

**FINAL REPORT ON THE PROGRESS OF THE LOCAL ELECTION PROCESS,
18 FEBRUARY 2007**

Introduction

The Albanian Helsinki Committee is the first non-governmental organization founded in Albania on the 19th of December 1990. It was founded as a “Forum for the Protection of Human Rights and Fundamental Freedoms” and registered as such under the decision no. 17/1 of the Minister of Justice. On March 22nd in 1992, the organization became a member of the International Helsinki Federation on Human Rights, and took on its current name. Upon approval of the law “On non-profit organizations,” AHC registered with the Tirana District Court.

AHC main mission is to:

- *Observe* respect for human rights and fundamental freedoms.
- *Sensitize* the public opinion on their political, social, civil and cultural rights; their protection and procedures to be follow in case of violation.
- *Respond* to violations of domestic and international laws in this field, by means of print and electronic media, direct contacts or reports addressed to relevant authorities in order to restore violated rights.
- *Amend* legislation and legal practices, enforcing thus the law through appety and recommendation from its drafting stage to its enforcement.
- *Call for higher accountability* on the part of public administration and for a correct implementation of the law and improvement of the situation of human rights.
- *Publish* reports on the situation of human rights in Albania; disseminate information through leaflets, legal cards, brochures, guides, etc; bulletins and quarterly reports in both languages, Albanian and English.
- *Maintain* a database of legal materials on human rights and their violation in general, and in prisons and police stations in particular.

AHC has participated in monitoring all electoral processes held in Albania. Appreciating the importance of the elections held on the 18th of February 2007, it monitored carefully the most important steps taken in the formulation of amendments to the Electoral Code, the establishment of the electoral administration, the electoral campaign, the voting and the ballot-counting processes.

For the local government elections of 18th of February 2007, AHC engaged 150 long-term observers accredited by the Central Electoral Commission (CEC). They were trained on the Electoral Code and especially on the monitoring methodology.

Object of AHC observation were: the publication of preliminary and final lists within legally defined deadlines, posting of such lists in public spaces, voters' interest on the lists, the right to complain against irregularities in voter lists; electoral campaigning components; the establishment of ballot counting groups; training of ballot counting groups members, the observation of electoral silence, etc,

AHC **monitored about 650 polling stations in the main districts of the country**¹. It also monitored **20 ballot-counting centers in** the LGECs within the monitored area.

Acknowledgements²

AHC would like to thank its observers and correspondents, working in 7 of the major districts of the country, for their professionalism, impartiality and commitment.

AHC would like to thank CEC for the prompt accreditation of its observers and the information and guidelines it provided to AHC on the monitoring process of these elections.

AHC would also like to greet Mr. Alfred Moisiu, the President of the Republic of Albania for His initiative to draft a new Code of Conduct for the parliamentary elections, and for the special attention He paid to the role of our local observers.

¹ Municipality of Tirana (municipality units no. 1 - 11), Municipality of Gjirokastër, Municipality of Elbasan and Communes of Bradashesh, Labinot Fushë, Gjergjan, Shirgjan, Municipality of Fier, Municipality of Durrës and Communes of Spitalla and Shkozet, Municipality of Shkodër, Municipality of Vlorë and Municipality of Korçë and Communes Mborje, Drenovë.

² AHC would like to take this opportunity and thank CORDAID (Catholic Organization for Relief and Development aid" for the possibilities it created to our organization to support monitoring of the local government elections, February 2007.

1. The Legal Framework and Electoral Reform

AHC shares the opinion that an electoral process within the legal framework and up to the required standards has a powerful effect on the right to vote and the upholding of such standards. On the 12th of January 2005, upon the initiative of the President of the Republic of Albania, Alfred Moisiu, an agreement between political parties was reached. On the 13th of January 2007, a number of clauses in the Electoral Code were amended. On the 14th of January 2007, it was decided to set the 18th of February 2007 as the Election Day.

The Parliament of the Republic of Albania amended both, Article 109, paragraph 1 of the Constitution of the Republic of Albania, by extending the term of office for all local government officials from 3 to 4 years, and Article 154 of the Constitution of Albania, by increasing the number of the Central Electoral Commission members from 7 to 9.

It also increased the number of political parties representatives in electoral commissions at all levels, from 7 to 13.

2. The Electoral Administration

Delays in the approval of amendments and additions to the Electoral Code placed CEC in a difficult position. It did however, everything possible to overturn this situation. It took measures that helped in the preparation of various aspects of the electoral process, including the approval of several guidelines. The publication of voter lists, the registration of political parties and the establishment of LGECs, were the main challenge for CEC. In general, CEC worked in a very professional and transparent way, with the exception of certain instances of ethics violation and politically-tinged positioning or statements. AHC has carefully followed CEC activities. AHC deemed as unfair and unsubstantiated the decision of CEC to publish voter lists based on Article 60 of the Electoral Code, which tackles partial or early elections. CEC intervened to give a speedy solution to many problems, which contributed to a normal progress of the electoral process, but AHC believes that CEC intervention could have been stronger when ballot-counting process was obviously being obstructed³.

LGECs Establishment

Amendments made to the Electoral Code only 36 day before the Election Day and shortening of the deadlines brought about delays in the establishment of LGECs⁴. This situation contributed to the overdue establishment of the PSCs and ballot counting groups, which, in turn, postponed the entire voting and ballot counting process.

³ AHC has publicly reacted against this issue on the 19th of February 2007. See Annex 1

⁴ In order to speed up the process, AHC called on the political parties to present their proposed LGECs candidates to the CEC, otherwise inaction on their part would delay the establishment of the commissions and training of their members and would have a direct negative impact on the process before and during the elections. "Delays are a Concern", 19th of January 2007

Our observers reported lack of professionalism and partiality displayed in the majority of LGECs by commission members acting under the influence of their respective political parties. Commission members were either poorly or not trained at all. In some commissions there were members who had no knowledge of the law or the voting procedures. Other commission members, while trying to reach consensual solutions, failed to take into consideration the requirements of the law. In several instances, LGECs did not solve issues or address concerns in time. Nevertheless, there were LGECs which showed commitment to find consensual solutions which complied with the law.

Political Parties and Registration

As it is known, political parties play a very important role in the progress of the electoral process, the respect for the right to vote and in overcoming problems and conflict situations. Despite continuous calls by CEC, political parties' registration as electoral subjects with CEC was long overdue.

Even after the establishment of LEGCs, relevant political parties pulled out and substituted their members. These moves had a very damaging impact, since substitutes of former members were untrained.

Political parties were also late in sending the proposals on their members in the PSCs and ballot counting groups. This was the reason why the voting process in many constituencies, PSCs and ballot counting groups, began late, although the ballot counting process began on time.

Delays were also noticed in the registration of candidates. The most arbitrary case recorded was the candidacy of Mr. Akile Rama, representing the party Balli Kombëtar (National Front Party). Tirana LGEC accepted his candidacy, at a time when the person himself was completely unaware of this fact. Prosecution body started an investigation after receiving information that this could have been an identity theft case.

3. Voter Lists

Publishing Preliminary and Final Voter Lists

Based on the amended Electoral Code, preliminary voter lists should have been published before 21st of January 2007. Voters could look for their names in these lists until the 6th of February 2007. The final lists should have been published before the 7th of February 2007. Delays in publishing voter lists, being the preliminary or final ones, varied from 5-9 days and this was the case in the majority of monitored local government units.

These delays led to time limitations for voters to familiarize themselves with the voter lists and resulted in difficulties to file complaints with the chairperson of the local government unit or address the court in time.

AHC, aiming at raising citizens' awareness, called on them to look for their names on the preliminary lists in order to be able to exercise their right to vote on Election Day⁵.

Requests – Complaints Addressed to the Chairperson of the Local Government Unit

The number of requests and complaints submitted to the chairpersons of local government units about mistakes or additions in the voter lists were relatively limited. These requests and complaints were mainly about mistakes in the family or first names, birthday dates, etc. In some cases, AHC observers were denied the right to access information on the number of complaints received by local government units.

Preliminary and final voter lists seemed more complete and accurate than those of the former election processes. Despite improvements, there were citizens who complained about not finding their names in the preliminary voter lists. The work of AHC observers was made difficult at times due to the absence of relevant personnel at the municipality or commune halls during working hours.

Two-member Groups

According to the law, political forces may form two-member groups and verify the names in the preliminary lists. Monitoring and direct contacts with citizens showed that citizens were not always properly approached by two-member groups. This was a widespread problem in Vlora, Durrës and several constituencies in Tirana.

Posting of Voter Lists in the Designated Areas

Generally, *preliminary and final voter lists were posted in visible areas*. There were however problems identified in several municipalities and communes. In some areas, *voter lists were posted inside* school buildings, kindergartens, private bars, post offices, etc, making difficult to be accessed throughout the entire day or being kept behind locked doors for most of the time, depriving thus voters of their right to verify whether their names were in the lists or not. This was a problem observed in many municipalities and communes in the districts of Tirana, Vlora, Fier, Durrës, etc.

In some cases, *the preliminary and final lists were posted in unsuitable places, either too high or too far for the voters to be able to read them. There were also cases of torn off lists or changes of their previous location.*

⁵ See Annex no. 1, press release "Call to the voters! Preliminary and Final Voter Lists might Change", 2nd of February 2007. Apart from television shows, AHC prepared special supplements which were published in the daily newspapers informing voters of such changes and on the Electoral Code.

