

The top of the cover features a close-up, slightly blurred image of the European Union flag, showing the blue field with white stars.

# European Union Election Observation Mission

## **Final Report** **Kosovo 2014**



KOSOVO LEGISLATIVE ELECTIONS



# **KOSOVO<sup>1</sup> LEGISLATIVE ELECTIONS**

**8 JUNE 2014**

## **FINAL REPORT**

**7 JULY 2014**

### **EUROPEAN UNION ELECTION OBSERVATION MISSION**

*This report was produced by the EU Election Observation Mission (EOM) and presents the EU EOM's findings on the Legislative Elections on 8 June 2014 in Kosovo. The information and views set out in this report do not necessarily reflect the official opinion of the European Union. The report is available in English, Albanian and Serbian language versions. Only the English language report should be taken as the official version. Reproduction is authorised provided the source is acknowledged.*

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<sup>1</sup> 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 8 June 2014 early elections to the 120-seat Kosovo Assembly were the second legislative polls held after the 2008 declaration of independence, and the first legislative elections to take place throughout Kosovo under Kosovo law, after the Brussels Agreement on the normalisation of Belgrade-Pristina relations. The elections were transparent and consolidated progress made in the 2013 municipal elections. The legal framework that governed previous legislative and local elections remained in place for these elections. In line with the Constitution, a system of ‘reserved’ seats for political entities representing non-majority communities, used as a transitional measure for the two previous legislatures, was replaced by a permanent system of allocation of 20 ‘guaranteed’ seats. Despite a number of attempts to reform the electoral system in Kosovo, shortcomings identified during the two last election processes have not been addressed. The legislation nevertheless provides a sufficient basis for democratic elections in accordance with international instruments to which Kosovo has committed in its constitution. The short timeframe of the early elections, however, negatively affected some aspects of the process.

The decision to call early elections just 31 days after the dissolution of the Assembly, while legal, had implications for the good conduct and transparency of the election process. The official campaign lasted only ten days, limiting political parties’ ability to campaign and affecting voters’ right to be informed. The deadlines of all stages of the electoral calendar were shortened, which particularly affected out-of-Kosovo voting and pre-election legal timeframes, in some cases affecting the full exercise of voters’ rights and their ability to seek a final legal remedy.

The elections passed peacefully and without major incident. People expressed their democratic right to vote, including in the north. Opening, voting, and closing procedures on Election Day were positively assessed by EU EOM observers, representing a significant improvement on previous elections. Several cases of malpractice were reported, which were mostly addressed by the relevant authorities. Observers noted high numbers of assisted voting, a trend that has concerned political entities who have linked it to malpractice. Domestic observers and political party observers were present in polling stations in high numbers. The performance of polling station committees deteriorated during the counting process, which was less well organised. Counting the party and candidate preferences on the ballots proved challenging, resulting in a high number of incorrectly completed results forms.

Candidate registration was inclusive. The CEC certified 30 political entities: 18 political parties, seven citizens’ initiatives, four coalitions and one independent candidate. Twenty-one entities were certified as representing non-majority communities.

In most of Kosovo there was a lively campaign, mostly based on door-to-door canvassing and small-scale meetings for the majority of the political entities, complemented for bigger players by the use of billboards, rallies, social networks and paid coverage on broadcast media. Contestants were able to campaign freely and the campaign intensified in the final days. The candidates focused on economic and social issues rather than nationalistic rhetoric, and inflammatory language was not used.

The short timeframe set for the official campaign proved to benefit the major players, who used the unregulated weeks prior to its official start date to hold public events and media appearances whereas the smaller and non-majority political entities were not visible. This was particularly evident in the media where all six Kosovo Albanian parliamentary parties campaigned, with PDK getting more coverage in the public RTK1. These 20 days of unregulated pre-campaign, twice as long as the official campaign, meant that the measures to ensure a level playing field were only in force during one third of the *de facto* campaign period. The Independent Media Commission (IMC) also issued five warnings for publishing political advertising spots or parties announcements prior to the official campaign period.

Media freedom was overall respected. The media provided political entities with a variety of ways to disseminate their messages to the voters, and offered them necessary information to make an informed choice. While news reporting of the official campaign was generally balanced and equitable, extensive prime time coverage of the political parties through unregulated, sponsored airtime in addition to the regulated political advertising spots reduced the balance of the coverage. The TV channels, using a gap in the legislation, applied negotiable prices to sponsored coverage, which undermines the equality of contenders foreseen in the law.

The Serb community entered the election process with discontent following the expiration of the 'reserved' seats system and the use for the first time of the 'guaranteed' seats system. Differences in the terminology used in the law and the Constitution added to this dissatisfaction. Election preparations were temporarily suspended by the mayors of the four northern municipalities and Srpska List halted its campaign, which deterred smaller Serb and minority political entities from campaigning visibly in the north, and affected voters' right to be informed on the candidates and on how to express their choice on the ballot paper. In the Serb-majority areas in the south, all political entities campaigned freely and without incident. Srpska List resumed its campaign activities there during the last three days of the campaign.

Both Kosovo Albanian and non-majority political entities addressed their messages exclusively to their own community and in one language, concentrating activities in their geographical areas of population, and without reaching out to other voters. TV debates did not mix candidates representing different communities.

Women were under-represented in the campaign, especially in public appearances and in the media, with the exception of the two main parties' few prominent female runners. Messages were not targeted specifically at women and their attendance at rallies was low. Women were also underrepresented in election management bodies. The representation of women in the Kosovo Assembly is guaranteed by a 30 per cent quota system for both candidate lists and seats – a measure which is evaluated by the EOM and most interlocutors as necessary to ensure women's representation.

All layers of the electoral administration conducted their work in a transparent manner. Despite the short timeframe, the election administration organised the elections well on a technical level, meeting most of its operational deadlines, including training of polling station committees, printing manuals and ballots, and delivering electoral materials. Nevertheless, some of the delays to decisions and actions of the CEC did not enhance public confidence in its work. For example, despite extensive discussions of the procedure for allocating seats in the Assembly, the precise formula was only made available a few days before Election Day.

The final voter list, which is managed by the CEC but based on the civil registry, contained 1,782,454 voters. Despite recent efforts to update the civil registry, it is still thought to contain high numbers of deceased people and registration errors. The period for voters to challenge the preliminary voters list was shortened to only three days for these elections and was not properly administered across all municipalities. An estimated half million people who do not reside in Kosovo are on the voter list, as is permitted by law. Political entities fear that this large number of diaspora voters leaves the process open to manipulation.

The eligibility criteria for the out-of-Kosovo voting programme are inclusive and the procedures are well clarified by the CEC. Out of 29,754 applications, more than 16,000 people were accepted and 15,951 cast their vote. However, out-of-Kosovo voting was one of the most controversial parts of the election process. The application and voting periods were extremely short. Voters who successfully appealed the decisions on their applications may consequently not have been able to vote. Furthermore, unsuccessful appellants did not have time to seek a final legal remedy before Election Day. During the counting of out-of-Kosovo ballots, representatives of a number of

political parties walked out in protest, alleging that multiple ballots for Srpska List had been filled by the same person. Although none of the related complaints were accepted by the Election Complaints and Appeals Panel (ECAP), most major political parties reported a lack of confidence in out-of-Kosovo voting. The EU EOM notes a lack of safeguards to ensure that both applications and voting are authentic and free from manipulation.

The process after the elections took 26 days before the announcement of the final, certified results. This is partly caused by the system of conditional voting, for which 798 conditional ballot boxes had to be counted at the Counting and Results Centre (CRC), as well as out-of-Kosovo ballots. However, mismatches in the results forms led to an audit of 538 results and reconciliation forms and 939 candidate results forms and a decision of the Central Election Commission (CEC) to a full re-count of 439 ballot boxes – almost one fifth of all polling stations. The EU EOM evaluated that all the procedures in the CRC were correctly followed, but the slow pace of the verification of polling-station data and re-counting operations delayed the announcement of results. While the CRC was well organised, the number of counting teams was only increased one week into the process and the teams only reached peak efficiency during the last few days when there was pressure from the political parties to deliver the results.

The present system of electoral disputes has proved inappropriate to ensure the electoral rights of all election actors. This is especially true in cases related to disputes over voting and counting, where the large majority of complaints were rejected on formal grounds or for lack of evidence. On many occasions, ECAP adopted a formalistic approach and did not always proactively search for evidence.

The election results were generally accepted by the Kosovo Albanian political entities, even by the entities that lost their representation in the Assembly. Although accepting the results, some non-majority political entities, including Srpska List, continue to contest the legitimacy of the guaranteed seats system. The PDS – the other Serb party to gain representation in the Assembly – and the PDP both filed complaints about the integrity of the out-of Kosovo voting process through which five Srpska List candidates won seats.

As a consequence of no party or pre-election coalition winning an overall majority of seats in the Assembly, the largest party, PDK, and a post-election coalition of AAK, LDK and Nisma, supported by Vetëvendosje, each claimed the right to be asked to form a government, presenting different interpretations of the Constitution. At the request of the President, the Constitutional Court produced a clarification of the issue. Its interpretation, which allows for the possibility – though does not prescribe – that the largest party or pre-election coalition be given both of the constitutionally foreseen chances to form a government, leaves open the possibility that either now or in the future a post-election coalition representing a majority of elected Assembly deputies might not be invited to form a government. This points to a shortcoming in the Constitution and could pose a challenge to the respect of the will of the voters.

## **II. INTRODUCTION**

Following an invitation on 8 May 2014 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 20 May 2014 to observe the legislative elections on 8 June. The EOM was led by Chief Observer Roberto Gualtieri, a member of the European Parliament. In total, the EU EOM deployed 96 observers from all EU Member States, Norway and Switzerland, including a team of eight election analysts based in Pristina and 20 Long-Term Observers across Kosovo. 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**

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). In February 2007, the UN Special Envoy, Martti Ahtisaari, presented his proposal for 'supervised independence', which was not accepted by Belgrade. Nevertheless, the steps in the plan were followed and on declaring independence, Kosovo committed itself to implementing its obligations under the Ahtisaari plan. In September 2012, the international supervision formally ended and Kosovo became responsible for its own governance.

