



REPORT
ON
THE PARLIAMENTARY ELECTIONS
IN
ALBANIA

26 MAY 1996

I. Summary

These were the third multi-party elections in Albania since the collapse of communist rule.

Albanian authorities welcomed international observers, whose status is confirmed in the Election Law. According to Article 89 "parliamentary representatives of OSCE member states", as well as several others, are recognized as observers.

Although Albania has made significant progress from dictatorship towards democracy in only a few years, lack of democratic and multi-party traditions were clearly visible in the electoral process. It effected some detail of the legislation, the manner in which the process was administrated and the manner in which political parties behaved and conducted their relations.

Albanian legislation provides conditions for free and fair elections. However, *the Law on Genocide* includes procedures which cannot be considered fair and transparent. It also includes stipulations which limit the electorate's possibilities to freely choose their candidates.

During the campaign the authorities did not always act in an unbiased manner. There also appeared to be confusion concerning some decisions, or lack of decisions, on behalf of the Central Election Commission in the management of the process.

Procedures in the polling stations were, in general, in accordance with the law. There were, however, a number of irregularities and technical shortcomings.

The state owned media was not entirely unbiased.

The fact that several opposition parties withdrew from the process, also withdrawing their representatives from the polling stations only a couple of hours before the counting of votes, contributed to the lack of credibility in the counting.

In its statement on 27 May the Delegation of the OSCE Parliamentary Assembly appealed to the Albanian authorities and to all political parties to do their utmost to secure the successful continuation of the electoral process. It would have been essential for the further consolidation of democracy in Albania. The Delegation emphasized that the Government and all political parties alike share responsibility in this vital matter.

The Delegation is disappointed that its appeal had no effect. Furthermore, the political environment appeared to have deteriorated after the first round of the elections. This diminished the integrity of the second round and also undermines the credibility of the democratic process in the country. Therefore, the Delegation reiterates its appeal to all political parties in Albania to work together in order to win back confidence in the country's democratic future.

Delegation's statement on 27 May is attached (Annex 1)

2. Delegation

The President of the OSCE Parliamentary Assembly appointed the following Delegation:

| | | |
|------------------|----------------|--------------------|
| Raoul ÜKSVÄRAV | Estonia | Head of Delegation |
| Jef TAVERNIER | Belgium | |
| Jan KRYCER | Czech Republic | |
| Toomas ALATALU | Estonia | |
| Hans RAIDEL | Germany | |
| Fiorellò PROVERA | Italy | |
| Urban AHLIN | Sweden | |
| Algan HACALOGLU | Turkey | |

The Delegation was accompanied by

Pentti VÄÄNÄNEN, Deputy Secretary General
 Bob HAND, Advisor to the US Delegation
 Jenice HELWIG, Advisor to the US Delegation

3. Programme

The programme was prepared in cooperation with the Albanian Delegation to the OSCE Parliamentary Assembly (Annex 2).

4. Observations

4.1. Electoral law (Available at the Secretariat)

4.1.1. Election Commissions

There are electoral commissions on three levels (Art 34)

1. Central Election Commission
2. Election Commission in the zones
3. Election Commission of the voting centers

The Central Election Commission (CEC) is a new body which started its work on the 10 April 1996. It is not a permanent body but works on an ad hoc basis. The CEC's responsibilities (Art 36) include the overall management of the elections. It also registers and announces the participation of parties, groups and independent candidates and registers their symbols. It controls the registration of candidates in zones (constituencies) and reviews complaints against the activities of the Election Commissions in the zones and announces the results of the elections. It also sets the rules for foreign and domestic observers and provides them with identification documents. Complaints against the decisions of the CEC can be filed in the Constitutional Court.

Election Commissions in the zones (Art. 37-38) are responsible for the conduct of the elections in a constituency. There are 115 such commissions - one in each constituency. There are approximately 20,000 voters in each constituency. Complaints against the decisions of the Commission in the zone can be made in the CEC.

Election Commissions of the voting centers (Art. 39-40) are responsible for organizing the voting at a polling station. There were 4,700 such commissions - one at each polling station. There are approximately 800 voters at each polling station.

All commissions included representatives from parliamentary parties.

All registered parties were entitled to send monitors to such polling stations where they had candidates.