Requests and Court Decisions

Monitored district courts received requests and complaints from citizens who did not find their name in the voter lists, increasing thus the probability of not being able to exercise their right to vote. The number of requests addressed by the court on the local elections of 18th of February 2007 is smaller compared to those addressed on the elections of 3rd of July 2005.

The Special Register and Certificates

Amendments to the legal clauses of the Electoral Code, led to changes and additions of the clause on the issuance, use and administration of birth certificates as an alternative identification document for citizens to be able to exercise their right to vote.

But the use of this register became an issue on Election Day. According to item 2 of the Law on the Electoral Code, no. 181/2, all LGECs of the local unit should receive a copy of the special register no later than 24 hours before the Election Day. This special register, prepared by the Civil Registrar's Office, includes lists of all birth certificates issued from the moment this special register was opened until the last day before elections. This copy has to be sealed and signed by the highest authority of the Civil Registrar's Office. No later than 12 hours before the voting process begins, LGECs distribute these copies issued by the Civil Registrar's Office to all LCCs of the relevant constituencies. In reality, many polling stations in Korçë, Elbasan, Tiranë, Durrës, and Vlorë, received this register late or after the polling station was opened. Even the use of such register became sometimes a source of conflict between the Commission chairpersons and deputies, due to name incongruities between the register's list and IDs. In many polling stations a transitory clause was passed, as part of the legal amendments, introducing special rules for the use of birth certificates. Serial numbers of birth certificates issued by the Civil Registrar's Office after the 1st of November 2006 had to be entered in a special register. All LGECs were to receive a copy of this register and distribute it in turn to all PSCs, to be used as a tool in checking the ID of all voters presenting birth certificates issued after November 1st, 2006. During the voting process, the Polling Station Commission should keep the original or a copy of such certificates.

As for individuals presenting birth certificates issued before the 1st of November 2006, they had to produce two other identification documents, which could be two of the following: an expired passport with undamaged picture, a digital driving license, the original high school or university diploma with an undamaged picture, real estate documentation issued by a notary office of the relevant municipality, a professional license with a photo attached to it and issued after year 2000 from the Taxing body of the local governmental unit where the voter was registered, recent students' grades book.

This procedure was complicated and in its implementation the voters and the VCCs as well faced several difficulties.

Little work was done to sensitize voters on new rules introduced about the use of birth certificates. To help out with this situation, AHC prepared leaflets and organized several TV programs. Nevertheless, these efforts were not enough.

4. The Electoral Campaign

The General Situation

According to Article 133 of the Electoral Code, the electoral campaign was to begin 30 days before the Election Day, i.e. on 18th of January 2007. In reality, several parties began their electoral campaigns earlier.

The general atmosphere of the electoral campaign was relatively calm. No obstacles were noticed in all areas monitored by AHC.

Important campaigning elements were *posters, TV debates, presentation of programs and alternatives in various television programs and facilitating the posting of posters.* Posters were mainly placed in areas different from those designated by the local government units. Many of these posters placed in inappropriate areas were torn off. This was noticed in many monitored constituencies. Such actions created tension during the electoral campaign and lead to incidents among candidate supporters.

Electoral Code of Conduct

The President of the Republic of Albania, Alfred Moisiu, took an important step; similar to the one HE took before the elections of 2005. He recommended the enforcement of the Electoral Code of Conduct, which was signed by all political parties. In order to ensure its monitoring, The President of the Republic of Albania organized round tables with representatives of local monitoring organizations. For this purpose, local bodies monitored the observation of the Code of Conduct by making them public through joint releases and press conferences⁶.

Language used by candidates in meetings, rallies or other activities organized by party representatives was usually proper and equilibrated although there were cases of hostile language. This was noticed in candidates TV spots, who took advantage of the anti-advertising effect by bringing forth the weakest points of their opponents, and in some instances even violating the privacy of one candidate or another, to achieve this effect.

Political was less than satisfactory, and this was noticed throughout the entire process. Political will is not the magic wand to solve issues but on the other hand, neither do law violations bring about nor are they the means to achieve free and fair elections and up to international standards.

⁶See conclusions on the observation of the Electoral Code of Ethics and the Electoral Code by local monitoring organizations involved in the monitoring of the local elections of 18th of February, press conference, 30th of January 2007

Electoral Silence

The Electoral Code states that Electoral Silence begins 24 hours before the voting process. This law requirement was generally ignored. Moreover, Article 134 of the Electoral Code states that polling surveys cannot be published during the last 5 days before the Election Day. This clause of the Electoral Code was also ignored because on the 14th of February, 4 days before the Election Day, two daily newspapers, “Tema” and “Shekulli” published two types of surveys on the outcome of elections. AHC reacted against this violation through a public statement⁷.

Campaign Funding Transparency

The excessive expenses of this electoral campaign drew general attention from its start until its closure on the 16th of February 2007. Calculating campaign expenses made by the incumbent party or the ones in opposition, or whether these expensive were beyond the limit decided by CEC, is not part of our mission. Nevertheless, we shall all consider that even during previous elections the campaign funding transparency had not been carried out as is required by the law and recommended by OSCE/ODHIR, making the enforcement of such law imperative.

5. Establishment of the Polling Stations

Establishment of the Polling Station Commissions and Training

Polling Station Commissions (PSCs) were supposed to be established until the 8th of February 2007, but observations showed that in the majority of the local government units, commissions failed to be established within the set deadlines. On the 12th of February 2007, CEC cautioned about this inaction. Several days before their actual establishment, AHC issued a press release calling for such an action to take place⁸.

There were 4721 polling stations to be established throughout the entire country, composed of 66094 members and secretaries of respective commissions.

According to CEC guidelines, issued on 18.01.2007, relevant electoral subjects were to submit their suggestions for PSCs working group members 10 days before the Election Day. Nevertheless, political parties submitted their proposal much later and did not observe the deadline. There were even PSCs in some municipality units, which submitted their proposals only 1 day prior to Election Day, or during the first morning hours of the 18th of February

⁷ For more information see the statement “The Electoral Code Must Be Observed”, 14th of February 2007, Annex.1

⁸ For more information see the statement “Delays in the Establishment of the Polling Station Commissions– might impair citizens’ right to vote”, 5th of February 2007, Annex 1.

2007 (Elbasan), becoming thus an obstacle for the voting process and the reason why their commissioners missed training. PSCs members were trained during 12-14 of February 2007.

The Establishment of the Ballot -Counting Groups and Training⁹

According to the law, ballot-counting groups were to be established 48 hours before Election Day. AHC monitoring showed that this deadline was not observed. In the majority of cases, ballot-counting groups were established during the first part of the 18th of February 2007. There were even groups which were established only several hours prior to the end of the voting process. Such members either received formal training or did not manage to familiarize themselves even with the minimum law requirements. Delays in the proposals submitted by the relevant political parties stalled the establishment of such groups.

6. The General Situation during the Election Process

The Albanian Helsinki Committee evaluated as generally calm the situation of the voting process in the areas it observed. Despite this, incidents between candidates and political party supporters were reported before and during the voting process. AHC reacted against several incidents that occurred during the electoral campaign. *Such incidents often tensed the political situation and in several cases had damaging consequences.*¹⁰.

AHC appraises voter turnout in these elections and their understanding about the delays and other problems identified since the beginning and throughout the voting process. Despite the complicated procedure on the use of birth certificates issued before and after the 1st of November 2007, and the comparative approach used to check their ID against the Special Register, voters displayed patience and understanding.

7. The State Police

AHC appreciates the role of the Police before and during the Election Day, in the transport of ballot boxes to the ballot counting centers and during the ballot counting process itself. The Police intervened only when decided by the Electoral Commissions. In all areas observed by AHC there were no cases of one-sided or arbitrary intervention on the part of the State Police. In cooperation with PAMECA mission, the State Police organized several coordinating activities with the NGO-s involved in the monitoring of the election process.

8. The Voting Process

⁹ AHC reacted by issuing a statement asking “When Will the Ballot Counting Groups be Established and their Members Trained?!” , 24th of June 2005 and the statement “Once More on the Ballot Counting Groups”, 6th of June 2005

¹⁰ See Annex 1, the statement bearing the following date: 12.02.2007

- **Polling Station Commissions and Timely Opening of Polling Stations**

Not all of the PSCs members and representatives of electoral subjects were present at the required time for the beginning of the pre-voting day preparations. This was the case in many polling stations in the all of the districts in the country, especially in Tiranë and Durrës. The majority of polling stations in Tiranë, Durrës, Elbasan, Korçë, Vlorë, Fier and Gjirokastrë were opened late. In some locations, polling stations were opened half an hour after the designated hour and in some other centers after several hours, such as the case of the polling stations in Elbasan. Political subjects continued to substitute their commissioners even on Election Day. Failure to receive authorization on the approval of commissioners, their frequent substitution, and their late arrival at the polling stations, led to delays in the beginning of the voting process. This was the case in several Polling Stations in Durrës, Tiranë, Elbasan, etc. Moreover, some commissions were also lacking members; therefore in some instances voting began with only 13 PSC members present.

