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Report on the observation of the local elections in Albania held on 12 October 2003

Rapporteur of the Congress Delegation: Mrs Helene LUND (Denmark)

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1. Introduction

Following the invitation by Albanian Central Election Commission, on behalf of its Government, the CLRAE decided to send a delegation to observe the local elections in Albania, held on 12 October 2003. In accordance with the Albanian Electoral Code of 2003, there was only one round of the elections.

The CLRAE observer group consisted of Mr. Joseph BORG (Malta), Mr. Jean- Claude FRECON (France), Mrs Brith FÄLDT (Sweden), Mrs Helene LUND (Denmark), Mr. Yavuz MILDON (Turkey), Mrs Noreen RYAN (Ireland), Mr. Christopher NEWBURY (UK) and Mr. Jukka NYBERG (Finland). The delegation was accompanied by Mr. György BERGOU and Mr. Mats LINDBERG from the CLRAE Secretariat. Ms LUND was appointed Head of Delegation.

The CLRAE delegation wishes to thank the OSCE/ODIHR long-term observation mission, headed by Ambassador BARRY, for excellent co-operation both politically and with regard to preparing the practical aspects of the mission, such as logistics etc. The ODIHR had a team of long-term observers deployed around the country, preparing the observation exercise for election day and it deployed over 200 short-term observers. ODIHR was also most helpful in providing background information and post-electoral information to the CLRAE team. Accordingly, some of that information has been used for the present report.

In the days preceding the 12 October election the delegation met the representatives of the main political parties, the Albanian electoral administration, representatives of the international community, the Albanian Association of Mayors, some domestic observer groups and some NGOs. For details about the meetings, please see programme in Annex 2.

On Election Day the delegation was divided into five teams covering five main areas of Albania (Ms Lund/Mr. Bergou - Tirana, Mrs Fäldt/Mrs Ryan - Durres-Kavaja, Mr. Nyberg/Mr. Lindberg - Vlora-Himara, Mr. Mildon/Mr. Frecon - Pogradec-Korca and Mr. Borg/Mr. Newbury - Shkodra). The five teams on average visited more than ten polling stations each.

2. Overall Albanian Political Context and background to the October 2003 local elections

The Albanian political scene is still marked by deep polarisation. There is a remarkable lack of any tangible policy issues in the party political programmes but instead the political debate turns around the leaders of the two main political parties, notably Mr. Sali BERISHA of the Democratic Party (DP) and Mr. Fatos NANO of the Socialist Party (SP). Nonetheless, there has been a major improvement in the political climate since the last local elections held in October 2000. Whereas the time before those elections and in their immediate aftermath was marked by boycotts of parliamentary work and extreme hostility between the two main parties, 2002 and 2003 saw a normalisation of relations and parliamentary work and even a parliamentary decision-making process characterised by consensus between the DP and the SP. One of the main achievements of this consensual spirit, which was particularly prevalent in 2002, though somewhat less present in 2003, was the drafting, by a bi-partisan committee of DP and SP members, and subsequent adoption by the Albanian Parliament, of a new Electoral Code in June 2003.

In both the DP and the SP there has been signs of discontent with the established leadership and as a consequence the former DP Deputy Chairman, Mr. Genc POLLO, broke away from the DP in spring 2001 and formed what is known as the New Democratic Party (NDP) together with two smaller parties which had also originated in the DP. On the SP side, there are no breakaway parties, but there have been tensions within the party, notably between the party chairman and current Prime Minister, Mr. Nano, and Mr. Ilir META, a young former Prime Minister of the SP. Mr. Meta was included in the Government headed by PM Nano, but resigned recently in an open dispute between the two.

In the local elections in October 2000 the SP won 69 % of the vote and DP 25%. In the Parliamentary Elections in June 2001 the DP fared somewhat better, getting 36% of the votes in an alliance with some smaller parties. The SP with allies got 53% of the vote. None of the other political parties in Albania can muster more than a few percent of the national votes, although some of them have strongholds in certain municipalities. Among the more significant small parties one may list the Social Democratic Party, the Human Rights Union Party and the Republican Party.

Despite some half-hearted attempts by the Socialist Party to change the electoral zone boundaries just before the October 2003 elections, which the DP violently resisted, and which would not have been in accordance with internationally accepted time limits for changing such boundaries before an election, the overall electoral campaign was the calmest and most correct in modern times in Albania.