4.1.2. Voters and candidates

All Albanian citizens who have reached the age of 18 have the right to vote (Art 2). All voters are registered. Each polling station has a register of voters in that station. Voters have the right to check the register in advance and ask for corrections.

There were 1,180 candidates representing 24 political parties. All Albanian citizens who have reached the age of 18, have lived permanently in Albania for more than six months and fulfil the requirements of the laws which are listed in Art. 2, have the right to be elected.

The most important restrictions for candidacy are included in the law *On genocide and crimes against humanity committed in Albania during the communist regime on political, ideological and religious motifs*. According to this law persons who have held positions, listed in the law, before March 1991 are barred from candidacy until 2002. This concerns as many as 100,000 persons. Decisions in these matters are taken by a Commission which is chaired by the Prime Minister and includes also other political personalities. Their decision can be appealed to the Supreme Court. In the process documents can be used which are not made public and not necessarily shown even to the person concerned. Fifty persons were barred from candidacy on the basis of this law.

4.1.3. Distribution of seats and counting of votes

There are 140 members in the Peoples Assembly of the Republic of Albania (Albanian Parliament).

Albania has a mixed electoral system. 115 members are elected from as many constituencies in accordance with the majority system. In order to be elected a

candidate must receive more than 50 % of the votes cast. If no candidate receives that amount of votes, the second round is held between the two candidates who receive the most votes.

25 members are elected from a national lists in accordance with a system of proportional representation.

The ballot has two sides. On one side there are all candidates in that particular constituency. The voter crosses out all other candidates but the one he/she votes for. On the other side there is the national list. The voter crosses out all parties but the one he/she votes for.

(More detailed information on the Albanian electoral system is available at the Secretariat.)

Albanian law, in general, provides good conditions for free and fair elections. Citizens have adequate possibilities to participate in the electoral process; putting forward candidates, standing as a candidate, and voting for parties and candidates of their choice. The voting system is clear and easy to understand.

However, *The Law on Genocide* includes stipulations which are not completely acceptable: persons can be barred for having held a position, not for actions they have taken. The matter is decided upon by a body which is political by nature and on evidence which may not be made known even to the person concerned.

4.2. The media

For understandable reasons the amount of independent and private media is still rather limited in Albania. The TV is state-owned. There are rules concerning time which is allocated to parties. These rules did not limit reporting about the activities of the President of the Republic who was actively supporting the ruling party

State owned media was observed in some occasions acting in a biased manner. The provisions for presenting the parties were not strictly observed.

The media, in general, performed its duty well to inform the electorate about the electoral process.

4.3. Observations concerning the campaign and preparations

Relations between some parties during the campaign were tense. This concerned in particular, the party in government and the main opposition party

The opposition accused government officials for failing to act in an impartial manner and for favouring the Democratic Party; the party in government.

There were also several accusations against the action of the police, including accusations of police brutality. The authorities, including the Minister of Interior who is responsible for the police force, denied these accusations.

The Delegation was not in a position to investigate such accusations. However, a case had been observed where the police failed to perform its duty to protect members of the main opposition party who were prevented from entering a lawful rally. Their entry was unlawfully blocked by persons who were understood to be supporters of the ruling party. In another case the authorities provided better facilities in Tirana for the main rally of the ruling party than for the main rally of the opposition party.

The authorities did not always perform their duties in an unbiased manner.

There appeared some confusion concerning the work of the CEC. The status of domestic observers was unclear only a few hours before the opening of the polling stations. There was also confusion concerning who would sign the documents of the Electoral Commissions of the voting centres. The opposition claimed that if this is done by the chairs and the secretaires only, it would undermine the credibility since those officials, according to them, might be influenced by the ruling party. It was explained to the Delegation that chairs and secretaries sign all documents. In addition to that also other members may sign if they wish to do so. However, even during the polling day there seemed to be confusion concerning this matter.

Members of the CEC gave contradictory announcements concerning the number of "final forms" to be sent to each polling station and whether representatives of parties could receive such forms or take copies of them.

Some members of the CEC claimed that the confusion, at least to a large extent, was due to difficulties in information, which is not under their control. They accused some newspapers of distributing misinformation.

Although the Central Electoral Commission, in general, performed its duties in accordance with the law, some decisions were delayed and not effectively informed.

