**REPORTING DOCUMENT – RECOMMENDATIONS**

Findings of the roundtable

 **“BEST PRACTICES AND PLATFORMS**

**FOR TRAINING OF ELECTORAL COMMISSIONERS”**

On 31 March 2014, with the support of the OSCE Presence in Albania and the Council of Europe Office in Albania, the CEC organized the public consultative roundtable “Best Practices and Platforms for Training of Electoral Commissioners”, with the main representatives of political parties, organizations operating in electoral issues, representatives of international organizations, groups of interest and trainers of the CEC, as well as with the administration of this institution. The essential part of the roundtable was the presentation of the experience of the electoral training models from two other former communist countries, Georgia and Moldavia, as well as finding if it is possible to apply these experiences in Albania.

* **All the participants** in the roundtable expressed their support for the establishment of an institution for the training of the commissioners and all election-related administrative staff. The CEC and representatives of civil society also supported the idea of an effective and long-term training program, as well as the increase of professionalism for all persons that deal with the preparation and administration of elections.
* **The representatives of political parties,** in particular of the two major parliamentary parties, expressed their support **in principle** for the project, and highlighted their 10-year personal and institutional experiences and efforts for the implementation of the commissioners’ training practices. They also emphasized that electoral issues are not finally solved by offering political support and a positive assessment for these practices, but this still remains a positive step. They supported the idea of continuing the party representation formula in the electoral administration structures, and the essential role that parties currently have in the progress of electoral processes. With regards to an official confirmation from the respective parties, the two representatives were of the opinion that this **may happen at a second stage**, implying that the political evaluation will be made once the project is introduced.
* **The experience** of the two countries that faced similar problems to those of Albania during the transition period, Georgia and Moldavia, showed the success of delivering training through an institutional centre.
* The roundtable discussed about the benefits of the process, expectations and the most optimal forms to meet them, the common features between the models from the other two countries and Albania, as well as specific issues related to the Albanian elections reality.
* The roundtable confirmed the fact that a considerable number of third-level commissioners in the voting processes and the administration of elections lacked certified professional qualification due to low level of participation in training, thus making it impossible to test them and to implement the present law. The roundtable also confirmed from some reports that last-minute replacements of commissioners by political parties or their late appointment remain a concerning issue for the CEC and the quality of the electoral process.
* **The experts invited** to the roundtable emphasized the fact that unlike the other two models, in Albania’s case political parties continue to have monopoly in appointing electoral commissioners and officials, by giving to the electoral process a political/party administration nature.
* **The roundtable was unanimous** in evaluating the need for the entire staff of election administration, regardless of the source of appointment or election, to show more independence, more professionalism and more public credibility.
* **The roundtable evaluated** that the focus of the work of the Training Centre for Electoral Issues may be extended, by including even activities that promote democracy, democratic background, and by providing basic information on democracy and elections for all interested groups and individuals. This will enable the CEC to be more pro-active in exercising its role and in fulfilling its competences for the electoral education of the citizens, the training of the media that covers the elections, so they can have a good understanding of the law and the way the processes develop, thus enabling them to properly inform the public; the training of the respective structures of the local administration, in order for them to respect the deadlines and correctly fulfil the duties specified in the Electoral Code, which are an added value for the electoral process, because their delays cause the delay of the other preparatory steps of the process, which start at this phase and continue step by step.

The debate on the platform for the training of electoral commissioners in Albania was focused mainly in a comparative analysis of the experience of the two other countries, Georgia and Moldavia, as well as in the technical problems of the statute of the training institution, its financing, appointments, responsibilities and the relation with political actors competing in the elections. Aiming to provide a more complete comparative analysis, positive models of consolidated electoral standards were presented, such as the case of Switzerland.

**The main assessments and findings of the roundtable are as follows:**

**NEED AND NAME**

The OSCE/ODIHR report on 2013 elections assessed positively the trainings provided by the CEC, but it emphasized that *“their effectiveness was often limited due to late nominations and changes in the lower-level election administration bodies”*.

* A series of other reports from monitoring groups or complaints made by the media/electoral subjects **point out problems that are still evident,** which are related to the level of knowledge of the law and electoral procedures from persons directly/indirectly involved in electoral processes.
* ODIHR/OSCE report (2013) also emphasizes that for e.g. with regards to the **implementation of the project of new technologies at elections** (electronic counting in Fier), besides other elements, voter education was also absent, as well as the necessary training and information to test, deal with and implement the complex electronic systems.