3. Legislative framework for the elections, including election administration and the composition of electoral commissions on different levels

The elections were held under a new Electoral Code that significantly improved the legislative framework for elections. The Code was adopted in June 2003 following the consensual work of a bi-partisan parliamentary committee, which was assisted by the OSCE Presence in Albania, the ODIHR, and the Council of Europe.

The CLRAE delegation had a meeting with the Albanian Central Election Commission (CEC) in Tirana on Friday the 10th October, at which it was briefed about the legislation and administrative procedures for the elections. The CEC is composed of seven members who are full time employees of the CEC, appointed for a seven-year mandate. Two are appointed by the Parliament, two by the President and three by the High Council of Justice. The aim is to reach a politically balanced composition of the CEC, but presently the DP claims that the CEC is politically imbalanced in favour of the SP. For local elections, the commission immediately below the CEC is the Local Government Election Commission (LGECE) of which there is one in each of Albania's 386 municipalities. The lowest commission level is the Voting Centre Commission (VCC), i.e. the polling station level. There are 4688 VCCs in Albania. The LGECEs and the VCCs have seven members each who are politically appointed. The bi-partisan committee which drafted the 2003 Electoral Code had agreed on a model in which a 4-3 majority would suffice for making key decisions. However, later a requirement for qualified voting on key decisions by the LGECEs and VCCs was introduced. This currently gives the possibility to either one of the two main parties to block decisions as happened on election day in Lure and in Val I Deje where elections could not be held due to the deadlock between the commission members.

The final version of the voter list contained 2,703,608 voters. Although the voter lists keeps improving in quality, it is still not impeccable due to significant migration within and from Albania as well as an incomplete address system, i.e. streets and roads do not always bear names, not to mention numbers. Also this time the opposition claimed that the voter lists had been manipulated in some locations, and although the voter list was perhaps slightly less controversial a topic this time than in the previous elections, it still remained the main point of contestation.

Local elections are held every third year in Albania, a fact that the Association of Albanian Mayors regrets, because in their view new mayors need some time to get acquainted with the work and then hardly have time to work efficiently before it is time to start campaigning again.

4. The election campaign

Almost all interlocutors whom the CLRAE delegation met agreed that the election campaign had been the best so far in modern Albanian history in terms of respecting the law, fair possibilities for all parties to campaign and balanced media coverage. The one notable exception was the leader of the DP Party, Mr. BERISHA, who told the CLRAE delegation that the opposition had been disadvantaged in terms of campaign financing and that the Government of Albania had let position candidates use state facilities for their campaigns. According to the DP leader, the late release of public campaign funding further increased the advantage of the position candidates, as they could start their campaigns earlier, allegedly using public facilities.

Overall, an increasing number of candidates are financing their election campaigns themselves. It follows that these candidates are often businessmen and that the late release of public campaign funding to the political parties also gave such financially self-sufficient candidates a certain advantage.

Apart from a few minor shortcomings the new Electoral Code is considered by international observers as being well drafted, also with regard to its provisions on campaigning and the role of the media.

However, complaints were voiced to the CLRAE delegation, by media representatives, that the new electoral legislation is too strict, preventing media from giving an accurate coverage, not the least because it is not allowed to report anything that might put the candidates in a bad light even if they deserved it. The legislation is very detailed and regulates the "air time" by party and candidate. The Albanian authorities have set up a media monitoring board and according to some journalist sources the monitoring board "works mostly with stop watches", making it a very difficult environment for the media to operate in. These considerations should be taken seriously, but also viewed against the background of media reporting in earlier election periods, which has known no limits to defamatory statements, in a media environment where hardly any newspaper or electronic media is totally independent.

Moreover, according to the Electoral Code any campaigning should cease at midnight towards the day before the elections, in this case Saturday 11 October. The CLRAE team observed candidates being interviewed on TV even on election day, in what appeared to be a clear breach of the legislation.

