



ENEMO International Election Observation Mission

Kosovo Local Elections 2013 - 2nd round of mayoral elections

Statement of Preliminary Findings and Conclusions

Second round of mayoral elections in the Republic of Kosovo met many international standards for democratic elections, although some issues also identified during the first round of elections, including abuse of state resources, vote buying, family voting and violence in several polling stations raise certain concerns.

Following an invitation from the President of the Republic of Kosovo, Mrs. Atifete Jahjaga, the European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to observe the Kosovo Local Elections held on 3rd of November 2013, as well as the re-run of the 1st round in North Mitrovica and the 2nd round of local elections on 1st of December.

The election process is assessed on the basis of international standards for democratic elections and the national legislation. The international observation mission of ENEMO observed the electoral process in Kosovo from the beginning of October 2013. 12 long-term observers in 6 teams, covering the whole territory of Kosovo were monitoring the pre-election environment, including the political campaign and activities of the election administration prior to the 3 November elections, as well as the same activities prior to the 1st of December – the 2nd round of local elections. ENEMO issued its first preliminary statement on 05 November 2013 and another statement was issued on 19 November, regarding the re-run in North Mitrovica (both available at www.enemo.eu). The following statement reflects the observation of the second round of mayoral elections on 01 December, as well as Election Day itself.

*This preliminary statement represents **a continuation of findings and conclusions from previous 2 statements, issued by ENEMO for 2013 local elections in Kosovo.** Therefore, this report is not repeating main findings already mentioned in 2 previous statements, but is rather focusing on specific aspects of the 2nd round of elections. To this end, most findings concerning the electoral framework, election management bodies, voter registration and voters' lists remain the same as in the first preliminary statement of Kosovo 2013 local elections.*

On the Election Day for the 2nd round of local elections, ENEMO deployed 28 election observers from its member organizations to observe 155 polling stations, in remaining 25 municipalities of Kosovo, including the repeated elections in 3 PSs in Zvecani. These findings and conclusions are preliminary and do not render a final assessment of the entire election process. The mission will remain in Kosovo to observe the auditing and re-counting process and will issue a final report at the end of January 2014.

PRELIMINARY CONCLUSIONS

The second round of mayoral elections in Kosovo was efficiently conducted by election management authorities.

Election Day of the second round was peaceful and reflected further improvements in the conduct of the voting process, as well as counting and closing procedures of Polling Station Commission (PSC), despite several cases of registered violence at polling stations.

Abuse of resources/power has been noticed by ENEMO's teams in the second round as well, in most municipalities of Kosovo. Numerous cases of pressures and threats on citizens to vote for certain candidates, by a number of public officials were reported. ENEMO interlocutors stated that majority of threats were aimed at receivers of social aid and public employees.

Several cases of alleged vote buying have been reported to ENEMO observers, as well as the media outlets.

The performance of Central Election Commission (CEC) and Central Election Commission Secretariat (CECS) has been professional in most electoral activities.

Even though the official period for the political campaign in the 2nd round was short, in practice it never stopped after the 1st round, but was rather focused on door to door campaigning by most political entities, which are supporting Mayoral candidates.

The use of negative campaigning among candidates was visible in several municipalities, most of which in Gjakove, and Shtrpce. At the same time, lack of adequate regulations has opened space for increased negative campaigning on internet, especially through social networks.

The conduct of PSC members was significantly improved, compared to the first round of elections, especially in terms of packing of materials.

ENEMO observers did not notice any cases of voters not being allowed to vote with identification documents that are not Kosovar IDs, unlike the first round of elections.

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

Based on the reports from the observers, family voting remained a challenge in many polling stations.

ENEMO would like to praise the Police and Prosecution offices of Kosovo for their efficiency in processing of alleged cases of election frauds, misuses and violence. Once more, ENEMO urges all judicial institutions to continue processing of all cases of election frauds and misuses professionally, promptly and transparently.

