



ELECTION OBSERVATION MISSION  
KOSOVO ASSEMBLY ELECTIONS 12 DECEMBER 2010

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## **Statement of Preliminary Findings and Conclusions**

Elections were organised in an orderly manner meeting many international standards - procedural shortcomings and challenges remain

*Following an invitation from the acting President Jakup Krasniqi, the European Network of Election Monitoring Organizations (ENEMO) deployed an Election Observation Mission (EOM) to observe the Kosovo Assembly Elections on 12 December 2010.*

*On 21 November 2010, ENEMO's Core Team arrived and prepared the deployment of 12 long-term observers in 6 teams covering all territory of Kosovo. They were monitoring the pre-election environment including the political campaign and activities of the election administration ahead of the 12 December elections. On the Election Day, ENEMO deployed 188 election observers from 23 countries to 861 polling stations, throughout all municipalities in Kosovo.*

*The election is assessed on the basis of international standards for democratic elections and national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, and the handling of possible post-election day complaints or appeals. These findings and conclusions are preliminary and the mission will continue to observe the process of tabulation of results and the complaints and appeals process. ENEMO will issue a comprehensive final report within two months including recommendations for potential improvements.*

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### **PRELIMINARY CONCLUSIONS**

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The 12 December Kosovo Assembly elections were organised in an orderly manner meeting many international standards, but procedural shortcomings and challenges remain.

In spite of the short time frame and the challenging weather conditions, the electoral authorities generally managed to solve logistical problems and create the necessary conditions for the conduct of the Elections. In the North, however, the continued complexity of the political situation resulted in a tense election environment where those seeking to vote were highly restricted in their access to the polls.

The voting process was generally calm and peaceful but some cases of breaches of procedures and irregularities were observed.

The continued disregard for the secrecy of the vote as demonstrated by the many cases of family voting, and the apparent acceptance of this serious breach of procedures, is a disappointment and the mission urges all parts of the society to seriously address this issue so as to provide citizens of both genders an equal opportunity to individually express their own political choice.

Allegations of manipulation of the voting and counting processes in certain municipalities along with doubts over reported turnout figures in certain parts of Kosovo have been registered. The ENEMO mission urges all stakeholders with the above and possible other concerns about the process to address them through the legal means provided by the law and to respect the decisions of the Elections Complaints and Appeals Panel.

CEC meetings were conducted in a professional and competent manner and the election operations were administered in a transparent manner by the CEC which enjoyed trust of most of the stakeholders.

The campaign was intense as reflected in big rallies and meetings all over the country. Apart from some minor breaches of the campaign rules (premature start and use of children in rallies) the campaign was generally conducted in a peaceful environment. The media provided a large number of political debates giving all candidates an opportunity to present their political programs.

ENEMO identified some inconsistencies and points of imprecision within legal framework which should be further clarified in the process of improving the electoral legislation. Special attention should be paid on issues of: (1) rules for the ethnicity of the individual candidates, (2) threshold, (3) combination of a minority gender quota with an open list system.

ENEMO strongly recommends a continuation of the work of Working Group on Elections. Last changes in electoral framework clarified and considerably strengthened the role of ECAP compared to 2009 elections.

Most of the recommendation from the ENEMO final report from 2009 Kosovo local elections<sup>1</sup> remain valid:

- (1) Conditional balloting is costly, time consuming and causes delays in the counting process. A revived election working group should consider the need to continue with the generalised and standardised conditional balloting.
- (2) A separate law(s) regarding registration and operation of political entities and candidates should be considered.
- (3) There is a need to clarify the relevance and application of the different voter identification documents described in the law. Clear and understandable information regarding the acceptable valid identification documentation is of utmost importance.
- (4) The quality of voters' lists still remains a major problem as it is known to contain deceased persons or persons that have been erroneously included. The highly complex and long legal procedures for addition or deletion of data in the Civil Registry remain a challenge. ENEMO urges the Working Group on Elections to address this issue in its continued work.

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<sup>1</sup> Available at [www.enemo.eu](http://www.enemo.eu)

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## **PRELIMINARY FINDINGS**

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### **Background**

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After the violent conflict in the 1990's, a peace agreement brokered by the United Nations Security Council was signed under the conditions outlined in Security Council Resolution 1244, giving administrative authority of Kosovo to the United Nations Mission in Kosovo (UNMIK). Provisional Institutions of Self Government (PISG) were established under UNMIK authority, providing limited self-government to Kosovars.

