



Election Observation Mission

Kosovo Assembly Elections 2010

Final Report

April 2011

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I EXECUTIVE SUMMARY

Following an invitation from the acting President Jakup Krasniqi, the European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to observe the Kosovo Assembly Elections on 12 December 2010 as well as repeated elections in three municipalities and two additional polling centers on 9 January 2011.

The election was assessed on the basis of international standards for democratic elections and national legislation. ENEMO EOM observed the compliance of the Electoral process with the international standards as well as the compliance of the process with the national legislation.

The campaign was intense as reflected in big rallies and meetings all over the country. Apart from some minor breaches of the campaign rules (premature start and use of children in rallies) the campaign was generally conducted in a peaceful environment. The media provided a large number of political debates giving candidates an opportunity to present their political programs.

A high number of irregularities during the Kosovo Assembly elections have severely affected the trust in the democratic process in Kosovo. Breaching the secrecy of the vote by family and group voting was in many places the rule and not the exception. These serious breaches of procedures were seemingly accepted and there were no attempts by the polling station staff to stop irregular voting behaviors. Similar incidents and alleged fraudulent give a bleak picture of the election process in Kosovo. Furthermore, cases of intimidation and pressure on domestic observers have been reported to ENEMO adding to other weaknesses during the process.

The CEC in general showed a high level of commitment during the preparations for the early 2010 Kosovo Assembly elections given very tight shortened timetable. It was apparent that CEC is still dependent on external assistance in certain parts of the election process as some important activities were organized by IFES such as the set-up of the alternative polling stations in the northern Kosovo Serb municipalities and the Count and Results Center (CRC). The CEC Secretariat lacks a conclusive structure and strong upper management, hence the need for OSCE and IFES advice and assistance. Actions to strengthen the Secretariat management are urgently needed to increase the effectiveness of the Secretariat and decrease the influence of external advice.

In the final chapter of his report ENEMO offers a number of recommendations on the ways how the electoral process in Kosovo can be improved. ENEMO urges a continuation of the work of Working Group on Elections, in order to reform legal framework and Kosovo's authorities to provide efficient enforcement of laws in the line with international standards and good electoral practice

II INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the acting President Jakup Krasniqi, the European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to observe the Kosovo Assembly Elections on 12 December 2010. The ENEMO EOM, headed by Zlatko Vujović, included a core team of 8 international experts and 12 long-term observers in 6 teams covering all territory of Kosovo. They were monitoring the pre-election environment including the political campaign and activities of the election administration ahead of the 12 December elections. On the Election Day, ENEMO deployed 188 election observers from 23 countries to 861 polling stations, throughout all municipalities in Kosovo.

Following the Central Election Commission's decision to repeat voting in three municipalities, ENEMO re-deployed three members of Core Team and 4 long-term observers to observe the election environment, repeat voting and counting and post-election development. On 9 January 2011 seven teams visited 60 polling stations in all municipalities where voting was repeated. The ENEMO EOM remained in Kosovo until 21 January to follow post-election day developments.

The election was assessed on the basis of international standards for democratic elections and national legislation. ENEMO EOM observed the compliance of the Electoral process with the International standards of elections as well as the compliance of the process with the national legislation. The Final Report follows two statements of Preliminary Findings and Conclusions which were released on 13 December 2010 and 12 January 2011 and are available on the ENEMO web site (www.enemo.eu).

In the course of the organization of the mission the ENEMO EOM was supported by a number of countries by joining forces with a number of governments and their seconded observers. Short-term observers were coming from 18 member organizations of ENEMO, from 7 European states (Switzerland, Norway, United Kingdom, Finland, Sweden, Slovenia, and Denmark) and from the United States of America.

The ENEMO Mission wishes to express its appreciation to the Central Election Commission and the Kosovo Police Service (KPS) for their cooperation and assistance in the course of the observation. ENEMO is also grateful to the International Civilian Office for its support throughout the mission.

The ENEMO takes this opportunity to express its highest acknowledgements to the support of donors of the monitoring mission United States Agency for International Development (USAID), the Embassy of the United Kingdom of Great Britain and Northern Ireland, the Ministry of Foreign Affairs of Norway, the Ministry of Foreign Affairs of Sweden and to the cooperation of the National Democratic Institute (NDI), including its assistance in deploying 37 US observers within the mission. ENEMO wishes to issue its acknowledgments of highest appreciation to all of the above mentioned stakeholders, considering their role as crucial for the organization of the mission and the observation effort.

III BACKGROUND

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

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

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

During a transition period, the Kosovo Assembly in consultation with the ICR approved a new Constitution and other legislation necessary to implement the Ahtisaari package. The package also called for general and local elections to be held within nine months of the entry into force but negotiations later led to a changed electoral timetable. One of the key points in the Ahtisaari package was the decentralization plan whereby a number of new or expanded municipalities with community majorities other than Kosovo Albanian would be established with extensive autonomy. In order to fulfill this plan it was agreed to start with local elections in 2009 and to postpone the Kosovo Assembly elections to 2011.

Local and Mayoral Elections were held in most of the planned municipalities on the 15 November 2009 with a second round on 13 December. These were the first elections to be organized by the Kosovo authorities and were observed by ENEMO¹

In September 2010, the Constitutional Court in Kosovo ruled that Dr Fatmir Sejdiu's presidency was incompatible with his position as leader of LDK which led to the resignation of the president and calls for early elections in February 2011. On 16 October, however, LDK decided to leave the coalition.

¹ Statements and Final Report can be found on www.enemo.eu

IV LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The electoral system and management of elections for Kosovo Assembly elections are mainly governed by the Constitution and the Law on General Elections in the Republic of Kosovo adopted since the declaration of independence on February 17, 2008. A separate law, Law on Local Elections, regulates municipal and mayoral elections. A recently adopted law, Law on Financing of Political Parties, regulates how incomes and expenditures shall be reported by political parties.

The Constitution follows the recommendations and obligations set out in the Ahtisaari² package which emphasizes the rights and freedoms granted to minority communities living in Kosovo. Kosovo is not a signatory to any human rights treaty, but is according to Art. 22 in the Constitution obliged to give priority over Kosovo laws to several of the main treaties such as the Universal Declaration of Human Rights and the for election standards essential International Covenant on Civil and Political Rights.

The election law does not always give a thorough explanation of the different activities in an election process and CEC is by the Law given the authority to promulgate a range of electoral rules to further specify those activities. Fifteen rules had been approved for the 2010 Assembly elections out of which ten has been amended since the 2009 local elections. One rule is new and was adopted in late 2010 and regulates mainly the, until then, unspecified timeframes necessary for early elections.

