



## **ENEMO International Election Observation Mission Kosovo Local Elections 2013**

---

### **Statement of Preliminary Findings and Conclusions**

*The first round of the elections in the Republic of Kosovo was efficiently administered in a peaceful atmosphere; yet, the inaccuracies of the voters' list and the fact that a number of voters were unable to freely exercise their voting right in the municipalities in the North of Kosovo due to security reasons remain a challenge.*

Following an invitation from the President of the Republic of Kosovo, Mrs. Atifete Jahjaga, the European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to observe the Kosovo Local Elections held on 3 November 2013.

On 1 October 2013, ENEMO's Core Team arrived in Pristina and prepared the deployment of 12 long-term observers in 6 teams, covering the whole territory of Kosovo. They were monitoring the pre-election environment including the political campaign and activities of the election administration prior to the 3 November elections. On the Election Day, ENEMO deployed 34 election observers from its member organizations to observe 221 polling stations, throughout all municipalities in Kosovo.

The election process is assessed on the basis of international standards for democratic elections and the national legislation. This statement of preliminary findings and conclusions is delivered after the Election Day in the first round. These findings and conclusions are preliminary and do not render a final assessment of the entire election process. The mission will continue to observe the process of tabulation of results and the complaints and appeals process as well as the second round of elections.

---

## PRELIMINARY CONCLUSIONS

---

*The first round of the local elections in Kosovo was efficiently administered and conducted in a peaceful atmosphere in most of the country, marred by inaccuracies in the voters' list. However, the failure to guarantee the security and order combined with the complex political situation lead to a number of voters being unable to freely exercise their voting right in the municipality of North Mitrovica.*

*The situation in the North of Kosovo has made the ENEMO Mission withdraw its Short Term Observers (STOs) due to security issues. During the E-day, ENEMO STO teams visited a total of 26 polling stations in these 4 municipalities. The tense atmosphere in and outside the polling stations was noted during the entire day. The tensions grew towards the end of the E-day resulting in termination of the voting and closing of all polling stations in the North before 19.00.*

*ENEMO strongly condemns attacks, as well as intimidations of voters and urges authorities to provide a more adequate and higher security measures for elections.*

*Based on information gathered, materials from polling stations from the 3 municipalities were in the custody of OSCE and later transported to the Counting and Result Centre; it is therefore essential to provide transparency in the process of auditing and/or counting of these materials and thus determine the legal grounds for re-runs or run-offs.*

*Based on the reports from the observers, family voting remained a challenge, and so did the proxy voting, to a smaller extent.*

*In terms of gender equality, as it was the case with the previous elections, the institutions had failed to secure equal representation of the underrepresented gender at all levels of electoral administration.*

*Many legal provisions in the electoral legislation are inconsistent and un-harmonized, leaving space for different interpretations and potential misuses. Occasionally, the legal texts in the Albanian language are different than the ones in the Serbian language. As the 2008 Constitution of Kosovo prescribes that both of these languages are official in Kosovo, it remains questionable which law is being used as a reference point when solving the existing inaccuracies.*

*Despite the formal manifestation of a strong political will by the main political stakeholders in Kosovo through the endorsed resolution for electoral reform, the reform has not succeeded in these elections. ENEMO strongly urges Kosovo authorities to continue the reform of the electoral legislation as soon as possible, in order to improve all shortcomings noticed in these elections, as well as in previous observation missions' reports, before the next elections.*

*In order to increase the public trust in judiciary and improve the legitimacy and integrity of the election process and prevent future frauds, ENEMO urges processing of criminal cases of election frauds and misuses in 2010 elections to be concluded promptly, transparently and professionally. ENEMO encourages Kosovo authorities to adjudicate all possible criminal cases of election fraud, irregularities, in these elections as well.*

*Despite a number of obstacles, especially regarding the out-of-Kosovo applications and very short and strict deadlines, CEC and CECS have shown a high level of commitment and proficiency in organizing all administrative and technical electoral activities.*

**ENEMO Election Observation Mission Kosovo Local Elections 2013**  
**Statement of Preliminary Findings and Conclusions**

*The performance of CEC and CEC Secretariat has significantly improved compared to the previous elections in Kosovo monitored by ENEMO, especially in terms of human and technical resources and transparency. However, the current composition of CEC, largely composed of political representatives, opens space for strong political influence on CEC's decisions and undermines the integrity and impartiality of CEC, as well as the authority of the President of CEC, deriving from the judicial background.*