The 2014 early elections of the Kosovo Assembly are the second legislative polls held after the 2008 declaration of independence, and the first legislative elections to take place throughout Kosovo under Kosovo law, after the Brussels Agreement on the normalisation of Belgrade-Pristina relations. As there were allegations of widespread irregularities during 2010 Kosovo Assembly elections, these 2014 elections were also an important test of credibility.

The early elections were called on 8 May by President Atifete Jahjaga, following a vote to dissolve the Assembly. The vote was called at the initiative of the ruling PDK coalition, supported by the opposition Democratic League of Kosovo (LDK) and the Kosovo Serb MPs (SLS), and was passed against the will of the third-largest party, Vetëvendosje (Self-Determination) and AKR, and without consultation of smaller players (including the non-majority political entities).

The Kosovo Assembly is composed of 120 seats. During the 2007 and 2010 mandates, as a transitional measure set by the Ahtisaari plan, 20 seats were reserved for non-Albanian political entities (ten for the Serbs, and ten for other non-majority communities), to which were added a number of seats won according to their score of votes. With these elections, for the first time the



guaranteed seats system established by the Constitution has applied, by which a minimum of 10 seats were guaranteed for Serbs, and 10 for other non-majority representatives, regardless of the number of their votes. The change in system was the cause of discontent among the Serb community.

The Municipal Elections of 3 November and 1 December 2013 were an important step forward 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. Those elections, which required the facilitation of the OSCE in the northern municipalities, led to the election of municipal representatives in the north. For the 2014 legislative elections, the OSCE provided technical assistance in the north and transportation for the out-of-Kosovo voting to and from Serbia.

## **B. Main Political Actors**

Thirty political entities – coalitions, parties, citizens' initiatives and one independent candidate – were certified by the CEC to participate in the polls. Among them nine were Kosovo Albanian, and 21 represented non-majority communities.

The two main contenders were the "New Mission" coalition led by the Democratic Party of Kosovo (PDK) and the Democratic League of Kosovo (LDK). Following a loss of support in last year's municipal elections, PDK leader and Prime Minister Hashim Thaçi, in charge during two consecutive mandates, formed a coalition in an attempt to win more votes, with the help of one of its partners in government, the PD (Justice Party), and set of small parties. The opposition LDK headed by Isa Mustafa was his closest rival, holding 29 seats. Vetëvendosje was the third contender, first represented in Parliament in 2010, with 14 seats, and which gained the mayoralty of Pristina in 2013. The Alliance for the Future of Kosovo (AAK), led by the former KLA commander Ramush Haradinaj was following. Other relevant Kosovo Albanian players were Behgjet Paçolli's New Alliance for Kosovo (AKR), from the ruling coalition, this time running on its own, after winning the mayoralties of Gjakovë/Djakovica and South Mitrovica/Mitrovicë in 2013; and the newly created Nisma (Initiative for Kosovo), a splinter party of the co-founders of the PDK and former KLA members Fatmir Limaj and Jakup Krasniqi, which was running in the Assembly elections for the first time.

With the aim of forming a bloc of at least 10 seats in Parliament, the three main Kosovo Serb political entities, which had competed against each other in 2013, formed a joint list - Srpska List. Led by the Belgrade-backed Citizens' Initiative Srpska created for the municipal polls, the coalition included the northern Serb citizens' initiative SDP-Oliver Ivanović, and the Independent Liberal Party (SLS) member of the Kosovo Government, in the south. The other main Serb contender was the Serb Progressive Democratic Party (PDS) both in the south and the north of Kosovo.

Two coalitions were formed among the other non-majority communities: the Coalition for the Gorani (KZG) and the Bosniak United List (BJL). There were five other Bosniak, two Turkish, two Ashkali, two Egyptian and two Roma entities.

## **IV. LEGAL FRAMEWORK**

Kosovo legislation provides a sufficient basis for democratic elections. Since the 2010 legislative elections, there have been two unsuccessful attempts to comprehensively reform the electoral system in Kosovo and address previously identified shortcomings. With few exceptions, the legal framework that governed previous legislative and local elections remains in place for the 2014

Assembly Elections. Only the criminal legislation in relation to breaches of electoral rights has changed, tightening the law relating to criminal offences against electoral rights.

The key pieces of legislation in Kosovo are the Kosovo Constitution of 15 June 2008 and the Law on General Elections (LGE) of 5 June 2008, which was amended in October 2010 to introduce some changes mainly regarding the procedures for complaints and appeals. The relevant secondary legislation includes 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 ECAP, which expands the law in relation to the conduct of complaints and appeals; and the 17 regulations issued in 2013 by the CEC, which expand on principles included in the LGE.

Other important laws relevant to the elections process are 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; and the Law on Financing of Political Parties of 16 September 2010, amended in December 2011 and July 2013.

Kosovo is not a signatory party to any international instrument on human rights or the conduct of democratic elections. Nevertheless, 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 (CEDAW).

Furthermore, Article 53 of the Constitution obliges Kosovo 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. The rights enshrined in the ECHR are directly enforceable, and in case of conflict, have priority over provisions of Kosovo laws. In addition, three days after the elections the Committee of Ministers of the Council of Europe approved Kosovo's membership of the European Commission for Democracy through the Law, known as the Venice Commission. The Code of Good Practice in Electoral Matters of the Venice Commission of October 2002 now has reinforced importance as a reference for the conduct of democratic elections in Kosovo.

Some of the shortcomings in the law identified by the EU EOM are: the right to shorten the deadlines within the election calendar for early elections, including the campaign period; the lack of clarity over how seats should be allocated through the guarantee system for non-majority political entities; the very general rule on ethnic representation on the elections management bodies; and the lack of safeguards in the law on exercising the equality of opportunities of political entities to media airtime.

## A. Early Elections

The Constitution and the LGE allows the President of Kosovo to call early elections for the Kosovo Assembly when the Assembly has been dissolved. Early elections may not be held earlier than 30 days or later than 45 days after the dissolution of the Assembly. A Presidential decree setting the date of the early elections was signed on 8 May, announcing elections on 8 June. This was the earliest possible date. Early elections are regulated by the same laws and CEC rules as other elections, except that the CEC has the right to change time frames if circumstances demand. Accordingly, the CEC presented a calendar in which all the deadlines had been shortened, including the campaign. The shortening of deadlines has implications for the good conduct and transparency of the elections process. Shorter deadlines limit the time for: political parties to campaign, affecting voters' right to be informed; applications for out-of-Kosovo voting; preparations for the elections; and pre-elections complaints and appeals. In some cases short deadlines have affected the full exercise of voters' rights and their ability to seek a final legal remedy.

## B. Electoral System and Allocation of Seats

For the purpose of these elections, Kosovo is considered a single electoral district. The Kosovo Assembly has 120 deputies directly elected on the basis of an open list. Out of 120 seats, ten seats are guaranteed for Serbs and ten for other non-majority communities.<sup>2</sup> As an additional safeguard, the political entities representing non-majorities are exempted from the 5% threshold that applies for political entities representing the Kosovo Albanian community. The distribution of seats is made by proportional representation in accordance with the Sainte-Laguë method. The term of office for the members of the Kosovo Assembly is four years.

An important debate over how the system works and therefore how the seats would be allocated in the Assembly took place throughout the pre-election campaign and campaign period. Both the Kosovo Constitution and the LGE foresee the system of 'guaranteed' seats. Although the legislation has not changed, these were the first elections where this system of allocation was implemented, following two previous elections where transitional measures were in place. The Kosovo Constitution established the permanent 'guaranteed' seats rule but foresaw that a 'reserved' seats system would apply only for the first two general elections after Kosovo independence. The LGE reproduces exactly the Kosovo Constitution in regards to the establishment of the 'guaranteed' seats system. Yet, the word 'reserved' is used to explain how the seats should be allocated, which was interpreted by Serbian representatives as implying that the reserved seat system is still in force. Under the previous 'reserved' seat system, whereby 20 reserved seats were allocated *in addition* to seats won according to the results, the non-majority political entities had a total of 25 representatives in the last legislature.

Only one week before the elections the CEC set up a Working Group that produced a document to clarify the procedure of seat allocation in the Assembly.

## C. Representation of non-majority representatives on election management bodies

The law does not provide specific guarantees for the non-majority communities to be represented at all the levels of the election administration. It merely requires the CEC to endeavour to ensure that all ethnic communities with significant numbers in respective municipalities are fairly represented

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<sup>2</sup> The distribution of those 20 seats is as follows: 10 for the Kosovo Serb community, 3 for the Bosnian community, 2 for the Turkish community, 1 for the Gorani community, 1 for the Roma community, 1 for the Ashkali community, 1 for the Egyptian community and 1 additional seat for the Roma, Ashkali or Egyptian with the highest votes overall.

in the membership of municipal electoral commissions (MECs). Then, the polling station committees (PSCs) have to reflect broadly the compositions of the MECs. Percentages and quotas do not apply, and as a result, non-majority communities have not always felt fairly represented in the elections management bodies.

#### **D. Gender**

The Kosovo legal framework ensures gender equality in both the Constitution and the electoral legislation. There is also a specific Law on Gender Equality. The Constitution establishes that the composition of the Assembly of Kosovo shall respect internationally recognised principles on gender equality. The LGE states that in each political entity's candidate list, at least 30% of the candidates shall be female. In order to have further representation guarantees, if after the allocation of seats the candidates of the minority gender within a political entity have not been allocated at least 30% 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%. The measure could have conflicting aims with the open list system. The application of this 'double positive discrimination' has meant that in practice the will of the voters of choosing candidates has not always been respected, as in some cases women have been assigned seats having gained fewer votes than male candidates on the same list. Although this has been a cause for concern for a few male candidates, it is accepted by most stakeholders as a necessary transitional measure. It is acknowledged by representatives of a number of political parties that without these quotas, women would not be represented at the same level in the elected bodies.

In spite of Kosovo's political representation quota for women, parties continue to be dominated by men and women in decision-making positions remain an exception to the rule. Women are also under-represented in the election administration.

## **V. ELECTION ADMINISTRATION**

### **A. Structure of the Election Administration**

The legislative 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 electoral commissions (MECs) and 2,374 polling station committees (PSCs) appointed only for these elections.

