



FINAL REPORT

International Election Observation **Mission to Kosovo Local Elections 2021**

The English version of this report is the only
official document of the ENEMO IEOM.

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International Election Observation Mission to Kosovo Local Elections 2021

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EXECUTIVE SUMMARY

The 17 October 2021 local elections were scheduled to take place by Decree of President Vjosa Osmani on 2 June 2021. These were the fourth local elections to take place following the declaration of independence of Kosovo in February 2008.

The legal framework regulates most important aspects of the election process and can ensure the conduct of elections in accordance with most democratic standards. However, an entire range of legal norms require revision to avoid ambiguity, ensure effective conduct of elections and improve the electoral environment. During the recent period, electoral reform has failed several times, preventing the adoption of relevant amendments to the legislation. Accordingly, issues that require relevant amendments include, but are not limited to electoral dispute resolution, voters' list and voters' eligibility, campaign finance, election campaign, etc.

The system of election administration in Kosovo is highly centralized and most decisions, as well as the most important electoral tasks are conducted by the Central Election Commission (CEC), which managed to prepare most electoral tasks effectively and in line with the established deadlines, amidst the challenges faced with procurement procedures and a high number of "investigative" activities with regards to candidate and voter registration and verification of their eligibility, before the first round of elections. The CEC did not adopt any special regulation with regards to the ongoing COVID-19 pandemic, as it decided to apply measures prescribed by the Government of Kosovo.

The conduct of the CEC before the first round of elections was mostly transparent and its sessions were open to observers and other interested parties, with simultaneous translation provided also in English. However, the transparency of the CEC deteriorated before the second round and not all data and documents related to elections were posted online, nor were posted regularly and timely on the CEC webpage, including a number of minutes from CEC sessions, some Decisions and other data relevant for the electoral process. Also, most information with regards to elections, including the minutes of CEC sessions were not posted in the Serbian language section of its website, nor its section in English during elections.

The conduct and transparency of the Counting and Results Center (CRC) has greatly improved since previous elections observed by ENEMO, yet the verification and recounting process conducted by this body proved to be extremely lengthy and complex due to a very high number of polling stations that needed to be recounted, lasting almost the entire period between the two rounds of elections, thus complicating the observation of its work. Although the majority of discrepancies appeared to be due to technical mistakes, especially with regards to tabulation of preferential votes for candidates running for municipal assemblies. Several interlocutors and CEC members claimed that some discrepancies also seemed to be intentional and should be further investigated.

The CEC made efforts to train all polling station commissioners (PSC), including the training of replaced commissioners in order to increase the overall quality of work of the PSCs. However, the conduct of many polling station commissioners during the first round of elections was questionable and some CEC members raised the issue of the quality of training, testing and oversight conducted by the CEC and MECs

for PSCs, due to such a high number of recounted polling stations and other problems noted in the work of polling station commissions. Also, the CEC members voiced concern over the fact that many polling station commissioners did not follow the CEC instructions on how to conduct voting with assistance. ENEMO believes that the CEC made a proper decision to replace the commissioners from recounted polling stations for the second round of elections and increase its oversight over their conduct.

While ENEMO assesses that the right and opportunity to vote was generally provided to citizens in line with international standards, the inaccuracy of the voters' list and voter eligibility remain issues insofar that they affect public trust and leave space for possible abuse.

The verification of Out of Kosovo application requests and voter eligibility was an extremely demanding process for the CEC, especially with thousands of requests and a limited period available for this task. The Out of Kosovo application and voting process leaves space for possible mistakes and misuses, as it lacks adequate safeguarding mechanisms and transparency, whereas the legal and human capacities of the CEC to conduct inquiries of applicants is also questionable, possibly granting discretionary power to the CEC Secretariat.

No significant challenges regarding candidate registration were noted by ENEMO for these elections, and the process seemed overall inclusive, although extremely burdensome for the CEC Secretariat having to verify the eligibility of each candidate. However, the three-year residency condition for Mayoral candidates to run for election is unclear, somewhat discriminatory compared to candidates running for municipal assemblies, and at odds with international standards.

The campaign was characterized as low-key by all ENEMO interlocutors, while the vast majority of campaign budgets of all political entities was directed towards campaigning on social media. Electoral contestants were generally able to campaign freely and in a competitive environment. A number of restrictions pertaining to the struggle against COVID-19 nominally affected the campaign, but failed to prevent mass-meetings by political entities and rallies. The disregard of political entities for the health of voters involved in such events is a reason for concern, as is the limited severity of sanctions imposed.

While the campaign environment among Kosovo-Albanian parties was diverse and competitive, Srpska Lista visibly dominated the political environment of the Kosovo-Serb community. During the televised debates organized by several media outlets, candidates from all municipalities had the opportunity to present their political platforms and discuss a range of topics relevant for local communities. Overall, the tone used in debates was moderate with few exceptions of inflammatory language used towards other candidates, including several cases of slander before the second round of elections.

ENEMO raises concern over the alleged misuse of administrative resources that is often intertwined with pressure on public employees and vote buying, as it negatively affects the possibility for voters to freely exercise their right to vote. Additionally, ENEMO notes that the legislative framework does not provide sufficient mechanisms for preventing the misuse of administrative resources, such as providing a list of possible violations and sanctions in this regard, which influences the integrity of the electoral process.

When it comes to campaign finance, ENEMO deems that the framework contains numerous shortcomings in terms of effective supervision, transparency, and does not ensure proper accountability of political parties. Legislative provisions do not regulate types of donations besides financial donations, such as in-kind donations, as well as mechanisms to identify and control goods and services provided for free or below market value, or paid in cash. The existing legislative framework is not fully in line with international standards for campaign finance, primarily when it comes to GRECO recommendations for campaign finance. ENEMO emphasizes that no mechanism is introduced to effectively monitor and verify the way funds are collected, especially if the amounts exceed the prescribed limit by an individual donor or entity.

ENEMO raises additional concerns over the requirement for political entities to submit their campaign finance report within 45 days after the elections, which undermines financial transparency of the campaign before the Election Day and prevents voters from being informed on funding of political entities in a timely manner. Additionally, the auditing process of political entities' financial reports indicates withstanding shortcomings along with a complete lack of political will to ensure transparent financial reporting. The auditing process that was finalized mid-elections faced numerous challenges, including the excessive retrogradeness of the process that minimized the accuracy of the audit. The report indicates numerous issues, such as hidden and unreported expenses of political entities that are often incurred through separate unreported bank accounts, in cash or in return for certain services. This leaves space for financial manipulation and deprives voters and the general public from financial transparency of political entities.

Despite challenges with limited resources, the media reported freely and there were no major incidents mentioned to ENEMO affecting their work, nor their independence. Media in Kosovo were able to disseminate information to voters freely, through news coverage, interviews, TV debate programs and political advertisements and thus managed to keep voters informed about the electoral process. Kosovo's media scene is very diverse, which has in recent years flourished with online media. Even though television remained the main source of information, politicians were largely using social media in political communication, especially Facebook.

All ENEMO media interlocutors raised concerns about spreading of disinformation and propaganda in social media and the lack of oversight over social and online media in Kosovo. In addition, ENEMO noted ongoing shortcomings related to identifying possible costs involving paid advertising and their sources. Access to information remained limited despite legal regulations, as many media interlocutors stated that the Government is insufficiently transparent and open for cooperation with the media. Overall, journalists struggled to obtain official information on important topics, including political news.

The Independent Media Commission (IMC), responsible for overseeing the media during elections, was operating within the legal framework and was notifying TV channels which violated regulations during the campaign. During the first round of elections, the IMC was not effective in applying timely sanctions to those broadcasters, while for the second round of elections, prior to Election Day, the IMC sanctioned six television stations for violating the legislation.

The legislation envisages a minimum requirement of 30 percent gender quota, which is an important mechanism for promoting women participation in political life. However, this requirement set forth in the Law on General Elections is not in accordance with the 50 percent gender representation standard determined by the Law on Gender Equality. All political entities respected the minimum requirement of gender quota, although women still face challenges as evidenced by the fact that only 8.43 percent of candidates for Mayoral elections were women and only two of them were elected as Mayor.

Despite regulations, persons with disabilities are faced with limitations to their full involvement in elections. Legal norms are insufficient when it comes to providing information regarding the election process to persons with disabilities in a format accessible to them, nor do they contribute to their independent participation in elections. Physical accessibility of polling station premises still remains one of the main obstacles for persons with disabilities to independently vote at polling stations.

Complaints adjudication is extensively regulated, but contains shortcomings that leave space for different interpretations and ambiguity. Legal norms do not fully guarantee the right to effective legal remedy, mostly because of tight deadlines for filing and adjudicating complaints. Due to the lack of specific legal provisions some issues are regulated in practice, which affects legal certainty. For these elections ECAP received 1145 complaints and appeals that were adjudicated within legal deadlines.

The mission did not deploy additional observers at polling stations on Election Day(s). However, the mission observed at a selected few polling stations on Election Day in both rounds. Both of the Election Days were generally conducted in a calm and peaceful atmosphere, in line with the legislation. The management of the polling and conduct of voting was generally orderly, with few procedural violations that ENEMO assesses not to have negatively affected the legitimacy of the overall process. However, according to the mission's observation and information provided by polling station commissioners, there seemed to be a lack of understanding and an uneven practice regarding certain aspects of the voting process. This includes voting with expired documents and procedures for voters requiring assistance. The use of personal protective equipment, namely facial masks, was not always respected at polling stations.

INTRODUCTION AND ACKNOWLEDGMENTS

On 18 September, the European Network of Election Monitoring Organizations (ENEMO), following official accreditation by the Central Election Commission of Kosovo, deployed an International Election Observation Mission (IEOM) to Kosovo to observe the 17 October 2021 Local Elections.

ENEMO deployed six Core Team experts, of whom five experts were based in Pristina. The Mission was headed by Mr. Pierre Peytier. The IEOM observed both rounds of elections, though its scope was limited in scale, and did not engage additional long-term or short-term observers and, as a result, did not conduct a comprehensive observation of the voting and counting processes on any of the Election Days. However, the mission provided information on the preparation and conduct of the elections, and observed a number of selected polling stations on the day of voting for both rounds.

The mission monitored and assessed the overall political and electoral environment, conduct of election management bodies, candidate registration, voter registration, campaigning, electoral dispute resolution and other crucial aspects of the process, based on international standards for democratic elections and the legal framework of Kosovo.

In the course of observation, in order to obtain relevant information, Core Team experts conducted 85 meetings with different interlocutors such as election management bodies, political entities, state officials, media, embassies, international and domestic civil society organizations.

The IEOM published a Statement of Preliminary Findings and Conclusions after each round of elections, on 18 October and 15 November, respectively.¹

This Final Report is based on ENEMO's findings from the pre-election period, to a limited extent the Election Day and post-election developments for both rounds of elections. It also contains 40 recommendations addressed to various stakeholders for improving the legislative framework and identified shortcomings in the electoral process.

ENEMO would like to express its gratitude to all state authorities, especially the Central Election Commission and Complaints and Appeals Panel, as well as other interlocutors, including civil society, international community, media and political entities for their cooperation during the monitoring mission.

ENEMO's International Election Observation Mission would also like to thank the National Endowment for Democracy (NED), for financially supporting the mission.

¹ <https://bit.ly/32nyEh1>; <https://bit.ly/3qcDRR9>

I. BACKGROUND AND POST-ELECTION DEVELOPMENTS

The 17 October 2021 local elections were scheduled to take place by Decree of President Vjosa Osmani on 2 June 2021. These were the fourth local elections to take place following the declaration of independence of Kosovo in February 2008.

Local elections were held to elect heads of municipalities along with municipal councilors, and saw some 90 certified political entities competing in 38 municipalities throughout the country.

Dialogue between Kosovo and Serbia was suspended in 2018 upon imposition by Kosovo of trade tariffs on Serbian goods, with the EU emphasizing that one of the key conditions for potential Serbia and Kosovo EU membership was an established and legally binding agreement normalizing their relations². To some extent, dialogue was furthered in September 2020, when Prime Minister Hoti and Serbian President Vučić signed an "Economic Normalization" document, which was separately submitted to USA President Donald Trump. This document, commonly referred to as the "Washington Agreement", aimed at furthering a gradual normalization of relations between Kosovo and Serbia. On the other hand, negotiations on the Stabilization and Association Agreement (SAA) with the EU are still ongoing, along with issues such as the liberalization of visa regimes, while dialogue with Serbia remains an issue of contention and a process to be finalized.

Kosovo's political scene in recent years, and particularly since the February 2021 early parliamentary elections, has undergone drastic political alterations. This includes the victory of Lëvizja Vetëvendosje (LVV) and the political shift consecrated by the results of the February 2021 elections, where the party experienced a considerable increase in voters' support³. Meanwhile the country still faces several challenges pertaining to economic development, judiciary reform, unemployment rates, and corruption. Progress has been met in the organizing and holding of elections over the years, however a comprehensive electoral reform remains an urgent issue to be addressed.

In the framework of organizing local elections, an issue arose pertaining to the "reciprocity" regarding vehicle registration plates. The deadline for registered plates expired on 14 September 2021, with a provision that following steps would be discussed under EU mediation. However, on 20 September, the Government of Kosovo introduced fees for temporary Kosovo license plates for cargo and passenger vehicles with Serbian plates. Escalating tensions led to the deployment of heavy armed forces from special police units (ROSU) near the border crossings. In response, Kosovo Serbs drew up barricades in Jarinje and Brnjak, and tensions escalated when Municipal Offices were attacked. The issue was partially solved through EU mediation and covering state symbols on license plates from Kosovo and Serbia, and did not overly affect the organizing and holding of elections in the northern regions.

² Since 2011, dialogue between Kosovo and Serbia has been mediated by the EU, following the International Court of Justice's conclusion that Kosovo's declaration of independence was not in breach of international law. The Brussels Agreement between Belgrade and Pristina from 2013 envisages the establishment and statute of a Community of Serb Municipalities (CSM). However, this Agreement remains on hold due to a decision of the Constitutional Court of Kosovo ruling that a number of provisions (24) are not in line with the Constitution of Kosovo. Serbia does not recognize Kosovo as a sovereign state, but rather as an autonomous region according to the Constitution of the Republic of Serbia.

³ 50.28 percent of total votes in the February 2021 early parliamentary elections.

The start of the electoral process was met with additional turbulence due to the fact that the previous Chairperson of the CEC, Mrs. Valdete Daka, was dismissed by the President only one day before the start of the process, and a new Chairperson was appointed from among the judges of the Supreme Court⁴. This decision caused a strong reaction from civil society and several political entities claiming it was politically motivated, especially since it came late in the process without clear and substantiated reason, decreasing public trust in elections and at odds with best democratic practices⁵.

In line with best practice, the bodies that appoint electoral commissions should not be able to replace them in a discretionary manner, especially during or right before elections, as such decisions can endanger their independence and public trust in the electoral process.

Results of the first round saw Srpska Lista win nine out of ten Serb-majority mayoral races, while the Democratic Party of Kosovo (PDK) won four mayoral races, Alliance for the Future of Kosovo (AAK) two, and the Democratic League of Kosovo (LDK) two. When it comes to electing mayors, the ruling Levizja Vetevendosje (LVV) party did not secure a win in any of the municipalities in the first round, although the party obtained the largest share of votes for municipal assemblies⁶.

The second round of local elections for the mayoral run-offs was held on 14 November, in order to elect mayors of 21 out of 38 municipalities of Kosovo⁷, including in the largest municipalities of Pristina and Prizren. In total, 42 mayoral candidates from 12 political entities were competing in the run-offs, of which only one woman candidate.