5. Administrative Preparations for the Elections, Election Day and vote count

5.1 - Nationwide General Observations

Voting and counting were carried out in a calm and orderly manner in the majority of municipalities and communes. One major improvement compared with the previous elections was the new legislation prohibiting police officers to be present in, or in the immediate vicinity of the polling stations, unless called upon by the Chairman or the Vice-Chairman of the VCC. This rule was impeccably respected virtually everywhere, apart from a few single cases, which clearly were due to misunderstandings rather than any intentional disrespect for the rules.

Nonetheless, there were some elements in the preparations of the elections that left significant room for improvement. In particular, the accuracy of the voting lists remains poor. Another countrywide concern was the much too large size of the ballot papers in relations to the ballot boxes, which in turn were much too small.

The CLRAE observers registered a sincere effort by polling station officials around the country to carry out their work in an orderly and correct manner. Most VCCs carried out their functions in a professional and confident way, but the CLRAE team also observed uncertainty about the procedures and confusion among the VCC members at some polling stations, notably during the counting of the votes. In particular, VCC members should pay more attention to each ballot when deciding whether to declare disputed ones valid or not.

More time and effort spent on training of the elections officials would surely improve the professionalism and confidence among commission members at LGEC and VCC level.

There were no particular incidents observed by the CLRAE observers during the vote count, apart from, in some locations, significant uncertainty among the VCC members regarding the procedures, which in some cases delayed the start of the actual vote count with up to two hours.

5.2 - The Size of the Ballot Boxes and the Size and Design of the Ballot Papers

The ballot papers used on election day were much too big in relation to the ballot boxes, which in turn were much too small. This led to ballot boxes becoming full long before the official closing time at of the polling stations at 19.00 and in many locations additional ballot boxes were not made available in time. Hence, in some places the ballots cast were piled up on the floor next to the full ballot box. This must be considered as a serious breach of the secrecy of the vote and the CLRAE observers could witness how it undermined voters' confidence in the voting procedure, as they turned back and left the polling stations upon seeing the cast ballot papers piled up on the floor. The leading political parties had agreed between themselves on the design and size of the ballot boxes and papers. It is difficult to conceive that nobody would have realised the inadequate size of the ballot boxes, which appeared as obvious to the CLRAE observers as soon as they saw them in the LGECs the day before Election Day. The CLRAE team was informed that the ballot boxes had been tested and filled with 800 ballot papers (as a rule, no more than 1000 voters are to be registered at any given voting centre in Albania). Reportedly the size of the ballot papers was changed after the testing procedure. Whatever the sequence of the decisions about the size of the ballots and the testing, the fact remains that the boxes were much too small on election day. The CLRAE team witnessed ballot boxes being almost full with only some 400 ballots in them. Another undesired consequence of the insufficient size of the ballot boxes was that VCC officials then tried to stuff and press together the ballot papers cast, in the box, with rulers and other tools. As a consequence, some ballot papers got damaged, and the VCCs at the vote counting stage had to negotiate with each other about whether to accept the damaged ballot papers or not. This technical difficulty constituted an incomprehensible and totally unnecessary obstacle on the road to well administered elections.

Moreover, the fact that the ballot sheets for the election of mayors and the one for the municipal councils were joined together in one piece of paper made the counting procedure more cumbersome as the counting could not be done in parallel for the two parts of the elections. Unnecessary complications and delays also arose when the side of the ballot papers used for the one election had been incorrectly filled in, but not the other side. Furthermore, in the Tirana area where two sets of elections were held, one for the mayor and municipal council of greater Tirana, and one for mayor and municipal councils in each of the Tirana boroughs, the colours of the two sets of ballot papers were the same, which made them difficult to separate for the counting.

The electoral administration tried to deliver extra ballot boxes, sometimes by helicopter, during the election day, but they often arrived too late at the polling stations. Moreover, extra ballot boxes were only delivered to major cities and not to smaller town or rural areas. Because of this difficulty, the CEC decided to extend voting in Tirana with one hour on election day, but the order was only implemented in some Tirana VCCs, which further added to confusion among the voters.

5.3 - Himara

In the October 2000 local elections the second round was overshadowed by polarisation in the small municipality of Himara, between the Greek-speaking minority and a (in the Albanian political) context unlikely coalition between the SP and DP against the Union of Human Rights Party, which is considered to represent the Greek-speaking minority in Albania. In general terms, most of the Albanian politicians, except the Human Rights Party, do not recognise the existence of a Greek-speaking minority in Himara.