*Imprecise legal provisions and lack of transparency regarding the appointment process of MEC and PSC members leaves space for potential misuses and political influence, which can undermine the full legitimacy and may cause lack of trust in the overall integrity of the electoral process, especially regarding local elections.*

*The process of appointment of MECs in the North of Kosovo, together with their performance represents a big challenge for the functioning of an integral system of electoral administration in Kosovo. The unclear role and involvement of OSCE in the local elections in Northern Kosovo municipalities, combined with the lack of coordination and communication between OSCE and CEC is a reason for concern.*

*Voters' List, together with the issue of voters' eligibility represents a major problem of the electoral process in Kosovo, requiring urgent legislative and technical improvements.*

*ENEMO has not registered any improvements in the quality of Voters' List compared to previous elections monitored by our monitoring missions. Inconsistent system of voter registration, inaccurate Civil Registry, combined with confusing and undefined data regarding the identification documents of voters on E-Day leaves space for multiple voting and other misuses.*

*Security issues and threats made to certain candidates in the North and relatively calm election campaigns of political entities in the rest of Kosovo have marked the pre-election period.*

*Strong abuse of resources/power has been noticed by ENEMO's teams. Credible information of threats by a number of public officials addressed to citizens (mainly those employed in public institutions) in order for the latter to attend rallies and vote for certain political entities were registered. This appeared to be more obvious in the ethnically mixed communities.*

---

## **PRELIMINARY FINDINGS**

---

### **Background**

---

After the violent conflict in the 1990's, a peace agreement brokered by the United Nations Security Council was signed under the conditions outlined in Security Council Resolution 1244, giving administrative authority of Kosovo to the United Nations Mission in Kosovo (UNMIK). Provisional Institutions of Self Government (PISG) were established under UNMIK authority, providing limited self- government to Kosovars.

Under the UNMIK administration, Kosovo has held a number of elections. Two municipal elections (2000 and 2002) and two parliamentary elections in (2001 and 2004) were followed by the local, mayoral and parliamentary elections held on 17 November 2007. All of these elections were organized and managed by the international community with the Organization for Security and Cooperation in Europe (OSCE) as the leading body.

In 2007, Marti Ahtisaari, the UN Secretary General Kofi Annan's Special Envoy to Kosovo, proposed conditions for independence, which included linguistic, cultural, social, and political rights for minority communities, most notably Kosovar Serbs. Several attempts to negotiate the agreement between Belgrade and Pristina failed, and in 2008 Pristina declared independence, committing to implement the Ahtisaari package. An International Civilian Representative (ICR) was appointed by the International Steering Group consisting of countries recognizing the independence in order to be the ultimate supervisory authority over the implementation of the Ahtisaari package.

During a transition period, the Kosovo Parliament, in consultation with the ICR approved a new Constitution and other legislation necessary to implement the Ahtisaari package. The package also called for general and local elections to be held within nine months of its entry into force, but negotiations later led to a changed electoral timetable. One of the key points in the Ahtisaari package was the decentralization plan, whereby a number of new or expanded municipalities with community majorities other than Kosovo Albanian would be established, with extensive autonomy.

A resolution, proposed by PDK, LDK and AKR parties and approved by the National Parliament of Kosovo in April 2011, has opened space for the electoral reform in Kosovo. This Resolution has foreseen the forming of the Electoral Reform Commission, based on the Memorandum, signed a day earlier by leaders of these 3 parties and witnessed by the US Ambassador to Kosovo. After more than 2 years of work of the Electoral Reform Commission, not much has been changed. Majority of the legal framework has remained the same and the Commission is awaiting the local election process to be finished to continue its work.

Local and mayoral elections were held in most of the planned municipalities on 15 November 2009, with a second round on 13 December. These were the first elections to be organized by the Kosovo authorities and were observed by ENEMO<sup>1</sup>.

---

<sup>1</sup> The statement can be find in ENEMO official internet presentation [www.enemo.eu](http://www.enemo.eu)

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

The current 2013 local and mayoral elections are the second local elections organized by the authorities of the Republic of Kosovo, and the first, where elections have been organized by Kosovo authorities in the whole territory of the country<sup>2</sup>.