Mayoral run-offs were held in a generally calm and orderly manner in most parts of the country. However, local elections were held in the ongoing COVID-19 pandemic context, with a limited timeframe for campaigning following a decision of the CEC to limit the duration of the official campaign to five days before the day of voting.

4 The mandate of the Chair or any member of the CEC may be terminated through resignation, or terminated with immediate effect by the President of Kosovo in the following circumstances: a) the member fails to meet the conditions and criteria of the law; b) the member fails to attend three consecutive meetings of the CEC without any reasonable cause and the termination of the mandate is approved by 2/3 of the majority vote of the CEC; c) the member is convicted of a criminal offense; d) the member behaves or acts in a manner that seriously affects the status and integrity of the CEC; e) the member is unable to perform his/her duties for more than six consecutive months. In case the mandate is terminated by the President of Kosovo, the new appointment is conducted in line with the Law, whereas the new member shall only serve for the remainder of the mandate of the member replaced but may be re-appointed in line with the Law.

5 2002 Venice Commission Code of Good Practice in Electoral Matters, Explanatory Report, Part 3, point 77: "Broadly speaking, bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable, but recall for disciplinary reasons is permissible - provided that the grounds for this are clearly and restrictively specified in law (vague references to "acts discrediting the commission", for example, are not sufficient)."

6 CEC results: <https://www.kqz-ks.org/wp-content/uploads/2021/03/2.Rezultatet-sipas-subjekteve-politike-1.pdf>

7 Second rounds of Mayoral Elections were held in the following 21 municipalities: Gjakovë/Đakovica; Gillogoc/Glogovac; Gjiilan/Gnjilane; Dragash/Dragaš; Istog/Istok; Kaçanik/Kaçanik; Klinë/Klina; Fushë Kosovë/Kosovo Polje; Kamenicë/Kamenica; Obiliq/Obilić; Rahovec/Orahovac; Podujevë/Podujevo; Prishtinë/Priština; Prizren; Shtime/Štimlje; Viti/Vitina; Vushtrri/Vučitrn; Malishevë/Mališevo; Junik; Mamuşa/Mamushë/Mamuša; Klokot/Kllokot.

II. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Legal framework

ENEMO assesses that the existing legal framework can ensure conduct of fair and democratic elections in accordance with international standards if implemented in good-faith, however there are numerous challenges and shortcomings caused by insufficient and outdated regulations.

The conduct of local elections is regulated by a range of legal acts. The Constitution as the most important legal document establishes the right to elections. Though Kosovo is not a party to any international human rights treaties, Article 22 of the Constitution sets forth that a number of international agreements and instruments, relevant also for the conduct of elections, are directly applicable in Kosovo and in case of conflict supersede domestic legal norms.⁸ Additionally, Article 53 determines that human rights and freedoms guaranteed by the Constitution should be interpreted in accordance with the decisions of the European Court of Human Rights.⁹

Besides the Constitution, primary legal acts regulating elections are the Law on Local Elections (LLE),¹⁰ Law on General Elections (LGE),¹¹ and the Law on Financing Political Parties.¹² Those laws are supplemented by 20 regulations of the CEC and Rules of Procedure of Election Complaints and Appeals Panel (ECAP). Some aspects of elections are also regulated by the Criminal Code,¹³ Law on Gender Equality and the Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo.

The final amendments to the LGE were adopted in 2010. The most recent electoral reform took place in 2019, but was suspended without adopting any amendments. As different interlocutors explained, the reason was the political turbulence created in the country, outbreak of COVID-19 pandemic and several consecutive elections. As indicated, the lack of political will and consensus among political parties caused the failure of the reform process during previous years.

Due to this, the legislation contains a number of loopholes and insufficient regulations. By-laws were adopted to address some gaps and shortcomings in the primary legislation, but some of them concern

8 Those international agreements and instruments are: Universal Declaration of Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; International Covenant on Civil and Political Rights and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

9 As Kosovo is not a signatory party to the European Convention of Human Rights, no application can be lodged against it in the court. Accordingly, implementation of human rights depends on state authorities and courts.

10 Law No. 03/L-072 5 June 2008.

11 Law No. 03/L-073, 5 June 2008. Last amended on 29 October, 2010 (Law No. 03/L-256).

12 Law No. 03/L-174, 2010. Amended in 2012 and 2013.

13 Code No. 06/L-074, Chapter XVIII (Articles 207-217) regulates Criminal Offences against Voting Rights. Those comprise violations of the right to be a candidate; threat to be a candidate; preventing exercise of the right to vote; violating free decision of voters; abuse of official duty during elections; giving or receiving bribe in relation to voting; abusing the right to vote; obstructing the voting process; violating confidentiality in voting; falsification of voting results; destroying voting documents.

issues that should be regulated by the laws. Accordingly, both the primary and secondary legislation requires revision in respect of election dispute resolution, campaign funding and reporting, voters list and voter eligibility, registration and operation of political parties, election campaign and misuse of administrative resources, out-of-Kosovo voting, etc.

ENEMO deems that in order to improve existing regulations, avoid contradicting interpretations and ensure legal certainty, substantial and inclusive electoral reform should be conducted comprising be-laws adopted by the CEC. The reform process should be inclusive involving all relevant actors, such as political parties, CEC, the civil society and other relevant state authorities, while taking into account recommendations of international stakeholders.

Electoral System

Municipal assemblies and mayors are elected once every four years. There are 38 municipalities and each of them represents a single electoral district. The number of members to be elected in the Municipal Assembly varies from 15 to 41 in proportion to the number of population in the municipality. Only the Assembly of the municipality of Pristina consists of 51 members.¹⁴ Voter has the right to cast a vote for one political entity and for one preferred candidate from the list of candidates of the same political entity. If more than one candidate is marked on the ballot paper, only the vote for a political entity is counted. Preferential votes casted for candidates are counted separately. Vote allocated for the political entity is considered as casted for the first candidate on the list.

Legislation establishes a minimum 30 percent of gender quota for a candidate list that political entities should respect. The gender that received less than 30 percent of the mandates should be assigned at least 30 percent of the mandates from the total number of the mandates received by the respective political entity.

Mayors are elected based on a two-round electoral system. The Mayor is directly elected by the voters registered in the respective municipality. The second round is held four weeks after the first round if none of the candidates received 50 percent plus one vote in the first round. Only the two candidates who received the most valid votes participate in the second round. The candidate who receives the majority of votes in the second round becomes a mayor.

¹⁴ Art.36, Law NR. 03/L-040 on Local Self-Government, 2008.

III. ELECTION MANAGEMENT BODIES

The election administration in Kosovo is composed of a three-tiered system, in a hierarchical manner: the Central Election Commission (CEC) as the highest electoral body, Municipal Election Commissions (MECs) as the second level tier and Polling Station Committees (PSCs) as the third tier that conducts polling and first tabulation of election results.

Central Election Commission

According to Article 139 of the Constitution and the Law on General Elections of Kosovo, the CEC is a permanent independent body responsible for the organization and implementation of elections in Kosovo. The main responsibilities of the CEC are: regulating the electoral process through the adoption of Electoral Rules / Regulations, maintaining the Voters' List, organizing and preparing election-related activities, conducting voter education, compiling and presenting election results, supervising the election process and electoral stakeholders' conduct and other tasks.

The CEC consists of 11 members. The chairperson is appointed by the President of the country from among the judges of the Supreme Court, or appellate courts, for a seven-year mandate. An additional 10 members of the CEC are appointed based on nominations made by parliamentary groups¹⁵ represented in the Kosovo Parliament, of which six members are appointed by six largest parliamentary groups that are not entitled to reserved seats, whereas one member is appointed by MPs holding seats reserved for the Kosovo Serb Community and three members are appointed by MPs holding seats reserved for the other non-majority Communities. Except for the chairperson of the CEC who cannot serve for more than two consecutive mandates, other members of the CEC should serve for no more than three consecutive mandates, whereas mandates of the 10 CEC¹⁶ members normally follow the mandate of the Kosovo Assembly.

Meetings of the CEC are valid when attended by no less than seven CEC members. By Law, Decisions related to Electoral regulations, the registration of political parties and certification of political entities, the declaration of election results, as well as decisions related to complaints regarding the declaration of results, should be decided by consensus of CEC members, or two thirds of all votes when it is not possible to reach a consensus. Every other decision can be taken by a simple majority of votes. In sessions

¹⁵ If fewer groups are represented in the Assembly, the largest group or groups may appoint additional members - Art.139 of the Constitution of Kosovo.

¹⁶ To be appointed, a member of the CEC must have work experience of at least five years and a university degree in law, public administration, political science, human rights, mathematics, election administration, social sciences, public relations, or statistics. A person is ineligible to be a Member of the CEC if they are: a) a member of the Assembly of Kosovo; b) a member of a Municipal Assembly in Kosovo; c) a candidate for elected public office in Kosovo; d) a member of a publicly elected representative assembly outside of Kosovo; e) a holder of a senior public or high political party office; f) a member of a public electoral commission within or outside of Kosovo; g) a member of the Kosovo Protection Corps; h) a member of any police force or body of like kind; i) a person not eligible to vote in Kosovo; j) a person serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia or under indictment by the Tribunal, and has failed to comply with an order to appear before the Tribunal; or k) a member of a non-governmental organization monitoring the elections; l) has been convicted of a crime by a final court decision; m) has been a member of an intelligence / security service in Kosovo, or abroad in the last 5 years; and n) has been dismissed from the public administration for a violation of the law.

observed by the mission, most decisions were taken with a large majority, or unanimously.

Before the first round of elections, the CEC faced multiple challenges with procurement procedures, especially the printing of materials (including training manuals, accreditations, counting protocols, COVID-19 protective equipment and brochures), mainly due to complaints from unsuccessful procurement applicants, as the national Procurement Review Body was not functioning and could not decide on complaints, but also possibly due to the inefficient conduct of the CEC Secretariat¹⁷. The CEC decided to use the “extreme emergency procurement”¹⁸ procedure, established within the relevant procurement legislation of Kosovo, in order to be able to organize elections.

The decision-makers should consider establishing special procurement procedures for electoral purposes and during the election process, with shorter deadlines and more efficient appeal procedures, among other amendments to the Election Code.

The CEC is supported by its Secretariat (CECS), which performs numerous technical activities related to the organization of the electoral process and which is run by the CEO, who is responsible to the CEC for his/her work. Also, the Counting and Results Center (CRC) is a special space where conditional ballots, out-of-Kosovo ballots, and any regular ballots, as required by the CEC or ECAP are counted, reconciliation and results forms from all polling stations are audited and tabulated, and the final results are compiled.

The CEC has managed to prepare the first round of elections effectively and conduct its tasks in line with the established deadlines, amidst the challenges faced with procurement procedures and a high number of “investigative” activities with regards to candidate and voter registration and verification of their eligibility. The conduct of the CEC before the first round of elections was mostly transparent and its sessions were open to observers and other interested parties, with simultaneous translation provided also in English. However, not all data and documents related to elections were posted online, nor were posted regularly and timely on the CEC webpage, including a number of minutes from CEC sessions, some decisions and other data relevant for the electoral process. Also, the CEC did not post any information with regards to these elections’ minutes of CEC sessions in the Serbian language section of its website, nor its section in English.

For the first round of elections, the CEC printed a total of 3,397,200 ballots for both types of elections (for Mayors and Municipal Assemblies), or 1,698,600 ballots each. The printing of bilingual ballot papers was traditionally conducted at the printing house for high security documents from Celje, Slovenia. According to the decision of the CEC, 186,848 ballots were printed less than the total number of voters (9.91 percent), as a practice followed in previous election processes¹⁹.

The CEC did not adopt any special regulation with regards to the ongoing COVID-19 pandemic, as it decided to apply measures prescribed by the Government of Kosovo. All level commissioners needed to be vaccinated or fulfill other health criteria related to the pandemic, in order to be able to participate in elections. Before the first round’s Election Day, the Government allowed electoral stakeholders and observers to move freely during elections regardless of the curfew, but not to voters.

Second round of elections

The CEC conducted all preparations for the second round of Mayoral elections in an adequate manner and in line with the Law and established deadlines. The ballots for the second round were printed in

¹⁷ Several CEC members have publicly stated that they will propose to the CEC to conduct an interim assessment of the work of the Secretariat with regards to procurement after the elections.

¹⁸ Art. 35 (2) iii, Law on Public Procurement

¹⁹ According to the CEC, 178,000 fewer ballots than the number of voters were printed for the last Parliamentary elections in February.

Slovenia as in the first round of elections, and based on the Decision²⁰ of the CEC a total of 1,136,750 ballot papers were to be printed for 1,260,571 eligible voters in 21 municipalities according to the final Voters list²¹. Also, all sensitive and non-sensitive election material was disseminated on time by the CEC before the Election Day.

Although the CEC prepared the second round of mayoral elections in a timely and efficient manner, the level of transparency of the CEC decreased during this period, as important information was not made available to the public, nor to ENEMO and the website was not regularly and timely updated, especially minutes from CEC sessions and some decisions (none of the minutes from October were posted online in the beginning of November). Almost no data was available in Serbian language in this reporting period. At the same time, the tension and political affiliation of CEC members was more noticeable, especially after the results of the first round of elections were issued, with personal accusations of possible election irregularities among CEC members against the parties that nominated them, some even addressed towards the CEC Secretariat.

The conduct and transparency of the Counting and Results Center (CRC) has greatly improved since previous elections observed by ENEMO, yet the verification and recounting process conducted by this body proved to be extremely lengthy and complex, lasting almost the entire period between the two rounds of elections, thus complicating the observation of its work. The tabulation and verification was burdensome, as around 40 percent²² of polling stations needed to be recounted, as there were many discrepancies in the counting and results protocols, especially with regards to tabulation of preferential votes for candidates running for municipal assemblies. Although the majority of discrepancies appeared to be due to technical mistakes²³, several interlocutors and CEC members claimed that some discrepancies also seemed to be intentional, and a number of polling station commissioners will most probably be further investigated and processed by the competent authorities, especially as the tabulation of preferential votes has been a major challenge in previous electoral cycles too.

If the legislator decides to decentralize the work of the election administration and increase the level of involvement of MECs, consideration should be given to the possibility of decentralizing the CRC as well, where each municipality would have its own CRC for reviewing, recounting and tabulation of votes, thus increasing the level of efficiency of the recounting and verification process.

According to data officially published by the CEC before the second round of elections, and based on statistics from 38 municipalities, approximately seven percent of cast ballots on average for municipal assemblies (not including blank ballots) in the first round were considered as invalid²⁴ when compared to the total number of ballots cast. This number was significantly lower when it came to ballots for the mayors in the first round (approximately two percent on average across municipalities). The percentage of ballots deemed invalid for municipal assemblies in the first round is very high and different

20 CEC Decision no. 2934/2021, 02.11.2021, <https://bit.ly/3okAUNm>

21 As an established practice, 9.8% less ballot papers were printed than the total number of voters, or 123,821 less.

22 The exact number is not yet disclosed by the CEC, but the latest available data shows that at least 953 polling stations were recounted, of which 608 based on the decisions of ECAP with regards to final results of elections for municipal assemblies, and mostly due to discrepancies in data regarding preferential votes.