This award the CEC exceptional powers to at any time regulate the election process which is questionable having in mind the politicized composition of the CEC. Also problematic due to the politicized CEC composition is the possibility for CEC to order repeat of the voting in a polling centre or municipality.

Each Political Entity (an entity can be any of the following: a political party, a coalition, citizens' initiative or an independent candidate) contesting the elections must be certified by the CEC. According the Constitution, and repeated in the Law on General elections, the Kosovo Assembly has one hundred twenty (120) deputies where twenty (20) seats are guaranteed for minority communities:

- . Kosovo Serb Community 10
- . Roma community 1
- . Ashkali community 1
- . Egyptian community 1
- . the Roma, the Ashkali or the Egyptian community with the highest overall votes 1
- . Bosnian community 3
- . Turkish community 2

² <http://www.unosek.org/unosek/en/statusproposal.html>

- Gorani community 1

Certified political entities wanting to compete for reserved seats for minority communities must declare the community they wish to represent. The law does not specify any rules for the ethnicity of the individual candidates. In fact it only states that a political entity shall indicate in its application whether it wishes to contest any of the seats guaranteed for the non-majority communities. Although this rather vague regulation may be seen as positive in the sense that the law should not disqualify any candidate on the basis of ethnicity it may open the possibility for majority political entity candidates to run for and win seats reserved for non-majority communities. The ENEMO mission has received concerns that such attempts already have occurred.

Kosovo is a single electoral district and the 100 regular seats are allocated among the certified political entities based on the total votes they receive. The Sainte-Laguë method is used when allocating assembly seats. Political entities representing the Albanian majority community must pass a threshold of 5% of the total votes cast to be able to gain the seats. The ENEMO mission has heard discussions that the Albanian and Serbian versions of the legal text explaining the 5% threshold leave room for doubts if also other communities are subject to the threshold requirements. A correct reading in all official languages of the threshold requirements is essential.

Certified political entities are listed on an open list ballot where the voter can mark not only the preferred political entity but also up to five candidates from the same entity. The candidate names do not appear on the ballots but are represented by pre-assigned numbers. When voting, the voter can find the number for each candidate in a separate booklet.

At the same time a gender quota requires political entities to include at least 30 % of the minority gender on the party lists. This is done by having a minimum of every third candidate being of the minority gender. If this is not the case the elected majority gender candidate with least votes shall be replaced by the next minority candidate on the entity list. To meet gender requirements in this manner may not guarantee that the will of the voter is directly reflected. The implementation of these two important principles in the voting system should be reviewed and international practices in this area should be considered.

A positive development regarding election legislation has been the establishment of the Working Group on Elections and its review of the Law on General Elections and Law on Local Elections. The group is composed of voting members from political entities, civil society, the Assembly of Kosovo, the CEC and non-voting advisors/observers from the international community working in Kosovo. The work was suspended by the announcement of early elections. ENEMO strongly recommends a continuation of the Working Group on Elections.

The ENEMO final report from 2009 Kosovo local elections included several recommendations related to the legislation. Most of these recommendations remain valid.

- Conditional balloting is a solution used in post conflict environments to give voters the possibility to cast a ballot despite not being on the voters list where s/he claims to be eligible to vote. Conditional balloting is costly, time consuming and causes delays in the counting process. A revived election working group should discuss the need to continue with the generalized and standardized conditional balloting.
- CEC is tasked to manage most aspects of political party registration and financial disclosure as well as political entity and candidate registration. Many of CEC electoral rules are related to political entities and candidates. A separate law(s) regarding registration and operation of political entities and candidates should be considered.
- There is a need to clarify the relevance and application of the different voter identification documents described in the law. In the Law on General Elections passport and ID cards are regarded as valid without specifying the origin of the documents. In the training manual for polling station staff the documents are specified as Kosovo or UNMIK documents. Clear and understandable information regarding the acceptable valid identification documentation is of utmost importance.

V ELECTION ADMINISTRATION

Election administration in Kosovo is composed of a three-tiered system: the Central Election Commission, Municipal Election Commissions and Polling Station Committees.

The Central Election Commission is a permanent independent body responsible for organization and implementation of elections in Kosovo as stipulated in the article 139 of the Constitution of Kosovo. The CEC is mandated to regulate the electoral process through adoption of Electoral Rules and supervising the election process. The CEC consists of 11 members: a chairperson appointed by the President of Republic of Kosovo from judges of the Supreme Court or appellate courts and ten members appointed as a result of the nominations by parliamentary groups represented in the Kosovo Assembly. Six members are appointed by the largest parliamentary groups, one member appointed by deputies holding seats reserved for Kosovo Serb Community and three members appointed by Assembly deputies holding seats reserved for other communities.

The CEC is supported by a Secretariat (CECS) and 37 Municipal Election Commissions (MECs) that implement CEC decisions and are responsible for the administrative and logistical arrangements needed to organize elections. Municipal Election Commissions are bodies

established by the CEC, one in each municipality to assist in its administrative and operational duties. The MEC generally consists of seven or more members appointed from nominations of Political Entities that have passed the 5% threshold at the last Kosovo Assembly elections, but the CECS can also suggest other suitable candidates from NGOs or Academic institutions. The community parties with the reserved seats in the Kosovo Assembly may also have members at the MEC.

At the precinct level Polling Station Committees (PSC) composition shall reflect the composition of a MEC and in addition the CECS may invite newly certified parties to submit additional nominations for PSCs. Each PSC member was obliged to act impartially regardless of political party affiliation.

The CEC in general showed a high level of commitment during the preparations for the early 2010 Kosovo Assembly elections given very tight shortened timetable. The decision-making process in the CEC meeting sessions was conducted in a professional and competent manner. The CEC meetings were open to observers and CEC showed commitment to transparency by facilitating approval of accreditations of observers from political entities, domestic NGOs, international organizations and embassies.

It was apparent that CEC is still dependent on external assistance in certain parts of the election process as some important activities were organized by IFES such as the set-up of the alternative polling stations in the northern Kosovo Serb municipalities and the Count and Results Center (CRC). The CRC is the location where conditional ballots, out-of- Kosovo ballots, and any regular ballots as required by the CEC or ECAP are counted, reconciliation and results forms from all polling stations are audited and tabulated, and the final results are compiled. Some CEC members voiced concerns about the lack of timely and accurate information on the preparation of these important parts of election process.

