

# Report from the Observation of the Parliamentary Elections in the Republic of Albania

24 June 2001



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## Preface

This report is based on observation of the parliamentary elections in the Republic of Albania 24 June 2001. The conclusions of the report are based on election day observations made by the representative of the Norwegian Helsinki Committee Sylo Taraku, as well as information gathered in Albania from international observers, experts, local NGO representatives and local media prior to and after the elections.

Our thanks to the OSCE Office for Democratic Institutions and Human Rights, which provided invaluable assistance and background information. We would also like to thank the Norwegian Ministry of Foreign Affairs, which sponsors the Norwegian Helsinki Committee's election monitoring activities.

This report is written by Sylo Taraku.

Oslo 04 July 2001.

Bjørn Engesland  
Secretary General

## 1. Executive Summary

These were the first parliamentary elections to the National Assembly of the Republic of Albania held under the Albanian Constitution of 1998 and the new Election Code adopted by the Assembly in May 2000, and amended in May 2001. The new Election Code represents an improvement over prior electoral legislation.

The observer from the Norwegian Helsinki Committee did not observe the pre-election period in person. However, according to information obtained from voters, local election observers, and OSCE/ODIHR representatives, the campaign was conducted in a generally peaceful atmosphere and without major violations of the electoral regulations. The contestants were noticeably restrained in their campaign rhetoric, reducing the overall tension during the campaign. A total of 28 parties took part and fielded some 2,000 candidates.

The most contentious issue was the attempt to field party affiliates as independent candidates, aiming to increase the number of compensatory mandates allocated to parties. Other shortcomings observed include inaccuracies in the voter lists, and excessive deviations in the number of voters registered in some electoral constituencies.

Election day was largely peaceful, except for a handful of isolated violent incidents. Voting was generally carried out in an orderly manner and in accordance with the electoral law. Similarly, the counting and aggregation processes observed by the representative of the Norwegian Helsinki Committee were done without serious problems.

There were some problematic aspects: the lack of accuracy of the voters' registers, the presence of unauthorised persons in polling stations; the confusion about "independent candidates", high tensions within the Voting Center Commissions during the counting, active role by some domestic observers (political party representatives) in implementation of the election process, group voting and campaigning posters near many polling stations in Election Day.

In general, however, the impression of the Norwegian Helsinki Committee observer is that the present Parliamentary Elections marked a considerable improvement compared with the prior elections which the Norwegian Helsinki Committee have observed in Albania. The present elections, with the reported voter turnout around 60%, represented an important step towards implementation of international standards and recommendations in Albania.

## 2. Introduction

The election observer from the Norwegian Helsinki Committee was sent as a response to an invitation from the Government of the Republic of Albania to the participating states of the Organisation for Security and Co-operation in Europe (OSCE).

The observer was part of the international delegation co-ordinated by the OSCE Office for Democratic Institutions and Human Rights' Observer Mission (OSCE/ODIHR) to Albania, led by Mr. Nikolai Vulchanov.

The Norwegian Helsinki Committee observer was deployed in Korca (zone 80) in a team together with Susan Lively from USA.

This report summarises the findings of the observer team that visited a total of 11 polling stations during the Election Day and one polling station during the count. In addition the teams observed also the aggregation process at the Zone Election Commission in Korca.

The limited geographical coverage and the limited duration of the observation inhibit an encompassing evaluation of the elections. With these reservations in mind, the conclusions of this report reflect not only the impressions of the Norwegian Helsinki Committee but also the general consensus among the international observers.

### **3. Method and organisation of the election observation**

The International Election Observation Mission in Albania was a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (PA), the Parliamentary Assembly of the Council of Europe and the European Parliament.

The OSCE/ODIHR Election Observation Mission consisted of 10 election experts in the Tirana headquarters and 18 long-term observers deployed to the regions. For Election Day, the International Election Observation Mission has deployed over 270 short-term observers from 30 countries. Also, the Organisation *Internationale de la Francophonie* contributed 14 observers for Election Day. International observers monitored the voting and counting procedures in polling stations and election commissions across Albania.