23 As one example, on 23.10.2021 the CEC approved the recommendation of the Counting and Results Center to increase the tolerance and include in the final results for Local Elections the polling station 0906E/01D. According to the CRC recommendation the above mentioned polling station has been investigated and recounted, yet the data exceeds the level of prescribed tolerance of +,-3 between the number of used ballot papers and signatures of voters by 22 ballot papers. According to the investigation, the damaged ballot papers have been placed in envelope no. 1 and did not affect the ballot papers inside the ballot boxes, and therefore the CEC decided to increase the level of tolerance for 22 ballot papers and include the mentioned PS in the final results. - CEC Decision no. 2817/2021, 23.10.2021, <https://bit.ly/3Hk6uUl>

24 According to official CEC data published on the following link and before the final recounts: (<https://www.kqz-ks.org/zgjedhjet-per-kuvende-komunale/zgjedhjet-per-kuvende-komunale-2021/>), the total amount of invalidated ballots for the first round amounted to 56,179 of a total of 811,980 ballots cast across the 38 municipalities (including at polling stations and out-of-country voting, along with SNV ballots). This amounts to approximately 1,479 invalidated ballots per municipality on average, which when compared to the total number of ballots cast represents approximately 7 percent, ranging from 2,58 percent in the municipality of Mamushe with the lowest percentage of invalid ballots to 17,49 percent in the municipality of Ranilug as the highest percentage.

interlocutors stated different reasons for this phenomena, including the improper design of the ballots, citizens making a statement, or forgetting to circle the political entity besides the candidate, or even possible intentional invalidation by certain polling station commissioners.

The CEC should put additional efforts to assess the reasons for such a high number of invalidated and blank ballots and take the necessary steps to reduce this number in future elections.

The relevant authorities may consider simplifying the very complicated design of the ballot paper and possibly certain aspects of the voting procedures to reduce the number of invalid ballots in elections.

The CEC produced numerous voter education materials, including video spots, brochures and other materials, available in both official languages. The voter education campaign covered different topics related to the election, including information on adequate voting procedures, eligible identification documents and similar, targeting various categories of voters and using diversified means of communication, including social and traditional media, in both official languages.

The website of the CEC should be more regularly updated in order to increase the transparency and the legitimacy of the entire process. This is especially important for the transparency of work of the Secretariat, as certain crucial information was missing on the website during these elections, whereas most information was not translated and posted in other languages available on its website (Serbian and English).

Municipal Election Commissions (MECs)

The 38 MECs are established by the CEC as local branches, one in each municipality to assist in performing the administrative and operational duties at the municipal level for each election. MECs generally consist of seven members, yet this number may be increased if the number of political entities qualified to nominate members is higher. Each MEC is composed of the MEC Executive Officer (MEO), who is employed by the CEC and as such is the Chairperson of the MEC, as well as MEC members, who are appointed based on nominations of political entities that have passed the threshold at previous Kosovo Parliamentary elections (if they are subject to an election threshold). The CEC Secretariat can also nominate any other person or persons that it considers appropriate for membership of the MEC, giving special consideration to the need to ensure fair gender and ethnic representation, whereas the Secretariat may also consult NGOs or academic institutions to identify suitable candidates. The non-majority Community parties with reserved seats in the Kosovo Parliament may also have members at the MEC and the CEC is obliged to ensure that all non-majority communities with significant numbers in respective municipalities are fairly represented in the membership of MECs.

To be eligible, MEC members must vote in the municipality of the MEC's location and should be persons with high professional and ethical standings, with administrative or electoral experience and knowledge sufficient to efficiently perform the work of the MEC. Also, each member needs to sign the MEC Code of Conduct to be appointed. The CEC should appoint every MEC within 15 days of the announcement of the election. Appointment shall be terminated 15 days after the certification of election results, unless the term of a MEC is terminated earlier or extended.

While the Law is inconclusive and inadequately clear with regards to forming of lower tiers of electoral administration (MECs and PSCs), the CEC established all MECs on time and without major issues, nor complaints from election contestants. MECs were established on 30 June 2021²⁵ and there were not many changes to the composition of MECs during these elections, while some MEC members in particular

²⁵ CEC Decision no.1719, 30 June 2021, <https://bit.ly/3vp1F6K>

municipalities were added or substituted.²⁶ MECs were mainly transparent in their work and were open towards observers and other interested stakeholders.

Each MEC should have its own, regularly updated website for future elections.

In Kosovo, MECs have a rather technical and administrative role in elections, mainly to support the conduct of elections, under the supervision of the CEC. By Law, MECs have the following tasks: a) to establish an office in the premises of the municipal administration building to conduct its duties; b) to provide information to voters of all communities and disseminate information necessary for the administration of elections; c) to impartially provide political entities and candidates with information about their rights and obligations in relation to elections; d) to attend any training session required by the CEC; e) to assist in the appointment and training of any person assisting in the administration of the election, including polling station committees; f) to assist in the technical arrangements at the polling stations and any other technical preparations for the elections, including receiving all non-sensitive election materials; g) to ensure proper conduct of polling and counting and compiling the results of the elections within their jurisdiction; h) to collect and store election-related materials after the election; and i) to perform other duties required by any other applicable legislation or CEC rule²⁷.

The system of election administration in Kosovo is highly centralized and most decisions, as well as the most important electoral tasks are conducted by the CEC. Even when local elections are held, the MECs have a rather technical and administrative role in elections to support the work of the CEC, not being responsible for registering local election contestants, nor for establishing Polling Station Committees, or Polling Centers in their municipality, which puts additional pressure and workload on the CEC Secretariat and its staff.

The legislator should consider defining the exact number of MEC members and perhaps decentralizing the entire election administration by professionalizing MECs (as permanent bodies with at least several professional members) and increasing their involvement in organizing elections, especially with regards to candidate and voter registration, as well as appointment of PSCs and their trainings.

Polling Stations (PS) and Polling Station Committees (PSCs)

At the precinct level, PSCs are responsible for managing the polling stations on Election Day, conducting the voting, tabulating votes and similar tasks. PSC composition is similar to the composition of the MEC and, in addition, the CEC Secretariat should invite newly certified parties to submit additional nominations for PSCs. MECs may, in special cases, increase the number of PSC members²⁸ and immediately notify the CEC. Each PSC member is obliged to attend training, sign a Code of Conduct and act impartially, regardless of political party affiliation. There should be at least 10 percent of reserve PSC members for elections.

Polling Stations (PS) are places where voting is conducted on Election Day and PS within a Polling Center (PC) should not have more than 750 voters, with an exception authorized by the CEC. One or more PSs are located in a single PC and, in most cases, they are set up in schools or community facilities. PSs should be established in an accessible place to allow voters to form and stand in a queue and should,

²⁶ CEC Decisions no. 1788, 2001, 2002, 2250, <https://bit.ly/3aIRDDX>; <https://bit.ly/3FVyywB>; <https://bit.ly/3pd7CTc>; <https://bit.ly/3FYJ0Dm>

²⁷ Primarily CEC Regulation No. 18/2016 on appointment, composition and functioning of MECs.

²⁸ According to the CEC Regulation No. 19/2016, each PSC should normally have the following positions / functions: Chairperson of the PSC; Queue Controller; Identification Officer (ID officer); Ballot provider; Ballot Box Supervisor; Identification Officer assistant and Ballot provider assistant.

whenever possible, have adequate access for persons with disabilities. Based on the recommendation of the MEC, the Secretariat publicly announces the exact location of each PC, no later than 40 days prior to the Elections. Subsequent changes to PC locations should be allowed in case of force majeure, or other objective and unpredictable reasons that would make a PC unsuitable for voting purposes. If a PC location has been changed, the MEC shall notify the voters of the change through local available media sources, as well as by posting a notice at the original PC location. Voters are assigned to a PC based on their residence and data from the Final Voters List and no voter should travel more than three kilometers to their place of voting, whenever possible.

For the first round of elections, a total of 883 PCs, with 2,477 PSs were formed²⁹. There were only several changes to the announced locations of PCs due to the ongoing pandemic, but voters were informed in time about the new location. Elections in the second round were conducted at 1,638 polling stations, established within 575 polling centers in 21 municipalities.

The CEC made efforts to train all PSC members before the first round of elections, including the training of replaced commissioners in order for the replacements not to have an affect on the overall quality of work of the PSCs. However, the conduct of many polling station commissioners during the first round of elections was questionable, because of a large number of discrepancies in data regarding election results' tabulation, especially with regards to preferential votes for candidates running for municipal assemblies. Some CEC members raised the issue of the quality of training and testing conducted by the CEC and MECs for polling station commissioners, due to such a high number of recounted polling stations and other problems noted in the work of polling station commissions. Some members particularly voiced concern about the professionalism of trainers engaged by the CEC and lack of effective oversight of the CEC over the training and testing process, in turn affecting the professionalism of commission members. Also, the CEC members voiced concern over the fact that many polling station commissioners did not follow the CEC instructions on how to conduct the voting with assistance. While most discrepancies in the election results from the first round of elections seemed to be technical mistakes, many interlocutors, including CEC members, raised concern over a possible intent of certain polling station commissioners to affect the election results.

The CEC should further analyze the reasons for shortcomings noted in the work of many polling station commissioners and inform the competent authorities to adequately process all suspicious cases of possible election manipulation by commissioners, in order to prevent similar situations in future elections.

The CEC should establish more effective mechanisms for overseeing the quality of training provided to polling station commissioners and perhaps revise certain aspects of the training that seemed to be the most problematic during these elections. More specifically, emphasis should be put on the counting of preferential votes, filling in results protocols and voting with assistance.

Although the majority of polling stations and their commissioners for the second round of elections were the same as in the first round of elections, the CEC decided not to appoint those polling station commissioners whose polling station needed to be recounted in the first round as commissioners for the second round of elections. ENEMO believes that the CEC made a proper decision to replace the commissioners from recounted polling stations for the second round of elections.

Also, the CEC decided to monitor the conduct of elections this time, by appointing the staff from municipalities without the second round of elections to monitor the work of commissioners in the other 21 municipalities. Even though the Law on Local Elections does not contain specific provisions with regards to the composition of polling station commissions for the second round of elections, according

²⁹ <https://www.kqz-ks.org/wp-content/uploads/2021/09/2021-09-08-Lista-e-QV-Zgjedhjet-Lokale-2021.pdf>

to the CEC, they allowed additional polling station commissioners representing candidates running for the second round of elections in several municipalities, when they do not belong to political entities represented in the Assembly and therefore were not represented at the polling station commissions' level during the first round.

IV. REGISTRATION OF VOTERS

As stipulated by the Law³⁰, an eligible voter in elections in Kosovo is a person that is at least eighteen (18) years of age on the day of the elections and satisfies at least one of the following criteria: a) he or she is registered as a citizen of Kosovo in the Central Civil Registry; b) he or she is residing outside Kosovo and left Kosovo on or after 1 January 1998, provided that he or she meets the criteria in applicable legislation for being a citizen of Kosovo; or c) he or she obtained the status of a refugee³¹ on or after 1 January 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo. At the same time, no person may vote if he or she: a) is serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia (“the Tribunal”); b) is under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal; or c) has been declared mentally incompetent by a final court decision. Additionally, according to the Law on Local Elections³², the voter has the right to vote only in the municipality where he or she is registered as permanent citizen, unless provided otherwise by the law.

Voter registration is one of the most challenging issues in Kosovo elections, especially due to imprecise public civil registries and street addresses that are not unified, which affects the work of the CEC, especially when developing Voters’ lists and establishing PCs and PSs throughout the country. According to the CEC, some data, primarily the non-unified street addresses/codes of voters in the civil registry and registry of identification documents of Kosovo citizens, maintained by the Ministry of Interior often do not match, or are not aligned with the actual names and numbers of streets in most municipalities, as the level of coordination between different institutions is very low and therefore the data used and kept by each of these institutions largely differs. This issue represents a considerable challenge for the CEC to adequately assign voters to the appropriate PS or PC and determine their actual numbers, as by the Law, the number of voters per each PS is limited and the distance of PS from voters’ residence should not exceed three kilometers, whenever possible. Furthermore, many interlocutors believe that the civil registry is not adequately and timely updated and still contains many deceased persons, although many were removed in recent years.

These circumstances are among the main reasons why the mechanism of **Conditional voting** in Kosovo was put in place. This instrument allows all voters that cannot be found in the Voters list of a particular PS to cast a conditional vote in a specific PS, using a blank (“Conditional Voters List” - CVL). Such a PS is normally the dual PS within every PC and is specially formed for such situations, but only if a voter meets other legal criteria as a voter and proves his/her identity. For local elections, voters should only vote conditionally in the municipality where they permanently reside.

Out of Kosovo voting is another aspect of the electoral process in Kosovo that poses a challenge for the CEC in terms of time and human resources necessary for conducting such a complex process. The registration for out of Kosovo voting starts 25 days after the announcement of elections and ends 60 days before Election Day³³, during which time the Secretariat needs to conduct numerous tasks: informing

30 Art. 5 of the Law on General Elections in the Republic of Kosovo.

31 As defined in the Convention Relating to the Status of Refugees of 28 July 1951 and its Protocol of 16 December 1966.

32 Art. 12.2 of the Law on Local Election of the Republic of Kosovo.

33 For these elections the period of registration was from 10 July to 18 August.

the voters abroad about the means and specifics of voting procedures for out of Kosovo voters; receiving application/registration requests from interested voters; deciding whether to reject the application/registration on legal grounds and inform the applicants about the possible legal redress, or to send successful applicants ballots by mail if approved; developing an Out of Kosovo Voters list and removing the names of voters from the Voters list used for in-country voting. An eligible and successfully registered Out of Kosovo voter may vote by mailing the previously received/printed ballot to the CEC, from 15 September until 15 October (24 hours before Election Day). These ballots are directly counted at the CRC and are counted first, by CEC regulations.

For these elections, the CEC received a total of 18,836 applications for registration of Out of Kosovo voters³⁴ from almost 50 different countries, mostly by email. According to CEC reports, the number of applicants who have been successfully registered as voters Out of Kosovo and who could vote by mail until 15 October was 15,532, whereas 3,320 applications were rejected for many different reasons, including the failure to meet legal requirements, but also a high number of applications (1,172) that were removed after phone verification conducted by the CEC, partially due to its practice to randomly check at least 2% of applications, but also due to the fact that the Secretariat staff found applicants' emails suspicious. The exact methodology used by the Secretariat remains unclear, especially as at the end of the verification process, around one third of all rejected applications came from one country³⁵.

According to the data from the CEC, many phone numbers provided by the applicants were inactive, whereas many voters whose phone numbers were correct admitted that they did not apply to vote in person and all these applications were rejected. At the same time, the number of application requests to vote by mail in some municipalities was very high when compared to the total number of voters in these as well as other municipalities, and the CEC needed to conduct additional verification³⁶. The fact that the most complaints to ECAP (584) concerned Out of Kosovo voting and that only 12 were approved proves that this segment of the electoral process is a challenge in Kosovo, even though the overall number of Out of Kosovo voters for local elections is rather low compared to the total number of voters.

The verification of Out of Kosovo application requests and voter eligibility was an extremely demanding process for the CEC, especially with thousands of requests and a limited period available for this task. The Out of Kosovo application and voting process leaves space for possible mistakes and misuses, as it lacks adequate safeguarding mechanisms and transparency, whereas the legal and human capacities of the CEC to conduct inquiries of applicants is also questionable, possibly granting discretionary power to the CEC Secretariat.

If Kosovo is to keep the Out of Kosovo voting for local elections, adequate legal regulation should be introduced for verifying the eligibility of out of Kosovo voters, with clear safeguarding mechanisms to prevent possible misuses, with reasonable deadlines for the authorities to conduct the verification.

