



## **ENEMO International Election Observation Mission**

### **Local Elections - Kosovo 2021**

## **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**15 November 2021**

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*The voting process for the mayoral run-offs was overall well administered by the election administration. Despite a limited timeframe for campaigning and an increase in harsh rhetoric in between the two rounds, mayoral candidates were generally able to campaign freely and in a competitive environment. Numerous inconsistencies in election results of the first round led to a lengthy and complex process of recounting in between the two rounds, which may have affected public trust in the results, particularly for municipal assemblies.*

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

ENEMO's mission consists of six Core Team experts, of whom five experts are based in Pristina. The Mission is headed by Mr. Pierre Peytier. The IEOM's scope is limited in scale, and has not engaged additional long-term or short-term observers and, as a result, did not conduct a comprehensive observation of the voting and counting process on Election Day. However, the mission has provided information on the preparation and conduct of the elections, and observed a number of selected polling stations on the day of voting.

Additionally, in between the two rounds of elections, the ENEMO CT experts have conducted 31 meetings with election management bodies, political entities, state officials, media, embassies, international and domestic civil society organizations.

The mission has been monitoring and assessing the overall political and electoral environment, conduct of election management bodies, campaigning, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the legal framework of Kosovo.

This Statement should be read in conjunction with the [Statement of Preliminary Findings and Conclusions](#) published by the mission on 18 October following the conduct of the first round of local elections. The Mission will follow post-election developments and complaints and appeals. A final report, including a full assessment of the electoral process with detailed findings and recommendations will be issued within sixty days from the certification of results.

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## Preliminary Conclusions

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Based on the selected few polling stations observed by the mission and media reports during the Election Day, the voting process was overall orderly without major incidents and election commission members seemed to be managing the process well. According to preliminary data announced by the CEC, the turnout in the second round of municipal elections was 37,85 percent.

The Central Election Commission (CEC) prepared the second round of mayoral elections in a timely and efficient manner. However, the level of transparency of the CEC decreased during this period, as important information was not made available to the public, nor to ENEMO and the website was not regularly and timely updated, especially minutes from CEC sessions and some decisions. Almost no data was available in Serbian language in this reporting period.

The conduct and transparency of the Counting and Result Center (CRC) has greatly improved since previous elections observed by ENEMO, yet the verification and recounting process conducted by this body was extremely complex and burdensome, lasting almost the entire period between the two rounds of elections, thus complicating the observation of its work.

The conduct of many polling station commissioners during the first round of elections was questionable, because of a large number of discrepancies in data regarding election results' tabulation, especially with regards to preferential votes for candidates running for municipal assemblies. Some CEC members raised the issue of the quality of training and testing conducted by the CEC and MECs for polling station commissioners, due to such a high number of recounted polling stations and other problems noted in the work of polling station commissions. While most discrepancies in the election results from the first round of elections seemed to be technical mistakes, many interlocutors, including CEC members, raised concern over a possible intent of certain polling station commissioners to affect the election results. ENEMO believes that the CEC made a proper decision to replace the commissioners from recounted polling stations for the second round of elections, yet the CEC should further analyse the reasons for these shortcomings. Additionally, the CEC should inform the competent authorities to adequately process all suspicious cases of possible election manipulation by commissioners, in order to prevent similar situations in future elections.

Despite the shortened timeframe for campaigning, electoral contestants were generally able to campaign freely and in a competitive environment. Mayoral candidates and political entities held numerous events including marches, mass outdoor and indoor rallies, door-to-door campaigning and gatherings in private houses. Several political entities reached cooperation agreements prior to the second round to maximize voters' support and limit the counter-candidates' chances for winning the elections.

Compared to the campaign held before the first round of elections, candidates and political entities' campaigning activities increased in number and visibility. ENEMO notes that COVID-19 preventive measures were barely respected at all campaign events, mostly by LVV, LDK and PDK candidates who organized mass rallies, and participants not respecting the distance and not wearing

masks. Sanctioned cases of vote buying and misuse of administrative resources, along with widespread allegations of pressure on voters negatively influenced the integrity of the electoral process. A series of debates were held before the second round of elections. Compared to the first round, stronger rhetorics were used, including inflammatory language and slander.