The information provided by the CEC to public on the official website of the CEC³ was often missing important information for voters (e.g. on alternative polling centers, polling sites in north) and in some cases contained incorrect information on the certification of political entities assigned for certain community. Notably, the Serbian language version of the website was often not updated or carried incorrect translations from the Albanian language version, thus hindering access to important information for the Kosovo Serb community.

Four days prior to Elections Day, there was a violent incident in the north in which one CEC staff member from Leposavic was shot dead. The CEC condemned this attack and urged for investigation. However, as the case is under investigation it has not yet been confirmed as election related.

³ www.kqz-ks.org

The CEC decided to change all polling station commission members for the repeat elections in January 2011 as measure to prevent repeating of fraud and irregularities. For the Mitrovicë/Mitrovica re-voting on 23 January, the CEC took extra measures to ensure that indelible ink and UV lamps had been tested and protected from any tampering. However, such efforts should have been put in place already for the repeat voting on 9 January 2011 in which ENEMO observers noted reoccurrence of problems with non-functioning lamps and ink.

VI CANDIDATE REGISTRATION

Candidate registration for Kosovo Assembly elections is administrated by the Central Election Commission and its Office of Political Party Registration and Certification (OPPRC) which is responsible for registering and maintaining a register of political parties, certification of all political entities to be included in the ballot, the campaign spending limit and financial disclosure. Registered parties are automatically certified for Kosovo Assembly elections except those that notify the CEC that they will not contest the elections or that they will form a coalition.

The Central Election Commission has certified 29 political entities that applied for contesting in 2010 elections to Kosovo Assembly including two coalitions and three citizens' initiatives. There were no refusals or withdrawals of political entities. In total the CEC has certified 1 266 candidates, as only one candidate was removed by the CEC on 25 November 2010 due to inclusion in two political entities' lists. There were five individual complaints by candidates saying they were not aware of their candidacy and requested removal of their name. Since these complaints were submitted after the deadline, the Election Complaints and Appeals Panel dismissed them.

VII VOTER REGISTRATION

The voter list is an extract from the Central Civil Registry of citizens who are 18 years old or older on the date of elections.

Overall, the quality of the Civil Registry still remains a major problem and is known to contain deceased persons or persons that have been erroneously included. Coordination is not working properly between different institutions obliged to forward data to the Registry and there is little incentive for citizens to voluntarily change their personal data.

As there is no active voter registration the CEC makes, for each election, efforts to clean and update the extract received from the Civil Registry.

The highly complex and long legal procedures for addition or deletion of data in the Civil Registry remain a challenge. ENEMO urges the CEC and the Working Group on Elections in its continued work to address these issues to relevant institutions.

A census shall be carried out in Kosovo during 2011. Expectations have been raised that the census would be a tool to correct the imperfect Civil Registry and subsequently the voters list. A census is normally an estimation of the population and/or a socio economic snapshot and will not give the accuracy needed to improve a voters list. However, most likely it will draw attention to the problems contained in the Civil Registry.

The total number of registered voters for the 2010 elections was 1.630.636. Compared to 2009 local elections there were 73 288 new voters, out of which 35 735 are voters who turned 18 years old and 37539 voters who registered for the first time for various reasons. According to data released by the CEC, compared to the 2009 voter lists 6 165 names of deceased persons were removed. The CEC also announced that only 1 640 out-of-Kosovo by mail votes were approved while 3 228 were rejected.

VIII ELECTION CAMPAIGN

The official campaign started on 1 December and due to the short timeframe for preparations of the elections the campaign period was reduced from the 30 days to 10 days by the CEC rule 15. The shortened campaign period was welcomed by some smaller parties with limited campaign funds as it made it easier for them to be active throughout the period. In the days before the start of the campaign there were some cases of premature rallies and display of posters. Complaints about these breaches were refused by the ECAP stating that panel does not have jurisdiction outside the campaign period.

Premature start was initiated by PDK and its leader Thaçi, when rally held in Mitrovica, just a few days before official start of campaign. It was a typical presentation of ruling party, listing the reasons why they should remain leading party of Kosovo, and this topic was main feature of their campaign. At the very beginning of campaign, Thaçi was the most serious candidate for successful campaign, as his opponents were not that well organized and prepared, but also without all infrastructures that Thaçi had for himself. He announced a pay increase of 30 percent for 70,000 civil servants as well as a doubling of teachers' salaries during the electoral campaign. The campaign was very dynamic, with candidates and parties campaigning at big rallies in urban areas, but also at small informal meetings in villages and streets. The campaign environment was mostly calm, despite some violent incidents. The dominant 4 political parties at the very beginning of campaign were PDK, LDK, AAK and AKR. But the election campaign has seen several newcomers, including former student activist Albin Kurti, whose Self-Determination movement (Vetëvendosje) advocates Kosovo's unification with Albania and rejects talks with

Serbia. This new political party obtruded itself as very significant player. As right-oriented political party, Vetëvendosje used very flammable language during their campaign. The party started the campaign in divided Mitrovica, stating that the city is not a problem but a beginning of solutions. It should be noted, that former American diplomat, William Walker, appeared at a campaign venue of Vetëvendosje where he said that Kosovo needs a change. Though the election passed off largely without incident, a Bosnian CEC staff member was shot dead in the northern city of Leposavic. First reactions of politicians during campaign were connecting this murder with elections in the North, but afterwards media speculated about criminal background of killed person. In addition, campaign in north of Kosovo where Serbian majority is present, was actually anti-campaign, saying to citizens not to go for elections in “fake country Kosovo”. Opposite from this, intensive campaign was present in Serbian communities southern from Ibar. The only media from Serbia supporting campaign of Serbian political parties in Kosovo was B92.

Freedom of expression, association and peaceful assembly and movement has been generally respected and campaign activities were carried out in a positive environment. Also political entities from the different non- majority communities took active part in the campaign. Party billboards and posters were prominent across the country, including many electronic billboards in Pristina. Although the CEC stipulates that electoral advertising is restricted to the designated places, there were complaints against parties using public spaces for their campaigns. The ECAP also received a number of complaints from political entities claiming that their posters have been torn down, defaced or plastered over. A number of Political Entities have been fined by ECAP decisions. Furthermore, there were cases when some candidates used inflammatory language, and, more commonly, underage youth were actively involved in campaign activities contrary to the stipulations in the law.

