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This report was produced by the EU Election Observation Mission (EOM) and presents the EU EOM's findings on the Municipal Elections on 3 November and 1 December 2013 in Kosovo. The European Union institutions do not guarantee the accuracy of the data included in this report, nor do they accept responsibility for any use made thereof.

* This designation is without prejudice to positions on status, and is in line with Security Council resolution 1244 (1999) and the International Court of Justice Opinion on the Kosovo declaration of independence.

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I. SUMMARY

The 2013 Mayoral and Municipal Assembly elections were of particular significance because they were the first to be held throughout Kosovo, including the four Serb-majority northern municipalities, under Kosovo law. They followed the 19 April 2013 agreement between Pristina and Belgrade, facilitated by the European Union. Holding Kosovo elections for the first time in the north presented major challenges. The OSCE Mission in Kosovo played a crucial role in facilitating the elections in the north, as well as out-of-Kosovo voting in Serbia and Montenegro.

Despite the challenging circumstances in the north, and notwithstanding a number of shortcomings, overall the elections were held in a positive atmosphere, and they represented a significant step forward for the development of democracy in Kosovo. People expressed their democratic right to vote, including in the north. Further improvement is needed in some areas, and this report presents recommendations designed to help enhance the electoral process in future.

In most of Kosovo, the election environment was calm, and contestants were able to campaign freely and without hindrance. Electioneering was notably more active before the first round on 3 November, including large-scale rallies, often involving national-level leaders, than before the second round on 1 December, when campaigning only picked up during the last week before the elections. Allegations in some areas of pressure on public sector workers, including teachers, to attend campaign events, in particular before the first round, were assessed by the EU EOM as credible. There were also widespread allegations of vote-buying, with indications that Roma were being targeted in some places. Before the second round, there was tension and strong political rhetoric in a few municipalities which had tightly-contested mayoral election runoffs.

In most cases, the election results were not publicly questioned, although political entities did raise several concerns, including the high number of invalid ballots, inaccuracies in the voters list, and the long time it took for the tabulation and announcement of results. In a welcome development, many of the defeated candidates in the mayoral elections congratulated their victorious rivals after the second round.

In the four northern municipalities, intimidation and pressure before the first round by those opposing the elections against political activists and voters constrained the campaign activities of the election contenders, creating an environment that was not conducive to a free campaign. On the first Election Day, people went to vote in the north, and the administration of the elections was in general conducted smoothly, despite attempts by opponents of the elections to dissuade people from voting. However, voting was brought to a halt by attacks on three polling centres in North Mitrovica/Mitrovicë, which led to the abandonment of the process throughout the north. The elections in those polling centres were rerun on 17 November, under tight security, without further incidents. On 17 November, and again for the second-round runoffs in North Mitrovica/Mitrovicë on 1 December, many public employees and their families were required to go to vote.

Overall, the legal framework provides a sufficient basis for democratic elections in accordance with international norms to which Kosovo has committed in its Constitution. There are nevertheless important shortcomings, including gaps and ambiguities. Despite long discussions on electoral reform, with few exceptions the legal framework remained unchanged since the previous elections.

The law establishes a minimum 30 per cent quota for both genders for the political entities' lists for the Municipal Assembly Elections and for the number of seats eventually allocated. However, in general women had a low profile in these elections. Of 224 candidates standing for mayor, only nine were women, and only one was elected.

The election administration is highly centralised, with the CEC taking all important decisions from the registration of candidates to the appointment of Polling Station Commissions (PSCs). The CEC members appeared to work collegially. However, certain shortcomings were observed. While

generally conducting its work in a transparent manner, the CEC held two closed meetings. Its inability to issue a clear decision regarding the acceptance of Serbian IDs led to the disenfranchisement of some voters. EU EOM observers reported that some Municipal Election Commissions (MECs) criticised the level of technical support from the CEC Secretariat.

The administrative preparations were carried out differently across Kosovo. In most municipalities, they appeared to proceed without major obstacles. However, the inclusion of the Serb population in the north as well as displaced Serbs raised many complex and politically sensitive issues such as the preparation of voters lists, out-of-Kosovo voting and the use of Kosovo state symbols. Despite the difficult conditions in the north, the basic infrastructure for elections was successfully put in place. Yet, the complexities and political sensitivities of the process affected the transparency of the preparations in those municipalities, creating a perception of uncertainty and lack of clarity. Some CEC members criticised the role of the OSCE.

The out-of-Kosovo voting process was not well administered. The registration of would-be Kosovo voters was cumbersome and neither voter-friendly nor inclusive. Only about 14 per cent of the persons who initially expressed their interest in participating in the elections successfully cast their ballots. More than a half of envelopes with postal ballots were rejected by the CEC for not containing a copy of a valid voter's ID. The CEC's voter information leaflet in Serbian, which was sent to voters together with blank ballots, instructed them to send with their ballots either a copy of their valid ID or a note with their name and other personal data. The ballots of those who chose the latter option were later rejected by the CEC. As such, these voters were unduly disenfranchised.

The voters lists were extracted from the central civil register maintained by the Ministry of Interior. There were nearly 1.8 million voters registered for the 2013 municipal elections. In general, there was low confidence among election stakeholders in the accuracy of the voters lists, particularly due to the frequent instances of deceased persons remaining in the civil register.

Overall, the media provided political entities with a variety of ways to disseminate their messages to the electorate, and offered voters diverse information to enable them to make an informed choice. Freedom of expression was respected. However, the Independent Media Commission (IMC), which is charged with overseeing the compliance of broadcast media with legal provisions, failed to take up its responsibility, and did not hold any official session to discuss election-related matters throughout the whole election period.

The capacity of the Elections Complaints and Appeals Panel (ECAP), facing tight deadlines for deciding on complaints, and an overwhelming number of complaints and appeals, was stretched to an almost unmanageable degree. In considering complaints, the Panel mostly adopted a formalistic approach, often without investigating the evidence, with the result that the right to pursue an effective legal remedy in relation to the enforcement of electoral rights was always respected.

Voting and counting took place calmly throughout most of Kosovo, and people cast their ballots freely and without hindrance. The EU EOM assessed the process positively in nearly all observed polling stations for both election rounds, although some procedural errors were noted, and the secrecy of the vote was not always respected. Just as the first round was marred by the violent incidents in North Mitrovica/Mitrovicë, in one serious incident on 1 December, in Parteš/Partesh municipality, people broke into a polling centre and stole or destroyed election materials.

The process of tabulating the results was lengthy and the final results of the municipal elections were certified by the CEC only on 11 December. The transparency of the tabulation process at the Counting and Results Centre (CRC) was somewhat limited. Although observers had access to all stages of the tabulation, the scale, complexity and length of this operation made it difficult to follow, and there was limited information available regarding the accuracy of the election material and the tabulated results. Many stakeholders, expressed dissatisfaction with the late announcement of the first-round results, and limited confidence in the work of the CRC and its transparency.

II. INTRODUCTION

Following an invitation to the EU's High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Catherine Ashton, an EU Election Observation Mission (EU EOM) was established on 4 October 2013 to observe the municipal elections on 3 November and 1 December. The EOM was led by Chief Observer Roberto Gualtieri, a member of the European Parliament. In total, the EU EOM deployed 99 observers from all EU Member States, Norway and Switzerland, including a team of eight election experts based in Pristina and 20 Long-Term Observers across Kosovo. Two members of the European Parliament also joined the mission for the first round of elections on 3 November. The EU EOM adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

The EU EOM assessed the whole electoral process in accordance with international standards and the laws of Kosovo. This report presents the EU EOM's findings, with recommendations to help improve Kosovo's future elections. Although Kosovo is not formally bound by the election standards set by the OSCE and the Council of Europe, it is important to note that these are the prevailing standards in the region. As Kosovo aspires to integrate with these regional bodies, the EOM considered it useful also to base its recommendations on these existing regional standards, to help guide the Kosovo authorities in their efforts to improve future elections in line with the standards adopted in its neighbourhood.

The EU EOM wishes to express its appreciation to the Central Election Commission and other authorities, political parties, civil society and media organisations for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the European Union Office in Kosovo, the European Union Rule of Law Mission in Kosovo, and the European Union member states' diplomatic missions for their support throughout.

III. POLITICAL BACKGROUND

A. Political Context

The Municipal Elections of 3 November and 1 December 2013 were of particular significance because they were the first to be held throughout Kosovo, including the four Serb-majority northern municipalities of North Mitrovica/Mitrovicë, Leposavić/Leposaviq, Zvečan/Zveçan and Zubin Potok, under Kosovo law. They followed the 19 April 2013 agreement between Pristina and Belgrade, facilitated by the European Union, which called, among other provisions, for the holding of municipal elections in the four municipalities, with the facilitation of the OSCE Mission in Kosovo.

Kosovo declared independence in February 2008. Under UN Security Council Resolution 1244 of 10 June 1999, it had been placed under a transitional UN administration (UNMIK). During its mandate, UNMIK gradually transferred competencies to Kosovo's Provisional Institutions of Self-Government. In 2006, international negotiations got underway to determine Kosovo's status. In February 2007, the UN Special Envoy, Martti Ahtisaari, presented his proposal for 'supervised independence', which was not accepted by Belgrade. Nevertheless, in line with the Ahtisaari plan, an International Steering Group (ISG) was established to oversee the work of the International Civilian Representative (ICR), whose task was to supervise the implementation of the Comprehensive Proposal for the Kosovo Status Settlement and support the efforts of Kosovo's authorities. On declaring independence, Kosovo committed itself to implementing its obligations under the Ahtisaari plan. In September 2012, the ISG formally ended its supervision, and Kosovo became responsible for its own governance.

In line with the Ahtisaari plan, new municipalities were created with Serb majorities. However, the four northern municipalities remained beyond the control of Pristina. The negotiations which led to the 19 April 2013 Agreement aimed to address this, and to enable the integration of the northern municipalities into Kosovo's governing structures. On 27 June 2013, the Kosovo Assembly ratified the agreement.

The conditions for elections in the north were particularly challenging. Kosovo institutions did not hold sway there, and the CEC could not communicate directly with Municipal Election Commissions (MECs). In the circumstances, the OSCE Mission in Kosovo played a crucial role in facilitating the participation of the Kosovo Serb population, by helping organise the elections in the four northern municipalities, as well as through out-of-Kosovo postal voting. A strong campaign against the holding of elections made for a difficult environment for the election campaign for the first round.

B. Main Political Actors

These municipal elections had added significance for many political parties in that they were seen as a crucial test before the next Kosovo Assembly elections. Some parties targeted their efforts at particular municipalities, so that the stakes in some places were especially high, and the races particularly competitive.