Additional training sessions for PSC were conducted by all MECs, where some of the procedural irregularities observed by ENEMO in the first round of elections were additionally addressed, including the completion of results protocols and inappropriate packing of materials.

ENEMO strongly recommends to all electoral institutions to increase the efficiency and transparency of their work in future elections, especially regarding the election results, voters' lists, decisions of CEC and ECAP and the work of CRC. Website of CEC should be more regularly updated and CEC should further explain to, both citizens and political entities that K-Vote results are not official results of elections.

PRELIMINARY FINDINGS

Background

The 2013 local election for councilors and mayoral elections are the second local elections organized by the authorities of the Republic of Kosovo, and the first, where elections have been organized by Kosovo authorities in the whole territory of the country¹.

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

Twelve mayors were elected in the first round of elections, with the required majority. Second round of mayoral elections was called in 25 municipalities, between the top two candidates. Repeated voting for the 1st round of elections was organized in 3 PSs in Zvecan.

Therefore, besides Zvecan, where the 1st round was being held with only 2 mayoral candidates, another 50 mayoral candidates had the chance to compete for the position of a Mayor in the second round of elections, out of which only 1 candidate was a woman.

Out of the 12 mayors elected in the first round, 4 represent the governing PDK, 3 represent LDK, 2 are from GIS and 1 mayor was elected from AAK-LDD and Kosova Turk Adalet Partisi. Rufki Suma was the only mayor who was elected as an independent candidate. From 9 women who were running for a mayor in the first round, only one has qualified to compete for the run of (AKR candidate in Gjakova).

In the second round of elections, LDK had 14 candidates for Mayor, PDK 11, AAK-LDD 8, GIS 7, SLS 3, AKR 2, VV 1, IQM 1, SKS 1, SNP 1 and GI SDP 1. The situation in Zvecan is still under the pending

¹ The electoral process in the 4 municipalities in the North of Kosovo is facilitated by the OSCE.

status, as the first round has not yet been completed, due to repeated voting in three polling stations that were held parallel to the second round of elections in remaining municipalities.

Legal Framework and Electoral System

The second round of local elections was held in accordance with the Kosovo electoral legal framework, consisted of the Constitution of Kosovo, several election related laws², by-laws that have been adopted since the declaration of independence on 17 February 2008, as well as CEC regulations adopted in 2013. Local elections in Kosovo are held every four years for municipal councils and mayors. The mayor is elected according to the two-round majoritarian system where it is necessary to gain absolute majority in the first round in order to be elected. If no candidate wins more than 50% plus one of the total valid votes cast in the first round, a second round will be held four weeks after the first round, for the two candidates that have won most votes in the first round.

Voters living out of Kosovo had the right to vote through by-mail voting in both rounds of elections, if they met all legal requirements.

Election Administration

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

Besides all shortcomings of Kosovo's legal provisions regarding the electoral administration, noted in the first preliminary report of ENEMO for the first round of elections, the Central Election Commission, including the CEC Secretariat, have managed to organize all administrative electoral activities for the 2nd round of local elections, efficiently and professionally. During the second round, CEC has conducted additional trainings for PSC members, in cooperation with MECs. Also, CEC has repeated the K-Vote 2013, which was a positive supporting tool, being the only official source of preliminary election results for the first round of elections in Kosovo, despite not being fully accurate and trustworthy.

The 1st round of Elections has shown that CECS and MECs failed to choose adequate PSC members throughout Kosovo, or that the trainings for PSCs were not appropriate, as more than 500 ballot boxes were held in the quarantine by CRC, due to inconsistent data in counting/closing forms, or inappropriate packing of materials after the closing of PSs. This number represents almost ¼ of total number of PSs in Kosovo. Majority of these ballot boxes had to be audited and many even re-counted, mostly due to negligence and/or lack of professionalism and knowledge of PSC members about the procedure.

² Constitution of the Republic of Kosovo, Law No. 03/1-073 on General Elections in the Republic of Kosovo, Law No. 03/1-256 on Amending and Supplementing the Law No. 03/1-073 on General Elections in the Republic of Kosovo and Law No. 03/1-072 on Local Elections in the Republic of Kosovo.