ENEMO notes that numerous shortcomings in the legislative framework in terms of political and campaign finance remain one of the key election related issues in Kosovo. Additionally, the auditing process of political entities' financial reports indicates withstanding shortcomings along with a complete lack of political will to ensure transparent financial reporting. The recent auditing process faced numerous challenges, including the excessive retrogradeness of the process that minimized the accuracy of the audit. The report indicates numerous issues, such as hidden and unreported expenses of political entities that are often incurred through separate unreported bank accounts, in cash or in return for certain services. This leaves space for financial manipulation and deprives voters and the general public from financial transparency of political entities.

The media continued to report freely and there were no major incidents mentioned to ENEMO affecting their independence to report. They were able to provide fair coverage for the mayoral run-offs through news coverage, interviews, TV debate programs and political advertisements and thus managed to keep voters informed about the electoral process. ENEMO noted ongoing shortcomings related to online and social media monitoring, in particular identifying possible costs involving paid advertising and their sources.

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

Since the start of the election period Elections Complaints and Appeals Panel (ECAP) received over 1,000 complaints which were adjudicated within the established timeframes. ENEMO reiterates that the existing deadlines for filing and adjudicating complaints are unreasonably limited, which does not ensure the right to effective legal remedy. Legislation regulating election dispute resolution has many loopholes enabling different interpretations. Due to insufficient legal provisions, some of the issues are regulated in practice, which can create additional ambiguity.

## Background

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The first round of local elections was held on 17 October to elect municipal councils, while mayors of 17 municipalities were elected in the first round. The second round of local elections for the mayoral run-offs was held on 14 November, in order to elect mayors of 21 out of 38 municipalities of Kosovo<sup>1</sup>, including in the largest municipalities of Pristina and Prizren. In total, 42 mayoral candidates from 12 political entities were competing in the run-offs, of which only one woman candidate. According to preliminary data announced by the CEC, the turnout in the second round was 37,85 percent<sup>2</sup>.

Results of the first round saw Srpska Lista win nine out of ten Serb-majority mayoral races, while the Democratic Party of Kosovo (PDK) won four mayoral races, Alliance for the Future of Kosovo (AAK) two, and the Democratic League of Kosovo (LDK) two. When it comes to electing mayors, the ruling Levizja Vetevendosje (LVV) party did not secure a win in any of the municipalities in the first round, although the party obtained the largest share of votes for municipal assemblies<sup>3</sup>.

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

## Electoral system

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Mayors are elected based on a two-round electoral system. The second round is held four weeks after the first round if none of the candidates received 50 percent plus one vote in the first round. Only the two candidates who received the most valid votes participated in the second round. The candidate who receives the most votes in the second round becomes a mayor. One of the requirements for running as a candidate is to be a resident of the respective municipality for at least three years; however, the law does not determine whether the residence requirement concerns three consecutive years or intervals are allowed.

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<sup>1</sup> Second rounds of Mayoral Elections were held in the following 21 municipalities: Gjakovë/Đakovica; Glllogoc/Glogovac; Gjilan/Gnjilane; Dragash/Dragaš; Istog/Istok; Kaçanik/Kaçanik; Klinë/Klina; Fushë Kosovë/Kosovo Polje; Kamenicë/Kamenica; Obiliq/Obilić; Rahovec/Orahovac; Podujevë/Podujevo; Prishtinë/Priština; Prizren; Shtime/Štimlje; Viti/Vitina; Vushtrri/Vučitrn; Malishevë/Mališevo; Junik; Mamuša/Mamushë/Mamuša; Klokot/Kllokot.

<sup>2</sup> <https://www.zgjedhjet2021.org/sq/mayr/t3>

<sup>3</sup> CEC results: <https://www.kqz-ks.org/wp-content/uploads/2021/03/2.Rezultatet-sipas-subjekteve-politike-1.pdf>

## Election Administration

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The CEC conducted all preparations for the second round of Mayoral elections in an adequate manner and in line with the Law and established deadlines. The ballots for the second round were printed in Slovenia as in the first round of elections, and based on the Decision<sup>4</sup> of the CEC a total of 1,136,750 ballot papers were to be printed for 1,260,571 eligible voters in 21 municipalities according to the final Voters list<sup>5</sup>. Also, all sensitive and non-sensitive election material was disseminated on time by the CEC before the Election Day. Elections in the second round were conducted at 1,638 polling stations, established within 575 polling centers.

