



## **PRELIMINARY STATEMENT**

**Pristina, 8 October**

### **Well-administered and transparent elections affected by an uneven playing field, and marred by intimidation and lack of competition in the Kosovo Serb areas.**

*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 counting of conditional and postal votes, tabulation of results and adjudication of complaints. 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 strengthening future electoral processes. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.*

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### **Summary**

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The early legislative elections were well administered and transparent. Election day was orderly, and the EU EOM observers positively assessed voting and counting. The campaign was vibrant and competitive allowing contestants to campaign freely in most of Kosovo. The campaign environment in the Kosovo Serb areas was however marred by intimidation, which targeted non-Srpska Lista candidates and supporters. Misuse of public resources and a lack of transparency of campaign finance resulted in an uneven playing field throughout Kosovo. Recurring systemic problems with the election process also identified by previous observation missions need to be urgently addressed as a priority once the new government is formed in order to bring Kosovo fully in line with international standards for democratic elections.

- The election day was orderly and calm, and the EU EOM observers did not report any major incidents. The overall assessment of the conduct of opening, voting and counting was positive. The Central Election Commission (CEC) ensured transparency of the process by promptly publishing online preliminary unofficial results for political entities broken down by polling station.
- The legal framework governing these elections remains the same as in the last elections in 2017 since no reform has taken place. Shortcomings already identified persist, such as calling early elections in a short timeframe, an unregulated pre-campaign period, lack of transparency and oversight of campaign finance and key aspects of the process only being regulated by secondary legislation.
- The CEC operated transparently and despite the short time frame, all electoral preparations were completed on time. The existing appointment mechanism for all three tiers of the election management body provided for meaningful involvement of relevant political entities, including those representing non-majority communities.
- The registration process was inclusive and all 25 political entities that applied to participate in the early legislative elections were certified by the CEC. In total there were 1,067 candidates including 343 women. There are no unreasonable restrictions on the certification of political entities or candidate eligibility.

\* 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.

- Campaign freedoms were respected in a vibrant and competitive campaign in most of Kosovo. An intensive series of rallies were held by all the main Kosovo Albanian political entities during the official campaign period. However, voters' freedom of choice was impaired by instances of abuse of public funds and positions of influence by central and local authorities.
- In the Kosovo Serb community, parties seeking to compete with Srpska Lista were unable to mount effective campaigns due in part to intimidation of candidates, their families and voters in general. Srpska Lista-controlled municipalities, as well as the government of Serbia, directed Kosovo Serbs to vote only for Srpska Lista, while their opponents were denounced as anti-Serbian. This limited the exercise of fundamental democratic rights of freedom of speech, assembly and representation and consequently, the electoral process for Kosovo Serbs fell short of these international standards.
- The regulatory framework does not ensure transparency and integrity of party and campaign finances. Based on an incorrect interpretation of the law, many parties stated that they planned to report their expenditures only for the ten days of the official campaign further limited transparency. Several EU EOM interlocutors reported that ruling parties compensate their big donors with public procurement contracts. Oversight does not include identifying unreported incomes and expenditures and does not ensure accountability.
- Freedom of the media was respected. Broadcast media enabled voters' access to diverse political views with an overall balanced news coverage and by organising inclusive election debates. Several TV channels breached the regulation on paid-for content, including by displaying political advertising during their election and political debates. The Independent Media Commission largely failed to sanction and redress broadcast media violations during the campaign. Online media, including the public broadcaster's news website, often displayed biased coverage.
- Facebook, the most popular social network in Kosovo, was extensively used by traditional media to relay their editorial content, contributing to voters' ability to make an informed choice. Contestants also made use of this platform to reach out to voters, including using a considerable amount of advertising. Instances of Facebook pages of unknown provenance running smear campaigns were noted. However, Facebook has not yet introduced policies to fully ensure the transparency of political and election related advertising in Kosovo.
- The law prescribes a 30 per cent gender quota for candidate lists, which was consistently applied by parties. However, insufficient affirmative measures are adopted to achieve equal gender representation within political parties, particularly at local levels. Gender equality has still not been mainstreamed sufficiently within the laws and relevant policies.
- The accuracy and credibility of the voter list is a long-standing problem. The final voter list of 1,937,868 voters has more registered voters than the estimated resident population due to a high number of diaspora and deceased voters on the voter list.
- On 9 September the CEC adopted an administrative instruction stating that only Kosovo-issued identity documents could be used for voting. This decision was opposed and unsuccessfully appealed by Srpska Lista. The instruction was issued 26 days before election day, thus providing reasonable time for those without a valid ID card to acquire one. The EU EOM observers did not receive tangible evidence of people being unable to obtain a new ID card.

