

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

PRELIMINARY REPORT ON THE PROGRESS OF THE GENERAL ELECTIONS PROCESS OF JULY 3, 2005 IN ALBANIA

Tirana, July 4, 2005

Introduction

1 The Albanian Helsinki Committee is the first non-governmental organization, established in Albania in December 1990. Its mission is to protect the freedoms and rights of Albanian citizens. AHC has monitored each and every electoral process held in Albania.

2 AHC recognized the importance of these elections and closely followed the most important steps in amending the Electoral Code and the establishment of the electoral administration, the progress of the electoral campaign, the voting process and it is currently following the ballot counting process.

3 On the occasion of the general elections on 3rd of July, AHC involved long-term observers accredited by the Central Electoral Commission (CEC), **out of whom 116 local and 7 foreign observers were included in the monitoring process.**

4 AHC observers monitored the progress of the electoral campaign in several districts¹; they paid attention to the training of Electoral Zone Commission (EZC) on their duties, the establishment of voting centres and the training of their members, the execution of the right to registration in voters' lists upon a court order of all those voters whose names were not listed in the final voters' lists, receiving of electoral materials sent by CEC to EZC.

5 AHC **monitored about 1000 voting centres in the main districts of the country, including also some voting centres within prisons and pre-trial detention facilities.** AHC also is currently monitoring **25 ballot-counting centres** in monitored EZC-s.

¹ The voting centers monitored by AHC were located in the district of Tirana, Durrës, Shkodër, Fier, Elbasan, Korçë, Gjirokastrë, Sarandë (partly), Kukës, Vlorë, Pogradec. The polling stations in the prison of Lezhë, Vaqar, Peqin, Rogozhinë, and 325 Tiranë and also in the pre-detention facilities no 313 and 302 in Tiranë, Lezhë, Shkodër, Fier, Gjirokastrë, Korçë, Kukës, Elbasan and Vlorë.

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

AHC's Acknowledgments²

6 AHC would like to thank **all long-term observers for their professionalism, impartiality, commitment and for their ethics demonstrated in communicating their remarks in the voting centres.**

7 AHC would like to thank **the CEC for a speedy accreditation of AHC observers and for the information provided to the AHC and the availability of the guidelines and other information necessary for our observation mission.**

8 **This report presents some preliminary conclusions on certain aspects of the electoral process in the general elections of 3rd of July 2005 observed in the electoral constituencies where AHC carried out its observation mission.**

The Legal Framework

9 The general elections of July 3 2005 were held based on the new Code amended and adopted in January 2005. The Parliament set up a bipartisan commission assigned with the duty of carrying out the electoral reforms. Its establishment and its operation were long overdue. There were two problems causing this serious delay: a) CEC composition and b) the division of electoral constituencies. The first was solved after a compromise was reached on the premature termination of the mandate of a CEC member and its replacement with another candidate proposed by the opposition, while the other issue was postponed to be solved at a later time.

10 **Not only were the amendments to the Electoral Code much delayed, but also the law on the division of electoral constituencies was only approved at the beginning of March 2005, resulting to some extent to delays in the establishment of EZC.** Furthermore, there were delays in the preparation of preliminary voters' lists, their publication and in the registration of electoral subjects. These processes were often associated with fierce political debates.

The Election's Administration

11 AHC has carefully followed the activities of **the Central Electoral Commission (CEC) and it concludes that its work was characterised by professionalism, objectivity and transparency, impartiality and efficiency.** The fact of deadlines not

² AHC would like to take advantage of this occasion and thank the Foundation of Open Society (SOROS), the Swedish Helsinki Committee and CORDAID for the possibility and financial support given to our organisation to carry out the monitoring of the general elections of July 3 2005.

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

being met by CEC is a result of deadlines not being met by some political parties in submitting the proposed nominations of EZC and VCC (Voting Centre Commission) members. Even during the voting process, CEC demonstrated professionalism and commitment to administer the voting process according to the required standards.

12 As we mentioned already, **the establishment of Electoral Zone Commissions (EZC-s) for the general elections 2005, was delayed.** According to the law, the last deadline for their establishment was 3rd of March 2005, while the six respective political parties empowered with the right to make proposals, exerted this right long after. As a result there were delays in the training of the commissioners.

Training of commissioners

13 AHC activists observed few shortcomings and violations of the legal provisions in the monitored voting centres. These shortcomings and violations **had to do with the non-qualitative and insufficient training of EZC members as a result of delays in the submission of proposed nominations by respective political parties and the overdue establishment of these commissions.** The same reasons caused delays in the establishment of VCC-s (comprised of 40 000 members at a national level). These delays also affected the solution of problems arising during the Election Day.

Registration of non-parliamentary parties and candidates

14 For the parliamentary 2005 elections were registered to participate 27 electoral subjects, 1230 candidates for MP-s. According to the law, parties registered as electoral subjects were obliged to submit a list of candidates for 40 parliamentary seats and this list had to be supported by the signatures of 7000 voters. Verifications made by the CEC showed that some signatures were counterfeited. AHC in a public statement called CEC to make the necessary verifications.

In this electoral process there were identified candidates of a certain political force being registered under the logo of another party. This phenomena was noticed also in the electoral spots and informing materials that these political forces distributed or made public in different places.

Voters' Lists

15 According to the Electoral Code (Article 64/2, point 2) the preliminary lists had to be published not later than 31st of March 2005. In the districts monitored by AHC, **the preliminary lists were published few days after the deadline expired.** After the publication of the preliminary lists, the leaders of local government units had to inform the voters in a written form. On the other hand, there was certain indifference on the side

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

of the voters to check on time if their names were in the preliminary lists and to ask for the possible necessary changes to be made if their name did not appear in the final lists.