However, ENEMO notes that the level of transparency of the CEC declined in this period, as most CEC minutes from sessions were not uploaded to its website in a timely manner (none of the minutes from October were posted online in the beginning of November), some important data was lacking, and almost no data was published in Serbian language during this period. At the same time, the tension and political affiliation of CEC members was more noticeable, especially after the results of the first round of elections were issued, with personal accusations of possible election irregularities among CEC members against the parties that nominated them, some even addressed towards the CEC Secretariat.

The auditing, recounting and tabulation of election results was conducted by the Counting and Results Center (CRC) almost during the entire period between the two rounds of elections, for almost four weeks. This proved to be a burdensome and lengthy process, with around 40 percent<sup>6</sup> of polling stations that needed to be recounted, as there were many discrepancies in the counting and results protocols, especially with regards to tabulation of preferential votes for candidates running for municipal assemblies. Although the majority of discrepancies appeared to be due to technical mistakes<sup>7</sup>, several interlocutors and CEC members claimed that some discrepancies also seemed to be intentional, and a number of polling station commissioners will most probably be further investigated and processed by the competent authorities, especially as the tabulation of preferential votes has been a major challenge in previous electoral cycles too.

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<sup>4</sup> CEC Decision no. 2934/2021, 02.11.2021, <https://bit.ly/3okAUNm>

<sup>5</sup> As an established practice, 9.8% less ballot papers were printed than the total number of voters, or 123,821 less in this case.

<sup>6</sup> The exact number is not yet disclosed by the CEC, but the latest available data shows that at least 953 polling stations were recounted, of which 608 based on the decisions of ECAP with regards to final results of elections for municipal assemblies, and mostly due to discrepancies in data regarding preferential votes.

<sup>7</sup> As one example, on 23.10.2021 the CEC approved the recommendation of the Counting and Results Center to increase the tolerance and include in the final results for Local Elections the polling station 0906E/01D. According to the CRC recommendation the above mentioned polling station has been investigated and recounted, yet the data exceeds the level of prescribed tolerance of +,-3 between the number of used ballot papers and signatures of voters by 22 ballot papers. According to the investigation, the damaged ballot papers have been placed in envelope no. 1 and did not affect the ballot papers inside the ballot boxes, and therefore the CEC decided to increase the level of tolerance for 22 ballot papers and include the mentioned PS in the final results. - CEC Decision no. 2817/2021, 23.10.2021, <https://bit.ly/3Hk6uUI>

Although the majority of polling stations and their commissioners were the same as in the first round of elections, the CEC decided not to appoint those polling station commissioners whose polling station needed to be recounted in the first round as commissioners for the second round of elections. Also, the CEC decided to monitor the conduct of elections this time, by appointing the staff from municipalities without the second round of elections to monitor the work of commissioners in the other 21 municipalities. Even though the Law on Local Elections does not contain specific provisions with regards to the composition of polling station commissions for the second round of elections, according to the CEC, they allowed additional polling station commissioners representing candidates running for the second round of elections in several municipalities, when they do not belong to political entities represented in the Assembly and therefore were not represented at the polling station commissions' level during the first round.

Many interlocutors and even CEC members expressed great concern regarding the quality of the training and testing process of polling station commissioners. Namely, they questioned the fact that almost all PSC commissioners supposedly underwent training organized by the CEC and MECs and passed the tests, while in the end so many “mistakes” and discrepancies occurred during the tabulation of election results. Some members particularly voiced concern about the professionalism of trainers engaged by the CEC and lack of effective oversight of the CEC over the training and testing process, in turn affecting the professionalism of commission members. Also, the CEC members voiced concern over the fact that many polling station commissioners did not follow the CEC instructions on how to conduct the voting with assistance.

According to data officially published by the CEC before the latest recounts, and based on statistics from 38 municipalities, approximately seven percent of cast ballots on average for municipal assemblies (not including blank ballots) in the first round were considered as invalid<sup>8</sup> when compared to the total number of ballots cast. This number was significantly lower when it came to ballots for the mayors in the first round (approximately two percent on average across municipalities). The percentage of ballots deemed invalid for municipal assemblies in the first round is very high, and the CEC should put an effort to further assess the reasons for such a high number of invalidated and blank votes. Different interlocutors stated different reasons for this phenomena, including the improper design of the ballots, citizens making a statement, or forgetting to circle the political entity besides the candidate, or even possible intentional invalidation by certain polling station commissioners.