The CEC is an independent and centralised body in charge of the management and implementation of the election process. It is the sole decision-making body on all aspects of the elections and its technical division, the Secretariat, along with the MECs, implements its instructions. It is composed of members representing the six largest parliamentary groups of the Assembly and four non-majority groups. The Chairperson is appointed by the President among the judges of the Supreme Court for a mandate of seven years. The Chairperson may not serve for more than two mandates. The length of the mandate of CEC members is not defined by law. CEC meetings are public, except when otherwise decided by the CEC, and they should be called by the CEC President or by at least four members. Most decisions are made by a simple majority. However, for the election rules, registration and certification of political parties and announcement of election results, the CEC should decide by consensus. If this is not possible, then decision is taken by a two-thirds majority. CEC decisions are final and they are subject to complaint only if stipulated by the Law on General Election.

According to the law, MEC members are appointed by the political entities that have passed the election threshold in the previous Assembly elections. Although the legislation remains silent on the PSC composition, it essentially reflected the composition of MECs. An exception was made for the MEC and PSCs in the four northern municipalities where the composition was based on the municipal assemblies elected in 2013.

### **B. Administration of the Elections**

All layers of the electoral administration conducted their work in a transparent manner, with open meetings and dissemination of information to election stakeholders and the public. Domestic observers and a high number of political party observers were accredited without any significant obstacle. However, the CEC website was not always updated promptly and translations of documents and instructions in Serbian were in some instances slow to be made available or entirely absent.

Despite the tight timeframe, the election administration organised the elections well on a technical level, meeting most of its operational deadlines, including printing manuals and ballots, and delivering electoral materials. Training sessions of PSCs were generally evaluated positively by observers, except in Mamushë/Mamuša. However, the training on the phases of counting and filling in the results forms was not assessed as up to standard, as reflected in the large number of incorrectly completed results forms. Furthermore, the late nomination of MECs and PSCs in the north affected the quality of the training there.

The MECs were assessed by EU EOM observers as professional in facing technical, operational and logistical challenges. However, the freeze of election operations in the four northern municipalities led to the impossibility for MECs to use the municipal buildings and consequently delayed the training of PSCs.

The CEC organised an extensive voter education campaign, including for out-of-Kosovo voters. The campaign was conducted in the media<sup>3</sup> and mainly dealt with the voting procedures and the documents needed for the identification in the polling stations. Although required by law, civic education spots did not target any specific category of people.

In some cases, delays in the decision-making and actions of the CEC did not enhance public confidence in its work. Despite extensive discussions of the procedure for allocating seats in the Assembly, the precise formula was only made available a few days before Election Day. A CEC decision just prior to the official start of the campaign to ban the use of certain posters was untimely, causing unnecessary obstacles for campaigning parties and was eventually overturned by ECAP. The CEC also established a working group to consider a proposal to decide prior to Election Day to have a full re-count of all polling stations at the Count and Result Centre (CRC). This indicates a lack of trust of the PSCs and would have been in contradiction with the law.

While the CRC was well organised there was a lack of urgency in the counting procedures, meaning that final results were not announced until 18 days after the elections. The counting got off to a slow start with the CRC only increasing the number of counting teams one week into the process. The productivity of the counting teams only reached a peak in the last few days when there was pressure from the political parties to deliver the results.

The participation of women in all the levels of the election administration is very low. In the CEC, only the Chairperson is a woman and the percentage is also very low in the MECs (11.7%). On Election Day, more than one quarter of PSCs were women, but the majority served in positions other than chairperson.

In relation to the four northern municipalities, the CEC requested the OSCE's technical support for the organisation of elections. The role of the OSCE in the four northern municipalities was limited in comparison with the last elections and mainly focused on guidance for MECs, advice and technical assistance for PSCs and assistance in the transportation of election materials. Furthermore, the OSCE assisted in the transportation of by-mail voting applications. During Election Day, the OSCE deployed advisers in all polling stations in the north, who actively supported the polling stations commissioners, especially during the counting phase.

## VI. VOTER REGISTRATION

The voter registration in Kosovo is a passive system. The voter list is extracted from the Central Civil Registry that is maintained by the Ministry of Interior<sup>4</sup>. The CEC is in charge of the maintenance and updating of the voter list, which includes all eligible citizens of Kosovo but does not contain voters who successfully applied for the out-of-Kosovo programme. The accuracy of the voter list, however, remains low due to the high number of deceased people in the Civil Registry, although efforts have been made to clean up the registry since January of this year. This cleaning process is still ongoing and the high number of deceased people in the Civil Registry is still a major concern of political entities. Civil Registry Offices are located in all municipalities and they should record births, deaths and eventual address changes. Nonetheless, the offices were only connected with a central database last year.

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<sup>3</sup> The EOM observed some CEC voter education mobile teams in Partesh/Parteš and Kamenicë/Kamenica. Furthermore, only the MEC in Glllogoc/Glogovac organised training for first-time voters.

<sup>4</sup> The current Civil Registry is based on the UNMIK (the United Nation Peacekeeping mission) registry that was developed after the war. People who received UNMIK documents, and later Kosovo documents, are included in the register. The registry also contains biometric data and a unique code is assigned to each citizen.

The law allows the estimated 560,000 people<sup>5</sup> who do not reside in Kosovo that are still registered in the civil registry to be on the voter list. This is a concern of political entities who fear that this large number of diaspora voters leaves the process open to manipulation.

The CEC announced a preliminary voter list of 1,786,929 voters. This figure includes the voters included as a consequence of the Brussels Agreement<sup>6</sup> (7,671 voters), while 3,334 voters were removed as they had successfully applied for the out-of-Kosovo voters' programme.

Voters had the possibility to challenge the voter list between 22 and 24 May, in order to correct inaccuracies or omissions. Nonetheless, the EOM observed that the preliminary voter lists were not available for public consultation in all municipalities during the challenge period, as foreseen by the law. According to the Law on General Election, the challenge period is the only moment when the CEC has the possibility to improve the quality of the voter list, removing deceased voters upon request of the public. This period is supposed to last 15 days, as per the Law on General Election, but for this election its length was only three days, during which no voters challenged the list. The CEC removed 27,304 voters because they were deceased (20,192) or because they waived their citizenship (7,112). A few voters were removed due to a decision of the Court of First Instance.

The CEC certified the final voter list on 28 May by a majority decision<sup>7</sup>; it is composed of 1,782,454 voters. The EOM observed the printing of the final voter list that took place in Pejë/Peć and the packaging of the lists per municipality, which was conducted correctly and under good security conditions.

Because of the inaccuracy of the address system, the CEC allowed voters to change their assigned polling stations during the so-called voters' service period from 14 to 24 May. A total of 6,275 voters successfully changed their polling stations.

## VII. OUT-OF-KOSOVO-VOTING

Eligible voters who temporarily reside outside of, or are displaced from, Kosovo are entitled to register and to vote by mail. The short periods in these elections for registration and voting – from 13 to 19 May and 27 May to 6 June respectively – reduced the possibility to apply for out-of-Kosovo voting as well as to appeal against rejected applications. Out of 29,754 applications, only 10,648 ballots were cast through out-of-Kosovo voting. Political parties complained about alleged manipulations of the out-of-Kosovo voting and the EU EOM notes a lack of safeguards.

The same inclusive criteria of voter eligibility for regular voting apply to the out-of-Kosovo programme. The programme was managed by the CEC, with technical assistance from the OSCE that assured the transportation of electoral documents from and to Serbia, due to the lack of postal communication with Kosovo.

Although the comprehensiveness of the instructions provided by the CEC improved since the last elections, out-of-Kosovo voters had to apply to receive a ballot by submitting an application form and documentary proof of their eligibility and identity, in accordance with the law. However, successful applicants in previous elections did not have to apply again to receive a voting package, but only to prove their identity.

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<sup>5</sup> The 2011 census estimates that 562,951 citizens residing abroad are still registered in the Civil Registry.

<sup>6</sup> As a consequence of the Belgrade-Pristina dialogue, these people were included in the voter list based on their residence in the four northern municipalities even though they do not have Kosovo citizenship and were never registered in the Civil Registry.

<sup>7</sup> CEC Decision 1150/2014 of 28 May 2014. The CEC members representing Vetëvendosje and the Serb non-majority representative voted against the certification of voter list. The Vetëvendosje CEC member did not agree with the inclusion in the voter list of the 7,671 Serb citizens, as a consequence of the Brussels Agreement. Furthermore, he was against the use of the refugee card as document to show voter eligibility. On the other side, the Serb non-majority representative did not agree with this number as he considered it inaccurate.

In the seven days foreseen as registration period the CEC received 29,754 applications. Of these, 25,433 (or 85%) were transported from Serbia through the transportation assistance provided by OSCE in collaboration, for the first time, with a CEC delegation.

The CEC accepted in the first instance a total of 16,569 applications. The CEC hired and trained 300 staff to verify the validity of the documents included in the applications. The EOM did not observe this phase but expresses some concerns about the accuracy of a process that completed the evaluation of all applications in only three days.

According to the law, rejected applicants can appeal to ECAP in the first instance and to the Supreme Court in the second instance, but with the curtailed electoral calendar for this election, the period to challenge the decision of the CEC and the period of voting overlapped. The deadlines significantly reduced the possibility to appeal to ECAP, which received 9,172 complaints only on 1 June and only accepted 206. Furthermore, the tight timeframe made the appeal to the Supreme Court impracticable. As a consequence, voters' right to seek a final legal remedy was affected.

During the voting period, the CEC received 15,951 postal votes. The verification of out-of-Kosovo envelopes started on Election Day and was completed in one week. The CEC accepted 10,648 envelopes (68% of the total received). Out of these, 8,551 were from Serbia. The largest number of rejected envelopes (3,223 or 64.8% of the total rejected) concerned voters who did not include the required copy of an identification document in the envelope. Furthermore, 551 envelopes were rejected because the voters did not apply during the registration period or their applications had been rejected. The EU EOM observed the entirety of this stage and can confirm that procedures were correctly followed.

