



PRELIMINARY STATEMENT

Well-organised elections with vibrant online campaign but longstanding deficiencies in the legal framework remain unaddressed

Pristina, 19 October 2021

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

The 17 October municipal elections were well organised and fundamental freedoms were respected during the campaign. A plurality of contestants offered voters a real choice with the exception of the Kosovo-Serb municipalities where political competition was limited. Women were underrepresented in mayoral races and generally in party structures. While traditional canvassing was low-key, the online campaign was vibrant. Campaign financing was not transparent. The media contributed to informing voters by organising inclusive debates. Longstanding deficiencies in the legal framework remain unaddressed as well as nearly all previous EU election recommendations.

- Calm and orderly voting was assessed very positively by EU observers. However, a significant number of cases of assisted voting was observed and the rules for acceptance of expired IDs as voter identification were not consistently followed. The counting of the ballots was less positive. In six out of the 31 counts observed, it was assessed negatively, mostly due to the inconsistencies in following procedures.
- The candidate registration was inclusive. A total of 89 “political entities”, including 34 political parties, fielded 166 mayoral and 5,199 municipal assembly candidates. Although the 30 per cent gender quota for municipal assembly lists was respected, parties nominated few women mayoral candidates. The legal framework for the candidate registration contains unclear and contradictory provisions as well as disproportionate restrictions that are not in line with international standards for democratic elections.
- Given COVID-19 measures, the candidates focused their campaigns on social media and TV debates. The contestants enjoyed equal rights to freedom of assembly, expression and movement. Mayoral races dominated the campaign which was largely driven by the personalities of candidates rather than their political parties’ platforms. The municipal infrastructure was the main topic, followed by health and education, agriculture and environment. Non-majority candidates

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

campaigned almost exclusively in their communities. *Srpska Lista* (SL) has monopolised the political life in Kosovo-Serb communities and several EU EOM interlocutors have mentioned the instances of intimidation and pressure by SL candidates and activists. Inadequate legal framework for campaign finance, lack of meaningful oversight and limited awareness of the rules among contestants resulted in non-transparent campaign finance.

- The legal framework provides an adequate basis for the conduct of democratic elections. However, serious shortcomings and contradictory provisions on candidate eligibility, voter registration, electoral campaign rules, Out-of-Kosovo (OoK) voting and electoral dispute resolution are yet to be addressed. Fifteen complaints were filed to the Electoral Complaints and Appeals Panel (ECAP) during the campaign period. Three political parties were sanctioned for illegal campaigning and placement of electoral material. ECAP published most complaints, appeals and decisions on its website.
- An inclusive, transparent and professional election administration ensured that the preparations were completed within legal deadlines and was perceived by stakeholders as independent and credible. The Central Election Commission (CEC) held regular public meetings and most decisions have been adopted unanimously. The accuracy of the voter list has been improved, mostly because of the removal of many deceased persons from the civil registry.
- The media environment is lively and pluralistic and media covered elections freely, without any obstruction of their activity. While the public TV *RTKI* offered extensive and balanced news coverage of contestants, other major broadcast media showed less interest in municipal races. The public broadcaster and several private TV channels positively contributed to inform voters by organising inclusive election debates for most of the municipalities. The Independent Media Commission was not effective in enforcing the regulations.
- The campaign online was vibrant, and the tone was generally moderate. *Lëvizja Vetëvendosje* (LVV) was the most active party on Facebook, followed by Democratic League of Kosovo (LDK) and Democratic Party of Kosovo (PDK). Transparency and accountability of paid political advertising on Facebook were hampered by the absence of any requirement for political advertisers to register to place electoral advertisement on Facebook and Instagram. The EU EOM observed violations of the election silence period on social networks.

The European Union Election Observation Mission (EU EOM) has been present in Kosovo since 5 September following an invitation by the president of Kosovo. The Mission is led by Chief Observer, Mr Lukas Mandl, Member of the European Parliament (Austria). In total, the EU EOM deployed 94 observers from 24 EU Member States, Norway and Switzerland across Kosovo to assess the whole electoral process against international obligations and commitments for democratic elections as well as the Kosovo legislation. A delegation of the European Parliament, headed by Ms Viola von Cramon-Taubadel, MEP, also joined the mission and fully endorses this Statement. On election day, observers visited some 400 polling stations in 37 municipalities of Kosovo to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Preliminary Findings

I. BACKGROUND

The 17 October municipal elections took place eight months after the early legislative elections, which reshaped the political landscape with the landslide victory of LLV winning over 50 per cent of the vote. The municipal elections constituted a major test for the ruling LVV and an opportunity to enlarge its presence at the local level. For the main opposition parties which in the legislative elections registered their worst results ever, these elections were about maintaining their standing in the municipalities.