- **Situation in the polling stations**

Generally speaking, PS commissions had posted voting guidelines in appropriate places, with the exception of some polling stations, such as those in Gjirokastra, etc. Voting materials were checked by all monitored polling stations, with the exception of some isolated case due to commissioners' negligence.

Observers found that secret booths in many polling stations were positioned compromised the secrecy of the vote. Voters in Tirana had difficulties in differentiating between boxes and find the one where they were to throw their filled in ballot.

Confusion was also noted in the use of seals and other voting materials. Ballot boxes were generally sealed and had their security codes and relevant minutes were kept.

- **Propaganda Materials**

AHC observers noted that propaganda materials were posted too close to several polling stations, within 150 meters from the facilities. Such materials included running candidates' and political party posters. In some cases, these materials were taken down after remarks made by AHC observers, in some others not¹¹ like for example in Elbasan, Vlorë, Durrës, etc. There were isolated cases of propaganda being made by polling station commission members, political party observers or representatives of local government bodies.

- ***The Beginning of the Voting Process***

¹¹ This was noticed in several monitored centers such as the following in Tirana: 1788, 1770, 1714, 1863, 2140, 2110, 1938, 1933, 1814, 3337, 4250, 3657, Gjirokastrë (4248, 4250), in Durrës (1021, 1018, in Qerret) in Korçë (3667, 3657), in Vlorë (4439, 4465, 4494, 4493, 4377, 4511), in Shkodër (259, 260).

Voting process began late in many of the monitored voting centers. Delays varied from half an hour to several hours, which is especially true for several PSs in Elbasan, Korça, Tirana, Durrës, Shkodra, etc. Several factors contributed to this situation, such as delays in the establishment of PSCs (in Tiranë, Elbasan and Korçë), training of PSC members, distribution of the voting materials, the absence of a temporary register, the absence of voter lists, etc. Commissions in some polling stations for example in Elbasan, Durres and Tirana, opened the voting process without the special register, thus, without checking the certificates issued by the civil registrar's office.

In some monitored PSCs disagreements between commission members slowed down or interrupted the voting process. This situation reflected quite obviously unilateral political attitudes.

- ***Voters Unable to Vote***

Voters in some *polling stations* did not have the possibility to vote, either because their name was not in the voters' lists or because their identification documentation did not meet the legal requirements. Nevertheless, no minutes were kept on such cases.

The vote of detainees, convicts and military. All clauses referring to the temporary register and temporary residents were abolished from the Electoral Code under the agreement signed between the DP and SP. Apart from this agreement, Articles 76 of the 1st part and 63 of the 2nd part of the Electoral Code, not amended, state that only voters residing with the relevant municipality or commune can vote in the election of the candidate for their mayor or head of their commune or municipality or commune council members. As for members of the Military, Article 107 of the Electoral Code, not amended, states that during local elections, voters serving in the Armed or Public Order Forces, shall cast their vote in the relevant polling stations within their areas of residence. This might be an item for discussion as part of further amendments to the Electoral Code.

- ***ID Use***

Identification Documentation. Voter IDs were regularly checked, with few exceptions. As mentioned earlier, voters did have difficulties and were confused by the type of documentation they were to produce in order to vote. According to the amended clauses of the Electoral Code, voters had to produce to additional identification documents if their birth certificate was issued prior to 1st of November 2006. If their birth certificate was issued after this date, the Polling Station Commission should verify the serial number of the birth certificate in the special register. The Commission should keep the authentic birth certificate or a copy of it. This clause was not always enforced. In some polling stations, especially in Durrës, voters presenting expired passports were allowed to cast their ballot after

commissioners agreed between each other on this. There were even cases of birth certificates not listed in the special certificates' register being accepted by the commission as valid ID to vote. Problems were also noticed in the way, those cases of voters presenting birth certificates issued in the run-up to elections and not entered in the special register, were handled.

Stopping Double Voting

Security materials and the use of election marking ink. According to Article 100, letter "dh", the ink used to mark voters after casting their ballots must be indelible for at least 24 hours. Only few hours after voting had started, AHC observers in Fier, Tiranë, Korçë, Elbasan, and Durrës reported that the ink was easily removed with alcohol, nail polish remover or warm water. Commissions sometimes failed to check voters' both hands and see whether they were marked or not. In some cases voters were not even marked after casting their ballot or were marked on their right hand. Based on the Electoral Code, voters were supposed to sign besides their names on the list. But, due to delays in receiving the voter lists, the names of the first voters were kept in a separate blank sheet.

Assisted Votes

According to Article 103 of the Electoral Code, if a person is unable to cast the ballot unassisted, the chairperson of the Polling Station Commission will assign a person to assist the voter to exercise his/her political right. There will be only one assistant per person. The person in need of assistance must release a statement through which requests such assistance. In the majority of monitored centers, the law was ill interpreted and breached. Observers reported cases of such persons being assisted by more than one person or cases of family voting. There were even reports of such persons being assisted by members of the voting centers commissions as well as local observers or observers of political subjects. AHC issued written forewarnings on such violations.

Physically Disabled People

Physically disabled people faced difficulties in voting in some polling stations or were unable to vote at all. In some polling stations elder voters were allowed to vote together and in some other cases were assisted or escorted by members of the polling station. Observers found that there were persons who due to their physical condition, had difficulties in entering the premises of the polling stations, especially so in Tirana.

The interior of polling stations

The voting process was held in a generally calm atmosphere, in the absence of pressure exerted by candidates or their supporters. A chaotic situation was created in several polling stations due to the small areas filled with a large number of commissioners, observers of political subjects and voters lined up to vote, due to delays in opening the voting process. Long queues of voters were noted especially in the last hours of the voting process. Unauthorized individuals managed to enter several polling stations claiming to be observers, although unaccredited, such as the case of polling stations in Korça, etc.

Closing the Process

Procedures for the closing of the voting process were successfully completed, although voting in some of the polling stations continued even after 18:00 hrs. The only exception was the polling station in the municipality unit of Kombinat in Tirana. No irregularities or incidents were reported during the transporting or counting of ballot boxes.

Almost all ballot boxes arrived late in the ballot counting areas due to the postponement of the closing time for the voting process. AHC observers found that the submission of ballot and voting materials boxes was generally done in conformity with the law. In some ballot boxes the PSCs had placed the security codes in reverse.

9. Ballot Counting Procedures

Ballot counting began generally at different times for different places and mainly late. In some centers such a process began in the first hours of 19th of February 2007, such as in Tirana, Gjirokastër, Elbasan, Durrës, etc. In some cases the process was interrupted after discussions on specific cases or conflicts between members of these groups.

Members of ballot counting commissions disagreed on technical issues or due to little knowledge on the law. There was quite great party influence. The ballot counting process was stalled or interrupted especially towards the end of it, when there were only one or two ballot boxes left to count and when the result on the winning candidate was obvious. This phenomenon is also related to political influences or positioning.

In some ballot counting centers, the great number of persons gathered inside, mainly political party observers, or even individuals without the relevant authorization, created huge confusion. In several cases, LGECs asked for the intervention of the public order forces to restore order when the process degraded or the situation tensed, such as in Tiranë, Fier, Gjirokastër, Vlorë, Durrës, etc.

Ballot counting in all LGECs, was completed long after the legal deadline. AHC issued a press release appealing for the resumption of the ballot counting process and expedition in the

publishing the results¹². Ballot counting group members sometimes refused to sign the tabulation of results at the end of the process.

¹² See AHC statement “Completing the Ballot Counting Process As Soon as Possible”, 19th of February 2007, Annex 1

10. CONCLUSIONS AND SUGGESTIONS

Based on the data and reports of the observers of the Albanian Helsinki Committee, and after critically and objectively analyzing them, bearing in mind that this observation covered only a part of the constituencies and only a few stages of the electoral process, we were able to reach the following conclusions:

1. Amendments to the Electoral Code were done only 36 days prior to Election Day. The negative consequences of these prolonged delays had a negative impact on all aspects of the electoral process such as:
 - CEC activities
 - Delayed establishment of LGECs, PSCs and ballot counting groups that led to either a formal training of their members or lack of such training altogether.
2. Voters exercised their right to vote. No cases of pressure on voters to vote a certain candidate or party or not express their choice were identified.
3. Even though claims about voter lists were relatively fewer in number compared to those during the last elections, due to the little time left to voters to familiarize themselves with them, not every claimant was able to exercise his/her right to complain about commissions or mistakes in such lists and their claim be addressed.
4. Contrary to the relevant clauses of the Electoral Code, compromising voting secrecy was allowed and in certain cases encouraged, such as in the case of group voting or “family” voting. Monitoring showed cases of the same individual assisting various persons unable to vote unassisted as well as cases of voters casting their ballot without checking first their ID.
5. Even though the beginning of the electoral campaign was relatively calm and equilibrated, although many candidates and political parties presented their alternatives as the campaign was drawing to the end, the political atmosphere became tense. The Code of Conduct was violated and hostile language was used sometimes for the purposes of the electoral propaganda that had its impact on the activity of the electoral commissions as well.
6. Various issues addressed by CEC were resolved in compliance with the Electoral Code. It did not however avoid elements of a political nature and personalized reactions.