The tension in the 2000 elections was aggravated following interference by many officials in Tirana, but also by Greek parliamentarians and members of Government. The end of the campaign at local and national level was marred by nationalistic rhetoric, pitting the Albanian against the Greek community, in an environment of increased tension between Albania and Greece.

Also in the October 2003 elections there were busloads of Albanians working in Greece, but originating in the Greek-speaking areas of Albania, who came to Himara and other Greek-speaking areas to vote. According to OSCE sources, by midday on Saturday 11 October 72 such buses had crossed into Albania from Greece with an estimated 4000 people in them. In Himara the CLRAE observers registered eight such buses. However, this time there were no Greek parliamentarians to be seen and notwithstanding a few Greek media teams who reportedly entered some polling stations in Himara unaccredited, there was no unlawful interference from Greece.

Compared with the October 2000 elections the tensions this time were minor. This time there was another alliance in Himara, namely the DP had teamed up with the Human Rights Party against the socialist candidate. This means that there was a different alliance on local than on national level, because the Human Rights Party is included in the socialist-led government on national level, whereas the DP is the main opposition party on the national level.

Nonetheless, some tension occurred at some polling stations in Himara where some voters, mostly self-proclaimed supporters of the Human Rights Party, claimed that their names had been excluded from the voter list, or their data had been manipulated on the last version of the voter list. While not being able to judge whether any intentional manipulation had taken place, the CLRAE observers witnessed a relatively large number of cases in which slight errors regarding birthdates or spelling of names

prevented the voters concerned from voting. Many of these excluded voters claimed that their data had been correct on the previous version of the voter list and that the last version had only arrived the day before the elections. They also claimed that the members of the VCCs, in their capacity of co-residents in the relatively small town of Himara, knew the voters personally and should have let them vote despite any technical errors in the voter lists. If the claims about manipulation of the voter lists were true, it would naturally constitute a very serious violation but would not have influenced the election result, because the DP/Human Rights alliance won the election in Himara. The SP asked that the results be invalidated, but the CEC refused the request but ordered repeat elections in two polling stations (see below).

Moreover, there was a regrettable incident outside a polling station in Himara around closing time, when a bomb exploded, injuring several people. One of the CLRAE teams visited the polling station in question a few hours before the explosion at which time several representatives of the Greek-speaking minority addressed them with their grievances, but in a non-aggressive way, in an atmosphere which appeared relaxed. Finally, a ballot box was stolen from a polling station in the Himara area.

The CEC ordered a rerun in four polling stations in the Himara area where the elections had for one reason or other not been carried out correctly, including the polling station from which the ballot box was stolen in the first round. According to information from ODIHR and from the OSCE Presence in Albania, who were present to observe, the rerun saw some serious fraud which finally forced the CEC to invalidate the rerun results and to declare the candidate of the Human Rights Party/DP alliance the winner, based on the results from all other polling stations in the first round.

In the Congress delegation's view, the result is correct as it is, based on the result of the first round of the elections in those polling stations where no serious irregularities were observed. Nevertheless, it is hard to see on what basis the CEC ruled that the results of the first round should remain any more valid after the failed rerun than before it. The irregularities observed in Himara in the October 2003 election must be considered as serious and it is with regret that the delegation notes that the small town of Himara will remain associated with electoral shortcomings and controversy, also after the October 2003 elections.

5.4 - Family Voting and Participation of Women in the Elections

5.4.1 Family Voting

Even though family voting occurred to a very varying degree between different observation areas, hardly at all in some areas and quite frequent in others, it was quite common on average. Family voting in this context is understood as when husband and wife enter the voting booth together or when the husband takes and fills in the ballot paper of his wife and sometimes those of his children as well, if they are old enough to vote.

A related, but different, occurrence witnessed by the CLRAE observers was assisted voting, i.e. that one family member assisted another due to the bad eyesight or similar handicap of the latter. The Albanian Electoral Code allows this, provided that the assisting member has been registered as proxy or assistant beforehand. In the instances observed by the CLRAE teams, such advance permission had not been requested.

5.4.2 Participation of Women

Women's participation in political life in Albania remains poor. In meetings with women political activists, the OSCE/ODIHR was informed that many political party leaders are actively hostile to women's participation in political life and that a number of female candidates withdrew their candidacies due to pressures from party headquarters. One of the CLRAE delegation members was told the same thing by a female mayor who wished to run again but was prevented from running by party headquarters.