The governing coalition comprises 59 MPs from the LVV caucus and eight MPs representing non-majority communities.¹ The new government, led by Prime Minister Albin Kurti, the LVV leader, was formed on 22 March 2021 and Vjosa Osmani, who had run on a joint list with LVV, was elected president by the Kosovo Assembly on 4 April. Since then, the LVV controls both the legislative and the executive branches.

Since the 2017 municipal elections, there have been fluctuating political dynamics in different municipalities – changing coalitions, not necessarily reflecting the Kosovo Assembly coalitions, mayors and municipal assembly members shifting from one party to another and new elections in some municipalities. *Srpska Lista* (SL) won nine mayors in 2017, followed by LDK with eight (it lost one in 2020) and PDK with five. LVV won three mayoral positions but lost two of them after a split within the party, and later gained one. PDK and LDK won the majority of seats in eleven and eight municipal assemblies, respectively. SL won the majority in all ten assemblies in the municipalities with Kosovo-Serb majority.

During the campaign period, the politics in Kosovo concentrated around the conflict between Belgrade and Pristina over vehicle number plates. On 30 September, an arrangement was reached under EU auspices which *inter alia* led to the withdrawal of the special Kosovo police in the north and deployment of KFOR for approximately two weeks, the removal of the roadblocks at two crossing points and an agreement on the way forward with the licence plates. Although this issue has dominated the information space, it did not generally affect the electoral campaign or administrative preparations for the elections. Shortly before the end of the campaign, the Kosovo police, jointly with the custom authority, conducted an anti-smuggling operation in several municipalities, including in North Mitrovica where the action led to mass and sometimes violent protests.

Since 2013, the European Union has deployed five election observation missions to Kosovo, including for the municipal elections in 2013 and 2017, and one election expert mission for the early legislative elections in February 2021. Nearly all of their recommendations remain unaddressed.

II. CANDIDATE REGISTRATION

The candidate registration was inclusive but the law contains disproportionate restrictions contradicting international standards.

¹ Consisting of three Kosovo-Bosniak, two Kosovo-Turkish, one Kosovo-Roma, one Kosovo-Ashkali and one Kosovo-Egyptian MPs.

The certification of political entities and candidates was smooth and inclusive.² A total of 89 entities have been registered to contest the 2021 municipal elections, including 34 political parties. There were a total of 166 mayoral candidates and 5,199 candidates for municipal assemblies. The CEC excluded 176 candidates because of their criminal records in the last three years, according to the provisions of the Law on General Elections (LGE).³ Such a restriction is at odds with international standards as the restrictions disregard the gravity of the crime,⁴ and in the past was a source of various interpretations due to contradictory legal provisions.⁵

During the certification process, ECAP received 16 appeals. None was granted, six were rejected as ungrounded and 10 dismissed for procedural flaws.⁶ Five rejected candidates further appealed to the Supreme Court (SC), which upheld all ECAP decisions. The EU EOM assessed that the decisions were in line with the legal provisions.

III. CAMPAIGN ENVIRONMENT

Traditional canvassing was low-key and decentralised but online campaigning was more vibrant.

The election campaign started on 16 September and lasted for 30 days. All campaign events observed by EU long-term observers were assessed as calm. The contestants met by the EU EOM stated that they enjoyed equal rights to freedom of assembly, expression and movement. While all public meetings and rallies had to be approved by MECs and Kosovo police, EU EOM interlocutors did not express concerns regarding this procedure. According to CEC data, a total of 1,023 rallies were approved, out of which 28 did not respect the COVID-19 measures.

The campaign was generally low-key and decentralised. It intensified two weeks before the elections, mostly in the municipalities where a second round of mayoral elections was expected. Given the pandemic measures and scarce financial resources, candidates reduced the scope of their initially planned activities and focused on their social media and TV appearances (debates). Predominantly small, mostly outdoor gatherings, usually with a targeted audience and in respect of sanitary restrictions, were held all around Kosovo. Door-to-door activities were also observed.

Mayoral races dominated the campaign. Party leaders, high level officials and members of the Kosovo Assembly have actively taken part in the campaign events. The campaign was driven by the personalities of candidates rather than the programmes of their political parties. The main parties did not have

² Entities are political parties, coalitions, citizen initiatives and individual candidates.

³ The political entities were allowed to replace the rejected candidates and, with the exception of 16 candidates who were never replaced, they nominated other eligible candidates.