Among the contenders, the Democratic Party of Kosovo (PDK), the ruling party with the highest representation in the Kosovo Assembly, was defending 14 Mayoralties. The Democratic League of Kosovo (LDK), the strongest opposition party in the last Kosovo Assembly elections, in 2010, was defending seven, including the capital, Pristina. The Alliance for the Future of Kosovo (AAK) was defending six, mainly in the west. It entered the municipal elections in coalition with the Democratic League of Dardania (LDD). Vetëvendosje, which first gained parliamentary representation in 2010, was contesting municipal elections for the first time. The New Kosovo Alliance (AKR) did not hold any Mayoralties before the 2013 elections.

In Serb-majority municipalities, both in the north and the south, there were intense contests between the Independent Liberal Party (SLS), a part of the ruling Kosovo coalition at national level, and the newly established Citizen's Initiative 'G.I. Srpska', which was supported by several Belgrade-based parties. In Gračanica/Graçanicë the Alliance of Kosovo Serbs (SKS), a new civic initiative, was also a strong competitor. The race in Serb-majority areas was particularly bitter, as the Belgrade-backed 'G.I. Srpska' sought to supplant the Serb representatives who had been participating in Kosovo institutions since well before the 19 April 2013 Agreement.

IV. LEGAL FRAMEWORK

Overall, the legal framework provides a sufficient basis for democratic elections in accordance with international norms to which Kosovo has committed in its Constitution. There are nevertheless important shortcomings in key aspects of the electoral legislation, including gaps and ambiguities. In 2011, a temporary parliamentary committee was established with the aim of proposing a comprehensive electoral reform. However, the reform process stalled and, with few exceptions, the legal framework that governed the previous general and local elections remained in place for the 2013 Mayoral and Municipal Assembly Elections.

While Kosovo has not signed up to any major international commitments on human rights or the conduct of democratic elections, Article 22 of the Constitution states the direct applicability of a number of agreements and instruments relevant for elections. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and its Protocols,

the Council of Europe Framework Convention for the Protection of National Minorities, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Article 53 of the Constitution obliges the State authorities to interpret the human rights and freedoms guaranteed by the law and Constitution in harmony with the judicial decisions of the European Court of Human Rights. Therefore, the rights enshrined in the ECHR, as well as the other international legal instruments referred to in the Constitution, are directly enforceable, and in case of conflict, have priority over provisions of laws and other acts of public institutions.

The key legal texts governing elections in Kosovo start with the Constitution of 15 June 2008, which defines principles and fundamental rights, and outlines the power structures and institutions relevant to the elections, such as the CEC. The Law on Local Elections (LLE) of 5 June 2008 sets out the main provisions for the organisation of Municipal Elections. However, the most important piece of legislation is the Law on General Elections (LGE) of 5 June 2008, which is applicable in many of its provisions to the Municipal and Mayoral Elections by reference made to it in the LLE. It was amended in October 2010 to introduce some changes mainly regarding the procedures for complaints and appeals.

Other laws and by-laws relevant to local elections include the Law on Local Self Government of 20 February 2008, which defines the status of municipalities, their competencies and the general principles for their functioning; the Rules of Procedure of the Central Election Commission of 4 September 2008, which define the functioning of that body; the Rules of Procedure of the ECAP, which expands the law in relation to the conduct of complaints and appeals; the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (LPPRC), amended in December 2011 and August 2012; the Law on Financing of Political Parties of 16 September 2010, amended in December 2011 and July 2013; and the Criminal Code of 22 April 2012.

A. CEC Regulations

The CEC issued 17 regulations for these elections, which develop the provisions of the law and give further details about how to implement it in practice. They deal with crucial aspects of the elections process. Indeed, some important aspects of the election process are not described in any detail in the LGE, and are left to CEC regulations.

For example, the LGE does not clearly regulate the activities of the Counting and Results Centre (CRC), including the counting, tabulation and certification of election results; they are addressed in greater detail only in CEC Regulations No.6 and No 9. The LGE only makes reference to the CRC in the context of who can observe and who can complain about the work of the CRC. The procedure of nullifying election results and the repetition of the voting is unclear in the LGE and is only regulated in two CEC regulations (Regulations No. 9 and No. 6). Similarly, the responsibilities of the CEC regarding the training of MECs and PSCs are only regulated in a CEC regulation (Regulation No. 9). Inclusion of such procedures in the law could assist in raising confidence in the process.

Another example of an important matter which is not dealt with in the law, but is left to a regulation, is the notification of political events. The LGE and the LLE refer in general terms to the right of political entities to hold campaign events, publish and distribute campaign materials etc. The CEC's Regulation No. 13 on Electoral Campaign and Notice for Political Events goes well beyond this, stating where public meetings should not be held, such as government institutions, schools during school hours, hospitals, religious buildings etc., as well as the procedures and deadlines for notifying the Municipal Election Officer (MEO), and for the MEO to authorise the event, taking into account a police recommendation and whether another political entity may be

planning an event at the same place and time. While the rules detailed in the Regulation are not overly restrictive, such fundamental matters affecting the right to hold a political gathering should be stated in the law, and not left to the CEC to regulate for each election.

B. Electoral Rights

Universal suffrage is guaranteed by Article 45 of the Constitution, where it is stated that every citizen who has reached the age of 18 has the right to vote, unless this right is limited by a Court decision. The LGE states the criteria for eligibility. Its wording lacks clarity. Even if read in conjunction with other relevant legislation, such as the Law on Citizenship, the objective does not come across unmistakably. The general intention appears to be to make the criteria inclusive, so that every person who could be eligible to be a citizen of Kosovo, even if he/she is not, is given the right to vote. This applies to all those potential voters who would be entitled to citizenship but, due to population movements in recent decades, are not citizens of Kosovo. According to the LGE, a person is eligible to vote if: he/she is registered as a citizen of Kosovo in the Central Civil Registry; if he/she resides outside Kosovo and left Kosovo on or after 1 January 1998 (provided that he/she meets the criteria in legislation applicable for citizenship); and finally, if he/she has obtained refugee status on or after 1 January 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo.

The voters list can be challenged at the Courts of first instance. According to the LGE, requests regarding improper exclusion from or inclusion in the voter's list, regular or postal, must be received by the court at the latest by 40 days prior to Election Day. During these local elections, the short timeframes allowed for the process of publication, review, challenge, confirmation and adjudication of the voters list, meant that the right to an effective legal remedy was not always respected.

Restrictions on eligibility to vote contained in the LGE are non-discriminatory. Among them are that a person has been declared mentally incompetent by a final Court decision, is serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia (ICTY), or is under indictment by the ICTY and has failed to comply with an order to appear before the Tribunal.

Eligibility criteria to be a candidate for the Municipal Assembly or for Mayor are also outlined in the laws. The general criteria are laid out in the LGE. Any person whose name appears in the Voters List is eligible to be a candidate. The LGE restricts this right with reference to certain categories of civil servants. The LGE also determines that candidates are not eligible if they have been found guilty of a criminal offence in the previous three years, have failed to pay a fine imposed by the ECAP or have failed to obey an order from the CEC or the ECAP. As regards candidates involved in criminal proceedings, the law upholds the presumption of innocence until found guilty by a lawfully constituted court. A number of candidates for Mayor and for the Municipal Assemblies had been indicted, even for war crimes. One for the Mayoral position in Skenderaj/Srbica municipality was elected while in custody.

The LLE stipulates specific criteria to be a candidate for local elections. For the Municipal Assembly Elections, every political entity shall submit a list of candidates for registration for each municipality it contests. For the Mayoral Elections, a candidate for a mayor, in addition to general criteria of eligibility, must have been a resident in the municipality where she or he is running for at least three years. Elected mayors and members of the Municipal Assemblies may not be members of any other elected body such as the Assembly of Kosovo or another Municipal Assembly.

C. Electoral System for Municipal Elections

The municipality is the basic unit of local self-government in Kosovo. For this purpose, each municipality is considered a single electoral district. The Municipal Assembly is the highest organ of the Municipality and is directly elected by the voters who are registered in the municipality. Registered political entities appear on an 'open list' ballot for each municipality in which they contest the election. Each voter should vote for one certified political entity and also has the option of voting for one candidate from the list of candidates from that political entity. If a ballot paper is marked with more than one candidate, only the vote for the political entity is counted. In that case, the vote cast for the political entity is considered as a vote for the first candidate from the list of candidates of that political entity. The distribution of seats in each Municipal Assembly is made in accordance with the Sainte-Lague method. The term of office for the members of the Municipal Assembly is four years. The number of members in the Municipal Assembly depends upon the number of citizens in the municipality.

The Mayor is elected for a four-year term. Each mayor is elected if he or she receives at least 50 per cent plus one vote of the total valid votes cast in that municipality. If no candidate achieves that percentage, four weeks after the first round, a second election is organised for the two candidates who received the highest number of valid votes in the first round.

D. The Participation of Women

The Kosovo legal framework aims at ensuring gender equality in both the Constitution and the electoral legislation. The Constitution states that the composition of the Kosovo Assembly, as well as the civil service and judiciary, shall respect internationally recognised principles on gender equality. For Municipal Assemblies, the LGE and the LLE establish a minimum 30 per cent quota for both genders for each political entity's list. Out of 7,926 candidates that were certified, 33 per cent were women. In order further to guarantee women's representation, if after the allocation of seats the candidates of the minority gender on a political entity's list have not been allocated at least 30 per cent of the total seats for that political entity, the last elected candidate of the majority gender will be replaced by the next candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least 30 per cent. This 'double positive discrimination' has been criticised by some EU EOM interlocutors. Given Kosovo's open-list system, by which the voters can choose a candidate within a list, the fact that the 30 per cent quota applies also to the election outcome has meant that in some cases women have been assigned seats having gained many fewer votes than male candidates on the same list who were not allocated a seat. This is not in line with the will of the voters or with the principle of the equality of the vote. While this measure may be defensible as a transitional measure to promote the participation of women, in the longer term consideration should be given either to returning to closed lists, according to which voters do not choose individual candidates, or, if open lists are retained, applying the gender quota only to the ordering of the candidates on the list, and not to the outcome.

The measures designed to promote gender equality have had only limited effect in practice. In general, women played a low-profile role during the elections. Out of 224 candidates standing for mayor, only nine were women, and only one was elected, in Gjakovë/Djakovica. Quotas were not foreseen for the election management bodies. As a result, women were under-represented in the CEC, where the Chairperson is the only female member, as well as the MECs and PSCs.

V. ELECTION ADMINISTRATION

A. Structure of the Election Administration

The municipal elections were administered by a three-tiered election administration consisting of the Central Election Commission (CEC) that is a permanent body, as well as 38 Municipal Election Commissions (MECs) and 2,366 Polling Station Commissions (PSCs) appointed only for these elections.

The CEC consists of the Chair and ten members appointed by the President of Kosovo. The Chair was elected for a seven-year mandate from among the judges of the Supreme Court. The ten members were appointed following the nominations of the six largest parliamentary groups of the Kosovo Assembly, and four members representing non-majority communities. While the term of the CEC members is not regulated by the law, in practice they are appointed after each general election (every four years). The Chair may serve for not more than two consecutive terms and the CEC members for not more than three consecutive terms.