Based on these findings, the experiences of the two countries, the political consultative debate in all parliamentary committees of the electoral reform in Albania during the last decade, the findings of the election monitoring reports and the recommendations made by specialized institutions related to elections - **in principle** **there is wide consensus** about the transformation of the process of electoral training and education into an all-inclusive and functional unique system.

* **According to the experts’ point of view** and the best practices presented to the table, the institutional and long-term training of commissioners and other election-related officials, and the election education process, must be performed through a sustainable and permanent mechanism with a special status, budget and structure. In the first phase of the project this can be achieved by having the structure subordinate to the CEC, later on becoming an independent and functional unit.
* **According to the CEC itself,** this body seeks and is ready to take the main role of the organizer, executor and administrator, without needing a separate and independent training unit. The CEC deems itself to remain the leader of election administration, the actor that has the obligation and bears the responsibility for training and its organization, it has taken action and has identified the relevant issues and the ‘picture’ the CEC has created is also supported by the international actors.
* The roundtable was unanimous in evaluating that the training process in any case involves the political actors, therefore **it should be open to any request** coming from electoral subjects for training topics and requests that do not interfere with the essence of the training process and its professional integrity, and the fact that any influence from political interests should be avoided.
* **The name** remains an issue that is related to the basic training and educational functions and to the statute that this institution will have in relation to the respective legislation, the CEC and other election-related institutions or organizations.

Besides the regional practices presented in the roundtable, an important reference for the establishment, functioning and practical implementation of the Centre remains the best training and electoral practices presented by **international documents of OSCE/ODIHR and the Council of Europe,** which value doubles in the Albanian electoral practices – as a legal and administrative reference source, as a certified practice for models, for the implementation of which there is political will and expectation.

**LEGAL BASIS and STATUS**

**The concept of the training** of commissioners of any level, voter education, relations between training, certification and engagement in the electoral administrative process, - **is an integral part of the Electoral Code of the Republic of Albania** (Law No. 10019, dated 29.12.2008, amended by Law No. 74/2012, dated 19.07.2012).

* Specifically, among the main powers of the CEC (Article 21) is the responsibility to organize with its own expenses training courses, as well as to issue the respective certificates upon the testing. The same article recognizes the CEC the responsibility to organize training sessions on electoral legislation for the members of the Voting Centre Commissions, as well as programs on the electoral education of citizens.
* In non-election periods, the Code (Article 21, point 10) specifically recognizes the right of the CEC to organize periodical training courses and to issue the respective certificates. Articles 32 and 39 of the Code recognize the right to dismiss the members of the Commissions of Electoral Administration Zone (CEAZ) or the Voting Centre Commissions (VCC) if they do not participate in the training or do not pass the test organized by the CEC. Meanwhile, Article 36 of the Electoral Code specifies that *“as a rule, VCC members and the secretary are replaced by persons who have been trained in electoral legislation”*.

In relation to the wide institutional concept of training all election-related groups, the preliminary activity before the electoral campaign, the creation of a well-developed system through which derive all selections and decisions related to the three levels of commissioners, observers and other administrative steps, and also well-known experiences from other countries - **the above-quoted legal basis from the Electoral Code remains incomplete, but still sufficient to enable the beginning of the project for an all-inclusive training in the pre-election period.**

* The Electoral Code of the Republic of Albania (2008) might need to be revised by the Assembly of Albania in the near future, which allows, parallel to that, to make suggestions for the inclusion and specification in it of the best institutional practices for the regulation of the legal status of the institution responsible for electoral training, as well as problems related to them. The recommendations for the amendment of the Electoral Code **can be made parallel to** the establishment of the Training Centre and the implementation of the training process as it is currently specified in the Electoral Code.

Due to the issues concerning the Status of the CEC and at the same time the fact that this institution needs the support of the main parliamentary parties in its initiatives, the roundtable suggested to find other reasonable mechanisms **that enable a wide consensus about the need** for institutional training and the creation of administrative mechanisms that enable it.