Under the UNMIK administration, Kosovo has held a number of elections. Two Municipal elections (2000 and 2002) and two Assembly elections in (2001 and 2004) were followed by the Local, Mayoral and Assembly Elections held on 17 November 2007. All of these elections were organized and managed by the international community with the Organisation for Security and Cooperation in Europe (OSCE) as the leading body.

In 2007, Marti Ahtisaari, the then UN Secretary General Kofi Annan's Special Envoy to Kosovo, proposed conditions for independence which included linguistic, cultural, social, and political rights for minority communities, most notably Kosovar Serbs. Several attempts to broker agreement between Belgrade and Pristina failed, and in 2008 Pristina declared independence, committing to implement the Ahtisaari package. An International Civilian Representative (ICR) was appointed by the International Steering Group consisting of countries recognizing the independence in order to be the ultimate supervisory authority over implementation of the Ahtisaari package.

During a transition period, the Kosovo Assembly in consultation with the ICR approved a new Constitution and other legislation necessary to implement the Ahtisaari package. The package also called for general and local elections to be held within nine months of the entry into force but negotiations later led to a changed electoral timetable. One of the key points in the Ahtisaari package was the decentralization plan whereby a number of new or expanded municipalities with community majorities other than Kosovo Albanian would be established with extensive autonomy. In order to fulfill this plan it was agreed to start with local elections in 2009 and to postpone the Kosovo Assembly elections to 2011.

Local and Mayoral Elections were held in most of the planned municipalities on the 15 November 2009 with a second round on 13 December. These were the first elections to be organized by the Kosovo authorities and were observed by ENEMO<sup>2</sup>.

In September 2010, the Constitutional Court in Kosovo ruled that Dr Fatmir Sejdiu's presidency was incompatible with his position as leader of LDK which led to the resignation of the president and calls for early elections in February 2011. On 16 October, however, LDK decided to leave the coalition

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<sup>2</sup> Statements and the final report can be found on [www.enemo.eu](http://www.enemo.eu).

government and, as a consequence members of the Assembly rallied signatures to call for a vote of no confidence against the government in parliament on 2 November. The government fell as a result of the vote and, in accordance with the Constitution requirements to hold elections within 45 days, early Assembly Elections were scheduled for 12 December. These elections are the first Kosovo Assembly elections organized by the Kosovo authorities.

## **Legal Framework and Electoral System**

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The legal framework governing the management of elections and electoral system in Kosovo consists of the Constitution and election related laws that have been adopted since the declaration of independence on February 17, 2008.

The Constitution follows the recommendations and obligations set out in the Ahtisaari package<sup>3</sup> which emphasises the rights and freedoms granted to minority communities living in Kosovo.

While Kosovo is not a signatory to any human right treaty, it is according to Art. 22 in the Constitution obliged to give priority over Kosovo laws to several of the main treaties such as the Universal Declaration of Human Rights and the for election standards essential International Covenant on Civil and Political Rights.

The Kosovo legal framework guarantees fundamental rights and freedoms for democratic elections according to international standards.

Each Political Entity (an entity can be any of the following: a political party, a coalition, a citizens' initiative or an independent candidate) contesting the elections must be certified by the CEC.

The Assembly has one hundred twenty (120) deputies where twenty (20) seats are guaranteed for minority communities:

- Kosovo Serb Community 10
- Roma community 1
- Ashkali community 1
- Egyptian community 1
- the Roma, the Ashkali or the Egyptian community with the highest overall votes 1
- Bosnian community 3
- Turkish community 2
- Gorani community 1

Certified political entities that want to compete for reserved seats for minority communities must declare the community they wish to represent.

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<sup>3</sup> [www.unosek.org](http://www.unosek.org)

The ENEMO mission has heard criticism from some political parties that Kosovo Albanian candidates are running on the ticket of non-majority entities in order to find an easier access to the Assembly. The law does not specify any rules for the ethnicity of the individual candidates. In fact it only states that a political entity shall indicate in its application whether it wishes to contest any of the seats guaranteed for the non-majority communities. Although this rather vague regulation may be seen as positive in the sense that the law should not disqualify any candidate on the basis of ethnicity it may open the possibility for majority political entities to run for and win seats reserved for non-majority communities. This part of the law may therefore need to be reviewed.