The campaign for January 9 repeated elections in the Municipalities of Skenderaj/Srbica, Glogovac/Glogovac, Deçan/Deçani was shortened to three days and it started on January 5, 2011. It was not intensive as political parties did not organize big rallies, but rather held small meetings with their electorate. For January 23, 2011 repeated polls in the municipality of Mitrovicë/Mitrovica, CEC also decided that the electoral campaign to be three days. It started on January 19, 2011 and was quite low key with small meetings organized by political entities

IX MEDIA

The ENEMO Mission has not carried out a full scale media monitoring. All comments in this section are therefore based on ordinary observations and interviews with media actors and reference to the Independent Media Commission (IMC) and its reports on monitoring of media during the campaign. The media sector in Kosovo developed rapidly after the end of the conflict in 1999 and today people have a wide choice of TV, radio and newspapers. Newspapers though influential among the urban elites have fairly small circulation and television has become the

main source of information for the general public. RTK (Kosovo Radio Television) is the only public television which broadcasts in five languages. TV 21 and Koha Vizion are two private television channels with a national license.

The constitution provides for a free and pluralistic media but in the last months a number of negative reports on the media situation in Kosovo have been published by various international actors. Reporters without Borders⁴ in previous year claimed that “freedom of media in Kosovo considerably deteriorated”. Kosovo’s ranking for media freedom fell to 92nd place in 2010 from 75th in 2009. Freedom House in its report⁵ “Freedom in the world 2010”, ranked Kosovo Partly Free in Freedom of the Press 2010 in Kosovo. The European Commission in its 2010 progress report⁶ emphasizes that “limited progress has been made in the area of information society and media in Kosovo”.

Most media outlets have been dominated by the election campaign and apart from news coverage and numerous political advertisements, there have been a large number of political debates giving all candidates an opportunity to present their political programs.

The electronic media is monitored by the Independent Media Commission (IMC)⁷, a body set up through the constitution. Prior to 2010 elections IMC has published three guidelines for broadcasting media to interpret Chapter VIII of the Election Law (Articles 47 -53) for media on political advertising, publishing of opinion polls and prohibition of media coverage during campaign silence period.

According to the IMC, the media has covered the election campaign mostly in a correct, fair, and balanced manner. News coverage was perceived as being mostly neutral and balanced. Through conducting debates and interviews most of the TVs have provided political parties and independent candidate’s airtime free of charge and also provided them with the opportunity for paid political advertising. In most of the cases political advertising did not exceed two minutes, as provided in the Law on Elections. The main problem noted were some cases of non-identification of advertisements – a violation of Article 49 of the Law on General Elections. According to sources of the IMC, two official complaints about broadcast media have been submitted from LDD party against TV-station Klan Kosovo during the campaign. IMC has submitted these two complaints against Klan Kosova, one for violation of the Article 48.9 of Law on Elections and the second for violation of article 48 of the Law on General Elections, according to which the media must ensure fair and equitable access and treatment to all political entities certified.

⁴ <http://en.rsf.org/press-freedom-index-2010,1034.html>

⁵ <http://freedomhouse.org/template.cfm?page=251&year=2010>

⁶ http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf

⁷ <http://www.imc-ko.org/> <http://www.kpm-ks.org/>

During the campaign silence period most of the monitored TV stations operated in compliance with the Law on General Elections and the respective IMC Guideline. However, some local and national televisions violated provision of campaign silence namely TV Prizren, TV Balkan, TV 21 and Klan Kosova. After receiving notification and instruction from the IMC, two local TV stations and TV 21 have begun to act immediately in full compliance with Chapter VIII of the Law on General Elections and the IMC Guideline (3) on prohibition of media coverage during campaign silence period. However, Klan Kosovo has ignored the IMC guideline and continued to violate it even after receiving the Notice of Violation by the IMC. The Council of IMC therefore imposed as sanction to Klan Kosova to pay a fine of 20.000 EUR for breaches of the campaign silence provisions. Klan Kosova appealed the IMC decision to the Media Appeals Board which reviewed the case on February 26, 2011 and lowered the sanction for Klan Kosova to pay 10.000 EUR.

Political entities from the Kosovo Serb community have also been visible in the Belgrade based media which, however, lies outside the regulations of media in the law.

The political campaign has equally dominated the newspapers and a large number of opinion pieces have provided a critical coverage of the campaign and a diversity of opinions. For the print media there is no state regulator but instead a large number of newspapers have come together to establish the Kosovo Press Council⁸ to act as a self-regulatory body for print media. The Council has so far not addressed any matters regarding the election campaign in the newspapers.

X PARTICIPATION OF NATIONAL MINORITIES

Following concerns raised in the Ahtisaari plan, the Constitution of the Republic of Kosovo has a separate chapter on the rights of Communities and their members granting them specific rights in addition to the human rights and fundamental freedoms provided in chapter II of the Constitution.

Apart from the set aside seats mentioned under Legal Framework, there shall be two Deputy Presidents of the Assembly; one representing the Serb community, and one representing one other community that is not in the majority. The Government shall have a minimum of two ministers, (one Serb and one from another non-majority community) and four deputy ministers, (two Serb and two from other non-majority communities). If there are more than 12 ministers there shall be one additional minister and two additional deputy ministers from the non-majority communities.

The electoral authorities on various levels should reflect the various Communities in the Assembly of Kosovo and if needed, the Municipal Election Commissions may increase their number of members (from the regular seven) to give access to representatives of minority Communities. An example of this is the MEC in Peja/Peć where there are a total of nine members

⁸ <http://presscouncil-ks.org/>

in order to include representatives from the Serb, Bosnian, Montenegrin and Egyptian community. Out of the 29 political entities certified to contest these elections, 22 represent the various minority communities in Kosovo as follows:

- Kosovo Serb 8
- Kosovo Bosnian 4
- Kosovo Turkish 2
- Kosovo Ashkali 2
- Kosovo Egyptian 2
- Kosovo Gorani 2
- Kosovo Montenegrin 1
- Kosovo Roma 1

A number of these entities were newly registered this year and the political campaign among the non-majority communities appears to have been livelier than in previous elections.

The different communities have had access to various media outlets addressing their concerns and often in their languages. Most of these are local TV or radio stations and in some cases local printed media, but the public broadcaster RTK also airs some 30 % of its news and information programmes in minority languages. Most of the minority community parties have expressed satisfaction with the election process although they suffer from lack of funding for any elaborate campaigning.

The main focus in the run up to the elections has been on the participation of the Kosovo Serbs in the electoral process. As already noted, 9 different Kosovo Serb entities registered for the elections but at the same time Kosovo Serbs heard conflicting messages from various authorities about their participation.

