

Assessment of the Electoral Framework

SUMMARY*

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*The full report is published in French and Arabic and can be downloaded on www.democracy-reporting.org

The Parliamentary and local elections scheduled for 2007 are an important test for Algeria, which still struggles to leave behind the political breakdown and violence it experienced in the 1990s. Since the re-establishment of electoral politics in 1995, elections in Algeria have taken place against a background of high tension, suspicion and successive boycotts by many opposition parties. Voter turn-out has been low. Although the election legislation could largely provide a reasonable basis for democratic elections, the electoral framework needs to be substantially improved in order to increase the transparency of the process and public confidence in the electoral administration. Furthermore, it is essential that the full exercise of political rights be guaranteed in order to ensure an open competition.

Political Context

Electoral politics in Algeria were re-established in 1995, after a military coup d'état in 1992, which had interrupted elections after a first round victory in Parliamentary elections by the Front Islamique du Salut (FIS). Three presidential elections, three referenda, two parliamentary elections and two local elections have since been held in line with legal deadlines. However, these elections, which often took place against a background of tension and violence, have been widely denounced - in particular by opposition parties - as being marred by fraud and manipulation. In addition, previous elections were characterized by the lack of participation by much of the political spectrum, with opposition candidates and political parties either excluded by over-restrictive legal provisions or boycotting the elections. Participation in elections has been below 50 per cent of registered voters in the 2002 parliamentary and local elections¹.

Despite the improvement of the overall security situation, many analysts consider that the military is still predominant in Algeria's politics. Nevertheless, since 1995, a number of reforms and constitutional practice have led to a significant increase of the President's power. This has been to the detriment of other branches of the executive and of the legislative.

Political Rights

The media, civil society and international bodies such as "Reporters without Borders", have expressed considerable concerns over what they consider to be undue limitations to freedom of expression and over bureaucratic obstacles to free media. As regards freedom of association, the law on political parties prohibits the creation of a party on "the basis of religion, language, race, gender, regions or corporatist interests» and the use of any of the three components of national identity for partisan purposes, namely Islam,

¹ The official turnout figure for the 2002 Parliamentary elections was 46% indicating a fall from the 65% turnout in 1997.

being Arabic and being Berber. These restrictions contribute to an exclusion of potentially important parts of the electorate. Finally, the continuing rule under a state of emergency since 1992 has provided a basis for the authorities to restrict rights, notably freedom of assembly.