During the counting of out-of-Kosovo ballots political party observers left the CRC in protest claiming that ballots cast for Srpska List were marked in an identical manner and with the same five preferential votes for candidates. Successful out-of-Kosovo applicants had the possibility to download the ballot from the CEC website and to send it using an ordinary envelope, in order to cope with the time constraint. CRC staff are allowed to refuse a secrecy envelope if it does not contain any ballot or if it contains more than one ballot, but it is not possible to refuse a ballot if its authenticity or integrity is suspicious. The lack of safeguards for the integrity of the ballot in this phase of the out-of-Kosovo process does not guarantee that the voter had filled in the ballot paper freely and without interference and above all, could lead to manipulation that cannot be easily demonstrated by the CEC or ECAP. CRC staff performed the counting of out-of-Kosovo ballots in one day.

## **VIII. CANDIDATE REGISTRATION AND CERTIFICATION**

The general criteria to be a candidate for an election are laid out in the LGE and are inclusive and non-discriminatory. Any person whose name appears in the Voters List is eligible to be registered as a candidate. The LGE restricts this right with reference to certain categories of persons who are not eligible to be candidates. As regards to candidates involved in criminal procedures, the law respect the presumption of innocence until the person is found guilty by a Court of Law. In addition, nobody who is already a member of another elected legislative body (such as a municipal Assembly) can take a seat in the Assembly, unless he/she forfeits the other mandate.

The Office of the Political Party Registration and Certification within the CEC deals with political party and candidate registration and certification. It has the obligation not only to register but also maintain a registry of political parties as well as the limits of campaign expenditures and financial disclosure. Registered political parties are automatically certified at the time of elections unless they express their wish to be certified.



Candidate registration was conducted in an inclusive manner. Only one candidate, from a Serb political entity and a member of the Parliament in Serbia, was warned by the CEC of the incompatibility. The entity replaced the candidate, but showed its discontent by lodging a complaint, which was eventually rejected. The CEC certified 30 political entities: 18 political parties, seven citizens' initiatives, four coalitions and one independent candidate. At the time of registration and certification, political entities have the option to declare themselves as representing one of the non-majority communities, which gives them the right to run for the guaranteed Assembly seats. Among the certified political entities were 21 representing non-majority communities: five Kosovo Serbs, six Bosniaks, two Turkish, two Goranis, two Roma, two Ashkali and two Egyptians.

## IX. CAMPAIGN ENVIRONMENT

The decision to hold early elections in 30 days limited the official campaign to only ten days. However, campaign activities were in evidence by the major political entities as soon as the elections were called on 8 May, except in the north.

During the official campaign the EU EOM observed a high number of rallies and public events held in the municipalities of Kosovo. In most of Kosovo, the campaign took place in a calm atmosphere, without any incidents or violence and freedom of assembly, of expression and of movement were enjoyed by the political entities and the voters. Candidates used door-to-door and small-scale meetings, in addition to distribution of flyers or visit cards, whereas the major political entities also used more expensive means: billboards and big rallies, but first and foremost paid coverage on the main TV channels, complemented by a dynamic use of social media platforms.

The application of the guaranteed seats system was the main issue discussed among Serb political leaders and civil society actors during the period prior to Election Day. In this context, on 28 May, the four mayors of the northern municipalities decided to suspend elections activities and threatened to boycott the elections citing the CEC's decision regarding the composition of PSCs and the use of the ballot paper bearing Kosovo's emblem. Srpska List froze its campaign in all the Serb-majority municipalities. Meanwhile, its main Serb contender (PDS) and other non-majority political entities campaigned actively in southern Serb-majority areas.

On 3 June, after the Serbian Prime Minister's intervention and call for participation of the Kosovo Serbs, Srpska List started campaigning intensively in the Serb-majority areas of the south, with media appearances, door-to-door canvassing and multiple rallies. In the north, the leaders of Srpska List finally agreed not to boycott the elections, but no campaign was held for the last three days of the period. The suspension of election activities and the threat of boycott deterred smaller Serb and non-majority political entities from campaigning visibly in the north. It notably affected the voters' right to be informed on the candidates and their programmes, and on how to express their choice on the ballot paper, information usually provided by the political entities.

PDK, AKR, AAK, Vetëvendosje and LDK all campaigned actively in the pre-campaign period, including through billboards, media and rallies. The most visible contender of the pre-official campaign, especially in the media, was Prime Minister and PDK-led coalition leader Hashim Thaçi. A complaint was filed by Vetëvendosje with ECAP, accusing him of misuse of public funds for campaigning, and other opposition entities raised concerns about what they considered an excessive coverage of his activities by the public broadcaster RTK. The smaller political entities complained about the absence of control on pre-official campaign activities. The shortness of the official campaign limited the free airtime, the regulated media coverage and the time for campaign activities, which particularly affected the smaller parties.

The code of conduct of political entities established by the Election regulation 11/2013 explicitly forbids the use of inflammatory language and incitement to violence. The overall tone of the campaigners as observed by the EU EOM has been assessed as moderate and although in the final days some parties reverted to nationalistic themes, as well as accusations of corruption and organised crime, it did not significantly deteriorate. The candidates focused on issues such as economic development, employment and investment. Nevertheless, the campaign was still heavily based on the personalities of the leaders.

Despite the 30% quota for female candidates on the lists, women were under-represented in the campaign. Political parties continue to be dominated by men. The few prominent women candidates of the two main parties were exceptions. Women rarely spoke during campaign rallies, messages were not targeted specifically at women and women's attendance at rallies was low. Female candidates were reportedly the subject of online abuse during the campaign.

Political entities directed their messages only to their own community, exclusively in one language, and did not try to reach out to other voters. Campaigning of non-majority contenders was held exclusively in areas where they had a significant populations (Serbs mostly in the 10 Serb-majority municipalities, Gorani in Dragash/Dragaš, while Turks, Bosniaks, Roma, Egyptians and Ashkalis in several regions).

Pressures on employees and voters, vote buying, and misuse of public position or resources are violations of campaign rules as established by law and constitute election offences sanctioned by ECAP. Several political entities reported to EU EOM observers that public sector employees (especially teachers, social and medical workers) had been instructed to attend rallies, and to vote for the incumbent party of the municipality, in most cases PDK, but also for Srpska List in various Serb-majority areas. Allegations of similar pressures on workers of a private business owned by a candidate were deemed credible by observers in Pejë/Peč and Kamenicë/Kamenica. The EU EOM assessed as credible various allegations of pressure on public sector workers to go vote in the northern municipalities of Zubin Potok and Leposavič/Leposaviq.

## **A. Campaign Finance**

The Law on General Elections, the law on Financing Political Parties and the CEC regulations on campaign financing for political entities set spending limits and obligations of disclosure, auditing mechanisms and fines in case of infringement. However, these regulations only apply in the period of the official campaign. As there is no specific rule in the legal framework for the period preceding these ten days, all the main players that enjoy higher financial capacity (namely the PDK-led coalition, LDK, AAK, AKR) deployed a significant part of their campaign means during the pre-campaign period, holding massive rallies, placing numerous billboards, and buying TV paid airtime without facing any expenditure control mechanism or fines.

The law on financing of political parties (03/L-174) provides for the allocation of public funds for political entities' regular activities, conditioned to their representation in the Assembly and according to their number of seats. They receive this annual budget allocation in several installments, the last of which arrived in April, before the call for elections. The law allows the Assembly to allocate extra budget funds to the political parties for elections. For legislative elections, 90% of these funds are allocated on the basis of the number of seats obtained by the entity in the previous Assembly elections, and the remaining 10% are assigned to the political entities certified for these elections. For these early legislative elections no extra money was allocated to political entities. As a result, the parties which were not already represented in the Assembly did not benefit from any state funding.

Laws and regulations on campaign finance define limits of expenditures of political entities during the election campaign. According to the LGE, a political entity running for elections shall not

exceed a certain amount of campaign expenditures, defined by the CEC no later than 5 days after the announcement of the date of elections. On 12 May 2014 the CEC issued a decision establishing their maximum amount to 893,463.50 euros, based on the Electoral rule 12/2013 which limits the campaign expenses for the Kosovo Assembly elections to 0.5 euro per registered voter, and the number of registered voters in 2014 elections, i.e. 1,786,927. The law on financing of political parties (03/L-174) also establishes clear restrictions for donations received by political entities: they are allowed to receive 2000 euros per year from a natural person and 10,000 euros per year from a legal person.

In line with the Electoral rule 12/2013, each political entity certified to participate in the elections is obliged to provide, no later than 45 days after the end of the election, a campaign financial disclosure report that covers the period starting from 90 days until the election date. As these early elections were called only a month before Election Day, the period covered by the report was reduced to 30 days.

The financial disclosure report on campaign is submitted by the political entities to the CEC's office responsible for monitoring their compliance with the rules, the Office for Political Parties' Registration and Certification (OPPRC), which then carries out the audit. The political entities are required for the campaign audit to submit in their disclosure reports the information on all incomes, including their date and source; and on all the expenditures, including campaign disbursements made during the period. Moreover, they must give the auditors full access to their financial records. However, in practice auditors do not check the completeness of the records, i.e. whether all the campaign expenditures and all the funds received by political entities are actually disclosed in the submitted reports. The limited scope of this financial review gives room to political entities to spend above the constraints set by the law, and is likely to keep unrecorded donations away from scrutiny. As a result, the legal provisions meant to put a ceiling on the expenditures of political entities' campaign are ineffective.

## **X. MEDIA ENVIRONMENT**

### **A. Media Landscape**

Kosovo's media landscape has developed rapidly during the past 15 years and today Kosovo has 21 terrestrial TV channels, 83 radio stations, 49 cable TV channels<sup>8</sup> and eight daily newspapers representing a diversity of editorial lines and political views. There are four public TV channels and two public radio channels.

All newspapers and the majority of terrestrial (15 out of 21) and cable (47 out of 49) TV channels broadcast in Albanian. The rest broadcast in Serbian and in one case in Turkish. Minority languages are used to a greater extent by radio broadcasters with 49 radios broadcasting in Albanian, 25 in Serbian, one in both Albanian and Serbian and the rest in the languages of other communities (Turkish, Bosnian, Gorani, Roma). Only three TV channels and three radio channels have Kosovo-wide reach.