While the Kosovo authorities and many in the international community encouraged the Kosovo Serbs to take part in the elections to shape their own future, a campaign against participation in the election has been visible in particular in the north. The mayors of four Serb municipalities of northern Kosovo and the head of the Mitrovica/Mitrovice District called on the Serbs to stay at home and boycott the elections. Others speaking out against participation include the Serb Orthodox Church, and the Serbian Ministry for Kosovo whose representatives have said that there are still no conditions for the Serbs to participate and that opening polling stations in public buildings in northern Kosovo on 12 December could destabilize the situation in Kosovo. The entities contesting the elections were speaking out for participation and the unclear situation created problems for the CEC in its preparations. One part of Serbian population boycotted election, the part located in northern part of Kosovo, but Serbs in other parts of Kosovo dominantly participated in election process.

The constitutional provisions described earlier potentially give the minority representatives a very strong position in the Kosovo Assembly. The increased number of parties overall contesting these elections suggests an increased need to find coalition partners in order to form the new government. This could further empower the non-majority communities that will have representation in the assembly.

Election results showed that higher turnout of minorities helped them to win additional seats out of quota for minorities. While in 2007 Kosovo Assembly elections Serbian parties won only their 10 reserved seats for minorities, in 2010 elections they won 3 additional regular seats and so in this way Serbian parties got together total number of 13 seats. Apart to Serbian parties, Bosnian (+1) and Turkish (+1) parties won additional seat too, so in that way political entities representing minorities won in total 25 of 120 seats, which represents more than 20% of seats in the Assembly of Kosovo.

XI PARTICIPATION OF WOMEN

Legal Framework contains provisions that are promoting gender equality as “a fundamental value for the democratic development of the society”⁹. But despite legal framework the participation of women in political and state institutions in Kosovo is very limited. There are, however, active campaigns carried out, especially by women’s civil society organizations with the aim to motivate woman to enjoy active citizenship and political participation and representation.

The existence of a single nation-wide constituency in combination with the quota that fixes every third seat for the less represented gender has a significant impact for improvement of women participation in the Kosovo assembly. These provisions are guaranteed by preventing the possibility to place women at the bottom of candidate lists.

Because of the quota, the Kosovo Assembly has a substantial number of female representatives, but women still do not share real political power with male politician. Women candidates were found on the top of only two out of the 29 candidate lists. In spite of the existence of quota, women still do not have a very strong involvement in the process of decision making within political parties. Also indicative is that on official meetings with ENEMO Mission to Kosovo, political parties were rarely represented by women.

Electoral administration witnesses the same situation: women are not well represented. Only 2 of 34 executive officers of the functional MECs¹⁰ are women. At the same time 10.8% members

⁹ The Constitution of the Republic of Kosovo, art. 7

¹⁰ 13 The MECs in the 3 northern municipalities were at best appointed on paper while the work was carried out by IFES and the Mitrovica MEC

of MECs are women and ENEMO observers noted presence of female PSC members in 16% of visited polling stations. One third of candidates were women, exactly 425 (33.6%) from 1265 register candidates

Family voting still represents one of the main concerns of the electoral process. This problem is often ignored by the authorities. The policy on gender equality should be extended and fully incorporated in different areas of political life, and not be limited on parliamentary bodies exclusively.

XII DOMESTIC NONPARTISAN OBSERVERS

The legal framework allows access to international and domestic observers to observe the preparation and the conduct of the election. The most visible was network of domestic non-partisan observer organizations, Democracy in Action, engaged in election observation activities during the election period. DiA activities included observation of the pre-campaign period, the campaign and Election Day, as well as monitoring of campaign expenditures.

Democracy in Action remained the organization with the largest number of accredited non-partisan observers, 4 896, who were deployed in all of the municipalities. Domestic non-partisan observers were present in 89% of polling stations visited by ENEMO EOM observers.

However, there are still challenges for domestic observers, remaining from previous elections – although present at almost all polling stations, these observers do not play active and serious role in process, in many cases not having proper education and training on their rights and role, but also not having enough personal integrity and attitude to report on serious violations of electoral procedures, which was happening on polling stations with presence of DiA observers.

Another weakness of domestic observers is still their individual partisanship and personal commitment to some political options, which, in many cases, is stronger than feeling of impartiality status of observer and professional role they have in this important and responsible process in one society.

XIII ELECTION DAY – 12 DECEMBER 2010

The atmosphere on the Election Day was generally calm and peaceful. However, in about 11 % of the polling stations visited the voting process was assessed by ENEMO observers as bad or very bad. Large crowds were observed around polling centers and in 3 % of polling stations visited, as well as cases of the unauthorized persons directing the work of the PSC. Also, in 5 % of the polling stations visited the observers noted that PSC members or observers assisted disabled voters, which is against the law. Besides, in about 5 % of the polling stations it was observed that the voters were instructed for whom to vote. For example in Novobërdë/Novo

Brdo, PS 1415e/01r a party agent was suggesting voters to choose his party and in Klllokot/Klokot, PS 3701d/01d, a polling station commissioner was actively telling voters whom to vote for.

Voting process, in general, was conducted with numerous violations. Mostly observed violations were: lack of electoral material in number of PSs, no material for blind people in some of the PSs, some of the voters were inked by the ink which was not detected in another PS, some of the PSC members were not checking booklets of the candidates in the voting booths, one of the party rep. - PSC member put inside the voting booth the booklet already circled for favor of his party, lots of already circled booklets were monitored, PSC members were not properly checking the voting booths, the ballot boxes were not densely closed and in some of the PSs the seals/stamps were broken. Inking procedure and UV lamps were not working properly in many polling stations. PSC members not always checked for ink and voters' IDs properly, which could result in multiple and/or proxy voting (3 % of the polling stations visited). Multiple and proxy voting were observed in almost 6 % of the visited polling stations. For example in Dragash/Dragaš, PS 0503a/03r a man was allowed to cast a vote twice, which was also confirmed by the polling centre manager.

Family voting was widespread violation. In some cases husband voted actually for his wife or directed her clearly and PSC Chairpersons did not take action. More frequent family voting was in rural areas of different ethnic communities. The PSC chairpersons were mostly cooperative and organized. In general, the atmosphere was calm, with severe presence of unauthorized people in some of PSs inside or close to the PSs. There were cases of voting with copied ID cards. In Ranilluk/Ranilug voters holding Serbian IDs were not allowed to vote as the MEC instructed PSCs to accept IDs issued by UNMIK or Kosovo authorities only.