The MECs were appointed after the announcement of the elections and, according to the law, their mandate expired 15 days after the certification of the results. The MECs consisted of a Chair who was an executive officer employed by the CEC (Municipal Election Officer) and 6-10 members representing the largest political parties in the Kosovo Assembly as well as political entities represented locally. Of a total 293 MEC members, only 35 were women (12 per cent). The highest percentage of females was in the MEC for North Mitrovica/Mitrovicë – seven out of eleven members).

The 2,366 polling stations were located in 798 Polling Centres. In general, the composition of each PSC reflected the composition of the respective MEC. In addition to “regular” PSC members, in each municipality there was an additional reserve of PSC officials who were responsible for the conduct of voting by voters with special needs (voting in hospitals, homebound voting, etc.) and who were available to replace regular PSC members if required. After the first-round elections, there were changes in the composition of PSCs in all municipalities with runoffs. The PSC members were replaced either due to poor performance in the first round or because the parties that nominated them were not interested in the runoffs. However, these new members were not formally appointed by the CEC as required by the law.

B. Administration of the Elections

The administration of municipal elections in Kosovo was highly centralised with the CEC taking all important decisions from the certification of candidates to the appointment of PSCs. As a result, not much authority was vested with the MECs. Given the particular conditions in the four northern municipalities, the administrative preparations for the elections were carried out differently across Kosovo. In most municipalities, the technical preparations appeared to proceed without major obstacles. However, the inclusion of the Serb population in the north as well as displaced Serbs raised many complex and politically sensitive issues such as the preparation of voters lists, out-of-Kosovo voting and the use of Kosovo state symbols.

Overall, the election officials on the central and municipal level appeared to conduct the administrative preparations in a professional and transparent manner. Despite frequent claims that the CEC was a highly politicised body, the CEC members appeared to work collegially during the course of the EU EOM, frequently taking decisions unanimously and without a partisan approach.

However, there were also certain shortcomings observed in the work of the Commission. While the law requires that CEC meetings be open to the public, the CEC held two closed meetings following the second round, to which no media or observers were invited. The CEC was also widely criticised

for its inability to issue a clear decision regarding the acceptance of Serbian IDs for voter identification on Election Day which led to confusion and resulted in the disenfranchisement of some voters. The acceptance of these documents was foreseen in the conclusions to the Brussels agreement. Moreover, the out-of-Kosovo voting programme organised by the CEC with the support of the OSCE was not well administered, also resulting in the disenfranchisement of many voters (see below). Finally, EU EOM observers reported that some MECs criticised the level of technical support from the CEC Secretariat.

The CEC missed some operational and legal deadlines, notably regarding the public display and certification of voters lists. The use of Kosovo state symbols on election materials was contentious. While the CEC reached an agreement to remove the symbol from the ballots, it remained on the voters lists, results forms and other official electoral documentation. This created uncertainty shortly before the first-round elections as to whether these documents would be accepted in the northern municipalities.

MECs had varying work practices. Some held frequent formal sessions while others met informally and without minutes. For the most part, the MECs were operational and enjoyed the confidence of the main election stakeholders. After the first round of elections, the MECs held training sessions across Kosovo, mostly addressing procedural weaknesses exposed on 3 November. However, in some areas new commission members did not receive adequate training.

The CEC ran a voter education campaign before both rounds of elections, mainly with get-out-the-vote spots on television. However, the campaign to explain to voters how to vote – with complicated marking of ballots for the Municipal Assembly elections (preferential voting) – was rather insufficient as demonstrated by a high number of invalid votes (see below).

C. Role of the OSCE

The OSCE Mission in Kosovo (OMIK) had a key role in the organisation of elections through facilitating the participation of the Serb population residing in in the northern municipalities and outside of Kosovo (mostly in Serbia). For the first-round Election-Day, the OSCE deployed its personnel to each PS in the north, to assist in the conduct of the elections. Initially, the authority and responsibility of the OMIK for various aspects of the electoral process was not regulated by any formal agreement. The issue was finally addressed in the letters exchanged between the CEC Chair and the Head of OMIK in early October.

The conditions for holding the elections in the north were particularly challenging. Kosovo institutions did not hold sway there, and the CEC could not communicate directly with MECs. Therefore, the OMIK facilitated contacts between the election officials, helped to prepare the voters lists and to train polling staff.

Despite many challenges, the basic infrastructure for elections such as the preparation of voters' lists and establishment of polling stations was successfully put in place in the north. However, the complexities and political sensitivities of the process affected the transparency of the preparations for the elections in those municipalities, creating a perception of uncertainty and lack of clarity. Some CEC members criticised the role of the OSCE for the lack of information about the preparations in the north, as well as on the out-of-Kosovo voting, caused by the absence of a formal reporting mechanism. Following a written request from the CEC, on 31 October OMIK submitted a report on its electoral assistance.

VI. VOTER REGISTRATION

Kosovo has a passive voter registration system. The voters lists are extracted from the central civil register maintained by the Ministry of Interior. In addition, the CEC adds to the lists the voters registered for voting from out-of-Kosovo. While the CEC is formally responsible for the accuracy of voters lists, it has only limited possibilities to improve their quality given that all errors in the civil registry database are automatically repeated in the voters lists. One of the possible ways to address the errors is the public verification process. However, due to a delay in the preparation of the voters lists in the north, the CEC delayed the formal approval of the voters lists and therefore missed the legal deadline for the public verification process. Nonetheless, voters had an opportunity to verify their data and confirm their polling station location online. Over 140,000 persons used this opportunity.

There were 1,779,357 voters registered for the 2013 municipal elections, an increase of 191,103 (11 per cent) since the last elections. In addition, some 12,000 voters were registered to vote from out-of-Kosovo.

In general, there was low confidence among election stakeholders in the accuracy of the voters lists, particularly due to the frequent instances of deceased persons. The current civil registration data are based on the civil registration conducted by UNMIK, as the old registry books were taken to Serbia after the conflict (they are being returned).

The civil register is maintained by the Civil Registration Agency of the Ministry of Interior, which has offices in all municipalities. These offices record all changes in the civil status of citizens, issue ID cards, register residence etc. The Agency acknowledges that the register contains an unknown number of deceased persons who passed away between 2000 and 2012. Since February 2013, the system was upgraded and now the municipal offices are connected online with the central database and the deceased persons are automatically removed from the register when a death certificate is issued. The Agency is currently undertaking some efforts to check the civil registration entries against the death certificates issued since 2000.

Many election stakeholders criticised the accuracy of voter registration data as not realistic pointing to the fact that the 2011 census revealed a total population of only 1,733,872 (without the northern municipalities), including children. However, the census did not include the considerable number of citizens residing abroad who are in the civil register and who according to the law have voting rights in all Kosovo elections, including municipal.

VII. OUT-OF-KOSOVO-VOTING

Eligible voters who temporarily reside outside of, or were displaced from Kosovo were entitled to register and to vote by mail. Following the Brussels agreement, for the first time many Serb displaced persons expressed an interest in voting in Kosovo elections. The out-of-Kosovo voting programme was administered directly by the CEC with a facilitation role for the OMIK.

The out-of-Kosovo voter registration took place between 27 July and 17 September. The CEC Secretariat sent registration forms and voter information materials to 25 countries. The CEC received 41,168 applications for registration to vote by mail, the overwhelming majority of them (over 39,000) from Serbia and Montenegro. However, only 8,383 applicants were approved as voters by the CEC. According to the CEC, the rest were rejected due to insufficient evidence submitted to prove that these applicants resided in Kosovo before 1 January 1998. A total of 16,355 rejected applicants submitted an appeal to the ECAP. Under intense time pressure, the ECAP's ten-member panel managed to review these appeals in less than two weeks, and decided to allow

another 5,458. Subsequently, over 5,000 rejected applicants submitted an appeal to the Supreme Court. However, the examination of the appeals was delayed until the applicants paid the required 30 EUR fee. As a result, none of these appeals were reviewed by the Court before Election Day.

Overall, the out-of-Kosovo voter registration process was cumbersome and neither voter-friendly nor inclusive. Applicants had to prove their eligibility by submitting copies of old Kosovo-issued identification cards, passports, driving licenses, utility bills, etc. However, this was a challenge to many applicants after more than 15 years. Secondly, the timeframe for out-of-Kosovo registration was extremely tight given that all applications, decisions and appeals had to be transferred to and from Serbia by the OMIK, and delivered to voters by Serbian post. Moreover, the EU EOM received credible information that the verifying of applications by the CEC was not always consistent and based on objective criteria, and that occasionally correspondence to voters was sent to incorrect addresses.

Another problem concerned the acceptance of postal ballots by the CEC. Before the first round, the CEC received around 11,700 envelopes with ballots, the overwhelming majority from Serbia. The CEC staff verified these envelopes, without inviting observers to be present, prior to forwarding them to the Counting and Results Centre (CRC). The CEC accepted only 5,600 envelopes and rejected over 6,000 for not containing a copy of a valid voter's ID as required by a CEC Regulation. However, the EU EOM established that the CEC's voter information leaflet in Serbian, which was sent to voters together with blank ballots, contained misleading information. Voters were instructed to send with their ballots either a copy of their valid ID or a note with their name and other personal data. Those who chose to attach a note instead of a copy of their ID were later rejected by the CEC. Therefore, these voters were unduly disenfranchised. For the run-offs, around 2,600 postal ballots out of some 4,600 received by the CEC were rejected.

Overall, the technical implementation of the process of out-of-Kosovo voting was thus unsuccessful. Only about 14 per cent of the persons who initially expressed their interest in registering to vote by mail from out of Kosovo successfully cast their ballots in the 3 November elections.

VIII. CERTIFICATION OF CANDIDATES

Candidate certification was conducted in an inclusive manner. By the legal deadline on 4 September, the CEC certified 103 political entities (political parties, coalitions, civic initiatives and independent candidates) to contest the Mayoral and Municipal Assembly elections. No application was rejected – 105 political entities applied but two later withdrew (one civic initiative and one independent candidate). On 19 September, the CEC organised a lottery to decide the order of political entities on the ballots.

In total, 7,926 candidates were certified to run for the 38 municipal assemblies, one-third of them female. Out of 224 candidates for Mayor, only nine were women. Several candidates for Mayor were at the time of the elections indicted for various crimes, some of them for war crimes.

IX. CAMPAIGN ENVIRONMENT

In most of Kosovo, with the notable exception of the four northern municipalities before the first round, electioneering before both rounds took place in a calm atmosphere, and contestants were able to campaign freely and to get their messages across to voters without hindrance. In addition to campaigning through the media, political entities held rallies and small-scale meetings, as well as placing a strong emphasis on direct contact with voters through door-to-door canvassing and

distribution of flyers and other campaign materials, and the use of posters and billboards. Contenders also used social media to advertise campaign events and for paid advertisements.