Public media are part of Radio Television Kosova (RTK). The RTK1 channel is widely believed to be the most important source of information for Kosovo Albanian voters. Its main competitors include the Kosovo-wide private KTV and TV21 terrestrial channels as well as the Kosovo-wide cable TV channel, Klan Kosova. The only public media broadcasting in Serbian is RTK2 cable TV, which has been operating for almost a year.

The print media market is characterised by limited circulation with no newspaper selling more than 8,000 copies a day. By contrast internet media are believed to have a growing popularity, with the

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<sup>8</sup> List of licensed electronic media obtained from the Independent Media Commission, status in June 2014.

major internet news sites publishing in Albanian. The number of political blogs and politically-related activities in social media is also growing.

The broadcast media are overseen by the Independent Media Commission (IMC), a constitutional body which is in charge of granting and supervising licences. The IMC became operational again in April 2014 after the Assembly appointed four new members of its seven-member Council. Almost all media interlocutors have expressed their confidence in the impartiality of the body. It must be noted, however, that the Council did not hold any meeting during the election campaign and met only after the election day.

Overall freedom of the media was generally respected during the observed electoral process. No major election-related incident involving journalists was reported and most media interlocutors said they felt free to conduct their work.

## **B. Legal Framework**

The Constitution provides for 'freedom and pluralism of media', guarantees the right to access to public documents and forbids censorship. The legal basis relating to the media during the election process derives from the Law on General Elections (2012), the Law on the Independent Media Commission (2008), and secondary law including the Instruction of the IMC on realization of the Chapter VIII of the Law on General Elections of 23 May 2014 and Regulation KPM-2013/03 of the IMC on commercial audio-visual communications of 28 May 2013.

The LGE requires that all media ensure 'fair and equitable' news coverage of all the certified political entities during the campaign and specifically obliges the broadcast media to guarantee 'fair and equitable access to political discussion shows and debates'. The same Law also obliges all media that air political advertising spots to offer an equal share of non-paid airtime to all the contenders. It is up to the individual media to decide when the non-paid airtime should be granted and which methodology should be applied to count the exact amount of time. Whereas there is no limit on political advertising spots, the price charged should not exceed the lowest rate for the same 'time and day of the week' used in the previous six months.

The IMC is tasked with monitoring the broadcast media's compliance with the above-mentioned provisions. It is also competent to issue acts of secondary law and to fine media who fail to comply with the rules of licence.

Under IMC Regulation KPM-2013/03 media are not allowed to air political advertising spots before the official campaign period. During the campaign, the regulation allows another form of advertising: sponsored coverage of election activities. According to Regulation KPM-2013/03 sponsored coverage can be aired during the campaign with no limits provided that it is properly marked as such. This led to a massive purchase of prime time during the campaign, with unequal prices, and as a consequence limited the equality of contenders during the election process.

Although the IMC did not receive any complaints, it identified *ex officio* several breaches of its regulations. Among others five TV channels received warnings for airing political advertising spots and announcements of political parties prior to the official campaign period. Top Kosova Radio received a warning after its director Margarita Kadriu joined PDK and became Hashim Thaçi's deputy in the party, a practice forbidden by the Art. 22.3.1 of the Law on the Independent Media Commission. Later, during the campaign, the IMC issued warnings to six TV stations for airing unidentified paid advertisements and to two others for breaking electoral silence. As many as 75 broadcast media failed to provide the IMC on time with their obligatory reports on paid and non-paid political advertising spots.

## **C. Media Monitoring Findings**

The shortening of the campaign from 30 to 10 days negatively influenced its media coverage in two major aspects: parties used their means of financing to massively buy sponsored programmes which as a result limited the overall quantity of non-commercial campaign coverage, and they also conducted typical campaign activities prior to the official campaign period. The latter led to a situation in which the *de facto* campaign was much longer than the official one and was partially conducted without the standard legal mechanisms guaranteeing equal coverage, neutrality of the media and protection of minor political actors.

The Media Monitoring Unit<sup>9</sup> confirmed that the campaign in the media *de facto* started before the official campaign period. The EU EOM analysis of the pre-campaign period found that all six major Kosovo Albanian parties were covered in RTK's evening news editions and the total of information about parties' activities in the last days reached almost 20 minutes a day, although more coverage was given to PDK<sup>10</sup>. Most of the parties' activities covered were *de facto* campaign activities – parties made election promises and the Prime Minister widely used the name of his election coalition, the New Mission. The EU EOM believes that this practice is another result of the shortened campaign period: during a large part of what was *de facto* an election campaign, the legal provisions for equality of political entities were not applied.

During the official campaign period sponsored coverage on TV was used as a means of campaigning at a level that many interlocutors said was unseen during previous elections. It mostly consisted of sponsored transmissions of political parties' rallies and speeches by the parties' leaders. This practice significantly increased the percentage of all paid airtime in the four observed Albanian language TV channels. While the political advertising spots were almost equally spread among four channels, their approach towards sponsored programmes greatly differed. The practice was particularly visible on KTV, which aired an average of 2 hours 30 minutes of sponsored programmes a day and therefore greatly limited the amount of non-commercial election coverage. To a lesser but also significant extent the practice was used by Klan Kosova and RTK1, where sponsored programmes amounted to 25% and 11% of prime time respectively. Only TV21 limited the sponsored programmes to less than 5% of prime time. The largest amount of paid airtime (political advertising spots and sponsored coverage combined) in four observed Kosovo Albanian TV channels was bought by the PDK (32%), followed by LDK (20%), AAK, Vetëvendosje and AKR (13-15% each) and Nisma (6%)<sup>11</sup>. Television channels used a legal gap to apply 'negotiable' prices for sponsored coverage, a practice which seems to be inconsistent with the general rule of the Law on General Elections that provides for equal treatment to political contenders.

In their news programmes, however, most of the media offered broadly equitable space to all major contenders from their respective communities applying either proportional equality (RTK1, Radio Kosova) or strict equality (TV21, Klan Kosova), both of them being in line with the Venice Commission's Code of Good Practice in Electoral Matters. The public RTK1 television gave more coverage to the candidates of PDK (25%) and LDK (21%). Four other Kosovo Albanian parliamentary entities (AKR, AAK, Vetëvendosje and Nisma) were also largely covered. The visibility of the PDK campaign was slightly higher in the main news editions of RTK with 28% going to PDK and 21% to LDK. The public Radio Kosova 1 channel adopted a similar coverage of

<sup>9</sup> The team monitored five TV channels (RTK1, RTK2, Klan Kosova, KTV, TV21), two radio channels (Radio Kosova 1, Radio KIM), four newspapers (*Koha Ditore*, *Kosova Sot*, *Tribuna* and *Zëri*) and main news editions in two Kosovo Serb media (TV Most, TV Puls). The content of all the media was monitored during the entire period of the campaign between 28 May and 6 June, TV channels between 18:00 and 24:00 and radio channels between 17:00 and 20:00 each day.

<sup>10</sup> PDK 34%, LDK 21%, AAK 15%, Vetëvendosje 13%, AKR 9%, Nisma 6%. Data for all news on political parties and their leaders broadcast in all the editions of *Lajme* (19:30 news program) between 8 May and 27 May.

<sup>11</sup> The practice of selling air time or space for sponsored coverage was not spotted in observed radios nor in the Serbian-language RTK2 TV channel.

the campaign treating PDK and LDK as major contenders and dedicating more time to them than to other Kosovo Albanian parliamentary parties. However, it also extensively covered the government's activities, which made PDK more visible than LDK.

The news coverage of the private TV21 and Klan Kosova was balanced although the latter gave less space to AKR and Nisma. The media belonging to the private Koha Group (KTV channel and *Koha Ditore* daily) took a clearly negative stance towards PDK. Although KTV gave almost equal space to the major contenders, it was visibly more critical of PDK than of any other Kosovo Albanian party. It also dedicated a large amount of its news to negatively cover government activities. As a result most of its coverage of PDK and its members was negative in tone, in contrast to other media who mostly covered the campaign of all parties neutrally.

RTK1 and TV21 gave contesting political entities broadly equal opportunity to use direct speech in the news, debates, interviews and other non-commercial programmes. The parties' share in the entire time of direct speech at RTK1 varied from 14 to 18%, at TV21 from 12 to 21%. Nisma's candidates were largely under-represented on Klan Kosova. On KTV, direct speech was mostly granted to Vetëvendosje and LDK with little direct speech by PDK representatives. All four observed Kosovo Albanian TV channels organized debates with – in most cases – six Kosovo Albanian parliamentary parties taking part.

Srpska List generally got more coverage both in the public RTK2 and the private Serb media's news editions although its major rival PDS was also largely covered. The exception is TV Most which covered almost exclusively Srpska List's activities. RTK2 gave PDS and another Serb entity, PDP, more space in its debates, a fact which can be explained by Srpska List's partial withdrawal from the campaign.

In contrast to broadcast media, newspapers mostly have a clear editorial line. *Koha Ditore* showed a bias against the PDK, while *Kosova Sot* was biased against LDK. *Tribuna* gave AKR almost the same space as the second and third PDK and LDK joined together making the campaign of the AKR highly visible. Reporting by *Zëri* seemed to be more balanced although the newspaper was rather critical of PDK.

Coverage of women candidates was very low in the news editions of broadcast media. This may partly reflect the political parties' campaign strategies. It oscillated between 4 and 15% with a visibly low rate on RTK1 (4.5%). Some media tried to find more balance in covering women candidates by offering them the opportunity to take part in the debates. This was among others the practice of Klan Kosova and TV21.

Overall all Kosovo media abstained from inflammatory messages although many of them restricted their reporting to their own community. Debates between members of different ethnic communities were practically non-existent. Only TV21 told the EU EOM they tried to include Srpska List in debates with Kosovo Albanian political parties. Other TV channels either argued that translation would be too problematic or that "Serbs have their own television". The EU EOM believes that reporting along ethnic lines limited the possibility of voters to be properly informed about campaign activities and particularly affected the non-Albanian and non-Serb communities who have no access to Kosovo-wide media broadcasting in their languages.

