



European Union  
Election Observation Mission

Final Report  
Kosovo Legislative Elections  
2017



# **KOSOVO\* LEGISLATIVE ELECTIONS**

**11 JUNE 2017**

**FINAL REPORT**

## **EUROPEAN UNION ELECTION OBSERVATION MISSION**

*European Union Election Observation Missions are independent from the European Union institutions. The information and views set out in this report are those of the author(s) and do not necessarily reflect the official opinion of the European Union. Neither the European Union institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein. The report is available in English, Albanian and Serbian language versions. Only the English language report should be taken as the official version.*

\* This designation is without prejudice on status, and is in line with the UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

## TABLE OF CONTENTS

<b>I. SUMMARY .....</b>	<b>4</b>
<b>II. INTRODUCTION .....</b>	<b>7</b>
<b>III. POLITICAL BACKGROUND .....</b>	<b>8</b>
A. POLITICAL CONTEXT .....	8
B. THE MAIN POLITICAL ACTORS.....	8
<b>IV. LEGAL FRAMEWORK .....</b>	<b>9</b>
A. MAIN FEATURES .....	9
B. ELECTORAL SYSTEM.....	10
C. ELECTORAL RIGHTS .....	11
D. SHORTENED ELECTION TIMEFRAME .....	12
<b>V. ELECTION ADMINISTRATION.....</b>	<b>12</b>
A. ELECTION MANAGEMENT BODIES .....	12
B. VOTER REGISTRATION.....	14
C. ELECTIONS IN THE FOUR NORTHERN MUNICIPALITIES .....	16
D. OUT-OF-KOSOVO VOTING.....	16
E. CERTIFICATION OF ELECTION CONTESTANTS.....	17
<b>VI. CAMPAIGN .....</b>	<b>18</b>
<b>VII. CAMPAIGN FINANCE.....</b>	<b>20</b>
<b>VIII. THE MEDIA .....</b>	<b>21</b>
A. MEDIA LANDSCAPE .....	21
B. MEDIA LEGAL FRAMEWORK .....	21
C. MEDIA CAMPAIGN REGULATION .....	22
D. EU EOM MEDIA MONITORING .....	23
<b>IX. ELECTION DAY .....</b>	<b>25</b>
<b>X. POST-ELECTION DAY PROCEEDINGS.....</b>	<b>26</b>
A. PUBLICATION OF EARLY ELECTION DATA (“K-VOTE”) .....	26
B. COUNT AND RESULTS CENTRE .....	26
<b>XI. ELECTORAL DISPUTES .....</b>	<b>28</b>
A. COMPLAINTS AND APPEALS .....	28
B. PROTECTING THE VOTE .....	31
<b>XII. ELECTION OBSERVERS.....</b>	<b>32</b>
<b>RECOMMENDATIONS .....</b>	<b>34</b>
<b>ANNEX 1: CERTIFIED ELECTION RESULTS .....</b>	<b>42</b>
<b>ANNEX 2: MEDIA MONITORING .....</b>	<b>43</b>

## I. SUMMARY

Following a motion of no confidence voted in the Kosovo Assembly on 10 May 2017, the President of Kosovo called early legislative elections to be held on 11 June. Kosovo voters were called to elect the 120 members of the Assembly through a proportional representation system with preference voting, guaranteed seats for non-majority communities, and a 30 percent gender quota. These were the third legislative elections since Kosovo declared independence in 2008.

The 11 June 2017 early elections were genuinely competitive and peaceful in most parts of Kosovo, and voters were generally offered pluralistic information on the political forces in competition. However, the election process was negatively impacted by a number of serious long-standing shortcomings, which must be addressed if Kosovo wants to demonstrate its commitment to European standards, in particular : inaccurate voter lists that are vulnerable to fraud, an unreasonably short timeframe for early elections, a largely defective system for Out-of-Kosovo voting, an insufficiently precise and transparent process at the Count and Results Centre, and an insufficient response to violence and intimidation in Kosovo Serb areas. These matters will require strong political will and commitment on the part of the future leadership of Kosovo.

Election day was, however, calm and no major incident was observed by the EU EOM, including in the north of Kosovo. Polling was overall assessed positively; observers nevertheless noted a high incidence of family voting, instances of abusive voter assistance, and the excessive presence of observers from two political entities in breach of the law. The vote count procedures were not always followed, underscoring the need for better training of polling staff. The large presence of domestic observer group Democracy in Action contributed to the transparency and the integrity of the election. In the four northern municipalities, the substantial presence of the international community helped to ensure a calm process.

Within the Kosovo Serb community, the campaign environment was marred by a deep pattern of intimidation, and instances of violence from within the Kosovo Serb community against candidates and voters, as well as insufficient response from law enforcement agencies. This included pressure on individual candidates to withdraw and recurrent violent incidents in Leposavić/Leposaviq, specifically targeting political parties and candidates challenging the dominance of Srpska Lista. During the campaign, high officials in Belgrade urged voters on repeated occasions to vote for Srpska Lista. The EU and other members of the International community issued several statements calling for an end to the intimidation, and the EU EOM issued a press release to the same effect on 5 June.

The legal framework provides a sufficient basis for elections in accordance with international standards to which Kosovo has committed in its Constitution, but contains challenging provisions that early legislative elections must be held between 30 and 45 days after the dissolution of the Assembly, an unreasonably short timeframe. In this case, the President chose to hold the elections in the shortest possible timeframe, 30 days, resulting in extremely challenging deadlines for preparing the elections. This has negatively affected the entire process. Some legal deadlines were not met, such as the certification of candidates for non-majority communities' lists, the appointment of polling station committees, and the sending of election materials to Out-of-Kosovo registered voters.

Due to a broadly shared concern that, as a consequence of two 2014 Constitutional Court rulings, only the political entity obtaining the most seats might be given the chance to form the future executive, most major political parties on the Kosovo Albanian side regrouped in last-minute pre-election coalitions. Given the open list electoral system, this led to rivalry between political parties within these pre-election coalitions as they had to compete for preferential votes on the same lists. It also made observation by contestants' representatives more complex, and made the appointment of polling station committees a contentious matter.

The Democratic Party of Kosovo (PDK) formed a pre-election coalition with the Alliance for the Future of Kosovo (AAK), the Initiative for Kosovo (NISMA) and smaller parties. The Democratic League of Kosovo (LDK) and the New Kosovo Alliance (AKR) formed another coalition. Among the major Kosovo Albanian parties, only Vetëvendosje ran on its own.

The Kosovo Serb community's political spectrum was fragmented, with political entities such as the Kosovo Serb Party (PKS), the Independent Liberal Party (SLS) and the Progressive Democratic Party (PDS) challenging the dominance of Srpska Lista. Serbian high officials urged voters on repeated occasions to vote for Srpska Lista.

With the exception of the Kosovo Serb majority areas, the atmosphere of the campaign was mostly calm, allowing political entities to convey their messages to the voters freely. Contestants generally refrained from inflammatory language. Yet, as was the case in previous elections, political entities started campaign activities before the official start of the campaign, and EU EOM observers reported instances of use of public resources for campaign purposes. Allegations of pressure and intimidation on voters were also received from several regions.

Female candidates did not receive equal support for their campaigns from their political entities. Money and media coverage were prioritised for male candidates. Women were rarely in management positions in campaign teams. Female candidates rarely spoke at rallies, and women's participation in public life was almost never discussed.

While there is a legal framework in place for campaign finance, it is made ineffective by the absence of systematic monitoring and control by an independent entity with effective means and procedures.

The Central Election Commission (CEC) is politically inclusive, its sessions were generally open, and it operates largely transparently. It has striven to reach decisions by consensus, and, as a rule, made efforts to deliver a transparent and genuine process, under the particularly challenging circumstances of a shortened timeframe. There were, nevertheless, delays in the implementation of voter information, in the publication of decisions and in the adoption of preventive anti-fraud measures. The presence of women within the election administration remains excessively low.

For these elections, 1,872,941 voters were registered by the CEC based on civil registry data. Voter lists continue to be a matter of concern, particularly the presence of deceased persons' entries, the fact that voters are not consistently allocated to the closest polling station, and risks that the data of voters residing abroad in the voter lists of their municipality of origin may be misused on election day. Voters had limited opportunity to check their voter list entries and request changes, mostly due to shortened deadlines and a limited information campaign.

The certification of candidates was mostly uncontroversial; however, a complex dispute developed over the certification of allegedly 'ethnic' Kosovo Albanians presented as candidates on two lists running for non-majority communities' guaranteed seats. These cases illustrate weaknesses in the system for non-majority party representation, in particular the unclear legal

means for the CEC to prevent abuses, and the lack of guarantee of the right to an effective remedy when elections are held in a shortened timeframe.

There were unclear instructions on whether all types of Serbian ID cards should be accepted as valid ID for voting. This resulted in some confusion in Leposavić/Leposaviq and other areas on election day.

In line with an agreement between the CEC and the Organization for Security and Co-operation in Europe (OSCE) and as a confidence-building measure, international OSCE personnel were present in each Polling Station Committee (PSC) in the northern municipalities to advise and assist, and with authority to report violations to the CEC. OSCE personnel also followed the transportation of sensitive materials by the CEC.

Kosovo enjoys a pluralistic media environment and a sound legal framework for media freedom. Election law requires a fair and equitable media coverage, allows paid advertising and provides for some free airtime access. Unclear legal provisions allowed contestants to extensively purchase sponsored coverage of campaign events, in addition to strictly regulated paid political advertising.

The media extensively covered the election campaign, and generally offered voters pluralistic information on the political forces in competition. News coverage by the main TV channels was generally balanced and equitable, with the notable exception of both local private Serbian-language TV channels *TV Most* and *TV Puls*, which almost exclusively covered Srpska Lista. The main TV channels experienced, however, disruptive interference in attempts to organise election debates in line with law by the PAN coalition, which requested favourable treatment. The Independent Media Commission played an essentially passive role.

After the count, the Central Election Commission (CEC) started to publish early election data on its website, sent electronically by CEC personnel dispatched to all polling centres, a system known as K-Vote. While this system did not include the Out-of-Kosovo votes or the conditional ballots, which were counted centrally in the following days, it enhanced the transparency of the process and provided voters with quick indications on results trends.

The Count and Results Centre (CRC) in Pristina provides a much-needed additional level of scrutiny over the election results and indeed the entire process. While it remains indispensable in order to ensure some level of control of polling stations data, and to count Out-of-Kosovo and conditional ballots, the CRC process could be made more efficient, some of its methods are unduly time-consuming, and parts of the process lack transparency and precision, in particular as regards handling of conditional ballots and decisions on recounts.

Out of the total 2,490 polling station ballot boxes, 189 were sent to quarantine upon arrival at the CRC due to wrong seal numbers, or incomplete or missing material. The CEC decided on 15 June to recount 30 of these. The CEC also ordered the recount of 395 other polling stations, mostly due to discrepancies between votes for candidates and for their political entity. This brought the number of polling station recounts to 425 at that stage.

Following the announcement of the election results on 29 June by the CEC, 66 complaints were filed to the Election Complaints and Appeals Panel (ECAP) leading to the recounting of 117 additional polling stations. The recounts led to a few changes in mandates distribution. On 4 July, five decisions of ECAP were appealed to the Supreme Court, which rejected three as ungrounded, and granted relief in two others. One appeal to the Supreme Court led to the recount of 23 additional polling stations. In total, 565 recounts were ordered post election day. Following the completion of the appeals process, the CEC certified the results on 8 July, opening the way for establishing the new institutions.

The Election Complaints and Appeals Panel (ECAP) has acted according to the law and its own internal regulations, following procedures, providing a legal basis and reasoning for its decisions, publishing its decisions, and meeting deadlines, which are tight.

In stark contrast to the assertive action of some of the assigned prosecutors and even some basic court judges on and around election day, it has proven largely impossible to follow up on the more than 600 allegations of electoral crimes which were forwarded to the prosecution after the 2014 legislative elections. Due to the lack of an integrated case management system between the Kosovo prosecution and court system, gathering data for prosecuted cases is difficult. This reduces confidence in the actual punishment of all or most electoral crimes.

The CEC accredited a total of 29,264 observers from political parties, coalitions, international organisations, domestic NGOs, embassies and media. Of these, 8,830 were from local NGOs and 301 from international organisations. Democracy in Action, a coalition of NGOs, was the main domestic election observer group. It fielded over 2,500 observers and issued several reports on the election campaign and election day.

## II. INTRODUCTION <sup>1</sup>

Following an invitation from the President of Kosovo issued on 11 May 2017, the EU deployed an Election Observation Mission (EU EOM) on 19 May to observe the 11 June early legislative elections. The EU EOM was led by Mr Alojz Peterle, Member of the European Parliament (MEP) and former Prime Minister of Slovenia. The Mission comprised of a core team of eight analysts, 16 Long Term Observers (LTOs) who were present from 25 May, and 32 Short Term Observers (STOs) who were present from 6 to 14 June. In addition, the Mission was joined by 40 Locally recruited Short Term Observers (LSTOs) and a delegation from the European Parliament led by MEP Igor Šoltes from Slovenia.

On Election Day, a total of 103 observers from 25 EU Member States, Norway and Switzerland reported from all 38 municipalities of Kosovo, observing in 403 polling stations. LTOs remained in the field to follow post-election day proceedings and to observe the activities of the Count and Results Centre in Pristina. The core team left Kosovo on 2 July, apart from the legal analyst who stayed a few days more to follow the complaints and appeals proceedings.

The EU EOM assessed the whole electoral process against international and European standards for democratic elections as well as the laws of Kosovo. The EU EOM is independent in its findings and conclusions and operates in accordance with the Declaration of Principles for International Election Observation.

The EU EOM wishes to express its appreciation to the Kosovo authorities, the Central Election Commission and other institutions, the police, political parties, media and civil society for their cooperation and assistance throughout the Mission's presence. The EU EOM also expresses its appreciation to the EU Office/EUSR, EULEX, KFOR, the OSCE and the diplomatic representations of the EU Member States, Norway and Switzerland.

---

<sup>1</sup> While this report is translated into Albanian and Serbian, the English version remains the only official version.

### III. POLITICAL BACKGROUND

#### A. Political Context

Following a motion of no confidence voted in the Assembly on 10 May, the President of Kosovo called early legislative elections for 11 June. Kosovo voters were called to elect the 120 members of the Assembly through a proportional representation system with preference voting, guaranteed seats for non-majority communities, and a 30 percent gender quota. These are the third legislative elections since Kosovo's declaration of independence in 2008.

After the early parliamentary elections in 2014, both the Democratic Party of Kosovo (PDK) on the one side, and a post-election coalition of the Democratic League of Kosovo (LDK), Alliance for the Future of Kosovo (AAK) and Initiative for Kosovo (NISMA) supported by Vetëvendosje on the other side, claimed the right to nominate the Speaker of the Assembly and form the executive. The matter was decided by the Constitutional Court. In the judgment AGJ 671/14 of 1 July 2014 on the competencies of the President of Kosovo, it ruled that the party or pre-election coalition that won the most seats must be given the first constitutionally foreseen chance to nominate a candidate for Prime Minister. It furthermore assessed that it is not to be excluded that the President of Kosovo may decide also to give the same party or coalition the second and last chance to propose another candidate, but considered that the President has to assess which political party or coalition has the highest probability of proposing a candidate who will obtain the necessary votes in the Assembly for the establishment of a new executive.

Most major political parties in Kosovo appear to have concluded from the decision AGJ 671/14 and from subsequent decision AGJ 700/14 that there was a likelihood both constitutionally foreseen chances to nominate a Prime Minister and form the executive would be granted to the same largest pre-election political entity. A direct consequence of this seems to be the manner in which political parties were driven into forming coalitions ahead of the 11 June elections despite fundamental differences between them.

#### B. The main political actors

Twenty-six political entities were certified by the CEC to participate in the legislative elections. Among them were five Albanian, six Serbian, two Turkish, three Bosnian, three Roma, three Gorani, two Ashkali and two Egyptian entities.

The largest Kosovo Albanian political entity was the coalition of Democratic Party of Kosovo (PDK), the Alliance for the Future of Kosovo (AAK), and the Initiative for Kosovo NISMA, often referred to as the 'PAN' coalition. The coalition was presented to the CEC shortly before the deadline set for applying for certification and included 12 other smaller parties in addition to the three leading ones. These three parties, all led by former leaders of the Kosovo Liberation Army, KLA, designated Ramush Haradinaj (AAK) to be their candidate for the post of Prime Minister, while Kadri Veseli (PDK) headed the election list. The second largest coalition, often referred to as the 'LAA' coalition, was that of Prime Minister Isa Mustafa's Democratic League of Kosovo (LDK), the New Kosovo Alliance (AKR) of Behgjet Pacolli and a new entity, Alternativa, led by Mimoza Kusari-Lila, Mayor of Gjakovë/Djakovica. Their candidate for Prime Minister was Avdullah Hoti. The opposition party Vetëvendosje, led by Visar Ymeri, ran alone and presented former party leader Albin Kurti as its candidate for Prime Minister. The selection of candidates for Prime Minister was based on the candidates' perceived popularity and their ability to gather votes for the respective political entity.