The elections are held after Pristina and Belgrade authorities, with the facilitation of the EU reached the “First Agreement of Principles Governing the Normalization of Relations”, a document which became a starting point for integration of municipalities from the north of Kosovo, with Serbian majority. Document is introducing a model of autonomy for municipalities with Serbian majority, as well as other institutional guaranties for the Serbian minority.

### **Legal Framework and Electoral System**

---

Local elections in Kosovo are held every four years for municipal councils and mayors. The mayors are elected according to the majority system, and if no candidate wins more than 50% plus one of the total votes cast in the first round, a second round will be held four weeks after the first round, for the first two candidates.

The number of members in the municipal Assemblies is proportional to the number of citizens in the municipality, varying from 15 up to 41 members, with the exception of Pristina, which has 51 Assembly member, as the capital city. The municipal Assembly members are elected under the proportional system. Each of the 38 municipalities represents a single electoral district, where seats are allocated among the certified political entities based on the total votes they receive. The Sainte-Laguë method is used when allocating council seats. There is no legal electoral threshold. Certified political entities are listed on an open list ballot, where the voter can mark not only the preferred political entity, but also one of candidates from the same entity. The candidate names do not appear on the ballots, but are represented by pre-assigned numbers. When voting, the voter can find the number for each candidate in separate booklets and other election materials, provided by the CEC.

A gender quota requires political entities to include at least 30% of the minority gender on the party lists. This is done by having a minimum of every third candidate being of the minority gender. Among the seats allocated to a political entity the gender that has received fewer seats shall have at least 30% of the total seats received by the party. If this is not the case, the elected majority gender candidate with least votes shall be replaced by the next minority candidate on the entity list. The replacements will continue until the minority gender has at least 30% of the seats.

Voters living out of Kosovo have the possibility to vote through by-mail voting.

The electoral system and legal framework for local elections consists of the Constitution of Kosovo, several election related laws<sup>3</sup>, as well as by-laws that have been adopted since the declaration of independence on 17 February 2008.

---

<sup>2</sup> The electoral process in the 4 municipalities in the north of Kosovo is facilitated by the OSCE.

<sup>3</sup> Constitution of the Republic of Kosovo, Law No. 03/1-073 on General Elections in the Republic of Kosovo, Law No. 03/1-256 on Amending and Supplementing the Law No. 03/1-073 on General Elections in the Republic of Kosovo and Law No. 03/1-072 on Local Elections in the Republic of Kosovo.

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

The Constitution follows the recommendations and obligations set out in the Ahtisaari package, which emphasizes the rights and freedoms granted to minority communities living in Kosovo.

The provisions of the current electoral laws still leave too much space for interpretations and potential misuse. CEC had to adopt as many as 17 regulations in 2013 in order to clarify and additionally explain most legal provisions in order to properly conduct local elections. At times, these regulations have gone much beyond, if not different to the legal provisions. It remains an issue why provisions contained in regulations are not part of the law, as they at times define or redefine fundamental elements of the electoral process.

The Working Group on Elections has failed, until these elections and after several years of work, to review the electoral framework. The group is composed of voting members from political entities, civil society, the Kosovo Parliament, the CEC and non-voting advisors/observers from the international community working in Kosovo.

ENEMO strongly recommends a continuation of the work of the Electoral Reform Commission. In its Final Report on 2013 Local Elections, ENEMO will provide the public with specific recommendations and possible solutions for overcoming shortcomings and challenges, noticed by ENEMO teams in all 3 missions to Kosovo. These recommendations can be a useful contribution to the future work of this Commission.

### **Election Administration**

---

Election administration in Kosovo is composed of a tree-level system: the Central Election Commission (CEC), Municipal Election Commissions (MEC) and Polling Centers/Polling Station Committees (PC/PSC).