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<sup>8</sup> According to official CEC data published on the following link and before the final recounts: (<https://www.kqz-ks.org/zgjedhjet-per-kuvende-komunale/zgjedhjet-per-kuvende-komunale-2021/>), the total amount of invalidated ballots for the first round amounted to 56,179 of a total of 811,980 ballots cast across the 38 municipalities (including at polling stations and out-of-country voting, along with SNV ballots). This amounts to approximately 1,479 invalidated ballots per municipality on average, which when compared to the total number of ballots cast represents approximately 7 percent, ranging from 2,58 percent in the municipality of Mamushe with the lowest percentage of invalid ballots to 17,49 percent in the municipality of Ranilug as the highest percentage.

## Registration of voters

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The total number of voters with the right to vote for the second round of local elections for Mayors in all 21 municipalities of Kosovo was **1,270,799**, of which 10,228 were registered as Out of Kosovo voters during the pre-election period<sup>9</sup>. Out of Kosovo voters interested in voting again for the second round of elections needed to send their ballots by mail, and the deadline for receiving ballots by mail, by the CEC was 12 November<sup>10</sup>. According to the official data from the CEC, a total of 1,571 mail packages (which may contain more than one vote if sent by a family) were received within the established deadline.

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

On 5 November, the CEC decided to extend the deadline for the registration of voters with “special needs and circumstances” (SNV) for the second round of Local Elections 2021<sup>11</sup> until 9 November. Consequently, 2,443<sup>12</sup> voters registered for this type of voting. To ensure SNV voting for homebound voters, citizens infected by COVID-19 and voters at institutions, the CEC organised a total of 114 mobile teams for the second round of elections.

According to the Law<sup>13</sup>, a voter who is illiterate, or not able to mark or cast the ballot himself/herself for other reasons may be assisted to vote by another person chosen by the voter if they request assistance. Such person shall only assist one voter and shall not be a member of the PSC or an accredited observer. Also, the person consenting to assist the voter shall sign his/her name on the appropriate Voters List or Conditional Ballot Envelope, next to the name of the voter who was assisted, or other space provided for this. After a high number of reports on assisted voters during the first round of elections, the CEC conducted some preliminary analysis, which showed a high number of voters that needed assistance<sup>14</sup> in the majority of polling stations (1,604 out of 2,284 analyzed polling stations). The first analysis also showed a very high number of persons who assisted voters more than two times (2,406 persons). This data is also concerning and should be further investigated by the CEC, or other competent institutions.

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<sup>9</sup> In the period between 10 July and 18 August, 2021.

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

<sup>11</sup> CEC Decision no. 2976/2021, 05.11.2021, <https://bit.ly/3DgImPV>

<sup>12</sup> 1,544 homebound voters and 899 at institutions.

<sup>13</sup> Articles 89.5 and 89.6 of the Law 003/L-073 on General Elections.

<sup>14</sup> Around 32,000 in 34 analysed municipalities.

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

## Electoral Campaign and Campaign Finance

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### Electoral Campaign

Due to the COVID-19 pandemic, the official campaign period was limited to five days<sup>15</sup>. Despite the shortened timeframe which affected the campaign's duration, electoral contestants were generally able to campaign freely in a competitive environment. Mayoral candidates and political entities held numerous events including marches, mass outdoor and indoor rallies, door-to-door campaigning and gatherings in private houses. Besides traditional campaign activities, some candidates organized ecological actions or presented their platforms in the form of exhibitions.

Several political entities reached cooperation agreements prior to the second round to maximize voters' support and limit the counter-candidates' chances for winning the elections.<sup>16</sup> Main messages used in the campaign remained similar as for the first round, and focused on the environmental issues and pollution, sustainable infrastructure, pro-natal policies and measures, employment, and other.

Compared to the campaign held before the first round of elections, candidates and political entities' campaigning activities increased in number and visibility. In total, 629 campaign events were reported to MECs and police, and approved to be held within the five-day campaign period. Twelve were not conducted despite being approved, while officially, seven were conducted without respecting election rules and COVID-19 measures. ENEMO notes that COVID-19 preventive measures were barely respected at all campaign events, mostly by LVV, LDK and PDK candidates who organized mass rallies<sup>17</sup>, and participants not respecting the distance and not wearing masks. Electoral silence was not respected in several cases.

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

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<sup>15</sup> CEC decision No. 2816/2021.