The Kosovo Serb community's political spectrum was fragmented, with political entities such as the Kosovo Serb Party (PKS) led by Aleksandar Jablanovic, the Independent Liberal Party (SLS) led by Slobodan Petrovic, and the Progressive Democratic Party (PDS) led by Nenad Rasić, challenging the dominance of the Belgrade-backed Srpska Lista, led by Slavko Simic.

For the other non-majority communities, the main contenders were VAKAT, a coalition of four Bosnian political parties (Democratic Party of Bosniaks, Democratic Party Vatan, Bosniak Party of Kosovo, and New Democratic Party), the New Democratic Party (NDS), the Turkish Democratic Party of Kosovo (KDTP), the Kosovo New Romani Party (KNRP), the Kosovo Unified Roma Party (PREBK), the Unique Gorani Party (JGP) and the Kosovo Ashkali Democratic Party (PDAK).

## IV. LEGAL FRAMEWORK

### A. Main features

The legal framework provides a sufficient basis for democratic elections in accordance with international standards to which Kosovo has committed in its Constitution, but contains challenging provisions for early elections. Since 2011, there have been several unsuccessful attempts to comprehensively reform the electoral system and address previously identified shortcomings, including the possibility of calling early elections on extremely short notice, and, as a consequence, shortening deadlines within the election calendar, curtailing several electoral rights.

With very few exceptions (in the election regulations), the legal framework that governed previous legislative and local elections therefore remained in place for the 2017 early legislative elections. The key pieces of legislation in Kosovo are the 2008 Kosovo Constitution and the Law on General Elections (LGE) of 5 June 2008, which was amended in October 2010 to introduce some changes regarding the procedures for complaints and appeals, as well as the preference voting system. The relevant secondary legislation includes the Rules of Procedure of the Central Election Commission (CEC) of 4 September 2008; the Rules of Procedure of the Elections Complaints and Appeals Panel (ECAP) from December 2015, which expand the law in relation to the conduct of complaints and appeals; and the 19 regulations issued in 2013, 2015 and 2016 by the CEC, which expand on principles included in the LGE. Other important laws relevant to the election process are the Criminal Code of 22 April 2012, the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (LPPRC), amended in 2011 and 2012, the Law on the Use of Languages of 27 July 2006, and the Law on Financing Political Parties of 16 September 2010, amended in 2011 and 2013.

Kosovo is not a signatory party to any international human rights instrument. Nevertheless, article 22 of the Constitution states the direct applicability of a number of agreements and instruments relevant for elections<sup>2</sup>. 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

---

<sup>2</sup> 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).

provisions of Kosovo laws<sup>3</sup>. In addition, on 11 June 2014, 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 which came into play during these elections are the right to shorten deadlines within the election calendar for early elections, thereby curtailing electoral rights, the lack of clarity over how candidate eligibility to stand for non-majority political entities can be assessed; and the very general rule on non-majority representation on the election management bodies.

Further gaps in the LGE are filled by provisions in the 19 CEC regulations and the ECAP Rules of Procedure, where they should be regulated by the law, since they deal with crucial aspects of the electoral process. These include in particular the procedures at the Count and Results Centre (CRC), which are only addressed in CEC Regulations No.6 and No.9. The procedure for deciding on cancelling election results and ordering repeat voting is unclear in the LGE and only vaguely regulated in CEC Regulations No.9 and No.6. Finally, the LGE in combination with its Amendment Law is confusing to read with regard to the relevant deadlines for filing complaints and gives practically no guidance as to the necessary content of such complaints. These rules are found in the ECAP Rules of Procedure, which provide the necessary detail<sup>4</sup>.

## **B. Electoral System**

The 120 members of the Kosovo Assembly are elected for a four-year term in a single constituency through a proportional system with guaranteed seats for non-majority communities, preferential voting for candidates, and a gender quota. Twenty seats are guaranteed for non-majority communities, including 10 for the Kosovo Serb community.<sup>5</sup>

Voters mark their choice for a political entity and can also mark preferences for up to five candidates from the chosen political entity. If a ballot is marked for more than five candidates, the preferences are invalidated and only the vote for the political entity is counted.

Among the seats allocated to a political entity, the gender that has received fewer seats is required to have at least 30% of the total number of seats won by the political entity. If this is not the case the candidates with least votes from the over-represented gender shall be replaced by the next candidate on the list from the under-represented gender. Replacements continue until both genders have at least 30% of the seats.

---

<sup>3</sup> However, since Kosovo is not a party to the ECHR, Kosovo residents have no legal venue at the European Court of Human Rights. Interpretation and enforcement of their human rights therefore remains within the Kosovo judicial system. Public confidence in the Kosovo judicial system is low, and both civil and criminal cases can take several years for a first hearing.

<sup>4</sup> The Rules of Procedure actually differ with regard to the deadline for filing pre-election complaints from the LGE (72 hours, in the Rules of Procedure 24 hours). ECAP apparently does not reject pre-election complaints as long as they are filed within 72 hours of the alleged violation, and practically all complaints are filed within 24 hours anyway. However, it would be important to spread the information about the requirement of providing or indicating evidence with the complaint more widely and give complainants more time and information to properly prepare their complaints.

<sup>5</sup> The remaining ten seats are distributed as follows: Roma community (1 seat), Ashkali community (1 seat), Egyptian community (1 seat), the Roma, the Ashkali or the Egyptian community with the highest overall votes (1 seat), Bosnian community (3 seats), Turkish community (2 seats) and Gorani community (1 seat).

## C. Electoral Rights

### Universal Suffrage

The legal framework provides an inclusive definition of voter eligibility. Universal suffrage is guaranteed by article 45 of the Constitution, stating that “every citizen (...) who has reached the age of eighteen, even if on election day, has the right to elect and be elected, unless this right is limited by a court decision.”

The LGE goes beyond that, however, even when read in conjunction with other relevant legislation, such as the Law on Civil Registers and the Law on Citizenship, ambiguities remain. The general intention of this legal corpus appears to be to make voter eligibility overall inclusive, so that not only citizens, but every person from the age of 18 who would be eligible to be a citizen of Kosovo, even if he/she is not, is given the right to vote. This applies to all those potential voters who, due to historic events and population movements in recent decades, are not citizens of Kosovo. Indeed, according to Article 5 of the LGE, a person is eligible to vote if he/she is registered as a citizen of Kosovo in the Central Civil Registry; or if he/she was a resident in Kosovo on 1 January 1998; or if he/she has obtained refugee status on or after 1 January 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo.<sup>6</sup>

Restrictions on eligibility to vote in the LGE cover cases when a person has been declared mentally incompetent by a final court decision, is serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia (ICTY), or is under indictment by the ICTY and has failed to comply with an order to appear before the Tribunal.

### Candidates' Eligibility

The general criteria to be a candidate for an election are laid out in the LGE. A person whose name appears in the voter list is eligible to be registered as a candidate, but the LGE restricts this right with reference to quite a large number of categories of persons who are not eligible to be candidates, e.g., army members, police, judges and prosecutors, members of any election management body, and diplomats.

For candidates currently involved in criminal procedures, the law respects the presumption of innocence until the person is found guilty by a court of law. However, a person found guilty of a criminal offence by a final court decision in the past three years; or who has failed to pay a fine imposed by the ECAP or the CEC; or has failed to obey an order of the ECAP, is not eligible as a candidate.

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 one of the mandates.

---

<sup>6</sup> Article 5.1 of the LGE:

A person is eligible to vote in an election in accordance with the present Law if he or she is at least eighteen (18) years of age on the day of the election and satisfies at least one of the following criteria:

- a) he or she is registered as a citizen of Kosovo in the Central Civil Registry;
- b) he or she is residing outside Kosovo and left Kosovo on or after 1 January 1998, provided that he or she meets the criteria in applicable legislation for being a citizen of Kosovo; or
- c) he or she obtained the status of a refugee, as defined in the Convention Relating to the Status of Refugees of 28 July 1951 and its Protocol of 16 December 1966, on or after 1 January 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo.

### Other rights and freedoms relevant for elections

The Constitution foresees the principle of equality for all individuals before the law and respect for all internationally recognised fundamental human rights and freedoms as well as protection of rights and participation by all communities and their members. Everyone is to enjoy the right to equal legal protection without discrimination on any ground, and fundamental rights and freedoms can only be limited by law.

Legal provisions also foresee rights and freedoms essential for an enabling environment. The Constitution contains guarantees for: freedom of expression, including the right to disseminate and receive information and opinions without impediments; freedom of peaceful gathering, freedom of association - including the right to establish an organization without the need for permission and to establish trade unions; freedom of movement - all citizens have the right to move freely throughout the territory and choose their location of residence; and freedom and pluralism of the media and the prohibition of censorship.

#### **D. Shortened Election Timeframe**

Under the current legislation, early elections must be held between 30 and 45 days after the dissolution of the Assembly, an extremely short timeframe. The President of Kosovo opted for calling the elections for the earliest possible date, necessitating the radical shortening of deadlines in the electoral calendar. This has negatively affected the entire process, including pre-election complaints and appeals handling. Some legal deadlines were not met, such as the certification of candidates for non-majority communities' lists, the appointment of polling station committees, and the sending of election materials to Out-of-Kosovo registered voters. The combination of shortened electoral administration deadlines with complaints and appeals deadlines affected the right to an effective legal remedy e.g. for changes to the voter list, for Out-of-Kosovo voting and for non-majority representation. The official campaign was also reduced to ten days.

### **V. ELECTION ADMINISTRATION**

#### **A. Election Management Bodies**

The early legislative elections are administered by a three-tiered election management body, consisting of the Central Election Commission, 38 Municipal Election Commissions (MECs) and 2,490 Polling Station Committees (PSCs).

The CEC is a permanent independent body composed of eleven members. The chairperson is appointed by the President of Kosovo from among the judges of the Supreme Court. The mandate of the CEC Chair is seven years, starting from the date of the announcement of the appointment by the President<sup>7</sup>. The ten other members of the CEC are appointed as a result of nominations by parliamentary groups represented in the Kosovo Assembly, including those holding guaranteed seats for the Kosovo Serb community and other non-majority communities.

The CEC is supported by a Secretariat (CECS), which implements the decisions of the CEC, prepares reports and recommendations for CEC decisions, and provides administrative, operational and other necessary tasks upon directives by the CEC. The main activities of the

---

<sup>7</sup> The seven-year term of current CEC chairperson Valdete Daka, which commenced on 16 June 2010 has been automatically prolonged up to 90 days after the certification of the 2017 legislative elections. (LGE, Art.61.3e).

CECS include registration and certification of political parties, voter information, voter service, and all operational work related to the election process.

The Central Election Commission and its Secretariat have been operating in challenging conditions for the preparations and administration of the 2017 elections due to the 30-day period between calling the elections and election day, the shortest possible timeframe in the case of early elections. The CEC adopted its operational plan with very tight deadlines. The curtailed timeline has mostly affected procurement issues, the preparation of voter lists, Out-of-Kosovo voting and voter information. Some legal deadlines were also not met (see section IV.D above). The implementation of some activities was particularly difficult in these conditions and limited some voter information and access to voter services.

The CEC sessions are open to observers, the public and the media. For most matters, a simple majority of votes is sufficient for passing a decision, with a minimal quorum of seven members present. For important matters, such as the adoption of CEC regulations, registration and certification of political entities, and for the declaration of election results, the CEC aims to decide by consensus. If this is not possible, a two-thirds majority is needed. In practice, the CEC has adopted most of its decisions as a collegial body; however, there were few contentious issues and debates in which CEC members accused their colleagues of partiality.

Municipal Election Commissions were appointed by the CEC on 17 May 2017. MECs were composed of six to eleven members nominated by the political parties that passed the electoral threshold in previous legislative elections and non-majority communities' parties that have distinct number of population within the municipality. The CEC also took into account previous municipal elections results.<sup>8</sup> MECs are chaired by an Executive Officer, who is employed by the CEC.

The appointment of the 2,490 Polling Station Committees (PSCs) and their chairpersons was complex. PSCs have at least five members. The mechanism for the establishment of PSCs is defined in articles 75 to 77 of the LGE. It gives right for nominations to the political entities represented in the Kosovo Assembly and the political entities represented in the respective Municipal Assembly which are running for the actual elections. The CEC also invites new political entities, which are certified for the actual elections, NGOs, and other civic organisations to submit their PSCs nominations. According to Article 77.1, one political entity is allowed to have only one election commissioner in a given polling station. According to Article 77.3, the appointment of a PSC chairmanship should be equally divided among the four political entities that received most votes in the previous legislative elections in the respective municipality.

The implementation of these provisions proved impractical and contentious. Indeed, due to the fact that many of the political parties with representation in Kosovo Assembly and municipal assemblies were, for these elections, running together in pre-election coalitions (i.e. as one 'political entity'), the usual nomination procedure became impractical, as the 'political entities' registered for these elections and the 'political entities' present in the national and municipal assemblies did not necessarily match. Consequently, the CEC devised *in camera* a special formula that attempted to secure adequate political representation on PSCs. The formula assigned PSC membership and chairmanships among the three main Kosovo Albanian political entities and the communities present in the municipality or precinct. The general formula

---

<sup>8</sup> AKR, which did not pass the threshold in 2014 legislative elections, had one member in two MECs of Gjakovë/Đakovica and South Mitrovica based on strong election results AKR had in these two municipalities in previous local elections.

assigned seven PSC positions to the three main Albanian political entities in proportion 3/2/2 (three commissioners for the PAN coalition / two for Vetëvendosje / two for the LAA coalition), however, various combinations were adopted to reflect the presence of non-majority communities and their election results in previous legislative elections in a given municipality.<sup>9</sup> This flexibility is allowed by the law, if necessity requires.<sup>10</sup>

The CEC engaged in heated discussion regarding the initial nominations of PSC members in the northern municipalities as the compositions initially proposed by MECs lacked an inclusive and balanced representation among the competing Kosovo Serb political entities.<sup>11</sup> These disputes about the PSC nominations delayed their appointment by the CEC until 1 June 2017, and affected the already compressed timeline for training PSC members.

The presence of women within the election administration has remained very low. Among the 11 CEC members, only the chair is a woman, and women represented only 10.5 % of MEC members and chairpersons. In 2015, the seventeen main political entities in Kosovo signed a declaration for increasing the representation of women in election processes to ensure balanced representation of both genders at minimum 40 %. The CEC coordinator sent an e-mail to all MECs members on 22 May 2017 reminding them of the declaration, and encouraging all certified political entities to nominate more women to PSCs. Nevertheless, political parties failed to keep their commitments, and in the polling stations visited by EU EOM observers on election day, women represented only 24 % of the members and 18 % of chairpersons. On a positive note, the CEC ensured gender balance among trainers, with almost half of them being women.

## **B. Voter Registration**

Kosovo has a passive voter registration system.

According to Article 5 of the election law (LGE), a person is eligible to vote if he/she is 18 or older on election day and satisfies at least one of the following criteria:

- Is registered as a citizen of Kosovo in the Central Civil Registry.
- If residing outside Kosovo, left on or after January 1, 1998, provided he/she meets the criteria for being a citizen of Kosovo.
- Obtained refugee status, as defined in the Convention Relating to the Status of Refugees, on or after January 1, 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo.

The preliminary and final voter lists are compiled by the CEC based on the extracted records provided by the Civil Registration Agency (CRA) of the Ministry of Internal Affairs<sup>12</sup>. The final voter list was certified by the CEC on 31 May and included a total of 1,872,941 voters.

---

<sup>9</sup> E.g. in Mamuşa/Mamushë/Mamuşa the formula divided six PSC positions among three main Albanian political entities (3x1), Turkish party KDTP (1), Roma party KNRP (1), and Turkish party KTAP (1).

<sup>10</sup> See article 77.4 of the LGE

<sup>11</sup> According to the final approved composition, the PSC structure in Leposavić/Leposaviq municipality gave one member to each of four Serbian political entities, one to Bosnian party NDS, one to MEC nominee and one to share between two Albanian coalitions (PAN, LAA). Srpska Lista (GISL) retained a majority of chairmanship positions in the northern PSCs (22 of 31 in Leposavić/Leposaviq municipality, 6 of 13 PSC chairs in Zvečan/Zveçan, 17 of 28 in North Mitrovica, and 7 of 15 PSC chairs in Zubin Potok.

<sup>12</sup> In the municipalities, the Municipal Civil Status Offices and Municipal Civil Registration Offices are the ‘front-office’ of the civil status service where contacts with citizens take place and where the civil status data are collected, registered and maintained and ID documents being issued.

The CEC reported that the changes since the 2014 legislative elections included 118,448 new voters who reached the age of 18 since the last election and 36,754 voters who obtained a Kosovo ID for the first time. The data of 33,542 deceased voters and of 19,796 persons who renounced Kosovo registration were removed.