⁴ International Covenant on Civil and Political Rights (CCPR) General comment 25, art.4 “*Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria*”; Section I.1.1.d Venice Commission Code of Good Practice in Electoral Matters “*i. provision [...] for depriving individuals of their right to vote and to be elected, [...] must be provided for by law; the proportionality principle must be observed; [...] may only be imposed by express decision of a court of law.*”

⁵ Constitution, art. 45 “*Every citizen of Kosovo who has reached the age of eighteen{..} has the right to elect and be elected, unless this right is limited by a court decision.*”; According to art. 60 of the Criminal Code, only those convicted for electoral offences or a criminal offence punishable by imprisonment for over two years may be disqualified as candidates for up to for years.

⁶ Six were rejected as the candidates possessed a criminal record, as indicated by the Kosovo Judicial Council (KJC); nine were filed with ECAP too early, before an official CEC rejection decision, and one after the 24-hour deadline, so ECAP correctly dismissed them.

centralised platforms, except for LVV which reiterated its traditional anti-corruption agenda. The municipal infrastructure was the main topic, followed by health, education, development of agriculture and industry, investment plans and economic development, unemployment, environment and water management as well as the situation in the north. The reciprocity measures for car number plates were often part of the political discourse.

Several municipalities did not assign any free public space to electoral contestants and in a few municipalities such spaces were allocated exclusively to outdoor advertising companies just before the start of the campaign in contradiction of the regulatory provisions,⁷ or were monopolised by only one candidate,⁸ thus affecting the level-playing field. Contrary to the legal provisions, the Municipal Election Commissions (MECs) did not monitor nor report to ECAP any violations of the campaign regulations.⁹

The online campaign was vibrant. Facebook was by far the main platform used by candidates to address the electorate, followed by Instagram. Instant-messaging apps were mainly used to share news and messages among party members and sympathisers. Nearly all parties campaigned online, the majority of them having a decentralised approach – some developed general content but most online campaigning was run by candidates at local level. The EU EOM observed that LVV was the most active party on Facebook, followed by LDK and PDK. The tone of the campaign online was predominantly moderate and the legislation prohibiting incitement to hatred was generally respected. The EU EOM social media monitoring unit identified only isolated cases of possible violations of campaign rules.¹⁰

ECAP has received fifteen campaign-related complaints, accepted three of them and imposed a total €9,300 fines on three political parties.¹¹ This represents a significant decrease in the number of complaints, compared to 2017 local elections.¹² A total of 46 additional complaints concerned the violation of election silence. ECAP adjudicated the complaints professionally and in a timely manner, despite an insufficient legal framework regulating the electoral campaign. Only LDK appealed to the SC, the final instance body, which upheld the ECAP decision. However, not all ECAP decisions were subject to appeal to the SC, leaving for example those obliged to pay fines amounting to less than €5,000 without any right to appeal, which is against international standards.¹³ ECAP published most complaints, appeals and decisions on its website.

Prime Minister Kurti and the government ministers were very active in the last days of campaign canvassing in favour of the LVV candidates, sometimes promising investments from the central budget. Several large events with up to 600 participants were organised on the last day of campaign by the prominent mayoral candidates (mostly from LVV) in violation of the sanitary measures. The EU EOM observed violations of the election silence period on social networks by several contestants through

⁷ In Glllogoc/Gllgovac Municipality. *See* Government Regulation (GRK) NO. 09/ 2020, article 33

⁸ For example in Glllogoc /Gllgovac by the PDK candidate and current mayor, and in Dečan/Dečane by the AAK candidate and current mayor.

⁹ For example MEC of Ferizaj/Uroševac, Glllogoc/Gllgovac, Vushtrri/Vučitrn, Skënderaj/Srbica, North Mitrovica /, South Mitrovica, Zubin Potok, Zvečan/Zvečan, Leposaviq/Leposavič.

¹⁰ Eight on Facebook and four on Instagram. These violations were in relation to the prohibition of the use of children's image and religious figures to campaign, as well as the prohibition of use public resources for campaign purposes.

¹¹ LDK and LVV were fined for illegal placement of tents and posters, while PDK was fined for campaigning in a public hospital.

¹² For the 2017 local elections, 223 complaints concerned electoral campaign.

¹³ ICCPR, art. 2.3.a “*all persons whose rights or freedoms are violated shall have an effective remedy*”.

organic and paid content.¹⁴ Allegations on vote-buying and misuse of administrative resources have been reported to the EU EOM, but none could be confirmed.