The team of observers followed the procedures outlined in the OSCE/ODIHR Election Observation Handbook. The election handbook provides guidelines for the preparation, monitoring and reporting phases. The Electoral Code of the Republic of Albania and other relevant material were available before the day of departure and gave the observers a general idea of the electoral procedures and political climate. Further information was provided by the OSCE/ODIHR Election Observation Mission, which held a joint briefing prior to the elections as well as a joint de-briefing afterwards. During the briefing in Tirana, the STOs were provided with relevant preparatory material and checklists. In addition, the STOs were briefed on the regional situation by the OSCE/ODIHR regional co-ordinators/LTOs.

On election day the observers were split into teams with two observers in each. The OSCE/ODIHR observers were deployed in all parts of Albania to observe voting at the polling stations as well as counting in representative sites.

### **4. Political background**

Since a multi-party system was established in Albania in March 1991 two main parties have dominated the political landscape: the left wing Socialist Party (former Labour party) now led by Fatos Nano and right wing Democratic Party led by Sali Berisha (the President in the period 1992-1997).

The Albanian Labour Party, (now Socialist Party) won the country's first post-war parliamentary elections in March 1991. At the elections in March 1992, however, the Communists lost power to the Democratic Party, which received 62% of the vote. The party formed a government with two other opposition parties, and the Socialists went into opposition. The Democratic Party implemented one of the most radical reform programmes in former communist Europe. President Berisha also became notorious for establishing an authoritarian and nepotistic regime.

Democratic Party again won the Parliamentary election on 1996 but the elections were criticised by the international community. OSCE observer group stated that 32 of the 79 articles in the Albanian election law had been violated. The Norwegian Helsinki Committee concluded in its report that 'the will of the Albanian people was not reflected in the published results of the elections'.

The collapse of financial pyramids in 1997 resulted in massive riots throughout the country and institutions disintegrate. Early parliamentary elections held in summer 1997 bring landslide victory for the opposition Socialist Party (52% of the votes) which forms a Government coalition (Alliance for the State) with three smaller parties: Democratic Alliance of Albania (2.8%), Human Rights' Unity Party (2.8%) and Social Democratic Party (2.5%).

Following the 1997 crisis, the Government undertook measures to reform State structures and improve public order. In addition, a new constitution was adopted after a referendum have been held on 22 November 1998 and a new electoral code adopted in 8 May 2000.

These reforms represented substantial progress towards meeting international standards for democratic elections. The test came during the local government elections in October 2000, which marked significant progress towards meeting the standards for democratic elections and took place in a tense but remarkably peaceful atmosphere. The 2001 parliamentary elections provided an opportunity for further democratic consolidation.

In a significant development in the run up to the elections, the governing Socialist Party (SP) broke with its smaller alliance partners to contest the election on its own. The opposition Democratic Party (DP) formed a coalition with four smaller parties (Republican Party, The National Front, the Movement for Legality Party and the Albanian Liberal Union) to campaign as the "Union for Victory". Earlier in the year, some Members of Parliament from the DP broke ranks and formed a rival party called the Democrat Party led by Genc Pollo, which took part in these elections as an alternative to both the SP and the DP.

The Union for Human Rights Party has meanwhile declared that it represents national minorities, but not all minority communities agree. Nevertheless, a significant number of candidates from national minority communities took part in the elections, standing as independent candidates or nominated by parties.

## **5. The Electoral System**

The 24 June 2001 elections to the Assembly were held under an electoral code adopted by the Assembly in May 2000, and amended in May 2001.

### **5.1. Basic Principles**

All citizens of the Republic of Albania, who have reached the age of 18 on or before the Election Day, have the right to vote, except persons who are recognised as incompetent by a court. Voters vote in the zone where they are registered on the voters' list.

The citizens of Albania elect the members of the Assembly (deputies) by direct and secret ballot for the term of office of four years.

### **5.2. Distribution of seats in the parliament**

The Assembly in Albania consists of 140 Deputies elected on the basis of a mixed system - 40 mandates are allocated to political party and coalition lists in a single national constituency, and 100 mandates to party, coalition, and independent candidates in single member constituencies by a majoritarian voting system. A second round of voting is required in each single member constituency where no candidate receives an absolute majority. Each voter receives two ballots, one for the single member constituency and the second for the nation-wide multi-mandate constituency.