Voters had limited opportunity to check their voter list entries and request changes, mostly due to shortened deadlines and a limited information campaign. The preliminary voter lists were publicly available at the MECs from 20 to 28 May, as well as on the CEC website. If requests for changes were denied, voters had the possibility to challenge the decisions of the election administration from 25 to 28 May, during working hours.<sup>13</sup> The law provides that election contestants and accredited observer organisations may acquire a copy of the voter list to check its accuracy.

The voters list can be challenged at the courts of first instance. According to the LGE, requests regarding improper exclusion from or inclusion in the voter's list, regular or postal, must be received by the court at the latest by 40 days prior to election day. During these elections, the short timeframes allowed for the process of publication, review, challenge, confirmation and adjudication of the voters list, meant that the right to an effective legal remedy would not have been respected<sup>14</sup>.

Most EU EOM interlocutors across Kosovo, including some MEC members, believe that voter lists are not accurate, largely due to the failure to remove entries of some deceased persons. However, the CRA reported significant improvement since the 2014 elections, thanks to an agreement reached in 2016 with the Islamic Community of Kosovo, which maintains records of deaths not always reported by families to the Kosovo civil authorities. Some EU EOM interlocutors also expressed concern that the inclusion of voters residing abroad in the voter lists of their municipality of origin might be misused on election day, especially in rural areas. The 2011 census estimated that 562,951 people from Kosovo reside abroad. They are lawfully included in the voter register.

Some EU EOM interlocutors, including the authorities, stated that voters are not always allocated to the polling stations closest to their residence. This is reportedly due to deficiencies in the Kosovo address system,<sup>15</sup> and the way the CEC uses the records provided by the CRA. Notably, the CRA explained to the EU EOM that the CEC uses the residence of voters as recorded at the time of issuance of ID documents, while they may have changed their residence since then. Even though this may lead to some voters being disoriented on election day, the problem is mitigated by the fact that polling centres have complete municipal-level voter lists to redirect voters.

---

<sup>13</sup> This period included a weekend, further reducing the possibilities to challenge decisions of the MECs and the CEC. In the end, no decision of the election administration was contested in court on this matter.

<sup>14</sup> In fact, the authorities report that not a single appeal against voter list decisions was filed with the courts. But voters had very limited opportunity to check the voter list and request changes. The preliminary voter lists were available at the MECs from 20 to 28 May, as well as on the CEC website. In case a voter's request for a change was denied, they had the possibility to legally challenge these decisions at the basic courts from 25 to 28 May, during working hours. Not only did this appeals period overlap with that actual voter list display period, it also included a weekend, thus further reducing the actually available time for filing an appeal. It is also more than questionable whether a court would have rendered a decision fast enough to include a voter in the VL for these elections. This exercise should definitely be done regularly in between elections and with much more time.

<sup>15</sup> For example, it is reported that in Vushtrri/Vučitrn, some 7,000 voters are in the voter list without a precise address.

### C. Elections in the four northern municipalities

In line with an agreement between the CEC and the Organization for Security and Cooperation in Europe (OSCE) and as a confidence-building measure, international OSCE personnel were present in each PSC in the northern municipalities to advise and assist, and with authority to report violations to the CEC. OSCE personnel also followed the transportation of sensitive materials by election officials.

The total number of voters has been lower in the four northern municipalities in comparison to the 2014 legislative elections, from 62,797 to 58,064. This difference is partly due to the lack of integration of data from the Serbian civil registry into the voter lists, as was done for the 2014 elections as a result of the Brussels dialogue.

There were unclear instructions from the CEC on whether all types of Serbian ID cards should be accepted as valid ID for voting in the four northern municipalities. This resulted in some confusion on election day in Leposavić/Leposaviq and other areas.

On election day, some 30 buses coming from Serbia brought voters to several of the Kosovo Serb majority municipalities. This was reportedly smooth.

### D. Out-of-Kosovo Voting

According to Article 6 of the LGE, to be eligible to vote out-of-Kosovo, a voter should:

- a) be registered in the Civil Registry of Kosovo and have an ID of Kosovo or UNMIK, or
- b) be able to prove that they are entitled to be registered in the Civil Registry.<sup>16</sup>

#### Applications for Out-of-Kosovo voting

Voters eligible for Out-of-Kosovo (OoK) voting were required to apply to the CEC from 15 May to 22 May 2017. The CEC provided voters with three options for applying: via email, post or fax.<sup>17</sup> According to the CEC, technical problems related to the CEC email system resulted in numerous multiple applications that overwhelmed the CEC's Voter Service Division (VSD), as potential voters reportedly attempted to send their applications several times. The final list of registered OoK voters contained some multiple entries. CEC members from Vetëvendosje and Srpska Lista suggested to the CEC to extend the extremely short deadline beyond 22 May for applications for Out-of-Kosovo registration, but the majority of CEC members did not support such proposals.

The CEC received 20,354 applications for OoK voting. Of those, 15,118 were successfully registered, and 5,236 rejected, mostly for lack of proof of eligibility. The highest numbers of OoK applications came from Switzerland (5,432), Germany (4,340) and Serbia (4,395). The highest number of rejected applications was from Serbia (2,476), reportedly due to a large number of applicants not providing sufficient documents proving their eligibility.

The EU EOM received reports about some cases of voters from Novo Brdo/Novobërdë who could not find their names in the final voter list, but found them in the OoK voter list without actually having applied for it. The Head of the CEC Voter Service Division reported six such cases as one person affected came to his office, and five were reported to him by the CEC

---

<sup>16</sup> E.g. eligible voters temporarily residing outside of or displaced from Kosovo (e.g. resident of Kosovo on 1 January 1998 who was born in Kosovo or one of his/her parents was born in Kosovo or who lived in Kosovo for at least five consecutive years or who was deported from Kosovo and therefore had no opportunity to live in Kosovo for five consecutive years).

<sup>17</sup> Voters that successfully registered for Out-of-Kosovo by-mail voting in the 2014 legislative elections did not need to prove their eligibility again, they only had to prove their identity in their applications.



member from the Kosovo Serb community. The signatures differed in the application for the OoK voter registration and the actual voter ID card. The head of VSD acknowledged that under the current OoK application system by email and considering the compressed timeframe, there were no safeguards against impersonation and no legal remedies in case of disenfranchisement. As no complaint was filed to ECAP, all documentation was sent to the CEO and the CEC chairperson.

### OoK Ballots

In order to address the issues raised by the extremely short period for information and delivery of postal ballots (1 June – 9 June), the VSD sent emails to those voters who had registered to vote OoK for the previous elections, with instructions on how to vote from abroad.<sup>18</sup> The CEC extended the deadline for accepting the OoK postal ballots by one day until 10 June 2017 at midnight. By then, it had received 4,574 OoK envelopes with 5,949 secrecy envelopes inside. The VSD informed the EU EOM that around 3,700 postal OoK envelopes arrived after the deadline, between 12 June and 21 June. These were not accepted.

On election day, the VSD started verifying OoK voters' eligibility and the validity of OoK envelopes. After a three-day review, it rejected 703 of them, mostly sent by persons who had not registered for OoK voting. OoK postal ballots were sorted by municipalities, and handed over to the Count and Results Centre (CRC) on 14 June where OoK votes were counted on 23-24 June 2017 (see below).

While members of the Kosovo diaspora are entitled to vote, both the method for Out-of-Kosovo voting and its implementation have failed to offer a functional, inclusive and fraud-proof system for exercising their right to vote.

### **E. Certification of election contestants**

In order to run for elections, potential contestants have to be certified as a 'political entity' by the CEC. A 'political entity' can be a political party, a coalition of political parties, a citizens' initiative or an independent candidate. Registered political parties are automatically certified.

All 26 political entities that applied to contest the elections were certified by the CEC on 23 May. In total five coalitions, 19 political parties and two citizens' initiatives took part. Twenty-one political entities ran for the 20 guaranteed seats for non-majority communities, while five Kosovo Albanian majority political entities ran for the other 100 seats.

In total, 971 candidates were certified: 487 candidates ran on the five lists competing for the 100 seats, while 484 candidates ran on the 21 lists competing for the 20 guaranteed seats.

The certification of candidates was marred by a dispute over the certification of alleged ethnic Albanians as candidates on two lists running for seats guaranteed for non-majority communities. The two lists – the Bosnian SDA-BSDAK coalition and the Turkish KTAP party – were then requested by the CEC to remove these candidates, otherwise the parties would not be certified. KTAP conceded to this request, the disputed candidates of SDA-BSDAK were removed from the list by CEC, and the political entities were certified. Both contestants nevertheless appealed the certifying decision. In the KTAP case, the appeal was rejected on the grounds that the CEC had certified the candidates' list as amended by the party. The SDA-BSDAK case was returned to the CEC on procedural grounds, but the substantive decision to

---

<sup>18</sup> The emails contained the link to the ballot paper to be printed out, the booklet containing the list of all candidates, instructions on how to insert the ballot in the secrecy envelope and a photocopy of an ID document in the outer envelope, as well as the postal address to mail then ballot to.

remove the candidates was in the end upheld by ECAP and the Supreme Court on the grounds that the Constitution foresees representation of non-majority groups. Both KTAP and SDA-BSDSAK claimed that some of their competitors' lists were certified despite also including candidates who do not belong to the non-majority group they chose to represent.

These cases illustrate difficulties in the implementation of the system for non-majority party representation, specifically: unclear legal means for the CEC to prevent abuses; the lack of even-handed application of the candidate vetting process; and the shortened deadlines in place not always guaranteeing the right to an effective remedy in the election process.

There has been public criticism of political entities over the lack of transparency in the formation of their lists of candidates, as well as the possible presence of candidates with a criminal record. Civil society raised concerns about the quality of the candidates lists and, as part of a voter education campaign, urged voters not to vote for corrupt candidates. The Kosovo Democratic Institute (KDI) informed the EU EOM that pressure from civil society resulted in PDK, for example, removing several candidates perceived as being corrupt from their lists.

## VI. CAMPAIGN

The official campaign started on 31 May and ended on 10 June, 24 hours before the opening of the vote. As was the case in previous elections, political entities started campaign activities before the official start of the campaign, especially in the media. In the absence of regulations of the pre-campaign, all 20 complaints submitted for this period have been rejected by ECAP.

The atmosphere of the campaign was mostly calm and low key in Kosovo Albanian majority areas, intensifying towards the end, with larger rallies being held by the large coalitions and Vetëvendosje. Contestants campaigned freely in most regions and generally refrained from inflammatory language.

Political parties campaigned through rallies, door-to-door canvassing, posters, media advertisements and social media with messages related to democratic development, EU and NATO integration, the new border demarcation agreement with Montenegro, the fight against corruption, unemployment, healthcare, education and visa liberalisation. The electoral platforms of most contestants were not available on their websites. Most major election contestants engaged in excessive campaign promises largely turning around the speedy securing of visa-free travel and unrealistic pension and salary increases. Most contestants used various methods to supplement insufficient voter information by the election administration. However, their efforts were directed more at persuading voters to vote for them and less at providing voter education. Most individual candidates used small flyers or information cards to promote their own numbers on the ballot, very often together with the number of their political party leader. In Serb majority areas, Srpska Lista was active campaigning door to door and providing voters with very detailed instructions on whom to vote for in each of the regions inhabited by Kosovo Serbs. For example, in the northern municipalities, voters were told to vote for candidates 1 to 5 on the SL list, while Štrpce/Shtërpçë voters were told to vote for candidates 11 to 15.

The legal framework can be effective in ensuring equality of opportunity for all contestants during the electoral campaign. The Code of Conduct for political entities, their supporters and candidates prohibits the use of public office resources for campaigning, as well as the intimidation of voters. CEC Regulation no. 13/2013 on Electoral Campaign and Notice for Political Events sets rules for posting electoral materials and holding public events as well as for participation in the campaign of certain categories of public institutions employees. The

political entities have generally complied with the campaign rules set forth in the legal framework. Although ECAP has applied fines to political entities amounting to a relatively large sum of money, a significant number covered minor offenses related to placing election materials in areas where posting was prohibited or to online advertising, and only a few to pressure on voters, inflammatory language or other more serious offenses.

EU EOM observers received, mainly from civil society, some reports on use of public offices for campaign purposes.<sup>19</sup> After President Thaçi visited primary schools around Kosovo, rival party LDK accused him of campaigning for his former party PDK and hence violating the Constitution.<sup>20</sup>

Some important campaign rules such as those relating to the notification of political events are only addressed in CEC regulations. These rules are not overly restrictive; however, such fundamental matters affecting the right to hold a political gathering should be stated in the law, and not left to the CEC to regulate for each election.

EU EOM observers received reports of vote buying, including in areas inhabited by smaller non-majority communities. The practice of vote buying affects voters' freedom to form an opinion, at odds with the principle of free suffrage in European standards.<sup>21</sup>

Although the campaign in majority Kosovo Albanian areas was largely calm, the EU EOM received allegations of pressure and intimidation on voters and candidates from several regions.<sup>22</sup>

Moreover, the campaign environment was marred by a deep pattern of intimidation within the Kosovo Serb community, specifically affecting non-Srpska Lista parties and candidates. This included pressure on individual candidates to withdraw from the race followed by measures that led to several candidates losing their jobs. These widespread allegations of pressure and intimidation of candidates, combined with pressure and intimidation of voters, had a negative impact on the campaign in these areas, added to the existing public mistrust in the electoral process and raised concerns about voters' ability to cast their votes free from fear of retribution. Despite the wide-spread nature of these allegations in some communities, the candidates subject of intimidation were reluctant to submit official complaints. There was a concern in these communities, that in the absence of investigation into the allegations, these patterns would continue before the municipal elections to be held later in the year.

Isolated violent incidents also occurred, including a gunfire attack against the office of PKS in Leposavić/Leposaviq on 29 May and a violent incident involving PKS and Srpska Lista

---

<sup>19</sup> Reports of public office used in Viti/Vitina; cars with official plates at a PDK rally in Prizren and reports of use of official cars at LDK and PDK rallies in Viti/Vitina; the municipality in Malishevë/Mališevo allegedly favoured Nisma with posting space; LDK mayor of Podujevë/Podujevo involved in campaign activities during working hours;

<sup>20</sup> *Inter alia* Article 88 prohibits the President from exercising any political party functions.

<sup>21</sup> Venice Commission, *Code of Good Practice in Electoral Matters, Explanatory report*, CDL-AD(2002)23rev

<sup>22</sup> EU EOM observers reported *inter alia* that employees in public institutions in Štrpce/Shtërpçë were allegedly asked for their IDs, with the indication they would only be returned after election day, and cases of intimidation of voters in Novo Brdo/Novobërdë; LDK in Skenderaj/Srbica said they would campaign only in private houses and not display posters for fear of pressure and intimidation on party activists and voters by PDK; Srpska Lista in Viti/Vitina said that they did not feel safe organising public meetings; PDK in Ferizaj/Uroševac was allegedly putting pressure on civil servants and teachers to vote for the party. A Vetëvendosje candidate, as well as commissioners and observers of the party in Skenderaj/Srbica and Mitrovica South were pressured to withdraw from their positions.

supporters that resulted in the temporary detention of the PKS leader on 4 June. All these incidents/developments could affect the overall confidence in the integrity of the electoral process and impact on voters' freedom to form an opinion, at odds with European standards.<sup>23</sup>

The participation of women in the campaign has remained low. While women caucuses exist within some political parties, this does not result in an increased role of women in decision making. Female candidates have not received equal support for their campaigns from all political entities. Money and media coverage were prioritised for male candidates. Women were rarely in management positions in campaign teams.<sup>24</sup> Female candidates rarely spoke at rallies and women's participation in public life was almost never discussed.

## VII. CAMPAIGN FINANCE

The Law on General Elections, the Law no 03/L-174 on Financing Political Parties and several CEC regulations on campaign financing provide the legal framework regulating political entities' income and expenditures.<sup>25</sup> The legal framework provides for spending limits, requirements for disclosure, auditing procedure and fines. Political entities' sources of funding include public funds as well as donations by individuals and legal persons.

The Law on Financing Political Parties regulates the allocation of public funds for political entities for election campaigns, while the CEC regulations add more detailed provisions on spending limits, disclosure and auditing procedures. The same law sets the criteria according to which 90% of these public funds are provided to political subjects represented in the Assembly, based on the number of seats in the previous legislature, while 10% are allocated proportionally to other political subjects registered and certified by the CEC to run in the elections. There was no extra public funding allocated to political entities for these legislative elections, which limited campaigning options for smaller parties.

Electoral Rule no 12/2013 sets the expenditure limit for each political entity to 0.5 euro per registered voter. In line with the law, the CEC announced on 15 May that the maximum campaign expenditure per political entity was 942,753 euro. The Law on Financing Political Parties further clarifies the sources of income, setting a maximum donation of 2,000 euros per year for a natural person, and 10,000 euros per year for legal persons.

