



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for  
Human Rights  
as a Stakeholder in the  
Universal Periodic Review of the Republic of Albania**



**WARSAW, 13 SEPTEMBER 2013**

**The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:**

**Participating/Partner State:** The Republic of Albania

**UPR Session and Date of Review:** 19th Session, April-May 2014

## **Background**

The Republic of Albania has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1991 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including the Republic of Albania, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to the implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the Republic of Albania and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in the country.

## **Overview of this Submission**

Upon invitation, the OSCE/ODIHR deployed an Election Observation Mission (EOM) for the 28 June 2009 Parliamentary Elections, an EOM for the 8 May 2011 local elections, and a Needs Assessment Mission (NAM) for the 23 June 2013 Parliamentary Elections. Detailed information is summarized below and reports from these Missions are annexed.

OSCE/ODIHR contacted the authorities of the Republic of Albania for inputs for ODIHR’s 2011 annual report on *Hate Crimes in the OSCE Region: Incidents and Responses*. However, as described below, the information was not submitted to ODIHR.

## **Elections**

### **Parliamentary Elections, 28 June 2009**

---

<sup>1</sup> OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

Following an official invitation from Albania's Foreign Ministry, and based on the recommendation of a needs assessment mission (NAM), ODIHR deployed an election observation mission (EOM) on 8 May 2009 to observe the parliamentary elections on 28 June 2009.

The EOM was headed by Ambassador Audrey Glover of the United Kingdom and the mission consisted of 40 experts and long-term observers from 20 OSCE participating States, who were based in Tirana and 11 regional centers.

For election-day observation, ODIHR joined efforts with observer delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the NATO Parliamentary Assembly. Altogether, some 395 observers from 38 OSCE participating States were deployed to monitor proceedings on election day.

According to the final report: *“While meeting most OSCE commitments, these elections did not fully realize Albania’s potential to adhere to the highest standards for democratic elections. The conduct of democratic elections depends also largely upon the commitment of all Albanian political parties to respect the letter and the purpose of the law and to discharge their electoral duties in a responsible manner in order to preserve the integrity of the process.”* The full report, together with its recommendations, is annexed.<sup>2</sup>

### **Local Elections, 8 May 2011**

Following an official invitation from the Permanent Mission of the Republic of Albania to the OSCE, and based on the findings and conclusions of ODIHR's NAM, ODIHR deployed an EOM on 29 March 2011 to monitor the 8 May 2011 local elections.

The mission, headed by Jonathan Stonestreet, consisted of 15 international experts based in Tirana. In addition, 24 long-term observers were deployed throughout the country from 5 April 2011.

The final report noted: *“The local government elections were held in a political environment that was brought to a crisis point after violent clashes between anti-government demonstrators and police on 21 January 2011 resulted in four deaths. While the elections were competitive and transparent, they were highly polarized, with mistrust between political parties in government and opposition. As in previous elections, the two largest parties did not discharge their electoral duties in a responsible manner, negatively affecting the administration of the elections. Partisanship and acrimonious disputes within the Central Election Commission (CEC) during the preparation for the elections weakened its ability to overcome gaps and ambiguities in the Electoral Code collegially and effectively.”* The full report, together with its recommendations, is annexed.<sup>3</sup>

### **Parliamentary Elections, 23 June 2013**

Following an invitation from the authorities of the Republic of Albania to observe the 23 June 2013 parliamentary elections, based on the findings and conclusions of the ODIHR

---

<sup>2</sup> <http://www.osce.org/odihr/elections/albania/38598>

<sup>3</sup> <http://www.osce.org/odihr/81649>

NAM, and in accordance with its mandate, the ODIHR deployed an EOM for these elections. The full NAM report is annexed.<sup>4</sup>

On 24 June 2013 the observers from ODIHR, OSCE PA and the Council of Europe's Congress of Local and Regional Authorities issued a preliminary statement that concluded that the parliamentary elections *"were competitive with active citizen participation throughout the campaign and genuine respect for fundamental freedoms. However, the atmosphere of distrust between the two main political forces tainted the electoral environment and challenged the administration of the entire electoral process. Voting proceeded well, albeit with procedural irregularities, but counting was delayed in many areas."* The statement is annexed to this submission.<sup>5</sup>

The final report is forthcoming.