Another type of voting named “**Special Needs Voting**” (SNV) is also used in Kosovo, for three types of voters: homebound voters³⁷; voters confined to an institution³⁸; and special circumstance voters³⁹. Any voter whose request for SNV was denied, has the right to submit a complaint to the court of first instance.

34 For Local Elections of October 22, 2017, the CEC had received a total of 11,813 applications.

35 Somehow, after the verification process conducted by the CEC Secretariat, and according to data provided by its Voters Services Division, most rejected applications came from Montenegro - out of 1,373 received requests for Out of Kosovo voting, only 166 were approved and successfully registered from this country.

36 Four municipalities (Dragash/Dragaš, Suharekë /Suva Reka, Junik/Junik and Mamushë/Mamuša were particularly suspicious to the CEC staff and after the verification of applications by phone, many applications were rejected.

37 Eligible voters who cannot leave their home to vote in person at a regular polling station due to physical, medical, or any other kind of disability.

38 Eligible voters who are hospitalized, elderly people in specially designated homes for the elderly, persons of diminished mental capacity in institutions of health care, inmates in prisons and detainees in detention centers.

39 Eligible voters living in communities who, due to relocation from the vicinity of their regular PS or security concerns, cannot vote at their assigned PS. (This type of voting requires the approval of the MEC).

The total number of registered SNV voters for the first round of the elections was 3,292, out of which the CEC has registered 1,835 homebound voters, 1,429 voters confined at institutions and only 28 special circumstances voters. Also, for these elections, a special category of voters was added to the list of SNV voters - those who are infected with COVID-19. The election administration bodies have formed special Mobile Teams that were in charge of conducting the voting for SNV voters, of whom 109 teams were in charge of regular SNV voters throughout Kosovo and 87 teams were responsible for conducting the voting among voters who are infected with COVID-19 during the first round of elections.

For these elections and due to the Decision of the Ministry of Interior to expand all citizens' ID cards' validity for 6 months due to Covid-19 pandemic, the CEC decided to allow voters' identification on Election Day with expired Kosovo ID cards⁴⁰.

Second round of elections

The total number of voters with the right to vote for the second round of local elections for Mayors in 21 municipalities of Kosovo was 1,270,799, of which 10,228 were registered as Out of Kosovo voters during the pre-election period⁴¹. Out of Kosovo voters interested in voting again for the second round of elections needed to send their ballots by mail, and the deadline for receiving ballots by mail, by the CEC was 12 November⁴². According to the official data from the CEC, a total of 1,571 mail packages (which may contain more than one vote if sent by a family) were received within the established deadline.

As the Voters list is closed before the first round of elections, no new voters may be added in between the two rounds of elections, including the persons that became 18 years of age, nor voters that changed their residence in between the two rounds from Kosovo. Also, additional Out of Kosovo voters may not register for the second round of elections, other than those voters previously registered for the first round.

On 5 November, the CEC decided to extend the deadline for the registration of voters with "special needs and circumstances" (SNV) for the second round of Local Elections 2021⁴³ until 9 November. Consequently, 2,443⁴⁴ voters registered for this type of voting. To ensure SNV voting for homebound voters, citizens infected by COVID-19 and voters at institutions, the CEC organized a total of 114 mobile teams for the second round of elections.

According to the Law⁴⁵, a voter who is illiterate, or not able to mark or cast the ballot himself / herself for other reasons may be assisted to vote by another person chosen by the voter if they request assistance. Such person shall only assist one voter and shall not be a member of the PSC or an accredited observer. Also, the person consenting to assist the voter shall sign his/her name on the appropriate Voters List or Conditional Ballot Envelope, next to the name of the voter who was assisted, or other space provided for this. After a high number of reports on assisted voters during the first round of elections, the CEC conducted some preliminary analysis, which showed a high number of voters that needed assistance⁴⁶ in the majority of polling stations (1,604 out of 2,284 analyzed polling stations). The first analysis also showed a very high number of persons who assisted voters more than two times (2,406 persons). This data is also concerning and should be further investigated by the CEC, or other competent institutions.

40 CEC decision no. 1948, 12 August 2021, <https://bit.ly/3p6qe7g>

41 In the period between 10 July and 18 August, 2021.

42 The number of Out of Kosovo voters per each municipality where the second round was held: Gjakovë /Đakovica (1,089), Gillogoc/Glogovac (175), Gjiilan/Gnjilane (607), Dragash/Dragaš (1,090), Istog/Istok (707), Kačanik/Kaçanik (166), Klinë/Klina (437), Fushë Kosovë/Kosovo Polje (135), Kamenicë/Kamenica (442), Obiliq/Obilić (60), Rahovec/Orahovac (382), Podujevë/Podujevo (337), Prishtinë/Priština (666), Prizren (921), Sh-timë/Štimlje (116), Viti/Vitina (754), Vushtrri/Vučitrn (174), Malisheva/Mališevo (714), Junik (1,054), Mamush/Mamuša (192) and Klokot/Kllokot (10).

43 CEC Decision no. 2976/2021, 05.11.2021, <https://bit.ly/3DgImPV>

44 1,544 homebound voters and 899 at institutions.

45 Articles 89.5 and 89.6 of the Law 003/L-073 on General Elections.

46 Around 32,000 in 34 analyzed municipalities.

While ENEMO assesses that the right and opportunity to vote was generally provided to citizens in line with international standards, the inaccuracy of the voters' list and voter eligibility remain issues insofar that affect public trust and leave space for possible abuse.

Voters List

The Voters' List (VL) represents the most recent available extract from the Central Civil Registry of all eligible voters who are registered as citizens of Kosovo pursuant to the law on Citizenship, and the list of eligible voters who have successfully applied to vote outside of Kosovo⁴⁷. The CEC maintains the Voters' List and ensures that the Voters' List is accurate and up to date. In accordance with the Law and the CEC regulations, the CEC receives extracts from the Civil registry three times during the election process. The first extract of the Civil Registry is received by CEC no later than two days after the announcement of elections, the second time not later than three days before the start of the Challenge and Confirmation period and the third time not later than two days after the end of the Challenge and Confirmation period. The CEC makes VL available for voters through MECs during the Challenge and Confirmation period⁴⁸, during which eligible voters can object to inaccuracies or omissions towards the court of first instance. After the end of this period CEC certifies the Final Voters' List, two days before elections.

The number of voters in the Voters' list is very high (1,885,448 voters in Kosovo and another 15,532 registered as Out of Kosovo voters) when compared to country's total population, although it is hard to determine the exact population of Kosovo for different reasons, while the last census was conducted more than 10 years ago and showed a population of 1,810,366 citizens⁴⁹. The authorities claim that main reasons for such a high number of citizens in the civil registry is the fact that Kosovo's diaspora is large and that not all deceased persons have been removed from the registry due to the lack of death reports provided by their families and institutions. This issue can also be noticed in the data provided by the CEC by the fact that there are more persons who became eligible to vote in these elections by turning 18 years of age (24,697) than the total number of all reported deceased persons (i.e. persons removed from the VL for this reason) in the same period (18,252). Besides, 1,158 persons were removed from this elections' Voters list as they had renounced the citizenship of the Republic of Kosovo.

When compared to the last Parliamentary elections held in February 2021, and according to the data from the CEC, there are 90,586 more voters in this elections' VL, of whom less than half are first time voters⁵⁰ and the other voters are presumably citizens of Kosovo who voted from abroad in the last elections and were reinstated into the civil registry in between the two elections.

ENEMO has not recorded any major improvements in the quality of the Voters' list compared to previous elections monitored by its election observation missions. The Voters' List and thereby the Civil Registry on which it is based, represents a major challenge for electoral processes in Kosovo, affecting the work of the CEC and the overall public trust in elections.

Voter registration requires urgent legislative and technical improvements, especially with regards to defining more precise voter eligibility regulations, further removing of deceased persons from the civil registry and completing the process of unified street addresses throughout country.

47 In practice, two separate VLs are created by the CEC, whereas voters that register to vote from Out of Kosovo are enlisted in the separate list and should be removed from the regular VL used in the country.

48 Between 54 days until 40 days from Election Day according to CEC Regulation 02/2013.

49 Different sources however show different numbers. For example, latest World Bank data for 2020 gives an estimate of Kosovo's population of 1,775,378 - <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=XK>

50 According to the official data from the CEC, the number of first-time registered voters is 41,012, of which 24,697 have reached the age of 18 after last elections in February and 8,937 voters who may be considered to be registered for the first time in the central civil registry after the last elections. Also, 7,378 voters are considered as new voters by the CEC, as they were provided with documents of the Republic of Kosovo after the February elections and who were previously removed from the Voters' list as they had only UNMIK identification documents. <https://www.kqz-ks.org/lajmet/sot-mbahen-zgjedhjet-lokale-ne-republiken-e-kosoves/>

V. CANDIDATE REGISTRATION

According to Article 29.1 of the Law on General Elections, any person whose name appears on the Voters' List is eligible to be certified as a candidate in elections. However, the same article stipulates an extensive list of exceptions for candidates' eligibility, if they are: a) judge or prosecutor in Kosovo or elsewhere; b) member of the Kosovo Security Force; c) member of the Kosovo Police; d) member of the Customs Service of Kosovo; e) member of the Kosovo Intelligence Agency; f) head of an independent agency; g) diplomatic representative; h) chairperson or a member of the CEC; i) member of ECAP; j) member of a MEC; k) member of armed forces of any state; l) member of any police force or similar body; m) serving a sentence imposed by the International Tribunal for the Former Yugoslavia; n) under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal; o) deprived of legal capacity by a final court decision; p) deprived by a final court decision, including an ECAP decision of the right to stand as a candidate; q) found guilty of a criminal offense by a final court decision in the past three (3) years; r) has failed to pay a fine imposed by ECAP or the CEC; or has failed to obey an order of the ECAP. Also, according to Article 29.8, a candidate may not at the same time stand for office on more than one candidate list of a political party, coalition, citizens' initiative, or run as an independent candidate.

For Mayors, article 9.2 of the Law on Local Elections states that a candidate for Mayor, besides satisfying the general eligibility criteria stipulated under article 30 of the Law on General Elections, must have been a resident, for at least three years of the municipality in which she/he is running, to be elected as Mayor. Also, the same article is unclear about which three years' period should be taken as a reference.

ENEMO assesses that the three-year residency condition for Mayoral candidates to run for election is unclear, somewhat discriminatory compared to candidates running for municipal assemblies and at odds with international standards⁵¹ and should be reduced, or removed during future changes to the Election Code.

Candidate registration for Kosovo local elections is conducted by the CEC, i.e. its Office of Political Party Registration and Certification (OPPRC), which is responsible for registering and maintaining a register of political parties, certification of all political entities to participate in elections, overseeing the campaign spending limit and financial disclosure, and similar tasks. Registered political entities are automatically certified for local elections, except for those that notify the CEC that they will not contest the elections, or that they will form a coalition. New political entities (parties, citizen initiatives, independent candidates) that were not registered prior to elections and that plan to compete in elections, need to collect 500 signatures to run in elections in order to be certified, in addition to filing all the other necessary documentation in line with the CEC regulations and the Law.

The OPPRC department of the CEC was responsible for checking and examining each candidate that

⁵¹ Namely, the ICCPR (1966), CCPR General Comment No25: Article 25, and the Venice Commission's Code of Good Practice in Electoral Matters (2002) provide that the requirements for being a candidate should not be excessive, and should not encroach on equal treatment nor violate the rights of citizens to be elected. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education or residence.

applied to run in the election, in order to verify their eligibility in line with the Law. Having in mind the limited period of time, as well as the total number of candidates that submitted their candidacy for both the municipal and mayoral elections (5,565, including 173 mayoral candidates), as well as the extensive list of exclusion criteria for candidacy provided by Article 29.1 of the Law, the process of verification of all candidates against all stipulated criteria was extremely time consuming and challenging, not only for the OPPRC staff, but also other institutions of Kosovo that needed to provide feedback on the CEC requests (the Judicial Council, the security institutions, other public institutions). No significant challenges regarding candidate registration were noted by ENEMO for these elections, and the process seemed overall inclusive, even though extremely burdensome for the CEC Secretariat having to verify the eligibility of each candidate.

It is disputable whether all this work by the OPPRC was necessary, having in mind that Article 29.9 of the Law states that any “intentional provision of false information pertaining to Articles 29.1 or 29.5 shall be a separate offense punishable in accordance with the rules of ECAP”, thus clearly stating that each election contestant is responsible for any false information provided to the CEC with regards to candidate’s eligibility. Nevertheless, after the extensive efforts of the OPPRC staff to check the eligibility of each applicant, 173 candidates were rejected, mostly for having a criminal record (those who have been found guilty for committing a criminal offense by a final court decision in the past three years). Another 24 candidates withdrew their application during the verification process, including two citizen initiatives (one after being certified by the CEC).

In total, 90 different political entities with a total of 5,199 candidates were certified as election contestants competing for the seats of Municipal assemblies, whereas 166 Mayoral candidates were certified to compete for Mayoral elections in 38 municipalities. No major challenges with regards to candidate registration were reported to ENEMO for these elections, while there were 16 complaints made to ECAP regarding the candidate registration and certification, which were all rejected.

Unlike previous elections, the assigned numbers of candidates who resigned, or were removed due to later verification of their eligibility, remained on the list, but with blank names. In total, 18 numbers remained empty on ballots for these elections, according to the data provided by the CEC. It remains unclear how the gender quota was calculated in such situations, as the law stipulates that there should be one candidate from each gender included at least once in each group of three candidates, counting from the first candidate in the list⁵². However, the legal corrective mechanism that secures the representation of 30 percent of the underrepresented gender during seat allocation⁵³, by replacing the last elected candidate of the majority gender with the next candidate of the opposite gender on the reordered candidate list, until the total number of seats allocated to the underrepresented gender is at least 30 percent, should secure minimum gender representation in the municipal assemblies. According to the CEC, all political entities respected the minimum gender quota on their electoral lists.

52 Art. 27.1 of the Law on General Elections in the Republic of Kosovo: In each Political Entity’s candidate list, at least thirty (30 percent) percent shall be male and at least thirty (30%) percent shall be female, with one candidate from each gender included at least once in each group of three candidates, counting from the first candidate in the list.

53 Art. 111.6 of the Law on General Elections in the Republic of Kosovo.

VI. ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE

Electoral Campaign

According to the Law on General Elections, the official electoral campaign is performed by political entities and should start 30 days before the day of voting. The campaign ends on the day immediately preceding the election day, while the electoral silence comes into force 24 hours before the voting starts.⁵⁴ Political campaign activities include any kind of activities designated to propagate a political message in relation to the elections, while campaign events include public indoor or outdoor political rallies, gatherings, marches or processions, speeches, or any or any other similar activities designed to disseminate a political message in order to gain support from voters.⁵⁵ Political entities, their supporters and candidates must follow the Code of Conduct that aims to ensure a campaign environment where political representatives are selected in a free and fair manner.⁵⁶ Prohibited activities include destroying campaign materials of other political entities; posting campaign materials on public premises and places, or private premises without prior permission; carrying weapons at political events; disturbing political events of other political entities; disrupting the work of journalists; promising financial reward to gain the support of voters; threatening other political entities, their supporters or candidates; abusing the complaints system; using language, symbols or behavior that provoke violence and hate.⁵⁷

In total, 90 political entities were verified by the CEC to participate in the 2021 Local Elections, out of which 32 are political parties, 34 citizens' initiatives, one coalition and 23 independent candidates. The three largest parties of LVV (Lëvizja Vetëvendosje), (PDK) Partia Demokratike e Kosovës and LDK (Lidhja Demokratike e Kosovës) ran in these elections on their own. As the largest non-majority community, Kosovo Serbs had their representatives in 21 municipalities and could elect their representatives from 18 lists. Out of 35 candidates for mayors in ten predominantly Kosovo-Serb municipalities⁵⁸, 19 are Kosovo-Serbs.

