



Kosovo Early Assembly Elections 2021

Final Report and Recommendations

UK Election Expert Mission

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British Embassy
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1 Executive summary

These elections, although intensely contested, successfully managed to reduce some of the pressures caused by the political events since the previous early elections, held in October 2019. The technical conduct of the in-country voting in most areas was good, although some aspects of campaigning and voting in Kosovo-Serb majority municipalities fell far short of Kosovo's legal safeguards and international commitments. The assessment of the UK Election Expert Mission is that these elections also demonstrated long-standing significant legislative and practical deficiencies concerning out-of-country registration, voting and counting. These elections also revealed that the structural system of guaranteed seats designed to ensure the representation of non-majority communities will require constitutional reforms in the future.

The political campaign among the Kosovo-Albanian parties was vibrant and allowed for democratic choice. However, in the Kosovo-Serb community the conditions for genuine democratic competition are severely stifled by the one-party dominance of Srpska Lista. The short duration of early election official campaigns and legislative loopholes lead to a lack of campaign expenditure transparency. The discretion of the Central Election Commission, due in part to legislative ambiguity, results in its decisions being seen as politicised. This was exacerbated by the statements of some key politicians.

Election day was regarded by the media and many in the Kosovo-Albanian community as the least problematic held so far in the country. They are also considered a turning point in which, for the first time, a government has been elected without being formed at least in part by one or both of the two major traditional parties of LDK and PDK. Some have commented that this democratic turnover was accomplished, for the first time, without the large-scale presence of international observers. The Mission broadly agrees in terms of the conduct of the election day in the Kosovo-Albanian majority areas, while noting that the widespread expectation that there would be a clear winner made these elections less open to election day intrigues than previous, or perhaps future ones. However, the opportunities for democratic choice continue to shrink in the Kosovo-Serb communities. There was insufficient observation in some 'hot-spots' in non-majority areas, which combined with Kosovo-Albanian political parties' lack of commitment to making use of the electoral safeguards in these areas, meant that the democratic and electoral practices in some parts of the country do not meet the international standards to which Kosovo has committed itself. Of greatest constitutional threat is the vulnerability of the electoral system for the guaranteed non-majority seats to malign interference by larger communities.

These elections were held against the backdrop of the continuing COVID-19 pandemic. However, many of the health regulations were generally ignored by most participants in the campaign and by many stakeholders on election day.

The four-week process of verifying, counting, tabulating and re-counting of ballots before certification of results risks is too long – particularly given the lack of transparency in the process. Some inaccuracies were revealed in the counting of preference votes.

The Mission supports the 23 recommendations made by the EU Election Observation Mission for the previous Assembly elections in 2019, of which two concerning the Independent Media Commission were partially implemented. These elections further demonstrated the need for comprehensive legal reform noted by previous missions. Among the UK Election Expert Mission's reinforcement of previous international recommendations and additional findings following these elections are the following key conclusions:

- ***The Law on General Elections and in some cases the Constitution need amending to provide greater legal certainty for candidature, registration of parties and financial reporting by them and to extend the official campaign period for early elections.***
- ***Out-of-country registration requires urgent reform, including online registration. The opportunities for voting should be increased by permitting postal voting within the countries of residence of the diaspora.***
- ***The incoming Assembly should also consider after two successive elections in which it took four weeks or more to certify final results, and in both of which there were limited cases of miscounting of individual preference votes, whether electronic voting and/or counting and also removing conditional voting would be helpful in order to speed up the unwarranted length of the tabulation, audit and re-counting process.***
- ***The system of the guaranteed representation of non-majority communities has been weakened by the abuse of the spirit of the Constitution through the seemingly coordinated control of voters' choices which harmed the rights of Kosovo-Serbs to vote freely, and denied Kosovo-Bosniaks, Kosovo-Gorani and Kosovo-Roma their Constitutional rights to determine their own representatives. It also impacted on the Kosovo-Ashkali and Kosovo-Egyptian communities, one of which likely lost a seat as a result. While noting that the Election Complaints and Appeals Panel and the Supreme Court in their judgements on these issues sought to uphold the spirit of the Constitution, there did not appear to be harmony between the letter and spirit of the law and Constitution. In the long-term, reform of the guaranteed seats while ensuring the rights of all communities will become imperative.***