A. First Round Campaign

The official electoral campaign period for the first-round elections began on 3 October. In Albanian-majority municipalities, the most visible political entities in the campaign were the strongest parties in the Kosovo Assembly, notably the ruling PDK and the opposition LDK. The AAK was particularly active in the west of Kosovo, while Vetëvendosje, and the AKR targeted the elections in certain municipalities. Although these were local elections, national political leaders were prominently engaged in campaigning, both at rallies and at more informal meetings with voters, which were extensively covered by the media. Mayoral candidates were more visible than candidates for the Municipal Assembly elections. Furthermore, national issues also featured strongly, often overshadowing local issues. Promises by the Prime Minister during the campaign of significant funding for municipalities were much criticised by other contenders.

In three of the four northern municipalities, the widespread prevalence of intimidation and pressure against political activists and voters constrained the campaign activities of election contenders, creating an environment that was not conducive to a free campaign. The EU EOM followed up cases of pressure on some individuals not to participate in the campaign, and assessed them as credible. Election campaigning by the political entities was thus very limited, while the campaign against participation in the elections was much more visible. The few campaign posters that were placed were mostly quickly torn down. However, the environment in Leposavić/Leposaviq was more positive, and the election contenders were able to campaign more normally there. Visits by Belgrade officials to Serb-majority municipalities, including in the south, raised controversy, as they appeared clearly to be in support of 'G.I. Srpska'.

Two explosive devices, on 14 and 18 October, targeted figures from the SLS in north Mitrovica/Mitrovicë. Both had previously sought to withdraw from the SLS candidate list, although one did not do so before the deadline for withdrawals. A third during the night of 18-19 October targeted a candidate of 'G.I. Srpska'. On the night of 1 November, the mayoral candidate of 'G.I. Srpska' was physically attacked.

The Law on General Elections contains a Code of Conduct for the campaign, to which all election contenders were obliged to commit, with violations to be sanctioned by the ECAP. Among other things, the Code prohibits any kind of intimidation or violence by political entities, as well as vote buying. Notwithstanding these prohibitions, allegations of pressure on public-sector workers, including medical workers and teachers, as well as students and pupils, to attend campaign events for the incumbent ruling party in the municipality concerned were voiced in some areas. The EU EOM assessed cases in Pristina, Skënderaj/Srbica, Lipjan/Lipljan, Gjakovë/Djakovica, Gračanica/Graçanicë, Klokot/Klllokoti and Leposavić/Leposaviq municipalities as credible. There were also allegations of politically motivated dismissals of public-sector workers who joined political entities that were in opposition in that municipality. The EU EOM confirmed this practice in Malishevë/Mališevo.

The EU EOM received allegations of widespread vote buying, especially on the day before Election Day. There were indications of Roma being targeted for vote buying in South Mitrovicë/Mitrovica and Gračanica/Graçanicë. At the end of November, at a trial in the Basic Court in Gjilan/Gnjilane, one individual admitted supplying laminate, and a second admitted to receiving it, in return for casting his vote for the SLS in Ranilug/Ranillug on 3 November. They were given the lowest possible sentence, given that they had admitted their offence.

The placing of campaign posters was often controversial. In some municipalities, political entities claimed that ruling parties at the local level were favoured in the allocation of commercial billboards. The law does not assign any specific public places for posters, but the Code of Conduct does prohibit the placing of posters in certain places, such as public institutions, traffic signs etc., as well as the removal or defacing of posters. A large number of complaints were filed with the ECAP about the infringement of the rules, and in many cases fines were issued.

B. Second Round Campaign

The political environment in most of Kosovo following the first-round elections on 3 November was calm, with some tensions and strong political rhetoric noted in a few municipalities which had tightly contested second-round runoffs, including Pëje/Peć, Pristina and Gjakovë/Djakovica. In most cases, the first round Mayoral results were not publicly questioned, although political entities did raise a range of concerns, including the high number of invalid ballots and inaccuracies in the voters list, as well as the length of time it took for the tabulation and announcement of the results.

Unlike for the first round, the law does not specify the duration of the election campaign for the second round. In line with the CEC Election Regulations, on 20 November, the CEC announced that the official campaign for the second round would run from 25-29 November. There is no legal prohibition on political entities campaigning outside of the official campaign period. Nevertheless, before then, campaigning was subdued, mainly involving door-to-door campaigning and direct contact with voters. As in the first round, contenders made extensive use of social media, but before the second round strong political rhetoric was more noticeable in some municipalities.

In the three weeks following the first round, most political entities were more focused on negotiating alliances for the second-round runoff races than on campaigning as such (a process that was complicated by the fact that the results for the Municipal Assembly elections, and thus the relative local strengths of the political entities, was not yet known). In general, such alliances were concluded at local level, according to the preferences of political entities' branches. In the last week before Election Day, campaigning picked up somewhat, including larger-scale rallies in some places.

In the northern Serb-majority municipalities, in contrast to the campaign period before the first round, the anti-election campaign was not visible. However tension was noted in several Serb-majority municipalities, in the south as well as the north, including allegations of pressure on voters and on public-sector employees, particularly, but not exclusively, by 'G.I. Srpska'. In some cases, in Štrpce/Shtërpce and Parteš/Partesh, observers found that the allegations were credible. Shortly before the second round, three 'G.I. Srpska' members in Štrpce/Shtërpce were questioned by police for allegedly pressurising voters. There were also minor violent incidents in Štrpce/Shtërpce. As before the first round, the EU EOM received widespread allegations of vote-buying. In Parteš/Partesh, a 'G.I. Srpska' activist was charged for allegedly offering money to voters.

C. Campaign Finance

Rules regarding the financing of political entities' campaigns are contained in the Law on General Elections as well as the Law on Financing Political Parties of September 2010 (which otherwise deals with the regular financing of political parties), amended in December 2011 and July 2013, as well as CEC regulations.

Political entities represented in the Kosovo Assembly receive funding from the Kosovo budget for their regular activities, based on the allocation of seats. The Law on Financing Political Parties

foresees the possibility for the Kosovo Assembly, on the proposal of the Government, to allocate funds from the budget for the financing of election campaigns. Of this, for municipal elections, 90 per cent may be allocated on the basis of the number of seats held in Municipal Assemblies, and a further 10 per cent to other political entities certified for the elections by the CEC. However, such state funding for campaigns was not allocated for these municipal elections.

In line with the LGE, upon the calling of the Municipal Elections, the CEC in July 2013 issued a decision defining the limits for expenditure for each political entity during the election campaign. Accordingly, campaign expenditure was limited to 0.5 Euro per registered voter in each municipality. In three municipalities with less than 5,000 registered voters, the limit was 0.7 Euro per registered voter. The CEC issued a list of municipalities, detailing the number of registered voters and the amount of expenditure allowed for each of them, with a total limit of 886,869 Euros for the whole of Kosovo.

Each political entity is required to provide a Campaign Finance Disclosure Report no later than 45 days after the end of the election, including all of its branches, detailing income and expenditure, including the sources of donations. The CEC's Office for Political Parties' Registration and Certification (OPPRC) is responsible for monitoring compliance with the rules. According to the July 2013 amendments to the Law on Financing Political Parties, at least 10 licensed auditors are selected by the Kosovo Assembly in an open tender, through its committee for the Oversight of Public Finances, who have the responsibility for auditing the political entities' Disclosure Reports. The political entities' reports are supposed to be published on the CEC's website.

Political entities have an opportunity to submit a revised report upon being informed of omissions identified by the auditors. However, the OPPRC informed the EU EOM that auditors do not check for the completeness of political entities' records (i.e. that all incurred campaign expenditure is reflected in the submitted reports). Not checking for completeness of the records would mean unrecorded donations are less likely to be identified. In this case, the aim of placing limits on campaign expenditure, and that political entities should not be able to spend above those limits, would not be met.

X. MEDIA ENVIRONMENT

A. Media Landscape

There are 105 broadcast media in Kosovo, 84 radio and 21 TV stations, eight daily newspapers and numerous online media. Television is the most important source of information, especially outside Pristina.

Radio Television of Kosovo (*RTK*) is the public broadcaster with two TV channels, Albanian-language *RTK1* and, since June 2013, also Serbian-language *RTK2*, as well as two radio stations. Whereas *RTK1* covers the whole of Kosovo, and is considered one of the most influential media outlets, *RTK2* broadcasts via cable and is virtually not reachable in the northern municipalities. Two private channels, *Koha Vision (KTV)* and *TV21*, have national terrestrial coverage. Another major private broadcaster, *Klan Kosova*, is nationally available through cable. While print media struggle with limited circulation and declining impact, the role of the internet and readership of online media, including a number of politics-oriented portals, is growing.

EU EOM interlocutors spoke positively of the diverse media environment and the variety of information sources. However, they also pointed out persistent problems, including financial constraints, which can make media vulnerable to political influence, as well as public media's funding model, currently based primarily on the state budget.

B. Legal Framework

The Constitution guarantees freedom of expression and media pluralism. In April 2012, the Kosovo Assembly decriminalised libel and in October, after protests from media organisations, it withdrew two newly adopted criminal code articles under which journalists could have been jailed for offences committed via the media or for refusing to reveal their sources.

The Law on the Independent Media Commission (IMC) and the Law on Radio Television of Kosovo set some rules for media coverage in broadcast media. The latter stipulates that the editorial policy of *RTK* shall be independent, fair, professional, objective, balanced and impartial. However, the Law on General Elections contains the main rules for the election campaign in the media. On 25 September 2013, the IMC adopted the guidelines on how to implement these rules.

Under the LGE, during the official campaign period both public and private broadcasters are required to ensure fair and unbiased news coverage. In addition, each registered political entity is entitled to a minimum of 40 and 30 minutes of free airtime respectively on public television and public radio. Additionally, all private broadcasters that choose to air paid advertisements are required to offer free airtime to each certified political entity, with a minimum number of minutes depending on the broadcasters' geographical outreach. Whereas there is no limit on paid airtime, the price charged for paid spots should be no higher than the lowest rate charged for the same time in the previous six months. Print media are also allowed to offer both free and paid space, with equitable conditions for all political entities.

The Law also obliges the IMC to oversee the compliance of broadcast media with legal provisions, including through its own media monitoring. The Executive Office of the IMC conducted the media monitoring during the campaign and the EU EOM was informed that media, including public broadcasters, complied with requirements regarding the allocation of free time.

However, the fact that the Commission is composed of political nominees negatively affected its work. Two out of seven positions were vacant since the members had not been appointed due to political disagreement in the Kosovo Assembly. On 30 October, the Parliamentary Commission on Media[†] found two other members in breach of the Law on the IMC for participating in the election campaign and adopted a proposal for the Assembly to dismiss them, as well as the IMC's Chairman, for violating the requirements during his appointment in 2012.

Overall, the IMC failed to take up its legal responsibility to oversee media performance and to review and adjudicate media-related complaints. The body did not hold any official session to discuss either these complaints or the findings of the media monitoring conducted by its Executive Office throughout the whole election period from the beginning of the official campaign on 3 October 2013.