For the 2nd round of elections, 743 PS commissioners have been replaced (including substitutes), whereas the majority of efforts of the CEC Secretariat and MECs was dedicated to additional trainings of PECs, especially regarding major problems and shortcomings noticed in the 1st round of Elections (Data and Results Forms and packing of electoral materials). ENEMO will continue to monitor the verification and auditing of PS material at CRC in order to determine whether CECS has succeeded to improve the overall efficiency and professionalism of the work of PSCs through additional trainings. So far, according to data gathered from STOs during E-Day, significant improvements were noticed regarding the conduct of PSCs all around Kosovo.

Registration of Candidates

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

As 12 mayors have been elected in the first round, 50 contestants were running for Mayors in the second round of elections in remaining 25 municipalities. The situation is somewhat different in the repeated elections in 3 PSs in Zvecan, which will also get its Mayor in this round of elections, as only 2 mayoral candidates were running for elections.

Registration of Voters

According to CEC, the total number of registered voters for the second round of Kosovo 2013 local elections was 1.371.524, in remaining municipalities. 11 738 voters have been approved by CEC to have the right to vote in the second round of local elections through by-mail voting, from out of Kosovo, where apparently, less than half of voters have used this right in the second round.

Problems with Voters list, noted in the first preliminary report of ENEMO for local elections 2013 still remain. There were no reported changes in the FVL between the 2 rounds. Therefore, the average turnout of voters³ in the second round was between 39% and 45% in most municipalities, with highest turnout in Partesh (62.81%) and a relatively high turnout in Ranillug (56.74%), Killokot (57.63%), Novoberd (57.09%) and Lipjan (53.65%). A seemingly low turnout of voters was noticed in Klina (21.57%) and North of Mitrovica (17.26%), whereas the voter turnout in Prizren (33.70%), South of Mitrovica (33.21%), Dragash (30,45%) and Vushtrri (28.14%) was lower than average.

³ <http://rezultatet.rks-gov.net/NightResults/Results.aspx?RaceID=1&UnitID=1&IsPS=0&Turnout=3&LangID=2>

Campaign

The Central Election Commission (CEC)⁴ decided on 20 November that the electoral campaign for the second round would be limited to a five-day period from 25 November to 29 November. In the second part of the campaign, after the first round of elections, most political activity was concentrated on forming alliances between political parties that support Mayors, in various municipalities. Most alliances have been aiming to win over supporters of candidates that are no longer in the race. Party leaders have been active in traveling around Kosovo to support their candidates at various rallies and meetings. Most candidates focused on door to door campaigning, with direct communication with citizens.

Even though the public campaign was mainly calm, without any major incidents, the negative campaigning was visible in several municipalities, especially during political debates and rallies. ENEMO LTOs have noticed some negative campaigning, especially in Gjakove and Shterpc, prior to the second round of elections. However, majority of negative PR and insults between different Mayoral candidates was conducted through internet, on social networks, blogs, etc. The fact that political campaigning through internet is not adequately regulated by the law, nor monitored by the IMC, or some other state institution, has left space for strong abuse of this media and potential influence on voters, especially young people that mainly use internet regularly and continuously follow social networks.

Complaints and Appeals

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

Eligible voters may challenge, as specified under Article 9 of the Law on General Elections, inaccuracies or omissions in the Voters' List. Decisions regarding changes in the VL are made by the court of first instance. Also, complaints concerning the conduct of the counting at the CRC can be submitted to the ECAP within 24 hours of the occurrence of the alleged violation. However, the submission of a complaint does not interrupt, nor suspend the counting process. All complaints to the ECAP shall be decided upon, no later than 72 hours from the receipt of the complaint in the ECAP central offices.