Parties and coalitions must receive at least 2.5% and 4% respectively of the valid national votes to participate in the allocation of the 40 mandates. Article 64 of the Constitution requires that the total number of deputies of a party or coalition shall be, to the closest extent possible, proportional to the valid national votes won by them in the first round. Article 66 of the electoral code establishes a formula for this proportional distribution of mandates.

### **5.3. Electoral bodies**

The Electoral Code provides for four levels of election commissions, which are involved in the administration of elections to the Assembly. These are:

- Central Election Commission

- Zone Election Commission
- Local Government Election Commission
- Voting Center Commission

**The Central Electoral Commission (CEC)** is the supreme electoral body has responsibility for the whole election process, as well a supervisory role in the work and acts of lower level commissions. Each political party and coalition registered with the CEC may appoint one non-voting member to the CEC. The CEC register lists of candidates of political parties for the elections in the multi-mandate nation-wide constituency and announces the results of the elections.

**The Zone Election Commission (ZEC)** has the responsibility to ensure the lawful administration of the elections in their respective single-member electoral zones and the unified observance of the various electoral provisions. The ZECs set up polling stations, establish the results of the elections as well as the results of the vote in the electoral zone for the nation-wide candidate lists of parties and coalitions.

**Local Government Election Commission (LGEC)** has as its primary responsibility to update and revise the parliamentary voters' lists. Under article 35 of the Electoral Code LGEC is to present the revised preliminary voters' list to the CEC no later than 22 days before the elections.

**The Voting Center Commission (VCC)** conducts the voting and counting process at its voting center.

#### **5.4. Nomination of candidates**

A candidate for a single-member electoral zone registers with one of the 100 Zone Election Commissions. The Candidacy documents must include, in addition to basic information about the candidate, either a declaration from the political party endorsing the candidate or the signatures of 300 registered voters who reside within the electoral zone.

Political parties and coalitions presenting candidate lists for the nation-wide constituency for the 40 mandates submit candidate lists to the Central Election Commission for registration. The political party or coalition that submits the list sets the order of the candidates on the list.

#### **5.5. Election campaigning**

According to the electoral law, every electoral subject has the right to make electoral propaganda in any lawful manner during the election campaign. The electoral campaign starts 30 days before Election Day and ends 24 hours before the beginning of voting. Candidates may publish their programme and express their opinion freely at meetings, conferences and in mass media.

However the conduct of the electoral campaigns in de-politicized institutions is prohibited. Propaganda for or against a candidate or other electoral subject by foreigners is also prohibited.

#### **5.6. Polling station activities**

Polling stations are open from 08.00 a.m. to 06.00 p.m. on the day of the elections. Before voting, each voter must show his or her permanent voter card, bearing a unique number matching that of the voter's entry in the register. However the citizens who have not been provided with a voter card before elections can still vote with a document of identification with a photograph, issued by

the offices of civil status, according to the instructions issued by the CEC (passport, international passport, birth certificate with photo).

The committee member responsible for the registration of voters then looks up the voter's name in the voters' register. The voter signs in the space next to his or her name and the VCC member writes the voters identification number in the register next to the voter's name. A voter who cannot be found in the voters' register does not have the right to vote. After this, each voter shall receive two ballots of different colours, one for the proportional party list and one for the majoritarian (single-mandate) elections.

Voting on behalf of other persons is not allowed. Exemptions can be made for persons who are unable to vote by themselves and therefore need assistance from another person. In this case the assistant cannot be a member of the electoral commission or a candidate observer (proxy). Voting shall take place in secrecy. After completing the ballot, the voters shall personally put it in the ballot box.

The counting of votes takes place in the polling station, and shall commence immediately after the closing of the polling station. When the counting is completed, the VCC shall prepare a protocol summarising the election results, and then deliver this together with all electoral documents to the ZEC.

## **6. Observations and assessment of the elections**

The following points summarise the main findings of the observer from the Norwegian Helsinki Committee:

### **6.1. The Electoral System**

The observer from the Norwegian Helsinki Committee considers the Albanian electoral system, outlined in the previous section, in general to meet international standards for free and fair elections. The electoral legislation provides a legal framework that on principle ensures the citizen's right to vote freely, and provides for a non-discriminatory registration of candidates and a fair election campaign. Most of the problems noted below are therefore not due to the shortcomings of the electoral legislation, but rather to lack of implementation.