In light of the deteriorating epidemiological situation in Kosovo due to COVID-19 pandemic, LDK leader, Lumi Abdixhiku, proposed in early September to shorten the period of the election campaign from 30 to 10 days. The proposal was dismissed by two major opponents of LDK, LVV and PDK.

A number of restrictions pertaining to the struggle against COVID-19 affected the campaign, such as the prohibition of gatherings of over 20 individuals indoors and 50 in open space.⁵⁹ This prevented mass-meetings by political entities and rallies, while physical distancing and the use of masks were obligatory at all times. Despite these measures being aimed at limiting the risks of coronavirus infections, ENEMO assesses that they limited the visibility of the campaign and encroached on freedom of assembly in principle. However, in several instances, these restrictions did not prevent political entities from

54 Article 36 of the LGE.

55 Article 3 of LGE.

56 Article 31 of the LGE.

57 Article 33 of the LGE.

58 Ten predominantly Kosovo-Serb municipalities are: Gračanica/Graçanicë, Klokot/Klllokot, Leposavić/Leposaviq, Novo Brdo/Novobërdë, Parteš/Partesh, Raniluk/Ranillug, Severna Mitrovica/Mitrovicë e Veriut, Štrpce/Shtërpçë, Zubin Potok/Zubin Potok and Zvečan/Zveçan.

59 Decision of Ministry of Health dated 24 September 2021.

conducting meetings or gathering voters for events.⁶⁰ The disregard of political entities for the health of voters involved in such events is a reason for concern, as is the limited severity of sanctions imposed.

First round of elections

The campaign for the first round of Local Elections was characterized as low-key by all ENEMO interlocutors, while the vast majority of campaign budget of all political entities was directed towards social media campaign, mainly Facebook, Instagram, YouTube and Twitter. While the campaign environment among Kosovo-Albanian parties was diverse and competitive, Srpska Lista visibly dominated the political environment of the Kosovo-Serb community.⁶¹ In predominantly Kosovo-Serb municipalities, this resulted in unification of Kosovo-Albanian parties in their attempts to tackle the dominance of Srpska Lista. ENEMO notes that alleged pressure and violence towards members of Kosovo-Serb non-majority who were politically active and did not favor Srpska Lista negatively influenced the political landscape and freedom of political expression in Kosovo-Serb communities.⁶²

ENEMO notes that Kosovo authorities must ensure that democratic rights are respected in a way that all candidates, party members and voters can fully and freely participate in the electoral process and engage in any kind of legal political activity. This way, political diversity will be protected to a greater extent, while pressure on all actors of the electoral process will be prevented.

During the campaign period, 1,023 requests for political rallies were approved by the MECs and the Police, out of which 28 rallies were not held in full accordance with the COVID-19 restrictions.⁶³ Out of all registered rallies, 207 events did not take place despite being approved, while MECs reported to ENEMO that several political campaign events were not approved as they were planned to be held at school premises, which was not in line with active COVID-19 limitations.

Main campaign themes included the struggle against the COVID-19 pandemic, regional and local economic recovery, future prosperity of youth and local infrastructure projects, either with general purpose (water supply, sewerage, lighting and asphaltting), social purpose (urbanization projects, building parks, schools, kindergartens, sports fields), or economic purpose (factories and other local enterprises). Most political entities provided voters with a brief political platform, often directed towards the local community. The most visible political parties in terms of social media outreach were LVV, LDK and PDK. During the televised debates organized by several media outlets, candidates from all municipalities had the opportunity to present their political platforms and discuss a range of topics relevant for local communities.⁶⁴ Despite being invited to participate in the debates, candidates representing the Serbian non-majority community, mainly Srpska Lista, refused to take part in debates. Overall, language used in debates was moderate with few exceptions of inflammatory language used towards other candidates. As the day of the first round of local elections in Kosovo approached, the visibility of the political entities competing in 2021 Local elections intensified.

All cases of negative campaigning, discreditation attempts and inflammatory language should be investigated by the competent authorities and properly sanctioned when necessary.

60 Examples of breaking the COVID-19 restrictions while campaigning come from all parts of Kosovo and all sides of the political spectrum, including a range of candidates and party officials representing LVV, LDK, PDK, AAK, NISMA as well as independent candidates.

61 The only parliamentary party besides Srpska Lista was SLS that was deleted from the Registry of Political Parties in 2020, after a reportedly long period of intimidation and violence towards their candidates and supporters by Srpska Lista.

62 In January 2019, the opposition leader of Kosovo-Serb parties, Oliver Ivanović, was assassinated which led to a boycott of opposition parties who claimed that the conditions for fair elections were not present. During the campaign for 2019 Parliamentary Elections, international observation missions present in Kosovo, as well as local media reported on widespread intimidation against the Kosovo-Serb opposition parties and their supporters.

63 According to Kosovo Police, COVID-19 related irregularities were registered at 17 rallies of LVV, four rallies of PDK and LDK, two rallies of AAK, and one rally of other political entity.

64 Some of the outlets that organized political debates are Klan Kosova, Kallxo.com, RTK, RTV21, and T7.

Even though public employees, either elected or appointed, are prohibited from using their office or any of their resources for the purpose of obtaining votes⁶⁵, interlocutors of the mission raised the issue of abuse of state resources, along with allegations of pressure on state employees, voter intimidation, and vote-buying all across the political spectrum.⁶⁶ ENEMO raises concern over the alleged misuse of administrative resources that is often intertwined with pressure on public employees and vote buying, as it negatively affects voters to freely exercise their right to vote. Additionally, ENEMO notes that the legislative framework does not provide sufficient mechanisms for preventing the misuse of administrative resources, such as providing a list of possible violations and sanctions in this regard, which limits the transparency and influences the integrity of the electoral process.

ENEMO recommends introducing adequate legal provisions for preventing the misuse of administrative resources, along with the list of possible violations and sanctions. Moreover, violations should be consistently recognized and penalized to increase the integrity of the electoral process.

Second round of elections

Due to the COVID-19 pandemic, the official campaign for the second round of elections was limited to five days⁶⁷, while political entities started to engage in campaign activities well before the campaign officially started. Despite the shortened timeframe which affected the campaign's duration, electoral contestants were generally able to campaign freely in a competitive environment. Mayoral candidates and political entities held numerous events including marches, mass outdoor and indoor rallies, door-to-door campaigning and gatherings in private houses. Besides traditional campaign activities, some candidates organized ecological actions or presented their platforms in the form of exhibitions.

Political parties should refrain from starting their campaign before the official beginning of the campaign period, while all cases of abuse should be properly sanctioned.

Several political entities reached cooperation agreements prior to the second round to maximize voters' support and limit the counter-candidates' chances for winning the elections. Main messages used in the campaign remained similar as for the first round, and focused on the environmental issues and pollution, sustainable infrastructure, pro-natal policies and measures, employment, and other.

Compared to the campaign held before the first round of elections, candidates and political entities' campaigning activities increased in number and visibility. In total, 629 campaign events were reported to MECs and police, and approved to be held within the five-day campaign period. Twelve were not conducted despite being approved, while officially, seven were conducted without respecting election rules and COVID-19 measures. ENEMO notes that COVID-19 preventive measures were barely respected at all campaign events, mostly by LVV, LDK PDK, NISMA and AAK candidates who organized mass rallies, and participants not respecting the distance and not wearing masks. Electoral silence was not respected in several cases.

A series of debates were held before the second round of elections. Compared to the first round, stronger rhetorics were used, including inflammatory language and slander. Media covered the debates in a balanced way, while slightly more attention was given to candidates running in Pristina. Debates were also broadcasted on social media, reaching out to the broader public.

Sanctioned cases of vote buying and misuse of administrative resources, along with widespread allegations of pressure on voters negatively influence the integrity of the electoral process. In between

⁶⁵ Article 35 of the LGE.

⁶⁶ Local media reported on cases of vote buying before and on Election Day that resulted in several arrests, while allegations of misuse of administrative resources remain formally unreported.

⁶⁷ CEC decision No. 2816/2021

the two rounds, a similar trend was observed and reported by the media, while political entities from across the political spectrum presented allegations of different kinds of violations, including engaging minors in the campaign and breaking the electoral silence.

Campaign Finance

The existing legislation that regulates party and campaign finance is composed of the Law on Financing Political Entities (2010)⁶⁸ and the Law on General Elections (2008), along with two CEC Regulations from 2013⁶⁹ and 2015⁷⁰ that provide additional provisions on campaign spending limit, financial disclosure, financing political entities and sanctions for any kind of misconduct by the political entities.

Even though general rules for party and campaign finance are included in the legislative framework by prescribing limitations on sources of income, defining the income and expenditures by political entities, as well as requirements for financial reporting and transparency, the framework contains numerous shortcomings in terms of effective supervision, transparency, and does not ensure proper accountability of political parties.

Each political entity represented in the municipal assemblies in the last local elections is entitled to annual public funding, in proportion to the number of their seats. This makes up 90 per cent of allocated funds, while the remaining 10 percent of the funds is allocated proportionally to other political entities registered and certified by the CEC for the Local Elections. Additional public funds that do not exceed 0.05 per cent of the Kosovo budget may be allocated by the Assembly. This funding remains optional.

Political entities are allowed to receive contributions from individuals that do not exceed 2,000 EUR per calendar year, while legal entities may donate up to 10,000 EUR per calendar year. Profitable business activities are not allowed.⁷¹ ENEMO raises concern over the lack of legislative provisions that would regulate other types of donations, such as in-kind donations, as well as mechanisms to identify and control goods and services provided for free or below the market value, or paid in cash. The existing legislative framework is not fully in line with international standards for campaign finance, primarily when it comes to GRECO recommendation that records should be kept of all expenditures, direct and indirect, on electoral campaigns in respect of each political party, each list of candidates and each candidate.⁷²

ENEMO recommends introducing legal mechanisms to regulate all types of donations to ensure transparency of donors, contractors and the possibility of verifying donations and incomes of political parties related to the campaign.

Allowed sources of donations exclude foreign and unknown sources, public institutions and authorities, civil society organizations, charitable and religious organizations, as well as enterprises with public procurement contracts. Prohibited donations must be returned to the donors, while anonymous donations should be redirected to the budget of Kosovo. The Law also prohibits political pressure on donors in any form, and forbids promising privileges or personal benefits to donors of any political entities. ENEMO emphasizes that no mechanism is introduced to effectively monitor and verify the way funds are collected, especially if the amounts exceed the prescribed limit by an individual donor or entity.

Maximum campaign expenditures are defined according to the number of voters per municipality. In municipalities with more than 5,000 voters parties must limit their campaign expenditures to 0,5 EUR per registered voter in a given municipality, while in municipalities with less than 5,000 voters parties may spend 0,7 EUR per registered voter for the campaign. For 2021 Local Elections, the maximum

68 Law No. 03/L-174 on the Financing of Political Parties, amended by Law No. 04/L-058 and additionally amended by Law No. 04/L-212.

69 CEC Election Regulation No. 12/2013 on Campaign Expenditure Limitation and Financial Disclosure.

70 CEC Election Regulation No. 14/2015 on Financing of Political Entities and Sanctions.

71 Except for the sale of goods such as publications, advertising, materials with party emblems, acronyms, etc.

72 Article 10 of GRECO Recommendation Rec(2003)4.

allocated campaign budget was 950.633,40 EUR⁷³.

While all political entities are required to ensure that all incomes and expenditures are managed through a single bank account, concerns should be raised over allegations mentioned by ENEMO interlocutors of numerous non-reported and untraceable transactions, donations and expenses. ENEMO raises additional concerns over the requirement for political entities to submit their campaign finance report within 45 days after the elections, which undermines financial transparency of the campaign before the Election Day and prevents voters being informed on funding of the political entities in a timely manner. Even though the CEC changed its practice for their oversight of campaign income by extending the reporting period from 90 days before, to 6 months before the elections, it was announced between two rounds of elections, making it concerningly challenging to ensure proper reporting by the political entities.

ENEMO recommends introducing frequent (interim) reporting on the incomes and expenditures of political parties, to ensure transparency and timely information to voters. Additionally, the reporting period for the final financial reports of political parties should be shortened to 30 days after the Election Day.

Besides financial reporting for individual electoral processes and campaigns, political entities are required to submit annual reports by 31 June of each year. Annual financial reports are audited by external certified auditors that are outsourced by the Committee for the Oversight of Public Finances of the Assembly, whose role is to oversee the process. External auditors have 75 days to audit financial reports for the previous year, and this process often does not comply with the legal provisions due to unsuccessful public tenders⁷⁴. ENEMO notes that the purpose of the auditing process is disrupted by significant delays, while irregularities found in many financial reports of political entities⁷⁵ are not adequately sanctioned despite the legal mechanisms at the disposal of the CEC.

The legal framework should provide for secure mechanisms to avoid delays in the auditing process and impose adequate sanctions for breaching deadlines.

On 11 November, the auditing report for 2018-2020 was published⁷⁶. It included 95 separate reports for each political entity that competed in general and local elections in the respective period. The auditing process faced numerous challenges, including limited funding for such a comprehensive task that significantly prolonged the procurement process, as well as excessive retrogradeness of the process that minimized the accuracy of the audit and availability of relevant financial documents.

The auditing report indicates numerous issues when it comes to financing of political entities. ENEMO expresses concerns that only two political entities delivered accounting in accordance with international standards⁷⁷, while some showed less transparency compared to previous years⁷⁸. Additional concerns should be raised over hidden and unreported expenses of political entities that are often incurred through separate unreported bank accounts⁷⁹, in cash or in return for certain services.⁸⁰ This leaves space for financial manipulation and deprives voters and the general public from financial transparency of political entities.

Auditing of party and campaign finance should introduce effective mechanisms, and enhance scrutiny to identify unreported incomes and expenditures.

73 CEC decision on Limiting the Campaign Expenditures for Political Entities, dated 16 June 2021.

74 For example, reports for 2013-2016 were audited in 2017, while the auditing process for 2017-2020 is ongoing.

75 Some of the irregularities found by auditors include differences in reported incomes and expenditures and lack of receipts, invoices and contracts.

76 Auditing was performed by Auditing & Conto, an auditing company that was selected through a public tender. Within 90 days, 10 auditors looked into financial reports of 23 political entities. <https://bit.ly/324cgJL>

77 According to the auditor, PDK and AAK conducted the accounting according to international standards. Additionally, LVV showed the same tendency despite competing in the elections only in recent years.

78 According to the auditor, quality and transparency of financial reporting of Srpska lista deteriorated compared to previous years.

79 The audit company needs approval from each political entity to access their bank accounts, which does not ensure access to any of the accounts that political entities deem unnecessary to be audited or do not want to disclose. Only two parties reported two accounts being used: LVV held a separate bank account to track donations, while LDK held a separate bank account for different bank expenses.

80 Some unreported expenses cannot be tracked easily, such as renting the premises for political events, organizing and holding concerts and similar events, or cash and in-kind donations.