According to the Article 139 of the Constitution of Kosovo, the Central Election Commission (CEC) is a permanent independent body responsible for organization and implementation of elections in Kosovo. The main roles of CEC are: regulating the electoral process through adoption of Electoral Rules, maintaining the Voters' List and supervising the election process. The CEC consists of 11 members: a chairperson appointed by the President of the Republic of Kosovo from the judges of the Supreme Court, or appellate courts, and 10 members appointed, as a result of nominations made by parliamentary groups represented in the Kosovo Parliament. 6 members are appointed by the largest parliamentary groups, whereas 1 member is appointed by MPs holding seats reserved for Kosovo Serb Community and 3 members are appointed by the MPs holding seats reserved for other communities. The CEC is supported by a Secretariat (CECS), performing the technical aspects and activities related to the electoral process. There is also the Count and Results Center (CRC), which is a location 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 38 Municipal Election Commissions (MECs) are established by the CEC as local branches, one in each municipality to assist in performing its administrative and operational duties on municipal level. The MECs generally consist of 7 or more members, appointed from nominations of the political entities that have passed the 5% threshold at the previous Kosovo parliamentary elections, but the CECS can also suggest

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

other suitable candidates from NGOs or academic institutions. The community parties with the reserved seats in the Kosovo Parliament can also have members at the MEC.

At the precinct level, Polling Station Committees (PSCs) are responsible for managing the polling stations on Election Day and first counting of ballots. PSC composition shall reflect the composition of the MEC and in addition the CECS may invite newly certified parties to submit additional nominations for PSCs. Each PSC member is obliged to act impartially regardless of political party affiliation. One or more polling stations are located in a single polling center and in most cases they are set up in schools or community facilities.

Central Election Commission, including the CEC Secretariat, have maximized their efforts to conduct these municipal elections in a timely and professional manner, despite all challenges and obstacles, as well as the limited timeframe for conducting all necessary legal duties and actions. Besides the regular activities of the CEC (creating electoral rules for elections and monitoring of their implementation in practice, election of MEC and PC/PSC members, voter education, preparation of all election related materials, party registration, receiving and adjudicating of various requests, K-Vote 2013, etc.), which were conducted professionally and timely. The CEC also had to deal with the maintenance of the VL and requests for out-of-Kosovo voting.

Besides the updating/maintaining of voters' lists for in-Kosovo voters and based on the Civil Registry of Kosovo, the CEC has received more than 41.000 requests for out-of-Kosovo voting, what was an impressive and unexpected figure, especially compared to previous elections and CECS available capacities. Besides, CEC representatives had to attend several meetings in Brussels, in order to negotiate certain aspects of involvement of Kosovar Serbian voters, based on the Brussels agreement. Due to this large number of out-of-Kosovo voting requests, CEC had to recruit around 300 temporary staff in order to review and decide upon all these requests. This led to a situation in which the 2<sup>nd</sup> update of the Voters' List extract was not prepared in time and CEC could not meet the deadlines prescribed within its own regulations for providing all MECs and political entities with this VL extract. This caused a delay and shortening of the Challenge and Confirmation period in Kosovo.

Large number of complaints was reported by media, Serbian Government and Serbian political entities, mainly aimed at the approval of out-of-Kosovo voters from Serbia by the CEC. According to their complaints, CEC had unjustifiably excluded the majority of Serbian voters' requests for out-of-Kosovo voting (OKV), as CEC has accepted only 6.653 out of almost 40.000 applications from Serbia. However, every rejected voter had the possibility to appeal to ECAP on every decision of CEC. ECAP has received 16.355 appeals to CEC decisions for out-of-Kosovo voting and approved around 1/3 of them – additional 5.458 voters were allowed to use their right for out-of-Kosovo voting, based on the additional information that these voters provided to ECAP, compared to documents provided to the CEC before its decisions.

CEC has appointed most MEC and PC/PSC members in time, except in the north of Kosovo. Even though CEC has officially approved MEC members in the north of Kosovo and was in charge of providing them with salaries and election materials, all other activities related to organization of elections in the North of Kosovo were facilitated by the OSCE. CEC has made public complaints towards OSCE regarding their conduct, claiming that the OSCE is not fully respecting the agreement with CEC, that OSCE does not file any reports, nor provide any feedback from the North of Kosovo to CEC.

A large number of ENEMO's interlocutors have complained about the compositions of MEC and PSC members. Most complaints were related to the number of MEC members and political representation of MEC and PSC members. Most of the new political entities that have run for elections in several

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

municipalities have no representatives in MECs and have a limited number of PSC members, which might have influenced the overall level of legitimacy of the entire election process.