7. Lack of impartiality, protection of narrow political interests, harmful political preferences impairing law enforcement, conflicts between members proposed by incumbent and opposition parties were in many occasions quite obvious in LGECs, PSCs and especially in the ballot counting groups. This atmosphere of conflict led in several cases to the interruption or stalling of the ballot counting process. The presence of political parties representatives, candidates and other individuals especially during the ballot counting days, had its negative influence.
8. Even though 40 days have passed from the 18th of February 2007, CEC and the Electoral College of the Tirana Court of Appeals continue to address various claims. It is obvious that due to various reasons, which require a special analysis, the final results of the local elections of 18th of February 2007, will be delayed. We are also aware of the fact that elections shall be held in a different date in 8 or 9 constituencies where the process failed to be held.
9. Although AHC, being a monitoring organization does not pretend to give full and indisputable conclusions on the elections of 18th of February 2007, it is of the opinion that required standards were not met. In this context, we share the opinion that in-depth analysis are necessary which would serve in drafting and approving a more comprehending electoral reform. We are aware that after familiarizing ourselves with the OSCE/ODHIR report and its recommendations set forth in it, we will be able to see a clearer picture on the preparations and the progress of the elections of 18th of February 2007, and on its evaluation whether these elections met international standards.

Suggestions

1. Work shall start immediately to improve and complete the electoral reform in all of its aspects: parliamentary elections, referenda and local government elections. In order to avoid further delays it would be best to act with urgency before the final results of the elections of the 18th of February 2007 and the OSCE/ODHIR on these elections are published.
2. We are of the opinion that political parties could start by discussing and deciding on the following issues:
 - The electoral system. The solution to this issue will show whether the parliament should retain the same number of members or whether the electoral threshold should change.
 - If Article 22 of the Electoral Code, prescribing the election procedure to be followed for CEC members, would continue to apply in its current form or should be reworded in compliance with Article 154 of the Constitution- this is

one of the recommendations OSCE/ODIHR and the Venice Commission have forwarded on several occasions. Keeping in mind previous electoral experience, such as that of the year 2003, 2005 and the most recent one of the 18th of February 2007, AHC suggests a rewording of Article 22 of the Electoral Code.

If EZCs, LGECs, PSCs and ballot counting groups would continue to exist with their current composition in numbers and members, then the procedure for their establishment needs to change. Keeping in mind previous electoral experience during the period of 1996 – 2007, and the fact that Electoral Commissions have always been and will continue to be a source of evil, a fact brought to light in all the reports of OSCE/ODHIR, AHC is of the opinion that in our country's situation, such commissions should not be established based on the suggestions of the political parties, as prescribed in the Code in force, but shall be done through technicians and professional people who will be able to give more guarantees on the independence and the level of law enforcement on the part of these commissions outside party influences.

- If the electoral system shall change, a more appropriate administrative division might be another issue for discussion that would require consultations with the local government bodies as well.
3. We suggest that within this year or within the first half of year 2008 an accurate voter register, including relevant residence addresses, be created. Identity cards could be prepared simultaneously during this period.
 4. After the Parliament solves and adopts issues suggested in items 2 and 3 above, to the benefit of a faster electoral process and a higher quality of legal, technical and constitutional formulations, we suggest entrusting a group of local experienced specialists drafting changes and amendments to the Electoral Code. Foreign specialists' assistance would also be necessary and at the same time welcomed.
 5. In drafting such changes and additions to the Electoral Code, recommendations made by OSCE/ODHIR and Venice Commissions set forth in their reports of year 2001, 2004,2005, and in the upcoming report on the elections of 18th of February, the reports of local observers and other issues created by the common practice and actual conditions of our country, shall be taken into consideration.
 6. In order to avoid delays in publishing the final results of elections we suggest a revision of all clauses on claiming and appealing procedures in the Code in force.

7. The Electoral Code was supposed to guarantee the effectiveness and credibility of the right to vote, being in parliamentary or local elections, for a certain category of voters such as detainees, prisoners, ailed persons treated in health institutions, military personnel working away from their place of residence on Election Day, people with disabilities or elders unable to vote unassisted.
8. We also suggest discussing the possibility of all Albanian immigrants to vote in the countries they live and work. AHC is of the opinion that solving this issue poses some difficulties, since it should not only guarantee the right to vote but also its secrecy and rule out the possibility of any kind of manipulation of such votes.
9. Bearing in mind that general elections are due to be held in 2009, we suggest the draft amendments and draft additions to the Electoral Code be adopted one year before the Election Day. This would provide for a better administration of elections and of all aspects of the electioneering. Apart from this, a change in the system and in the administrative division would be recommended (if broad consensus on such changes could be reached) to take place 6 to 9 months prior to the Election Day.

ANNEX 1

AHC PRESS RELEASES

1. Press Statement

Tirana, January 13, 2007

AHC applauds the signing of the agreement between the majority and the opposition thus overcoming the electoral crisis, which has serious consequences. This agreement, although very belated, showed that even difficult issues involving major interests can only be resolved through constructive dialogue. AHC applauds on this occasion the persistence, patience, and high responsibility of the President of the Republic for his special contribution to achieving this agreement. We also applaud and praise the direct interest and assistance of international elements.

AHC sees as indispensable the immediate approval of amendments to the Electoral Code in order to make possible the immediate enforcement of the law within the very reduced electoral deadlines.

Considering the very brief time remaining from election day, AHC is of the opinion that the following are of primary importance: posting the voter lists, registration of electoral subjects with the CEC, the establishment of ZECs and the registration of candidates with ZECs.

AHC calls upon voters to demonstrate interest in order to become acquainted with the lists that will be posted, and to demand when needed their correction, as well as to exercise their constitutional right to participate in the elections. This would be of use to the further democratization of local government bodies and, therefore, the interests of the people as well as the country's integration into Euro-Atlantic structures.

The persistence of the aggravated political situation would compromise the goal of holding free and fair elections and this, in turn, would question the fulfillment of required standards.

That is precisely the reason why AHC considers it necessary to appeal also to political parties, and particularly the two largest parties, to conduct a well-mannered and excess-free electoral campaign.

2. Appeal To all political parties in Albania and their candidates for mayors or commune chairpersons

Tirana, January 18 2007

Albanian Helsinki Committee, Albanian Human Rights Group, Center for Parliamentary Studies, Open Society Foundation (SOROS), Society for Democratic Culture, Center for the Protection of Children's Rights in Albania, the Coalition for Encouraging the Participation of Women, Youth, and Minorities in Politics, the Center for Legal Civic Initiatives, the Forum of Free Thought, the Albanian Institute for the Development of Election Systems

We, the signatories of this appeal, applaud the solution of the political crisis that had engulfed the country, the improvement of the political atmosphere that threatened the holding of local elections in the country and Albania's image in the world.

Elections for local government bodies will be held on February 18, 2007. The electoral campaign, although not yet official, has really started.

Our organizations call upon political parties and their candidates to conduct a legal, respectable, and mannerly campaign.

The candidates of various political forces should not speak to voters with a language of hatred, with mutual accusations going as far as charges for involvement in criminal activities. In their meetings and other events, candidates should address issues related to the best alternatives to take further what has been achieved so far and to resolving problems of concern to citizens and the country.

From the experience of past years, often candidates have taken upon themselves things they could not accomplish, or promised things that were really unachievable.

We demand from you more transparency and a worthy competition, through the presentation of alternatives and a far-sighted vision for the development of cities and communes, which would help resolve citizens' problems in Albania. In that context, the ethics of communication between candidates and citizens is an important element of democracy.

We demand from you that you respect human rights in general and children's rights in particular during the electoral campaign. Political parties and their candidates should take measures to avoid the use of children as a background for the electoral campaign.

Free and fair elections are an important test for Albania's future and the country's integration into the European Union and into NATO. In order to accomplish such a major goal, we believe political parties in Albania and their candidates can make a valuable contribution.

3. Delays are Disturbing

Tirana January 18, 2007

The Albanian Helsinki Committee joins in on the concern of the Central Election Commission that, as a result of failure by respective political parties to submit proposals for Local Government Election Commission members, these commissions will end up being set up late, thus violating article 2 of the amended article 181/1 of the Electoral Code that says: "The CEC approves the makeup of the LGECS within 7 days from the date this law goes into effect."

Delays in setting up LGECS would also violate item 3 of the above article, which requires the submission to LGECS of documentation on candidates for mayors or commune chairpersons, or for members of municipal or commune councils, no later than January 23, 2007, and the approval of such documentation no later than January 25, 2007.

AHC also notes that, although the electoral campaign has in fact started, it officially begins upon approval of candidates' documentation by LGECS.

AHC expresses its concern that haste on the part of the CEC to establish LGECs, caused by delays of political parties to submit proposals, could have a negative impact on the verification of criteria and legal requirements established by the law on LGEC members.

AHC also is of the opinion that the training of 3692 members of the CEC and 284 secretaries of the CEC is going to be difficult. AHC is of the opinion that it would be a mistake to have them begin work without first receiving appropriate training.

AHC also notes that, according to item 3 of article 40 (transitory provisions) of the Electoral Code, preliminary voter lists should be announced no later than January 21, 2007. If there are delays in establishing LGECs, no other body could address voter requests about the absence of their names on these lists. This would seriously harm the right of voters to complain within the legally established deadlines.