VII. MEDIA

A. Media environment⁸¹

Despite resource challenges, the media operated without excessive limitations to their freedom and made an effort to disseminate fair information. Kosovo's media environment is very diverse, with television being the most important medium of news dissemination, besides online and social media. Social media, especially Facebook, played an important role during the elections. A key tool for politicians to communicate and engage with the public, social media was also used for distribution of false information. Parties and their representatives used Facebook extensively to communicate with potential voters and the public.

The state-owned media in Kosovo is Radio and Television of Kosovo – RTK, which consist of four TV channels (RTK 1, RTK 2, RTK 3, RTK 4) and two radio stations (in Albanian and Serbian). Currently, Kosovo has 19 television stations with terrestrial transmitters, out of which 13 were broadcasting in Albanian language, alongside RTK, and five in Serbian. In addition, there were 105 televisions broadcasting through distribution operators, out of which 90 percent had thematic content (music, film, documentary) and few of them had generalist content. Also, Kosovo has two private televisions with national coverage: KohaVision television (KTV) and Television 21 (RTV21). Additionally, there were 89 radio stations, out of which 56 were broadcasting in Albanian, 22 in Serbian, three in Bosnian languages, two in Turkish language, two in Gorani language, one in Roma language and one was a Multiethnic radio station. Before the pandemic, Kosovo had five daily newspapers with small circulations. The COVID-19 pandemic put an end to the production of print issues; there are only online versions. Online media are constantly growing, and their total number is unknown.

In general, for both rounds of elections, the media raised awareness on candidates and their platforms, mostly by interviewing candidates and organizing debates but also through news coverage and political advertisements. As expected, much more attention was given to the TV debates due to the limited number of massive meetings and public events. During both rounds of elections, some debates were organized even before the start of the official campaign. Although debates are under editorial control, the parties had the opportunity to use them to present their programmes. Between the two rounds, the media covered the activities of the electoral contestants, mostly by following their activities on Facebook. The five-day electoral campaign for the second round of elections was more active and was held in an orderly manner. It was noticeable that the media dedicated more attention to the largest municipalities, although other municipalities were also regularly covered by the media.

In keeping with the overall peaceful election environment, journalists were not generally facing threats of political violence and harassment⁸². However, there were isolated cases reported to ENEMO's IEOM,

⁸¹ The mission did not conduct media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work in the media field in Kosovo and monitoring of the activity of the body in charge of monitoring media conduct (Independent Media Commission).

⁸² The riots began in North Mitrovica on October 13, while a police unit from Pristina carried out an operation to prevent smuggling. During these clashes between citizens and police, journalists from KoSSev, T7, Klan Kosova, RTV Dukagjini, ATV and Kanal 10 were attacked and obstructed while performing their duties. <https://agk-ks.org/en/news/sj-albanian-and-serbian-journalists-attacked-and-obstructed-in-north-mitrovica/>

where journalists were threatened to delete election-related news from their portals. Despite the existing legal framework, investigation and prosecution by the judiciary is very slow and ineffective. However, the mission's media interlocutors said that they felt free to conduct their work.

B. Media Legal Framework

The media laws generally provide a comprehensive framework for freedom of the media, though ENEMO interlocutors raised the issue of the access to information. Overall, journalists struggle to obtain official information on important topics, including political news. All ENEMO media interlocutors stated that the Government was not open for cooperation with the media while the CEC was very cooperative and responsive.

The Constitution guarantees general freedom of speech and provides free and pluralistic media, where censorship is forbidden (Article 42). The legal framework includes a number of laws that regulate this right. In general, laws are aligned with EU and other international standards for the protection of freedom of speech. In addition, Article 59 of the Constitution provides for various non-minority communities in Kosovo the right to "have guaranteed access to, and special representation in, public broadcast media as well as programming in their language, in accordance with the law and international standards".

The body responsible for overseeing the media during elections is the Independent Media Commission (IMC), established in 2005. Media conduct during local elections is regulated by the Law on General Elections. In addition, the IMC is responsible for the implementation of Chapter VIII of the LGE, which specifically defines provisions for "Media acting during an Election Campaign". Also, the IMC drafted an Election Guide which was forwarded to the media. In order to assess the compliance of broadcast media with the election, the IMC monitored 22 TV channels throughout the election period⁸³. The focus of the monitoring were news, election chronicles, interviews, debates and political spots.

During the campaign period for both rounds of elections, according to the IMC media coverage was mainly objective and impartial, in accordance with the LGE and the Code of Ethics for Audio-Visual Media Service Providers. News coverage was perceived as being mostly neutral, and the language which was used during the campaign was in accordance with the Code of Ethics for Media Service Providers.

During the campaign period for the first round of elections, the IMC identified broadcasters which violated regulations such as political advertising, i.e. not properly identifying them (four broadcasters), use of children in political spots (seven broadcasters), split-screen advertising (five broadcasters), sponsorship and placement of products in current affairs programs (six broadcasters), use of expressions/language contrary to the Code of Ethics (two broadcasters) and violation of electoral silence (six broadcasters). In regard to these violations, the IMC sanctioned six broadcasters (TV Dukjagini, Klan Kosova, KTV, RTK 1, TE 7 and Kanal 10) with a fine in the amount of 2.000 EUR, and three broadcasters (TV Festina, ATV and TV 21) with a fine in the amount of 1.000 EUR. Additionally, the IMC issued warnings to seven broadcasters (TV 21, TE 7, Kanal 10, Klan Kosova, RTK 1, TV Plus and TV Most).

According to the IMC monitoring report for the second round, regarding political advertising, it was determined that political commercials were broadcasted for more than two minutes, in violation of Article 49 paragraph 1 of the LGE⁸⁴. Violations were also noted regarding the lack of proper identification of political commercials, as defined in Article 49 paragraph 6 of the LGE and the IMC Guidelines on Media Conduct during Elections⁸⁵. Regarding the Code of Ethics for Media Service Providers, unlike the

83 3 with national terrestrial coverage (RTK1, KTV and TV21); 14 with local / regional coverage (TV Liria, TV Festina, TV Prizreni, TV Besa, TV Mitrovica, TV Puls, TV Tema, TV Vali, TV Mir, TV Dukagjini, TV Syri, TV Herc, TV Most, TV Iliria); and 5 with general program that are transmitted through distribution operators (RTK2, Kanal 10, ATV, Klan Kosova and TE7).

84 KTV - three (3) political commercials of the PDK broadcasted on November 11 and 12, 2021; Channel 10 - two (2) political commercials of the PDK broadcasted on November 11, 2021 and one political commercial on November 12, 2021.

85 Political commercials of PDK were spotted on Channel 10 (one case on November 10, 2021) and TE7 (November 10 and 11, 2021).

first round when violations were noticed, such as presence of children in political commercials and use of expressions/language, during the election campaign for the second round, broadcasters acted in accordance with it. Furthermore, violations were also noted in regard to split-screen advertising (eight broadcasters), sponsorship and placement of products in current affairs programs (five broadcasters). For violation of the Regulation on Commercial Communications, the IMC sanctioned TV Dukagjini in the amount of 3.000 EUR, TE7 in the amount of 4.000 EUR, Klan Kosova in the amount of 3.000 EUR, Channel 10 in the amount of 4.000 EUR and KTV in the amount of 3.000 EUR.

While during the period of election silence, which began twenty-four hours before the opening of polling stations until the official closing of polling stations, broadcasters acted in accordance with Article 52 paragraph 1 of the LGE, except in some cases (Kanal 10, Klan Kosova, KTV and TE7). According to the IMC, in the second round of elections they did not receive any official complaints comparing to the first round, when they received four official complaints against certain broadcasters out of which three were unfounded and for one complaint by Kushtrim Brahimaj, the IMC sanctioned Channel 10 with Reprimand for violation of the Code of Ethics.

As in previous elections, an indication is considered that broadcasters tend to give program content selectively for certain social categories and on the basis of ethnicity affiliation. It was noticed that media which broadcast in Albanian language mainly covered activities of political entities from the country's majority community, while those which broadcast in Serbian language, covered mostly election activities from the Serb community, in this case of only one political party.

Overall, the IMC was operating within the legal framework and was notifying TV channels which violated regulations during the campaign. Compared to the first round of elections, where the IMC was not effective in applying timely sanctions to those broadcasters, during the second round the IMC was operating more efficiently.

Capacities of the Independent Media Commission should be strengthened in order to have a more proactive role in oversight of media conduct during elections.

Oversight mechanisms during election campaigns should be enhanced, in particular through more frequent IMC sessions to address complaints received and violations detected and to ensure timely sanctioning.

In line with the LGE, all broadcast media should ensure fair and equitable access to political discussion shows and debates for all contestants. On public television each registered political entity is entitled to a minimum of 40 minutes of free airtime and 30 minutes on public radio. Additionally, all private broadcasters that choose to air paid advertisements are also required to offer free airtime to each political entity, with a minimum number of minutes depending on the broadcasters' geographical outreach. Although there is no limit on paid airtime, the price charged for paid spots should not be higher than the lowest rate charged for the same time in the previous six months. According to ENEMO media interlocutors, during the official campaign period for the second round, there was somewhat more interest from politicians for paid advertisement compared to the first round of elections, although many politicians were still focusing on online campaigning and use of social networking websites.

The legislation should be amended to prevent TV channels to air programs sponsored by political entities without clear rules and limits on their duration and content.

C. Online and Social Media

Since most media shifted their programmes online through different channels, and are sharing their news on social networks, voters were able to access a variety of news. Considering the growing influence of numerous online media and social networks on campaign reporting, as well as the fact that many outlets are regularly copying one another, ENEMO media interlocutors expressed concern

over the dissemination of false information and professional standards significantly degrading. Very often, journalists publish content in real time without checking and verifying the information, which leads to misinformation being published continuously. In addition, online media usually lack ownership transparency, and holding them responsible for their published content represents a considerable challenge.

Facebook was largely used, not only by electoral contestants but also by most prominent TV outlets and online media to share election related content. ENEMO noted constant shortcomings related to online and social media monitoring, in particular identifying possible costs involving paid advertising and their sources. While there was a significant number of campaign related advertising on Facebook, the public tool Facebook Ad Library did not provide comprehensive information on political ads.

State authorities should initiate discussions with social media companies, to facilitate the implementation of transparency measures for paid advertisements on respective social media platforms.

Legislation does not contain any provisions that are directly applicable to online and social media, and does not provide rules for and definitions of online campaigning, the identification of paid advertising and campaigning on social media. In addition, several ENEMO media interlocutors raised concerns about different pop-up pages appearing on Facebook sharing offensive content and publishing disinformation just before or during the elections.

The authorities should enhance the regulation of online campaigning and monitoring of online media, including social media and take steps to address online disinformation.

ENEMO used the CrowdTangle platform to monitor the activities of political parties on Facebook. During the official campaign period for the first round of elections, ENEMO monitored 32 pages of political parties which used social network Facebook to spread political content. Within this period, the total number of content published by political parties was: 1121 out of which individually: Lëvizja Vetëvendosje – LVV 91; Social Democratic Initiative – NISMA 59; Democratic Party of Kosovo – PDK 33; Democratic League of Kosovo – LDK 121; Alliance for the Future of Kosovo – AAK 61; New Kosovo Alliance – AKR 70; Social Democratic Party – PSD 10; FJALA 20; The Alternative 115; Movement for Unification 13; Justice Party – PD 11; KDTP 64; Srpska Lista 16; OUR Initiative 41; Coalition Vakrat 81; Movement for Interaction 1; SDU Social democratic Union 8; Albanian Christian Democratic Party of Kosovo – PSHDK 4; Kosovo Serb Party 5; Vatra Civic Movement 9; KATP 190; Yenilikçi Türk Hareket Party 36; PDD Democratic Party of Diaspora 11; New Democratic Party 18; Egyptian Liberal Party – PLE 1; Progressive Democratic Party 0; New Democratic Initiative of Kosovo – IRDK 17; Democratic Party of Unity – PDU 1; JGP 7; Democratic National Front – Kosovo 0; KNRP 0; PREBK – United Roma Party of Kosovo 7.

A total of 280 thousand Facebook interactions were made on the mentioned posts, out of which as much as 155.8 thousand were only on the posts of Lëvizja Vetëvendosje - LVV and 68.2 thousand on LDK posts.

Parties communicated mostly through photos (56.53 percent) and Facebook videos (31.20 percent) which had 4.74 million views in total.

ENEMO continued to use the CrowdTangle platform to monitor the activities of political parties on Facebook for the second round of elections. During the month before Election Day, ENEMO monitored 32 pages of political parties which used the social network Facebook to spread political content. Within this period, the total number of content published by political parties was 581 out of which individually: Lëvizja Vetëvendosje – LVV 172; NISMA Social democrats 35; Democratic Party of Kosovo – PDK 27; Democratic League of Kosovo 53; Alliance for the Future of Kosovo 28; New Kosovo Alliance 5; PSD 18; FJALA 6; The Alternative 17; Movement for Unity 0; Justice Party 0; KDTP 22; Srpska Lista 9; OUR Initiative 19; Democratic Party of Bosniaks – Coalition Vakrat 27; Movement for Interaction 5; SDU

Social democratic Union 3; Albanian Christian Democratic Party of Kosovo – PSHDK 1; Kosovo Serb Party 1; Vatra Civic Movement 2; KATP 95; Yenilikçi Türk Hareket Party 12; PDD Democratic Party of Diaspora 5; New Democratic Party 6; Egyptian Liberal Party – PLE 1; Progressive Democratic Party 0; New Democratic Initiative of Kosovo – IRDK 9; Democratic Party of Unity – PDU 0 ; JGP 3; Democratic National Front – Kosovo 0; KNRP 0; PREBK – United Roma Party of Kosovo 1.

A total of 309.3 thousand Facebook interactions were made on the mentioned posts, out of which as much as 220.4 thousand were only on the posts of Lëvizja Vetëvendosje – LVV and 56.0 thousand on LDK posts.

Parties communicated mostly through photos (60.07 percent), Facebook videos (26.65 percent) and Facebook live (8.25 percent). Facebook videos had 1.95 million views in total.

Within the period of one month after the elections, the total content published by political parties on Facebook significantly decreased to 332 posts, of which, individually: Lëvizja Vetëvendosje – LVV 50; NISMA Social democrats 20; Democratic Party of Kosovo – PDK 77; Democratic League of Kosovo 24; Alliance for the Future of Kosovo 28; New Kosovo Alliance 0; PSD 14; FJALA 13; The Alternative 0; Movement for Unity 0; Justice Party 2; KDTP 28; Srpska Lista 3; OUR Initiative 11; Democratic Party of Bosniaks – Coalition Vakrat 4; Movement for Interaction 8; SDU Social democratic Union 2; Albanian Christian Democratic Party of Kosovo – PSHDK 7; Kosovo Serb Party 8; Vatra Civic Movement 7; KATP 1; Yenilikçi Türk Hareket Party 6; PDD Democratic Party of Diaspora 3; New Democratic Party 1; Egyptian Liberal Party – PLE 0; Progressive Democratic Party 0; New Democratic Initiative of Kosovo – IRDK 12; Democratic Party of Unity – PDU 1 ; JGP 2; Democratic National Front – Kosovo 0; KNRP 0; PREBK – United Roma Party of Kosovo 0.

On these posts, a total of 133.4 thousand Facebook interactions were undertaken, of which as many as 83.0 thousand were only on the posts of Lëvizja Vetëvendosje – LVV and 25.2 thousand on Democratic Party of Kosovo – PDK posts.

During the post-election period, parties also communicated mostly through photos (51.81 per cent), videos (30.72 per cent) which had 1.2 million views in total and Facebook Live (6.02 per cent).