16 In this electoral process **a good job was done in drafting the voters' lists although there were shortcomings and inaccuracies identified.** Part of these lists were corrected after the publication of the preliminary lists, while another part upon court orders **issued** no later than 6 hours before the official closing of voting centres.

The electoral campaign

17 In its beginnings **the climate of the electoral campaign was relatively calm.** A positive development in comparison to the last elections was the organisation of TV debates and the presentation of party programs and alternatives by each electoral subject. Despite a good beginning, the electoral campaign became tense especially in its last days before the Election Day characterised by exchanges of mutual charges. **In these days there were noticed violations of the Code of Conduct by both electoral subjects and their candidates.** There were cases of incidents such as candidate posters being ripped off or clashes between the members of candidates' electoral campaign staff.

18 An impression in this electoral campaign made the **great expenses of electoral subjects in their campaign, especially those pertaining to the great parties.** AHC encourages the application of the legal provisions regarding the verification of the sources of the funds used in this electoral campaign.

The media during the campaign and the voting process

19 Generally speaking, the media covered the electoral campaign. Public awareness was good. There were some party TV spots using fierce language and violating the Code of Conduct. During the Election Day, the media offered a full coverage of this process. There were cases of the breach of the electoral silence by political subjects while issuing public statements in the media.

The general situation ruling the elections process

20 The general elections of 3^d of July 2005 were held in a generally calm situation, although there were some incidents verified in various areas. **AHC appraises maximally the massive participation of Albanian voters in these elections, their demonstration of civilization and responsibility in this process.**

21 The political parties violated the Code of Conduct even in these elections, during their electoral campaign and during the Election Day, although they fully acknowledged it beforehand. **There were cases of commissioners demonstrating a lack of**

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

responsibility and political will during the Election Day, which meant that in some voting centres, the electoral process was not held and voters did not cast their ballots.

State Police

22 Observations carried out by AHC showed that State Police officials **carried out their duties in the proper way as foreseen in the Electoral Code and based on the respective guidelines issued by CEC**, while the police guaranteed order and a normal climate during the public rallies organised by electoral subjects.

The establishment of voting centres

23 AHC found that the location of some voting centres changed at the last moment and that in some **police stations such as in Elbasan, Gjirokastra and Kukës there were no voting centres set up**. Several polling stations observed by AHC were located in inappropriate places, limiting voters' movement and the presence of observers. Apart from this there were voting centres with a list of more than 1000-1800 voters. The law states that there should be no more than 1000 voters voting in each polling station.

Procedures for opening the voting centres and the voting process itself

24 The majority of the voting centres observed by AHC, were opened on time or with insignificant delays. Generally, **VC commission members have observed the requirements set forth in the Electoral Code and CEC guidelines regarding the opening of voting centres**. CEC sent the electoral materials on time, although there were some cases of delays in their retrieval. In the majority of voting centres observed the number of ballots matched with that of the voters.

25 **The voting procedure began generally on time**, with some small delays as a result of commissioners presenting themselves late, or delays in the delivery of voting boxes, the absence of the voters' lists, etc.

The VC commission members generally observed the voting rules, especially during the first part of the day, which cannot be said for the last hours of the voting process when in some VC an increasing flux of voters lined up to cast their ballot, which resulted in the delay of the voting process.

26 One of the problems identified in these elections was **the use of irregular birth certificates**. CEC ordered commissions to keep birth certificates used by voters in casting their ballots and asked citizens to use birth certificates equipped with photographs and to have with them a second identification document in order to minimise the use of irregular

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

birth certificates. Nevertheless, in some VC, commission members did not obey to this order in all the cases. There were even cases of commission members allowing voters to cast their ballots after presenting old birth certificates, at a time when registered voters upon the order of the Court were not allowed to vote for not possessing birth certificates. Therefore, **commission members in voting centres did not demonstrate a unified attitude in this respect.** AHC believes that the different attitude of VCC-s is a result of the little knowledge on the CEC guidelines or their lack of political will in applying them.

27 In many observed voting centres it was noted the phenomena of **family voting and disabled and aged voters were not facilitated in exerting their right to vote.** AHC observers noted that although the Electoral Code foresees all the possible facilitations for this category of voters to exercise their right, again their will was impaired. Our observers identified cases of disabled or aged voters not being allowed to vote or when they did so they were helped by a member of the commission or one voter helping more than one citizen of this category.

28 In some voting centres **the voting process was temporarily suspended** due to the disagreements between commission members, delays in the distribution of materials or the presence of propaganda materials within the limited perimeter as foreseen by the law.

29 In a considerable number of voting centres observed, **the secret booth position compromised the secrecy of the ballot.** In some stations, commission members reacted by taking the necessary measures after this fact was brought to their attention.

30 In some voting centres **there were cases of pressure exerted on voters by supporters of electoral subjects or even commissioners.**

Closing procedures

31 Due to the great influx of voters arriving at the voting centres at the last hour to cast their vote, a considerable number of voting centres postponed the closing hour beyond the hour foreseen by the law. This in turn postponed carrying out the procedure for sealing the ballot boxes, administering the election material, sending them to the EZC and the beginning of the ballot counting process.

Ballot counting procedures

32 AHC is closely monitoring the ongoing process of ballot counting. In its final report, AHC will include detailed evaluations and respective recommendations for each aspect of the electoral process observed.

KOMITETI SHQIPTAR I HELSINKIT

ALBANIAN HELSINKI COMMITTEE

Conclusions

33. Concluding, the Albanian Helsinki Committee hails especially the interest shown by the Albanian electorate to become part of the electoral campaign and of the electoral process. With their massive turnout in such important elections, Albanians showed their maturity and the level of civil responsibility in meeting the standards for free, fair and democratic elections.