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*The European Union Election Observation Mission (EU EOM) has been present in Kosovo since 7 September following an invitation from President Hashim Thaçi. The Mission is led by Chief Observer, Viola von Cramon-Taubadel, a Member of the European Parliament (MEP) from Germany. In total, the EU EOM deployed 108 observers from 27 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 laws of Kosovo. A delegation of the European Parliament, headed by Andrey Kovatchev, MEP, also joined the mission and fully endorses this Statement. On election day, observers visited 416 polling stations in all the 38 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.*

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## Findings

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### I. BACKGROUND

The outgoing government, led by Prime Minister Ramush Haradinaj, resigned on 22 July 2019; the Assembly of Kosovo was dissolved one month later. On 26 August, President Thaçi set early elections for the 120 seat Assembly for 6 October. These are the fourth legislative elections since Kosovo declared its independence.

The government was composed of the Democratic Party of Kosovo (PDK), the prime minister's Alliance for the Future of Kosovo (AAK), the Initiative for Kosovo (Nisma) and the New Kosovo Alliance (AKR). Non-majority parties, including Serbian List (Srpska Lista) were also part of the government at its formation. The government appeared to have effectively lost its majority at the time of its resignation.

In these elections, the largest opposition parties, the Democratic League of Kosovo (LDK) and Vetëvendosje (Self-determination - VV), ran independently, as did PDK. AAK formed a pre-election coalition with the Social Democratic Party (PSD). Nisma and AKR also formed a pre-election coalition along with the Justice Party (PD). There were four parties competing for the ten seats guaranteed to the Kosovo Serb community. These were Srpska Lista, which controls all of the Serb majority municipalities in Kosovo, the Independent Liberal Party (SLS), Party of Kosovo Serbs (PKS) and the newly formed Freedom Coalition (Sloboda). For the ten seats guaranteed to the other non-majority communities there were in total 13 parties: three each for the Bosniak and Gorani communities, two each for Roma, Ashkali, and Egyptian communities, and one Turkish party.

### II. CANDIDATE REGISTRATION

#### *Open and inclusive candidate certification process*

The Constitution guarantees freedom of association, as well as the right of every citizen who has reached the age of 18 to be elected. The enabling legislation does not contain any unreasonable restrictions on the certification of political entities or candidate eligibility.

All 25 political entities – four coalitions of political parties, 20 political parties and one independent candidate – that applied for certification to participate in the 2019 early legislative elections were certified. Subsequently, the Central Election Commission (CEC) also certified the entities' candidate lists with 1,067 candidates. All candidate lists with more than two candidates complied with the mandatory 30 per cent gender quota. Overall the process was inclusive, without any significant controversies.

### III. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

#### *Adequate legal framework but previously identified shortcomings persist*

Fundamental freedoms of assembly, association, freedom of speech, equality and non-discrimination are provided in the Constitution; the right to stand, the right to vote and the secrecy of the vote are also guaranteed by both the Constitution and the Law on General Elections (LGE). The legal framework that governed the previous elections in 2017 remains the same for the 2019 early legislative elections. Overall it provides adequate conditions for the conduct of democratic and competitive elections, in accordance with the international standards to which Kosovo has committed through its Constitution.<sup>1</sup> A reform process involving the amendment of electoral legislation was launched shortly before the dissolution of the Assembly, but could not be completed. Therefore, none of the recommendations made by the EU EOM in 2017 which required legislative change have been implemented.