VIII. GENDER REPRESENTATION

ENEMO considers that though Kosovo has legal mechanisms for increasing women participation in politics, there are still challenges preventing high representation of women. Gender equality is acknowledged by different legal documents. The Constitution determines gender equality as a fundamental value of democratic development.⁸⁶

Additionally, the Law on Gender Equality envisages the adoption of temporary special measures by public institutions for promotion of equality.⁸⁷ It determines that legislative, executive, judicial bodies at all levels and other public institutions should adopt respective special measures for increasing the participation of the underrepresented gender. At the same time, it is established that equal representation is achieved if a minimum representation of 50 percent for each gender is ensured, including in decision-making bodies.

In contradiction to this, the Law on Local Elections requires only at least 30 percent of gender quota for certification of candidate list. While establishing a gender quota is a positive step forward to increase women engagement in politics, the discrepancy between the two laws and possibility for satisfying the lower threshold does not contribute to an effective increase in the number of women in political life and does not fully ensure the principle of equality as determined by the Law on Gender Equality.

ENEMO recommends that for effective implementation of the equality principle and increase of women representation in political life existing legislative regulations should be harmonized in accordance with the Law on Gender Equality that establishes higher gender equality standards.

For ensuring the fulfillment of 30 percent gender quota the LLE further stipulates that the gender that gained less than 30 percent after the allocation of seats should receive at least 30 percent of mandates by replacing the candidates of the opposite gender from the same political entity that have received more seats for ensuring 30 percent representation of both genders.⁸⁸ In case of replacement of a Municipal Assembly member, a vacancy should be filled by the next candidate of the same gender on the candidate list of the respective political party.

Women's involvement as candidates demonstrates that a functional gender quota mechanism is relevant and contributes to overcoming obstacles women face in politics. In the mayoral races, out of 166 candidates only 14 (8.43 percent) were women. Only two female candidates for mayors received a sufficient number of votes to win in the first round of local elections: Ljiljana Šubarić (SL) in Gračanica/Gračanice, and Katarina Ristić-Ilić (SL) in Raniluk/Ranillug. In the second round out of 42 candidates only one was a female candidate from LVV competing for the position of mayor in Gjakovë/Đakovica, but did not succeed. As regards Municipal Assemblies, out of 5,199 candidates 1,937 (37.25 percent) were women.

⁸⁶ Art.7 of the Constitution of the Republic of Kosovo, 2008.

⁸⁷ Law No. 05/L-020, 26 June, 2015, <https://bit.ly/3uVrNWA>

⁸⁸ Art.8, Law on Local Elections in the Republic of Kosovo, 2008.

Despite noticeable progress in overall recognition of the importance of gender equality, women are rarely placed on leading positions within political parties and on candidates lists. Political entities are not actively addressing the increase of women engagement and improvement of equality issues in their programs. Some women candidates reported gender-based slander and defamation language targeted towards them during the campaign,⁸⁹ indicating that there is still significant space for improvement in this regard.

Political entities should adopt internal regulations for engaging more women in party activities, including on the leading positions and elaborate strategies for increasing women visibility in public life. Also, political entities and candidates should abstain from using messages strengthening gender stereotypes and discrediting women candidates.

Further efforts to increase the visibility of women candidates were made by some media outlets with designated air-time to present political platforms of women running in these elections.⁹⁰

Despite several requests ENEMO did not receive from the CEC information about gender composition of lower level election management bodies.

The CEC should publish detailed data about gender composition of lower level election management bodies, including information about the number of women in the leading positions.

Regarding the space given in the news/election chronicles and debates/interviews, in the second round the percentage of women female candidates was 4.16 percent, while the percentage of male candidates was 95.84 percent. According to the IMC report the participation of women in debates/interviews during the first round was also low compared to men.⁹¹ Like in the previous elections, it was noted that the coverage of women candidates and representatives of political parties was rather low.

⁸⁹ LDK and PDK candidates running in Deçan/Dečane mentioned

during the television debate that they reported slander to police. <https://www.youtube.com/watch?v=cgetHSwNf3I>

⁹⁰ For example, online portal Kallxo.com presented political platforms of many female candidates running for Municipal Assemblies in order to increase their visibility.

⁹¹ <https://bit.ly/3f9mj3h>, pp.82-94.

IX. NON-MAJORITY COMMUNITIES

The rights of non-majority communities are regulated by several legal acts. The Constitution has a separate chapter dedicated to the rights of persons belonging to non-majority communities.⁹² It determines that Kosovo is a multi-ethnic state consisting of Albanian and other non-majority communities. Kosovo is not a signatory to the Council of Europe Framework Convention for the Protection of National Minorities, but according to the Constitution the referred Convention is directly applicable in Kosovo.

Besides the Constitution, the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo⁹³ more comprehensively regulates the rights of communities, including the right to political participation establishing that the communities and their members have the right to effective participation in political decision-making, also have the right to form political parties and to run for elected seats and positions at all levels of government. According to it, communities that are traditionally present in Kosovo and do not belong to majorities are Serbs, Turks, Bosniaks, Roma, Ashkali, Egyptians, Gorani and other communities.⁹⁴

The Law on Local Elections also sets forth that all citizens of Kosovo have the right to vote and be elected without discrimination, among others, on the basis of ethnicity or language.⁹⁵ There are also special measures for guaranteeing the representation of non-majority communities at different positions in state authorities. The Constitution foresees that a Deputy Chairperson of the Municipal Assembly should represent a non-majority community if at least ten percent of citizens belong to non-majority communities. Moreover, municipalities with at least ten percent of citizens belonging to non-majority communities should have a Deputy Mayor for Communities.⁹⁶

As the practice reveals, voters tend to vote according to their ethnic belonging. As a result of the first round, Srpska Lista won mayoral elections in nine out of ten Kosovo-Serb majority municipalities (in the municipality of Ranillug/Ranilug a candidate of SL was the only candidate). In the second round one more Kosovo-Serb candidate from SL was elected as mayor. As regards other non-majority communities, one Kosovo-Turkish mayor was elected in the runoffs. It should be noted that dominance of SL in municipalities with Kosovo-Serb majority deprived the voters of the right to make their decision in competitive elections.

As ENEMO was informed by its interlocutors, non-majority voters are often victims of vote buying and pressure due to their poor socio-economic status.⁹⁷ Major political parties provide simple food packages and limited amounts of money in return for the promise or proof that non-majority voters will support them on Election Day.

Some of the voter education materials (on voter identification, voting instructions and electoral crimes) were available on the CEC website in two official languages, Albanian and Serbian. Ballot papers were also available in both these languages.

⁹² Chapter III "The Rights of Communities and Their Members".

⁹³ Law No. 03/L-047a on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo.

⁹⁴ As the census was not conducted since 2011 there is not reliable information available about the exact statistics regarding non-majority communities.

⁹⁵ Art. 3, Chapter 1, Law on Local Elections in the Republic of Kosovo, NR.03/L-072, 2008.

⁹⁶ Art.61, Law NR. 03/L-040 on Local Self-Government, 2008.

⁹⁷ According to ENEMO interlocutors, pressure is most often directed towards Roma and Bosnian voters with low socio-economic status.

X. INCLUSION OF PERSONS WITH DISABILITIES

There are legal norms regulating participation of persons with disabilities in elections, however quality inclusion of persons with disabilities in the electoral process remains a challenge. LGE envisages the adoption of special needs voting regulations for voters who cannot vote at polling stations due to physical, medical, or any other kind of disability (homebound voting), as well as for voters of diminished mental capacity in health care institutions (institutional voting). Also, Election Regulation No.04/2013 on Voting of Persons with Special Needs and Circumstances adopted by the CEC sets forth detailed rules for special needs voting.

For homebound voting, a copy of application, identification document and a medical certificate of disability should be submitted to the relevant MEC.⁹⁸ The MEC is required to make a decision within two days that can be appealed to the respective authority. A voter unable to independently vote (mark or cast a ballot paper) may be assisted by another person of his/her choice.

According to the LGE, the CEC should use sign language for its informational materials. However, the legislation does not clearly oblige public broadcasters to use sign language in news programs covering the election process and political debates. Article 7 of the Law on Radio Television of Kosovo only establishes that interests of persons with disabilities should be taken into account and adaptable technologies for providing information to disabled persons should be used.⁹⁹ This implies the application of sign language, but as there is not precise regulation, the practice is inconsistent and sign language is not used by RTK in all news programs/debates related to elections.¹⁰⁰

ENEMO considers that for ensuring proper information to persons with hearing impairment, legal regulations should set precise obligations for public broadcasters to use sign language for news programs and political talk-shows during election campaign. There should be a sanction for not fulfilling this requirement.

Political parties are not required to use sign language for their political advertisements broadcasted on television. Moreover, during the election campaign, except a few cases, political entities did not address the needs of PWDs and have not tried to raise their problems.

Political parties should be required to use sign language for their political advertisements, and encouraged to include policy propositions related to problems that PWDs face.

As observed during the Election Day and noted by ENEMO interlocutors, physical accessibility of polling stations is the most problematic issue in respect of PWDs participation in elections. PWDs are usually reluctant to render themselves to polling stations to vote, because polling stations are not properly accessible. Besides physically inaccessible polling stations, an assumption that PWDs do not need to appear at the polling stations as they can vote by mobile ballot box further prevents involvement of

98 <https://www.kqz-ks.org/an/sherbimet-per-votuesit/votimi-me-nevoja-te-vecanta/>

99 Law No. 04/L-046 on Radio Television of Kosovo, 2012, <https://bit.ly/3DqUqhd>

100 <https://www.youtube.com/watch?v=v9v0ITvu3Po>; <https://www.youtube.com/watch?v=rTMxs7o-wWo>; <https://www.youtube.com/watch?v=5tRbqtd3Oa8>; <https://www.youtube.com/watch?v=7-6BYRbhPpE>; <https://www.youtube.com/watch?v=Gx4Bpaa2R6A>

PWDs in elections. Besides these problems, it was also mentioned that even when polling stations have ramps, they do not always satisfy international standards and remain inaccessible. The set up inside the polling station and space are not always adapted to the needs of disabled persons.

ENEMO notes that for promoting independent participation of PWDs in elections and raise-awareness about their rights a wide-scale education campaign for promoting the involvement of PWDs in elections should be conducted.

The CEC and other respective state authorities should take all necessary measures to ensure that polling stations are physically accessible and adapted to the needs of PWDs for them to be able to vote independently at the polling station without any hindrance.

As a positive development it should be noted that the CEC used sign language in its educational materials and also provided tactile ballot papers, as well as a special voting booth for voters in wheelchairs, though not to all polling stations. The CEC website was not adapted to the needs of voters with disabilities.

ENEMO recommends that the CEC should increase its efforts for improving conditions of voting for persons with disabilities. This includes equipping all the polling stations with tactile ballot papers and special voting booths, as well as adapting its website to the needs of voters with disabilities.

XI. COMPLAINTS AND APPEALS

In Kosovo election related complaints are adjudicated by the Election Complaints and Appeals Panel (ECAP) which is an independent body composed of 10 members. The President of the Supreme Court (SC) appoints the Chairman of the ECAP from the judges of the SC and other members from the District Courts. The members of ECAP are appointed for a renewable four year-term. Decisions of ECAP can be appealed to the SC. ECAP is assisted by the Secretariat.

Law on General Elections regulates submission and adjudication of complaints and appeals. It is supplemented by the Rules of Procedure adopted by the ECAP.¹⁰¹ According to these regulations, any person, who has a legal interest or whose rights were violated, has a right to file a complaint to the ECAP with the exception of complaints concerning voters' list and media coverage of elections.¹⁰² Most of the complaints, including those concerning counting at the CRC, should be filed within 24 hours. ENEMO assesses that 24 hours for filing a complaint is an unreasonably short deadline that can prevent lodging of relevant complaints and also cause poorly substantiated complaints not supported with relevant evidence. Tight deadlines for filing complaints are at odds with international standards.¹⁰³

ENEMO deems that deadlines for submitting complaints should be increased in order to enable interested persons to file complaints within a reasonable timeframe that is relevant for preparing well-grounded complaints.

Complaints should be adjudicated by ECAP within 72 hours after the receipt. Though ECAP adjudicated complaints within determined timeframes, taking into account the high number of complaints submitted to the ECAP, ENEMO indicates that the timeframe for rendering decisions is limited and could damage the interest of profound examination of the case and result in unsubstantiated decisions.

ENEMO considers that for substantial adjudication of complaints and for rendering well-reasoned decisions by the ECAP timeframes for adjudication of complaints should be extended.

Article 122 of the LGE determines an exhaustive list of cases when a decision of the CEC can be appealed to the ECAP by any interested person whose rights have been affected. It does not specify the right to appeal the decision of the CEC certifying the final election results, although in practice complaints regarding final results are allowed. As it was explained by the ENEMO's interlocutors, the right to appeal final results derives from the spirit of the law rather than specific legal provision.

According to Article 119 (1) of the LGE, any person whose right was violated regarding the electoral process can file a complaint to ECAP after the closing of polling stations. This is a general provision which, according to its formulation, encompasses complaints regarding voting and also the counting process at the polling station. However, in practice ECAP rejects all complaints regarding the results

¹⁰¹ Regulation NR. 02/2015.

¹⁰² Complaint regarding a VL shall be submitted to the court of first instance. Decisions of the first instance court are final, Articles 9 and 10 of the LGE. Election related violations by the media outlets should be submitted to the Independent Media Commission. Art. 51 of the LGE.

¹⁰³ Code of Good Practice in Electoral Matters, Explanatory Report, Para.95, Venice Commission, 2002.

of the polling stations submitted from the closing of the polling stations until the certification of the final results, advising complainants to submit those complaints after the publication of final results. The justification for this established practice is that results might change until the final certification of the election results by the CEC. Though this approach is understandable, due to limited resources, timeframes and the results verification mechanism at the CRC, it has no legal basis in the legislation.

ENEMO recommends that regulations on dispute resolution require comprehensive revision in order to eradicate existing loopholes and improve insufficient legal norms. The law should specifically determine the right to appeal the final results of elections. Also, to avoid misunderstanding, types of decisions and procedures to appeal should be precisely set forth in the law not leaving space for interpretations.

Complaints should be submitted to the office of ECAP in Pristina or by mail. For the 2021 Local Elections, diaspora was allowed to submit online complaints, because of the COVID-19 pandemic. ENEMO notes that while introducing online complaints for out-of-country voters is a positive decision, taking into account tight timeframes for lodging complaints, delivering them to the ECAP office or by mail could be an additional burden also for other complainants and not only in pandemic times.

ENEMO considers that for facilitating filing of complaints and their easier processing by the ECAP submission of online complaints should be allowed for all complainants.

The decisions of the ECAP can be appealed to the Supreme Court within 24 hours if the fine exceeds 5000 Euro or if it affects fundamental rights. The SC should render a decision within 72 hours. As it was noted in case of filing complaints to the ECAP, a 24 hour-timeframe does not present a fair and reasonable deadline for preparing and filing a complaint.

For the first round of elections, the ECAP received 603 complaints regarding different types of irregularities, out of which the highest number (584) concerned out-of-Kosovo voting. 12 complaints were approved, one was withdrawn and the rest were rejected due to various reasons. 15 complaints and one appeal were received in respect of campaign violations. Those concerned damage of posters, pressure on voters to vote for certain political entities, holding gatherings in religious buildings, distribution of election materials in public space, etc. Six complaints were approved, one sent to another authorized body and the rest rejected on different grounds.