In the opinion of the Albanian Helsinki Committee, the CEC's normal activity is hampered by the failure of political parties to fulfill their legal obligations. That is the reason why AHC calls upon political parties to carry out their legal obligations. Delays harm the normal progress of various aspects of the legal process and, as a result, of the required standards.

4. Well-mannered campaign. No to hate speech. No to violating human dignity and the right of privacy

Tirana, January 22, 2007

The Albanian Helsinki Committee and some other non-government organizations, engaged in the area of respect for citizens freedoms and rights, as in previous elections, on the eve of the upcoming local government elections, have appealed to political parties to conduct a well-mannered, lawful, and excess-free campaign.

The President of the Republic of Albania, a few days ago, proposed to political parties to sign a Code of Conduct for the election campaign. This Code, among other things, emphasizes that: "political parties should respect the Electoral Code...", that "Political parties and candidates shall not publicize or launch slandering or irritating accusations about parties, candidates, or other persons...".

Representatives of the DP, SP, DCP, SMI, NDP and other parties spoke immediately in support of this proposal.

The Albanian Helsinki Committee regrets that the DP leader, at the official opening of the electoral campaign on January 20, 2007, referring to the SP leader and candidate for Tirana Mayor, visibly crossed the limits of criticism toward the political opponent, using insulting words accompanied with epithets that affect the dignity of the person and violate the right to privacy.

The Albanian Helsinki Committee considers the use of such language between political opponents unacceptable, incompatible with any human ethics, and the Code of Conduct that should be observed during electoral campaigns.

Electoral subjects, pursuant to article 133 of the Electoral Code, are obliged to conduct their electoral propaganda in a lawful fashion.

We consider it necessary to also mention that article 35 of our Constitution and article 8 of the European Convention on Human Rights, demand respect for private and family life.

On this occasion, the Albanian Helsinki Committee once again calls on political parties to avoid smearing this or that person with accusations of a criminal character that could be the target of

review by competent bodies only. *Respect for the constitutional principle of the presumption of innocence is obligatory for all.*

The Albanian Helsinki Committee is of the opinion that it is not hate speech, but electoral competition through the display of the best and most convincing governance alternatives that is an important indicator with a positive impact on achieving election standards.

5. PRESS RELEASE

Tirana, January 24, 2007

The Albanian Helsinki Committee (AHC), the first non-governmental (non-profit) organization in Albania, has monitored and will continue to monitor periodic elections in Albania. The purpose of monitoring elections for the February 18, 2007 local government elections is to contribute to respect for the free vote of voters, the conduct of free, fair, and democratic elections, and to the further improvement of electoral reform in the spirit of international documents¹³.

AHC will engage its network of observers and correspondents in their respective districts, volunteers, and human rights activists. AHC is in the process of accrediting about 150 short term and long term observers. The observation will mainly focus on the following districts: Tiranë, Durrës, Fier, Gjirokastër, Korçë, Kukës, Shkodër, Vlorë and Elbasan. In order to enhance the observers' professional level, ensure better acquaintance with amendments made to the Electoral Code, and implement an effective observation methodology, *AHC will conduct the training of its observers on January 27, 2007.*

In order to improve information for the public on the right to vote, on the verification of names on voter lists, on voting procedures, and on sensitizing voters to participate in elections, AHC will prepare *a leaflet as well as 3 supplements that will be published in daily newspapers.*

Areas that AHC will monitor during the 2007 local elections will include: specific aspects of the electoral campaign, the announcement of the voter lists and the exercise of voters' right to complain, respect for the Code of Conduct by political parties and their candidates, the voting process, and the vote counting process. AHC will also follow the progress of preparations for the elections paying attention to various problems that may arise. The Committee will also remain in contact with the Central Election Commission and other monitoring organizations. Based on data that will be collected and problems that may arise, AHC may come out with public reactions and inform relevant institutions on addressing problems. Upon completion of the voting process, AHC will issue a preliminary report and, upon completion of the electoral process, a final report that will include necessary recommendations on how to improve the electoral process in Albania.

AHC expresses its confidence that other local monitoring organizations will demonstrate objectivity and professionalism in monitoring various aspects of the electoral process.

6. Statement for the Press. Parties and their candidates should implement the Electoral Code and the Code of Conduct

Tirana, 30 January 2007

¹³ Monitoring of the pre-electoral and electoral process will be made possible financially by CORDAID



Albanian Helsinki Committee, Society for Democratic Culture, Albanian Coalition Against Corruption, Albanian Human Rights Group, MJAFT Movement, Citizens' Advocacy Office, KRIIK Albania, Albanian Human Rights Center, Albanian Institute for Election System Development

Monitoring organizations for the observation of the Code of Conduct for the local government bodies elections of February 18, 2007, initiated by the President of the Republic and accepted by political parties participating in these elections, have monitored respect for some aspects of the Code of Conduct and the Electoral Code from the start of the electoral campaign.

They find that from the start of the campaign, the harsh language and violation of the candidates' private life were noticeable. Following that, there is a decrease in hate speech in general.

There are positive efforts by the media not only to report campaigns and candidates' programs, but also to inform the public.

Organizations signatory to this statement applaud the joint initiative of the spokespeople of some political parties in the electoral campaign and support any initiative that would be useful to the conduct of a lawful and well-mannered campaign.

In spite of positive developments, we note that:

- There is no transparency on funding and sponsorships for candidates. In fact, political parties are yet to make public financial expenses for the July 3, 2005 elections.
- We notice the use of public funds of state institutions. In some districts, the state and local administration is forced to be involved in the campaign.
- Public administration officials, in contravention of their status and the law, participate in campaigns of different candidates.
- Candidates for mayors in the districts of Korçë, Lezhë, Shkodër, etc., cut inauguration ribbons of government investments, built through state budget funds and citizens' taxes.
- In some cities, such as Fier, Durrës, Vlorë, there have been unnecessary incidents between party supporters regarding the makeup of election commissions.
- In the cities of Gjirokastrë, Tiranë, Elbasan, and Lushnje, there have been disagreements regarding the posting of candidates' posters.

- There are candidates who hold senior official positions who have not submitted their resignation – a welcomed moral act. They use the authority, office, and state means for the election campaign.
- TV spots feature a misuse of state institutions for certain candidates' electoral purposes.
- Lists of candidates for municipal council members include names of persons under investigation and who have been dismissed for legal violations. Such actions are morally unacceptable, although we respect the principle of the presumption of innocence.
- During their campaigns, some candidates accuse political opponents by violating the principle of the presumption of innocence.
- Political parties are not doing as much as they should to sensitize citizens regarding voter lists, the location of voter list postings, the voter number, the use of certificates, and the location of voting centers.

Based on the requirements of the Electoral Code, the Code of Conduct, and the requirement to realize free, fair, and democratic elections, our monitoring organizations call upon political parties and their candidates:

- Political parties should respect the Electoral Code and the Code of Conduct by making public appeals to candidates and party structures to distance themselves from abusive actions.
- The government and the opposition should urge candidates to separate themselves clearly from conflict of interest situations.
- The media should enhance its neutrality and take a stance toward negative actions emerging in candidates' campaigns.
- State institutions should not allow being misused in the campaign.
- Political parties and their candidates should not make unrealistic and unattainable promises, but should rather focus on concrete projects for the development of local government units where they run.
- Political parties should respect sites assigned by local government bodies for posting the posters of electoral subjects.
- Political parties should engage in informing their supporters about the need to review voter lists, the location of their posting, to exercise the right to review and correct those lists.
- Political parties should engage, in a timely and serious manner, to draft the list of voting center commission members and vote counting group members.
- The Central Election Commission should take measures to train voting center commission members and vote counting commission members.

7. Appeal to voters! Preliminary and final voter lists may differ

Tirana, February 2, 2007

The Albanian Helsinki Committee calls upon all voters to acquaint themselves with both the preliminary voter lists that will remain posted until February 6, 2007, and with the final voter lists

that will be announced on February 7, 2007, in order to exercise their constitutional right to vote in the Elections for Local Government Bodies to be held on February 18, 2007.

When a voter does not find his/her name on the preliminary voter list, it is his/her right to address, in writing, the head of the local government unit where he resides in writing, and, when necessary, the court, if his/her request is not considered.

Based on data collected by AHC observers in Tiranë and some other districts, it results that electoral sensitization and propaganda to raise the awareness of voters, draft and verify voter lists, and correct them when necessary, is relatively poor.

Considering that the time to review the voter lists is too short, AHC calls upon all voters to become acquainted with the location of the voter lists, their own and their family members' names on the lists.

Considering the experience from previous elections, AHC also calls upon voters to demonstrate interest in acquainting themselves also with the final voter lists because these lists, too, may contain omissions and inaccuracies. By law, in these cases, the voter has the right to address the court.

AHC is of the opinion that through intensive daily work, by using all tools and forms for sensitization, it will be possible to draft voter lists that will include all citizens who have the right to vote.

8. Delayed establishment of voting center commissions may harm the citizens' right to vote

Tirana, February 5, 2007

According to article 45 of the Electoral Code, Voting Center Commissions (VCCs) should be appointed by the LGECs no later than 10 days before the election date, that is, no later than February 8, 2007.