### **6.2. The Campaign and Pre-Election Period**

Twenty-eight political parties were registered for the Assembly elections, fielding some 2,000 candidates in the 100 single member zones. Of these, 149 were registered as independent candidates. Following the CEC decisions during the week preceding Election Day, 107 of these independent candidates were acknowledged to be supported by the Socialist Party or the coalition "Union for Victory". In addition, 28 political parties and coalitions with 823 candidates competed for the 40 proportional mandates.

The campaign was largely conducted in a calm atmosphere with few reports of violence or intimidation. There was a large number of regional rallies and signs of local level campaign activity in most areas. The two main contestants were noticeably restrained in their campaign rhetoric, reducing the overall tension during the campaign.

**The media** campaign was generally balanced, something that represented a clear improvement in comparison to previous elections. Almost all media violated the campaign silence period during the 24 hours before Election Day. Otherwise no major violations of the rules for campaigning were reported to the OSCE Election Observation Mission.

### **6.3. Election Day**

The observation team with one representative from the Norwegian Helsinki Committee was welcomed at all polling stations and given the possibility to carry out its duties.

#### **Campaigning and agitation at polling stations**

We did not find posters or campaign-material representing candidates inside the voting premises. Neither did we see rallies or campaigning on polling day. We did, however, in several cases run into more than two proxies of the same candidate/party in the same polling station and campaign-material near polling stations. Presence of unauthorised persons in the polling stations also constituted a problem. Usually these persons were children of the VCC members or journalists from local electronic media.

#### **Ethnic Minorities**

Korca lies in southeast Albania, some 180 KM from the capital Tirana. The district population in Korca is 194 550, the second largest district in Albania, after Shkodra. A Slavic minority, which lives near Lake Prespa along the Macedonian/Albanian border, constitute 2.4% of the district population. There are also some other small ethnic communities: Romas, Vlachs, "Egyptians" as well as Greeks. For example in Korca the "Egyptian" community have founded a party "Levizja Puntore" (Workers Party) –which supports "the struggle" for more consciousness of Egyptian and Roma issues. On the other hand, The Union for Human Rights Party claims they represent the interests of all the ethnic minorities, but party has been seen as pro-Greek.

According to the Albanian Helsinki Committee, during the election campaign in Korca, politicians and Greek diplomats have actively supported The Union for Human Rights Party, and promised visas to the voters, something which represent a violation of the article 13 (2) of the Albanian Election Law which prohibits propaganda for or against a candidate or other electoral subject by foreigners.

#### **Police at polling stations**

In some polling stations, the presence of security personnel seems too be very heavy. But this was because of the several polling stations in one building. However, the conduct of the police officers in polling station we visited was correct and professional. Also voters we asked, including members of the minorities, were satisfied with the presence and behaviour of the police.

#### **Voting in prisons and hospitals**

We observed the voting in one prison station (for pre-trial detention) and one women's hospital in Korca. In both cases the voting was well organised and orderly.

#### **Security against fraud**

We did not encounter boxes that were not properly sealed. In all cases observed the boxes were openly placed within sight of the proxies and the commission, making it virtually impossible to change the contents.

#### **Election observers/candidate proxies**

According to the law, each nominating body and each candidate may have a proxy at the VCC. In all regular VCC visited by the observer from the Norwegian Helsinki Committee, the number of proxies present seemed to be on average seven to eight proxies in one VCC.

Local NGOs were also allowed to observe the elections, but at Voting stations visited by our observer team, no NGO representatives were present.

#### **Voters' registers**

The largest single problem in these elections was clearly the inaccuracy of the voters' registers. At all polling stations visited by our regular observer team there were instances of people having been refused to vote because of not being registered in the voters' register. In some cases some family members were registered while others were not.

Although a person could turn to the court for getting registered on Election Day, it is clear that many people did not go to court after being turned away at the polling station.

Another problem causing great debate among VCC members concerned changes in Voters' Registers since the previous election. A lot of people claimed that new voters had been registered without living in the electoral zone. The leader of the ZEC in Korca told us that in the previous election there were two lists, A and B. List B contained the names of emigrants and new residents. During these elections, the lists were combined, and the resulting new list did for this reason contain a larger number of registered voters, which created confusion and suspicion among some VCC members. Anyway, VCC members complained that several of the people registered were either dead or had moved away, and that the list was in need of an update.