<sup>16</sup> For example, cooperation agreements were made by PDK, LDK and AAK in Malishevë/Mališevo, PDK and NISMA in Vushtrri/Vučitrn and Prizren/Prizren, LDK and LVV in Dragash/Dragaš, AAK and LDK in Gjilan/Gnjilane.

<sup>17</sup> Some examples of mass rallies held include events by LDK in Podujevë/Podujevo, LVV and PDK in Malishevë/Mališevo.

Sanctioned cases of vote buying and misuse of administrative resources<sup>18</sup>, along with widespread allegations of pressure on voters negatively influence the integrity of the electoral process. In between the two rounds, a similar trend was observed and reported by the media<sup>19</sup>, while political entities from across the political spectrum presented allegations of different kinds of violations, including engaging minors in the campaign and breaking the electoral silence.

## Campaign Finance

ENEMO notes that numerous shortcomings in the legislative framework in terms of political and campaign finance remain one of the key election related issues in Kosovo. Additionally, the auditing process of political entities' financial reports indicates withstanding shortcomings along with a complete lack of political will to ensure transparent financial reporting.

On 11 November, the auditing report for 2018-2020 was published<sup>20</sup>. It included 95 separate reports for each political entity that competed in general and local elections in the respective period. The auditing process faced numerous challenges, including limited funding for such a comprehensive task that significantly prolonged the procurement process, as well as excessive retrogradeness of the process that minimized the accuracy of the audit and availability of relevant financial documents.

The auditing report indicates numerous issues when it comes to financing of political entities. ENEMO expresses concerns that only two political entities delivered accounting in accordance with international standards<sup>21</sup>, while some showed less transparency compared to previous years<sup>22</sup>. Additional concerns should be raised over hidden and unreported expenses of political entities that are often incurred through separate unreported bank accounts<sup>23</sup>, in cash or in return for certain services.<sup>24</sup> This leaves space for financial manipulation and deprives voters and the general public from financial transparency of political entities.

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<sup>18</sup> For example, PDK was fined 10,000 EUR for misuse of administrative resources, while the Prime Minister Kurti and two ministers campaigned for LVV candidate Arben Vitia from the building of the Government of Kosovo.

<sup>19</sup> On 30 October, a woman was arrested at Pristina airport with multiple lists of names and copies of IDs, and reported for giving and receiving bribes.

<sup>20</sup> Auditing was performed by Auditing & Conto, an auditing company that was selected through a public tender. Within 90 days, 10 auditors looked into financial reports of 23 political entities. <https://bit.ly/324cgJL>

<sup>21</sup> According to the auditor, PDK and AAK conducted the accounting according to international standards. Additionally, LVV showed the same tendency despite competing in the elections only in recent years.

<sup>22</sup> According to the auditor, quality and transparency of financial reporting of Srpska lista deteriorated compared to previous years.

<sup>23</sup> The audit company needs approval from each political entity to access their bank accounts, which does not ensure access to any of the accounts that political entities deem unnecessary to be audited or do not want to disclose. Only two parties reported two accounts being used: LVV held a separate bank account to track donations, while LDK held a separate bank account for different bank expenses.

<sup>24</sup> Some unreported expenses cannot be tracked easily, such as renting the premises for political events, organizing and holding concerts and similar events, or cash and in-kind donations.

## Media

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### A. Media Environment<sup>25</sup>

The media continued to report freely and there were no major incidents mentioned to ENEMO affecting their independence to report, without interference or intimidation, on the electoral campaign and the process in general. Despite facing financial difficulties, the media provided fair coverage for the mayoral run-offs. Television remained the main source of information followed by online and social media. In general, for the second round, the media provided a wide range of information through news coverage, interviews, TV debate programs and political advertisements and managed to keep voters informed about the electoral process. In line with international standards, contestants were generally free to promote their political messages to voters, while voters were free to receive political and election-related information without undue restrictions or obstruction.

Three weeks prior to the start of the official campaign, media coverage for the second round of elections reflected the activities of the electoral contestants, mostly by following their activities on Facebook, since politicians continued to mainly use this platform in political communication. After the official start of the campaign, it was noticeable that the media dedicated more attention to the largest municipalities, although other municipalities were also regularly covered by the media. The five-day electoral campaign for the second round of elections was more active and was held in an orderly manner. There were a number of debates in national and local TVs organized. As expected, much more attention was given to the TV debates due to the limited number of massive meetings and public events. Some debates were organized even before the start of the official campaign.