The share of women in the electoral administration is also low with one CEC member out of seven being a woman. On the VCC level, less than one fourth of the VCC members were women in these elections.

5.5 - Other Shortcomings

In addition to the above countrywide phenomena, the CLRAE observation teams observed some other shortcomings at individual polling stations:

- Ø The polling station in Vlora, which the CLRAE team present observed the opening of, started receiving voters almost one hour too late after a confused debate among the VCC members about what the correct number of members on the commission should be. Advice was sought by telephone from a local party district leader rather than from the LGEC.
- Ø The use of a spray on voters' fingers to prevent them from voting twice seemed to be used, and checked, in a haphazard way or at some polling stations not being used at all.
- Ø In the Shkodra area the CLRAE team observed what appeared to be multiple signatures, with the same handwriting, on the voter list, where voters are to sign upon receiving the ballot papers
- Ø In the rural parts of the Durrës area, the polling stations were often inadequately sized which resulted in overcrowded polling stations, which in turn prevented a orderly and proper conduct of the elections
- Ø In rural areas voters' identities were often not verified by identity documents, although one should bear in mind that VCC members may personally know the members of the electorate in small communities. Moreover in rural areas the voter lists were often not signed by the voters.

6. The election results

According to information from the Albanian Central Election Commission, the results of the 12 October local elections are as below. The turnout was 52 % according to preliminary figures. The relatively high number of registered voters residing abroad means that any turnout rate among voters actually present in Albania is higher than the official rate, which includes absent voters. On the other hand, the CLRAE teams observing in five different areas of Albania observed turnout rates varying between 30-40%, a discrepancy in relation to the official rate for which there is no obvious explanation.

According to the data from 366 LGEC-s, the number of constituencies won by candidates of each the political parties and alliances are as follows:

Ø Socialist Party (SP): 184 constituencies
Ø Democratic Party (DP) + Republican Party (RP)
+ Liberal Union Party (LUP): 139
Ø the Union of Human Rights Party: 11
Ø the Social-Democratic Party (SDP): 6
Ø Demo-Christian Party (DCP): 4
Ø Legality Movement Party (LMP): 4
Ø The Party of Social Democracy (PSD): 2
Ø Independent candidates: 6

The percentage of seats won in the councils of municipalities or communes in 366 constituencies is as follows:

Ø Socialist Party (SP) – 33.19 per cent
Ø Democratic Party (DP) – 31.91 per cent
Ø Social-Democratic Party (SDP) – 5.53 per cent
Ø Republican Party (RP) – 3.54 per cent
Ø Agrarian Environmental Party (AEP) – 3.50 per cent
Ø Social Democracy Party (SDP) – 3.06 per cent
Ø Union of Human Rights Party (UHRP) – 3.02 per cent

Without going into detail about the results in each area and municipality, one can observe mayoral gains by the DP, in particular in the South, Centre and East of Albania.

7. Press conference

The CLRAE team held a joint press conference with the ODIHR mission on Tuesday 14 October to report on the findings of the election observation missions. The CLRAE mission was represented by its Head of Delegation, Ms Helene LUND and the ODIHR mission by ODIHR Ambassador Robert BARRY. A joint press release was issued, which is in the Appendix.

8. The Aftermath of the Elections

The DP leadership did not recognise the election results in Tirana and Durrës, claiming voter list fraud. The DP challenged the Durrës results to the CEC, but the CEC approved the result without launching an investigation as demanded by the DP. Not all of the Tirana borough results are known yet, but *a priori* the DP will not recognise them, claiming voter list fraud. A consequence of this was that some LGEC chairmen resigned in Tirana upon learning about the DP position, refusing to receive the ballots from the VCCs. Finally those ballots were sent directly to the CEC, but this caused further difficulty and delay in the tabulation of results in Tirana. Further delays immediately after election day were caused by the erroneous transport of ballot boxes from the borough LGECs to the main Tirana municipality LGEC.