Legal provisions on calling early elections at short notice,<sup>2</sup> give the CEC the right to further shorten deadlines within the election calendar, including, the Out-of-Kosovo (OoK) registration, certification of candidates and the official campaign period, thereby increasing the risk of compromising safeguards and equality of political opportunities. Important aspects of the process, such as political parties registration, representation on lower levels of the election administration, procedures at the Counting and Results Centre (CRC), cancelling election results, that should be included in the LGE are still regulated by secondary legislation, i.e. the CEC Regulations, therefore, compromising legal certainty.

Kosovo is a single electoral district with a multi-party proportional representation system with preferential voting for up to five candidates. Of the 120 deputies of the Assembly that are elected by secret ballot for a four-year term, 20 seats are guaranteed for non-majority communities, including ten for the Kosovo Serb community.<sup>3</sup> Among the seats allocated to a political entity, each gender is required to have at least 30 per cent of the total number of seats won by the political entity.

### IV. ELECTION ADMINISTRATION

#### *Transparent election management body and technically well prepared elections*

The elections were administered by a three-tier election management body, consisting of the Central Election Commission (CEC), 38 Municipal Election Commissions (MECs) and 2,547 Polling Station Committees (PSCs). The existing CEC, MEC and PSC appointment mechanism provides for

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<sup>1</sup> Article 22 of the Constitution states the direct applicability of a number of instruments relevant for elections: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR). Following Kosovo's membership in the European Commission for Democracy through the Law, known as the Venice Commission, the Code of Good Practice in Electoral Matters of the Venice Commission of October 2002 is applied as a reference for the conduct of democratic elections.

<sup>2</sup> Early elections may not be held earlier than 30 and no later than 45 days after the dissolution of the Assembly.

<sup>3</sup> The remaining ten seats are distributed as follows: the Roma community, one seat; the Ashkali community, one seat; the Egyptian community, one seat; and one additional seat awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosniak community, three seats; the Turkish community, two seats; and the Gorani community, one seat.

meaningful involvement of relevant political entities including the non-majority political entities. The CEC currently has ten members with one seat being vacant. Apart from a non-partisan chairperson, there are two appointees of VV and LDK, and one from PDK, Srpska Lista, Vakrat coalition, Turkish Democratic Party of Kosovo (KDTP) and the United Roma Party of Kosovo (PREBK). AAK, the second largest party of the defunct PAN coalition, is not represented in the CEC, as the President did not confirm the appointment of the second CEC member from this coalition.<sup>4</sup> AAK, however, is represented at MEC and PSC level.

The CEC and MECs operate in a transparent and professional manner. The CEC meetings where decisions are taken are open to the public and the decisions are generally published on the CEC website, although at times publication is delayed, some decisions are missing, and they are not always published in both official languages. The decisions are usually taken by consensus, however, in several cases consensus was not reached, and simple majority voting had to be applied. These include deciding on the composition of MECs, distribution of PSC chairpersons' positions and on permissible ID documents on election day.

There is a lack of clarity in the law on what ID documents are required for proving voters' identity on election day. The CEC clarified this issue by adopting an administrative instruction according to which only Kosovo-issued ID documents, i.e. ID card, passport and driving license, can be accepted. This decision was opposed and unsuccessfully appealed by Srpska Lista. The CEC approved the instruction 26 days before election day, thus providing reasonable time frame for those without valid ID card to acquire a new one. The EU EOM observers did not receive tangible evidence of people being unable to obtain a new ID card ahead of elections.

Despite a very short time frame of 41 days, all electoral preparations were completed on time and elections were technically well prepared. Sufficient financial resources were allocated to the CEC from the Kosovo budget shortly after elections were announced. Training of more than 17,000 polling staff at the municipal level was assessed by the EU EOM observers as generally well conducted. In spite of a high number of invalid votes in the previous elections, voter education did not appear to be a priority for the CEC.