4.4. Observations at polling stations

On 26 May the Delegation was divided into 3 groups which visited more than 50 polling stations in different parts of Albania, including Tirana, Durres, Shkoder, Fier, Elbasan, Leche, Burrel, Pogradec, Lushnje, Kruje and Korce. They also visited several rural areas. First visits were made before the opening of polling stations and the opening procedures were observed. Last visits were made to

observe the counting of votes.

Until 19.30 representatives of most parties were present at polling stations either as members of the election commissions or as domestic observers. However, an observer of the main opposition party was absent in a few stations. The observers did not report on irregularities.

The officials, in general, performed their duties in an orderly manner and in accordance with the law. Good order was maintained, ballot boxes were sealed and well guarded and the polling booths were safe.

However, the following irregularities and technical shortcomings were observed:

There were election posters of the ruling party at the entrance of several polling stations. Although this was not in violation of the law, their closeness to the polling station cannot be considered appropriate.

At several polling stations voting began late because of technical difficulties. In some cases the delay was almost an hour.

Some polling stations were too crowded, making it difficult to secure good order.

There were a few cases when a polling station ran out of ballots and voters had to wait.

Some inconsistencies were observed concerning the register of voters and how it was presented in different polling stations, however, this did not appear to have impact in the process.

In a few cases there was more than one person in a booth. In most of these cases they seemed to be married couples or members of the same families.

In a few cases voters marked their ballots outside the booth.

Although all ballot boxes were sealed, the seals did not look reliable enough. The material of the wax was not appropriate for the purpose. It could have been easily broken and replaced during voting. There also were different manners of sealing, some of which did not appear appropriate. Delegates have no evidence that seals were opened during the day, but it would not have been difficult. In fact, one case was observed where the seal of the same box was different in the morning to a few hours after the first observation.

There were cases where a voter was given more than one ballot. In

one polling station a voter was seen with seven ballots and two others having together five ballots. An official explained that the persons were voting for members of their families, at least some of whom were present.

In the afternoon a presidential decree was announced postponing the closure of polling stations until 22.00 hours. This differed from the previous announcements and was in conflict with Art. 64 of the Electoral Law which rules that "the voting...ends at 20.00...".

At approximately 19.30 some opposition parties withdrew their representatives from the polling stations. This operation appeared to be well organized.

The change of the closure of the polling stations in the evening of the polling day caused confusion.

~~The withdrawal of the opposition representatives from the polling stations contributed to the lack of integrity of the counting process. Delegates observed no irregularities. There were, however, cases where there were doubts that some decisions concerning whether to approve or disqualify a ballot may have been interpreted in a manner which favoured the ruling party.~~

5. Recommendations

(1) The Law on Genocide should be amended in a manner that only such persons who have committed a specific crime or another severely condemnable act can be barred from candidacy and that the procedures in this matter are fair and transparent.

(2) The CEC should be made a permanent body. (3) The CEC should make its rulings well in advance and make sure that they are effectively made public and observed.

(4) All authorities, the police in particular, must act in accordance with the law, in an impartial manner and perform all their duties.

(5) Polling stations should be provided with proper facilities, such as appropriate size.

(6) Officials at the polling stations must strictly observe the law and regulations. For instance, voters must only receive one ballot each.

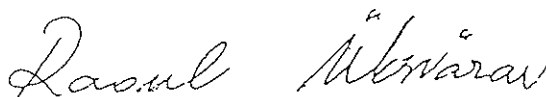
(7) Seals should be improved. The material should be changed and the Election Commissions of the voting centers should be instructed to use a reliable and uniform method.

(8) All officials and voters should be educated on proper procedures. This goes, for instance, procedures concerning disabled persons.

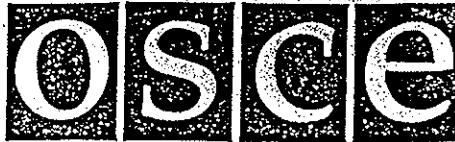
(9) The officials should interfere and advise voters when proper procedures are not followed. This goes, for instance, in situations where more than one voter enters the booth at the same time, or when a voter mark their ballots outside the booth.

Although the lawfulness of the newly elected Albanian Parliament cannot be questioned, the electoral process included several aspects and incidents which severely question the credibility of the democratic process in the country. The Government and all parties alike share responsibility in this matter.