The EU EOM learned about 11 official complaints on various aspects of the media coverage related to both rounds of elections. The EOM was not provided with copies of the complaints, with the explanation that the procedures were ongoing. The IMC through its media monitoring *ex officio* identified 13 additional cases, mostly concerning the presence of children in political spots, and breach of the silence period for showing views of political representatives after they cast their ballots. In three such cases the IMC decided to issue a written warning. These written warnings were based on the provision of the LGE that prohibits broadcasting campaign activities during the silence period. In its guidelines, the IMC took a more restrictive approach, and extended this prohibition to include any election-related statements by political entities.

[†] The Kosovo Assembly Committee for Education, Culture, Youth, Sports, Public Administration, Local Governance and Media.

C. Media Monitoring Findings

Based on a qualitative and quantitative analysis the EU EOM conducted its media monitoring of the political coverage of eight television channels, two radio stations, two online media and three newspapers.[‡]

Overall, prior to both election rounds, the media provided political entities with a variety of ways to disseminate their messages to the electorate, and offered voters diverse information to enable them to make an informed choice. Freedom of expression was respected. However, in one notable negative instance, the editor-in-chief of *Kosova Sot* was intimidated following critical photo-reporting concerning Pristina Municipality.

The news coverage in general reflected the extent of contestants' campaign activities, so that the most active political entities received the highest coverage. National media paid particular attention to the campaign in Pristina. Other municipalities were also regularly covered, both in the news and debates, however, the exposure, particularly in the first round, was largely driven by the presence of party leaders rather than the activities of municipal candidates or local topics. The focus of the media almost invariably depended on the broadcasting language. Albanian-language media devoted only minimal coverage to political entities representing Serb and other non-majority communities, while the monitored Serbian-language TV channels largely omitted political entities representing the Albanian majority.

THE FIRST ROUND

The campaign was highly visible in the national media, with extensive news coverage, a very high number of paid spots and numerous televised debates covering different municipalities. While some local media outlets, including *Tema TV* in Ferizaj/Uroševac and the Serbian-language private TV channels of the *Mreža* network, offered viewers additional election-related coverage, including debates, national media were generally perceived as the main informational source. Social media were also widely used as a new media platform to communicate with the electorate, although the extent varied in different parts of Kosovo.

The PDK received the most news coverage in most Albanian-language media. In its news programmes, public television *RTK1* gave the highest coverage to the PDK, followed by the LDK, allocating them 27 and 22 per cent of the overall political coverage respectively. The channel covered many more PDK campaign events than those of the LDK, 248 as against 187. Among other covered political entities, the AAK-LDD coalition and Vetëvendosje received 15 and 12 per cent of the political coverage respectively. All parties were presented in a mainly positive manner as the TV channel covered the campaign in its news programmes primarily on the basis of the media opportunities and topics offered by the contestants, with minimal editing. Positively, public television minimised coverage of the government (3 per cent), so the activities of governing-party representatives in their official capacities did not influence the campaign.

The private TV channel *Klan Kosova* allocated similar proportions of coverage to the public television, with higher coverage to the PDK and the LDK, with 24 and 19 per cent respectively, and 17 and 12 per cent to the AAK-LDD and Vetëvendosje.

[‡] The monitoring commenced on 7 October for the first round and on 6 November for the second round, and the following media were monitored: *RTK1*, *RTK2* (public TV channels), *KTV*, *TV21*, *Klan Kosova*, *Most TV*, *Puls TV*, *RTS* (public television of Serbia), *B92 Info* (only for the 2nd round of Mayoral elections); public *Radio Kosova* and *Radio Dukagjini* (radio stations); *Kosova Sot*, *Koha Ditore* and *Zëri* (newspapers); and www.gazetaexpress.org and www.telegrafi.net (online media).

Private *TV21* offered its viewers a quantitatively balanced portrayal of the most active contestants, granting the PDK, the AAK-LDD coalition, the LDK and Vetëvendosje between 15 and 123 per cent. The tone for all covered political entities was overwhelmingly positive. Some other outlets, such as the nationwide Koha Group outlets, namely *KTV* and *Koha Ditore*, a newspaper, adopted a different approach, with rather critical coverage of the ruling PDK and the government.

All major channels also aired analytical programmes and numerous debates. The debates aired by *TV21* took place in the municipalities concerned, and adopted an interactive approach with audiences. The debates held by *Klan Kosova* included representatives only of six particularly active political entities.

The public Serbian-language TV channel *RTK2* provided balanced news coverage of the most active political entities aiming at Serb voters, such as the SLS and 'G.I. Srpska', allocating them 21 and 20 per cent, with similar levels of attention given to the Governments of Kosovo and Serbia. The channel also aired debates with contenders campaigning for the votes of Serbs, Montenegrins and Bosniaks. Of the monitored private Serbian-language TV channels, *TV Most* showed bias in favour of the 'G.I. Srpska'.

While both monitored radio stations presented rather balanced coverage, that of the public Radio Kosova was more detailed, while Radio Dukagjini aired factual and informative reporting. Monitored online media generally limited their coverage to transmitting political messages from other sources, largely eschewing more analytical reporting. However, readers could find a more analytical approach in the print media. The highest-circulation *Kosova Sot* displayed negative coverage of the LDK, notably through criticism of the incumbent Pristina Mayor and LDK leader, Isa Mustafa.

THE SECOND ROUND

The media coverage of the elections during the first three weeks after the first round saw a significant drop-off in comparison with the period before the first round. This approach was primarily due to the limited activities of the contestants. Nevertheless, some broadcasters, such as *Klan Kosova* and *KTV*, aired several debates in the weeks before the official campaign. The public television station *RTK1* aired a debate between the Pristina candidates, including the leader of the LDK, Isa Mustafa, who had not previously participated in any debate. Shortly before the official campaign, *TV21* began a series of debates, including experts and potential Assembly members elected on 3 November.

Prior to the start of the official campaign, broadcast media's news coverage was dominated by rather extensive reporting on the activities of official bodies. The private *TV21* dedicated the highest proportion of its news coverage to the Government, mostly neutral in its tone. The public *RTK1* and private *KTV* also gave quite high coverage to the Government. While the majority of *KTV*'s coverage was neutral, *RTK1*'s coverage was mostly neutral and positive. The private broadcaster *Klan Kosova* focused even before the start of the official campaign on the two contesting entities that were competing in the highest number of runoffs, the LDK and the PDK.

The campaign became clearly visible after its official start. Media devoted much attention to certain municipalities, in particular Pristina and Gjakovë/Djakovica. Of the monitored media, *RTK1* covered the campaign in the highest number of municipalities.

Similarly to the first round campaign, media coverage reflected the activity of the political entities, with the LDK being the most covered entity in the majority of monitored media in Albanian language. During the official campaign period, considerable media attention was given to a video recording which allegedly showed LDK members pressurising a Vetëvendosje activist to join the LDK. The LDK disputed the allegation. The media reporting on this video resulted in increased attention to the LDK in the last days of the campaign, notably from *KTV*, which gave critical

coverage in relation to the video. The public *RTKI* presented all the parties in a mainly positive and neutral manner, and its coverage of the LDK was also somewhat marked by the video. *Klan Kosova* adopted an equitable approach to the main contestants.

Media coverage on all Serbian-language TV channels was visibly influenced by the significant airtime dedicated to official political representatives from Serbia who regularly endorsed the 'G.I. Srpska' list. This political entity received preferential news coverage on all monitored Serbian language TV channels, with the highest proportion (79 per cent) on *TV Most*.

While the online and print media generally adopted a similar reporting line to the first round, some media outlets, in particular *Koha Ditore*, devoted more attention to the widespread allegations of vote buying.

XI. ELECTORAL DISPUTES

The right of every person to pursue legal remedies against judicial and administrative decisions which infringe his/her rights or interest is guaranteed in the Kosovo Constitution. The Criminal Code defines electoral crimes and foresees punishments. The police, prosecution and courts enforce the criminal legislation related to elections, although there are no special electoral prosecutors or courts. The Law on General Elections provides for the establishment of a central structure of redress for administrative offences related to elections.

A. Complaints and Appeals

The system is centralised in a special independent institution, The Elections Complaints and Appeals Panel (ECAP), which is responsible for adjudicating all complaints and appeals concerning the whole electoral process (except for challenges to the voters list and media-related complaints). The President of the Supreme Court appoints the ECAP chairperson from among the judges of the Supreme Court. The Panel is composed of ten judges, including the chairperson. It has a permanent Secretariat that undertakes the necessary legal work that forms the basis for the judges' decisions. It also manages the administration and the budget. The ECAP is independently financed from the Kosovo Budget.

Complaints lodged with the ECAP can be related to the conduct of the campaign, the conduct of voting, counting and tabulation, as well as the contesting of election results. The ECAP acts also as a second instance body, dealing with appeals to decisions made by the CEC regarding the certification of political entities, accreditation of observers, party registration and out-of-Kosovo voting. ECAP decisions are mandatory for the CEC, which is obliged to implement them. However, ECAP decisions, both on complaints and on appeals, can be appealed to the Supreme Court. The CEC certifies the final election results only after all complaints have been determined by the ECAP or any appeal against the ECAP's decisions has been determined by the Supreme Court.

Amendments to the LGE in October 2010 made substantial changes to the procedures for complaints and appeals. The procedures are now more detailed and the sanctions to be imposed by the ECAP have been adjusted more to reflect the offences. The role of the Panel was clarified and strengthened. Nevertheless, the work of the Panel has proved very challenging in many aspects during these local elections.

A complainant can be any person, natural or legal, that has a legal interest in the matter, or whose rights concerning the electoral process are thought to have been violated. In general however, it has been the larger political entities that have made the most use of the possibility to complain. Deadlines for lodging complaints and for the ECAP to decide on them are tight, especially for those related to voting and counting. Complaints related to the voting process need to be lodged within 24

hours of the closure of the PS. Complaints related to counting and tabulation must be filed within 24 hours of the alleged violation. In each case, the ECAP has 72 hours from the receipt of the complaint to reach a decision. As a result of these short timeframes, it was difficult for the complainants to prepare their complaints or for the ECAP fully to consider them.

For these Municipal Assembly and Mayoral elections, the ECAP received a total of 1,070 complaints, 37 appeals against CEC decisions on the registration and certification of candidates and political entities, and 16,355 appeals against CEC decisions on out-of-Kosovo voters' registration.

In relation to the official election campaign periods before the two election rounds, the ECAP dealt with 279 complaints. The majority were lodged by political entities and concerned violations of the code of conduct relating to the damage or irregular placement of posters, for which the ECAP imposed fines totalling 184,500 Euros. Political entities are obliged to pay or run the risk of not being certified for the next elections. If a sanctioned political entity does not pay the fines, the amount is deducted from the official amount of money allocated to it for the next elections. The LGE states that political entities are responsible for violations of the Code of Conduct committed by the members, supporters and candidates. Some EU EOM interlocutors objected that the fines were unduly high, and considered such 'collective punishment' of political entities for the transgressions of their members inappropriate.