During the entire electoral period, ECAP has received a total of 774 election-related complaints for both rounds, not taking into account the appeals regarding the out of Kosovo voters. Out of this number, 274 complaints were made regarding the campaign in the 1st round, which are mentioned in ENEMO's 1st Preliminary report. Another 173 complaints were made regarding the E-day in the first round of elections (11 were approved, 154 denied and the other were rejected, withdrawn, or invalid). 261 complaint pertaining to the counting process and 61 complaint regarding the CEC Preliminary results (K-Vote mainly) were also filed to ECAP. Majority of these complaints were rejected due to lack of evidence, or for being invalid, late and irregular, whereas some of them were withdrawn. Only 2 complaints regarding the counting process were adopted by ECAP, where 1 decision lead to re-run of elections in the North of

⁴ <http://www.kqz-ks.org/>

Kosovo. At the same time, ECAP has sent 36 complaints to the Police, as they may involve possible penal sanctions.

Media

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

Most of the Kosovo media outlets broadcasted electoral campaign on the second round of elections, through news coverage, TV debate programs and political advertisements. There were a number of debates in national and local TVs organized, and the presence of only two candidates in each race facilitated voters' decision-making. Media paid particular attention to the campaign in Pristina compared to other municipalities, even though other municipalities were also regularly covered by the media.

The Independent Media Commission, (IMC)⁵ was in charge of monitoring the media during the campaign for the second round of elections as well. According to sources from IMC, media coverage has shown that despite of some minor violations, media have mainly reported fairly and in impartial manner. There was 1 official complaint filed so far to IMC, regarding the breach of electoral silence of 1 media outlet, during the second round.

The IMC should publish all reports on its website regularly, based on their monitoring. However, since their first weekly report published on 16 October, no further reports, or follow-up of the campaign has been published on the IMC website. According to IMC, 10 official complaints about the conduct of media in the 1st round of local elections have been submitted and no action yet has been officially taken by the IMC.

The daily newspapers were involved in the election campaign with a various number of articles and interviews in their pages during the campaign. However, there is no state regulation body in charge of monitoring printed media, but instead, major newspapers have established the Kosovo Press Council to act as a self-regulatory body for printed media.

The candidates have also used social networks, (FB, Twitter, etc.) to be in direct contact with their supporters, but also to conduct certain aspects of negative campaigning towards their opponents.

Election Day

During E-Day, the election process was conducted professionally and calmly in majority of polling stations visited by ENEMO observers. However, several cases of violence have been reported, where most serious case happened in Pasjane (municipality of Partesh), at the PC where ENEMO STO team was observing the closing and counting of 1 PS No. 3603d/02r. After the counting of all votes in this PS and while PSC was

⁵ <http://kpm-ks.org/>

fulfilling the closing forms (around 20:20h), a group of around 20 men broke into the PC and started destroying the election materials. PSC risked their physical integrity by trying to protect ballot boxes and other material from attackers. The violence escalated and there was a fight between persons within the PC and a group of attackers. Police arrived soon after the incident, but majority of materials were already destroyed and several men were hurt.

ENEMO would like to praise the professionalism and dedication of PSC members who risked their physical integrity to protect election materials and ballot boxes.

However some procedural breaches noticed in the first round of elections have still been noticed during STO observation of the polling stations in the second round. The main issue still remains the family voting, which happened in 17 per cent of visited PSs. In one of the PSs, there were 7 cases of family voting that happened within a 20 minutes period, while our observers were present. Also proxy voting was noted in 5 per cent of observed PS. Both breaches were noticed in a similar frequency as in the first round.

Problems noticed in the previous round of elections, related to the lack of professionalism and training of polling station commissioners were not observed in this round of elections, especially in terms of packing of materials and forms' data entry. Moreover, the conduct and professionalism of PSC members was significantly improved compared to the previous round of elections in majority of observed municipalities.

Another breach of the Law, noticed by ENEMO STO Teams was the presence of campaigning materials of some political entities within 100 meters from the polling center (PC). Such situations were noticed by ENEMO observers in 6% of the total visited PS during the second round. Compared to the first round of elections, where such breaches were observed in 16% of the total number of observed PSs, it is clear that certain improvement was made in this field.