## **XI. ELECTORAL JUSTICE AND ENFORCEMENT OF ELECTORAL RIGHTS**

Following allegations of violations of electoral rights after the 2010 General Election, in the new Kosovo Criminal Code, in force since 1 January 2013, the section relating to criminal offences against electoral rights changed substantially. The number of crimes increased from six to ten. It now includes 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 officials, giving or

receiving a bribe in relation to voting, abusing the right to vote, violating confidentiality in voting, obstructing the voting process, falsification of voting results and destroying voting documents. The penalties foreseen for each crime also increased. Electoral crimes can be punished with fines and also imprisonment from six months to up to five years. The higher penalties are for election officials. Although the punishments are high, they are intended to further to discourage election fraud.

Prior to Election Day, formal cooperation was established between the Kosovo judiciary, police, Prosecutorial Council, the CEC and ECAP. They also organised of events for elections officials and political entity members to raise awareness of the changes to the Criminal Code.

On Election Day, the police and the National Coordinator for Elections within the Chief Prosecutors Office deployed up to 300 prosecutors on Election Day. There were 13 cases opened involving 23 individuals. The majority of cases were related to obstruction of the voting process and preventing the right to vote. The operation seems to have had an effective deterrent that discouraged violations of elections rules. The number of allegations of fraud has decreased in relation to the previous general elections. The cases opened were treated with priority and in a more effective way. Political entities representatives, managers of elections bodies, as well other international partners assessed the implementation of the cooperation as very positive. The EU EOM has noted increased awareness of the potential consequences of violating the criminal code in relation to elections.

## **A. Complaints and Appeals**

The Elections Complaints and Appeals Panel (ECAP) is an independent body formed by judges that is responsible for adjudicating complaints related to alleged violations of the electoral process and appeals on CEC decisions. The Panel is composed of ten judges, including the chairperson. The Assembly of Kosovo amended the Law on General Elections in October 2010, making substantial changes to the procedure for complaints and appeals.

The amendments included the timeframe for ECAP to decide on complaints, which was changed from 5 days to 72 hours, and the reduction to 24 hours for the time to submit a complaint related to the counting process. The Supreme Court replaced the Constitutional Court as a second instance body. The changes aimed at making the process more efficient and at reducing the possibility of delaying the final certification of elections results. In this respect it has proved efficient.

ECAP deals with appeals of decisions made by the CEC regarding party or candidate certification, accreditation of observers, party registration and out-of-Kosovo voting. ECAP decisions on appeals are mandatory for the CEC to implement. ECAP deals also with complaints related to the conduct of the campaign, voting, counting and tabulation and also admits complaints lodged after the final results are announced. Complainants have 24 hours after the close of polling stations to lodge complaints relating to the voting process and 24 hours from the alleged violation for those relating to a breach of the silence period and to counting and tabulation or challenging of results before final certification. While electoral disputes deadlines should be short by nature, consideration should be given to extend the deadline to lodge a complaint to 48 hours. Complainants are often not aware of the breach within the 24-hour deadline, leaving some violations of the law without legal consequence.

In every case, ECAP has 72 hours from the receipt of the complaint to reach a decision. Furthermore, decisions of ECAP, both on complaints and on appeals, can be appealed to the Supreme Court, if the fine imposed is higher than 5,000 euros or if the matter concerns a fundamental right. The CEC shall certify the final election results only after all complaints have

been determined by ECAP or any appeal of ECAP's decisions has been determined by the Supreme Court.

ECAP received a total of 340 complaints and appeals. Ninety-six were approved and the rest rejected or non-admitted on grounds of form or substance. Of the rejected complaints and appeals, 15 were appealed to the Supreme Court, where ECAP's decisions were upheld. The Supreme Court does not publish its decisions.

Complainants 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. These are voters, political entities, members of elections management bodies, or political party observers. However, the level of awareness of ECAP procedures among the public in general and the small and non-majority political entities is very low, especially in Serb-majority municipalities. As a consequence, the majority of the complaints and appeals are lodged by the largest political entities. The smaller ones lodged few complaints, and many of them were rejected on grounds of form. Out of all the complaints received by ECAP, only six were from the four northern municipalities; only 26 were lodged by non-majority political entities, of which eight were from Serb political entities.

In its treatment of appeals and complaints, ECAP acted according to the law and its own internal regulations, following procedures and meeting deadlines. It has consolidated similar complaints from the same geographical area or the same nature, and treated them as one. The legal basis for its decisions were provided and decisions are published on the ECAP website in a timely manner, although translation in Serbian language is not always provided.

However, on many occasions, ECAP adopted a formalistic approach and did not always proactively search for evidence. It resolved many complaints in the absence of the necessary evidence. As a consequence, it rejected many of them. Only one complaint from Election Day resulted in the re-count of a polling station. However, there is a general increase of approved complaints, especially on those related to campaign, silence period and results announcement. In contrast with the significant fines imposed on political entities for breaching the campaign rules, on complaints related to voting, out of a total of 56 only one, which related to alleged vote buying, has resulted in a severe fine.

As in previous elections, ECAP has not used the possibility of holding hearings. When it is suspected that a complaint may involve fraudulent activities, ECAP has the possibility to appoint investigative teams to the Counting and Results Centre. ECAP has used this important tool in several occasions. It has sent an investigative team composed of judges and one legal officer of the Secretariat to the CRC, when five political entities complained alleging manipulation of the out-of-Kosovo votes. It has also sent investigative teams to the CRC when resolving the complaints lodged after the announcement of results. This has allowed the panel to take more informed decisions based on documental evidence, which has resulted in the approval of many of those complaints and the ordering of a re-count of 51 polling boxes.

Violations that might affect the election results, besides being administrative offences, can also be criminal offences. In such cases, ECAP should forward the matter to the office of the Chief prosecutor and police, to pursue the criminal case. This should not divest the ECAP of its jurisdiction to determine the administrative liability. The co-operation of ECAP with both the police and the prosecutor office has improved and information sharing has resulted in complaints being granted on at least two cases, thanks to that collaboration. ECAP has been diligent in sending the prosecutor information on cases where there were suspicions of criminal activities in relation to electoral rights.

Although the EU EOM has noted an improvement on the work undertaken by ECAP for these elections, it is questionable whether the format chosen to deal with electoral disputes (a permanent body with full-time panels of judges) is the most suitable. The largest part of the work, from the



admission of complaints, through to the processing of cases, leading of investigations and legal preparation of decisions is undertaken by the Secretariat.

## **XII. DOMESTIC OBSERVATION**

The Law on General Elections and the CEC regulations provide for domestic and international election observers. The CEC issued 36,043 accreditations for election observers, including political party representatives and media, enhancing the transparency of the process. More than 31,000 were from political entities, with PDK, AAK and LDK having the most representatives. The CEC also accredited more than 3,000 observers from civil society organisations.

The main domestic observation group is Democracy in Action (DiA), a platform including almost 80 non-governmental organisations (NGOs) and associations. DiA observed the campaign and pre-electoral environment with 100 LTOs and deployed observers in the majority of polling stations. DiA observers performed a stationery observation, with three forms on opening, voting and closing and counting, which they reported by telephone. The DiA observers appeared to be experienced and knowledgeable about the Election Day procedures.

The think-tank organisation Democracy for Development (D4D) has a large election programme and released publications on several election-related issues. D4D was the only civil society organisation chosen by the CEC<sup>12</sup> to have a role in voter education. They designed and distributed informational leaflets that mostly dealt with the cooperation with judicial authorities to prevent the misuse of the vote.

## **XIII. POLLING AND COUNTING**

The EU EOM observed the opening, voting and closing in 510 polling stations in 37 municipalities<sup>13</sup>. This represents more than one quarter of the total number of polling stations in Kosovo. Elections passed peacefully and without incidents in all polling stations. Opening, voting, closing and counting procedures on Election Day were positively assessed by EU EOM observers. People expressed their democratic right to vote, including in the north. Several cases of malpractice were reported, which were addressed by the relevant authorities.

EOM observers evaluated the performance of PSCs as “very good” or “good” in 95.3% of cases during the voting and assessed their work as professional.

On Election Day, EU EOM observers saw at least one domestic observer present in 91% of polling stations, of whom 31% were women. DiA was the most present organisation, encountered in 82% of polling stations. Accredited observers representing political entities were present in the overwhelming majority of polling stations but only 17% of them were women. The most represented party was LDK, present in 80% of polling stations, followed by PDK (in 78%) and Vetëvendosje (in 77%). EU observers reported that their attitude was generally very professional. They assessed their comprehension of the process as “good” or “very good”.

The opening hour was generally respected. The EOM positively evaluated the overall conduct of the opening and all the related procedures were largely followed. The polling was positively

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<sup>12</sup> CEC Decision 1106/2014 of 23 May 2014.

<sup>13</sup> The survey method design for the voting phase is a stratified random sample. The sample size is 277 polling centres, where the strata are 37 out of 38 municipalities of Kosovo. For security reasons observation did not take place in Zubin Potok. With a confidence level of 95% and a confidence interval of 95% the margin of error is 2.4%. The response rate is 67.7%. The reporting method is based on an online survey: Computer-Assisted Self Interviewing (CASI). Where there was no internet connection, Computer-assisted telephone interviewing (CATI) was used. The survey is based on 3 sections: opening (7am), voting (7am-7pm), closing and counting (7pm). The survey method refers only to the section on voting. The data collection period was 8 and 9 June 2014.

conducted in all the polling stations observed. The EU EOM assessed it as “very good” or “good” in almost all cases; the transparency of the process was also consistently guaranteed. EU EOM observers were able to observe the voting operation without hindrance or restriction.

The secrecy of the vote was not always ensured. Although assisted voting is not forbidden by the law, the EU EOM observed a significant amount of assisted voting (observed in 23% of polling stations). However, it was mostly provided by family members and no assistance by PSCs members or by observers representing political parties was observed by the EU EOM. In Zvečan/Zvečan, EU observers witnessed one voter who cast his vote in more than one polling station. This observation was corroborated by domestic observers who claimed it was not an isolated case.