### **Secrecy of voting**

In general, voting procedures as laid down in the law were followed at the polling stations visited by the STOs from the Norwegian Helsinki Committee. However there were a few instances of collective voting. On several occasions voters, especially elder people, asked for help to vote. In no case were they helped by VCC members, but usually rather by other voters who had already voted. According to the law, special permission is needed to assist someone in voting, but no such demand was put forward in any case, observed by our team.

### **Aggregation and Publishing of Results**

The observer from the Norwegian Helsinki Committee followed the count of ballot papers at precinct level as well as the count of coupons at community level. The counting went without serious problems at both levels. We did not notice any overt attempts at manipulation of the counting process.

Although we did not notice any major problems, it would have been an advantage to introduce a more standardised counting procedure. The electoral law at present does not stipulate a procedure for double-checking the results and checking the result of the count against the number of ballots cast. Instead, the polling station committees conducted these checks in the way they saw fit or did not conduct checks at all. Some international observers reported large problems and even chaos in the voting process at some polling stations, and some of these problems could probably be avoided by introducing a standard procedure.

## **7. Conclusions and Recommendations**

The overall impression from these elections is good. Generally, the elections took place in a peaceful atmosphere, and the organisation was in most cases satisfactory.

The Norwegian Helsinki Committee share the overall conclusion of the OSCE Election Observation Mission that the first round of the 2001 Albanian Parliamentary elections demonstrated an improvement over prior elections. Our impression is that these elections were among the best ever held in Albania. These elections demonstrated a clear step in the direction of adhering to the standards to which Albania has committed itself in OSCE documents. For a summary of the conclusions, see the [Executive Summary](#).

- **Inaccuracies in the voter lists** were among the biggest problems during these elections. Such inaccuracies can provide opportunities for fraud. Albanian authorities should therefore give priority to establishing mechanisms for ensuring more accurate voters' lists for the second round- and for future elections.
- **The debate concerning "independent candidates"** was one of the problematic points at these elections. The CEC acted professionally and independently when they decided to put so-called "independent candidates" on their party lists, at this point it was too late to change the lists, and this may have created confusion among some voters. Consequently, better criteria for the registration of independent candidates should be incorporated in the Election Law, which should also act earlier if similar problems present themselves at future elections.



- **The composition of the VCCs** was, at the election centres observed by us, on the whole satisfactory, the leader in most cases coming from the opposition party PD. On a national level, 53 % of VCC leaders at Polling Stations came from the “Union for Victory”, 40 % from the PS. The rest came from other parties. Political parties should appoint commission members on the basis of their qualifications and should not send quarrelsome party activists, creating a bad atmosphere both at the voting and at the counting of the votes.
- **Women** were generally underrepresented in administrative structures for the elections. There were no women among the full members of the CEC. Women comprise just over 7% of the zone election commissions’ membership and 8% of polling station commissions in the whole of the country as observed by all OSCE/ODIHR observers on Election Day. Therefore the political parties and the Albanian authorities should encourage larger participation of women in the administration structure for the future elections.
- **The campaign silence period** during the 24 hours before Election Day was violated by almost all media. This practice should be prevented, inter alia by developing sanctions against media who offend against this rule.
- **Foreigners**, such as politicians and Greek diplomats, should refrain from taking part in the propaganda for or against any political party, as well from making promises to the voters, as was the case in Korca, during the election campaign.
- **Propaganda material** was on many occasions observed by us close to the Voting centres. VCC should in the future be more careful to remove propaganda material at a distance of 150 meters from the polling stations, as stipulated in Albania’s Election Law.
- **A standard procedure for counting** the votes should be introduced. This should include checks for balancing the number of votes received by the candidates and parties, ballots cast and the number of signatures in the voters’ registers.
- **The lack of technical equipment** was a problem as well at the Voting centres we visited. Scarcely any of the Voting centres observed by us were in the possession of a copying machine, telephone, calculator and other equipment. This led to considerable delays in counting and especially in the writing of copies to election protocols. Accordingly, the authorities should strive to provide the VCCs with more technical equipment at future elections.