We are three days away from the expiry of the deadline for meeting this legal requirement. LGECs are awaiting respective political party proposals. On the other hand, VCC members should meet the conditions and criteria specified in the Electoral Code. Not only political parties, but LGECs that will approve them as well, should take this into consideration.

The Albanian Helsinki Committee wishes to notify that there are over 65,000 VCC members and secretaries that need to be appointed. The study of proposals by political parties regarding VCC members and their verification requires time. The time for this legal requirement to be met is too short.

AHC takes into consideration the fact that the delayed establishment of VCCs will make their training extremely difficult.

AHC also takes into consideration that with changes made to the Electoral Code, particularly with regard to the use of birth certificates issued by civil registry offices before and after the creation of the special register (November 1, 2006), the timely and proper training of VCC members is indispensable.

This is the reason why AHC calls upon political parties to be correct in abiding by the law and in immediately submitting their proposals to LGECs.

Disrespect for legal requirements with regard to the skills and training of voting center commissioners and delays in this process may lead to violations of procedures that should be enforced on election day and, as a result, may harm the citizens' fundamental right to vote as well as the standards of the elections.

9. Prevent Incidents. Rigorously Abide By the Law

Tirana, February 12, 2007

We are six days away from the February 18 elections and election campaign incidents persist.

The Albanian Helsinki Committee is of the opinion that the irritated atmosphere has urged and encouraged to some extent, even indirectly, extreme militancy by certain persons or groups. In a number of cases, the campaign has been accompanied by hate speech that candidates or political party representatives use toward their political opponents.

The incidents that have occurred during the election campaign have become an obstacle to the normal and legal conduct of electoral propaganda. The arbitrary tearing down and removal of posters, insults and threats toward certain candidates, interventions into the activities of this or that subject, are phenomena that call for serious consideration.

AHC is of the opinion that the campaign is an important part of the electoral process, which is finalized on election day. From that standpoint, incidents of this nature, on the eve of the vote, tension the situation and may have a negative impact on free and fair elections. That is the reason why AHC calls upon all subjects to contribute to an alleviation of this situation by abiding by the Code of Conduct and by distancing and condemning phenomena that run counter the goal of these elections meeting the required standards.

AHC also deems it necessary to call upon the depoliticized bodies of the State Police, pursuant to their duties in keeping with the law, to prevent acts that harm public order and citizens' rights and provoke rifts and conflicts. In such cases, particularly during the election campaign, their frequent and unbiased interventions are indispensable.

10. ELECTORAL CODE SHOULD BE RESPECTED

Tirana, February 14, 2007

Newspapers "Tema" and "Shekulli", of February 14, 2007, published two kinds of opinion polls. The first one showed Mr. Ollashi winning 55.1% of the vote, whereas Mr. Rama 44.9% of the vote. The second one shows Rama winning 60% of the vote and Mr. Ollashi 40% of the vote.

Both above publications run against requirements of article 134 of the Electoral Code that says, "*Election opinion poll results may not be published during the five last days before the election date*",

that "publication of results of election opinion polls should also include the name of the pollster, its sponsor, the sample size, the margin of error, and the period during which the poll was taken."

The Albanian Helsinki Committee suggests to the print and broadcast media that, with regard to election opinion polls, requirements of article 134 of the Electoral Code should be observed.

AHC also suggests to the CEC to intervene when noticing violations of the Electoral Code, in spite of who the subject or institution is that is not observing respective provisions.

11. Vote Counting Process Should Be Brought to an End As Soon As Possible

Tiranë, February 19, 2007

The Albanian Helsinki Committee (AHC), based on reports from its monitors and on frequent information from the broadcast media, notes with particular concern that in some vote counting centers, the counting has been blocked or is being delayed.

Considering the importance of this moment and the fact that the vote counting process is an important link of the chain of Albania's electoral process, the Albanian Helsinki Committee, in this situation, calls upon the Central Election Commission (CEC) to intervene immediately, in keeping with the law, with professional competence, to unblock the situation and to demand rigorous compliance with the law.

In this aspect, AHC takes into consideration the fact that the Central Election Commission is the sole constitutional body whose duty it is to oversee, direct, and verify all aspects related to the electoral process in Albania. No other body may assume the attributes of the Central Election Commission.

Considering the vote counting aspect a very important and delicate aspect that may have consequences on the progress of the process and the issuance of results, AHC expresses its concern that the blocking or procrastination of issuing results may be accompanied by harmful consequences.

Once again, we reiterate that it is the competence of the CEC to take measures to prevent any problem and to overcome any obstacle that has emerged with competence and in the spirit of the law.

12. Without full electoral reforms, international standards cannot be achieved

Tirana, March 30, 2007

The negative experience of the past elections, and particularly of the February 2007 elections, proved that procrastination and marked delays in improving electoral legislation have been accompanied by harmful consequences. The lack of political will, which is an expression of narrow party interest and of lack of trust between parties, has seriously harmed the electoral process and the country's image toward European integration.

This is precisely the reason why AHC considers it appropriate to call upon all political parties and primarily the two largest government and opposition parties to undertake, with urgency, the necessary steps to complete electoral reform.

AHC is of the opinion that it would be a mistake and unjustifiable to wait for the announcement of the final February 18, 2007, election results and the OSCE/ODIHR report on those elections and then to begin work on electoral reform.

AHC suggests that initially representatives of political parties and parliamentary structures discuss and resolve important disputable issues that might necessitate constitutional amendments.

AHC, considering previous experience with its positive and negative aspects, suggests that the practice of compiling draft changes and additions in the Electoral Code include the entire scope of problems it entails: parliamentary elections, local government elections, as well as the chapter on referenda.

AHC is also of the opinion that faster and more qualitative work is needed. In this context, the Parliament could engage a group of domestic specialists with experience in this field, away from party affiliations and influence, capable of compiling a draft that could contain accurate and clear formulations that would be in accordance with our Constitution and international documents.

AHC thinks that carrying out this task with success requires better knowledge and more accurate assessment of frequent recommendations by OSCE/ODIHR and the Venice Commission, taking into consideration the country's concrete conditions and possibilities.

AHC expresses its conviction that not only non-profit organizations, but also other society groups are interested in and willing to make their modest contributions to further improving electoral legislation.

AHC suggests that it is moved onto concrete action and that words and statements are left aside so that we are not late tomorrow.

Good electoral reform demands sufficient time and expertise.

ANNEX 2

AHC PRELIMINARY REPORTS ON MONITORING THE ELECTION PROCESS

I. REPORT ON THE FIRST ROUND OF MONITORING THE PRE-ELECTORAL PROCESS FOR THE LOCAL ELECTIONS OF FEBRUARY 18, 2007

Press Conference, Tirana, February 13, 2007

1. The Albanian Helsinki Committee (AHC) is engaged in monitoring the progress of the pre-electio process in some electoral areas of municipalities in Tiranë, Gjirokastër, Fier, Durrës, Elbasan, Shkodër, Vlorë, and Korçë, and of communes of Dropullit, Cepos and Odries, Belsh, Cërrik, Shirgjan, Bradashesh, Labinot Fushë, Drenovë, Gjergjan, Spitalë and Shkozë.
2. *The object of this monitoring* included: announcement of the preliminary and final voter lists according to the deadline defined by law, their posting in public areas, visible and accessible by voters, voters' interest in the lists, exercise of the right to complain against list irregularities, monitoring of electoral campaign elements, establishment of the voting center commissions and the training of their members.
3. AHC is of the opinion that the progress of the electoral process in keeping with the law and according to required standards powerfully influence the exercise of the right to vote and the conduct of elections according to the required standards.
4. *The announcement of the preliminary and final voter lists showed problems.* Delays in the announcement of the lists varied between 5 and 9 days and, until January 30, 2007, there were voting centers whereby the lists had not been announced. As a consequence, the time for acquainting voters with them and, therefore, complaints with local government unit heads and courts were reduced.
5. The final voter lists were not announced at the established deadline (February 8, 2007) in most monitored LGECs. Voters's opportunity to verify names on the lists and address the court was limited further.
6. In general, *posting of the preliminary and final voter lists was done in visible places.* Nevertheless, some municipalities and communes featured problems. In some areas, *the lists were posted in internal premises* of schools, kindergartens, private bars, post offices, etc., which cannot be seen at all throughout the day or remain closed for the most part of the day, thus denying voters the right to verify names on the lists. This situation was encountered in many municipalities and communes.
7. There were cases when *lists were posted in inappropriate places* and were difficult to read because of posting in high and distant places, in small letters, not at all readable and verifiable by voters, etc., or *were posted in unprotected places and the lists were torn down.* The preliminary voter list in Fier appeared to be the final voter list for the July 3, 2005 elections. *Changing places in which preliminary lists were posted* remained a problem as many citizens

are used to the places for posting voter lists. In some cases, private bar owners did not allow the posting of lists in their premises for several reasons, including payment.