Voters registered in the final voter list were allowed to vote with every kind of identity document, including the Serbian ID or expired UNMIK ID, in line with a CEC decision. Procedures to ensure the integrity of the vote were mostly followed. However, PSCs did not always check for traces of ink in 5% of cases, and the verification of the voter’s ID was not always done in 4%. The polling layout was generally adequate for the conduct of polling and to protect the secrecy of the ballot. The EU EOM also observed the conduct of conditional voting in dual polling stations<sup>14</sup> in several municipalities and found that procedures were generally respected.

The counting was positively assessed overall in polling stations observed and it was conducted in a transparent manner. According to observers, the voters’ intention was generally respected, when clear, in line with international standards and Kosovo legislation. Nevertheless, PSCs had several difficulties in systematically organising the counting. In particular, PSCs did not always accurately complete the Reconciliation and Results Form (RRF) and precisely calculate the preferences for the candidates. This severely delayed the finalisation of the counting and affected the overall integrity of the counting.

The CEC website was updated during Election Day, through the K-vote programme, which provides unofficial information regarding the turnout and the preliminary results after the counting. However, the preliminary results were not complete and the system is open to human error<sup>15</sup>.

After the counting, the EU EOM followed the transportation of the electoral material to the respective MECs and observed the intake phase in 28 MECs. The Mission noted that the integrity of material and transparency of the operations were guaranteed in all MECs observed.

#### **XIV. COUNTING AND ANNOUNCEMENT OF RESULTS**

The legal framework does not set a deadline for the CEC to announce and certify final results.

Tabulation of results from regular polling stations and counting of out-of-Kosovo, special needs and conditional ballots took place at the Counting and Results Centre (CRC) in Fushë Kosovë/Kosovo Polje. While the EU EOM observers consider that procedures are being correctly followed, the slow pace of the counting severely delayed the announcement of results. Only on 16 June, one week after the elections, did the CRC increase its counting teams from seven to 20.

The intake of the material from all over Kosovo to the CRC was completed by 9 June. After this operation, 35 ballot boxes were put under quarantine. Following a CEC decision, 14 of these were opened and the ballots re-counted due to several mismatches, incorrect seal numbers or incomplete

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<sup>14</sup> Conditional ballots can be cast only in dual polling stations that are equipped with an additional ballot box and the necessary material, such as conditional voter list, secrecy envelope. There is a dual polling station in every polling centre.

<sup>15</sup> After Election Day, the municipality of Fushë Kosovë/Kosovo Polje mistakenly showed a discrepancy of more than 20,000 between the number of signatures and the ballot papers found in the box. This was corrected only after one week.

forms. The EOM observed the re-count, which was performed according to the rules. One of the 14 ballot boxes, from Lipjan/Lipjan, was discounted because despite the re-count there were more signatures than ballot papers in the ballot box.

After completing the intake phase, the CRC started the scanning of all voter lists and the data entry of results forms for all regular ballot boxes. This operation took seven days. Where there was a mismatch in the results, even a discrepancy of only one, an audit was carried out. More than 400 of 2,374 polling stations did not pass the audit phase, meaning that there was a discrepancy of a certain number of votes with the Reconciliation and Results Form (RRF) and the Candidate and results form (CRF). The audit resulted in two CEC decisions on 17 June to re-count 439 ballot boxes<sup>16</sup>. There were discrepancies in the number of ballots cast for parties in 18 cases and the protocols of 421 polling stations had discrepancies/errors in the number of preferential votes counted for individual candidates<sup>17</sup>. Furthermore, in line with an ECAP decision on a PDK complaint, a further two ballot boxes from Skënderaj/Srbica were re-counted.

During this stage nine additional polling stations were re-counted without a formal decision by the CEC. Eight of those were re-counted because of the lack of some pages from the CRF. Although the list of these polling stations was attached to a document provided by the CRC to the CEC, this specific topic was never treated during the CEC meetings. Another polling station<sup>18</sup> was re-counted as it contained more ballots than signatures. According to a rule that the CRC applies during its operations, the tolerated mismatch between the numbers of signatures and the number of ballots in the box could not be higher than three<sup>19</sup>. The CRC usually conducts a re-count following a CEC decision. In this case, the only CEC decision that was adopted concerned the removal of the results of this polling station from the general results. In sum, CRC re-counted 465 polling stations<sup>20</sup> (19.58% of the total), before the announcement of final results.

According to the CEC, 23,984 conditional ballots (including special needs votes) were cast in 798 dual polling stations. The identity of conditional voters was previously cross-checked with the list of voters who cast a regular ballot, in order to detect eventual double voting. After the intake phase, the CEC rejected 374 conditional ballots from 21 polling stations, because the procedures were not entirely followed and there were more ballots cast than signatures on the voter lists. Afterwards, the CEC rejected 1,680 conditional and special needs ballots (7%) where a voter appeared to have voted more than once or was not on the voter list. Although these cases can be found in all municipalities throughout Kosovo, the highest refusal percentage was in Leposavič/Leposaviq (46.22%), North Mitrovicë/Mitrovica (39.25%), Zubin Potok (35.71%), Mamushë/Mamuša (31.71%) and Zvečan/Zveçan (30.00%). The counting of conditional and special needs ballots was completed on 19 June.

According to the CEC results, the percentage of invalid ballots was 4%. This represents a big improvement in comparison with the last elections. The CRC released a list of 43 polling stations where the percentage of invalid ballots exceeds 10%, but no further actions nor decision were undertaken by the CEC. This is a widespread phenomenon all over municipalities and could be attributed to the complexity of the ballots and the system of preferential votes.

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<sup>16</sup> CEC Decision 1416/2014 of 17 June 2014 and CEC decision 1417/2014 of 17 June 2014.

<sup>17</sup> Most of these were cases where: a candidate received more preferential votes than the total votes for his/her party; a political entity had votes in results form, but no candidate from that entity had votes; or the percentage of invalid ballots was higher than 10 per cent.

<sup>18</sup> PS 2106B/01R in Skënderaj/Srbica

<sup>19</sup> This is referred to as the level of tolerance but no legal text is available for this rule. Furthermore, it is not possible to know how many polling stations presented mismatches that were within this level of tolerance.

<sup>20</sup> Included in this total are the 14 ballot boxes put into quarantine after the intake and re-counted; two additional boxes were re-counted by mistake.

## **XV. PROCEDURE TO FORM THE GOVERNMENT**

The preliminary results showed that the PDK-led coalition New Mission obtained the highest number of votes. Yet it did not get a sufficient majority (61 seats) to form a government. One day after the elections three parties (LDK, AAK and Nisma) signed a post-election alliance which, together with the support of Vetëvendosje, would be enough to form a government. Since that moment, a controversy over which party or coalition should form the government started, based on contradicting interpretations of the Kosovo Constitution.

According to the Constitution, after the elections, the President of Kosovo proposes a candidate for Prime Minister in consultation with the political party or coalition that has won the majority in the Assembly 'necessary to establish a government'. The candidate has 15 days in which to present a government to the Assembly. If the first attempt is unsuccessful, the President can select a second candidate who then has 10 days to present a government. If a government fails to be elected, the President announces new elections to be held in 40 days.

The view of the post-election AAK-LDK-Nisma coalition is that if it can demonstrate that it has the necessary majority, it should be invited to form a government. PDK contested the above interpretation and stated that 'coalition' should be understood as a certified coalition formed before the elections. In this case, no party or coalition would be in that situation, as none got enough votes. In addition, PDK believes that only the most voted party or coalition has the right to have the two possible opportunities to form a government. This interpretation would lead to early elections in 40 days. It is possible that further elections would produce similar results with the most voted party being unable to form a government, according to this interpretation.

The President asked the Constitutional Court for clarification on the issue on 19 June. On 1 July the Court issued a judgment by which the President should mandate a candidate for Prime Minister proposed by the winning party of the elections, the PDK-led New Mission, to form the government. If that candidate does not find the necessary support, it is left to the discretion of the President after consultations with the parties or coalitions, to decide which party or coalition would be asked to propose the second candidate for Prime Minister. The Constitutional Court's judgment further reads that the President could nominate also the second candidate for Prime Minister from the winning party of the elections (New Mission) but warns that it is President's responsibility to preserve the stability of the country and to find prevailing criteria for the formation of the new government in order for elections to be avoided.

The judgment considers the expressions used in the Constitution including 'coalition or party' and 'majority necessary to form government' and concludes that according to its interpretations, the President should appoint as candidate for Prime Minister the representative of the most voted political entity. In doing so, the President should consult only with that political entity and no other. The judgment is conclusive on this point: the first attempt to form government should be given to the winning party-coalition, New Mission.

If the first designated Prime Minister cannot form government, the Constitution foresees that the president should appoint another candidate 'following the same procedure'. The judgment interprets this provision by stating that the President has the responsibility to decide which candidate should be given the second mandate to form the government. Although it might be given to a candidate from a different political entity, it is not excluded that the President may decide to give it to another candidate from the same party or coalition that had the first chance. The judgment is non-conclusive in this point: the second attempt to form government could be given to another candidate for the same political entity or to a candidate of another political entity.

The Court's interpretation, combined with the constitutional limit of two attempts to form a government before new elections are called, leaves open the possibility that either now or in the future a post-election coalition representing a majority of elected Assembly deputies would not be invited to form a government. This points to a shortcoming in the Constitution and potentially poses a challenge to the respect of the will of the voters.