The secrecy of the vote was often not respected. In 36 % of polling stations visited cases of group or family voting were observed.

As closing of polling stations was approaching, tension was reported from number of polling stations, pressure on voters from two major political parties (LDK and PDK), instructing them how to vote.

The counting process in general terms was better conducted and organized than voting itself. However, there were cases the counting process was poorly organized and chaotic. The counting process was assessed as bad or very bad in 12 % of the polling stations observed during the closing and counting procedures. In some cases voters arriving after 19.00 were allowed to vote and in 6% of the polling stations unauthorized persons were seen directing the counting process in the PSC. Some of the counting procedures were violated. In 15 % of the polling stations it was reported that the chairperson did not announce the results, nor were the results posted for public scrutiny, as provided by the law.

No problems were reported with transport of voting materials to MEC. Procedures were properly followed, though in several cases ENEMO observers had impression that manuals for work of MECs were not good enough and that procedures should be improved. The proxies, candidate representatives and domestic observers were not active in observing this stage of process.

Domestic observers were present in 93 % of the polling stations visited. However, in 10 % of the stations the observers did not have full view of the counting process. In Kamenicë/Kamenica, PS 1017d/02d the PSC did not allow observers to see the ballots and did not announce the result of the count. In Skenderaj/Srbica, PS 2101b/5d an unauthorized person (a party observer) was conducting the counting process without following procedures and results delivered to the MEC did not appear to be correct.

The continued complexity of the political situation in the north resulted in a tense election environment where those seeking to vote were extremely restricted from voting. In some areas the allegations of manipulation and intimidation during the Election Day had place. Particularly, the voting process in Skenderaj/Srbica and Glogovac/Glogovac was challenged by some observers as the preliminary turnout figures have raised concerns. The most noteworthy were Skenderaj/Srbica with 93,68% and Glogovac/Glogovac with 86,94% of turnout. These figures represent a significant increase compared to the 2009 elections when figures in these municipalities were also questioned by observers including the ENEMO mission.

XIV COUNT AND RESULTS CENTER

The Count and Results Center was operated in a warehouse near Pristina under the strong support of IFES with heavy involvement of international staff. The CRC was tasked with material intake and checking, reconciliation of results forms, verifying and scanning voter lists, data entry and review, audit, counting of conditional and by-mail ballots, recounts of ballots, and investigations.

The CRC reports for the CEC after 12 December 2010 elections showed 760 polling station results forms (RRFs) did not pass audit and ballots were to be recounted and investigated at the CRC. This number of polling stations does not include disputed polling stations from Municipalities of Deçan/Dečani, Skenderaj/Srbica and Glogovac/Glogovac nullified by the ECAP decision. The CEC decisions to repeat voting in 3 municipalities on 9 January 2011 and on 23 January 2011 in Mitrovicë/Mitrovica Municipality meant for the CRC that counting of all conditional ballots and out-of-Kosovo by-mail ballots had to be postponed by weeks after last re-voting took place.

The CRC report on January 9 re-voting audit stated that 92 polling stations out of 185 did not pass audit and required recounts of ballots and further investigations. Central Election

Commission approved recommendations of Count and Results Center to recount ballots in certain polling stations for elections held on 9 January 2011 for following reasons: - discrepancy in RRF – 6 polling stations (around 7%); - number of candidate votes exceeds for five times the number of votes of the political entity – 82 polling stations (around 89%); - candidate has received a higher number of votes versus the political entity – 27 polling stations (around 29%); - political entity did not win any votes while the candidates did – 14 polling stations (around 15%)

The level of tolerance as regarding the process of recounting was +/- 6. The CRC recommended CEC that the results of two polling stations¹¹ in which irregularities were found during the recounting process for elections of 9 January 2011, not to be included in the overall results. CEC approved the recommendations of CRC and ordered to exclude these two polling stations from general results

Generally the most frequent issues detected at the CRC were errors in RRFs and especially mistakes or fraudulent data in Candidate Results Forms (over 90%). Similarly as in 2009 local elections there was a number of polling stations that reported suspiciously high turnout figures.

XV COMPLAINTS AND APPEALS

The total number of complaints and appeals received by the ECAP related to the 2010 Kosovo Assembly elections and repeat elections was 447. Number of complaints filed with ECAP:

- prior to 12 December - 136 complaints
- on 12&13 December - 177 complaints and 1 appeal
- from 14-29 December - 43 complaints and 6 appeals

Out of 363 complaints and appeals related to 12 December poll 238 were rejected and from 125 adjudicated cases 99 were fines to be paid by political entities.

With regard to the repeat elections on 9 January 2011, the ECAP received 71 complaints out of which 46 were rejected. Additional 13 complaints were lodged to ECAP after repeat voting in Mitrovicë/Mitrovica Municipality on 23 January 2011

Majority of the campaign-related complaints dealt with breaches of Code of Conduct. Very often parties claimed that their opponents damaged their posters or plastered party posters over the posters of the opponent. According to ECAP spokesperson fines were imposed on 9 political entities in total value of € 377.450 (PDK € 148.400 LDK € 88.050, AAK € 73.600, AKR € 42.850, LDD € 9.200, Vetëvendosje € 6.250, FER € 050, KDTP € 3.050 and SLS 3.000 EUR. Those fines should have been paid within 15 days after the date of the decision, however, the law does not stipulate sanctions for delays in payment of those fines.

¹¹ CEC decision from 18 January 2011 to exclude results from polling stations PS 0307e/01r and PS 2110b/02d

The ECAP's decision Nr. 490/2010 from 16 December 2010 on complaints submitted by political entities (LDK, Vetëvendosje) and domestic observers (KDI, BIRN) invalidated results in 49 polling stations from 21 polling centers in municipalities of Skenderaj/Srbica (30 PS in 12 PC), Glogovc/Glogovac (11 PS in 5 PC), Deçan/Deçani {5 PS in 2 PC}, Malishevë/Mališevo (2PS in one PC) and Lipjan/Lipljan (1 PS in one PC) and ruled that re-voting should be organized in those polling sites. The reasons for annulment of results in these polling stations were breaches of the secrecy of vote, persons voting on someone's else behalf, falsification of signatures on the voter lists. Based on this ECAP's decision and CRC reports, the Central Election Commission decided to cancel results and organize re-voting in all polling stations of Municipalities of Skenderaj/Srbica, Glogovc/Glogovac and Deçan/Deçani and also in a polling center in village of Shale (PC No.1034e in Municipality of Malishevë/Mališevo) and in one polling center in village of Lashkadrenoc (PC No.3008 in the Municipality of Lipjan/Lipljan). The CEC ordered re-voting to be held on 9 January 2011

On January 6, 2011 the Supreme Court ruled on appeal to ECAP's rejection of complaint about irregularities on December 12 concerning non-functional UV lamps and ink in certain polling stations in Mitrovicë/Mitrovica. Court's ruling overturned ECAP's decision stating infringements of fundamental voters' rights and thus lead to the annulment of election results. This rather late judicial decision on appeal came quite surprising for the stakeholders and the CEC was seemingly unaware of the pending appeal case as at that time being engaged in organizing repeat voting for the Municipalities of Skenderaj/Srbica, Glogovc/Glogovac and Deçan/Deçani set for the 9 January 2011. Thus late annulment of results in Mitrovicë/Mitrovica polling stations prompted the CEC to organize another repeat election in the polling centers of the Mitrovicë/Mitrovica Municipality on 23 January 2011.