IV. CAMPAIGN FINANCE

Inadequate legal framework, lack of meaningful oversight and limited awareness of the rules among contestants resulted in non-transparent campaign financing.

In line with international good practice, the legal framework foresees limits on campaign donations and expenditures but, due to substantial shortcomings, it does not ensure accurate reporting, timely disclosure and meaningful enforcement.¹⁵ Despite a previous EU EOM recommendation, the deadline for reporting campaign income and expenditure is set more than a month after the elections, limiting the possibility of public scrutiny prior to election day.

Selective application of sanctions by the CEC and lack of regular auditing resulted in a *pro-forma* oversight of campaign financing and did not provide incentives for contestants to comply with the rules.¹⁶ The Assembly is required to organise financial audits of all political entities on annual basis. In practice, audits lack sufficient funding, are conducted with several years of delay and only for the parliamentary parties, hampering any meaningful verification of parties' finance and timely application of sanctions.¹⁷ The scope of oversight is further limited since there is no mechanism to identify unreported funds and oversight institutions lack tools to monitor the spending of contestants in social media, where most parties concentrated their campaign activities.

The EU EOM noted limited awareness of, and compliance with, campaign finance rules, particularly among individual candidates, municipal party offices and new citizens' initiatives. While some contestants informed the EU EOM that they were unaware of the requirement to open a single bank account, many others indicated that contributions received at the level of municipality as well as expenditures incurred by individual candidates remain unreported. Given the blatant lack of transparency, many interlocutors voiced concerns about the origin of funds spent on the campaign and the longstanding issue of undisclosed financial ties between parties and influential businesses, resulting in preferential awarding of public procurement contracts.

V. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

While the legal framework provides an adequate basis for the elections, previously identified shortcomings and contradictory provisions are yet to be addressed.

The electoral legal framework provides an adequate basis for the conduct of democratic elections, in line with international standards to which Kosovo has committed in its Constitution. International human

¹⁴ The EU EOM tracked 58 ads published during the election silence period.

¹⁵ Donations to a single political entity by physical and legal persons are limited respectively to €2,000 and €10,000 annually. Spending limits vary across municipalities, based on the number of registered voters (€0.5 per voter or €0.7 in the least populous municipalities). The average spending limit per municipality is €25,000, with the highest limit in Pristina (some €97,800) and the lowest in Kllkot/Klokot (around €2,600).

¹⁶ While, in 2021, the CEC fined political entities who failed to submit their financial statements in time, it did not sanction those who did not publish the reports on their own websites. Only two out of 28 contestants for the 2021 legislative elections published the campaign reports and only four made their annual statements available.

¹⁷ The audit of 2018-2020 financial reports of parliamentary parties was launched only in July 2021.

rights instruments relevant to the elections are directly applicable and, in case of conflict, supersede Kosovo's laws.¹⁸ The 2021 municipal elections were primarily regulated by the 2008 Constitution, the 2008 Law on General Elections, last amended in 2010, and the 2008 Law on Local Elections (LLE). However, important aspects of the process are contained in twenty CEC regulations which does not safeguard against potential last-minute changes, contrary to international good practice.¹⁹

With few exceptions, the electoral legal framework remains essentially unchanged since 2010. As no comprehensive electoral reform took place, almost all recommendations issued by previous EU EOMs since 2013 remain unaddressed. Key shortcomings such as loopholes and contradictory provisions pertain to: candidate eligibility, electoral campaign rules, voter registration, the Out-of-Kosovo voting process, electoral dispute resolution, deadlines for complaints and appeals, political and campaign finance, competence and criteria for annulling results and ordering recounts, among others.

Electoral system

Municipal elections are held every four years for mayors and members of the municipal assemblies. The mayors of the 38 municipalities are elected directly in a two-round majority system. The members of municipal assemblies are elected under a proportional representation system, with open lists, where voters vote for one political entity and can mark one preferential candidate from its list.

VI. ELECTION ADMINISTRATION

An inclusive, transparent and professional election administration ensured that preparations took place within legal deadlines although communication from central to municipal level was not always timely.

The Central Election Commission is composed of a chairperson and ten members. The LGE includes guarantees for the independence and transparency in the functioning of the CEC, such as the seven-year mandate of the chair, renewable once, which does not coincide with an electoral cycle,²⁰ and provisions ensuring that the commissioners cannot be recalled for a minor omission. This reduces the potential for political interference. However, the vague legal provision allowing for the removal of the chair or a member if they behave or act "in a manner that seriously affects the status and integrity of the CEC", leaves room for its misuse.²¹

The CEC conducted technical preparations in a transparent and professional manner and was perceived by all electoral stakeholders as independent and credible. The Commission held regular public meetings

¹⁸ According to art.22 of the Constitution, these are: Universal Declaration of Human Rights (UDHR); European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols; International Covenant on Civil and Political Rights (ICCPR) and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and, since 2020, the Council of Europe convention on combating violence against women and domestic violence (the Istanbul Convention).