There is a lack of safeguards against impersonation in the the Out-of-Kosovo (OoK) postal voting system and some stakeholders expressed concerns about the credibility of the process. Voting for the 35,094 voters who registered in the OoK voter list, was concluded on 5 October. By this deadline the CEC received 15,794 mail items with conditional postal ballots. Germany, Switzerland and Serbia account for more than 70 per cent of both registered and rejected OoK applicants. Because of the short time frame, the voters had only 12 days to apply for OoK voting and the voter list was not available for public scrutiny during the confirmation and challenge period.

## V. VOTER REGISTRATION

### *There is a lack of trust in the accuracy and credibility of the voter register*

The Constitution guarantees the right to vote to every citizen who has reached the age of 18 years. The LGE makes voter eligibility even more inclusive, granting the right to vote also to non-citizens,

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<sup>4</sup> PAN coalition consisting of PDK, AAK and Nisma, was entitled to appoint two members of the CEC. The President confirmed appointment of the PDK member, however, he did not confirm either of the two appointees proposed by AAK and Nisma respectively.

who are eligible to be citizens. Kosovo has a passive voter registration system whereby the voter list is compiled by the CEC based on the extracted records provided by the Civil Registration Agency. The final voter list of 1,937,869 voters not including OoK was certified on 19 September.

The accuracy and credibility of the voter list is a long-standing problem. Kosovo has more registered voters than its estimated resident population. This anomaly is partially explained by the fact that the vast majority of Kosovo diaspora were excluded from the 2011 census though they remain lawfully registered in the civil registry. In the absence of credible data on diaspora population, it is not possible to assess whether this explanation is justified. Furthermore, the voter list includes many deceased persons as there is no effective system in place for their systematic removal. A high number of diaspora and deceased voters on the voter list makes the voting process on election day vulnerable to potential abuse.

## VI. CAMPAIGN ENVIRONMENT

*A competitive campaign in most of Kosovo, though with misuse of incumbent advantage; there was a fundamental lack of competition in the Kosovo Serb community*

The official campaign period for these early elections was limited by the CEC to 10 days compared to 30 days for regular elections. Some of the larger parties however started campaigning several weeks before the official start of the campaign period. The lack of rules for the 'pre-campaign' created uncertainty among election stakeholders as to the types of campaigning permitted and reduced the beneficial equalising effects of regulating the campaign.

The key themes in the campaign concerned allegations of corruption and nepotism, and the future relations between Kosovo and Serbia. There was a lack of attention to parties' domestic programmes, with few substantive manifestos published. On the other hand, there was considerable focus by the parties' campaigns on the virtues of their PM candidates, and the alleged weaknesses of their opponents. This focus on personalities rather than policies, limited the voters' ability to make informed choices.

Campaign freedoms were generally respected. An intensive series of rallies were held by all the main parties seeking to represent Kosovo Albanians during the official campaign period. There were no instances of inflammatory language in the 48 rallies attended by EU long-term observers in the majority community parties. However, municipalities failed to provide approved locations and equal space for parties' posters as required, which benefitted larger parties with the ability to pay for posters on private property.

In some cases, central and local government resources were deployed, seemingly for political advantage.<sup>5</sup> Multiple instances of misuse of incumbency were reported where job promotions, extensions of temporary contracts, or new positions in the public sector were allegedly offered. For instance, the state-run electricity and mining companies announced large numbers of new job opportunities just before the elections. There were also allegations that medical staff, postal workers and

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<sup>5</sup> The Ministry of Agriculture announced a scheme of EUR 3 million for grants of up to EUR15,000 to small farmers on 17 September. On the same day, the outgoing Minister of Agriculture (a candidate for SLS) posted a video on her personal Facebook page with a prominent SLS flag in the foreground, promoting the scheme. On 18 September the outgoing Minister of Innovation and Entrepreneurship (PDK) launched a fund for support of small and medium sized enterprises worth EUR 4 million.

employees in the private sector were pressured to attend meetings where they were encouraged to vote for a governing party, undermining freedom of choice.