Subsequent further allegations of falsification and manipulation and the involvement of the Prosecutor's Office have certainly thrown a shadow over the local elections in Tirana. The fact that as of 24th November no date has yet been declared by the CEC as to when the final results for Tirana will be published, must be considered a serious failure of the electoral administration on LGEC and CEC level. It appears that a rerun of the elections will be ordered by the CEC in a number of Tirana boroughs, probably to be held on 7 December 2003.

However, the Congress delegation would like to reiterate that the VCC level officials did their best on election day and should not be held responsible for the subsequent failures on the higher levels of the election administration.

Moreover, the Congress delegation has learnt that the DP candidate for mayor in Tirana, Mr. Spartak NGJELA, has filed a complaint about the procedures in Tirana. The complaint is in the process of being appealed from the CEC to the Electoral College (a body consisting of judges).

In early November the DP leadership reported to the CLRAE and the ODIHR election observation mission respectively, that it was ready to present written documentation in support of its claim about voter list fraud. The President of the Democratic Party met the Director of ODIHR, Mr. STROHAL, on 7 November in Vienna to present the above documentation. The CLRAE delegation takes note of these allegations, which have not as of 10th November been proved correct, by independent sources.

Repeat elections were ordered by the CEC in the two Himara polling stations, which experienced the incidents mentioned in chapter 6.3. Repeat elections were also ordered in the two LGECs in Lure and Val I Dejue respectively, which did not take place on 12 October because of a deadlock between the members in the respective LGECs.

9. Conclusions

In the opinion of the CLRAE the local elections held in Albania on 12 October 2003 showed further progress towards compliance with OSCE, Council of Europe, and other international standards, though a number of shortcomings need to be addressed before the next parliamentary elections. However, the main impression is that the political environment in which elections are held in contemporary Albania has grown much more mature and the extremely aggressive rhetoric between the political parties is a thing of the past.

In contrast to the run-up to the elections, post-election performance of the electoral administration, with the CEC as the ultimate responsible body, was disappointing. A month and a half after the elections, the tabulation in Tirana and in three boroughs was not complete yet, which must be considered a serious failure of the electoral administration on LGEC and CEC level. It appears that a rerun will be ordered by the CEC in some of the Tirana boroughs. Combined with the failed rerun in Himara, it inevitably and regrettably weakens voters' confidence in the electoral process.

The new Electoral Code drafted by the bi-partisan committee with the assistance of the Council of Europe and OSCE /ODIHR provides a significantly improved legal framework for elections. The fact that it enjoys the explicit support and recognition of both the DP and the SP further facilitates its implementation. Nevertheless, there is still some room for further improvement. One remaining concern is the stipulations about the composition of the election commissions at different levels and the decision-making procedures within them. In some instances the law furthermore provides insufficient detail, such as concerning campaign financing. In other cases the legislation, or at least the interpretation of it, borders on excessiveness, for example regarding media monitoring where the media's freedom to report accurately is on the verge of being compromised. The only formal violation of the media provisions of the Electoral Code was the violation of the campaigning curfew.

The efforts to improve the accuracy of the voter list should continue and unnecessary technical obstacles such as inadequately sized ballot boxes should not be allowed to hamper the good administration of future elections.

While the Central Election Commission deserves credit for administering the run-up to the elections in a generally professional, transparent, and even-handed manner, it lacks effective rules of procedure. This contributed to the delayed adoption of key decisions and instructions, the late distribution of election materials, the late release of public funds for campaign purposes, and postponed training for lower-level commission members.

It should be emphasised that the CLRAE delegation observed sincere efforts by VCC members to conduct the elections as correctly and professionally as possible. Lack of training, inaccurate voter lists and inadequate ballot boxes caused difficulties, but those shortcomings cannot be attributed to the VCC members who did their best.

While recognising that significant improvement had been made in the administration of the run-up to the elections since the previous local elections in Albania, the CLRAE nevertheless wishes to repeat some of the recommendations to the Albanian Government, already made in its election observation report on the October 2000 elections, while adding a few others:

1. Improve the accuracy of the voters list:

While there has been a great improvement in the accuracy of the voters list since the previous local elections, its accuracy should be further improved. Last minute amendments to the list should be avoided because it may actually decrease confidence in the correctness of the list, rather than increase it, if voters do not have the possibility to view the last version of the list before election day.