¹⁹ Venice Commission, Code of good practice in electoral matters, Chapter II, art 2.

²⁰ On the contrary, the mandate of the CEC members is linked to the electoral cycle.

²¹ Article 61.5 (d) of the LGE. The decision of the President of Kosovo to dismiss the former CEC chairperson on 14 June, four years before the expiration of her second mandate and just one day before the call for the municipal elections, could not be adequately substantiated neither by the reasoning of the decision nor by the enumerated grounds in the LGE. Notably, both decisions are viewed by the opposition parties and civil society as politically motivated.

in a collegial ambiance and most decisions have been adopted unanimously. However, the decisions were neither posted on the CEC website in a consistent manner nor within a reasonable time from their adoption.

The administration of the elections at local level was managed by 38 MECs. In these elections, for the first time, the CEC invited civil society organisations to submit women nominees for 16 MECs where the political entities did not propose women. The LGE lacks provisions to ensure female participation in the election administration and the total number of women MEC members was only 46 out of 243 (19 per cent). Only one CEC member is a woman and only five MECs are chaired by women.

The CEC established 2,477 Polling Station Committees (PSCs) with a nomination formula that generally balanced the complexities of the representation of political entities in the Kosovo Assembly and municipal assemblies, and also strived to ensure that non-majority communities with significant presence in a municipality were represented.

As in the previous elections, the CEC allowed voters in quarantine to register to vote from home until 14 October, while the general registration deadline for homebound voters expired on 2 October.

EU EOM observers noted the good cooperation among MEC members, while their interlocutors generally expressed trust and confidence in the ability of the election administration to conduct their duties professionally. All election preparations were conducted according to the operational calendar except for the training of the PSC members, which was seriously delayed due to complications with the tender for the printing of the training manuals; nevertheless, this did not affect the length of the training.²² The information delivered during the training regarding the use of expired IDs was not always consistent. At times the late communication of information by the CEC to the MECs put the latter under pressure. All MECs positively assessed the cooperation with the Kosovo police in regards to the notification of campaign events, and the adherence of the majority of political entities to the COVID-19 prevention measures imposed by the government.

The CEC began to provide voter information in June 2021 in traditional and social media, with all material produced in five different languages.²³ The voter information conducted by MECs was limited to posting informational posters sent by the CEC, while the pandemic did not allow for door-to-door activities targeting rural voters as was the case in the past.

VII. VOTER REGISTRATION

The accuracy of the voter list has been improved but efforts must continue.

The Final Voter List (FVL), based on the extracts from the Central Civil Registry, contains a total of 1,885,448 voters, which is 90,586 more than in the February 2021 legislative elections. The registry was cleaned-up between 2019 and the 2021 legislative elections, which led to some 143,000 voters being removed (about 7 per cent of the 2019 list).²⁴ An EU EOM analysis of the data regarding elderly voters confirms that progress has been made on the removal of deceased persons. Despite the clean-up being incomplete, EU EOM interlocutors have not expressed concerns about voter list-related issues.

The Out of Kosovo (OoK) list contains 15,532 voters. The CEC rejected 3,320 applications of which 1,172 were submitted by applicants from email accounts considered suspicious. They could not be verified

²² The PSC members training, scheduled to be conducted between 3 and 15 October, started only on 9 October.

²³ In Albanian, Serbian, Turkish, Bosnian and Roma.

²⁴ 133,000 of those removed were holders of old UNMIK ID cards.

as repeated phone calls were not answered, phone numbers did not exist or the persons answering stated they never applied. A total of 583 of these rejections were challenged at the ECAP, which refused 571 and approved 12. The EU EOM reviewed 265 of randomly selected ECAP decisions and assessed them as reasonable and justified.

VIII. MEDIA

Despite rather limited news coverage of municipal races, broadcast media helped voters to make an informed choice by organising inclusive election debates for most municipalities.

The media environment is lively and pluralistic, with television and social networks being the main sources of electoral information. The public broadcaster, *RTK*, is not fully independent as it is largely financed by the state budget.²⁵ Moreover, during this year the *RTK*'s Board has been dismissed by the Kosovo Assembly due to some serious longstanding mismanagement of its budget. The media legislation provides a sound framework but its enforcement needs improvement. Journalists were generally able to exercise their professional duties freely, without obstruction.²⁶ The election law requires, *inter alia*, a fair and equitable coverage of contestants by all media and provides for paid advertising and free airtime. However, no legal provision foresees a ceiling on the amount of paid political coverage that a broadcaster can air during the election campaign.