In line with Electoral rule 12/2013, each political entity certified to participate in the elections has to provide, no later than 45 days after election day, a campaign financial disclosure report that covers the period starting from the day when elections were called until election day.<sup>26</sup> The report is submitted by the political entities to the CEC's Office for Political Parties' Registration and Certification (OPPRC). European standards require that campaign financing reports be turned into the proper authorities within a timely deadline of no more than 30 days after the elections. Such reports should be required not only for the party as a whole, but also for individual candidates and lists of candidates.<sup>27</sup> Since 2013, the responsibility to audit the reports lies with the Kosovo Assembly, which systematically failed to select auditors, leaving

---

<sup>23</sup> See: OSCE/ODIHR / Venice Commission, *Joint guidelines for preventing and responding to the misuse of administrative resources during electoral processes*, 2016

<sup>24</sup> LDK coalition campaign team in Gjakovë/Djakovica.

<sup>25</sup> Electoral Rule no. 12/2013 on Campaign spending limit and financial disclosure and Election Regulation no. 14/2015 on Financing political entities and sanctions.

<sup>26</sup> Art. 3.2 of the Election Regulation no 15/2013 on Extraordinary and early elections

<sup>27</sup> Venice Commission and OSCE/ODIHR, *Guidelines on political party regulation*, 2010

this important requirement not implemented. Reports by civil society groups have linked this to a lack of political will among the political parties represented in the Assembly.<sup>28</sup>

The potential positive effect of the existing legal framework is undermined by the limited scope of the financial review. This is reinforced by political parties' internal practices. Most do not disclose comprehensive campaign reports on their websites, claiming a legal provision that requires public disclosure only after the audit has been conducted. Moreover, the lack of scrutiny raises questions about spending above the limits set by the law, as well as accepting unrecorded donations, especially those directed at individual candidates.

In the absence of systematic monitoring of campaign funding by independent entities, such as civil society, and effective mechanisms for oversight by public institutions, it is difficult to even identify the shortcomings of the campaign financial reporting and the legal requirements remain largely not implemented.

## VIII. THE MEDIA

### A. Media Landscape

Kosovo enjoys a pluralistic and lively media environment. The main sources of information are television alongside online and social media. There are currently 71 TV channels and 83 radio stations, which are broadcasting via terrestrial or cable networks. The public broadcaster, Radio Television of Kosovo (RTK), is composed of four TV channels and two radio stations. Board members of RTK are elected by the Kosovo Assembly and the public broadcaster relies mainly on a budget allocated by the Assembly, which, according to EU EOM interlocutors, hinders its full independence. In addition to the first public TV channel, RTK1, there are three private TV channels, which have a large audience: RTV21, Kohavision (KTV) and Klan Kosova.

Online and social media, benefiting from the high internet penetration in Kosovo, are an important source of information especially for the numerous youth section of the population. Among the most popular online news media are [gazetaexpress.com](http://gazetaexpress.com) and [telegrafi.com](http://telegrafi.com). There are only five daily print media, with very limited circulation, but they continue to contribute to fostering the public debate, especially the most respected daily, *Koha Ditore*.

The Kosovo media landscape is divided between the Albanian and Serbian speaking communities. The main public TV channel, RTK1, broadcasts in Albanian while *RTK2* broadcasts in Serbian and other non-majority languages via cable but it is not accessible in the four northern municipalities. Kosovo Serb communities reportedly rely for information on local broadcasters in Serbian or on the main TV channels from Serbia, which are easily accessible via cable TV/network.

### B. Media legal framework

The legislation provides a sound framework for freedom of the media. The Constitution of Kosovo guarantees “freedom and pluralism of media” and forbids censorship. Libel and defamation are not criminal offences and the legal framework includes laws on protection of journalists' sources and granting access to public information.<sup>29</sup> However, media interlocutors

---

<sup>28</sup>The European Commission has reflected these concerns in the 2015 Country Report, under the fight against corruption topic.

<sup>29</sup> Civil Law Against Defamation and Insult (2012), Law on Protection of Journalism Sources (2013), Law on Access of Public Information (2010).

reported that while they can generally exercise their profession freely, threats against journalists are still occurring and, despite the existing legal framework, their actual investigation and prosecution by the judiciary is at times slow and ineffective, especially in the northern municipalities. The Association of Journalists in Kosovo (AJK) and the Journalists Association of Serbia in Kosovo (UNS) are the main bodies representing the interests of Kosovo journalists and proved to be active also during the election period.<sup>30</sup>

Broadcast media are regulated by by-laws issued by the Independent Media Commission (IMC), the media regulatory body. The IMC's board members are appointed by the Kosovo Assembly. The 2012 Law on the Independent Media Commission defines its responsibilities, which include regulating the range of broadcasting frequencies, issuing licences to public and private broadcasters, establishing and implementing broadcasting policies as well as sanctioning broadcasters that do not abide by the law.

Print media and online news media do not require any licence to operate. Since 2005, print media have voluntarily adopted a shared Code of Conduct of the Press, and created the Press Council of Kosovo (PCK) as their self-regulatory body. More recently, fostering their self-regulation, some online news media joined the Press Council and they now constitute the majority of its members.<sup>31</sup>

### C. Media campaign regulation

The media coverage of the election campaign is regulated by the Law on General Elections (LGE), the Law on the Independent Media Commission, the IMC's guidelines based on Chapter VIII of the LGE, and the IMC Regulation on commercial audio-visual communications.

The election law requires, *inter alia*, that all media shall ensure that all certified political entities receive fair and equitable coverage. Paid advertising is allowed with no expenditure ceiling for the contestants, while media outlets should provide equal conditions to all contestants and the price charged should not exceed the lowest rate for the same 'time and day of the week' used in the previous six months. Broadcasters that accept paid advertising are obliged to offer a minimum amount of free airtime to all registered political entities to convey their messages, but they can decide on when and in what format to grant them free airtime access. Broadcasters are required to submit to the IMC on a weekly basis a 'diary' with a schedule of paid advertising and free airtime provided to each certified political entity.

The IMC, which is responsible for overseeing broadcast media compliance with election coverage regulations played a passive role. It did not issue any election-related written public statement or decision on the detected violations or complaints received during the election campaign. Indeed, no decision can be made without a meeting of the board, and the board never met during the campaign period.<sup>32</sup> On election day, the Chairman of the IMC appeared as a

---

<sup>30</sup> The Journalists Association of Serbia in Kosovo (UNS) is a branch of the Journalists Association of Serbia.

<sup>31</sup> The Press Council of Kosovo is currently composed of four print media and 27 online-based media outlets.

<sup>32</sup> The Independent Media Commission informed the EU EOM that it monitored 21 audiovisual media during the election campaign and that its board decided to convene a meeting only once a final media monitoring report would be ready. As of 1 July 2017, the report was not yet published and IMC board did not hold any meeting.

guest on two TV channels that were breaching the silence period by covering and airing declarations by members of political parties, and did not condemn the violations.<sup>33</sup>

Furthermore, while legal provisions require only not to broadcast paid political advertising and programmes sponsored by political entities outside the election campaign period, the IMC required broadcasters also not to air political talk shows nor to provide news coverage of early campaign activities before the beginning of the election campaign, which could be understood as an undue form of curtailing media freedom.<sup>34</sup>

#### D. EU EOM Media Monitoring

Television, online and social media were the primary source of information for voters. The short timeframe of the election campaign led major political entities to start their public campaign activities before the beginning of the official election campaign period, and broadcasters covered them in their newscasts. Some TV channels also held talk shows and debates with political representatives. One TV channel, Klan Kosova, during a daily editorial programme focusing on elections, granted several hours of mostly live coverage of the PAN coalition's rallies.<sup>35</sup> This seemed to be a way to offer space to the direct campaign of a contestant rather than providing an editorial coverage of campaign activities.

During the election campaign, broadcast media extensively covered the elections in a variety of formats and abstained from inflammatory messages. The main public and private TV channels reported interference from political parties, which tried to impose conditions for election debates that would give them favourable treatment, in breach of the law requiring a fair and equitable coverage of registered political entities. These reported attempts resulted in difficulties for media in organising fair and inclusive debates, which have been a long-established practice in Kosovo, to the detriment of the voters.<sup>36</sup>

The EU EOM media monitoring showed that the main TV channels offered a fairly balanced and largely neutral in tone news coverage during the election campaign.<sup>37</sup> The public TV channel *RTK1* provided a balanced coverage in its newscasts with almost the same space for

---

<sup>33</sup>The Chairman of the IMC participated as a guest in live programmes during election day on RTV21 and Klan Kosova. Both TV channels on the same day breached article 52.1 of the Law on General Elections by covering live press conferences of party members.

<sup>34</sup> Article 2.2 and article 14.5 of the Regulation on commercial audio-visual communications, KPM-2016/02, prohibit respectively paid political advertising and programmes sponsored by political parties outside the election campaign period. The IMC did not provide any reference to further legal provisions limiting editorial coverage of political developments and discussions ahead of the election campaign. Broadcasters did not comply with this specific IMC request.

<sup>35</sup> From 22 to 30 May 2017 the daily programme of Klan Kosova TV 'Zona Zgjedhore' (Election Zone) broadcasted 8h52minutes of mostly live PDK and AAK campaign events.

<sup>36</sup> TV channels reported that initially PAN tried to impose conditions granting it higher representation, by the number of representatives invited or the amount of time, than other registered political entities. Following the refusal of TV channels, two parties from PAN – AAK and NISMA – decided to participate in debates while the main party of the coalition, PDK, did not. Some TV channels held election debates as planned, while others opted for separate interviews with the contestants. On a positive note, KTV was the only Albanian language TV channel that organised and broadcasted an election debate among Kosovo Serb political parties.

<sup>37</sup> The EU EOM conducted during the pre-election campaign period, from 22 to 30 May 2017, a qualitative monitoring of four TV channels (RTK1, RTV21, KTV and Klan Kosova TV) from 18:00 to 24:00 daily. During the election campaign, 31 May – 9 June 2017, a quantitative and qualitative media monitoring of RTK1, RTK2, RTV21, KTV and Klan Kosova from 17:00 to 01:00, and of the main primetime newscast of TV Most and TV Puls. A qualitative monitoring of a sample of online news media and social media (Facebook pages) was also conducted during the election campaign.

PAN and LAA coalitions, 35 and 34 per cent respectively, and less coverage to Vetëvendosje 24 per cent. The private TV channel RTV21 was the most balanced in its newscast with 31 per cent to the LAA coalition, 29 per cent to PAN coalition and 28 per cent to Vetëvendosje. KTV, which offered less news coverage of the election campaign compared to other TV channels, was also fairly balanced, devoting to the PAN coalition 32 per cent, 24 per cent to LAA and 23 per cent to Vetëvendosje of its news coverage. In contrast, cable TV Klan Kosova displayed a clear bias in favour of PAN, which benefited from 46 per cent of the news coverage, against the 28 and 19 per cent for LAA coalition and Vetëvendosje, respectively.

The public TV RTK2 offered a very limited but balanced news coverage of Kosovo Serb and other non-majority political parties, giving most of its coverage to two Kosovo Serb political parties, Srpska Lista and NDS, with 33 and 25 per cent respectively, and to the Bosnian political party BSDAK with 25 per cent. In contrast, the two local Serbian-language TV channels TV Most and TV Puls almost exclusively covered Srpska Lista, respectively offering to this party 64 and 63 per cent of their news coverage; other Kosovo Serb political parties received minimal coverage, which was also negative in tone.

In addition to paid political advertising spots, the main contestants profited from a loophole in the law that allows TV channels to air programmes sponsored by political entities without limits. This resulted in major political entities purchasing airtime on TV channels to broadcast live their campaign events. In some cases, the total paid coverage constituted half or more of the total election related coverage offered by TV channels: on KTV 57 per cent of the total election-related coverage was paid for, and on Klan Kosova it was 47 per cent. The EU EOM media monitoring team observed violations by monitored broadcasters related to paid political advertising before and during the election campaign, as well as breaches of the silence period.<sup>38</sup>

Online news media extensively covered the election campaign; however, most of the coverage was based on information gathered from news agencies, other media sources, political parties' press releases and Facebook pages, with minimal journalistic reporting produced by the newsrooms of online media. Some online news media took a clear stance in favour of some contestants. The most popular news website in Kosovo, GazetaExpress, two days before election day publicly endorsed the candidate for Prime Minister of the PAN coalition.

Social media played a prominent role as a source of information during the election campaign.<sup>39</sup> For instance, online news media met by the EU EOM acknowledged that most of their traffic was generated by their Facebook pages. Indeed, Facebook provided a new platform for old and new media (TV channels, print and online media), which also made use of this social media to cover the elections using several formats ranging from Facebook videos and live videos to links to external content such as articles or videos originally published on online, print media and TV channels. Facebook live videos of campaign events or talk shows and election debates was the format that generated the highest engagement of the public.<sup>40</sup> The EU EOM monitoring observed only isolated cases of news websites and Facebook pages created to spread fake and misleading news, including a fake exit poll on election day.

---

<sup>38</sup> Violations to the laws included airing paid political advertising (and not labelling it as such) before and during the election campaign, airing paid political advertising without labelling them as paid for nor indicating who paid for them, featuring children in paid political spots.

<sup>39</sup> By 30 June 2016 there were 860,000 Facebook users in Kosovo, 45.4% of the population. Source: <http://www.internetworldstats.com/stats4.htm>. Twitter has a very limited number of users and did not play a role during these elections.

<sup>40</sup> By "engagement" we refer to the sum of the number of interactions, such as "likes", comments and shares by the public.



In line with the law, the public broadcaster aired voter education spots provided by the CEC on its first TV channel RTK1, in Albanian, and on RTK2 broadcasting in Serbian and non-majority languages. However, RTK2 is not accessible in the northern Serbian-speaking municipalities, which did not benefit from CEC voter education spots.<sup>41</sup> During the election campaign, major monitored broadcasters offered in their editorial programmes very limited access and coverage to women candidates: out of the total coverage offered to candidates only 10 per cent was devoted to women candidates.<sup>42</sup>

## IX. ELECTION DAY

Election day was calm, without major incidents recorded by the EU EOM observers. Polling stations generally opened on time and were prepared for voting. Opening procedures were mostly followed and the opening was assessed positively in all polling stations observed.

Overall, the polling process was assessed as good or very good in 97% of polling stations observed. However, some political entities deployed more than two accredited observers in a considerable number of polling stations, which is in breach of the election law.<sup>43</sup> In some cases, this may have had a negative impact on voters being able to cast their votes free from pressure. In addition, some political parties deployed their supporters as accredited observers of NGOs, further exacerbating the problem. This was reportedly the case of the unknown NGO Regional Institute for Democracy, Human Rights and Political studies (see below, Election Observers).

While voting procedures were generally followed, EU EOM observers noted many instances of family voting (in 18% of observations), sometimes combined with proxy voting (4% of observations). Some voters had to be turned away from voting in 16% of polling stations observed, mostly due to coming to the wrong polling station. Significantly, some 39% of polling centres were not accessible for voters with disabilities. During election day, campaign silence was breached by some private TV channels that broadcasted declarations of political party members.

The vote count was assessed more negatively by EU EOM observers, mainly due to PSCs not always following the counting procedures, which appears to be due to the complexity of the process combined with lack of adequate training, leading in turn to difficulties for some PSCs to properly complete the results protocols. In some cases, accredited observers were seen interfering in the process.

The CEC reported a turnout of 41% and started publishing the preliminary results per polling station for political entities within hours of closing, therefore enhancing the transparency of results.

EU EOM observers followed the reception of election materials in 16 municipalities and assessed the process positively.

---

<sup>41</sup> Article 47.2 of the Law on General Elections requires the public broadcaster to air free of charge voter education material provided by the Central Election Commission

<sup>42</sup> Candidates coverage by gender on RTK1, RTV21, KTV and Klan Kosova during the election campaign in their editorial programmes.

<sup>43</sup> LAA coalition and PAN coalition had more than two accredited observers in 17% and 27% of polling stations, respectively.

## **X. POST-ELECTION DAY PROCEEDINGS**

### **A. Publication of Early Election Data (“K-Vote”)**

The CEC published early data starting with voter turnout three times during election day, and early results of political entity lists on election evening on its website. This was done through K-Vote, a data reporting system whereby polling station results forms were entered by CEC agents via tablets at each polling centre. This system enhanced transparency and allowed voters to quickly receive reliable information on the main trends of the election results. The system, however, encountered technical difficulties, reportedly due to its firewall and to the high interest from the public. The preliminary results were not accessible for one hour during election night and continued to be difficult to access in the following days.<sup>44</sup>

According to these early results, the PAN coalition was in the lead with some 34% of the votes and expected 39 seats. Vetëvendosje came second with some 27% of the votes and potentially 31 seats, and the LAA coalition came third with more than 25% of the votes and 30 potential seats. On the Kosovo Serb side, Srpska Lista obtained a little under 6% of the votes and would secure nine seats, while the Independent Liberal Party (SLS) would secure one seat.

As these early results did not include numbers of preferential votes for candidates on the lists, it was not clear how many seats each of the parties running within the PAN and the LAA coalitions would obtain. Some websites and political parties shared their own information regarding candidate preference results from certain municipalities.<sup>45</sup>

The media and stakeholders commented on a high number of invalid ballots that K-Vote data showed reaching 52,522 which represents 7 per cent, a higher proportion compared to previous 2014 legislative elections.<sup>46</sup> The CEC requested from the Count and Results Centre a detailed post-election analysis of invalid ballots. It later appeared that some of the high numbers of invalid ballots reported by K-Vote resulted from incorrectly filled results protocols.