2. Devise a mechanism to enable voters missing from, or having their names misspelt on, the electoral lists to vote

In a country with high mobility and poor civil registers it is probably impossible to have a "watertight" list, even when records are updated on a regular basis. To address this problem, it seems necessary to set up a legal mechanism (e.g. voter registration on election day by district courts on the basis of well-defined proof of identity) to minimise the number of disenfranchised voters.

This would be particularly important given that in some cases in the October 2003 elections some voters' names had been included and correctly spelt etc. in the penultimate version of the voter list, but not in the very final version which the voters had had no opportunity to consult before polling day

VCCs should also be instructed to let voters who clearly are identical with the people on the voter lists vote, despite any minor spelling errors or mistakes in the birth date data.

3. Improve the publication of results

Although the Central Electoral Commission published some incomplete results 9 days after election day, the full results were not yet published at the time of writing this report. The situation in Tirana is a source of particular

concern. The international community had before election day made a particular point of asking for a rapid publication of results but the CEC clearly failed to meet this recommendation. In future elections the publication of results should be speeded up.

4. Abandon the current qualified majority requirement for voting among LGEC and VCC members in such a way that one of the two big parties cannot block decisions

At present any one of the two big parties can block decisions at LGEC and VCC level, which among other prevented voting from taking place in Vau I Dejës and Lure.

5. Ensure training for election officials well in time before election day.

Earlier and more thorough training of election officials at LGEC and VCC level would certainly increase the professionalism and confidence in and of election officials and would hence be desirable. From what the CLRAE delegation observed, it appears that additional training would be particularly important in rural areas where shortcomings were more frequent and obvious.

6. Ensure a sufficient size and number of ballot boxes and separate ballot papers for the election of mayors and municipal councils

The size of the ballot boxes should be increased or the size of the ballot papers decreased in order to ensure that all ballot papers cast fit into the box whatever the turnout. In addition, the vote count would be facilitated by separating the ballots for electing mayors from those for electing municipal councils. Giving the different ballot papers different colours would further facilitate the vote count as well as increase clarity for the voters.

7. Promote the participation of women in political life

The participation of women in political life should be actively promoted and quite in particular, not hindered. In this context, it is recalled that the Congress Recommendation 111 (2002) stressed the paramount importance of a woman's right to an individual, free and secret vote and underlined that the problem of family voting is unacceptable from the standpoint of women's fundamental rights. The report proposed a number of measures that could be implemented to combat family voting and increase women's participation in public and political life.

Concerning the low rate of female members in the local electoral committees and the issue of family voting, the Congress would like to refer to the Recommendation (2003) 3 of the Council of Europe Committee of Ministers to member states on balanced participation of women and men in political and public decision making which, *inter alia*, recommends that governments of member states:

I. Commit themselves to promote balanced representation of women and men by recognising publicly that the equal sharing of decision-making power between women and men of different background and ages strengthens and enriches democracy;

II. Protect and promote the equal civil and political rights of women and men, including running for office and freedom of association;

III. Ensure that women and men can exercise their individual voting rights and, to this end, take all the necessary measures to eliminate the practice of family voting;

IV. Promote and encourage special measures to stimulate and support women's will to participate in political and public decision making;

Appendix 1 – Press Release

Press Release

Albanian poll shows progress, but observers call for further improvements before next parliamentary elections

TIRANA, 14 October 2003 – The 12 October local elections in Albania built on improvements made in previous elections and showed further progress towards compliance with OSCE, Council of Europe, and other international standards, though a number of shortcomings need to be addressed before the next parliamentary elections, concluded the international observation mission deployed by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE).

The elections were held under a new Electoral Code that significantly improved the legislative framework for elections. The Code was adopted in June 2003 following the consensual work of a bipartisan parliamentary committee, which was assisted by the OSCE Presence in Albania, the ODIHR, and the Council of Europe.

"These elections were held in a more mature political environment than previous elections. Political parties treated each other as legitimate opponents, without the heated rhetoric that marred previous campaigns. It is now essential

that the remaining shortcomings be addressed if Albania is to hold elections that can consistently meet international standards," said Ambassador Robert Barry, the head of the ODIHR observation mission.

