observers and militants, who caused confusion and concern among voters (VC no. 1615, 1615/1, 1615/2, 1615/3 and 1615/4, etc.). Electoral subjects made numerous and frequent replacements of commission members. In rare cases, there were candidates or officials of political forces in VC premises, acting in the vicinity of or inside VCs without any functions in electoral administration.

V. Citizens' conduct

Voters' conduct was the best of all subjects involved in the process of these elections. They voted calmly and correctly, generally avoiding provocations, temptations or concerns of electoral subjects or administration. There were sporadic cases of unlawful conduct by voters, such as that of a voter in VC no. 1757 who sought to take a ballot with him or the conduct of some voters who photographed their vote and even posted them in electronic media (in VC no. 1728 in Tirana, etc.).

The phenomenon of family voting showed a decline, which speaks to correct sensitization of voters in this regard.

Although there were claims of attempts and facts of vote buying, presented by the electoral subjects of both large coalitions, AHC did not encounter directly such facts. Because this phenomenon is a serious violation of the freedom of vote and a phenomenon that has been claimed often in past elections as well, justice bodies should have acted better to prove or reject raised claims in order to deter such conduct in the future.

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