### **B. Count and Results Centre**

The tabulation of the official results, including preferential votes for candidates, is done only at the Count and Results Centre<sup>47</sup> (CRC), a central location where conditional ballots, special needs votes (SNV), Out-of-Kosovo by-mail votes, and any regular ballots as required by the CEC are counted. This is also where result forms from all polling stations are audited and tabulated, and the final results are compiled.

Intake: On 12 June, election materials from all over Kosovo arrived at the CRC. The first step of the intake process was to check if every ballot box contained the required material such as poll book, Results and Reconciliation Form (RRF), Candidates Results Form (CRF), Final Voter list (FVL) as well as Conditional Voters List (CVL) and Conditional Ballot Envelopes (CBEs) in the case of dual polling stations. If everything was complete and in order, the ballot

---

<sup>44</sup> The CEC published early results from 2,487 of 2,490 polling stations, while for three polling station no data is available, which was explained to the EU EOM that one polling station PS 2042a/28r did not enter data in K-vote and was later recounted, while the second was mobile PS 1119b/01d with no voters and the third PS 2063a/01d was not operational.

<sup>45</sup> The political parties gathered this CRF data through their observers in polling stations or possibly from other sources.

<sup>46</sup> In 2014 elections the number of invalid ballots reported by the CEC was 30,725 (4%) and 4,842 blank ballots (0,6%).

<sup>47</sup> The Count and Result Centre is located in a warehouse in an industrial area near Pristina.

box was sent to the storage area, the poll books were sent for archiving and the RRF and CRF were sent for the scanning and data entry stage. If some materials were missing or the forms were not filled in, the ballot boxes were taken to quarantine. Of the total 2,490 polling stations, 189 were sent to quarantine at intake stage due to wrong seal numbers, or incomplete or missing material. The CEC decided on 15 June to recount 30 of these polling stations and invalidate 391 conditional ballots from 19 dual polling stations<sup>48</sup>, while the remaining 140 ballot boxes were processed as regular.

Scanning and data entry: After the intake phase, the CRC scanned the results forms (RRFs, CRFs) from polling stations and scanned voters who signed the voter lists. Results from RRFs and CRFs were double-blind entered with supervisors checking the results from both data entries. The pace was unduly slow and the rate of clerical errors was particularly high as 84% of CRFs appeared to have discrepancies between the two data entries.

Audit: In total several hundred polling stations were sent to audit at some point due to inconsistent numbers in the results forms, and of those 398 polling stations failed to pass the audit and had to be recounted.<sup>49</sup> Communication between the CRC and the CEC appeared to lack precision, and in particular there appeared to be unclear criteria for deciding whether the recount should be partial (only the votes for one political entity) or total, or in which cases the level of tolerance maybe increased and how it should be exactly applied by the CRC. The total number of polling stations recounted at that stage was 425 or 17% of all polling stations. The complaints and appeals process resulted in further recounts ordered by the ECAP: 117 on 3 July, and 23 on 6 July (see below – Complaints and Appeals).

To increase the transparency of these counting and recounting processes, the CEC decided to increase the number of observers allowed per political entity at the CRC, and on 17 June started publishing on its website the scanned results forms (RRFs and CRFs) from polling stations.<sup>50</sup>

Out-of-Kosovo and Conditional Ballot: After completing polling stations recounts on 23 June, the CRC started counting the 5,949 postal Out-of-Kosovo ballots. The results of these by-mail counts were displayed on the wall of the CRC and this count was finished in two days.

Following the Bajram weekend break, the CRC continued with the preparation for the count of the 25,488 conditional ballots and the 1,939 special needs voter ballots (SNV). The process for the verification and confirmation of conditional ballots was marred by a lack of transparency, consistency and precision as regards both the rules for identifying conditional voters and the rules for establishing their eligibility.

The CRC head stated there were two categories of conditional voters whose ballots were denied: either they had already voted with a regular or another conditional ballot, or in most cases these were voters that were not found on the final voter list. The reason for that would be that they did not provide on the conditional ballot envelope (CBE) the unique ID number, which is one of the four pieces of information that a voter needs to provide: name, last name, date of birth and unique ID number.<sup>51</sup>

---

<sup>48</sup> Reasons for invalidating those were mostly missing voters' signatures on the voter list or discrepancies between the number of conditional ballots and the number of signatures on the conditional voter list.

<sup>49</sup> CEC decided to recount 115 polling stations on 17 June, 280 polling stations on 19 June (CEC decision 1112-2017) and three polling stations on 23 June (CEC decision 1137-2017).

<sup>50</sup> <http://www.kqz-ks.org/en/news/Details/324>

<sup>51</sup> Conditional voters were to write four pieces of information on the outer conditional ballot envelopes (CBE): name, surname, ID number and date-of-birth. At the Count and Results Centre, the CBEs were considered valid as long as:

Many of the denied conditional ballots were from municipalities with pre-dominantly Kosovo Serb communities Novo Brdo/Novobërdë (68,3% denied), Zvečan/ Zvečan (54%), Mitrovica North: (49,4%), Leposavić/Leposaviq (41,9% denied), Zubin Potok (37%) and Partes/Partesh (30,3%). Conditional ballots were mixed together with Special Needs Votes in batches of 150 to 250 ballots from the same municipality. The batches were counted at counting tables, and result forms per batch were displayed on the walls of the CRC and entered in the database system.

Announcement of the Results: After completing the count of all conditional ballots on 28 June, the final tabulation of results for political entities and candidate preferences was compiled by the CRC along with the seat allocation for entities and candidates.

On 29 June 2017, the CRC presented the final result data to the CEC, and some CEC members criticised what they saw as obvious inconsistencies in the total number of invalid ballots, unused ballots as well as the total number of voters that cast conditional ballot, SNV ballot or Out-of-Kosovo ballots. The CEC asked the CRC to check the consistency of their figures, and decided the same day to announce the final election results for all political entities and candidates elected. To enhance transparency, the CEC promptly posted all election results on its website including tabulated numbers of votes for candidates from the 26 political entities in each polling station. The CEC also published scanned result forms (RRFs, CRFs) from the 425 recounts, OoK results forms and conditional results forms.

Overall, the Count and Results Centre provides a much-needed additional level of scrutiny over the election process. While it remains indispensable in order to ensure the cleaning of polling stations data, the CRC process is inefficient, some of its methods are unduly time-consuming, and parts of the process lack precision and transparency, in particular the handling of conditional ballots.

## **XI. ELECTORAL DISPUTES**

### **A. Complaints and Appeals**

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, PSC or MEC members, or political party observers. ECAP also accepts complaints submitted by NGOs.

Complainants have 24 hours after the close of the polling station to lodge complaints relating to the voting process and 24 hours from the alleged violation for those relating to breach of the silence period and to counting and tabulation. In every case, ECAP has 72 hours from the receipt of the complaint to reach a decision, which can be appealed to the Supreme Court within 24 hours.

- 
- (1) the identity of the person could be established;
  - (2) the eligibility of the person could be established based on their presence in the final voter list; and
  - (3) the conditional ballot was acceptable because the voter had not voted with an ordinary ballot, or with another conditional ballot, or with a OoK ballot.

The CRC procedures handbook provides that for the purpose of the first step - voter's identification, the CRC must ensure that the envelope contains at least the first name and last name and then either the ID number or the date of birth. If the ID number was not given by the voter or was not found in the database, the CRC could still try and establish the identity of the conditional voter on the basis of name, surname and date-of-birth.

### Until the publication of the elections results

Until the publication of results by the CEC on 29 June, the Election Complaints and Appeals Panel (ECAP) had received a total of 354 complaints and appeals. 141 had been approved, 16 withdrawn and the rest rejected on grounds of form or substance. Of the rejected complaints and appeals, five had been appealed to the Supreme Court, where ECAP's decisions were essentially upheld (one was amended as to the form but upheld as to the substance).

In total, 289 complaints regarded the campaign in one way or another: 20 were rejected because filed during pre-campaign period (and the law and respective CEC regulation and code of conduct only regulates political entities' behaviour during the official campaign period); 181 complaints regarded the electoral campaign proper and 88 regarded violations of electoral silence. 151 of all complaints were filed by NGOs, the rest mostly by political entities. ECAP issued fines totalling 357,200.00 euro for campaign violations, mostly for relatively minor infractions (putting posters in the wrong places and similar).

However, in the case of complaints submitted regarding counting violations within the 24-hour deadline after the alleged violation, ECAP rejected these complaints as not allowed, essentially indicating to complainants to come back after the publication of results, if they were still aggrieved. It is possible that this has indeed rendered some planned complaints futile - of the eight complaints rejected as not allowed right after counting, only three were filed again after the publication of results. But it has also led to an accumulation of 66 complaints which were filed in the 24 hours after the publication of results by the CEC. Furthermore, dealing with these complaints right away and thus uncovering some of the manipulations during the count could have heightened awareness for further audits at the CRC, if done right after election day. ECAP argues that delaying the complaints to after publication of final results allows complainants to prepare better complaints. This is true, since this way they could for instance include the published scans of results forms in their arguments. Nonetheless, article 119.1 LGE as amended states that a person whose rights concerning the electoral process have been violated may submit a complaint to the ECAP within 24 hours after the close of the polling stations – so, while it is arguable to accept complaints after the publication of final results, those that were filed right after election day should not have been rejected as not allowed.

### Complaints lodged to ECAP after the publication of the results

After the publication of results, 66 more complaints were filed and investigation procedures at the CRC were performed by ECAP concerning 23 complaints. Of the 66 complaints, ECAP approved 40 as grounded and rejected 26 as ungrounded or beyond the deadline.

The 40 grounded complaints led the ECAP to order the recounting of 117 ballot boxes, 15 entirely and 102 partially. The recounts took place on 3-4 July at the CRC, with observers from political entities present. They were assessed as smooth and uncontroversial.

The recounts led to a few changes in the distribution of mandates:

- Within the Srpska Lista list, Slavko Simic, the leader of the party, gained a mandate with 12,603 votes from Branimir Stojanovic with 12,464 votes
- Within the LAA coalition, Naser Osmani (LDP) gained a mandate with 7,350 votes from Imet Rrahmani with 7,272 votes.
- On the KDTP list, Fikrim Damka gained a mandate with 2,980 votes from Mahir Jagcilar with 2,928 votes.

ECAP resolved the complaints within the legal deadlines<sup>52</sup>. In contrast with the significant fines (357,200.00 euro) imposed on political entities for breaching (relatively minor, such as placing posters in unauthorised locations) campaign rules, for complaints regarding election day (voting and counting) no fines were imposed on individuals. In considering complaints, ECAP mostly adopts a formalistic approach and does not proactively search for evidence. The law does not oblige the Panel to do this in every case, but ECAP can appoint investigative teams, which was done only once before the publication of results, but several hearings were held. ECAP acted according to the law and its own internal regulations, following procedures and meeting deadlines, which are tight, even more so than is usual for post-electoral complaints so as not to delay the certification of results. The legal basis and reasoning for its decisions were provided, albeit briefly, and decisions were published on the ECAP website, in times of accumulated decision-making pressure with some delay.

One complaint regarding up to 1,200 conditional votes was rejected as unfounded by ECAP. The complainant correctly pointed out that the CRC rules for verification of conditional ballots were not upheld: the rules state that first and last name and then either ID number or date of birth must be given for verification if a subject is on the FVL and his or her conditional ballot should therefore be counted. However, during verification at the CRC, the Serb ID numbers were entered into the database of the FVL, which apparently only recognises Kosovo ID numbers. Upon rejection of the ID number, no further verification (using first and last name and date of birth) was undertaken. While it is true that almost all voters who are on the FVL possess a Kosovo ID (because the Kosovo ID register is the one on which the FVL is based, although, according to the director of civil registration, a few voters are still on the FVL who only possess UNMIK IDs), the fact that they identified with Serb IDs does not necessarily mean they did not also possess a Kosovo ID. It was considered that the complainant had not proven his allegations with evidence that those voters had valid documents. However, the real test for conditional voters should have been whether they in fact are on the FVL, and not whether they can be found on the FVL using a single element, i.e. the Kosovo ID number.<sup>53</sup> The complainant appealed the decision of ECAP to the Supreme Court, which rejected the appeal on 6 July.

Coalitions are held responsible for incurred fines in solidarity. Should a coalition split up after the elections, all of the parties which constituted the coalition will have to jointly ensure that all fines are paid before they can be certified for the upcoming municipal elections.

The level of awareness of ECAP procedures among individuals (if not filing complaints through political entities or NGOs) is still relatively low and was not part of the PSC training. At least one local observer wanting to note a complaint in a poll book on election day was illegally turned down by the chairperson of the polling station and was then incorrectly told by a member of the MEC that he could not file a complaint with ECAP without the chairperson's signature.

#### Appeals to the Supreme Court

On 4 July, five decisions of ECAP were appealed to the Supreme Court. The Supreme Court rejected three as ungrounded: two from LAA coalition candidates and one from Srpska Lista.

---

<sup>52</sup> In some cases, decisions were served onto the parties after the 72-hour deadline, however ECAP also has an additional five days after taking the decision, where the certification of election results is affected an additional 72 hours to provide copies of its written decisions to the parties involved.

<sup>53</sup> See footnote 52.

The court granted relief in two cases: Mr. Jollxhi Shala (Kosovski Nevi Romani Partia – KNRP) alleged that irregularities occurred in several municipalities. The Supreme Court returned the matter to be reconsidered by ECAP, who partially approved the complaint, ordering CEC to recount 23 polling stations. The recount took place on 6 July 2017, which did not change the seat allocation. The Supreme Court approved another appeal from Mr. Vehbi Imeri, LAA candidate, and requested ECAP to reconsider the matter. ECAP reconsidered the case by recounting polling stations partially. There was no change in the results. Mr. Vehbi Imeri did not appeal the second ECAP decision.

Following the completion of the appeals process, the CEC certified the final results on 8 July 2017, opening the way for establishing the new institutions.

## **B. Protecting the vote**

Violations that might affect the election results, besides being administrative offences, can also be criminal offences. In such cases, ECAP forwards the matter to the office of the Chief prosecutor, to pursue the criminal case. This does not divest ECAP of its jurisdiction to determine the administrative liability. The co-operation of ECAP with both the police and the prosecutor's office has improved through the institutionalisation of a Memorandum of Understanding regarding these institutions and the CEC.

The operational plan of the police and the National Coordinator for Elections within the Chief Prosecutors' Office involving the deployment of up to 100 prosecutors on election day resulted in twelve cases involving 13 individuals and a number of temporary detentions. Most of the cases were still under police investigation in the beginning of July. The National Coordinator for Elections believes that about eight cases with eight individuals may lead to indictments. So far, the prosecution has brought forward four indictments. The courts have already adjudicated three cases, one in Peja/Peć for violating the free decision of voters (art. 213 Criminal Code). The accused was caught instructing voters for whom to vote. He was found with 32 ballot papers, out of which 27 were already marked for the same candidates. The perpetrator was fined 700 euro. Another similar case has been indicted in Peja/Peć, where the accused was a party observer and therefore convicted for abuse of official duty during elections (art. 214 Criminal Code). It is not known to the EU EOM in either of these cases whether the investigations also concerned a possible chain of command. The court also decided on another indictment in Pristina (regarding Gračanica/Gračanicë municipality), for destroying voting documents (art.220 CC). The accused, being under the influence of alcohol, tore apart his ballot paper and insulted the PSC members for not allowing his son to vote. The person pleaded guilty after 48 hours of arrest and received a 10 months' conditional prison sentence – a rather harsh sentence considering he tore up only his own ballot, but the minimum sentence is actually one year of imprisonment. The other indictment, regarding the alleged crime of threat to a candidate (Art.211 CC) in Peja/Peć is still in process. The suspect threatened an SLS female candidate in the village of Brestovik to withdraw from the list, or else be dismissed from her work. Similar cases were reported in Gračanica/Gračanicë municipality. The EOM met with four SLS candidates who had all lost their jobs (with Belgrade-run electricity companies), allegedly after being told they should step down from their candidacy and refusing to do so. Only one of these cases, where the candidate claimed to have supporting evidence beyond the notice of dismissal, was submitted to the prosecution. On 3 July, the prosecutor reported having ended the

investigations because no connection between the dismissal and an electoral crime was established<sup>54</sup>.

The CRC database does not allow for tracking changes in the process (for example, how many votes were here at first intake, who changed what...) or to take a case, make a comment and forward it to CEC for further handling (like forwarding to the prosecution). However, the CEC claims it will forward all double votes to the prosecution<sup>55</sup> and all cases of recounts where a fraud is more likely than a mere error. ECAP also stated its intention to forward presumed cases of electoral crimes to the prosecution. The National Coordinator for Elections at the Chief Prosecutor's office has stated that the prosecution would try to move fast on these cases once they were received, in order to send appropriately deterrent signals in time for the municipal elections, where possible.