The government of Serbia and the local authorities in the Serb majority municipalities strongly directed Kosovo Serbs to vote only for Srpska Lista. In multiple cases, people related to candidates for parties opposing Srpska Lista, and indeed voters in general, were threatened with dismissals or suspensions from Belgrade funded or municipal positions.<sup>6</sup> Parties standing against Srpska Lista were unable to mount an effective campaign in part due to a lack of funds, but also due to an atmosphere of fear in the Kosovo Serb community, in which opposition to Srpska Lista was presented as anti-Serbian. The police investigated several instances of intimidation of Kosovo Serbs, allegedly by supporters of Srpska Lista. These issues meant that fundamental freedoms of choice and expression in the Kosovo Serb community were neither sufficiently respected by the leading party, nor protected by authorities in local municipalities or Kosovo institutions. There were also reports of Serb officials being denied entry to Kosovo during the campaign period.

Competitive elections were held among the other non-majority communities, mostly with door to door campaigns. More than 120 candidates from three political entities and an independent candidate ran for three guaranteed seats for the Bosniak community.<sup>7</sup> Each of the Roma, Ashkali and Egyptian communities had two parties competing. Their campaigns were characterised by both inter- and intra-community competition. The Gorani community had a keenly fought campaign between three parties. Only one Turkish party took part in the election, but with 30 candidates for two guaranteed seats, voters were ensured some degree of choice.

## VII. CAMPAIGN FINANCE

### *Parties' income and expenditure lacks transparency, in an inadequate regulatory framework*

Party and campaign finances are regulated by the 2010 Law on Financing Political Entities (LFPP, last amended in 2013), the 2008 Law on General Elections as well as CEC Regulations. Earlier this year, the Assembly failed to adopt a draft law amending the LFPP, which had been assessed as “an important step in the right direction”.<sup>8</sup> The regulatory framework does not ensure accurate reporting, timely disclosure, meaningful oversight or accountability for irregularities.

Parties represented in the Assembly receive public funding.<sup>9</sup> In addition, all parties may receive donations up to EUR 2,000 from an individual and EUR 10,000 from a legal entity. There are also bans on certain sources of donations, but no authority is mandated with verifying compliance. While there is limited grassroots fundraising, parties rely upon public funding. Several EU EOM interlocutors claimed that ruling parties compensate their donors by providing them public procurement

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<sup>6</sup> Alleged politically motivated dismissals and suspensions involved healthcare, postal and municipal workers. Voter inducements such as 1000 jobs promised by Srpska Lista were also promised. President Vučić was criticised by Kosovo Serb opposition parties for implying that Belgrade funded jobs would be at risk unless all ten seats for the Serb community were won by Srpska Lista.

<sup>7</sup> There were 374 candidates for the 10 seats guaranteed to the non-majority communities (other than Kosovo Serbs). This compares to 643 candidates for the 100 seats that are not guaranteed for any particular community.

<sup>8</sup> See [the Venice Commission Opinion 922/2018 on the Draft Law on Amending and Supplementing the Law No.03/L-174 on the Financing of Political Entities](#). This draft law passed its first reading in the Assembly, but it was drastically amended and eventually withdrawn.

<sup>9</sup> In 2019, EUR 4.2 million were allocated to 13 political entities with seats in the Assembly. Namely, PAN (PDK, AAK, Nisma) received EUR 1,365,000, VV EUR 1,120,000, LDK and AKR EUR 1,015,000, Srpska Lista EUR 315,000, KDPT and Coalition Vakaf EUR 70,000 each, seven other non-majority parties received EUR 35,000 each.

contracts. By law, all transactions should be made by bank transfer through the party bank account. However, donations and payments were often made in cash or in-kind and remain unreported. Several candidates informed the mission that they individually received contributions and made payments, which is contrary to the law, as they bypass the party bank account and remain unreported.