## **XVI. RECOMMENDATIONS**

| # | Purpose   | Recommendation  | Suggested Activities  | Targeted Institutions  | Principle  |
|---|---|---|---|------------------------|--|
|   | <b>Legal Framework</b>  |   |   |                        |  |
|   | That the overall timeframe necessary to prepare elections is extended and allow longer and consistent timeframes for the different phases of the process  | The extension of the timeframes for application and challenge of voters' list, registration and certification of political entities and candidates, application and challenge of out-of-Kosovo voters list, voting period for out-of-Kosovo voting.   | Amendments to LGE   | Kosovo Assembly<br>CEC | Legal certainty/ stability of rules<br>CGPEM (VC) Chapter 2<br>Right to an effective legal remedy<br>ECHR Art 13<br>ICCPR Art 2<br>Genuine Elections |
|   | That in the case of early elections all legal timeframes established within the electoral process are strictly respected and do not overlap, in order to guarantee the full enjoyment of all election-related rights by all participants in the elections process | The timeframe for early elections should allow all election stakeholders ample time for the full preparation of elections and the full enjoyment of election-related rights.<br><br>Prior to any changes to the legal framework, the call for early elections in less than 45 days after the dissolution of the Assembly should be avoided. | Amendments to the Constitution and LGE                      | Kosovo Assembly        | Legal certainty/ stability of rules<br>CGPEM (VC) Chapter 2<br>Right to an effective legal remedy<br>ECHR Art 13<br>ICCPR Art 2<br>Genuine Elections |
|   | Clarify the method for allocating seats in the Kosovo Assembly to enhance confidence of the political   | Clarify terms and use clear language in line with the Constitution and incorporate the  | Amendments to LGE and issuance of a specific CEC regulation | Kosovo Assembly        | Legal Certainty/stability of rules   |

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|  | entities and voters in the electoral system  | findings of the Working Group on Allocation of Seats into the LGE and a specific CEC regulation  |  |                      | CGPEM (VC), Chapter 2<br>Genuine Elections  |
|  | To clarify the legal framework for elections   | The CEC rules could be to a large extent incorporated into the LGE in order to clarify the legal framework for elections   | Amendments to the Constitution and LGE | Kosovo Assembly      | Legal certainty/ stability of rules   |
|  | Where no party or pre-election coalition wins a majority of seats ensure that all possibilities to form a government are exhausted before new elections are called | Amend the Constitution to ensure that any post-election coalition with a majority is invited to form a government. Consider removing the limit of only two candidates for Prime Minister being given the opportunity to form a government before early elections are called. | Amendments to the Constitution         | Kosovo Assembly      | The right to be elected, ICCPR, Art. 25<br>The will of the people, UDHR, Art. 21                    |
|  | <b>Electoral Administration</b>  |  |  |                      |   |
|  | To improve efficiency in election administration   | Consideration could be given allocating more responsibilities to MECs, particularly regarding appointment of PSCs and voter education activities.  | Amendments to the election legislation | Kosovo Assembly, CEC | Genuine elections   |
|  | To improve transparency in the results tabulation process.<br>To guarantee the traceability of the vote.   | The CEC could publish election results in full detail by polling station, including the detailed results of all conditional, special-needs voters and postal votes; PSC members and observers should receive copies of results   | Amendments to the election legislation | Kosovo Assembly, CEC | Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, I. 3.2.xii |

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|  |   | forms   |   |                                |   |
|  | To improve efficiency in the results tabulation process.<br>To improve the trust of public and confidence in the process. | The CEC could allocate more technical and human resources to the process of tabulation of results.  | CEC decision  | CEC                            | Genuine elections   |
|  | To inform voters adequately about voting procedures.<br>To reduce the number of invalid ballots.                          | Voter education efforts, in all official languages, should be intensified, particularly on how to correctly mark the ballot.  | Enhanced voter education, targeting rural population            | CEC                            | Right to vote<br>ICCPR, General Comment 25, paragraph 11<br>Law on General Elections              |
|  | To improve the integrity of the counting process  | Strengthen the training of PSCs on counting procedures and filling in the forms.<br><br>All forms to be filled in the polling stations, especially RRF and CRF, might be simplified.  | Enhanced training<br><br>Redesign forms                         | CEC                            | Universal and equal suffrage  |
|  | To achieve full transparency of the process and ensure access to information of all participants in the election process  | To ensure that all essential election-related information and documentation is accurately and timely translated into Kosovo official languages in accordance with the Law on Languages (Voter information material, constitutional and legal texts, CEC decisions and communications, ECAP decisions) | Allocation of adequate financial, technical and human resources | CEC<br><br>ECAP                | Stand for Election<br>Equal opportunities<br>Access to information<br>Law on the use of Languages |
|  | <b>Voters lists</b>   |   |   |                                |   |
|  | To improve the accuracy of  | Efforts should be strengthened  | Updating and cleaning of civil                                  | Ministry of Interior and Civil | Universal and equal suffrage  |



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|  | voters lists  | 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 | registry  | Registry Agency in cooperation with the CEC | Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, 1.2.ii<br>CEC regulation No.2 |
|  | To improve the accuracy of the voters 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   | Right to vote and to a legal remedy<br>ICCPR Art 25(b)<br>ECHR Art.13<br>ICCPR. Art 2<br>UDHR, Art 8                   |
|  | <b>Out-of-Kosovo Programme</b>                                      |  |   |   |  |
|  | To improve the integrity of the vote in the Out-of-Kosovo programme | The CEC could envisage new mechanisms to safeguard by-mail votes and the authenticity of the ballots.  | Amendments to the CEC Regulations and to the LGE                      | CEC   | Secrecy of the vote<br>CEC Regulation No. 3  |
|  | <b>Election Day</b>   |  |   |   |  |
|  | To improve the integrity and to guarantee the secrecy of vote       | Assisted voting in the polling stations could be more strictly regulated in order to avoid abuses.   | CEC Regulation  | CEC   | Enforcement of the campaign finance rules in the Kosovo legislation  |
|  | To improve the transparency and integrity of the vote               | Consideration could be given to replacing conditional voting with alternative methods to allow voters to vote outside their assigned polling station                                     | Amendments to the LGE   | CEC<br>Kosovo Assembly                      | Right to vote<br>Genuine elections   |

| Campaign finance |  |  |  |   |  |
|------------------|--|--|--|---|--|
|                  | Effective enforcement of campaign finance rules and transparency regarding political entities' donations and expenditure | To establish an effective system of financial control and auditing which verifies not only that records are submitted by political entities, but also their completeness, accuracy and correspondence with real expenditures and revenues. | Increase the resources of the CEC's Office for Political Parties' Registration and Certification   | CEC   | Enforcement of the campaign finance rules in the Kosovo legislation  |
| Media            |  |  |  |   |  |
|                  | To ensure equality of contenders in the media during the election campaign.  | Sponsored programmes by political parties to be regulated similarly to political advertising spots.  | Amendment of the Art. 49 of the Law on General Elections, Amendment of the Regulation KPM-2013/03 of the Independent Media Commission on Audio-Visual Communications | Kosovo Assembly, Independent Media Commission | Law on General Elections, Art. 2; Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, Art. 21 of the Explanatory Report |
|                  | To ensure an effective remedy for complaints related to the media during the campaign.                                   | The role and competencies of the IMC during the election campaign period could be 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                                   |
| 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                                  | Kosovo Assembly, CEC                    | Protect and advance the rights of individuals and groups which are in unequal positions<br>CEDAW, Art. 3 |
|  | <b>Electoral Disputes</b>   |   |  |   |  |
|  | To allow an electoral complainant sufficient time to prepare the complaint and present evidence | Increase the period to file a complaint to 48 hours after elections   | Amend the LGE                                  | Kosovo Assembly                         | Right to an effective legal remedy<br>ECHR Art.13<br>ICCPR. Art 2<br>UDHR, Art 8                         |
|  | To ensure that all complaints are properly investigated   | To make the holding of hearings and the pro-active search for evidence, the rule rather than the exception                      | Amend LGE and internal ECAP rules of procedure | Kosovo Assembly, ECAP                   | Transparency<br><br>Right to a hearing<br>CGPEM (VC), 3.3. h)  |
|  | 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 | Amend the Law On Courts                        | Kosovo Assembly, ECAP and Supreme Court | Transparency   |

|  |   |  |  |                 |  |
|--|---|--|--|-----------------|--|
|  |   | website in a timely manner   |  |                 |  |
|  | To render the process of complaints over election offences closer to the voters and ease capacity constraints of ECAP | Consideration might be given to decentralising the complaints process with the ECAP headquarters becoming an appeal body | Amend the Law on Courts<br>Amend the LGE | Kosovo Assembly | Right to an effective legal remedy<br>ECHR Art.13<br>ICCPR. Art 2<br>UDHR, Art 8 |

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

## Annex 1: Kosovo Assembly Elections 2014 – General Results – Political Entities

| Political Entity   | Votes   | %      | Seats |
|--|---------|--------|-------|
| PDK- PARTIA DEMOKRATIKE E KOSOVES (Democratic Party of Kosovo)                         | 222.181 | 30,38% | 37    |
| LDK – LIDHJA DEMOKRATIKE E KOSOVES (Democratic League of Kosovo)                       | 184.596 | 25,24% | 30    |
| VETVENDOSJE (Self- Determination)  | 99.397  | 13,59% | 16    |
| AAK – ALEANCA PER ARDHMERINE E KOSOVES (Alliance for the Future of Kosovo)             | 69.793  | 9,54%  | 11    |
| NISMA PER KOSOVEN– (Initiative for Kosovo)   | 37.681  | 5,15%  | 6     |
| SRPSKA LISTA- (Serbian List)   | 38.199  | 5,22%  | 9     |
| KOALICIJA VAKAT – (Vakat Coalition)  | 6.476   | 0,89%  | 2     |
| KNRP - KOSOVAKI NEVI ROMANI PARTIA (New Roma Party of Kosovo)                          | 645     | 0,09%  | 1     |
| KDTP - KOSOVA DEMOKRATIK TÜRK PARTISI (Democratic Turkish Party of Kosovo)             | 7.424   | 1,02%  | 2     |
| PAI - PARTIA E ASHKALINJEVE PER INTEGRIM (Ashkali Party for Integration)               | 1.583   | 0,22%  | 1     |
| PDAK - PARTIA DEMOKRATIKE E ASHKANLIVE TË KOSOVËS (Ashkali Democratic Party of Kosovo) | 3.335   | 0,46%  | 1     |
| PDS - PROGRESIVNA DEMOKRATSKA STRANKA (Progressive Democratic Party)                   | 5.973   | 0,82%  | 1     |
| NDS - NOVA DEMOKRATSKA STRANKA (New Democratic Party)                                  | 2.837   | 0,39%  | 1     |
| PLE - PARTIA LIBERALE EGJIPTIANE (Egyptian Liberal Party)                              | 1.960   | 0,27%  | 1     |
| KOALICIJA ZA GORA – (Coalition for Gorani)   | 1.193   | 0,16%  | 1     |