* In concrete terms, the experts suggested the **signing of a memorandum of understanding** for the initiative between the CEC and the main parliamentary political parties, with the active support of the Office of the Council of Europe and the OSCE in Tirana. This memorandum would create a more solid basis for the public support of the project, its structure and its methods, and for the CEC itself, as the main body that approves the regulations, modules and plans related to the training.
* **According to experts**, being **an all-inclusive process** (CEC, commissioners, political parties, NGOs, media, interest groups, police, local power, education institutions, etc.), it becomes necessary that immediately after starting the implementation of the Centre’s project, to draft and apply memoranda (agreements) of understanding with any other institution involved in the process, especially official and public institutions.
* The political parties’ engagement in the activities of the Centre requires not only their good will, but also the issuing of administrative acts within their structure and scope of work, for representation, participation, conditionality, and the responsibility that derive from them – hence, similar agreements are of a **bilateral interest and help to preliminarily resolve** the issues around long-term collaboration.

**ACTION PLAN AND MAIN FOCUS**

The roundtable (organizers, supporting institutions and experts) suggested that **an Ad hoc group established at the CEC,** with the participation of supporting international organizations, as well as representatives of civil society that deal with elections, should draft an action plan for all issues related to the Centre and should suggest the concrete administrative measures to be taken for its implementation.

* The measures include not only technical and administrative suggestions related to training, but even the methods used for the financing, organization, structuring and the relations with the institutions and other partial practices that are developed by the CEC, political parties, NGOs or other interested institutions.

The roundtable discussed whether **to put it as an obligation or not for the electoral subjects**’ commissioners to participate in the institutional training process, as well as put as an obligation that in the future every appointment of commissioners should be done only within the *database* created and certified by this training institution.

* The concept of **obligatory participation and conditional selection** based on certification, according to the CEC and the experts matches with the final mission and purpose of the Centre and the spirit of the Electoral Code itself. The opposite remains a problematic source for the integrity of the process and the Centre’s mission.
* The practical application of this concept, **not only for** **commissioners, but even for other employees involved in the process**, creates links and consequences in the statute of all categories involved, hence it requires an organic, long-term and highly consensual handling of the whole preliminary legislative practice.
* Through the preliminary training process, according to the experts and the experience shared by the two referring countries, the Centre **creates a national *database*** of all persons involved in classified trainings (as per phase, level and topic). This *database* should be transparent, public and certified, therefore it might serve as a main and obligatory source for the electoral human resources for the political actors, candidates and other involved and interested groups.

The experts invited in the roundtable suggested that by taking the positive element of the other two models, (Georgia and Moldavia) we should aim towards a Training and Electoral Education Centre that has **an independent legal and administrative status,** with recruited staff and with responsibilities that derive from the Status of Civil Servant in the Republic of Albania.

* According to the invited experts, the practice of having an independent budget, an independent structure and the legal statute for the persons involved, brings together the best practices presented in the roundtable from other countries, and builds trust in the effectiveness of the whole process. Before achieving the integral realization of the project, the experts suggested a transitory phase, with the political support and the current legal framework, in order to build through this phase the trust of the public in the effectiveness of organized, open and all-inclusive training. The representatives of political parties at first supported mostly the idea of continuing with the current legal and administrative framework, rather than establishing an independent training unit/centre.

The experts in the roundtable suggested that the issues related to the programs, structure, mission and rules of procedure should be **an outcome of the CEC decision-making,** before this is explicitly defined by special provisions in the electoral law. This might firstly be a product of political memorandum among political parties, CEC and institutions involved in the project. After reaching a broad consensus and having the necessary legal amendments in place that set out the establishment of the Centre (within or without the CEC), then it may be operated with a long-term action plan. Until then, it is necessary for political parties to take a supportive political stand, an opinion supported by the experts, the CEC and almost all the participants in the roundtable.

* According to experts, it is foreseen that only after the Training Centre takes its final form, it shall be independent and responsible to meet all institutional obligations, including its financial self-administration, the administration of public relations, direct relations with the applicants for the training and election-related structures, etc.

The roundtable suggested **a variety of training methods,** including:

* training classified in several phases, depending on the interest of individuals, institutions and the ability of training participants;
* active theoretic and practical training with direct participation;
* complete and functional online and public training through the models published in the official electronic network of the Centre and the CEC;
* specialized training for social groups in need and vulnerable groups;
* training on different voting methods (in form and technology);
* long-term training through educational networks and public activities;
* comparative training through the publication of study methods, study cases and the effectiveness of electoral practices after/in the middle of every electoral process.