### **Registration of Candidates**

---

Candidate registration for Kosovo local elections is administered by the CEC and 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, the campaign spending limit and financial disclosure. Registered parties are automatically certified for the local elections, except for those that notify the CEC that they will not contest the elections or that they will form a coalition.

In total, 103 political entities were certified for these elections (33 political parties, 52 civic initiatives, 16 independent candidates and 2 coalitions), with 7.932 candidates all together. Another 224 mayoral candidates have been registered to run for the elections and only 9 of them were women.

### **Registration of Voters**

---

According to CEC, the total number of registered voters for the 2013 elections was 1.779.357. This means that there are 148.721 more voters now compared to the previous 2010 Parliamentary elections, when there were 1,630.636 more voters registered.

The Voters' List 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 Kosovo. The CEC maintains the Voters' List and ensures that the Voters' List is accurate and up to date. In accordance with the laws and the CEC regulations, the first extract of the Civil Registry is received by CEC no later than 2 days after the announcement of elections. The CEC makes VL available for the voter, via the MECs, during the Challenge and Confirmation period, during which eligible voters can object inaccuracies or omissions. After the end of this period CEC certifies the Final Voters' List, 2 days before elections the latest.

CEC made efforts to clean and update the Voters' List based on the Civil Registry, but it lacked capacities to verify and compare voters' lists between different municipalities, which might have opened space for double registration of voters in different municipalities. Also, the Voters' List had not been fully updated and contained deceased persons, or persons that have been erroneously included. It remains unclear whether the CEC had enough time and capacities to remove out-of-Kosovo voters from the regular Voters' List.

Legal provisions regarding the Voters' List do not specify the unique personal number as an obligatory requirement for personal information to be provided for each voter (Art. 7.2). CEC has additionally regulated this matter through issuing its Rule No. 02-2013 for regular (in-Kosovo) voting procedures, where it makes the information regarding the personal numbers of voters obligatory, but does not require the unique personal number as obligatory information for out-of-Kosovo voters. The same regulation does not state which unique personal number (Kosovar, Serbian, other) is the official one, which, combined with confusing and undefined data regarding the identification documents of voters on E-Day leaves space for multiple voting and other misuses.



## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

### **Campaign**

---

The official campaign for the first round of elections started on 3 October and lasted until 1 November.

During the campaign, many breaches of the code of conduct of political entities were noted, especially regarding the Article 33 of LGE, where the election materials of several political entities/election contestants were destroyed. Another important issue noted during the campaign throughout Kosovo are the political advertisements on public property (roads, traffic signs, street lights, public facilities, etc.).

Based on the information from the ENEMO interlocutors this election process can be largely characterized as being supported both by national authorities of Kosovo and Serbia. Occasional involvement of the EU representatives was also observed, where, the issue of engaging out-of-Kosovo voters from Serbia in the local elections, at times, seemed more like a negotiation process, rather than an election process. As a result, a number<sup>4</sup> of Kosovar Serbian voters were added to the VL, temporarily, only for these local elections.

### **Complaints and Appeals**

---

The election legislation provides safeguard mechanisms to protect the citizens' rights, as well as the rights of political entities, where the instances to which appeals and complaints may be submitted are the Court of First Instance and the Election Complaints and Appeals Panel (ECAP). ECAP is an independent body in charge of adjudicating complaints and appeals concerning the electoral process.

Eligible voters may challenge, as specified under Article 9 of the Law on General Elections, inaccuracies or omissions in the Voters' List during a period established for that purpose by the CEC. Decisions regarding changes in the VL are made by the court of first instance in accordance with CEC rules. All decisions of the Court of First Instance are final, including decisions regarding the inclusion or exclusion of a name from the VL.

As partially mentioned above, regarding the out-of-Kosovo voting, for these elections, the ECAP has received 16.270 envelopes with 16.355 appeals (there were envelopes that had more than one appeal inside) submitted against CEC decisions that have rejected applications for out-of-Kosovo voting.

The ECAP has decided upon the 16.355 received appeals in the following manner:

- 10.419 appeals were denied;
- 5.458 appeals were approved;
- 349 appeals were classified as incomplete;
- 4 appeals were denied because they had been submitted after the deadline;
- 123 appeals had already been reviewed (which means that the same complainant submitted 2-3 appeals against the same decision of CEC);
- 2 appeals were not reviewed for decision as they did not have any name on it or any other document attached. In that case, ECAP had no real complainer whose complaint should have been reviewed.