A political entity may spend up to EUR 0.5 per registered voter which amounts to EUR 986,233 Kosovo-wide. The law prescribes that all expenditures incurred for campaign purposes should be reported even if incurred prior to the call of elections. However, several parties stated that they will report only the expenditures incurred during the ten days of the official campaign period, which significantly reduces transparency. EU EOM interlocutors noted that parties are reluctant to report all their incomes and expenditures, due to their questionable legality.

There is no timely disclosure and oversight is ineffective. Political entities are required to submit campaign finance reports to the CEC within 45 days of the election day. However, the Committee for the Oversight of Public Finances of the Assembly can appoint certified auditors only in the following year and the auditing cannot be completed before June 2020. The CEC Office for Political Parties' Registration and Certification publishes the party financial reports only after the auditing, which further delays disclosure. Moreover, the CEC has not published on its website a register of all donations made to political entities, as required by law.

The auditors, who are required only to verify the content of the financial reports, have raised concerns about their accuracy. Neither the Committee nor the CEC are required to identify unreported incomes and expenditures or other possible irregularities, which does not provide for meaningful oversight. Despite a legal requirement, several political parties did not publish their financial reports on their websites, but no sanctions have been imposed. Moreover, several EU EOM interlocutors opine that the existing sanctions (mainly fines ranging from EUR 1,000 to 5,000) are not dissuasive and effective compared to the amounts at stake in the field of party finances.

## **VIII. MEDIA**

### ***Media and social networks enabled voters' access to information on different political views***

The pluralistic and lively media environment enabled voters' access to diverse political views. The main sources of election information for voters were TV channels alongside online media and social networks, namely Facebook. The legal framework provides sound safeguards for freedom of the media and journalists were able to work freely.

The LGE requires all media to ensure fair and equitable coverage to all political entities during the official election campaign. It also foresees a minimum amount of free airtime for all competitors. Paid-for content is allowed during the official election campaign period, but while the use of paid political spots is strictly regulated, a loophole in the regulation allows political entities to purchase an unlimited amount of paid coverage of their campaign activities on broadcast media. PDK, AAK-PSD and LDK benefited from this by making extensive use of paid coverage, in addition to paid political spots. Moreover, some TV channels breached the regulation by displaying paid political banners during their debates and political programmes. Programmes designed to inform voters, therefore became another tool for political advertising. The EU EOM observed several media breaches related to paid political spots and sponsored programmes which were not properly labelled. The Independent Media Commission (IMC), which is responsible for overseeing broadcast media, largely failed to sanction and redress violations during the election campaign.



TV channels and online media monitored by the mission began their coverage of political parties' election-related activities, and held TV debates well before the beginning of the election campaign.<sup>10</sup> The EU EOM media monitoring showed that the public TV channel *RTK1* in the final ten days of the pre campaign and during the official campaign period, offered a largely balanced coverage of the political entities represented in the Assembly in its news. However, on its news website it devoted extensive and rather positive coverage to PDK, with less coverage for other parties and, at times, negative coverage for LDK. Private TV channels such as *RTV21*, *KTV*, *Klan Kosova* and *T7*, offered overall balanced news coverage, and organised numerous inclusive election debates. Nevertheless, despite the attempt by the media to address specific topics and policies, party representatives did not focus on concrete political platforms proposals, undermining the opportunity for voters to make an informed choice.