Following the first round elections, the ECAP received 173 complaints related to Election Day and 322 related to counting and tabulation, including 69 received after the announcement of the results for the Mayoral elections. In relation to the second round, the ECAP received 46 complaints about voting and counting. However, the ECAP's capacity was stretched by the fact that the results of the Municipal Assembly Elections were announced the day after the second-round election, and 250 complaints from political entities contesting those results were received at the same time.

Overall, the ECAP acted in an organised manner, met deadlines, and made its decisions available on its website. As permitted by the law, it consolidated similar complaints from the same municipality, and treated them as one. All ECAP decisions that were monitored by the EU EOM were taken by consensus. However, in considering complaints, the ECAP judges mostly adopted a formalistic approach, often without investigating the evidence. Of all the complaints from the two Election Days related to voting, none were granted. Of those related to counting and tabulation, the ECAP granted only two from the first round of the Mayoral elections, and a further 14 from the Municipal Assembly Elections, directing the CEC either to recount the ballots or, in one case for the first round, to repeat elections. On other occasions, the CEC ordered recounts or repeat elections.

In reaching its decisions on complaints, the ECAP did not always initiate investigations, and did not hold hearings. The law gives the Panel the possibility of holding hearings, but does not oblige it. The complainant is obliged to present evidence, which is an essential component of the right to file a complaint. However, if there is no hearing, that right is limited to whatever the complainant has been able to gather in 24 hours in a written complaint. Furthermore, in such circumstances, the subject of the complaint does not have a full opportunity to present their case. This contravenes Article 10 of the Universal Declaration of Human Rights and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

While the law does not oblige the Panel to undertake a proactive investigation in every case, it gives that possibility when it is suspected that a complaint may involve fraudulent activities concerning election materials. The Panel did not often utilise this option. Overall, the ECAP resolved complaints within the legal deadline, but in the absence of the necessary evidence, rejected most of them, without having investigated whether irregularities may have occurred. According to EU EOM interlocutors, this affected the credibility of the body among some stakeholders.

Violations that aim to affect the election results, besides being administrative offences, could also be criminal offences. In such cases, the ECAP should forward the matter to the office of the Chief Prosecutor, to pursue a criminal case. But this should not divest the ECAP of its jurisdiction to determine the administrative liability. No complaints were forwarded to the Chief Prosecutor to investigate, but the ECAP shared information and asked for evidence from the police in 24 cases.

The overwhelming number of complaints and appeals received in a concentrated period of time stretched the capacity of the ECAP Secretariat to an almost unmanageable degree. The period for adjudicating out-of-Kosovo appeals overlapped with deadlines for campaign complaints. The announcement of the Municipal Assembly Elections results only the day after the second round Election Day meant that the period for submitting complaints on voting in the second round and for challenging the results of the first-round elections also overlapped. The lengthy period before the official announcement of the election results, combined with the tight deadlines imposed by the law for the ECAP to adjudicate, made it very difficult for the judges to use the maximum possibilities that the law allows to take a more pro-active investigative role or to hold hearings. Given the combination of tight deadlines and capacity constraints, the judges did not dedicate enough time to discuss and decide on the decisions and to direct the work of the legal officers.

The permanent structure of the ECAP, with the present number of judges and employees, has proved dysfunctional during the election period when its work is most relevant. Consideration should be given to strengthening the capacity of the Secretariat, which has the most important responsibility in the legal preparation of the decisions for the judges to consider, besides all other administrative functions.

Overall, the right to pursue an effective legal remedy in relation to the enforcement of electoral rights has not always been respected, as defined in Article 8 of the Universal Declaration of Human Rights and Article 13 of the ECHR. Furthermore, the ECAP is not a tribunal that forms part of the Kosovo Judicial System, but an independent body composed of judges. Article 14 of the ICCPR says that everyone shall be entitled to a fair and public hearing by an independent and impartial tribunal established by law. While the impartiality of the ECAP has not been questioned, the only part of the redress process where a court established by law intervenes is the appeal stage to the Supreme Court. Yet the percentage of rejected complainants that used that last resource was very low. Of all the complaints rejected by the ECAP, only 24 were appealed to the Supreme Court. In 23 of these cases, the Administrative Division of the Supreme Court upheld the ECAP's decision, and in one case it asked the ECAP to revise it. The Supreme Court does not hold hearings nor publish its decisions, limiting the transparency of the appeal process. In order to comply with international standards, consideration should be given to making the ECAP part of the Kosovo judiciary. The decentralisation of the process of redress might also be considered, especially in case the election administration were also decentralised, to increase the role of the MECs. At basic court level, appointed electoral panels of judges or the MECs could deal with first instance complaints.

B. Enforcement of Electoral Rights

Following the experience of the previous elections, when there were a high number of allegations of violations of electoral rights, the new Criminal Code which came into force on 1 January 2013 introduced substantial changes designed to discourage electoral fraud. The number of criminal offences related to elections was increased from six to ten. They now include the violation of the right to be a candidate, threats to candidates, preventing the exercise of the right to vote, violating the free decision of voters, abuse of office, giving or receiving a bribe in relation to voting, abusing the right to vote, violating the secrecy of the vote, obstructing the voting process, falsification of voting results and destroying voting documents. The penalties foreseen for each crime were also increased, including imprisonment of up to five years for a wider number of offences.

In order to make the wider public aware of these changes and ensure their application, a Memorandum of Understanding was signed on 18 September 2013 between the Kosovo Prosecutorial Council, the Kosovo Judicial Council, the Kosovo Police, the CEC and the ECAP. A Task Force was established with the purpose of increasing cooperation and coordination between these institutions in tackling criminal offences against electoral rights. The Office of the Prosecutor and the Kosovo Police coordinated effectively in publicising the sanctions foreseen for electoral violations and in acting against such violations. One of the State Prosecutors was appointed as national coordinator, and led the work of the Task Force, representing it in the Media. A public campaign, including media spots, was undertaken to raise awareness about the work of the Task Force among elections officials, authorities and voters. Seven roundtables were organised before the first round of Elections in the seven main judicial regions around Kosovo. Brochures with information about the new criminal legislation, the role of the different institutions involved in the elections and the telephone number of the police were disseminated with the aim of encouraging people to report electoral offences.

For the two Elections Days, the Chief Prosecutor deployed 50 prosecutors for the first round on 3 November and 60 for the second round on 1 December, who acted in close coordination with the police and the basic court judges who were on duty. On the two Election Days, 117 people were arrested. As a consequence, 19 criminal cases involving a total of 32 people were opened, including 14 election officials. Judges were instructed to prioritise those cases. Overall, the severe sanctions envisaged, combined with the public information campaign warning of the possible consequences for those who commit election-related offences, was believed to have provided an effective deterrent effect in discouraging the violation of election rules.

XII. NON-MAJORITY COMMUNITIES

Equality of individuals before the law and respect for internationally recognised fundamental rights are enshrined in Kosovo legislation. The rights of the non-majority communities are regulated in the Constitution and by other laws, including the LGE and the LLE. Other relevant laws include the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, amended in December 2011 and August 2012, and the Law on Languages.

For Kosovo Assembly elections, the LGE establishes reserved seats for the representatives of the non-majority communities, so that the declaration of their ethnic affiliation is part of their certification process if they wish to contest those seats. Although there are no reserved seats for members of non-majority communities in Municipal Assembly Elections, still political parties operating across ethnic lines are rare. Election campaigns were generally aimed at individual ethnic groups, and larger political entities did not address issues of specific concern to minorities. However, all non-majority community political entities were able to take an active part in the electoral process, including negotiations with contesting entities involved in the second-round runoff races.

Of the 103 Political Entities certified by the CEC for the elections, 52 represented members of minority communities (28 Serb, 11 Bosniak, 3 Montenegrin, 3 Turkish, 2 Roma, 2 Ashkali, 1 Egyptian, 1 Gorani, and 1 Croat). All of them won at least one Municipal Assembly seat. Only some of them put forward mayoral candidates, of which Serb candidates won in 10 Serb-majority municipalities and one in a Turkish majority municipality.

There are guarantees for minorities' representation in local legislative and executive bodies. The Law on Local Self-government stipulates that in those municipalities where at least 10 per cent of the population belongs to non-majority communities, a post of Chairperson of the Municipal Assembly for Communities should be reserved for a representative of these communities.

Furthermore, the post of the Deputy Chairperson of the Municipal Assembly for Communities should be held by the non-majority community candidate who received the most votes on the open list of candidates for election to the Municipal Assembly. In mayoral elections, in municipalities where 10 per cent of registered voters are from non-majority communities, there should be a Deputy Mayor for Communities.

In relation to representation of minorities in Election management bodies, the legislation foresees that the membership of MECs and PSCs should reflect the composition of the different communities in the municipality. However, Long-Term Observers noted that minority communities other than Serbs and Albanians (in areas where Serbs form the majority) were not always represented in proportion to their numbers.

XIII. DOMESTIC OBSERVATION

The Law on General Elections provides for domestic and international election observation. The CEC accredited more than 32,000 observers in an inclusive manner, enhancing the transparency of the electoral process. Almost 29,000 of them were from political entities, with the highest numbers coming from the PDK and the LDK. Almost 2,500 observers were accredited from civil society organisations.

Democracy in Action, a coalition of civil society organisations, observed the whole election process, and deployed observers at polling centres throughout Kosovo for both election rounds. It issued statements on its findings, and held press conferences during the Election Days. The Kosovo branch of the Balkan Investigative Reporting Network (BIRN) deployed observers to selected locations. The Coalition of Election Monitoring, comprising nine civil-society organisations from the Serb community, deployed observers in Serb-majority municipalities. Also the European Centre for Minority Issues deployed observers in the southern Serb-majority municipalities. The Ombudsperson institution also deployed observers, focusing on the voting process for those confined in institutions such as hospitals, mental health facilities, prisons and detention centres.

XIV. POLLING AND COUNTING

In both election rounds, on 3 November and 1 December, the elections passed calmly and peacefully in most of Kosovo, without major incidents. People went to the polling stations to express their democratic right to vote, and cast their ballots freely, without hindrance. The EU EOM Observers assessed the voting process positively in almost all observed PSs. However, both election rounds were marred by violent incidents when polling centres were invaded, ballot boxes broken and election materials removed, in North Mitrovica/Mitrovicë on 3 November, and in Parteš/Partesh on 1 December. Rerun elections in North Mitrovica/Mitrovicë on 17 November and the second-round elections on 1 December were held with a very high level of security, including international police and soldiers, in order to forestall any possible repeat of the events of 3 November.

In observed PSs in both rounds, there was a significant preponderance of male PSC members, and in one-quarter of them all the PSC members were male. A large number of PSs were inaccessible for people with disabilities who did not request homebound voting. Political party observers were present in almost all observed PSs, enhancing the confidence of stakeholders. Civil society observers were present in around three-quarters of them. They had a clear view of the process. However, in a number of PSs they were observed interfering in the procedures.