According to ENEMO media interlocutors, during the official campaign period there was somewhat more interest from politicians for paid advertisement compared to the first round of elections, although many politicians were still focusing on online campaigning and use of social networking sites.

### B. Media Legal Framework

The Independent Media Commission (IMC) was in charge of monitoring the conduct of broadcasters throughout the electoral campaign, including the second round. Regarding the first round of elections, the IMC published only one report on their monitoring efforts.<sup>26</sup> According to

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<sup>25</sup> The mission did not conduct media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work in the media field in Kosovo and monitoring of the activity of the body in charge of monitoring media conduct (Independent Media Commission).

<sup>26</sup> 22 media outlets were included in the monitoring, out of which 3 with national terrestrial coverage (RTK1, KTV and TV21); 14 with local / regional coverage (TV Liria, TV Festina, TV Prizreni, TV Besa, TV Mitrovica, TV Puls, TV Tema, TV Vali, TV Mir, TV Dukagjini, TV Syri, TV Herc, TV Most, TV Iliria); and 5 with general program that are transmitted through distribution operators (RTK2, Kanal 10, ATV, Klan Kosova and TE7). The focus of the

the IMC, during the first round of elections media coverage was mainly objective and impartial, in accordance with the LGE and the Code of Ethics for Audio-Visual Media Service Providers. News coverage was perceived as being mostly neutral, and the language which was used during the campaign was in accordance with the Code of Ethics for Media Service Providers. Through conducting debates and interviews, most of the TV channels provided political parties and independent candidates airtime free of charge as well as the opportunity for paid political advertising.

During the campaign period for the first round of elections, the IMC identified broadcasters which violated regulations such as political advertising, i.e. not properly identifying them (4 broadcasters), use of children in political spots (7 broadcasters), split-screen advertising (5 broadcasters), sponsorship and placement of products in current affairs programs (6 broadcasters), use of expressions/language contrary to the Code of Ethics (2 broadcasters) and violation of electoral silence (6 broadcasters). In regard to these violations, the IMC has sanctioned 6 broadcasters (TV Dukjagini, Klan Kosova, KTV, RTK 1, TE 7 and Kanal 10) with a fine in the amount of 2.000 EUR, and 3 broadcasters (TV Festina, ATV and TV 21) with a fine in the amount of 1.000 EUR. Additionally, the IMC issued warnings to 7 broadcasters (TV 21, TE 7, Kanal 10, Klan Kosova, RTK 1, TV Plus and TV Most).

According to the IMC, in the first round of elections they received four official complaints against certain broadcasters out of which three were unfounded and one was still being processed.

During the campaign period for the second round of elections, the IMC again monitored 22 TV channels in order to assess the compliance of broadcast media with the election regulation. Overall, the IMC was operating within the legal framework and was notifying TV channels which violated regulations during the campaign. Compared to the first round of elections, where the IMC was not effective in applying timely sanctions to those broadcasters, for the second round of elections, prior to Election Day, the IMC sanctioned six television stations for violating the legislation.<sup>27</sup>

### **C. Online and social media**

ENEMO noted ongoing shortcomings related to online and social media monitoring, in particular identifying possible costs involving paid advertising and their sources. Additionally, the public tool Facebook Ad Library does not provide comprehensive information on political ads. Having in mind the growing popularity of social media, the most prominent TV outlets were also posting election related content on social networks.<sup>28</sup>

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monitoring was on news editions, political advertising, election chronicles, interviews and debates broadcasted from 16:00 to 24:00.

<sup>27</sup> For violation of the Regulation on Commercial Communications, the IMC sanctioned TV Dukagjini in the amount of 3.000 EUR, TE7 in the amount of 4.000 EUR, Klan Kosova in the amount of 3.000 EUR, Channel 10 in the amount of 4.000 EUR and KTV in the amount of 3.000 EUR. Moreover, based on the complaint by Kushtrim Brahimaj, the IMC sanctioned Channel 10 with Reprimand for violation of the Code of Ethics.

<sup>28</sup> For example, the most read online media is Gazeta Express with over one million followers, while Klan Kosova TV outlet has the most viewers in social media.

Several ENEMO media interlocutors raised concerns about different pop-up pages appearing on Facebook, just in time of the elections, sharing offensive content and publishing disinformation.