Kosovo is a single electoral district and the 100 regular seats are allocated among the certified political entities based on the total votes they receive. The Sainte-Laguë method is used when allocating assembly seats. Political entities representing the Albanian majority community must pass a threshold of 5% of the total votes cast to be able to gain the seats.

The ENEMO mission has heard discussions that the Albanian and Serbian versions of the legal text explaining the 5% threshold leave room for doubts if also other communities are subject to the threshold requirements. A correct reading in all official languages of the threshold requirements is essential.

Certified political entities are listed on an open list ballot where the voter can mark not only the preferred political entity but also up to five candidates from the same entity. The candidate names do not appear on the ballots but are represented by pre-assigned numbers. When voting, the voter can find the number for each candidate in a separate booklet.

A gender quota requires political entities to include at least 30 % of the minority gender on the party lists. This is done by having a minimum of every third candidate being of the minority gender. Among the seats allocated to a political entity the gender that has received fewer seats shall have at least 30% of the total seats received by the party. If this is not the case the elected majority gender candidate with least votes shall be replaced by the next minority candidate on the entity list. The replacements will continue until the minority gender has at least 30% of the seats.

The Kosovo constitution pledges both the principle of representing the will of the voter and the principle of promoting gender equality in the political process. However, a tension exists between these principles in the implementation of the current voting system, which combines a minority gender quota with an open list system. The enforcement of the gender quota provides for a more equal representation of Kosovo's citizens in their assemblies. At the same time, an open list system is designed to capture results that directly reflect the candidate preferences of voters. By-passing the more popular vote winners to meet gender requirements in this manner may not guarantee that the will of the voter is directly reflected. The implementation of these two important principles in the voting system should be reviewed and international practices in this area should be considered.

CEC has for the 2010 Assembly elections fifteen Electoral Rules describing different electoral activities. Ten of the rules have been amended since the 2009 local elections; one rule is new and stipulates alterations of pre-election timelines in accordance with the abbreviated timeframe for the early elections

A positive development has been the establishment of the Working Group on Elections and its review of the Law on General elections. The group is composed of voting members from political entities, civil

society, the Assembly of Kosovo, the CEC and non-voting advisors/observers from the international community working in Kosovo. The work was suspended by the announcement of early elections.

ENEMO strongly recommends a continuation of the Working Group on Elections. Before ceasing its work, the group made recommendations for some changes to the Law on General Elections which were adopted by the Kosovo Assembly.

Most changes were related to the Elections Complaints and Appeals Commission (ECAP<sup>4</sup>). ECAP is an independent body adjudicating election related complaints and appeals. The role of ECAP has been clarified and considerably strengthened compared to 2009 elections with increased staff and relevant logistical resources which has allowed the ECAP to be functional well in time for the elections. Complaints procedures are more stringent and sanctions imposed by ECAP are more appropriate, maximum fine to a political entity is reduced from 200 000 to 50 000 Euro. The authority of ECAP to order the CEC to repeat a voting process has been affirmed.

ECAP has made several rulings on complaints related to campaigning by political entities before the official start of the campaign period. It is evident from several rulings that there are no legal grounds to penalize any political entity that commences campaigning before the stipulated timeline. Only violations committed within the campaign period can be considered. If a breach of stipulated timelines cannot be punished the relevance of stipulated timelines must be questioned.

The ENEMO final report from 2009 Kosovo local elections<sup>5</sup> included several recommendations related to the legislation. Most of these recommendations remain valid.

- Conditional balloting is a solution used in post conflict environments to give voters the possibility to cast a ballot despite not being on the voters list where s/he claims to be eligible to vote. Conditional balloting is costly, time consuming and causes delays in the counting process. A revived election working group should discuss the need to continue with the generalised and standardised conditional balloting.
- CEC is tasked to manage most aspects of political party registration and financial disclosure as well as political entity and candidate registration. Many of CEC electoral rules are related to political entities and candidates. A separate law(s) regarding registration and operation of political entities and candidates should be considered.
- There is a need to clarify the relevance and application of the different voter identification documents described in the law. In the Law on General Elections passport and ID cards are regarded as valid without specifying the origin of the documents. In the training manual for polling station staff the documents are specified as Kosovo or UNMIK documents. Clear and understandable information regarding the acceptable valid identification documentation is of utmost importance.