---

<sup>4</sup> Up to the day of the presentation of the preliminary statement, the exact number of these voters had not been provided to the ENEMO mission by CECS.

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

Beside the appeals that ECAP received for the out-of-Kosovo voting, a total of 37 appeals and 208 complaints related to the election campaign were submitted before the Election Day. Out the total number, the largest number of complaints was submitted in Ferizaj. Almost all of the approved and denied appeals were referring to putting posters and flags on public places, bus stations and traffic signs, as well as overlapping and damaging posters of other candidates/political entities. ECAP accepted a certain number of appeals and fined political entities in the total amount of 159.400 Euros. The largest complainant was the Vetëvendosje party with 86 complaints, whereas the most sanctioned political entity is PDK, fined with 77.000 Euros.

Based on the ECAP data, although certain political entities were issued fines for the previous elections in Kosovo, until 23 September 2013 the total debt was 19.000 Euros for 2009-2010 Local Elections and 5.500 Euros for 2010-2011 Parliamentary Elections.

### **Media**

---

During the 2013 Local Elections ENEMO EOM Mission did not carry out a full scale media monitoring. All comments in this section are therefore based on observations and interviews with media actors, and reference to the Independent Media Commission (IMC), as well as its reports on media monitoring during the election campaign.

The Constitution of the Republic of Kosovo provides for free and pluralistic media where censorship is forbidden (Art. 42), and for general freedom of speech. Furthermore, article 59 of the Constitution gives the various 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”.

Kosovo has a large number of media outlets, established both in Pristina and in other parts of the country. There are around 10 daily newspapers distributed throughout the country, over 90 radio stations and 22 TV stations broadcasting at national and local level. Still, the TV stations remain the top source of information for the majority of the population. There are 4 national TV broadcasters (RTV 21, RTK, KTV, Klan Kosova). The Public Television (RTK), the national public broadcaster, is the only broadcaster which is broadcasting programs in minority languages, besides broadcasting in the Albanian language as well. While the Constitution enshrines media freedoms, they are not always protected in practice, and journalists continue to face political pressure and harassment. In 2013, Kosovo was ranked at the 85th place on the World Press Freedom Index, which is slightly below the average of the Western Balkan countries and far below the countries of the European Union. However, there is some progress made comparing with the previous year, when Kosovo was ranked at the 86th place on this list.

With respect to the 2013 Local Elections most of the Kosovo media outlets actively followed and informed about the electoral campaign and its various aspects through the news coverage, TV debate programs and political advertisements. In accordance with the Constitution, the Independent Media Commission (IMC) provides licenses for electronic media and is responsible for implementation of the provisions defined in Chapter VIII, Media during Election Campaign, of the Law on General Elections. The IMC was monitoring the broadcasters since the beginning and during the course of the election campaign for the first round of the local elections. The IMC monitoring included 25 broadcasters, out of which 3 national TV stations, 18 regional and local TV stations and 4 program services providers. The focus of their monitoring efforts were

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

broadcasters' news editions, election chronicles, interviews, debates and political advertisements during prime-time.

Before the Election Day on the first round of elections, IMC had published only one report referring to their monitoring efforts. According to the IMC, during the first round of elections the media covered the election campaign mostly in a correct and balanced manner. News coverage was perceived as being mostly neutral and fair. Through conducting debates and interviews most of the TVs provided political parties and independent candidate's airtime free of charge and also provided them with the opportunity for paid political advertising. During the campaign period, the IMC identified eight broadcasters which violated the regulations for broadcasting political advertisements without identifying the source or exceeding prescribed airtime for these political advertisements.

According to IMC sources, in the first round of elections they received three official complaints against certain broadcasters. Regarding the violations determined, IMC sent written notices to these political actors to comply with the IMC regulations.

When it comes to printed media there is no state regulating body but instead the newspapers have established the Kosovo Press Council, to act as a self-regulatory body for printed media. Printed media outlets offer a wider spectrum of views; however, they have limited influence and have been gradually replaced by online media during the recent period. The daily newspapers were following the election campaign through a number of articles on their pages during the first round of elections. The Internet, web portals and new social media, which also represent an unregulated field, were heavily used for the campaign purposes on these elections.