At regular intervals during Election Day for both rounds, the Task Force led by the Chief Prosecutor provided updates on the number of criminal cases opened for violations of electoral

rights, with the aim of deterring electoral offences. The prosecutors deployed around Kosovo worked together with the police to enforce the criminal legislation on Election Day. They announced the opening of criminal cases including voting on behalf of someone else, illegal possession of fire arms, obstruction of voting, misuse of office, and violation of the free will of the voters. The ECAP received complaints on both Election Days related, among other things, to alleged manipulation of election material, vote-buying and assisted voting.

A. First Round, 3 November 2013

In general, the first round election on 3 November 2013 took place in a positive atmosphere. In the northern municipalities too, people went to vote, although in North Mitrovica/Mitrovicë opponents of the elections gathered outside some polling centres, and tried to dissuade would-be voters from voting, sometimes successfully. The EU EOM observers noted cases of intimidation in North Mitrovica/Mitrovicë and Leposavić/Leposaviç. Election Day in the four northern municipalities was brought to a halt due to attacks on three polling centres in North Mitrovica/Mitrovicë, and the smashing of ballot boxes in several PSs. This led to the abandoning of the election process throughout the north. Ballot boxes from the other northern municipalities were brought to a location in the south, although there was concern about the security of the transfer in some cases.

The EU EOM observed opening, voting, closing and the vote count in 460 polling stations across Kosovo. The opening and voting was evaluated positively in the vast majority of observed polling stations. While the integrity of the vote appeared to be sufficiently protected in most places, there were isolated cases of serious violations, including multiple voting, intimidation and taking photographs of ballot papers during voting.

The secrecy of the vote was not always respected. More than one person in the voting booth was observed in a significant number of polling stations throughout Kosovo, often due to family voting. Voting procedures were mostly followed, but there were a few cases when IDs were not checked or when checks were not made to see whether fingers had already been inked.

There was inconsistency as to whether Serbian or UNMIK IDs should be accepted for voting. On the eve of the elections, the CEC issued guidelines stipulating that any valid ID could be used, but it did not specify whether Serbian IDs were included. This often led to confusion among PSC staff. In some observed PSs, Serbian IDs were initially not accepted, but were accepted later on, after the PSCs were contacted on the matter by the MECs and informed that they should accept any valid ID, including Serbian ones.

Overall, counting was carried out without serious irregularities, although procedural errors were noted in some cases. In some polling stations, signatures in the voters list were not counted, and in some the results protocols were not correctly filled out.

A very large number, some 10 per cent, of ballots were invalidated for the Municipal Assembly elections. While many of these may have been attributable to voters' poor understanding of ballot marking requirements, others may have been incorrectly invalidated due to poor training and unclear instructions to PSCs, leading to the disenfranchisement of many voters.

B. Reruns in North Mitrovica/Mitrovicë, 17 November 2013

During the 17 November 2013 rerun elections in North Mitrovica/Mitrovicë, in many cases, employees of public institutions and their families were required to go to vote, reportedly in an organised way. Such compulsion is not in line with principles for democratic elections, and contravenes Article 25 of the ICCPR.

The voting passed without incident, with a heavy security presence around the polling centres, including Kosovo Police, EULEX and KFOR. Despite this environment, people were able to vote

without hindrance. The EU EOM deployed one Long-Term Observer (LTO) team, which observed 13 of the 27 PSs where voting took place. They assessed the conduct of the voting positively in all observed PSs, although procedural errors were noted in some. Political entity observers were not present in any of the observed PSs, neither on 17 November nor in the second round in North Mitrovica/Mitrovicë on 1 December. On the recommendation of the OSCE Mission, made on security grounds, following the closing of the PSs the CEC announced that the voting materials would be transferred to the CRC for counting, although the LGE states that counting should take place at the PSs. The count was carried out by the PSCs with the support of OSCE staff. The EU EOM assessed that it was carried out in a very organised manner, with procedures strictly followed.

The results for the reruns in North Mitrovica/Mitrovicë showed that a runoff would be required between the two leading mayoral candidates, which was held on 1 December. The 'G.I. Srpska' candidate disputed the results, claiming that ballots may have been tampered with following the closing of the PSs. This allegation was categorically refuted by the OSCE.

C. Second Round, 1 December 2013

The EU EOM observed the opening, voting, closing and counting in 330 PSs across Kosovo for the second-round election on 1 December 2013, as well as the intake of electoral materials at the MECs. The opening and voting were assessed as good or very good in almost all observed PSs. Voting in the two northern Serb-majority municipalities where elections took place passed peacefully, with a heavy security presence. As on 17 November, EU EOM observers noted that public-sector workers were under strong pressure to go to vote. Similar concerns were noted in the Serb-majority municipality of Štrpce/Shtërpce.

As in the first round, observers assessed that the integrity of the vote was sufficiently protected in most PSs. However, there were reports of ballot papers being photographed in some places. As on 3 November, the secrecy of the vote was not always safeguarded. More than one person in the voting booth was observed in many PSs. As well as family voting, the possibility of requesting assisted voting was frequently used, and observers noted widespread suspicions that this was sometimes being abused. Voters showing their ballots outside the booth were observed in several cases, especially in Gračanica/Gračanicë and Pristina. Voting procedures were mostly followed, but stamps on ballots were often not checked by a PSC member before the ballot was cast.

Overall, counting was conducted more smoothly than for the first round, probably reflecting the fact that in most places only one election, the Mayoral runoffs, was taking place, and with only two candidates. The process was generally carried out quickly and without serious irregularities, and procedures were mostly followed. The handover of election materials at the MECs was assessed by observers to have been carried out efficiently and transparently, although in many cases, unlike during the voting and counting, neither political entity nor civil society observers were present. In one serious incident, in Parteš/Partesh municipality, near the end of the counting process people broke into a Polling Centre (with three PSs), and stole or destroyed ballot boxes and election materials. Unlike for the first round on 3 November and the rerun elections on 17 November, counting in North Mitrovica/Mitrovicë, as well as in Zvečan/Zveçan (where reruns were held in three PSs), was conducted at the PSs, in line with the law.

XV. ANNOUNCEMENT OF RESULTS

There is no legal deadline for the announcement of results in municipal elections and the legal provisions regulating the tabulation of results, announcement of preliminary results, complaints and appeals and final certification of results are not sufficiently detailed. The result tabulation process was lengthy and the final results of the Mayoral and Municipal Assembly Elections were certified

by the CEC only on 11 December (except for one municipality, Parteš/Partesh, where a revote for the mayoral elections in three PSs was ordered for 15 December).

According to the law, the CEC can certify and publish the results after receiving all PS results from the MECs, after the completion of the counting of conditional, special-needs and postal ballots at the Count and Result Centre (CRC) and when all complaints concerning polling and counting have been adjudicated.

After the 3 November elections, the CRC received the election materials from nearly all PSs across Kosovo. Some 530 ballot boxes were put in quarantine during intake due to various irregularities (mainly because the seals on the boxes had been changed by the MECs as the PSCs mistakenly placed the result forms inside the boxes). For a week after the elections, the CRC staff verified these boxes and qualified most of them as regular because the irregularities were not very significant and there was no sign of tampering with the recorded data. However, in 61 PSs, the CEC ordered a recount of Mayoral ballots and the results from three PSs in Prizren were excluded due to missing voters' lists (in addition to the annulled PSs in the north – *see below*). Due to inaccuracies in the result forms for the Municipal Assembly Elections, the CRC later recounted over 300 boxes with ballots for Municipal Assemblies from nearly all municipalities in Kosovo. After the 1 December runoffs, only 12 ballot boxes were quarantined.

Following the early end to voting at PSs in the four northern municipalities on 3 November, due to the incidents that occurred at three voting centres in North Mitrovica/Mitrovicë, most of the election materials and ballot boxes from there were brought to the CRC for counting. The CEC decided to accept and count the ballots from Leposavić/Leposaviq, Zvečan/Zveçan and Zubin Potok, and announced the results for these municipalities despite the fact that votes from five PSs (three in Leposavić/Leposaviq and two in Zvečan/Zveçan) had to be excluded due to missing voters lists. In North Mitrovica/Mitrovicë, the CEC decided to accept the results from six PSs and repeat voting in the remaining 27 (located in the three polling centres where the incidents had taken place) on 17 November. Later on, following an ECAP ruling, the CEC decided to repeat elections in three PSs in Zvečan/Zveçan. The voting in the three PSs in Leposavić/Leposaviq was not repeated. In those PSs in the north where voting was not repeated, despite the fact that they had closed early following the incidents in North Mitrovica/Mitrovicë, voters who would have come later were denied the right to vote.

The CEC announced the first-round results for the Mayoral elections on 20 November. The results for conditional, special-needs and postal ballots were added to the results for municipalities without any information about how many were rejected (due to ineligibility) or how many were valid or invalid, or how many of the accepted votes were cast for each candidate. This led to a lack of accountability regarding the inclusion of such ballots. On 2 December, the results for the Municipal Assembly elections were announced by the CEC, for all municipalities except Zvečan/Zveçan; this time the results included detailed data on the conditional, postal and special-needs ballots cast in each municipality.

Following the announcement of the Mayoral Election results and the subsequent decisions on complaints by the ECAP, the CRC recounted the ballots from 12 PSs from Klina municipality; after the announcement of the Municipal Assembly results, votes from 71 PSs located in 13 municipalities were recounted.

One issue of general concern after the announcement of results was the very high number of invalid votes – 10 per cent of all ballots cast for the Municipal Assembly elections. While most of the invalid votes could likely be attributed to voters' poor understanding of ballot marking requirements, many votes may also have been invalidated by inadequately trained PSCs, leading to the disenfranchisement of many voters. There was also a possibility that some voters cast a protest vote invalidating their ballots if they found none of the options acceptable. The CEC is planning to

analyse these invalid votes, identify the reasons and address the problem before the next general elections.

While the technical organization of the CRC was impressive, the tabulation of results proceeded slowly, and the transparency of this process was somewhat limited. Although observers had access to all stages of the tabulation, the scale, complexity and length of this operation made it difficult to follow, and there was limited information available regarding the accuracy of the election material and the tabulated results. Many stakeholders, including most political entities, expressed dissatisfaction with the late announcement of the first-round results, and limited confidence in the work of the CRC and its transparency.