The primary source of news for the Kosovo Serb community is broadcast media from Serbia. The Kosovo public TV channel broadcasting in non-majority languages, *RTK2*, which is not accessible in the four northern Kosovo Serb majority municipalities, offered some free airtime and organised debates among political parties representing non-majority communities. Srpska Lista refused to take part in any debate. Some media from Serbia and a Kosovo Serb news website claimed that they were temporarily restricted from freely covering the elections.<sup>11</sup>

Online media and social networks are not regulated.<sup>12</sup> Some online media displayed partisan editorial lines, supporting or discrediting political entities. Facebook was largely used by traditional and online media to live stream and republish their editorial content and increase their audience. Contestants made use of Facebook to reach out to voters with sponsored messages, to mobilise voters during the campaign and live stream campaign events. The EU EOM noted instances of Facebook pages of unknown affiliation running smear campaigns by systematically spreading paid-for messages with misleading and, at times, fake content. While there was a considerable amount of campaign-related advertising on Facebook in Kosovo, the social network has not yet implemented its policy, adopted elsewhere, to fully ensure the transparency of election related advertising.<sup>13</sup> This would have enabled voters to know the source of sponsored messages, as well as to have an estimation of political entities' expenditure on this social platform.

## **IX. PARTICIPATION OF WOMEN**

***While legal provisions on gender equality need to be harmonised, women remain insufficiently represented, particularly at local level***

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<sup>10</sup> The EU EOM conducted from 14 September to 6 October a qualitative and quantitative monitoring of a sample of TV channels (*RTK1*, *RTK2*, *KTV*, *RTV21*, *Klan Kosova*, *T7*, *TV Most* and *TV Puls*), as well as monitoring a sample of online news media. Detailed results of the media monitoring will be included in the EU EOM Final Report.

<sup>11</sup> For instance, on 4 October, a team of journalists from Radio Belgrade claimed to have been detained at a police station in South Mitrovica for six hours with no reason. The news website *Kossev.info* claimed to have been a victim of an attack on its website, which was not operational for few hours on election day.

<sup>12</sup> Facebook is by far the most popular social network in Kosovo. Instagram is less popular and not used much for political purposes, while Twitter has a very limited number of users, and did not play a significant role.

<sup>13</sup> Facebook is gradually introducing in several countries an "[ad authorisation process](#)" for advertisers running ads about social issues, elections or politics aimed at enhancing the transparency of the content related to these issues on its platform.

Gender equality is enshrined in various provisions of the Constitution. The LGE prescribes for a 30 per cent minimum quota for each gender in each candidate list as well as in the allocation of the Assembly seats. However, the more recent Law on Gender Equality,<sup>14</sup> provides for strict equality of 50 per cent representation. These provisions have not been harmonised, an issue that was raised on several occasions by representatives of women's rights organisations and challenged by the Ombudsperson in court a few days before elections.<sup>15</sup> There are 1,067 certified candidates, of which 343 are women, representing 32.15 per cent of the total candidates, in line with the quota provided for in the LGE. There was only one woman declared to be running as a prime ministerial candidate. Political platforms do not sufficiently address gender issues and female turnout in the rallies observed by the long-term observers averaged 23 per cent while female speakers accounted for 22 per cent of the total speakers at observed rallies. The Kosovo Women's Network through their NGO network initiated an extensive door to door campaign throughout Kosovo to enable voters to vote for women irrespective of their political views.<sup>16</sup>

The CEC is chaired by a woman, but female representation in lower levels of electoral administration remains low at only 14 per cent of MEC members. Similarly, in the polling stations observed by the EU EOM, only 19 per cent were chaired by women and, in the PSCs as a whole, women made up 28 per cent of the committee members. In the polling stations observed by the mission, 26 per cent of party observers and 44 per cent of domestic observers were women.

## **X. ELECTION OBSERVATION**

Kosovo has a well-established network of civil society based domestic observers co-ordinated by the Kosovo Democratic Institute (KDI) under the banner of Democracy in Action (DiA). In the pre-election period DiA deployed 72 long-term observer all over Kosovo to observe the campaign and monitor campaign expenditure of contesting political entities. On election day, DiA deployed over 2,500 observers covering all polling stations. It issued several reports on the election campaign, voting and counting process, and conducted full parallel vote tabulation. Overall the large presence of civil society observers contributed to the transparency of the process on election day.