Legal Framework for Elections

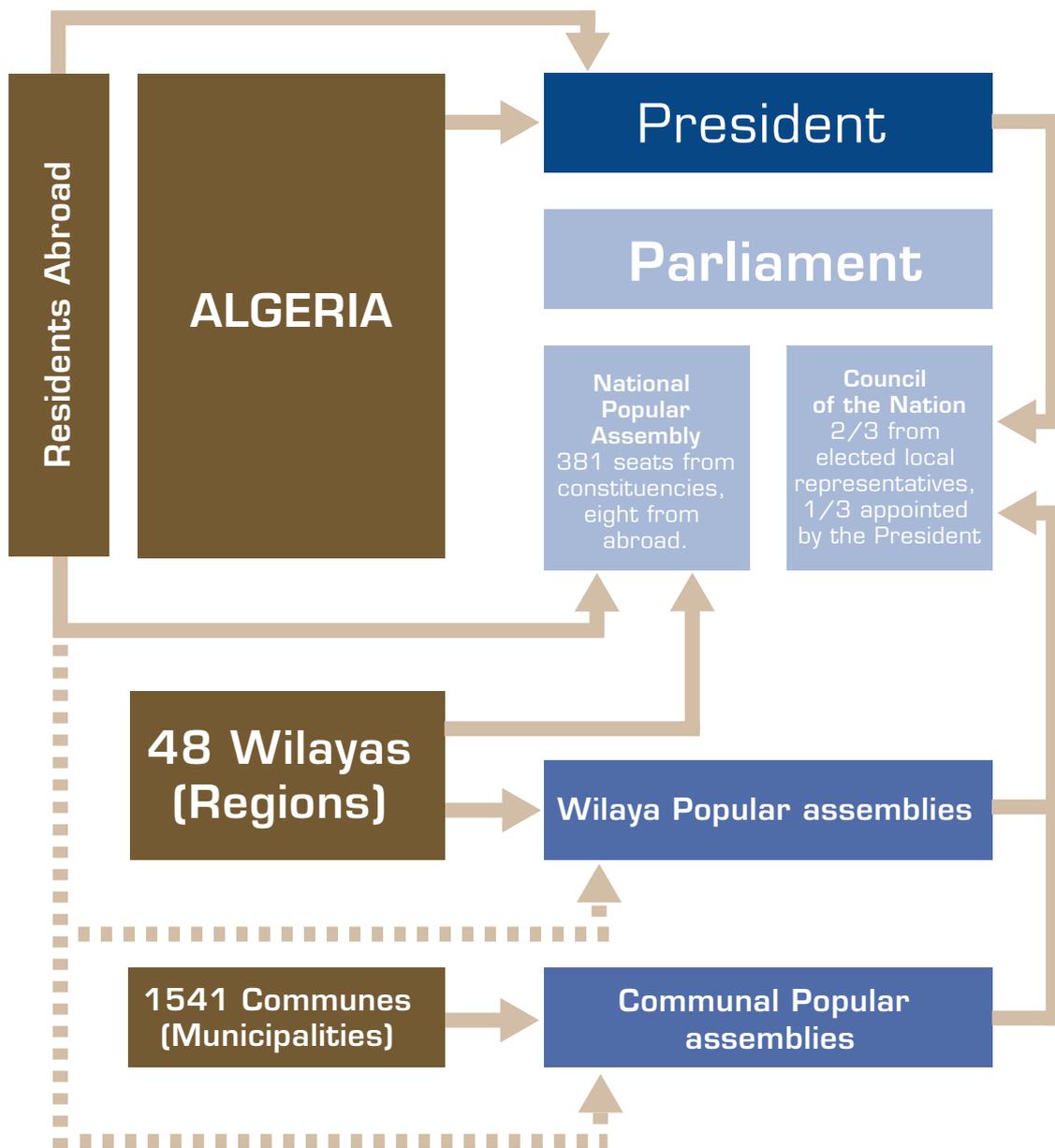
The election law and related regulations could in large parts provide an appropriate basis for the conduct of democratic elections. However, the mechanisms for scrutiny of the electoral process are insufficient and, despite recent amendments, there is a general lack of transparency. While the law obliges the election administration to act neutrally, opposition parties question its impartiality; elections are managed and controlled by the executive branch of power. There is a lack of effective remedies for potential violations of election laws, in particular in the context of Presidential elections and referenda. This flaw is most problematic in relation to overly burdensome requirements to register a candidate for Presidential elections that restrict opportunities for opposition candidates to stand.

This report does not judge past elections, which have not been observed by DRI. However, it is clear that a significant part of the electorate and political actors have withdrawn from an election process which they do not consider to be credible. It is therefore vital that electoral reform is carried out to restore confidence, in particular by increasing the transparency of the process. In particular, it is recommended to:

- Establish an independent or multi-party body responsible for the administration of elections in all their technical and regulatory aspects.
- Allow each person whose electoral rights may have been violated to have an effective remedy, in line with obligations under the International Covenant for Civil and Political Rights;
- Guarantee the prompt and detailed publication of results, starting at the level of polling stations and on all higher levels of the result aggregation process;
- Remove provisions which restrict the capacity of party and candidate representatives to carry out an effective scrutiny of electoral operations and allow non-partisan observation of elections;
- Review the procedure for the registration of political parties, to ensure that it is more objective and in line with the right to freedom of association.

These measures will only be effective if there is a general improvement in the respect of political rights and civil liberties. Beyond elections, further democratisation will require a strengthening of the powers of democratically elected assemblies at national and at local level.

Annex: System of Representation



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DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps finding local ways to promote the universal right of citizens' to participate in the political life of their country, as enshrined in the UN Universal Declaration of Human Rights.