Overall there was no information available on handling of complaints submitted by voters to the various levels of election commissions during the days of voting. There is a need for effective and transparent system of recording, addressing and resolving individual complaints filed by voters to the election administration and displaying outcome of handling such complaints.

After the 2010 elections the ECAP forwarded more than one hundred complaints to the prosecutor's office for further investigation. In order to increase the level of confidence in the process, ENEMO mission urged authorities to ensure that all election-related fraud cases are investigated and that all perpetrators are prosecuted and held accountable in a timely manner. Relevant authorities responded in media that they will act and requested information from the CEC, however to break with the sense of election fraud impunity it is essential that all pending cases are dealt vigorously in an efficient and transparent manner.

XVI REPEAT ELECTIONS - 9 JANUARY 2011 & 23 JANUARY 2011.

Following the CEC decision to repeat elections in three municipalities and two additional polling centers on 9 January 2011, ENEMO re-deployed limited mission composed of three Core Team members and 4 long-term observers. On the day of repeat poll on 9 January 2011 seven monitoring teams visited 60 polling stations in all municipalities where repeat voting took place.

ENEMO noted that high a number of irregularities during the elections have severely affected the trust in the democratic process in Kosovo. Breaching the secrecy of the vote by family and group voting was in many places the rule and not the exception as reported from 38% of polling stations visited during the January 9 elections. PSC members or observers assisting to vote (11%) or instructing the voters whom to vote (5%), proxy voting (9%), not checking ink properly (4%) and not checking voter ID card properly (4%)¹². These serious breaches of procedures were seemingly accepted and there were no attempts by the polling station commissions to stop irregular voting behaviors. Observers evaluated voting process as bad or very bad in 27% of polling stations visited.

The turnout of repeat 9 January 2011 elections has decreased significantly in Glllogovc/Glogovac (-31%) and Skenderaj/Srbica (-34%) municipalities with suspiciously high turnout in 12 December 2010 poll, while in Deçan/Deçani decrease in turnout was 8.8%.

Table 1. Voter Turnout Data - Kosovo Assembly Elections (2001 – 2010)

	Kosovo	Deçan/ Deçani	Glllogovc/ Glogovac	Skenderaj/ Srbica	Mitrovicë/ Mitrovica
2001 KA Election	64.3%	66.3%	73.1%	64.3%	56.0%
2004 KA Election	49.5%	59.5%	65.8%	57.0%	45.9%
2007 KA Election	40.1%	45.8%	49.9%	52.8%	28.9%
<i>12/12/2010 KA Election *preliminary results cancelled by CEC</i>	<i>47.8%*</i>	<i>43.4%*</i>	<i>86.9%*</i>	<i>93.7%*</i>	<i>37.0%*</i>
2010 KA Election (final results from 30/1/11 after repeat elections)	45,3%	34.6%	55.9%	59.8%	27.0%

ENEMO mission did not observe repeat elections in the Mitrovicë/Mitrovica municipality held on 23 January 2011. The CEC announced that the turnout figure for re-voting in this municipality reached 27 % (a 10% decrease compared to December 12 released turnout of 37%).

¹² There were cases when PSC members accepted birth certificate, company ID card, foreign passports (Austrian).

XVII ANNOUNCEMENT OF ELECTION RESULTS

Preliminary results of 12 December 2010 elections were announced following day on 13 December 2010. However, due to the decision of the CEC to organize re-voting on January 9 in municipalities of Deçan/Dečani, Gllgovc/Glogovac and Skenderaj/Srbica and to repeat voting in municipality of Mitrovicë/Mitrovica on January 23 the count of all conditional ballots and out-of-Kosovo by-mail ballots had to wait for completing counts of all re-cast ballots. The preliminary results for the re-runs in the municipalities of Deçan/Dečani, Skenderaj/Srbica, Gllgovc/Glogovac, Mitrovicë/Mitrovica were published on 24 January 2011.

Final results for Kosovo Assembly Elections 2010 were published by the CEC on 30 January 2011 and were certified on 7 February 2011 on a session of the CEC. The CEC published results for political entities and for all candidates at the polling station level to provide for high level of transparency. However, the PS results breakdown consists of 2200 polling station results without mentioning the reasons for missing 80 polling stations results (77 of them are in the north and it is not clear whether they were functional or open at all)¹³

The Count and Results Center did not publish comparison of RRF and CRF results forms to compare protocols of invalidated polling stations by ECAP from December 12 poll with RRF and CRF results forms of 9 January 2011 and 23 January 2011 repeat voting.

95 out of 100 regular seats in the Kosovo Assembly were allocated to five political entities of Kosovo Albanian community that passed 5 percent threshold in following order PDK (34 seats), LDK (27), Vetëvendosje (14), AAK (12) and coalition AKR(8 seats). The remaining five regular seats went to political entities representing minorities: Serbian SLS (2 seats), Serbian JSL (1), Turkish KDTP (1), and Bosnian VAKAT (1 seat).

Twenty seats guaranteed for minority communities have been allocated to political entities representing these minorities. The election law stipulates in Art. 111.3 that reserved seats shall be allocated to the Political Entities representing the Kosovo Serb community and other non majority communities in the same manner (the Sainte-Laguë method) based on the total number of valid votes received by each Political Entity, irrespective of the number of seats already allocated from the hundred (100) seats. However, there seems to be a lack of proper and consistent method of allocation of these reserved seats and relevant information is missing on the CEC website¹⁴

¹³ Total number of polling stations was 2280. The PS results do not include 2 invalidated PS by the CEC (PS 0307e/01r in Glogovac, PS2110b/02d in Skenderaj/Srbica), one PS in Fushë Kosovë/Kosovo Polje (PS 0907e/01d), 22 PS in Mitrovicë/Mitrovica, 29 PS in Leposavič/Leposaviq, 14 in Zubin Potok and 12 in Zvečan/Zveçan.