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<sup>4</sup> Formerly ECAC

<sup>5</sup> Available at [www.enemo.eu](http://www.enemo.eu)

## **Election administration**

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Election administration in Kosovo is composed of a three-tiered system: the Central Election Commission, Municipal Election Commissions and Polling Station Committees.

The Central Election Commission is a permanent independent body responsible for organization and implementation of elections in Kosovo as stipulated in the article 139 of the Constitution of Kosovo. The CEC is mandated to regulate the electoral process through adoption of Electoral Rules and supervising the election process. The CEC consists of 11 members: a chairperson appointed by the President of Republic of Kosovo from judges of the Supreme Court or appellate courts and ten members appointed as a result of the nominations by parliamentary groups represented in the Kosovo Assembly. Six members are appointed by the largest parliamentary groups, one member appointed by deputies holding seats reserved for Kosovo Serb Community and three members appointed by Assembly deputies holding seats reserved for other communities.

The CEC is supported by a Secretariat (CECS) and 37 Municipal Election Commissions (MECs) that implement CEC decisions and are responsible for the administrative and logistical arrangements needed to organize elections. Municipal Election Commissions are bodies established by the CEC, one in each municipality to assist in its administrative and operational duties. The MEC generally consists of seven or more members appointed from nominations of Political Entities that have passed the 5% threshold at the last Kosovo Assembly elections, but the CECS can also suggest other suitable candidates from NGOs or academic institutions. The community parties with the reserved seats in the Kosovo Assembly may also have members at the MEC.

At the precinct level Polling Station Committees (PSC) composition shall reflect the composition of a MEC and in addition the CECS may invite newly certified parties to submit additional nominations for PSCs. Each PSC member was obliged to act impartially regardless of political party affiliation.

The CEC in general showed a high level of commitment during the preparations for the early 2010 Kosovo Assembly elections given very tight shortened timetable. The decision-making process in the CEC meeting sessions was conducted in a professional and competent manner. The CEC meetings were open to observers and CEC showed commitment to transparency by facilitating approval of accreditations of observers from political entities, domestic NGOs, international organizations and embassies.

It was apparent that CEC is still dependent on external assistance in certain parts of the election process as some important activities were organized by IFES such as the set-up of the mobile polling stations in the northern Kosovo Serb municipalities and the Count and Results Center (CRC). The CRC is the location where conditional ballots, out-of- Kosovo ballots, and any regular ballots as required by the CEC or ECAP are counted, reconciliation and results forms from all polling stations are audited and tabulated, and the final results are compiled. Some CEC members voiced concerns about the lack of timely and accurate information on the preparation of these important parts of election process.

The information provided by the CEC to public on the official website of the CEC<sup>6</sup> was often missing important information for voters (e.g. on alternative polling centers, polling sites in north) and in some cases contained incorrect information on the certification of political entities assigned for certain community. Notably, the Serbian language version of the website was often not updated or carried incorrect translations from the Albanian language version, thus hindering access to important information for the Kosovo Serb community.

Four days prior to Elections Day, there was a violent incident in the north in which the MEC trainer of the MEC in Leposavic was shot dead and another MEC member was injured. The CEC condemned this attack and urged for investigation. However, as the case is under investigation it has not yet been confirmed as election related.

### **Registration of candidates**

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Candidate registration for Kosovo Assembly elections is administrated by the Central Election Commission and its Office of Political Party Registration and Certification (OPPRC) which is responsible for registering and maintaining a register of political parties, certification of all political entities to be included in the ballot, the campaign spending limit and financial disclosure.

Registered parties are automatically certified for Kosovo Assembly elections except those that notify the CEC that they will not contest the elections or that they will form a coalition.

In total all 29 political entities seeking certification for the elections were certified by the CEC including two coalitions and three citizens' initiatives.

No political entity was rejected certification. There were five individual complaints by candidates saying they were not aware of their candidacy and requested removal of their name. Since these complaints were delivered after the deadline, the Election Complaints and Appeals Panel refused them.

### **Voter Registration**

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The voter list is an extract from the Central Civil Registry of those citizens who are 18 years old or older on the date of elections.