ENEMO continued to use the CrowdTangle platform to monitor the activities of political parties on Facebook. During the month before the Election Day, ENEMO monitored 32 pages of political parties which used the social network Facebook to spread political content. Within this period, the total number of content published by political parties was 581 out of which individually: Self-determination Movement - LVV 172; NISMA Social democrats 35; Democratic Party of Kosovo – PDK 27; Democratic League of Kosovo 53; Alliance for the Future of Kosovo 28; New Kosovo Alliance 5; PSD 18; FJALA 6; The Alternative 17; Movement for Unity 0; Justice Party 0; KDTP 22; Srpska Lista 9; OUR Initiative 19; Democratic Party of Bosniaks – Coalition Vakaf 27; Movement for Interaction 5; SDU Social democratic Union 3; Albanian Christian Democratic Party of Kosovo – PSHDK 1; Kosovo Serb Party 1; Vatra Civic Movement 2; KATP 95; Yenilikçi Türk Hareket Party 12; PDD Democratic Party of Diaspora 5; New Democratic Party 6; Egyptian Liberal Party – PLE 1; Progressive Democratic Party 0; New Democratic Initiative of Kosovo – IRDK 9; Democratic Party of Unity – PDU 0 ; JGP 3; Democratic National Front – Kosovo 0; KNRP 0; PREBK – United Roma Party of Kosovo 1.

A total of 309.3 thousand Facebook interactions were made on the mentioned posts, out of which as much as 220.4 thousand were only on the posts of the Self-determination Movement - LVV and 56.0 thousand on LDK posts.

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

## Gender Representation

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Despite the efforts to ensure fair gender representation by introducing the quotas for women, they remain highly underrepresented. Two of the female candidates for mayors received a sufficient number of votes to win in the first round of local elections: Ljiljana Šubarić (SL) in Gračanica/Gracanice, and Katarina Ristić-Ilić (SL) in Raniluk/Ranillug as the only candidate running in the first round. Only one female candidate, Mimoza Kusari-Lila (LVV), competed in the second round of the elections for the mayor of Gjakovë/Đakovica.

ENEMO requested information about gender composition of lower-level EMBs, but CEC could not provide that information before the second round due to lack of resources and time.

## Non-Majority Communities

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Non-majority communities in Kosovo are recognized by the Constitution which determines Kosovo as a multi-ethnic state. ENEMO notes that the Constitution along with other national legislation provides a quality framework for the inclusion of non-majority communities in Kosovo. On the other hand, ENEMO stresses that these communities still face numerous challenges in terms of exercising their prescribed rights.<sup>29</sup>

For the second round of Local Elections, non-majority parties mostly provided their support to the candidates with the most inclusive political platform for their community. Most non-majority parties made the support public and invited their members to vote accordingly, while some parties were openly involved in the campaign for the second round.

According to ENEMO interlocutors, non-majority voters are often subjected to political influence that includes vote buying and pressure on voters due to their poor socio-economic status.<sup>30</sup> Major political parties recognize their unfavorable position and use it to provide simple food packages and limited amounts of money in return for the promise or proof that non-majority voters will support them on election day. Another challenge that these communities face is low political literacy that often leads to a higher number of invalid ballots due to general confusion of voters in regard to voting procedures.

## Inclusion of persons with disabilities

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ENEMO notes that as in the first round, autonomous access to persons with disabilities was limited in many polling stations, especially those which are not located on the ground floor. Although persons with disabilities had the opportunity to register for SNV, ENEMO assesses that difficult access to polling stations limits their opportunity to exercise their right to vote, at odds with international standards and best practices.

The mission was not informed of candidates emphasizing the needs of persons with disabilities in their campaign platforms. However, the CEC provided voter education materials in sign language.

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<sup>29</sup> Employment remains the most significant challenge despite the 10 percent quota designated for non-majority communities in all public institutions. ENEMO interlocutors stress that the legal quota is often not respected, and is sometimes even used by members of Albanian majority who misrepresent themselves as members of different non-majority communities. According to ENEMO interlocutors, this is mostly visible in public administration sphere and universities. Non-majority communities mostly affected by this are Ashkali, Turkish and Bosnian.

<sup>30</sup> According to ENEMO interlocutors, pressure is most often directed towards Roma and Bosnian voters with low socio-economic status.

ENEMO notes that the electoral legislation lacks specific provisions related to persons with disabilities, at odds with international standards.