### **Election Day**

---

On Election Day, 34 observers were deployed in 17 teams of 2, to follow the opening, voting and counting procedures at polling stations, as well as to observe the intake of materials at Municipal Election Commissions. In total, the observers covered 221 polling stations in 28 municipalities. Due to the complex situation in the north of Kosovo, ENEMO deployed 3 teams of STOs, which have monitored the opening and voting in a total of 26 polling stations in all 4 municipalities in the north of Kosovo.

All short term observers of ENEMO were mobile teams, unlike the domestic observers, which were mainly stationary and followed the process in particular polling stations throughout the entire day. ENEMO noted a presence of domestic observers in 65 % of polling stations visited.

The electoral administration generally managed to prepare the polling stations in time and most of the polling stations visited by ENEMO observers had been opened on time, or with minor delays. The opening process was assessed positively in all but one of the PSs.

ENEMO observers have noticed that in many PSs, the total number of received ballots by PSC was smaller than the total number of voters i.e. 2 polling stations in Gjakova, whereas in 1 PS in Gjilane, the total number of received ballots was 850 and the total number of registered voters in the same PS was only 144.

The atmosphere during the Election Day was generally calm and peaceful in majority of municipalities. However, in the north of Kosovo, especially in North Mitrovica, young people were noticed around a number of polling stations from the early morning, trying to make pressure on voters to boycott elections

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

and threatening observers. Nevertheless, the voting was ongoing in all PSs visited by ENEMO STOs and the OSCE presence in every PS was very visible. As the day progressed, however, the tensions in North Mitrovica escalated and ENEMO had to pull back its observers from the field, to the south of Kosovo in the afternoon.

Unauthorized persons were observed within 5% of the visited PSs.

Procedural irregularities have also been noted. For example, in 6% of visited polling stations, PSC members did not always check properly for ink and in 3% of the visited polling stations the IDs of the voters were not always checked, resulting in the opportunity for multiple and/or proxy voting. The observers expressed suspicion in the quality of the ink used at several polling stations visited in the Municipality of Glogovac.

CEC has not managed to provide for the correct interpretation of the laws regarding the eligible voter identification documents. Therefore, in some municipalities, voters with foreign (mainly Serbian) and expired documents were allowed to vote, whereas in other municipalities, only voters with valid Kosovo documents were allowed to vote. More precisely, in 15% of the polling stations visited, the voters were rejected due to the fact that they were not in a possession of a valid Kosovo document.

The proxy voting was observed in a small percentage - 5 % of the total visited polling stations. The secrecy of the vote was not always respected and in particular in 18 % of the polling stations visited, cases of group or family voting were observed.

The voting process was assessed as bad or very bad in 11 % of the polling stations observed during the day (most of them because of negligence), whereas in 89% of the cases, the voting procedure was marked by ENEMO observers as good, or very good. Some of the closing procedures were not fully respected and in 15 % of the polling stations visited the chairperson did not announce the results, nor were the results posted on the wall as stipulated in the law.

With regards to the counting, 23% of the visited PSs were marked as bad all due to negligence, whereas 77% were marked as good or very good.

In 38% of the visited PSs preferential votes for each party/candidate list were counted by the member of the PSC from the same political entity. This breach of the procedure undermines the transparency of the counting of the votes and leaves space for misuse.

ENEMO urges all stakeholders who question the validity of the process to use the legal means provided in the laws and register complaints with the Elections Complaints and Appeals Panel and respect its findings.

### **Election Observation Missions**

---

The election legislation in Kosovo provides for observation by international and domestic observers as well as authorized representatives of candidates at all levels of the election administration.

In an inclusive process, the CEC accredited 30.173 observers including representatives from CSOs, international organizations, foreign embassies, political parties, coalitions and independent candidates,

## **ENEMO Election Observation Mission Kosovo Local Elections 2013 Statement of Preliminary Findings and Conclusions**

citizen initiatives and media. A total of 2,479 domestic observers were accredited with the Coalition “Democracy in Action” (DiA) deploying the largest number of observers (1,600). Since the announcement of the elections, DiA undertook a number of activities to contribute towards increasing the transparency of the electoral process, including observation of the pre-electoral period, deployment of observers on Election Day, monitoring of the work of MECs and PSCs. Domestic observers from DiA were present in 54% of polling stations visited by ENEMO EOM observers.