8. *Voters' interest in the preliminary voter lists* was very low and this was noticed almost in all monitored areas. The elderly showed higher interest in checking the voter lists posted in the established places.
9. Our monitors notified us that voter interest is relatively low even for the final voter lists. There may be numerous reasons. Maybe be they are convinced their names are on the list. The possibility that they are not aware of legal procedures regarding voter list corrections may not be ruled out.
10. Delays in the posting of preliminary and final voter lists bear harmful consequences. There are 45 days left until election day. Voters need to be acquainted with these lists and, if necessary, exercise the right to complain; otherwise, they will not be able to vote.
11. *Voters' legal education and their awareness are low.* Although television spots to educate citizens on elections, something initiated by the CEC, were frequent, we think they were not accessible and understandable for all, particularly considering amendments to the Electoral Code and voting documentation. Although AHC published a considerable number of leaflets, supplements in three daily newspapers, written in simple language on election issues and provided explanations on various voting aspects, it is our view that such activities are not sufficient.
12. Almost all monitored municipalities and communes included persons complaining that they *did not find their names on the lists*. This was mainly noticed in municipalities of Gjirokastrë, Vlorë, Korçë, Shkodër, and Tiranë. However, citizens did not have the proper information to file complaints – a request to the mayor or chairperson of the local government unit or commune. The number of registered complaints was low in all monitored municipalities and communes. Their resolution, in most cases, encountered no problems, because they were typin errors in the name or family name, the birthday, name and family name, etc. In some cases, some municipal units refused to provide information about the number of complaints.
13. In some areas, it was noticed that lists contain added names, names of dead persons, names of persons who have moved to different cities. This was noticed in the Commune of Drenovë – Gjirokastrë, in some areas of Tiranë, etc. The fact that members of same families find their names in different voting centers remains a problem. This was particularly found in Tiranë and Durrës.
14. Based on monitoring and meetings with voters, it results that many voters are not clear about amendments made to the Electoral Code with regard to the birth certificates issued before and after November 1, 2006. In our opinion, the most problematic is the procedure to be followed by voters who have birth certificates issued before November 1, 2006. There is an urgent need for print and broadcast media outlets, non-governmental organizations, and all those tasked directly or indirectly with the elections to make these issues clear to voters

during the remaining days before election day. Individual, door to door work could be most effective. Otherwise, on election day, we may be faced with unpleasant and intolerable cases.

15. Civil registry offices are working extended hours. However, long lines are noticed particularly in Vlorë and Korçë.
16. Important elements of the electoral campaign *are posters and the facilitation of their posting*. In general, posters have been posted not only in places assigned by the local government bodies, but mostly in other unassigned places. Many of them, posted on inappropriate places, have been torn down. Posters of one candidate have been posted on those of another candidate. This was noticed in almost all electoral zones that were monitored. The posting and removal of posters has become causes for incidents between supporters of different political parties.
17. *AHC is monitoring the candidates' campaign*. Generally speaking, the second part of the campaign includes display of alternatives, but it also includes hate speech, violation of the right to privacy, exaggerated promises whose realization is not up to local government bodies. There are incidents with campaign ads. Although local government bodies, by law, assign public places for ads – such decisions should be respected. There is marked fanaticism and militantism, which make the electoral environment conflicting. Candidates of different political parties have used counter-ads for their campaigns. In some electoral constituencies, there have been cases of senior officials pressuring their subordinates to vote for a given coalition.
18. Financial transparency for the electoral campaign is yet to be made public. It is our impression that the campaign is associated with extensive spending and candidates are not fulfilling the legal obligations and the Code of Conduct they have approved.
19. Generally, *local government election commissions (LGECS)* have functioned. There are some, however, whose members were not at the assigned place of work.
20. With regard to their functioning, there are also other disturbing problems that necessitate fast solutions, particularly with regard to abiding by the law and disobeying party orders. Political parties play a very important role in overcoming some of the problems and conflicting situations. The irreplaceable role of election commissions, tasked by law to administer elections, should not be underestimated. If they demonstrate professional deficiencies, if their members act like party members and under party dictate (as has often happened in the past), it will be difficult to achieve required standards in the elections of February 18, 2007.
21. Yesterday, on **February 12, 2007**, the CEC rang the alarm bell: VCCs that should have been established ten days before the election date have not been set up in most of the country because political parties have not submitted respective proposals to the VCCs. There is a total of 4,721 voting centers throughout the country, which will include 66,094 members and secretaries. It is not known when these commissions will be set up and, therefore, when and how, or whether their training will be possible.

22. Political parties talk and make statements that elections will be held in such a way as to achieve international standards. In spite of these statements, the fact that the basic voting commissions have not been set up and the fact that the possibility for their training will be very limited, albeit formal, cannot but have a negative impact on meeting the standards. Amendments made to the Electoral Code, as is known, have increased and made more delicate the role of VCCs in this electoral process.
23. Vote counting groups are also another very important problem. According to CEC instructions of 18.01.2007, respective electoral subjects should submit their proposals for the makeup of these working groups to VCCs 10 days before the election date, and today, four days before the election date, such proposals have not been submitted.
24. Failure to set up vote counting commissions (by law, these groups should be set up 2 days before election day). Approximately 35,000 persons should be identified, verified, and trained to be members of these commissions. The lack of training or hasty, formal training harm the achievement of standards. It should suffice to mention that the vote counting group member should, among other things, be familiar with that part of the law that talks about what is considered a valid ballot and what is considered an invalid one. We should keep in mind that the number of invalid ballots in the previous election was relatively large.
25. Political parties, for different reasons, continue to withdraw or replace LGEC members they have proposed. Consequences of such movements are harmful because replacements remain untrained. Therefore, we call upon political parties to act seriously and be responsible in assessing this situation.
26. *Voter turnout* is a moment that requires special attention. Comprehensive awareness raising work is required. To this extent, it is our opinion that relatively little is being done.
27. Yesterday, on February 12, 2007, AHC deemed it necessary to issue a public statement regarding some incidents that have taken place during the campaign. We may only say that *such incidents tension the political situation* and may be accompanied by harmful consequences. The engagement of political parties and of State Police forces could contribute to their prevention.
28. *The print media and its role in electoral campaigns* is very important. Based on the monitoring of some print media outlets during the period January 20 – February 12, 2007, it has resulted that: main political party newspapers, of the government and the opposition, systematically use the language of accusations and hatred. Published stories often launch continued accusations of deceit, corruption, stealing, and abuse of power against candidates for local government bodies. Hate speech is mainly concentrated on the two main candidates for Tirana Municipality.
29. In the context of coverage for the election campaign, hate speech has made its way into non-political newspapers too. They convey concerns noticed in the campaign, mutual accusations between candidates, and incidents. The print media has not devoted appropriate attention to problems with the voter lists.

30. On the eve of the election day, *political will leaves much to be desired*. It may not be the magical wand for resolving issues, but, on the other hand, violations of the law cannot achieve or demand free and fair elections within international standards.

II. SOME PRELIMINARY DATA ON THE PROGRESS OF THE ELECTORAL PROCESS OF FEBRUARY 18, 2007

PRESS CONFERENCE 19 FEBRUARY 2007

General Information

1. Following the first press conference of the Albanian Helsinki Committee on the progress of the electoral campaign, today, AHC appears in a second conference to present some preliminary findings regarding the electoral process that took place yesterday, on February 18, 2007, as well as the vote counting process until 08:00 of Monday, February 19, 2007.
2. The Albanian Helsinki Committee (AHC) engaged in monitoring the progress of the electoral process in some electoral areas of municipalities in: Tiranë, Gjirokastër, Fier, Durrës, Elbasan, Shkodër, Vlorë, Korçë, and in some communes. A total of 150 observers were involved in monitoring the voting and the vote counting processes.
3. The *target of this monitoring included*: preparations for starting the voting process, opening of the voting centers, respect for voting procedures, respect for the Electoral Code by voting center commissioners, and finding names on the voter lists, secrecy of voting, closing of the voting process, sending ballot boxes to the voting center sites, and the vote count.
4. The Albanian Helsinki Committee appreciates the generally calm situation in which the voting process was conducted in the areas the AHC monitored. AHC expresses its praise for the participation of voters in the process and the understanding demonstrated regarding delays and some other problems noted at the start and during the conduct of the voting process. In spite of the complicated procedure regarding the birth certificates issued before and after November 1, 2006, and their comparative verification with the special register, in general, voters demonstrated patience and understanding.
5. AHC praises the role of the police before and during the voting day, in transferring ballot boxes to vote counting centers, and during the vote counting process.
6. The broadcast media offered complete live coverage throughout the voting process and on encountered problems.

II Procedures for the start of the voting process

7. AHC monitors observed preparations for the start of the voting process. Many voting centers in Tiranë, Durrës, Elbasan, Korçë, Vlorë, and Fier, opened with delays, because the voting materials arrived late; in some voting centers, the materials were damaged or deficient. In some

cases, voting center seals and other materials were mistaken with those of other centers. Due to the lack of photocopies of the special register, they arrived late in many voting centers. In general, ballot boxes were sealed with the security codes and a process verbal was kept.