## Complaints and Appeals

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The legal framework regulating election dispute resolution contains many shortcomings that leave space for different interpretations and ambiguity, damaging the right to an effective legal remedy. Due to the lack of specific legal provisions some issues are regulated in practice, which affects legal certainty.

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

According to Article 119 (1) of the LGE, any person whose right was violated regarding the electoral process can file a complaint to ECAP after the closing of polling stations. This is a general provision which encompasses complaints regarding voting and also the counting process at the polling station. Based on this provision, if any violation occurred during the counting, a complaint can be submitted to the ECAP within the determined deadline of 24 hours from the closing of the polling station. However, in practice ECAP rejects all complaints regarding the results of the polling stations submitted from the closing of the polling stations until the certification of the final results, advising complainants to submit those complaints after the publication of final results. The justification for this established practice is that results might change until the final certification of the election results by the CEC. Though this approach is understandable, due to limited resources, timeframes and the system of results verification at the CRC, it has no legal basis in the legislation.

ECAP received five complaints regarding the final results for mayoral elections, out of which four complaints were rejected and one was partially approved, resulting in the fining of Srpska Lista with 8,100 Euro. Regarding final results of elections for municipal assemblies, ECAP received 364 complaints within legal deadlines and nine complaints after expiration of the deadline. Out of 364 complaints 57 were approved, 100 were partly approved, 184 rejected, 23 were considered illegal, submitted by unauthorized persons or irregular. Based on the ECAP's decisions 608 polling stations were recounted in respect of the results of municipal assemblies' elections.

Generally, ECAP adjudicated complaints within the determined deadlines. According to Article 118 (2) of the LGE, a written decision should be provided to parties within 72 hours if it concerns certification of results and within five days in all other cases, while the deadline for appealing decisions of ECAP to the Supreme Court is 24 hours. Not having a reasoned decision of the ECAP before the expiration of the deadline for appeal prevents interested parties from preparing well-grounded appeals.

One of the restrictions for appeals to the Supreme Court is fines below 5000 Euro. ENEMO assesses that this limitation on the right to legal redress is not justified.

As of 7 November, 13 appeals were submitted to the Supreme Court, out of which 12 were upheld, and only in one case the decision of ECAP was annulled as not well-grounded and returned for reconsideration.<sup>31</sup> After reconsideration, ECAP only partially satisfied the complaint. It rejected its initial decision regarding the annulment of mayoral elections in the Municipality of Hani i Elezit and ordering the CEC to conduct repeat elections, but only fined PDK in the amount of 10 100 Euro for violation of the Code of Conduct for Political Parties.

Before the publication of the report, ENEMO has not received information about the complaints concerning violations of the campaign regulations for the second round of elections.

## Election Day

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

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

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

A number of media reports indicated a few cases of illegal gatherings near polling stations; campaign materials which had not been removed in the vicinity of polling stations; voters photographing their ballots; vote buying; attempted double voting or family voting; intimidation or harassment of voters; or physical altercations. These occasional allegations did not seem to negatively affect the regularity of the general process. However, these cases and allegations should be properly investigated by state authorities and prosecuted if necessary.

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<sup>31</sup> Supreme Court Decision AA.nr. 52/2021, 23.10.2021.

## Observers

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ENEMO was not informed of any facts of interference in the work of observers, and there were no complaints with regard to the accreditation process of observers by the CEC. However, on several occasions, important information requested from the CEC by ENEMO was not provided, affecting the mission's observation.

According to the data received from the CEC, 10,510 observers were accredited in the second round, which contributed to the transparency of the process. Out of 10,510 observers, 907 were accredited for the second round and did not observe elections in the first round. The highest number of observers (9,287) were from political entities. 577 observers were accredited from local media, 319 were from citizen observer organizations, 178 observers from foreign organizations, 69 observers from institutions, 50 observers from embassies, and 30 from foreign media.

## About ENEMO

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

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

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

To date, ENEMO has organized 37 international election observation missions to 10 countries: Georgia 2021, Local Elections; Moldova 2021, Parliamentary Elections; Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary

Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 MECs; Kosovo 2013, Local Elections, first round; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections, second round; Ukraine 2010, Presidential Elections, first round; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections; Albania 2005, Parliamentary Elections; Kyrgyzstan 2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round re-run; Ukraine 2004, Presidential Elections.

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