The total number of registered voters for the 2010 elections was 1.630.636. Compared to 2009 local elections there were 73 288 new voters, out of which 35 735 are voters who turned 18 years old and 37 539 voters who registered for the first time for various reasons.

According to data released by the CEC, compared to 2009 voter lists 6 165 names of deceased persons were removed. The CEC also announced that, out of 5 015 applications received for out-of-Kosovo by-mail voting, only 1 640 were approved and 3 228 were rejected, stating a high number of fraudulent applications from Montenegro.

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<sup>6</sup> <http://www.kqz-ks.org>



There is no active voter registration and, for each election, the CEC makes efforts to clean and update voter lists based on the Civil Registry. Overall, the quality of voters' lists still remains a major problem as it is known to contain deceased persons or persons that have been erroneously included. The highly complex and long legal procedures for addition or deletion of data in the Civil Registry, remain a challenge. ENEMO urges the Working Group on Elections to address this issue in its continued work.

## **Campaign**

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The official campaign started on 1 December and, due to the short timeframe for preparations of the elections, the campaign period was reduced from the 30 days stipulated in the law to 10 days by CEC rule 15. The shortened campaign period was welcomed by some smaller parties with limited campaign funds as it made it easier for them to be active throughout the period. In the days before the start of the campaign there were some cases of premature rallies and also of publications of posters. Complaints to ECAP on these breaches were refused based on the fact that they do not have jurisdiction outside the campaign period.

The campaign was quite intense as reflected in big rallies and meetings all over the country, distribution of leaflets and door-to-door activities in both urban and rural areas.

Freedom of expression, association and peaceful assembly and movement has been generally respected and campaign activities carried out in a positive environment. Also political entities from the different non-majority communities took active part in the campaign. Party billboards and posters were prominent across the country, including many electronic billboards in Pristina. Although the CEC stipulates that electoral advertising is restricted to designated places, there were complaints against parties using public spaces for their campaigns. The ECAP also received several complaints from parties claiming that their posters have been torn down, defaced or plastered over and a number of Political Entities have been fined by ECAP decisions.

Furthermore, there were cases when some candidates used inflammatory language, and, more commonly, underage youth were actively involved in campaign activities contrary to the stipulations in the law.

## **Media**

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The ENEMO Mission has not carried out a full scale media monitoring. All comments in this section are therefore based on ordinary observations and interviews with media actors, and reference to the Independent Media Commission (IMC) and its reports on monitoring of media during the campaign.

The media sector in Kosovo developed rapidly after the end of the conflict in 1999 and today people have a wide choice of TV, radio and newspapers. However, the many newspapers, although influential among the urban elites, have fairly small numbers of circulation and TV has become the main source of information for the general public. RTK (Kosovo Radio Television) is the only public Television and broadcasts in five languages. TV 21 and Koha Vizion are the two private channels with a national license.

The constitution provides for a free and pluralistic media but in the last months a number of negative reports on the media situation in Kosovo have been published by various international actors. Reporters without Borders<sup>7</sup> this year claimed that “freedom of media in Kosovo considerably deteriorated”. Kosovo’s ranking for media freedom fell to 92<sup>nd</sup> place this year from 75<sup>th</sup> in 2009. Freedom House<sup>8</sup> in its report “Freedom in the world 2010”, ranked Kosovo Partly Free in Freedom of the Press 2010 in Kosovo. The European Commission in its 2010 progress report<sup>9</sup> for Kosovo on November 9 emphasizes that “limited progress has been made in the area of information society and media in Kosovo”.

Most media outlets have been dominated by the election campaign and, apart from ordinary news coverage and numerous political advertisements, there have been a large number of political debates giving all candidates an opportunity to present their political programs.

The electronic media is monitored by the Independent Media Commission<sup>10</sup>, (IMC), a body set up through the constitution. According to the IMC, the media has covered the election campaign mostly in a correct, fair, and balanced manner. News coverage was perceived as being neutral and balanced. Through conducting debates and interviews most of the TVs have provided political parties and independent candidate’s airtime free of charge and also provided them with the opportunity for paid political advertising. In most of the cases political advertising was properly identified and did not exceed two minutes, as provided in the Law on Elections. According to sources at the IMC, two official complaints about broadcast media have been submitted from LDD party against TV-station Klan Kosovo during the campaign. One was about the lack of information on the stations airtimes and one on unbalanced coverage of the campaign. No decisions have been reached at this point.