## **Election-related legislation reviewed by the OSCE/ODIHR**

Upon request by authorities of an OSCE participating State, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on electoral matters for its conformity with OSCE commitments and other international standards. The legal reviews and opinions are often produced in co-operation with the Council of Europe's Commission for Democracy through Law (Venice Commission). In the case of Albania, the OSCE/ODIHR has reviewed the election-related legislation in 2011:

### **Joint Opinion on the Electoral Law and Electoral Practice of Albania (Opinion-Nr.: 641/2011, issued jointly by ODIHR and the Venice Commission on 19 December 2011)**

This opinion was prepared jointly by ODIHR and the Venice Commission and concluded that *"the Electoral Code of Albania provides a thorough technical foundation for elections. However, recent experience in the implementation of the Code shows that a number of improvements are still required in electoral legislation and practice."* This includes the appointment of members of the election commissions, clarification in vote counting procedures, as well as making provisions for media access and campaign finance regulation more effective. The full text of the joint opinion is annexed to this document.<sup>6</sup>

## **Legislation reviewed by the OSCE/ODIHR on human dimension issues (other than elections)**

Upon request by authorities of an OSCE participating State, an OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Council of Europe's Commission for Democracy through Law (Venice Commission), are available at [www.legislationline.org](http://www.legislationline.org). Basic

---

<sup>4</sup> <http://www.osce.org/odihr/elections/100502>

<sup>5</sup> <http://www.osce.org/odihr/elections/103068>

<sup>6</sup> <http://www.osce.org/odihr/86424>

information about the constitutional system and legislation of the Republic of Albania is also available in English on [www.legislationline.org](http://www.legislationline.org).

In 2009-2012, the following legal opinions (on topics other than elections) were issued on legislation or draft legislation of the Republic of Albania:

**Comments on the Draft Law of the Republic of Albania “On Freedom of Religion and Mutual Relations with the State” (Opinion-Nr.: REL - ALB/126/2009 (Adv Council on FoRB), issued on 15 January 2009)**

These Comments were issued by ODIHR upon the request by the Government of the Republic of Albania through the OSCE Presence in Albania. The Comments were prepared by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief (the “Advisory Council”), consisting of several scholars from diverse geographical, political, legal, and religious backgrounds who make recommendations on matters concerning religion and freedom of religion or belief. The Comments focused on the above draft Law and its compliance with relevant international standards and good practice relating to the protection of freedom of religion or belief, as also laid down in the OSCE/ODIHR-Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief.<sup>7</sup>

The executive summary of the Comments states as follows “*The Draft Law of the Republic of Albania “On Freedom of Religion and Mutual Relations with the State” can be interpreted as guaranteeing far reaching freedom of religion or belief. It gives the basis for intense mutual co-operation between the State and religious organizations. In doing so, the draft law can be understood as respecting autonomy of religious organizations. Religious pluralism is made possible. In its basic approach and in general the law respects the requirements of equal treatment of religions if interpreted and applied in a consistent manner. However, the Draft Law in many of its provisions is unclear and confusing. This is especially the case in respect of defining the various religious organizations and their respective rights. In several cases, the relationship between general and specific provisions remains unclear. In many cases, provisions seem to be made repeatedly, but with differences in detail, so that it remains unclear what the exact meaning of the provisions is. The structures of many provisions and those of the draft law itself are often not easy to follow.*”

The draft law did not pass. The full text of the Comments is annexed to this document.

## **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. As of 2011, 55 OSCE participating States including the Republic of Albania had appointed National Points of Contact on

---

<sup>7</sup> The Guidelines were adopted by the Venice Commission at its 59<sup>th</sup> Plenary Session (Venice, 18-19 June 2004), and were welcomed by the OSCE Parliamentary Assembly at its Annual Session (Edinburgh, 5-9 July 2004). The Guidelines have also been commended by the U.N. Special Rapporteur on Freedom of Religion or Belief, Report of the Special Rapporteur on Freedom of Religion or Belief to the 61<sup>st</sup> Session of the Commission on Human Rights, E/CN.4/2005/61 para. 57. The major international instruments relied upon are excerpted in Appendix I of the Guidelines. Guidelines, Appendix I, pp. 31-51. The Guidelines are available at <http://www.osce.org/odihr/13993>

Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Hate Crimes in the OSCE Region: Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2011 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiative.

For the 2011 report,<sup>8</sup> the National Point of Contact from Albania did not submit the questionnaire to ODIHR, which also sent requests for information on hate crime to non-governmental organizations. One organization, not based in Albania, reported one arson attack against a house inhabited by five transgender people and an assault against a transgender person, resulting in serious injury.

---

<sup>8</sup> <http://tandis.odihr.pl/hcr2011/>