Major TV channels covered the election campaign in news, current affairs programs, talk shows, and paid political content.²⁷ The EU EOM media monitoring showed that the public TV *RTK1*, in line with the election law, offered considerable and balanced coverage of political entities though focusing on parties represented in the Kosovo Assembly.²⁸ Private broadcasters offered rather limited news coverage of municipal elections, also reflecting the low-key campaign.

Continuing a well-established practice, the public broadcaster *RTK* and main private TV channels organised election debates among mayoral candidates for most of the 38 municipalities, helping voters make an informed choice. The debates were simultaneously streamed on broadcasters' Facebook pages. In addition to mayoral candidates, election debates aired on *TV Dukajini* included one woman candidate from each municipal assembly list.²⁹ A few local TV channels also organised election debates. Talk shows provided access to different political views, at times with heated discussions, but few addressed local issues

Monitored broadcasters generally abided by the election law, except for instances of publication of paid content that was not properly labelled as such and, in the last days of campaign, for the use of children in political spots. While the Independent Media Commission detected such violations during the election

²⁵ A draft law aiming at enhancing its financial independence was considered and discussed by the Kosovo Assembly over the years, but eventually it was not passed.

²⁶ An isolated but serious attack on media freedom occurred on 13 October in North Mitrovica, when several Kosovo-Serb and Kosovo-Albanian journalists covering the clashes between Kosovo police and demonstrators, were threatened and obstructed in their work. The Association of Journalists of Kosovo and international organisations condemned the attack.

²⁷ The EU EOM conducted from 16 September to 17 October a qualitative and quantitative monitoring of eight TV channels, six online news media in Albanian and Serbian, as well as their Facebook pages.

²⁸ *RTK1* devoted 19 per cent of its prime-time news coverage to AAK, 18 per cent to PDK, 17 per cent to LDK and 16 per cent to LVV. The AAK's mayoral candidate for Pejë/Peć benefited from a long interview, 19 minutes, during the News 23:00 on the second-last day of the campaign.

²⁹ Election debates on *TV Dukajini* featuring women municipal assembly candidates were organised by the Balkan Investigative Reporting Network (BIRN) office in Kosovo.

campaign and notified the responsible TV channels, it did not sanction the TV channels and most of them continued this practice. *TV Dukajini* repeatedly breached the requirement for the publication of election-related surveys.³⁰

Most Pristina-based and local online news media offered limited and at times biased news coverage of the campaign. News websites were mainly used by contestants to disseminate paid campaign messages through banners, paid articles and videos.

The primary source of news for the Kosovo-Serb community is broadcast media from Serbia. Several Kosovo Serb media are considered to be close to Serbian authorities and few outlets are independent. *RTK2* offered some free airtime and organised debates among political parties for the ten municipalities with Kosovo-Serb majority but the contestants appeared not to be interested as they did not take part in them.³¹ Kosovo-Serb local media barely reported on municipal races.

IX. DIGITAL COMMUNICATION AND SOCIAL MEDIA

Vibrant and generally respectful digital campaign, but the lack of transparency of paid political advertisement limited accountability.

The legal framework provides for a sufficient basis to address incitement to hatred. The legal provisions concerning the misuse of public resources, the electoral silence period, as well as personal data protection are applicable to the digital sphere. Yet, the election legislation does not explicitly reflect the increased importance of digital communication in the elections as no provision on the conduct of the campaign online is in place.

Although paid advertisement appeared to be used widely, the absence of clear transparency rules for political advertising online undermined accountability. Neither Facebook nor the national campaign rules require political advertisers to register as such to place electoral advertisement online. Therefore, the public tool Facebook Ad Library does not provide detailed information on the amount spent for political ads, their contributors, as well as on the outreach of ads across multiple demographic indicators.³²

Contestants used social networks to convey campaign messages mobilising the electorate and to announce online and offline events as well as participation of candidates in TV and radio programmes. The EU EOM social media monitoring findings show that 67 per cent of the examined Facebook posts spread messages to explicitly mobilise voters, 13 per cent to share announcements and the remaining 20 per cent to pass on general messages including political news. On Instagram, 64 per cent of analysed posts aimed to mobilize voters, 12 per cent to share announcements and 24 per cent to convey general messages.³³

³⁰ The political surveys conducted by *TV Dukajini* on its Facebook page did not abide by the Article 47.5 of LGE, which requires opinion polls to include specific details.