All parties should in this situation give first priority to the interests of Albania. Confidence, internal and external, in the democratic future of the country is vital. Therefore the Delegation once again appeals to all parties to work together to regain that confidence. The Delegation recommends that the parties consider whether new elections, after a reasonable but limited period of time, under improved conditions and in the presence of international observers, would serve the interests of Albania.



Raoul Üksvārav
Head of Delegation



PARLIAMENTARY ASSEMBLY

27 May 1996

OSCE PARLIAMENTARY ASSEMBLY

Press release

Parliamentary election in Albania 26 May 1996

A Delegation of the OSCE Parliamentary Assembly monitored the election in Albania on 26 May 1996. The Delegation was led by Mr. Raoul Üksvärav (Estonia) and consisted of Toomas Alatalu, (Estonia), Urban Ahlin (Sweden), Algan Hacaloglu (Turkey), Jan Krycer (Czech Republic), Fiorello Provera (Italy), Hans Raidel (Germany) and Jef Tavernier (Belgium). The Delegation was accompanied by Pentti Väänänen, Deputy Secretary General of the OSCE Parliamentary Assembly as well as by Bob Hand and Janice Helwig, advisors to the US Delegation to the Assembly.

On 24 and 25 the Delegation met with representatives of the Albanian Government, Central Electoral Commission, major political parties, the media and the Ambassador of Switzerland.

The Delegation acknowledges that Albania has only in a few years time made significant progress from a closed dictatorship to a democracy. The Delegation hopes that these elections would contribute to further consolidation of this process.

The Delegation discussed several issues concerning the legal basis of the elections. In this connection the Delegation also discussed the *Law on Genocide* and considers that the law includes procedures which are not entirely transparent. It also includes stipulations which limit the electorate's possibilities to choose freely their candidates.

The Delegation feels that the state owned media and some authorities were not entirely unbiased. The legal provisions for presenting the parties favoured the ruling party. The Delegation acknowledges that the media performed well its duty to inform the voters about the electoral procedures.

The Delegation also feels that the Albanian legislation does provide a basis for free and fair election and for the will of the people to be expressed.

On the polling day members of the Delegation visited more than 50 polling stations in different parts of Albania, including Tirana, Durrës, Shkoder, Fier, Elbasan, Leche, Burrel, Pogradec, Lushnje and Korçe. They also visited several rural areas.

The Delegation feels that the officials at polling stations, in general, performed their duties in an orderly manner and in accordance with the law. The Delegation did, however, observe a

number of irregularities and technical shortcomings which will be dealt in details in the final report.

Members of the Delegation observed the counting of votes in several polling stations in Tirana. The withdrawal of opposition representatives from the polling stations contributed to the lack of confidence in the integrity of the counting process.

The Delegation appeals to the Albanian authorities and to all political parties to make their utmost to secure that the second round of the election can take place in a normal and peaceful atmosphere where the electorate can freely express their opinions. A successful second round would be essential for the further consolidation of democracy and stability in Albania. The Delegation emphasizes that the Government and all political parties alike share the responsibility in this vital matter.

The Delegation will issue its final report in a few weeks.

Further information can be obtained from Mr. Pentti Väänänen, Deputy secretary General, OSCE Parliamentary Assembly; Rådhusstræde 1, Copenhagen.
Tel: (45) 33 32 94 00. Fax: (45) 33 32 55 05



PARLIAMENTARY ASSEMBLY
OSCE PARLIAMENTARY ASSEMBLY

PROGRAMME IN ALBANIA 23-27 MAY 1996

Thursday, 23 May

20.00 Meeting of the Delegation

Friday, 24 May

10.00 Central Election Commission

11.30-12.15 Union for Human Rights Party

Lunch

14.00-14.55 The Ambassador of Switzerland

15.45-16.25 Socialdemocratic Union Party

16.30-17.10 Socialdemocratic Party

17.15-17.55 Republican Party

Saturday, 25 May

09.30-10.25 Socialist Party

10.30-11.25 Democratic Party

11.30-12.30 Media

Lunch

16.00 Ministry of Interior

17.00 Democratic Alliance Party

20.00 Dinner hosted by the Albanian Delegation
to the OSCE Parliamentary Assembly

Sunday, 26 May

06.30-21.00

Visits to polling stations

Late

Meeting of the Delegation

Monday, 27 May

08.30

Meeting of Delegation

11.00

Press Conference

Departure