XVI. RECOMMENDATIONS

#	Purpose	Recommendation	Suggested Activities	Targeted Institutions	Principle
	Legal Framework				
	Key aspects of the election process to be detailed in laws rather than in regulations in order to increase the legal certainty and confidence in the electoral process	(a) To clarify the activities of the Counting and Results Centre in the LGE, including the counting, tabulation and certification of election results (b) To clarify the procedure for nullifying elections and the repetition of voting (c) To clarify the responsibilities of the CEC regarding the training of MECs and PSs (d) To detail the rules regarding the notification of political events in the law, rather than through a CEC regulation	Amend the LGE to incorporate the articles of CEC regulations that deal with the issue	Kosovo Assembly	The stability of the rules Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, Chapter 2
	Nobody who meets the criteria to be a citizen of Kosovo (even if formally she/he is not) is denied the right to vote	To clarify the criteria in the LGE regarding eligibility to vote	Amend the LGE	Kosovo Assembly CEC	Right to vote ICCPR Art 25(b)
	To enhance the accuracy of the voter's list	Allow ample timeframes for publication, review, challenge, confirmation and adjudication of the voters list	Respecting the legal deadlines for the publication of the voters list	CEC in cooperation with the Civil Registry Agency	Right to vote and to a legal remedy ICCPR Art 25(b) ECHR Art.13 ICCPR. Art 2

UDHR, Art 8

Electoral Administration

To Improve efficiency in election administration

Consideration should be given to the decentralisation of the election administration for municipal elections by allocating more responsibilities to MECs, particularly regarding appointment of PSCs

Amendments to the election legislation

Kosovo Assembly, CEC

Strengthening of local self-governance
Good practice

To improve transparency and efficiency in the results tabulation process

Tabulation of results in local elections could be under the responsibility of the MECs, conducted in municipal tabulation centres

Amendments to the election legislation

Kosovo Assembly, CEC

Strengthening of local self-governance
Good practice

To improve transparency and efficiency in the results tabulation process

The CEC should publish election results in full detail by polling station, including the detailed results of all conditional, special-needs voters and postal votes; observers should receive copies of results forms

Amendments to the election legislation

Kosovo Assembly, CEC

All election stakeholders should have access to all result tabulation records
Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, I. 3.2.xii

To enfranchise all eligible voters

The out-of-Kosovo voting process should be more voter-friendly. The CEC Regulation on out-of-Kosovo voting should include clear and not excessive criteria for voter registration, as well as easier voting procedures without a requirement for voters to mail a copy of their ID with

Amendments to the CEC Regulations

CEC

Universal and equal suffrage
ICCPR Art 25(b)

		ballots. The verification of packages with ballots by the CEC should be more transparent			
	To inform voters adequately about voting procedures	Voters should be informed in a timely manner, including through the media, about the IDs acceptable for voter identification and the procedure for out-of-Kosovo voting, in all official languages	Amendments to the CEC Regulations	CEC	Voter education; public information about elections ICCPR, General Comment 25, paragraph 11
	To enfranchise all eligible voters	Voter education efforts should be intensified, particularly addressing acceptable methods of marking ballots	Enhanced voter education	CEC	Voter education; public information about elections ICCPR, General Comment 25, paragraph 11
	Voters lists				
	To improve the accuracy of voters lists	Efforts should be strengthened to improve the accuracy of voters lists through addressing the weaknesses in the civil registration system, particularly the existence of deceased persons and other registration errors	Updating and cleaning of civil registry	Ministry of Interior; Civil Registry Agency	Effective registration of voters; voter register should be updated regularly Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, 1.2.ii
	Campaign				
	Effective enforcement of campaign finance rules and transparency regarding political entities' donations and expenditure	The CEC should be given sufficient resources and staff to oversee implementation of the rules on campaign financing. The appointed auditors should be required to check the submitted	Increase the resources of the CEC's Office for Political Parties' Registration and Certification	Kosovo Assembly, CEC	Enforcement of the campaign finance rules in the Kosovo legislation

		records of political entities for completeness			
	Media				
	Effective remedy	To ensure effective remedy for complainants, consideration could be given to amending the legislation so that the role and competencies of the IMC during the election campaign period are regulated in more detail. Regular meetings should be held to consider received complaints, and any sanctions implemented ahead of Election Day.	Amendment of the Law on the Independent Media Commission	Kosovo Assembly	Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, Art. 19 of the Explanatory Report
	Transparency	In order to enhance transparency and public confidence, the existing legislation providing for open, publicly accessible sessions of the IMC should be fully implemented.	Implementation of the Law on the Independent Media Commission	Independent Media Commission	The Law on the Independent Media Commission, Art. 7.4
	Gender				

	Enhance the participation of women in public life and in the election process.	Each gender should have at least 30 per cent representation in election administration bodies	Amend the LGE and LLE	Kosovo Assembly, CEC	Protect and advance the rights of individuals and groups which are in unequal positions CEDAW, Art. 3
	Ensure that measures designed to advance women's participation in public life do not clash with the equality of the vote	Return to closed lists according to which voters do not chose individual candidates or if open lists are retained, applying the gender quota only to the ordering of the candidates on the list and not to the outcome	Amend Constitution and/or LGE	Kosovo Assembly	Equality of the vote UDHR, Art. 21
	Electoral Disputes				
	To allow a complainant sufficient time to prepare the complaint and present evidence and the ECAP fully to consider evidence before taking a decision	Increase the period to file a complaint to 48 hours and the period for the ECAP to adjudicate to 4 days	Amend the LGE	Kosovo Assembly	Right to an effective legal remedy ECHR Art.13 ICCPR. Art 2 UDHR, Art 8
	To give a complainant an opportunity to present the evidence, as well as the subject of the complaint to	Guarantee the right to a hearing on complaints	Amend the LGE	Kosovo Assembly, ECAP	Right to a fair trial ECHR, Art. 6 ICCPR, Art. 14

	present their case				
	Increase the overall efficiency of the system for dealing with electoral disputes	Strengthen the capacities of the Secretariat of the ECAP in order to improve the legal work of the ECAP in preparing decisions	Provide the ECAP with more budget resources Provide training to the ECAP legal officers Create a data base of legal officers	Kosovo Assembly ECAP Secretariat	Right to a fair trial ICCPR, Art. 14 UDHR, Art. 10 ECHR, Art.6
	To increase the transparency of the complaints and appeals process	The ECAP and the Supreme Court should publish complaints and appeals, as well as decisions, in all official languages, on their website in a timely manner	Amend the Law On Courts	Kosovo Assembly, ECAP and Supreme Court	Transparency
	To render the process of complaints over election offences closer to the voters and ease capacity constraints of the ECAP	(a) Make the ECAP part of the Kosovo Judiciary. (b) Consideration might be given to decentralising the complaints process, giving responsibility to Basic Courts to rule in the first instance, with the ECAP to be a judicial Appeal body	Amend the Law on Courts Amend the LGE	Kosovo Assembly	Right to an effective legal remedy ECHR Art.13 ICCPR. Art 2 UDHR, Art 8

Legend of regional, international instruments and applicable technical and information documentation		
	References and Level of Commitment of Kosovo	
A	Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report, Adopted by the Venice Commission at its 52 nd session, 18-19 October 2002.	
B	Universal Declaration of Human Rights, 10 December 1948	UDHR
C	European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by its protocol No. 14, 1 June 2010	ECHR
D	International Covenant on Civil and Political Rights and its Protocols, 23 March 1976	ICCPR
E	Convention on the Elimination of All Forms of Discrimination against Women, 3 September 1981	CEDAW

Appendix 1 – Mayoral Elections results		
No	Municipality	Elections 2013
1	Deçan/Deçane	AAK
2	Gjakovë/Djakovica	AKR
3	Glllogoc/Glogovac	PDK
4	Gjilan/ Gnjilane	LDK
5	Dragash/Dragaš	PDK
6	Istog/ Istok	LDK
7	Kaçanik/Kaçanik	PDK
8	Klinë/Klina	PDK
9	Fushë Kosovë/Kosovo Polje	LDK
10	Kamenicë/Kamenica	PDK
11	South Mitrovicë/Mitrovica	AKR
12	Leposaviq/Leposavič	G.I. Srpska
13	Lipjan/Lipjan	LDK
14	Novo Brdo/Novobërdë	G.I. Srpska
15	Obiliç/Obilič	AAK
16	Rahovec/Orahovac	PDK
17	Pejë/Peć	LDK
18	Podujevë/ Podujevo	LDK
19	Pristina	LVV
20	Prizren/Prizren	PDK
21	Skënderaj/Srbica	PDK
22	Shtime/Štimlje	PDK
23	Shtërpcë/Štrpce	SLS
24	Suharekë/Suva reka	LDK

25	Ferizaj/Uroševac	LDK
26	Viti/Vitina	LDK
27	Vushtrri/Vučitrn	PDK
28	Zubin Potok	G.I. Srpska
29	Zvečan/Zvečan	G.I. Srpska
30	Malishevë/Mališevo	Civic Initiative for Malishevë (IQM)
31	Hani i Elezit/Djeneral Janković	Independent
32	Mamuša/Mamushë/Mamuša	Kosovo Turkish Justice Party (KTAP)
33	Junik	AAK
34	Klokot/Kllokoti	G.I. Srpska
35	Gračanica/Gračanicë	G.I. Srpska
36	Ranilug/Ranillug	G.I. Srpska
37	Parteš/Partesh	G.I. Srpska
38	North Mitrovica/Mitrovicë	G.I. Srpska

Appendix 2 – Mayoral Election results	
Political Entity	No. of Municipalities won
PDK	10
LDK	9
AAK	3
AKR	2
LVV	1
G.I. Srpska	9
SLS	1
Civic Initiative for Malishevë (IQM)	1
Independent	1
Kosovo Turkish Justice Party (KTAP)	1

Appendix 3 – Municipal Assembly results (Political Entities with the most votes)			
	Political entity	Votes	Seats
	PDK	202301	259
	LDK	191122	224
	AAK-LDD	104536	132
	LVV	60436	69
	AKR	36112	41
	G.I. Srpska	21074	72
	Justice Party (PD)	14863	23
	Democratic Union (BD)	14104	5
	Civic Initiative for Malishevë (IQM)	7806	11
	SLS	6842	26

Repeated Elections in Mitrovica North, 23 February 2014

In January, the elected mayor of North Mitrovica refused to take the oath of office within the legal timeline. As a consequence, repeated mayoral elections were held on 23 February in that municipality.

Four candidates, two Kosovo Serbs and two Kosovo Albanian, ran. The campaign was low-key. The debate did not focus on municipality-related topics, but was rather overtaken by the arrest of one of the candidates on charges of alleged war crimes, as well as concerns over inaccuracies and omissions in the newly up-dated voters list. In the list included approximately 500 more Kosovo Albanian voters than in the municipal elections held in 2013.

The Elections were conducted in a peaceful manner and free from incidents. The significant presence of Kosovo Police and international forces guaranteed security. The composition of the local election bodies, MECs and PSCs, largely reflected the gender and ethnic structure of the municipality. They undertook their duties efficiently with the assistance of OSCE staff. As during the campaign, also on Election Day the presence of the Kosovo state symbols on election materials did not seem to cause problems. The EU EOM observed full respect of the right to universal, individual and secret suffrage and overall respect for electoral laws and procedures.

The turnout was comparable to that of the second round. Three hours after the closing of the polling stations, the CEC announced preliminary results assigning victory to the G.I. Srpska candidate by an absolute majority, which meant there would be no need for a second round.

The ECAP did not receive any complaints on the campaign nor on voting or counting. There were no arrests or cases opened for election-related offences.



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