³¹ RTK2 is the public TV channel broadcasting in non-majority languages, but it is not accessible in the four northern Kosovo-Serb majority municipalities.

³² For Kosovo, political advertisers are only “encouraged” to become authorised. The EU EOM social media unit manually tracked contestants’ paid advertising on Facebook and Instagram and could identify only one mayoral candidate registered as a political advertiser.

³³ The EU EOM social media monitoring unit analysed a sample of 975 Facebook posts and 578 Instagram posts published during the campaign period by a total number of 489 Facebook public pages and 145 Instagram accounts belonging to mayoral candidates, third-party campaign pages, as well as by institutional actors, including the CEC.

X. PARTICIPATION OF WOMEN

The very low number of women in the mayoral races reflect the harsh reality of women's political participation in Kosovo.

While the principle of gender equality is enshrined in the Constitution of Kosovo and key human rights instruments that uphold women's rights and gender equality apply directly, the political participation of women is adversely affected by traditional stereotypes and access to resources. The electoral laws contain affirmative measures, including a 30 per cent gender quota for the certification of candidate lists and distribution of seats in the assemblies. However, this does not correspond to the 50 per cent quota for all legislative, executives, and public institutions required by the 2015 Law on Gender Equality.

Only 14 mayoral candidates were women (8 per cent) and only two were placed in the strongholds of their political parties (in Gračanica/Gračanicë and Ranilug/Ranillug). None of the outgoing mayors is a woman. A total of 1,937 women (37 per cent) ran for municipal assemblies in respect of the 30 per cent gender quota. There were 36 women (12 per cent) who headed their lists. The biggest parties (LVV and PDK) registered 38 per cent women candidates for municipal assemblies, and LDK 30 per cent. Political parties, which are overwhelmingly male dominated, have not yet seriously addressed the issue of gender inequality in their programmes and statutes, and are far from fulfilling the legal obligations deriving from the Law on Gender Equality.³⁴ In the campaign events observed by EU EOM, women's participation in the audience was low, only 25 per cent, while they were included as speakers in 45 per cent of the cases.

XI. PARTICIPATION OF PERSONS WITH DISABILITIES AND OTHER VULNERABLE GROUPS

Some measures are in place to facilitate voting by persons with disabilities but more targeted action is needed to allow for all disability groups to exercise their right to vote.

The Constitution prohibits discrimination based on disability and several human rights instruments that protect the rights of persons with disabilities are directly applicable. Although Kosovo is not a signatory to the Convention on the Rights of Persons with Disabilities (CRPD), it adopted the CRPD's definition of disability in its National Disability Action Plan, which aims to align Kosovo's legislation with the CRPD and other international instruments.

Persons with disabilities are included among the persons with special needs who can register as homebound voters. In several municipalities, disability organisations provided significant assistance in registration, but further efforts by the election administration are needed to enable them to vote in regular polling stations. Additional voter education for other types of disabilities, apart from voters with hearing impairments, is required. For these elections, the Kosovo Association of Blind People trained some 1,200 visually impaired voters across Kosovo on how to mark their tactile ballots.

The EU EOM social media monitoring unit observed a few LDK, PDK and LVV's campaign posts targeting voters with disabilities on Facebook and Instagram. The CEC included sign language in voter education messages and continued to provide tactile ballot papers as well as candidates' booklets in Braille. For the first time a lower voting booth was available for people in wheelchair or the elderly.

³⁴ Only the statute of AAK stipulates that 30 per cent of the party's leadership should be comprised of women, but the provision is not being implemented

XII. PARTICIPATION OF COMMUNITIES

While non-majority candidates were campaigning almost exclusively in their communities, the campaign in the municipalities with Kosovo-Serb majority was dominated by SL which limited voters' choice.

In addition to the “majority” Kosovo-Albanians, the “non-majority” communities are Kosovo-Serbs, Kosovo-Turks, Kosovo-Gorani, Kosovo-Bosniaks, Kosovo-Roma, Kosovo-Ashkali and Kosovo-Egyptians. The voters usually vote along ethnic lines.

Kosovo has a comprehensive legal framework on the rights and protection of non-majority communities that is aligned with international human rights standards. Special protection mechanisms are in place for the representation of non-majority communities, such as reserved seats in the Kosovo Assembly, special municipal bodies such as the Deputy Mayor for Communities and Deputy Chairperson of the municipal assembly, deputy prime minister and ministers. Out of 38 current mayors, 27 are from the Kosovo-Albanian community, ten from the Kosovo-Serb and one is from the Kosovo-Turk community.