40 complaints filed with the ECAP concerned violation of election silence regulation. Out of these 24 were approved, one withdrawn and others rejected. 57 received complaints concerned various irregularities on Election Day such as the unsealed ballots, taking photos of the ballot, manipulation during the counting process, pressure on voters to vote for certain political entities, etc. 34 complaints were found inadmissible, one approved, seven partially approved, the rest rejected.

ECAP has received five complaints from candidates for the position of mayor and 376 from candidates for members of Municipal Assemblies. Out of five complaints four were rejected and one was partially approved, resulting in the fining of Srpska Lista with 8,100 Euro. Regarding 376 complaints related with the Municipal Assembly elections, 120 were approved, 37 partially approved and others rejected for different reasons.

For the second round of elections, ECAP received 11 complaints regarding campaign violations such as placing the poster in private buildings, using children in the election campaign, placing election material on public roads, etc. Three complaints were approved and the others not-granted. 23 complaints were submitted regarding election silence regulations, out of which 12 were approved, one sent to the competent authority and the rest rejected.

Two complaints were received concerning irregularities on Election Day that were not-granted and

two complaints regarding irregularities related with the preliminary results that were approved. Two appeals concerned final results of mayoral elections, but none of them were approved.

For both rounds of elections there were 39 appeals filed with the Supreme Court. In 35 cases SC confirmed the decision of the ECAP, in two cases it partially amended the decision and only in one case the decision of ECAP was annulled as not well-grounded and returned for reconsideration.¹⁰⁴ As a result of this, ECAP changed its decision and partially satisfied the complaint. It rejected its initial decision regarding the annulment of mayoral elections in the Municipality of Hani i Elezit and ordering the CEC to conduct repeat elections, but only fined PDK for violation of the Code of Conduct for Political Parties. The ECAP decision was again appealed to the SC, but this time SC confirmed it. It should be noted that the decision of the SC to annul the initial decision of ECAP was justified as ECAP's decision was not based on proper evidence.

104 Supreme Court Decision AA.nr. 52/2021, 23.10.2021.

XII. ELECTION DAY(S)

On Election Day **in the first round**, the mission observed voting at selected polling stations in the capital Pristina, Gracanica, Kisnica, and North Mitrovica. In accordance with standard practice for limited ENEMO IEOMs, the mission did not observe Election Day in a systematic or comprehensive manner.

Election Day was, generally, conducted in a calm and peaceful atmosphere, in line with the electoral law. The management of the polling and conduct of voting was generally orderly, with few procedural violations that are assessed not to have negatively affected the legitimacy of the overall process.

Few cases of overcrowded polling stations and long queues in schools were observed by the mission, while some cases of voters and/or polling station commissioners not wearing COVID-19 preventive masks were noticed at several polling stations.

One of the serious problems observed pertained to the accessibility of the polling stations caused by the lack of ramps or location of the polling stations on second or third floors in the buildings without elevators. Additionally, not all polling stations were equipped with tactile ballot papers for voters with visual impairment.

On Election Day **in the second round**, the mission observed voting at selected polling stations in the capital Pristina. The mission was not reinforced by additional STOs, and therefore did not conduct a comprehensive observation of the process at polling stations throughout Kosovo.

Based on the selected few polling stations observed by the mission and media reports during the Election Day, the voting process was overall orderly, without major incidents and election commission members seemed to be managing the process well.

However, according to the mission's observation and information provided by polling station commissioners, there seemed to be a lack of understanding and an uneven practice regarding certain aspects of the voting process. This includes voting with expired documents and procedures for voters requiring assistance. The use of personal protective equipment, namely facial masks, was not always respected at polling stations.

Consideration should be given to clarifying allowable documentation enabling voting. Clear instructions should be enforced by the CEC in this regard, and all stakeholders including polling station commission members and voters should be properly informed.

A number of media reports indicated a few cases of illegal gatherings near polling stations; campaign materials which had not been removed in the vicinity of polling stations; voters photographing their ballots; vote buying; attempted double voting or family voting; intimidation or harassment of voters; or physical altercations. These occasional allegations did not seem to negatively affect the regularity of the general process.

XIII. OBSERVERS

ENEMO has not received information about any obstacles created for observers while carrying out their monitoring activities. However, on several occasions, important information requested from the CEC by ENEMO was not provided, affecting the mission's observation.

Accreditation, rights and duties of observers are regulated by the Law on General Elections and the CEC Election Regulation No. 07/2013 on Election Observers.¹⁰⁵ These legal acts determine rights and duties of all observers without distinguishing them. The CEC regulation determines in detail the procedure for accreditation. The existing regulations on observers are in conformity with international standards on election observation.

For the first round of elections, the CEC has initially accredited in total 24 693 observers from different organizations, in particular, 768 local observers; 177 international observers; 39 observers from foreign embassies; 521 local media representatives; 27 foreign media representatives; 21 737 political party observers; 387 observers from election coalition; 883 observers from citizens' initiative groups; 85 independent candidates' observers; 69 observers from public institutions. However, only a day before the Election Day, the CEC Secretariat became aware of the fact that more than 400 accredited domestic observers (mostly from political entities, but also from NGOs and media) were also accredited later by the CEC to be members of PSCs. The CEC stated that they will resolve the issue by removing double accreditations, yet the official decision on the matter was not available on the CEC website.

The second round was observed by 10 510 observers, out of which 907 were accredited for the second round and did not observe elections in the first round. The highest number of observers (9,287) were from political entities. 577 observers were accredited from local media, 319 - from citizen observer organizations, 178 - from foreign organizations, 69 - from institutions, 50 - from embassies, and 30 from foreign media.

As an exceptional measure caused by COVID-19 pandemic, all domestic observers were instructed not to have more than one observer present at a PS at the same time,¹⁰⁶ to reduce the overall number of persons in a closed space.

¹⁰⁵ CEC Election Regulation No. 07/2013 on Election Observers, <https://bit.ly/2YNVhtN>

¹⁰⁶ According to Art. 57 of the LGE, an observer organization, may have two observers at the same time.

RECOMMENDATIONS

Priority Recommendations

1. ENEMO deems that in order to improve existing regulations, avoid contradicting interpretations and ensure legal certainty, substantial and inclusive electoral reform should be conducted comprising be-laws adopted by the CEC. The reform process should be inclusive involving all relevant actors, such as political parties, CEC, the civil society and other relevant state authorities, while taking into account recommendations of international stakeholders.

Other Recommendations

To the Parliament of Kosovo

2. In line with best practice, the bodies that appoint electoral commissions should not be able to replace them in a discretionary manner, especially during or right before elections, as such decisions can endanger their independence and public trust in the electoral process.
3. If the legislator decides to decentralize the work of the election administration and increase the level of involvement of MECs, consideration should be given to the possibility of decentralizing the CRC as well, where each municipality would have its own CRC for reviewing, recounting and tabulation of votes, thus increasing the level of efficiency of the recounting and verification process.
4. The legislator should consider defining the exact number of MEC members and perhaps decentralizing the entire election administration by professionalizing MECs (as permanent bodies with at least several professional members) and increasing their involvement in organizing elections, especially with regards to candidate and voter registration, as well as appointment of PSCs and their trainings.
5. If Kosovo is to keep the Out of Kosovo voting for local elections, adequate legal regulation should be introduced for verifying the eligibility of out of Kosovo voters, with clear safeguarding mechanisms to prevent possible misuses, with reasonable deadlines for the authorities to conduct the verification.
6. Voter registration requires urgent legislative and technical improvements, especially with regards to defining more precise voter eligibility regulations, further removing of deceased persons from the civil registry and completing the process of unified street addresses throughout the country.
7. The three-year residency condition for Mayoral candidates to run for election is unclear, somewhat discriminatory compared to candidates running for municipal assemblies and at odds with international standards and should be reduced, or removed during future changes to the Election Code.
8. The decision-makers should consider establishing special procurement procedures for electoral purposes and during the election process, with shorter deadlines and more efficient appeal procedures, among other amendments to the Election Code.
9. Adequate legal provisions for preventing the misuse of administrative resources, along with the list of possible violations and sanctions should be introduced. Moreover, violations should be consistently recognized and penalized to increase the integrity of the electoral process.
10. Legal mechanisms to regulate all types of donations to ensure transparency of donors, contractors

and the possibility of verifying donations and incomes of political parties related to the campaign should be introduced.

11. Frequent (interim) reporting on the incomes and expenditures of political parties should be introduced to ensure transparency and timely information to voters. Additionally, the reporting period for the final financial reports of political parties should be shortened to 30 days after the Election Day.
12. The legal framework should provide for secure mechanisms to avoid delays in the auditing process and impose adequate sanctions for breaching deadlines.
13. Auditing of party and campaign finance should introduce effective mechanisms, and enhance scrutiny to identify unreported incomes and expenditures.
14. Capacities of the Independent Media Commission should be strengthened in order to have a more proactive role in oversight of media conduct during elections.
15. For effective implementation of the equality principle and increase of women representation in political life existing legislative regulations should be harmonized in accordance with the Law on Gender Equality that establishes higher gender equality standards.
16. Deadlines for submitting complaints should be increased in order to enable interested persons to file complaints within a reasonable timeframe that is relevant for preparing well-grounded complaints.
17. For substantial adjudication of complaints and for rendering well-reasoned decisions by the ECAP timeframes for adjudication of complaints should be extended.
18. Regulations on dispute resolution require comprehensive revision in order to eradicate existing loopholes and improve insufficient legal norms. The law should specifically determine the right to appeal the final results of elections. Also, to avoid misunderstanding, types of decisions and procedures to appeal should be precisely set forth in the law not leaving space for interpretations.
19. For ensuring proper information to persons with hearing impairment, legal regulations should set precise obligations for public broadcasters to use sign language for news programs and political talk-shows during election campaign. There should be a sanction for not fulfilling this requirement.
20. Political parties should be obliged to use sign language for their political advertisements.

To Political Parties and Candidates

21. Political parties should refrain from starting their campaign before the official beginning of the campaign period, while all cases of abuse should be properly sanctioned.
22. Political entities should adopt internal regulations for engaging more women in party activities, including on the leading positions and elaborate strategies for increasing women visibility in public life. Also, political entities and candidates should abstain from using messages strengthening gender stereotypes and discrediting women candidates.
23. Political entities should reflect in their programs policy propositions concerning problems that PWDs face.

To the Central Election Commission

24. The CEC should put additional efforts to assess the reasons for such a high number of invalidated and blank ballots and take the necessary steps to reduce this number in future elections.
25. The relevant authorities may consider simplifying the very complicated design of the ballot paper and possibly certain aspects of the voting procedures to reduce the number of invalid ballots in elections.
26. The CEC should further analyze the reasons for shortcomings noted in the work of many polling station commissioners and inform the competent authorities to adequately process all suspicious cases of possible election manipulation by commissioners, in order to prevent similar situations in future elections.
27. The CEC should establish more effective mechanisms for overseeing the quality of training provided

to polling station commissioners and perhaps revise certain aspects of the training that seemed to be the most problematic during these elections. More specifically, emphasis should be put on the counting of preferential votes, filling in results protocols and voting with assistance.

28. The website of the CEC should be more regularly updated in order to increase the transparency and the legitimacy of the entire process. This is especially important for the transparency of work of the Secretariat, as certain crucial information was missing on the website during these elections, whereas most information was not translated and posted in other languages available on its website (Serbian and English).
29. Each MEC should have its own, regularly updated website for future elections.
30. The CEC should publish detailed data about gender composition of lower level election management bodies, including information about the number of women in the leading positions.
31. Consideration should be given to clarifying allowable documentation enabling voting. Clear instructions should be enforced by the CEC in this regard, and all stakeholders including polling station commission members and voters should be properly informed.
32. To promote independent participation of PWDs in elections and raise-awareness about their rights, a wide-scale education campaign for promoting the involvement of PWDs in elections should be conducted.
33. The CEC and other respective state authorities should take all necessary measures to ensure that polling stations are physically accessible and adapted to the needs of PWDs for them to be able to vote independently at the polling station without any hindrance.
34. CEC should increase its efforts for improving conditions of voting for persons with disabilities. This includes equipping all the polling stations with tactile ballot papers and special voting booths, as well as adapting its website to the needs of voters with disabilities.

To the Government and Other Institutions involved in the Electoral Process

35. Authorities must ensure that democratic rights are respected in a way that all candidates, party members and voters can fully and freely participate in the electoral process and engage in any kind of legal political activity. This way, political diversity will be protected to a greater extent, while pressure on all actors of the electoral process will be prevented.
36. All cases of negative campaigning, discreditation attempts and inflammatory language should be investigated by the competent authorities and properly sanctioned when necessary.
37. Oversight mechanisms during election campaigns should be enhanced, in particular through more frequent IMC sessions to address complaints received and violations detected and to ensure timely sanctioning.
38. For facilitating filing of complaints and their easier processing by the ECAP submission of online complaints should be allowed for all complainants.
39. State authorities should initiate discussions with social media companies, to facilitate the implementation of transparency measures for paid advertisements on respective social media platforms.
40. The authorities should enhance the regulation of online campaigning and monitoring of online media, including social media and take steps to address online disinformation.

ABOUT ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 38 international election observation missions to 10 countries: Kosovo 2021, Local Elections; Georgia 2021, Local Elections; Moldova 2021, Parliamentary Elections; Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 MECs; Kosovo 2013, Local Elections, first round; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections, second round; Ukraine 2010, Presidential Elections, first round; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections; Albania 2005, Parliamentary Elections; Kyrgyzstan 2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round re-run; Ukraine 2004, Presidential Elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters' Rights 'GOLOS', Russia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.

LIST OF ABBREVIATIONS

AAK - Alliance for the Future of Kosovo
AKR - New Kosovo Alliance
CEC - Central Election Commission
CRC - Counting and Results Center
ECAP - Election Complaints and Appeals Panel
EMB - Election Management Bodies
IMC - Independent Media Commission
IRDK - New Democratic Initiative of Kosovo
LDK - Democratic League of Kosovo
LGE - Law on General Elections
LLE - Law on Local Elections
LVV - Lëvizja Vetëvendosje
MEC - Municipal Electoral Commission
NISMA - Social Democratic Initiative
OPPRC - Office of Political Party Registration and Certification
PC - Polling Center
PD - Justice Party
PLE - Egyptian Liberal Party
PDK - Democratic Party of Kosovo
PDU - Democratic Party of Unity
PREBK – United Roma Party of Kosovo
PSD - Social Democratic Party
PSHDK - Albanian Christian Democratic Party of Kosovo
PS - Polling Station
PSC - Polling Station Committee
PWDs - Persons with Disabilities
RTK - Radio and Television of Kosovo
SC - Supreme Court
SDU - Social Democratic Union
SNV -Special needs voters
VL -Voters' List

ANNEX 1. Mission Composition

| Name and surname | Position in the IEOM | Country | ENEMO Member Organization |
|-------------------|--|------------|--|
| Pierre Peytier | Head of Mission | France | Coalition for Democracy and Civil Society |
| Elene Nizharadze | Deputy Head of Mission/ Legal Analyst | Georgia | International Society for Fair Elections and Democracy (ISFED) |
| Bosko Nenezic | Election Administration Analyst/CEC Observer | Montenegro | Center for Monitoring and Research (CeMI) |
| Kristina Kostelac | Election Campaign Analyst | Croatia | Gong |
| Maja Milikic | Media Analyst | Montenegro | Center for Monitoring and Research (CeMI) |
| Dubravka Tomic | Logistics and Finance Officer | Montenegro | Center for Monitoring and Research (CeMI) |