In stark contrast to the assertive action of some of the assigned prosecutors and even some basic court judges on and around election day, it has proven largely impossible to follow up on the more than 600 allegations of electoral crimes which were forwarded to the prosecution after the legislative elections of 2014. While not every allegation will and should lead to an indictment, these were forwarded by competent institutions after a first legal assessment<sup>56</sup>.

Due to lack of an integrated (or any) case management system between the Kosovo prosecution and court system, gathering data for prosecuted cases is difficult. These data are produced manually depending on the needs of the respective institution. Data for the prosecution following the 2014 elections were collected from the seven main prosecutor offices in Kosovo. The provided data shows that the prosecutor offices in Kosovo dealt with 23 indictments involving 26 suspects for criminal offences related to 2014 election. All of these cases led to conditional convictions, except for one in Mitrovica, which is still under investigation.

Apart from the fact that the information provided on the 23 cases above was very scarce, the question remains as to what happened with all the other allegations. While it was suggested to the EU EOM that they might still be under investigation, there is a lack of official information to confirm that. This lack of evidence that all or most electoral crimes are actually punished is likely to reduce the deterring effect of the electoral crime legislation.

## XII. ELECTION OBSERVERS

The role, rights and obligations of accredited observers are defined in the LGE (Art. 54-58) and CEC regulation 07/2013. The law provides that "Political Entities, NGOs and governmental and inter-governmental organizations as well as international organizations

---

<sup>54</sup> According to the prosecutor, the candidate was notified by his employer, an electricity company with base in Belgrade that still keeps Kosovo Serbs on the payroll, that it had been established that the candidate was also employed by the Kosovo Postal Service. He was then temporarily suspended, warned that he would be dismissed if he did not abandon one of the two posts, and eventually dismissed. The case, along with the other cases of candidates dismissed from their Serb electrical company jobs is apparently pending in Labour Court in Belgrade. It has to be said that while it is possible that there were legal grounds for dismissal (not actually having work for the people retained on the payroll might also be one), it is also quite possible that the four candidates were singled out for dismissal exactly because of their candidacy.

<sup>55</sup> The prosecution would have to take great care to look at the original documents and signatures when prosecuting someone for voting more than once, because cases were determined at the CRC where a wrong ID number was entered, thus creating a fake double entry, and other forms of abuse or error are also possible.

<sup>56</sup> Following the 2014 elections, 169 criminal charges were raised by police, inspection and similar entities, more than 400 by CEC (according to the Head of Legal Services at CEC, a D4D report – "Bringing Justice to Elections" – speaks of 239 cases referred to the prosecution by the CEC) and 34 by ECAP.



specialized and engaged in elections or the protection of human rights, and representatives of foreign countries have the right to request the accreditation of observers to the elections”. The CEC is in charge of issuing accreditation upon request of the observer or the entity he/she represents.

For the 2017 legislative elections, the CEC accredited a total of 29,264 observers from political parties, coalitions, international organisations, domestic NGOs, embassies and media. Coalitions accredited the highest number of observers: of 15,784 observers from the five coalitions, LAA had 8,306 and PAN had 6,766 observers.<sup>57</sup> Local NGOs accredited a total of 8,830 and international organisations 301 observers.

Democracy in Action, a coalition of NGOs, was the main domestic election observer group. It fielded over 2,500 observers and issued several reports on the election campaign and election day.

A surprisingly large number of observers (4,548) were accredited by the CEC from an NGO named the Regional Institute of Democracy, Human Rights and Political Studies. Most of these observers were accredited close to the deadline and the NGO was accused by EU EOM interlocutors of being a cover for political parties to have extra accredited party observers inside polling stations. This little-known NGO did not have a website, had never observed elections before and did not report publicly about the elections.<sup>58</sup>

---

---

<sup>57</sup> Certified political entities, including coalitions, were only allowed up to two observers present inside a polling stations at the same time. However, EU observers noted the presence of more than two observers from PAN or LAA coalitions in a number of PSs visited.

<sup>58</sup> When asked by EU observers, some of these “NGO observers” did not even know the name of the NGO they were representing.

## RECOMMENDATIONS

### Legal Framework

No.	Page	Aim	Recommendation	Suggested activities	Target institutions	Principle
1	p.12	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.	<p>Early elections should ideally be called with the same notice as regular elections.</p> <p>An absolute minimum for an election guaranteeing all election-related rights would be two months' notice.</p> <p>Prior to any changes to the legal framework, calling early elections in less than 45 days after the dissolution of the Assembly should be avoided.</p>	<p>Amend Constitution (Art 66.2)</p> <p>Law on General Elections Art 4, and</p> <p>CEC Regulation No 15/2013</p>	The Assembly of Kosovo and the CEC.	<p>Legal certainty/ stability of rules CGPEM (Venice Commission) Chapter 2</p> <p>Right to an effective legal remedy: ECHR Art 13; ICCPR Art 2</p> <p>Genuine Elections ICCPR Art 25</p>
2	p.10	Provide legal certainty for electoral content as well as for different complaints deadlines.	<p>The Law on General Elections (LGE) should be amended to incorporate essential electoral rules currently set in CEC regulations, e.g. on the functioning of the Count and Results Centre, rules for recounting and annulments.</p> <p>The complaints section would benefit from greater clarity about deadlines for and necessary content of complaints.</p>	<p>Amend and consolidate the amended LGE.</p> <p>An amendment affecting substantial parts of the text would also lead to the much-needed publication of a consolidated version of the LGE and the Amendment Law(s).</p>	The Assembly of Kosovo in close cooperation with the CEC, ECAP	<p>Legal certainty, CGPEM(VC) Chapter 2: ECHR, Article 13; ICCPR, Article 2.</p>

### Protection of Electoral Rights

3	p.29	Give the complainant sufficient time to prepare the complaint regarding polling and counting and to submit evidence and to ECAP to examine evidence prior to issuing a decision.	The deadlines for filing an election complaint should be extended to 48 hours, and the timeline for ECAP to decide upon it to 4 days/ 96 hours.	Amend LGE.	The Assembly of Kosovo, in close cooperation with the CEC and ECAP.	Right to effective remedy; ECHR, Article 13; ICCPR, Article 2; UDHR, Article 8.
4	p.30 to 31	Increase the transparency of the appeals and complaints process.	ECAP and Supreme Court should publish complaints and appeals and decisions on their webpages in a timely manner.	Amend the Law on Courts.	The Assembly of Kosovo, ECAP and Supreme Court.	Transparency
5	p.29 to 31	Bring complaints proceedings with regard to election violations closer to the voters.	ECAP branches should be open in the seven regions during elections.	Amend the LGE.	The Assembly of Kosovo, in close cooperation with ECAP	Rights to effective remedies, ECHR, Article 13; ICCPR, Article 2; UDHR, Article 8.
6	p.31 to 32	Improve PSC and voter knowledge about the complaints process	Complaints procedures should be included in PSC training manual and in widespread voter information.	Amend the PSC training manual, create adequate voter education.	CEC, ECAP	Right to effective remedy; ECHR, Article 13; ICCPR, Article 2
7	p.31 to 32	Ensure the right of citizens to express their political preferences, as voters and as candidates.	Special prosecutors for elections should be assigned to each municipality already with the beginning of the campaign period.  Institutions should ensure prompt and proper investigation,	Conduct thorough investigations into allegations of intimidation/pressure e.g. by assigning special prosecutors	Police Prosecution Courts	Free suffrage; Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission

			prosecution and adjudication of cases of intimidation on voters and candidates.	to each municipality already with the beginning of the campaign period.	Kosovo Judicial Council	
8	p.32	Enhance credibility of the electoral process, deter electoral crimes.	A single-number database should be established where election-related cases can be tracked from police to prosecution to court decision. If the currently planned database is not functional by January 2018, a separate system should be implemented.	Establish a single-number database where cases can be tracked from police to prosecution to court decision.	Police Prosecution Courts Kosovo Judicial Council	Free suffrage, Right to effective remedy; ECHR, Article 13; ICCPR, Article 2; UDHR, Article 8.  Free expression of voters' choice, genuine elections; ICCPR Art 25
9	p.32	Enhance credibility of the electoral process, deter electoral crimes.	All electoral crimes, including those committed during the previous elections, should be vigorously investigated, prosecuted, and, where personal responsibility is established, punished. Chains of command should be investigated and instigators prosecuted.  Institutions should ensure prompt and proper investigation, prosecution and adjudication of cases of electoral fraud.	Conduct thorough investigations, prosecution and adjudication into and of allegations of any electoral crimes.  Ensure regular and widespread publication of the results of these efforts.	Police Prosecution Courts Kosovo Judicial Council	Free suffrage; Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission

## Election Administration

No.		Aim	Recommendation	Suggested activities	Target institutions	Principle
10	p.14 to 16	Improve the capacity of the election administration to conduct elections in line with standards in case of early elections	In case of early elections, the timeframe for, <i>inter alia</i> , voter list display and challenge period, for special need voting applications, for Out-of-Kosovo registration and voting, and for polling station nomination should be extended.	Amend the Constitution, LGE, CEC Regulation No. 15/2013.	The Assembly of Kosovo, and the CEC.	Genuine Elections. Right to Vote ICCPR, General Comment 25, paragraph 11
11	p.15 p.27	Improve the capacity of voters to cast a valid ballot	Voter information should be substantially enhanced; in particular, as regards how to fill a ballot, how to register and vote Out-of-Kosovo, how to change polling place, acceptable IDs.	Voter information using various methods and channels (online social media, NGOs) across Kosovo, and target first time voters, diaspora, rural, communities, persons with disabilities	CEC	Right to vote, ICCPR Art 25 Transparency and Right to Information ICCPR, General Comment 25, paragraph 11, 12; General Comment 34
12	p.27 to 28	To improve the efficiency and performance of the election administration	Training of election officials at municipal and polling station level should be intensified in light of observed shortcomings (vote count, ballot validity rules, filling results forms, packing of election materials, IDs).	Enhance training material and curriculum for election commissioners (practical interactive exercises, video)	CEC	Genuine Elections ICCPR General Comment no. 25, paragraph 20

13	p.16	Address the shortcomings of the Out-of-Kosovo voting procedures	Longer timeframes and additional safeguards should be in considered in order to improve the inclusiveness and integrity of the Out-of-Kosovo voting process.	Amendments to the LGE, CEC regulation 03/2013	The Assembly of Kosovo, CEC	Right and Opportunity to vote
14	p.15	To improve the accuracy of voter lists and the assignment of voters to polling locations	Substantial efforts should be dedicated to remove deceased persons from the civil registers, and to establish a unified address system in Kosovo.	Civil Registration Agency and relevant institutions to implement a unified address system, and CEC to properly assign voters to polling locations	Civil Registration Agency, Ministry of Interior, Kosovo Cadastral Office, the Municipalities, CEC	Universal and equal suffrage, Code of Good Practices in Electoral Matters of the Council of Europe Venice Commission 1.2.ii
15	p.14	To enhance the participation of women in election administration	Implement the 2015 declaration of political parties to ensure at least 40% participation of both genders in election process.	Amend CEC Regulation 18/2016 and 19/2016	CEC, political entities	Gender Equality CEDAW, Art.3
16	p.27 to 28	Improve transparency, consistency, precision and public confidence in the Results Tabulation Process	The tabulation process at the Count and Results Centre should be substantially enhanced by providing more resources, training staff and improving technologies.  CRFs and RRFs should be clarified	Redesign CRC to use modern technologies to improve accuracy and information on all aspects of the tabulation, counts and recounts.	CEC, CRC, IFES, International Donors	Genuine Elections, Transparency and Right to Information

17	p.28	Improve transparency and public confidence in the handling of conditional ballots at the CRC	The procedures for the handling of conditional votes should be clarified, in particular as regards identity and eligibility verification; observers should be able to observe the process of verification.	Clarify Conditional ballots procedures, provide possibilities for the observation of conditional ballots handling	CRC, CEC	Right to vote, Genuine Elections ICCPR General Comment no. 25, paragraph 20
18	p.25	Improve the integrity and guarantee the secrecy of the vote	Training of polling officials should include a focus on preventing family/group voting and abuse of assisted voting.	Enhanced Training of PSC	CEC	Genuine Elections ICCPR General Comment no. 25, paragraph 20

### Campaign

No.		Purpose	Recommendation	Suggested activities	Targeted institutions	Principle/Standard
19	p.10	Provide legal consistency for electoral campaign rules	Campaign rules related to notice for and organising of political events, rules for electoral posting and rules for the involvement of civil servants in electoral campaigns should be more developed in the LGE.	Amend LGE to include provisions currently in Election regulation no 13/2013 on electoral campaigns.	The Assembly of Kosovo, CEC	Legal certainty
20	p.20	Enhance the participation of women in the electoral process	Political parties should identify effective measures to increase women's participation in leadership positions in party activities/electoral campaign.	Amendments to political parties' s internal rules of procedures	Political entities Civil society	CEDAW, Art. 3 & Art. 7; Guidelines on political party regulation by OSCE/ODIHR and Venice Commission, Chapter IX. 100, 101

### Campaign finance

No.		Purpose	Recommendation	Suggested activities	Targeted institutions	Principle/Standard
21	p.20	Effective enforcement of campaign finance requirements	The auditing of campaign finances of election contestants should be carried out effectively.	The Assembly of Kosovo should carry on the audit of political parties' finance as in line with current law and should allocate each year a sufficient funds for audit.  Increase the resources of the CEC Office for Political Parties Registration and Certification to ensure proper training of financial officers of political parties.	Kosovo Assembly CEC	Enforcement of campaign rules;  Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, Chapter II.3.5 on Funding in the Explanatory Report
22	p.20	To enhance the transparency of campaign financing	Election contestants should be required to maintain a separate bank account for campaign financing, aggregating all sources of income and expenses during the campaign, both at the central and regional level.	Amendments to the Law no. 03/L-174 on financing political parties  Public consultations with the relevant stakeholders to identify the adequate institution to conduct an independent auditing of financial reports.	Kosovo Assembly CEC	Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission, Chapter II.3.5 on Funding in the Explanatory Report
23	p.20	To enhance the transparency of campaign financing	Election contestants should be required to submit financial reports no later than 30 days after election day.	Amendments to the LGE.	Kosovo Assembly CEC	Regularity of the electoral process/ Guidelines on political party regulation, by OSCE/ODIHR and Venice Commission (2010)



## Media

No.		Purpose	Recommendation	Suggested activities	Targeted institutions	Principle/Standard
24	p.22	To ensure effective sanction of violations and remedy to complaints during the election period.	Consideration should be given for the IMC's Board to hold regular and frequent meetings to consider complaints received and violations detected by the IMC media monitoring and take timely decisions.	Convene weekly meetings of IMC Board members during the election period to discuss weekly media monitoring reports and complaints received.	Independent Media Commission	Art.15.3, Law on the Independent Media Commission.
25	p.22	To enhance transparency and public confidence.	Consideration should be given to share with the public information on open proceedings over complaints and violations. Publish in a timely manner decisions taken by the IMC.	Keep a public database of open cases or share this information upon request, and publish on IMC's website decisions taken by IMC.	Independent Media Commission	Art.15.7, Law on the Independent Media Commission.
26	p.24	To ensure equal conditions for contestants to purchase paid airtime and harmonise limits for broadcasters to air paid material.	Consideration should be given to regulate programmes sponsored by political parties similarly to political paid advertising spots.	Amendment of the Art. 49 of the Law on General Elections, Amendment of the Regulation KPM-2016/02 of the Independent Media Commission.	The Assembly of Kosovo,  Independent Media Commission	Art. 2, Law on General Elections;  Art. 2.3, Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission.