Political entities from the Kosovo Serb community have also been visible in the Belgrade based media which, however, lies outside the regulations of media in the law.

The political campaign has equally dominated the newspapers and a large number of opinion pieces have provided a critical coverage of the campaign and a diversity of opinions. For the printed media there is no state regulator but instead a large number of newspapers have come together to found the Kosovo Press Council<sup>11</sup>, to act as a self-regulatory body for printed media. The Council has so far not addressed any matters regarding the election campaign in the newspapers.

## **Domestic Observers**

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The legal framework allows access to international and domestic observers to observe the preparation and the conduct of the election. One network of domestic non-partisan observer organizations, Democracy in Action, was engaged in election observation activities during the election period. DiA activities included observation of the pre-campaign period, the campaign and Election Day, as well as monitoring of campaign expenditures.

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<sup>7</sup><http://en.rsf.org/press-freedom-index-2010,1034.html>

<sup>8</sup> <http://freedomhouse.org/template.cfm?page=251&year=2010>

<sup>9</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/ks\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf)

<sup>10</sup> <http://www.imc-ko.org/>

<sup>11</sup> <http://www.presscouncil-ks.org/>

Democracy in Action remained the organization with the largest number of accredited non-partisan observers, 4 896, who were deployed in all of the municipalities.

Domestic non-partisan observers were present in 89% of polling stations visited by ENEMO EOM observers.

### **Participation of women**

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Despite a legal framework promoting gender equality as “a fundamental value for the democratic development of the society”<sup>12</sup>, the participation of women in political and state institutions in Kosovo is very limited. There are, however, active campaigns carried out, especially by women’s civil society organizations with the aim to motivate woman to enjoy active citizenship and political participation and representation.

The existence of a single nation-wide constituency in combination with the quota that fixes every third seat for the less represented gender has a significant impact for improvement of women participation in the Kosovo assembly. These provisions are guaranteed by preventing the possibility to place women at the bottom of candidate lists.

Because of the quota, the Kosovo Assembly has a substantial number of female representatives, but women still do not share real political power with male politician. Women candidates were found on the top of only two out of the 29 candidate lists. In spite of the existence of quota, women still do not have a very strong involvement in the process of decision making within political parties. Also indicative is that on official meetings with ENEMO Mission to Kosovo, political parties were rarely represented by women.

Electoral administration witnesses the same situation: women are not well represented. Only to 2 of 34 executive officers of the functional MECs<sup>13</sup> are women.

Family voting still represents one of the main concerns of the electoral process. This problem is often ignored by the authorities.

The policy on gender equality should be extended and fully incorporated in different areas of political life, and not be limited on parliamentary bodies exclusively.

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<sup>12</sup> The Constitution of the Republic of Kosovo, art 7

<sup>13</sup> The MECs in the 3 northern municipalities were at best appointed on paper while the work was carried out by IFES and the Mitrovica MEC

## **Participation of national minorities**

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In line with the concerns raised in the Ahtisaari plan, the constitution of the Republic of Kosovo has a separate chapter on the rights of Communities and their members granting them specific rights in addition to the human rights and fundamental freedoms provided in chapter II of the Constitution.

Apart from the set aside seats mentioned under Legal Framework, there shall be two Deputy Presidents of the Assembly; one representing the Serb community, and one representing one other community that is not in the majority. The Government shall have a minimum of two ministers, (one Serb and one from another non-majority community) and four deputy ministers, (two Serb and two from other non-majority communities). If there are more than 12 ministers there shall be one additional minister and two additional deputy ministers from the non-majority communities.

The electoral authorities on various levels should reflect the various Communities in the Assembly of Kosovo and if needed, the Municipal Election Commissions may increase their number of members (from the regular seven) to give access to representatives of minority Communities. An example of this is the MEC in Peja/Peć where there are a total of nine members in order to include representatives from the Serb, Bosniak, Montenegrin and Egyptian community.

Out of the 29 political entities certified to contest these elections, 22 represent the various minority communities in Kosovo as follows;

- Kosovo Serb 9
- Kosovo Bosnian 3
- Kosovo Turkish 2
- Kosovo Ashkali 2
- Kosovo Egyptian 2
- Kosovo Gorani 2
- Kosovo Montenegrin 1
- Kosovo Roma 1

A number of these entities were newly registered this year and the political campaign among the non-majority communities appears to have been more lively than in previous elections.