Besides the domestic observers for the first time, aside of ENEMO, the EU EOM was organized and deployed in Kosovo. EU EOM was composed of a 9 member Core Team supported by 20 Long Term Observers (LTO’s), 62 Short Term Observers (STO’s) for the first round of the elections. The EU EOM monitored the election process segments as of 2 October 2013, when the Core Team was deployed.

The National Democratic Institute (NDI) and some embassies have also accredited observers for the local elections, as part of their regular political engagement in Kosovo. NDI has 22 accredited observers, the US Embassy 110 accredited observers, the British Embassy 31 accredited observers, the Turkish Embassy 2 accredited observers, and the French Embassy 4 accredited observers.

### **Women Participation**

---

The Kosovo legal framework is promoting the gender equality through the Constitution as “a fundamental value for the democratic development of the society”, as well as through the Law on General Elections in the Republic of Kosovo, within the fundamental principles prescribing that all political entities and election bodies are obliged to respect the gender quota requirements as set forth by that law.

While Kosovo is led by a female president, women continue to face economic, political and social disadvantages. In politics, their representation is seen more as a requirement for the political parties than as a benefit. Despite Kosovo’s political representation quota for women, parties continue to be dominated by men, and women at decision-making positions remain an exception to the rule. This fact often discourages women from running for office.

The Law on Local Elections in the Republic of Kosovo, also pays needed attention to the gender requirements specifying “at least 30% certified candidates of the other gender” (Art. 7.2) in the lists of candidates running for municipal councils. This regulation has been respected during the certification of political entities. The women are more represented in the list of the candidates running for municipal councils in comparison with the mayoral candidates, where from a total of 224 candidates only 9 are women<sup>5</sup>.

With regards to the gender equality in the election administration bodies, the situation is more problematic and the level of participation of women is low. Although the President of CEC is a woman, all the other members are male. Also in Municipal Election Commissions and Polling Station Committees women were not represented in accordance with the Law on Gender Equality, stipulating that the underrepresented gender should be at least 40%.

---

<sup>5</sup> LVV nominated 3 women candidates; AKR 2 women candidates; Justice Party, AKR, SDP, AAK nominated 1 women candidate, and there was one independent women candidate. In the Municipality of Gjakova there were 2 women candidates.

**ENEMO Election Observation Mission Kosovo Local Elections 2013**  
**Statement of Preliminary Findings and Conclusions**

**Mission Information and Acknowledgements**

---

The European Network of Election Monitoring Organizations (ENEMO) is a group of 22 leading civic organizations from 17 countries of Eastern and Central Europe and Central Asia. ENEMO member organizations have monitored more than 140 national elections and trained more than 200.000 observers.

The observers for this Election Observation Mission observers are coming from 7 member organizations of ENEMO. The ENEMO observation preliminary report is based on observations of the long-term and short-term observer's and their findings in reference to international standards and national election legislation. The mission emphasizes that this preliminary report does not render a final assessment of the entire election process. ENEMO will defer its final assessment until the end of the election process which includes vote count, announcement of the results, possible run-offs and the potential complaints to be addressed for the first round, as well as the election process for the second round.

ENEMO seeks to support the international community's interest in and promotion of democracy in its region of engagement, to assess electoral processes and the political environment, and to offer correct and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic elections and benchmarks in the assessed country's legislation and constitution.

The ENEMO Mission wishes to express its appreciation to the Central Election Commission for their cooperation and assistance in the course of the observation.

The ENEMO takes this opportunity to express its highest acknowledgements to the support of donors of the election monitoring mission, United States Agency for International Development (USAID) through National Democratic Institute (NDI), Embassy of Federal Republic Germany and the Embassy of the Grand Duchy of Luxembourg.

*This document is available in Albanian and Serbian, but only the English version remains official.*

**For further information please contact:**

**Gazmend Agaj**

**Press Officer**

**Election Observation Mission for Kosovo Local Elections 2013**

**Address: Str. Hamez Jashari, 10000 Pristina**

**Mob: +377 (0) 45 845 637**

**E-mail: [gazmend.agaj@enemo.eu](mailto:gazmend.agaj@enemo.eu)**