## ANNEX 1: CERTIFIED ELECTION RESULTS

Registered Voters	1,888,059
Number of voters who voted in polling stations	747,228
Conditional ballot, Special Needs Voting, Out-of-Kosovo	32,501
Turnout (%)	41,30
Valid ballots	727,986
Invalid Ballots	42,554
Blank Ballots	6,553
Ballots Used	777,191
Unused Ballots	924,087
Spoiled Ballots	1,746

Political Entity	Votes	% of votes	Seats	% of seats
12 (PAN) Partia Demokratike e Kosovës Aleanca për Ardhmërinë e Kosovës Nisma për Kosovën Partia e Drejtësisë Lëvizja për Bashkim Partia Shqiptare Demokristiane e Kosovës Partia Konservatore e Kosovës Alternativa Demokratike e Kosovës Republikanët e Kosovës Partia e Ballit Partia Socialdemokrate Balli Kombëtar i Kosovës	245.627	33,74	39	32,50
35 Lëvizja VETËVENDOSJE!	200.135	27,49	32	26,67
16 (LAA) LIDHJA DEMOKRATIKE E KOSOVËS ALEANCA KOSOVA E RE	185.884	25,53	29	24,17
22 GRADANSKA INICIJATIVA SRPSKA LISTA	44.499	6,11	9	7,50
29 FJALA	7.992	1,10	-	-
26 KOSOVA DEMOKRATIK TÜRK PARTISI	7.852	1,08	2	1,67
30 KOALICIJA VAKAT	6.443	0,89	2	1,67
32 NOVA DEMOKRATSKA STRANKA	3.652	0,50	1	0,83
21 SAMOSTALNA LIBERALNA STRANKA	3.540	0,49	1	0,83
19 PARTIA DEMOKRATIKE E ASHKANLIVE TË KOSOVËS	2.425	0,33	1	0,83
24 PARTIA LIBERALE EGJIPTIANE	2.415	0,33	1	0,83
11 JEDINSTVENA GORANSKA PARTIJA	2.369	0,33	1	0,83
27 PARTIJA KOSOVSkih SRBA-AKTIVNA GRADANSKA INICIJATIVA	2.126	0,29	-	-
13 PARTIA E ASHKALINJËVE PËR INTEGRIM	2.107	0,29	1	0,83
18 PROGRESIVNA DEMOKRATSKA STRANKA	1.698	0,23	-	-
20 INICIJATIVA E RE DEMOKRATIKE E KOSOVËS	1.521	0,21	-	-
34 KOALICIJA SDA	1.355	0,19	-	-
33 KOSOVA TÜRK ADALET PARTISI	1.347	0,19	-	-
17 POKRET ZA GORA	1.020	0,14	-	-
36 PARTIA ROME E BASHKUAR E KOSOVËS	955	0,13	1	0,83
25 KOSOVAKI NEVI ROMANI PARTIA	951	0,13	-	-
15 GRADANSKA INICIJATIVA GORE	813	0,11	-	-
28 PARTIA DEMOKRATIKE E UNITETIT	478	0,07	-	-
31 GI. ZA PROSPERITET KOSOVA	311	0,04	-	-
14 G I EROMENDJE ALTERNATIVA	244	0,03	-	-
23 NAPREDNA SNAGA KOSOVA	227	0,03	-	-
TOTALS	727.986	100,00	120	100,00

## ANNEX 2: MEDIA MONITORING

### EU EOM MEDIA MONITORING RESULTS Early Legislative Elections, Kosovo 2017

#### INTRODUCTION

The EU EOM conducted from 22 to 30 May 2017, during the pre-election campaign period, a qualitative media monitoring of four TV channels (RTK1, RTV21, KTV and Klan Kosova TV) from 18:00 to 24:00 daily.

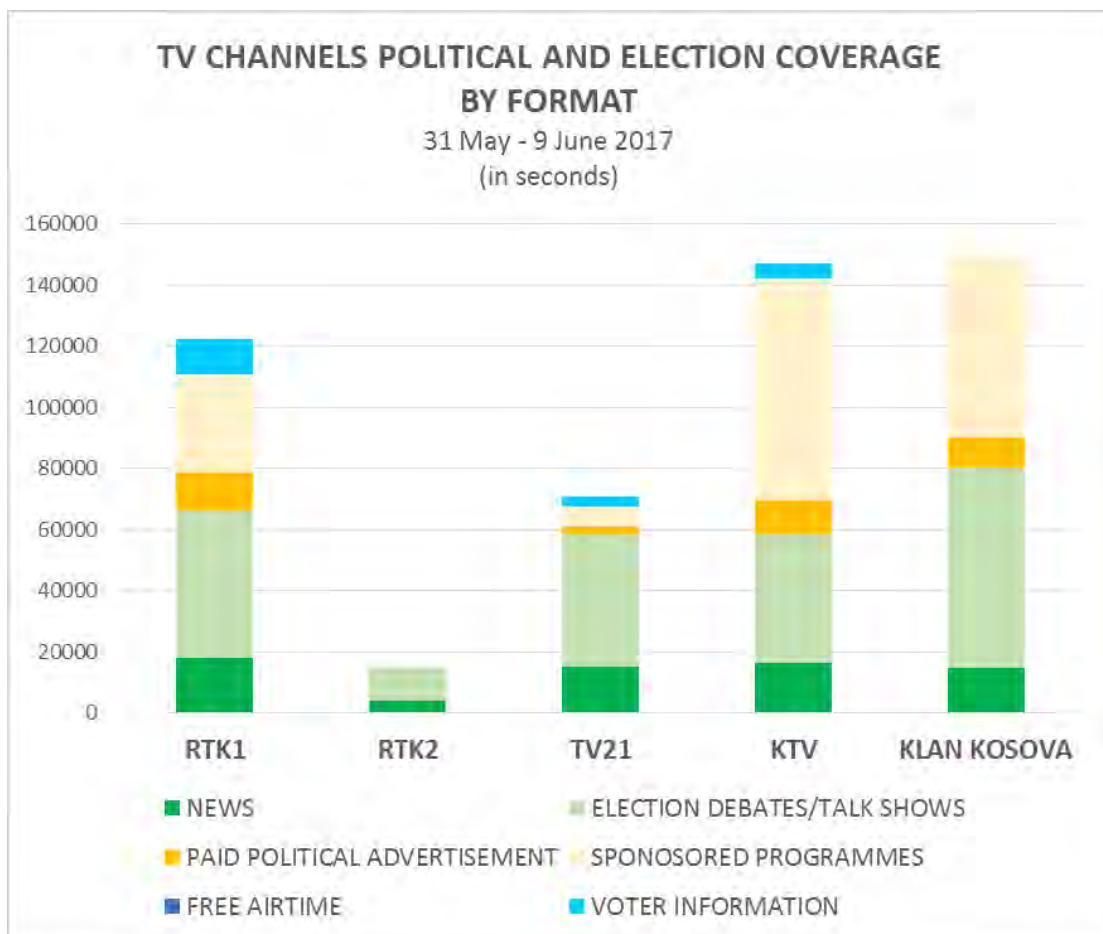
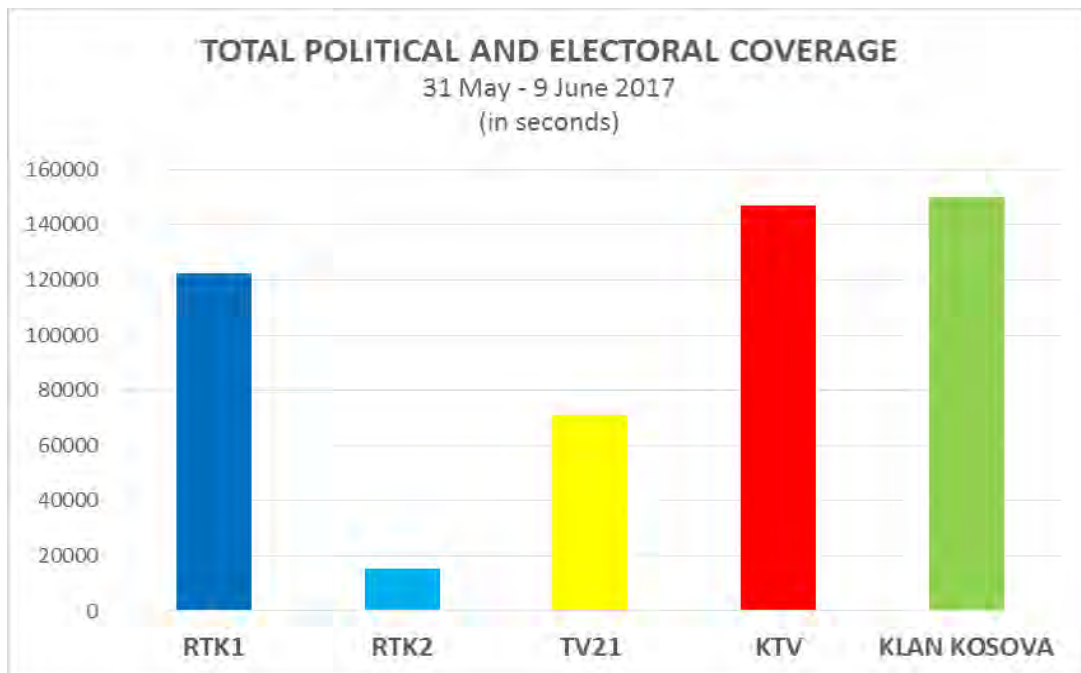
During the election campaign, 31 May – 9 June 2017, the EU EOM media team conducted a quantitative and qualitative media monitoring of a sample composed by seven TV channels:

- ✓ **RTK1**, public TV channel (in Albanian)
- ✓ **RTK2**, public TV channel (in Serbian and non-majority languages)
- ✓ **TV21**, private TV channel (in Albanian)
- ✓ **KTV**, private TV channel (in Albanian)
- ✓ **KLAN KOSOVA**, private TV channel (in Albanian)
- ✓ **TV MOST**, private local TV channel (in Serbian)
- ✓ **TV PULS**, private local TV channel (in Serbian)

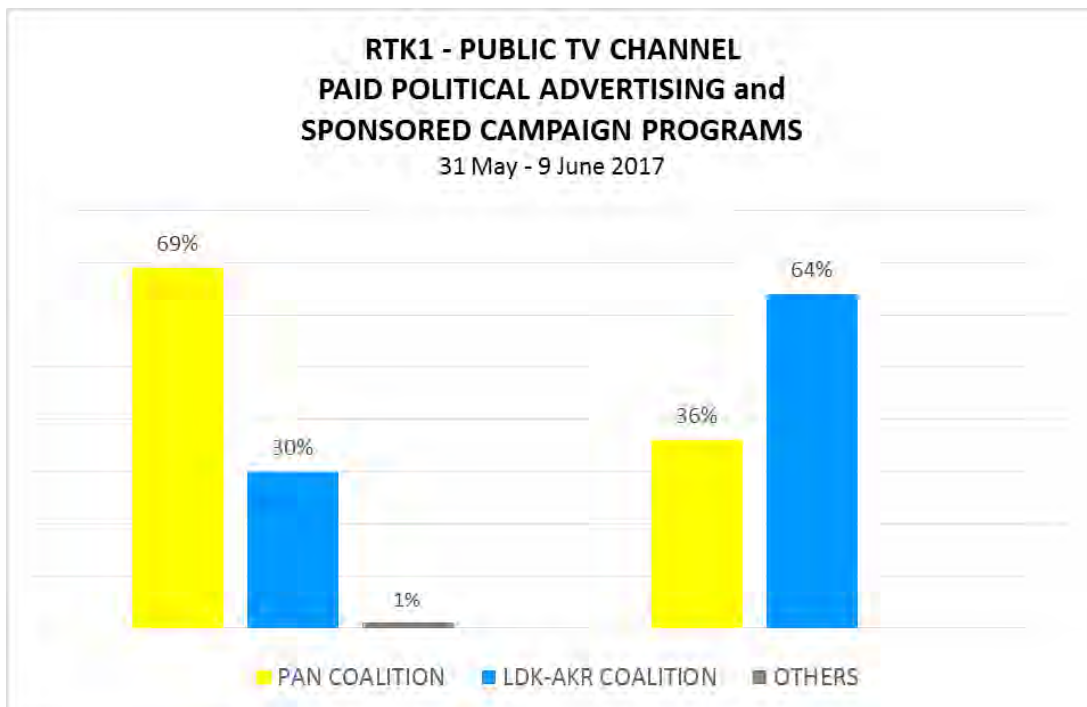
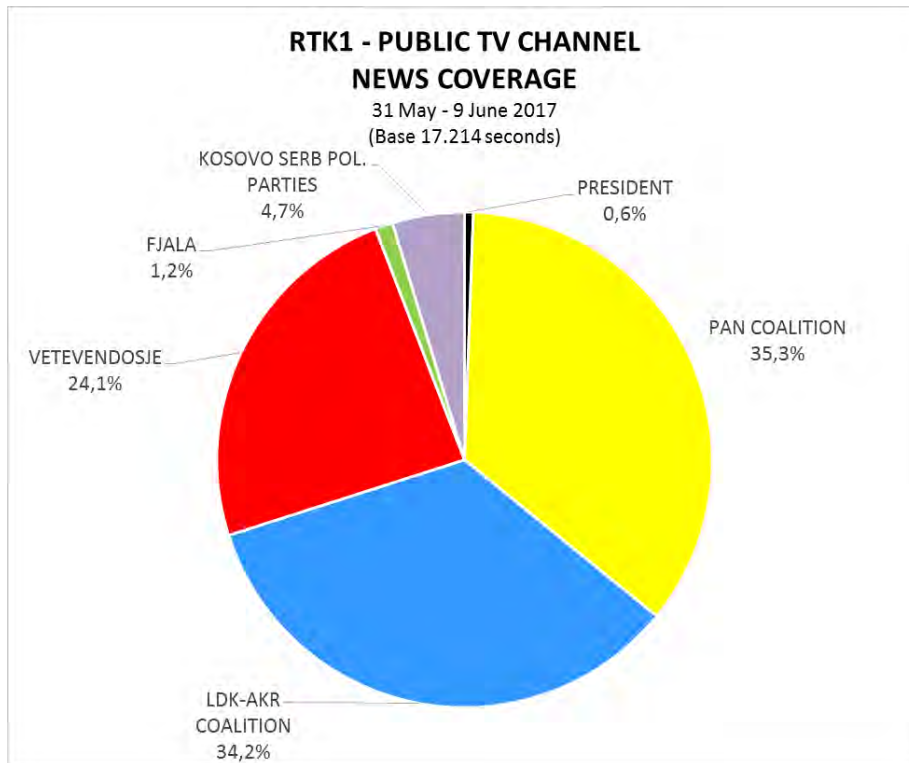
RTK1, RTK2, TV21, KTV and Klan Kosova were monitored daily from 17:00 to 01:00. TV MOST and TV PULS were monitored daily during their prima time main newscast.

EU EOM also conducted during the election campaign a qualitative monitoring of a sample of online news media and social media (Facebook pages).

**POLITICAL AND ELECTION COVERAGE DURING THE ELECTION CAMPAIGN**

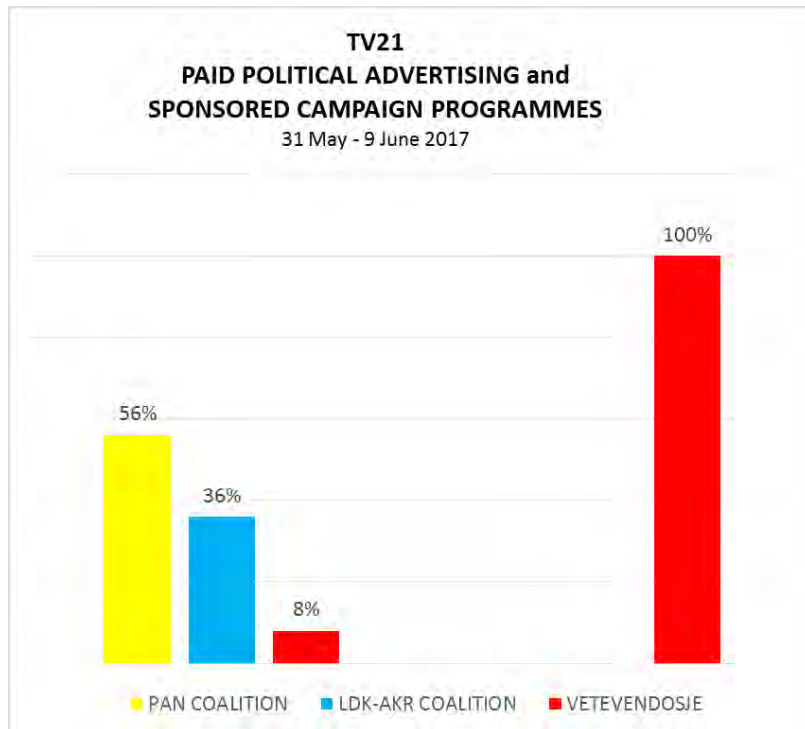
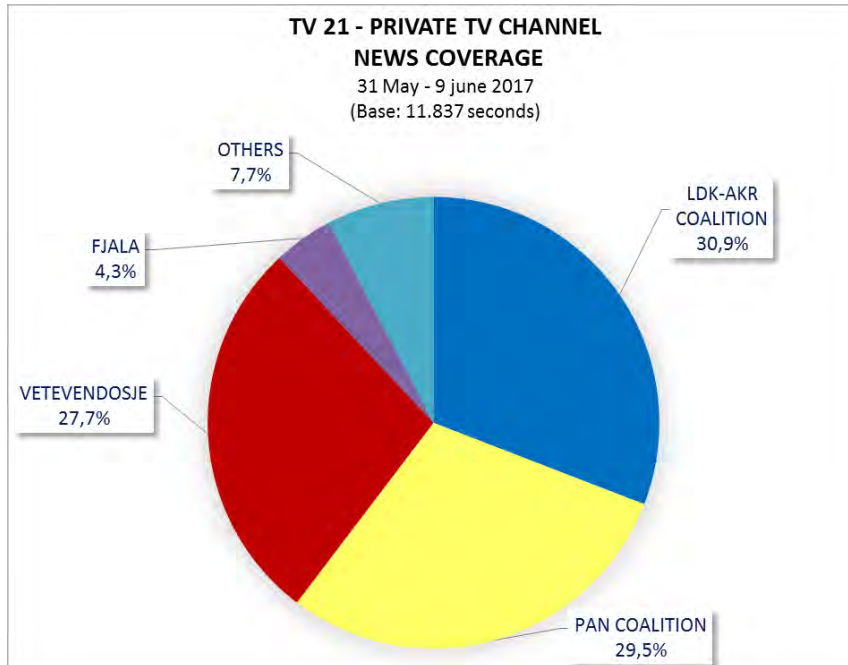


**RTK1 - PUBLIC TV CHANNEL (In Albanian)**



<sup>59</sup> Total amount of paid political advertising: 11.130 seconds.  
 Total amount of sponsored campaign programmes: 32.146 seconds.