There were several cases where the voters were allowed to vote without ID. The main reason was that PSC members knew the voters and they didn't need to show any ID to vote. In one PS in Shtrpce, there were 16 voters allowed to vote without any ID, while our STO team was present.

A common situation was that in almost all PSs, the total number of ballots received by PS was lower than the total number of registered voters on FVL in the same PS.

ENEMO observers have reported a high number of voters that claimed they needed assistance and voted with assistants from the outside. Certain interlocutors of ENEMO confirmed that this method is being used by certain political entities as a safe-vote mechanism and that a number of these assistants were party representatives, where majority of mentioned voters do not really need any assistance.

59 per cent of observed PSs were not accessible to persons with disabilities, which is for 6 per cent higher than in the first round of elections, when 53 percent of visited PS were not appropriate for persons with disabilities.

Homebound voters were highlighted in voters lists in only a few PSs.

Gender balance among PSC members was inadequate, as majority of PSC were men.

Generally, observed pooling stations were very positively evaluated by ENEMO STO Teams. 47% of them were evaluated as very good, 48% as good, and 5% were marked as not good.

Election Observation Missions

For the second round of elections CEC has accredited 2,284 additional observers to 30.173 observers were accredited the first round, when, including representatives from CSOs, international organizations, foreign embassies, political entities, coalitions and independent candidates, citizen initiatives and media. Civil society organizations maintained their election observation activities. The Coalition “Democracy in Action” observed the entire election process and deployed observers throughout Kosovo on Election Day. The DiA observers followed the process of the run-off in all 25 municipalities. ENEMO STOs have noted non-partisan domestic observers in 74 % of visited PSs in the second round.

EU Mission has deployed 71 short term observers on E-day for the second round of elections, in all 25 municipalities. The National Democratic Institute (NDI) and some embassies have also accredited observers for the local elections, as part of their regular political engagement in Kosovo. NDI also had 7 teams in the field, whereas a number of observers were accredited by several Embassies present in Kosovo, such as: the US Embassy, the British Embassy, the Turkish Embassy the French Embassy and others.

Women Participation

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

From nine women running for mayors in the first round, only one woman was left running for the Mayor in the second round of local elections in Gjakova and according to preliminary results of CEC, Kosovo will have 1 female Mayor after these elections, in this city.

With regards to the gender equality in the election administration bodies, the situation was similar to the first round of elections, where the level of participation of women is low. In Municipal Election Commissions and Polling Station Committees women were not represented in accordance with the Law on Gender Equality, stipulating that the underrepresented gender should be at least 40%. However, gender balance was mainly respected during the re-run of elections in North of Mitrovica, on 17th of November.

Mission Information and Acknowledgements

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

ENEMO seeks to support the international community's interest in promotion of democracy in its region of engagement, to assess electoral processes and the political environment and to offer correct and impartial

observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic elections and benchmarks in the assessed country's legislation and constitution.

The observers for this Election Observation Mission were coming from 7 countries, **members of ENEMO**. ENEMO preliminary report was based on observations of the long-term and short-term observer's and their findings in reference to international standards and national election legislation. Once again, the mission emphasizes that this preliminary report does not render a final assessment of the entire election process. ENEMO will defer its final assessment after the end of the election process, which includes vote count and audit, announcement of the results, possible run-offs and the potential complaints that may be addressed for the second round.

The ENEMO Mission wishes to express its appreciation to the Central Election Commission for their cooperation and assistance in the course of the observation, as well all other stakeholders that members of ENEMO have cooperated with. The ENEMO takes this opportunity to express its highest acknowledgements to the support of donors of the election monitoring mission, United States Agency for International Development (USAID) through National Democratic Institute (NDI), German Federal Foreign Office through the Embassy of the Federal Republic of Germany in Pristina and the Embassy of the Grand Duchy of Luxembourg.

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

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