## **XI. POLLING AND COUNTING**

### ***Orderly and calm election days with positively assessed conduct of the polling and counting***

The election day was orderly and calm, and the EU EOM observers did not report any major incidents. All 38 polling stations where the mission observed the opening process opened either on time or with a delay of less than 30 minutes. Opening procedures were largely followed and the overall conduct of the opening was positively assessed in all but one polling station observed.

Voting was observed in 416 polling stations across all 38 municipalities. The overall conduct of the voting was assessed positively in more than 95 per cent of polling stations observed. Political entity and civil society observers were present in 94 and 91 per cent respectively of polling stations visited,

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<sup>14</sup> Law on Gender Equality (No.05/L-020) introduced on 28 May 2015 repealing Law on Gender Equality No.2004/2, in accordance with the CEDAW and several EU Directives on gender equality.

<sup>15</sup> The Ombudsperson issued a public statement on 5 September 2019 on the preeminence of the provisions of the Law on Gender Equality over provisions of the Law on General Elections. On 27 September the Ombudsperson filed a lawsuit with the Basic Court in Pristina against CEC on gender discrimination in political entities candidates' list.

<sup>16</sup> Delivering flyers with the slogan "*Whichever list you choose vote for more women in Parliament*".

enhancing stakeholders' confidence in the process. While the overall assessment was positive, the EU EOM observers noted also several irregularities. Excessive assistance to voters was observed in many polling stations visited, with assistance being provided to voters who did not appear to need it. The proportion of voters being assisted in marking the ballot was in some polling stations as high as 15 to 22 per cent. More than two observers from one political entity were present in 15 per cent and instances of family or group voting were observed in 10 per cent of polling stations visited. Voters did not always mark their ballot in secrecy in 9 per cent of visited polling stations.

The performance of PSC staff deteriorated during the closing and counting process and only 28 out of 39 polling station counts were assessed positively. This was mainly due to the fact that the rather complex closing and counting procedures were often not followed. Political entity observers were present in 36 and civil society observers in 37 polling stations observed during the count. Handover and intake of polling station material was observed by 25 teams at 24 out of 38 MEC reception centres. The process was assessed positively in 25 out of 26 observations.

Positively, the CEC ensured transparency of the counting process by publishing online preliminary unofficial results for political entities broken down by polling station within several hours after the completion of the regular votes count at polling stations.

In the four northern Serb majority municipalities, as in previous elections, the OSCE provided technical assistance to the Municipal Election Commissions and all 86 Polling Stations Committees. OSCE staff had an advisory role with no executive power.

## **XII. ELECTORAL DISPUTES**

The Elections Complaints and Appeals Panel (ECAP), the independent institution responsible for adjudicating election-related complaints and appeals, had received by 5 October a total of 86 appeals against decisions of the CEC and 247 complaints. All appeals and complaints were so far adjudicated within the prescribed deadline. More than 240 complaints filed were related to breaches of the Code of Conduct during the campaign period and the silence period resulting in significant amounts of fines imposed.<sup>17</sup> A fine of EUR 30,000 was imposed for a campaign video by Srpska Lista which, in a broad interpretation of the relevant legal provision was deemed to be in breach of the code of conduct for political entities. So far in six out of eight cases that reached the Supreme Court, ECAP decisions were upheld including the appeal filed by Srpska Lista against the ECAP decision on the acceptable identification documents for election day.

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An electronic version of this Preliminary Statement is available on the Mission website:

[www.eomkosovo2019.eu](http://www.eomkosovo2019.eu)

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**European Union Election Observation Mission to Kosovo 2019, Swiss Diamond Hotel, Pristina**

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<sup>17</sup> The total fines imposed so far amount to EUR 328,450. PDK was fined EUR 91,700, AAK-PSD EUR 82,400, LDK EUR 74,300, Srpska Lista EUR 36,100 and Nisma-AKR-PD EUR 33,000.