The constitutional provisions described earlier potentially give the minority representatives a very strong position in the Kosovo Assembly. The increased number of parties overall contesting these elections suggests an increased need to find coalition partners in order to form the new government. This could further empower the non-majority communities that will have representation in the assembly.

The different communities have had access to various media outlets addressing their concerns and often in their languages. Most of these are local TV or radio stations and in some cases local printed media, but the public broadcaster RTK also airs some 30 % of its news and information programmes in minority languages. Most of the minority community parties have expressed satisfaction with the election process although they suffer from lack of funding for any elaborate campaigning.

The main focus in the run up to the elections has been on the participation of the Kosovo Serbs in the electoral process. As already noted, 9 different Kosovo Serb entities registered for the elections but at the same time Kosovo Serbs heard conflicting messages from various authorities about their participation. While the Kosovo authorities and many in the international community encouraged the Kosovo Serbs to take part in the elections to shape their own future, a campaign against participation in the election has been visible in particular in the north. The mayors of four Serb municipalities of northern Kosovo and the head of the Mitrovica/Mitrovice District called on the Serbs to stay at home and boycott the elections. Others speaking out against participation include the Serb Orthodox Church, and the Serbian Ministry for Kosovo whose representatives have said that there are still no conditions for the Serbs to participate and that opening polling stations in public buildings in northern Kosovo on 12 December could destabilize the situation in Kosovo.

The entities contesting the elections were speaking out for participation and the unclear situation created problems for the CEC in its preparations.

## **Election Day**

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On Election Day, 188 observers were deployed to follow opening, voting and counting procedures. Observers in total made 861 visits to polling stations in almost all of the 746 polling centers and followed the counting and transfer of results to all of the 34 MECs that received Polling Station Commissions, (PSCs). Due to the complex situation in the north of Kosovo, all PSCs from the three northern municipalities delivered their material to the MEC in Mitrovicë/Mitrovica.

Based on the sometimes negative experience of the process in previous elections, and given a competitive environment for this election, most parties visited in the run up to the elections emphasized that they would have large amounts of well trained observers to “protect their votes”. In combination with the emergence of a number of new political entities the CEC accredited a record of 26 049 observers from the political entities. Notably, the newly registered political entities Vetevendosje, FER and JSL registered 3 317, 790 and 246 observers respectively. In addition, the domestic observer organization Democracy in Action accredited 4 896 observers and together with other domestic and international NGOs and diplomatic missions an impressive total of 32 135 observers were accredited to observe the Election Day procedures.

Unlike the ENEMO mission, most of these observers were stationary and followed the process in particular polling stations throughout the day. ENEMO noted a presence of domestic observers in 89 % of polling stations visited. Observers from the newly established political entities Vetevendosje and FER were sighted in 75 % and 25 % of visited polling stations respectively.

Despite the sometimes challenging weather conditions, the electoral authorities generally managed to solve the logistical problems and most of the polling stations visited opened on time or with minor delays. The opening process was assessed positively in all but one case.

The atmosphere during the Election Day was generally calm and peaceful. As the day progressed, however, the voting process was assessed as bad or very bad in almost 11 % of the polling stations

visited. One problem noted was the presence of large crowds around polling centers and in 3 % of polling stations visited, an unauthorized person was seen directing the work of the PSC. In 5 % of the visited polling stations PSC commissioners or observers assisted disabled voters contrary to the stipulations in the law. Furthermore, in almost 5 % of polling stations visited the observers noted persons instructing voters whom to vote for. For example in Novobërdë/Novo Brdo, PS 1415e/01r a party agent was suggesting voters to choose his party and in Kllokot/Klokot, PS 3701d/01d, a polling station commissioner was actively telling voters whom to vote for.

Some procedural shortcomings were also noted. In 3 % of visited polling stations, PSC members did not always check properly for ink and in a few cases the ID of voters were not always checked resulting in the opportunity for multiple and/or proxy voting. In Ranilluk/Ranilug voters with Serbian IDs were not allowed to vote as the MEC instructed PSCs to only accept IDs issued by UNMIK or Kosovo authorities.