¹⁴ The 10th reserved Serbian seat was allocated to SDKiM (1008 votes) even though SLS (14 352 votes) should have received its 7th reserved seat instead thanks to larger quotient (SLS $q=14\ 352/13=1104 > \text{SDKiM } q=1008$).

The impact of repeat voting on final results in terms of mandates assigned for political entities compared to 13 December 2010 preliminary results led to loss of 2 parliamentary seats for PDK and gain of one additional parliamentary seat for LDK and Vetëvendosje. The certified list of deputies remained the same as announced by the CEC on 30 January 2011 with one exception upon request of Mr. Isa Mustafa who has decided not to become a member of Kosovo Assembly, but to remain in the position of the Mayor of Pristina.

XVIII RECOMMENDATIONS

Based on observations and analysis of various stages and factors of election process ENEMO proposes the following recommendations for improvement of election legislation and electoral process in general. These recommendations address various stakeholders in accordance with their powers.

Proposal for the Prosecution and Courts

Prosecution of perpetrators of electoral offences

It is of utmost importance to investigate impartially all election offences, timely prosecute and hold responsible perpetrators from 2010/11 Kosovo Assembly elections (the same applies to the previous offenders from 2009 and 2007 elections)

Proposals for the CEC

Professionalization of election administration

It is recommended to continue in professionalization of election administration. There should be a greater emphasis on education and professionalism. Polling commissioners should be hired on a professional basis. Terms of reference should be developed for political parties in the legislation specifying requirements. The composition of the Central Election Commission may benefit from inclusion of several judges as CEC members.

Training and work of polling staff

Increased efforts and special emphasis shall be put in place to train polling staff to ensure safeguards and implement measures against election fraud practices and the most common breaches of procedures such as group voting, proxy voting, forging signatures on voter lists, ballot box stuffing, etc. Indelible ink and UV lamps shall be tested always in advance and secured to prevent from tampering.

Tabulation, audit and recounts (Count and Result Center)

The Count and Results Center shall further increase transparency of its actions by publishing all CRC reports on the CEC website and providing timely and accurate information to all stakeholders and accredited observers. The communication between CRC and CEC shall be more effective (e.g. to provide scanned documents such as RRFs and CRFs for the CEC members and accredited observers). Clear rules for applying and relaxing level of tolerance shall be defined in advance. .

Publication of election results

The publication of election results by polling station on the CEC website provides for increased transparency. However, there is a need to provide information on calculation of seat allocation to Political Entities including allocation of reserved seats for non-majority communities.

Organizing repeat voting

Communication between the CEC, ECAP and Supreme Court shall be improved with regard to all pending decision on election complaints and appeals as to be able to organize repeat voting in effective manner (the same polling day for re-voting in various municipalities).

Complaints handling

There shall be clear mechanism of recording and resolving complaints by individual voters. It is not clear whether complaints filed to the CEC have been answered properly at the CEC or passed on. We recommend therefore that each complaint should be given a thorough consideration and more transparency and feedback to whoever initiated those complaints, like for example placing a statistics and details of the complaints on CEC website.

Proposals for the Parliament

Election Complaints and Appeals Panel

The ECAP authority shall be extended to decide on disputes about violations of campaign rules and code of conduct prior to the official start of campaign period. ECAP powers shall be extended also to provide additional sanctions for Political Entities which do not pay the fines imposed by ECAP in due time according to the set timeline.

Proposals for the Government

Updating of voters lists

The VL is the extract from the Civil Registry and CR should be updated in systematic manner to remove deceased persons and persons that were erroneously included. Much more effort is needed in this aspect to reach required accuracy of the voter lists that would increase public confidence in the credibility of election process.

Clarification of voter ID issues

There is a need to clarify the relevance and application of the different voter identification documents described in the law. In the Law on General Elections passport and ID cards are regarded as valid without specifying the origin of the documents. Concerns were raised about the use of valid identification from outside of Kosovo, practice observed in some polling stations in 2010 elections. In the training manual for polling station staff the documents are specified as Kosovo or UNMIK documents. Clear and understandable information regarding the acceptable valid identification documentation is of utmost importance.

Conditional Balloting

The Law on General Elections gives the voter an opportunity to cast a conditional ballot if they cannot be found on the voters list. Conditional balloting is costly, time consuming and causes significant delays in the counting and tabulation process. An election working group should consider the need to continue with the generalized and standardized conditional balloting.

Unify all specific CEC rules in the Election law

Since there is very cumbersome process for CEC which includes the specific rules all specific CEC rules and regulations should be clearly outlined in the Law on General Elections. The CEC is tasked to manage most aspects of political party registration and financial disclosure as well as political entity and candidate registration. Many of CEC electoral rules are related to political entities and candidates. A separate law regarding registration and operation of political entities and candidates should be considered.

Proposal to Independent Media Commission

Media monitoring reports

IMC should present its media monitoring report related to Kosovo Assembly elections timely and post it together with the IMC decisions on its website. Further improvement of media monitoring methodology applied (e.g. OSCE/ODIHR observation mission methodology) would benefit the media development in Kosovo society.

Proposal to Media and Civil Society

Voter education and training of domestic nonpartisan observers

There is a need for media and NGOs to organize voter education campaigns and trainings for nonpartisan observers on genuine democratic election process and to address main issues of electoral malpractice in Kosovo. Family and group voting, fraud, intimidation and culture of impunity for perpetrators are seriously undermining public confidence in the electoral process.

ABOUT THE ENEMO

ENEMO is a group of 22 civic organizations from seventeen countries of the former Soviet Union and Central and Eastern Europe. These non-partisan organizations are the leading domestic election monitoring groups in their respective countries. In total ENEMO member organizations have observed 200 national elections in their countries and more than 100 elections abroad and trained 200 000 election monitors.

For this particular Election Observation Mission ENEMO observers were coming from 18 organizations members of ENEMO, from 7 different European states (Switzerland, Norway, United Kingdom, Finland, Sweden, Slovenia, Denmark) and from the United States of America. ENEMO seeks to support the international community's interest in and promotion of democracy in its region of engagement, to assess electoral processes and the political environment, and to offer accurate and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic elections and benchmarks in the assessed country's legislation and constitution.