8. In some voting centers, there were more ballots than the number of voters, whereas in other areas, there were fewer ballots. In general, voting center commissions had posted voting instructions in appropriate places. There were voting centers in some areas in Vlorë, Tiranë, and Durrës where propaganda materials had not been removed.
9. VCC members and representatives of electoral subjects were not all present at the required time to start preparations for voting. This was encountered in several voting centers in Tiranë and Durrës. The replacement of commission members by political subjects continued even during the election day. The non-arrival of authorizations for their approval led to delays in starting voting. Also, there were absences of commission members; there were problems with the appointment of commission members in VCs in Durrës, Tiranë, Gjirokastër, etc. There were cases such as in Gjirokastër where the members had family relations with candidates for chairmen/mayors who were replaced in the early hours of today.
10. In some voting centers, sample ballots posted on the ballot boxes were on the wrong boxes, something that caused confusion among voters. This phenomenon was encountered mostly in Tiranë.

III. Procedures for starting the vote

11. The start of the voting in the majority of voting centers was done with delays, at different intervals. Delays were caused by late arrival of commission members, but in most cases, this happened due to the incomplete division of voting materials. In some areas, the special register or the voter lists had not been delivered. Some of the most flagrant violations of the law include the start of the voting without first having a process verbal of the special register for the issuance of birth certificates, which were encountered in some voting centers in Elbasan and Durrës.
12. *Delays in the opening of voting centers* varied from half an hour to several hours, particularly in Elbasan, Korçë, and in some voting centers in Tiranë. The start of the process was confused in many of the monitored areas. The start of the process and its continuation was accompanied by debates among commissioners with regard to additional voting documentation and their verification. In some voting centers that AHC monitored, the voting did not take place, including some voting centers in Dukagjin, one voting center in Elbasan, and some communes.
13. *Family voting.* Even in these elections, there were cases of family or group voting, thus violating the fundamental principle of vote secrecy. This phenomenon was noticed in Elbasan, Cërrik, some communes in Elbasan, some voting centers in Tiranë, etc. In some voting centers, the location of voting booths violated vote privacy and did not provide for sufficient lighting. There were voters who complained of difficulties in distinguishing candidates' names and ballots particularly in Tiranë.

14. Although the Electoral Code prohibits a commission member or a political party observer from helping a voter to vote, in some voting centers, member commissions as well as party observers helped elderly persons or others in the voting booth. This was noticed in Tiranë and in Durrës.
15. *The special certificates' register* and its use were a concern that was encountered throughout the voting day. According to article 181/2 of the Electoral Code, item 2, says that no later than 24 hours from the election day, the civil registry office sends to the LGEC of the respective local government unit a copy of the special register sealed and signed by senior officials of the civil registry office until one day before the election day. No later than 12 hours before the start of the vote, LGECs distributed to every VCC of the respective unit verified copies issued by the civil registry offices. In fact, in many voting centers in Korçë, Elbasan, Tiranë, Durrës, Vlorë, this register arrived late, even after the voting center had been opened. Its use too, often led to conflicts between the commission chairman and vice chairman for discrepancies between the name on the documents and the name on the list.
16. *Checking of voter identification documents was not conducted in some areas.* In some voting centers, particularly in Durrës, individuals voted with expired passports without any supportive documentation. There were cases when some certificates were not found registered on the special certificates register that were, however, accepted by the commission. Problems were also noted with regard to obstacles for voters who were supplied with certificates in the last days because certificates were not registered in the special register. Regarding the use of the special register in some commissions, commission members had reached consensus to allow voters to vote with an expired passport. In some voting centers in Durrës, individuals were not allowed to vote with certificates obtained on election day because they were not registered and the register arrived only at 13:00. In some voting centers in Durrës and Tiranë, there were voters who were not allowed to vote although they possessed certificates issued on election day.
17. *Election safety and use of the colored ink.* According to article 100, letter "dh", the ink used to mark the voter's finger should not be washable before 24 hours. Observers in Fier, Tiranë, and Durrës informed from the early hours of the voting day that the ink could be easily washed off with alcohol, acetone, or warm water. In some cases, voters' fingers were not marked. There were cases when voters' fingers were not checked. According to the law, the voter should sign on the side of his name. The delayed arrival of voter lists made early voters vote with their names being written on a blank sheet of paper.
18. *Voting in the city of Tiranë showed technical difficulties.* Voters were supplied with four ballots. There were ambiguities in some commissions regarding the voting procedure and orienting voters. In some voting centers, voters, being unclear about what ballots to put in which boxes, put them in the wrong boxes.
19. *Voting of persons with disabilities or unable to vote.* There were problems in some voting centers. The law provides for persons unable to vote to receive assistance from another voter in order to vote, but not from commission members, political party observers, or independent observers. The commission needs to make a note of such cases and a person may not assist more than one voter. In fact, in some voting centers, voters of an old age were allowed to vote

together and, in some cases, were assisted by members of the voting center commission. Monitors stated that there were persons who found it difficult to enter voting center premises for physical reasons.

20. *Voter lists.* Monitors informed that there were voters who were not able to vote because they were not able to find the name on the list, there were inaccuracies in how the names were printed on the list, particularly in Tirana. In almost all cases when various problems were found in which the CEC requires that a decision be made or a process verbal be kept, voting center commissions did not do so.
21. *Voting of detained persons, inmates, and the military.* With the signed agreement between the DP and the SP, any provision related to the temporary register and persons with a temporary residence was removed from the Electoral Code. However, even without this amendment, according to articles 76 of part I, article 63, item 2 of the Electoral Code that were not amended, it appears that in voting for candidates for mayors or commune chairs and for members of municipal or communal councils, only voters whose residence is in the territory of the municipality or commune may participate, that is, only voters registered in the fundamental civil registry register and not persons with a temporary residence; and that in voting to elect local government bodies, the voter lists should include only those inmates and detainees whose place of residence is in the electoral unit where the institution is located. With regard to the military, article 107 of the Electoral Code, which was not amended, says that in local elections, voters serving in the armed forces or public order forces may vote in the area of the voting center of their place of residence. This is a problem that may be discussed in further amendments that will be made to the Electoral Code.
22. *Emigrants and the right to vote.* It was claimed that there were emigrants who did not have the letter “E” on the side of their name. Reasons may have been several, including, for instance, insufficient time for door-to-door verifications, neglect, carelessness, etc. It is important that the person who votes (whether an emigrant or not) should vote with identification documents according to the law (the amended Electoral Code) and CEC instructions. This is one of the main duties of VCCs. Based on our monitoring in voting centers in Vlorë and Tiranë, there were persons who found the letter “E” on the side of their names although they were not emigrants.
23. *Freedom to vote.* The voting process was conducted calmly, without pressure from candidates or their supporters. No cases of VCC members’ pressure were found. However, in some voting centers, the large number of commission members and political subjects’ observers, small premises, and voters waiting to vote, created situations of chaos and disorder.

IV. Procedures for closing the polls and the vote count

24. *Closing of polls.* Procedures for closing voting centers, although voting continued until after 18:00, was concluded without problems, except for voting center 1867. Ballot boxes and the voting materials were placed in a car and were escorted to the vote counting site calmly and mainly without incidents.

25. *Transport of ballot boxes.* According to the law, ballot boxes should arrive within 3 hours at the vote counting site. In almost all vote counting sites, ballot boxes arrived late due to the delayed conclusion of the voting process. Groups tasked with receiving ballot boxes from VCCs did so in a normal fashion. In some cases, ballot boxes had the codes upside down.
26. *Setting up vote counting commissions and start of the count.* The time for starting the vote count was different, but, generally delayed. In some centers, delays were noted from the early morning hours. There were cases when the process was interrupted due to discussions on concrete cases. The delayed setting up of vote counting commissions and their training during election day or during the night, that is, during the time the counting should have been happening, led to a delayed start of the counting. In some cases, LGECs had not made decisions on some vote counting groups. Due to contestations and misunderstanding between members of vote counting commissions, the absence of their approval or failure to meet the criteria for commission members, the vote counting process moved slowly. There were contradictions between vote counting commission members over technical issues or lack of knowledge of the law. There were exchanges between members of vote counting commissions and representatives of political subjects present in the process.

V. Vote Commissions

27. Due to amendments to the Electoral Code, made 36 days before election day, and the reduction of deadlines for several processes, LGECs were established late. Delays were noted also in the establishment of VCCs and vote counting groups. This had to affect legal violations. On February 17, 2007, voting center commissions had not been set up in some electoral areas. Relevant political parties had not submitted the names of members to the CEC. Also, according to information from our monitors, vote counting commissions had not been set up, which, by law, should have been set up two days before the voting day. The delayed establishment and changing or replacement of VC members until midday on election day in some voting centers seriously harmed their training.
28. LGECs, VCCs, and the voting process. Commission members were untrained or very poorly trained. Some commissions included members that did not know voting procedures and the law. There were commissions in which members tried to resolve issues by consensus, without consideration of requirements of the law. In some cases, LGECs did not offer timely responses to resolving emerging concerns or problems.

VI. Various

29. *Campaign financing transparency.* From the start of the campaign until February 16, 2007, the level of expenses for the campaign is striking. Naturally, it is not our duty to calculate the expenses made by the ruling forces and the opposition or how much they were exceeded compared to levels established by the CEC. However, considering that no transparency was made on the previous election, as required by law and OSCE/ODIHR recommendations, we would suggest that documented transparency be made to prevent discussions or mutual accusations.

30. AHC and addressing problems with voting

During the voting process, as well as during the vote counting process, AHC made its necessary interventions with the CEC, LGECS, and relevant voting center commissions.