International observers concluded that, while the Central Election Commission deserves credit for administering the elections in a generally professional, transparent, and even-handed manner, it lacked effective rules of procedure. This contributed to the delayed adoption of key decisions and instructions, the late distribution of election materials, the late release of public funds for campaign purposes, and postponed training for lower-level commission members. Observers also noted that last-minute changes to the voter lists led to confusion on election day.

"Efforts at the grass-roots level to conduct open and democratic elections were remarkable," said Helene Lund, head of the CLRAE delegation. "Nonetheless, it is of utmost importance that changes be made before the next elections, beginning with improvements to the system of voter registration and the counting process. The high level of family voting is also of concern."

The international observation mission reported that all major broadcasters complied with the legal provisions for balanced reporting, which led to significant improvement in the coverage of the campaign. Concerns were raised, however, about the decreasing representation of women as candidates and as members of election commissions, a trend that has been worsening for more than a decade.

The ODIHR and CLRAE will release final reports on these elections in about one month.

Appendix 2 – Programme

CLRAE Election observation mission to Albania 9-14 October 2003

Thursday 9 October

Arrivals of Delegation (Rinas Airport)

Transfer to hotel

15:30 OSCE/ODIHR Election Observation Mission
(Sheraton) Ambassador Robert L. Barry (Head of EOM)

Andrew Bruce (OSCE/ODIHR)

Steven Glorioso (EOM Political Analyst)
Giovanna Maiola (EOM Media Analyst)

17:00 OSCE Presence in Albania
(Sheraton) Ambassador Osmo Lipponen (Head of Presence)

18:00 Observation Background
(Sheraton) Richard Chambers (Deputy Head of EOM)

Adriaan Stoop (EOM Legal Analyst)

Irena Hazdiabdzic (EOM Elections Analyst)
Julian Cheasley (EOM Logistics)

20:00 Joint Dinner
(Sheraton)

Friday 10 October

09:00-09:30 Prime Minister Fatos Nano - Chairman of Socialist Party
(PM residence) (Ms. Fäldt, Mr. Mildon, Mr. Newbury, Mr. Bergou, Amb. Barry)

09:35-10:10 Association of Albanian Mayors
(AAM Offices) Fatos Hodaj - Executive Director

10:15-11:00 Media Environment
(OSCE PiA) Mr. Remzi Lani - Institute of Media
Mr. Franco Egra - TVSh

11:15-12:00 Central Election Commission
(CEC Offices) Mr. Ilirjan Celibashi - Chairman

12:00-12:45 Domestic Observer Groups
(OSCE PiA) Mr. Kristaq Kume - Albanian Institute for Elections
Ms. Gerta Meta - Society for Democratic Culture
Ms. Vasilika Hysi - Helsinki Committee

15:00 Mr Vangiel Dule - Chairman of Human Rights Union Party
(HRUP Offices)

16:00 Women's participation in political process
(OSCE PiA) Ms. Eglantina Gjermeni - 'Women's Centre' NGO
Ms. Sevim Arbana - 'Useful to Albanian Women' NGO
Ms. Jeta Katro - Stability Pact SEE

19:00 Dr Sali Berisha - Chairman of Democratic Party
(DP Offices)

Saturday 11 October

Various times Deployment to Areas of Responsibility

(Teams to Durres, Himara, Korca, Shkodra and Tirana)

16:00 Meeting with OSCE/ODIHR Long-Term Observers *in situ*

Sunday 12 October Election Day

18:00 Meeting between Head of EOM and Head of CLRAE Delegation to discuss
(EOM Office) statement of preliminary findings and conclusions

Monday 13 October

08:30 Working breakfast meeting between Head of EOM and Head of CLRAE Delegation
(Sheraton) to confirm contents of statement of preliminary findings and conclusions

15:00 **Press conference**
(Sheraton) Head of EOM
Head of Delegation
OSCE/ODIHR Press Officer
CLRAE Secretariat
Joint translator

Departure as arranged

Congress Members for the election observation to Albania, October 2003:

Mr. Joseph Borg Malta
Mr. Jean-Claude Frecon France
Ms Brith Fäldt Sweden
Ms Helene Lund Denmark
Mr. Yavuz Mildon Turkey
Ms. Noreen Ryan Ireland
Mr. Christopher Newbury UK
Mr. Jukka Nyberg Finland

Secretariat of the Congress:

Mr. György Bergou Administrator
Mr. Mats Lindberg Administrator