Non-majority candidates campaigned almost exclusively in their communities. *Srpska Lista* has monopolised the political life in Kosovo-Serb communities thus limiting political competition and voters' choice. In four municipalities,³⁵ SL's candidate was the only Kosovo-Serb candidate running for mayor. Also, in four municipalities,³⁶ SL was the only Kosovo-Serb list in the race for municipal assemblies. Instances of intimidation and direct (often collective) pressure by SL candidates and activists were mentioned by several EU EOM interlocutors. This pressure mainly consisted of threats of losing economic advantages (including jobs).

XIII. ELECTION OBSERVATION

Thousands of domestic short-term observers representing political entities and civil society were accredited, enhancing the transparency of polling and counting.

The total number of accredited observers and media amounted to 24,593 of whom 23,092 represented political entities; no problems were noted in the accreditation process. Out of 768 citizen observers, some 110 were from Democracy in Action, the main domestic non-partisan observation coalition, which this time did not conduct any comprehensive observation of the election process due to limited funds.

Altogether 216 international observers were accredited, including from the EU EOM, National Democratic Institute, European Network of Election Monitoring Organizations and several embassies.

XIV. POLLING AND COUNTING

Calm and orderly voting was assessed very positively by EU observers but the counting of ballots was evaluated less favourably.

Voting proceeded throughout the day in a calm and orderly manner. EU observers assessed the overall environment for polling as very good or good in 99 per cent of polling stations visited. Some 22 per cent (9 PS) of the polling stations visited opened for voting with a delay of 10 minutes, while only one opened

³⁵ Leposavić/Leposaviq, North Mitrovica, Novo Brdo/Novobërdë, Ranilug/Ranillug.

³⁶ Gračanica/Gračanicë, Leposavić/Leposaviq, Novo Brdo/Novobërdë, Ranilug/Ranillug.

with a delay of thirty minutes. During opening, essential material was missing in seven per cent of the polling stations visited. Campaign material was present within 100 metres of the vicinity in four per cent of the polling stations visited. Procedural problems were noted in two per cent of polling stations visited, such as not properly checking for ink upon entering the polling station; this however did not affect the overall integrity of the polling. Notably, in 78 out of the 385 polling stations visited, voters with expired IDs were not allowed to vote, contrary to the relevant CEC decision. This indicates deficits of the training.

The EU observers reported that only 67 per cent of the polling stations visited were accessible to voters with reduced mobility while their layout was suitable for voters in a wheelchair in 78 per cent. In 72 per cent of polling stations visited assisted voting was observed. The reason for assistance was noted in the poll book as required in 92 per cent of those polling stations. In nine per cent of the polling stations visited, group/family voting was observed. EU observers reported the presence of political party' observers in 92 per cent of polling stations visited and of domestic non-partisan observers in only 14 per cent.

No instances of tension were observed, except from a polling centre in Mamushë/Mamusha where the excessive number of party observers present during closing led to disturbance and police intervention. In five municipalities, six election-related incidents that were investigated by the State Prosecutor led to the arrest of thirteen persons for allegedly committing various electoral offences under the Criminal Code.³⁷

The counting of the ballots was less positive. In six out of the 31 counts observed, it was assessed as bad or very bad, mostly due to the inconsistencies in following some procedures. The presence of unauthorised persons was noted in five polling stations, while persons unduly interfering in the process were observed in also five polling stations. However, the process was conducted in the presence of political party observers in 93 per cent of the polling stations where counting was observed, while domestic non-partisan observers were present in only five out of the 31 polling stations observed. Problems with ballot reconciliation were noted in seven out of the 31 polling stations observed. Difficulties in completing the mayoral and assembly results forms were noted in 16 polling stations and the assembly candidate results forms in 12 polling stations out of the 31 observed. Overall, significant procedural errors or omissions were noted in seven out of the 31 polling stations observed.

The EU teams observed the intake of materials from polling stations in 28 MECs; there were no other observers present in any MEC. In 13 MECs corrections had to be made before accepting the materials. In all but one MEC the process was characterised as good or very good by the EU observers.

An electronic version of this Statement is available on the Mission website: Kosovo2021.eueom.eu

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³⁷ In Klllokot/Klokot, Suharekë/Suva Reka, Malishevë/Mališevo, Skënderaj/Srbica, Fushë Kosovë / Kosovo Polje. Incidents regarded offences such as vote buying, obstruction of the voting process, violation of secrecy and falsification of results.