Both multiple voting and proxy voting were observed in almost 6 % of the visited polling stations, for example in Dragash/Dragaš, PS 0503a/03r a man was allowed to cast a vote twice (also confirmed by the polling centre manager). The secrecy of the vote was not always respected and in particular, in a stunning 36 % of polling stations visited cases of group or family voting was observed.

The counting process was assessed as bad or very bad in 12 % of the polling stations observed during the closing and counting procedures. In some cases voters arriving after 19.00 were allowed to vote and in 6 % of the polling stations unauthorized persons were seen directing the counting process in the PSC. Some of the counting procedures were not fully adhered to and in 15 % of the polling stations the chairperson did not announce the results, nor were the results posted on the wall as stipulated in the law.

Domestic observers were noted in 93 % of the polling stations but in 10 % of the stations the observers did not have full view of the counting process. In Kamenicë/Kamenica, PS 1017d/02d the PSC did not allow observers to see the ballots and did not announce the result of the count. In Skenderaj/Srbica, 2101b/5d an unauthorized person (a party observer) was conducting the counting process without following procedures and results delivered to the MEC did not appear to be correct.

The continued complexity of the political situation in the north resulted in a tense election environment where those seeking to vote were highly restricted in their access to the polls.

During the Election Day, there were allegations of manipulation and intimidation in some areas. In particular, the process in Skenderaj/Srbica and Gllgovc/Glogovac (Drenas) has been challenged by some observers as the preliminary turnout figures have raised concerns. Skenderaj/Srbica with 93,68% and Gllgovc/Glogovac (Drenas) with 86,94% show figures that may be particularly questionable. These figures represent a significant increase compared to the 2009 elections when figures were already questioned in these municipalities by observers including the ENEMO mission.

ENEMO urges all stakeholders who question the validity of the process to use the legal means provided in the laws and register complaints with the Elections Complaints and Appeals Panel and respect its findings.

## **Complaints and Appeals**

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The Elections Complaints and Appeals Panel (ECAP) is the independent body in charged with adjudicating complaints and appeals concerning the electoral process. ECAP has been considerably strengthened compared to the 2009 municipal elections.

In the pre-election period leading to 2010 Kosovo Assembly elections, ECAP received 20 complaints. Most of the complaints were related to campaigning by political parties prior to the official campaign period. These complaints were refused as there are no legal provisions for sanctioning campaigning before the official campaign period.

Complaints were also filed by individual candidates wishing to be removed as candidates from political party lists. Other complaints were related to the election campaign period where supporters to political entities had damaged, removed or covered posters of competing political entities. In seven of those cases ECAP imposed fines of 3000-3200 EUR.

During the Election Day, 12 December up until the close of the polling, ECAP received approximately 40 complaints concerning various voting irregularities. Some of the complaints were handed to the police for initial investigation.

## **Mission Information and acknowledgements**

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ENEMO is a group of 22 civic organizations from seventeen countries of the former Soviet Union and Central and Eastern Europe. These non-partisan organizations are the leading domestic election monitoring groups in their respective countries. In total ENEMO member organizations have observed 200 national elections in their countries and more than 100 elections abroad and trained 200 000 election monitors.

For this particular Election Observation Mission ENEMO observers were coming from 18 organizations members of ENEMO, from 7 different European states (Switzerland, Norway, United Kingdom, Finland, Sweden, Slovenia, Denmark) and from the United States of America.

ENEMO seeks to support the international community's interest in and promotion of democracy in its region of engagement, to assess electoral processes and the political environment, and to offer accurate and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic elections and benchmarks in the assessed country's legislation and constitution.

The ENEMO Mission wishes to express its appreciation to the Central Election Commission and the Kosovo Police Service (KPS) for their cooperation and assistance in the course of the observation. The ENEMO Mission is also grateful to the International Civilian Office (ICO) for its support throughout.

The ENEMO takes this opportunity to express its highest acknowledgements to the support of donors of the monitoring mission United States Agency for International Development (USAID), the Embassy of

the United Kingdom of Great Britain and Northern Ireland, the Ministry of Foreign Affairs of Norway, the Ministry of Foreign Affairs of Sweden and to the cooperation of the National Democratic Institute (NDI), including its assistance in deploying 37 US observers within the mission.

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

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