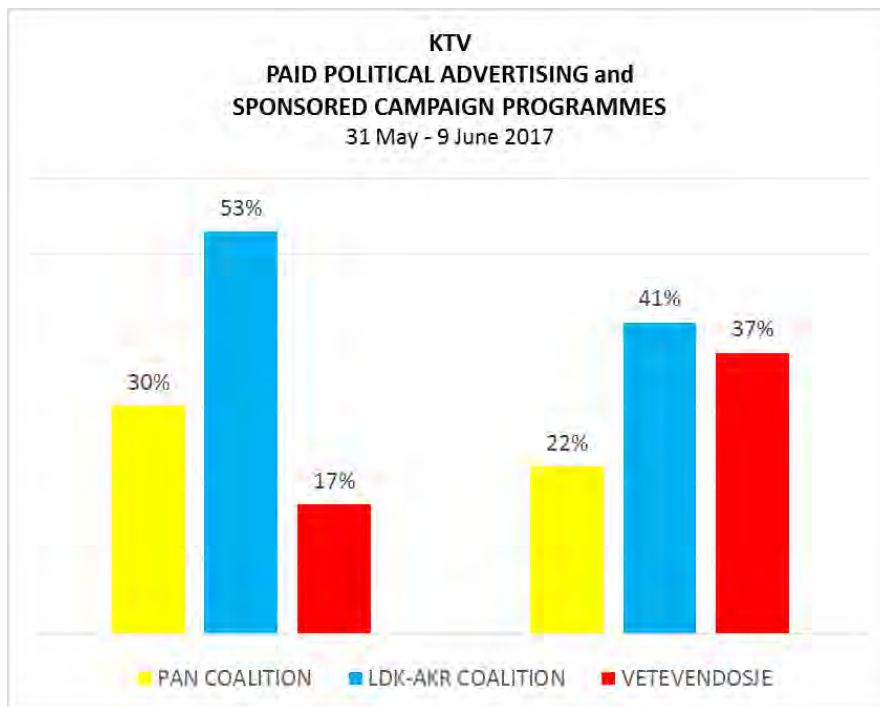
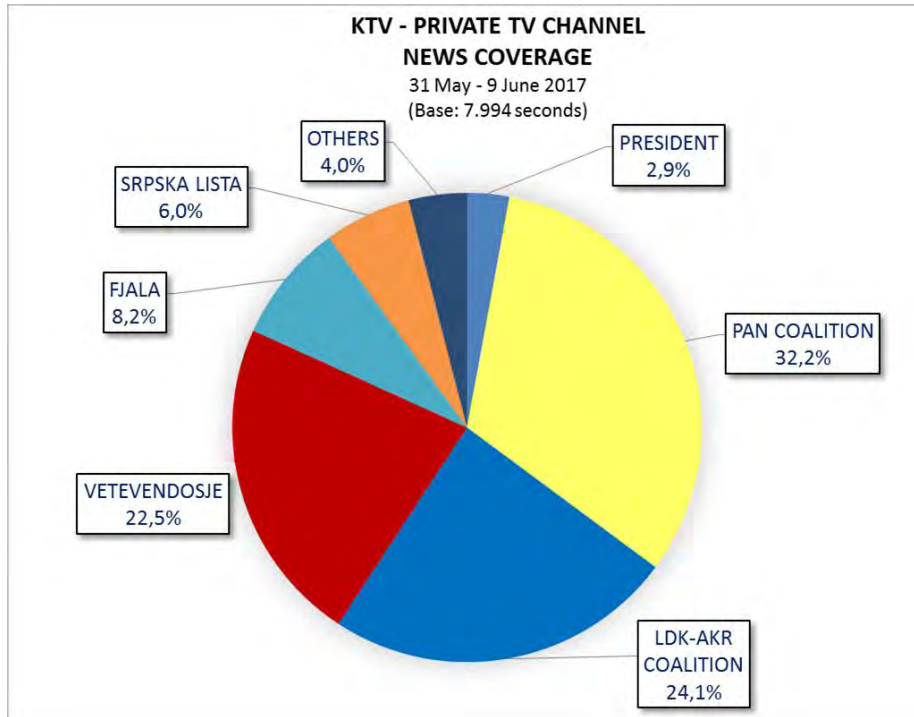
**TV21 (PRIVATE TV CHANNEL)**



60

<sup>60</sup> Total amount of paid political advertising: 14.764 seconds.  
 Total amount of sponsored campaign programmes: 6.600 seconds.

**KTV (PRIVATE TV CHANNEL)**

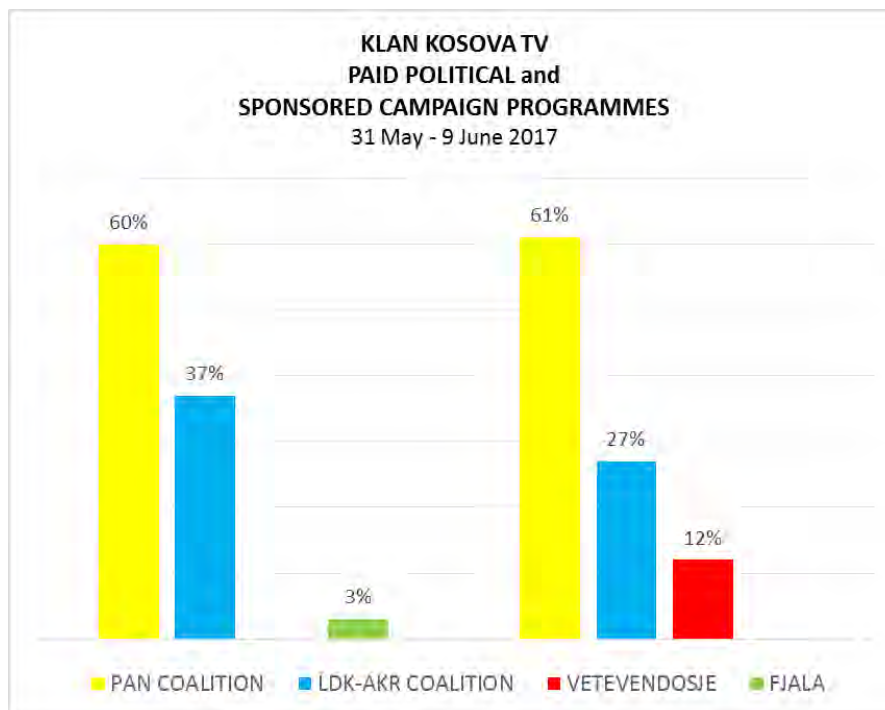
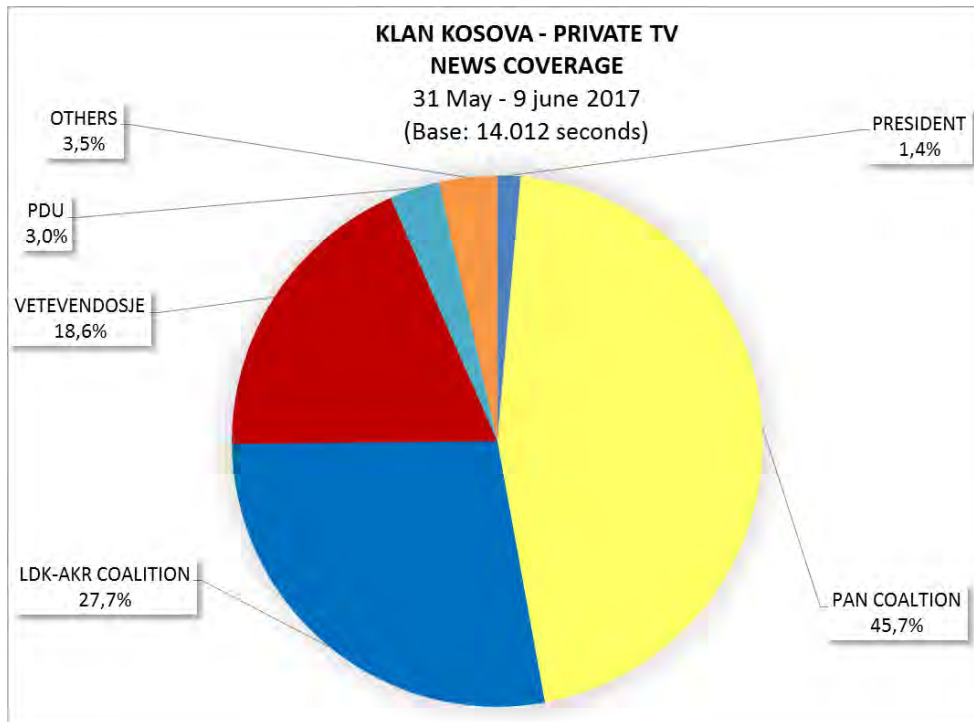


61

<sup>61</sup> Total amount of paid political advertising: 10.923 seconds.



**KLAN KOSOVA TV (PRIVATE TV CHANNEL)**



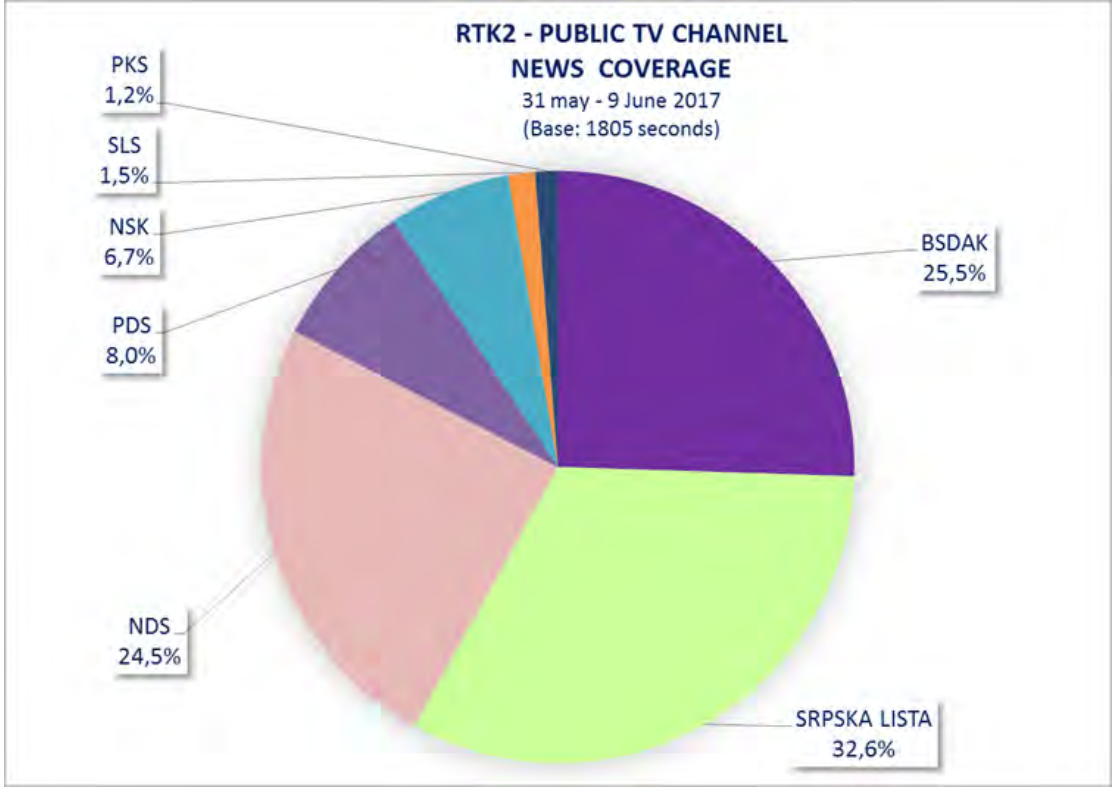
62

Total amount of sponsored campaign programmes: 72.257 seconds.

<sup>62</sup> Total amount of paid political advertising: 10.105 seconds.

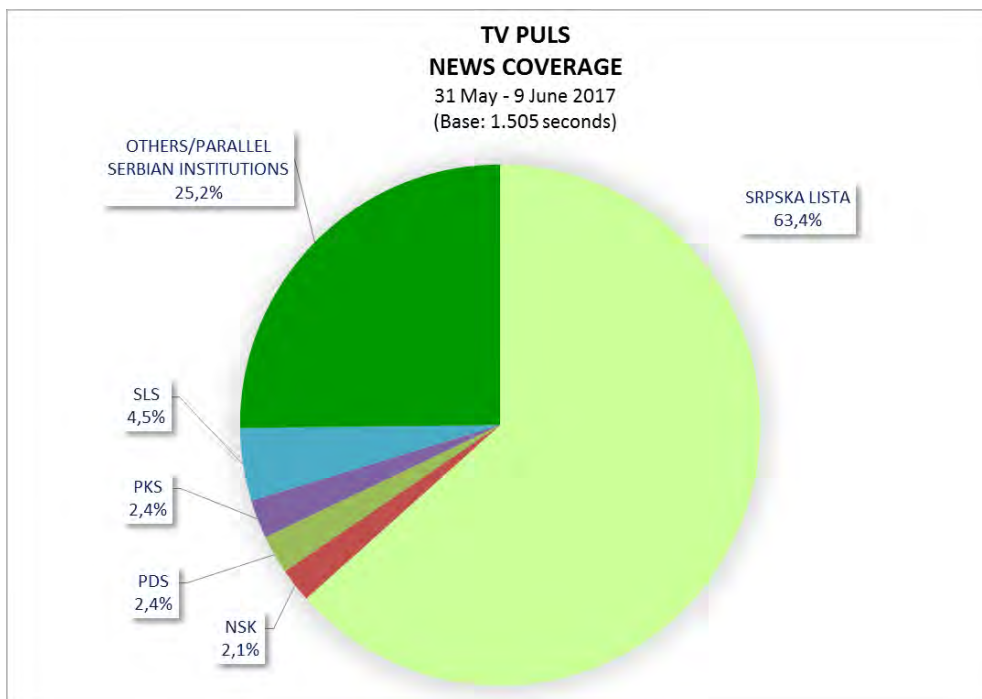
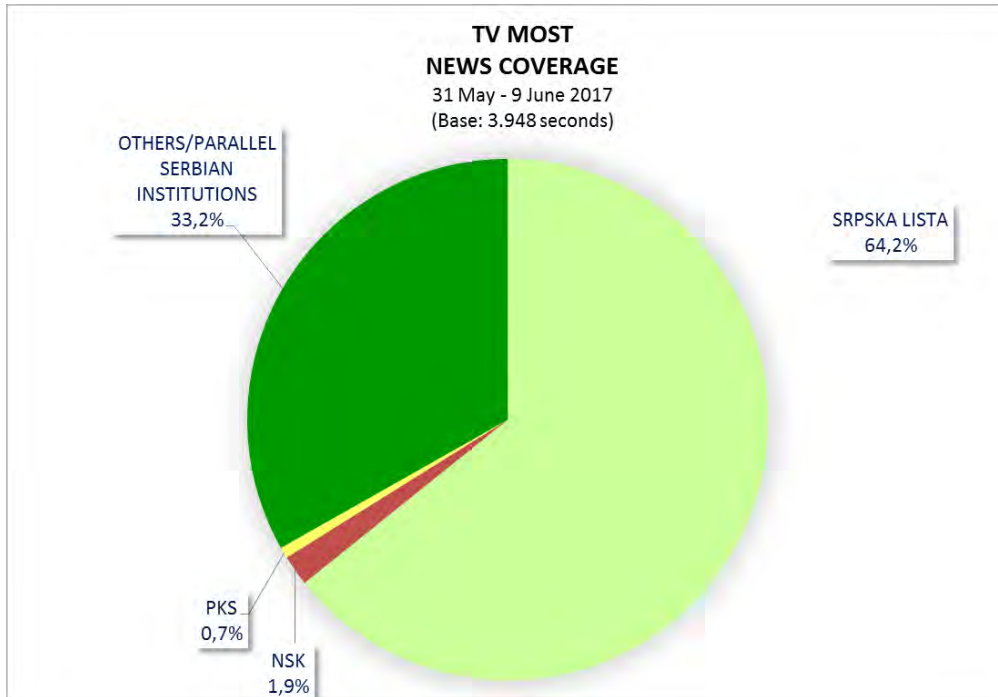


**RTK2 - PUBLIC TV CHANNEL (In Serbian and non-majority languages)**



Total amount of sponsored campaign programmes: 58.479 seconds.

**TV MOST and TV PULS (LOCAL PRIVATE TV CHANNELS IN SERBIAN LANGUAGE)**



**CANDIDATES COVERAGE BY GENDER**