1.1 About the Mission

The Mission met with many of the 28 parties contesting these elections, including all Kosovo-Albanian parties elected to the outgoing and incoming Assembly, all three Kosovo-Serb parties, four Kosovo-Bosniak parties, both Kosovo-Gorani parties, both Kosovo-Turkish parties, and parties representing each of the Kosovo-Roma, Kosovo-Ashkali and Kosovo-Egyptian communities. The Mission also met with other institutions and stakeholders including the Chair of the Central Election Commission and other Commissioners, as well as officials, journalists and non-governmental organisations. In total, the Mission carried out more than 50 meetings.

In addition to meetings in Pristina, the Mission travelled to Prizren twice, Gračanica/Graçanicë twice, Dragash/Dragaš, and North Mitrovica for meetings with parties, journalists and civil society. On election day four teams observed in North Mitrovica, Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan, Štrpce/Shtërpca, Skenderaj/Srbica, Vushtrri/Vučitrn and Pristina. The Mission observed the post-election process at the Counting and Results Centre and sessions of the Central Election Commission.

The Mission comprised four international experts and three national advisors. The Mission operated from 25 January to 19 March 2021. The Mission would like to express its gratitude to all stakeholders, particularly the CEC and political parties, along with the British Embassy in Pristina and the Westminster Foundation for Democracy for organising and facilitating the Mission.

2 Political Background

Kosovo has a unicameral Assembly of 120 deputies (MPs) elected from open party lists. Voters may express up to five preference votes within a single party list. Of the 120 seats, 20 are guaranteed for parties self-designating as seeking to represent one of seven recognised non-majority communities. Ten seats are guaranteed for Kosovo-Serbs, three for Kosovo-Bosniaks, two for Kosovo-Turks and one for Kosovo-Gorani. The Kosovo-Roman, Ashkali and Egyptian communities have a seat allocated to each of the three communities, and a seat for the community whose parties received the most votes. For the 100 seats not reserved for the seven recognised non-majority communities, there is a 5% national threshold.

The entire country is a single constituency. This open list system of preferences theoretically, and to some extent in practice, allows for a degree of local/regional campaigning.

The Assembly elects the non-executive president with a two-thirds majority, or after two attempts to do so, it may elect the president by a majority subject to a two-thirds quorum. If it fails to do so on this third attempt, the Assembly is dissolved, and national elections are held. The Assembly upon invitation by the president also elects or rejects the formation of the government with at least 61 votes.

These elections were complicated to organise because like all national elections held in Kosovo since independence, they were called at short notice with a compressed electoral calendar for both the CEC and political parties. These elections had the added complication of being held during the global health pandemic caused by COVID-19.

The previous Assembly elections had been held on 6 October 2019, in which the three leading parties of VV, LDK and PDK won 29, 28 and 24 seats respectively out of 120 MPs. After almost two months of re-counting and legal cases, followed by complicated negotiations between VV and LDK, the coalition they formed, headed by the leader of VV, Albin Kurti, only governed from 3 February to 25 March 2020 when LDK joined the opposition in voting it out of office.

A LDK led government, which also included AAK, Nisma and SL, headed by Prime Minister Avdullah Hoti was voted for by 61 out of 120 MPs in the Assembly on 3 June. However, on 21 December, the Constitutional Court declared that the deciding vote in the formation of the government, had been invalid since one of the government backers was ineligible to serve as an MP, because he had been convicted of a crime. The Court therefore mandated Acting President Vjosa Osmani,¹ to hold new elections. On 6 January 2021 she formally announced that the elections would be held on 14 February.

¹ President Thaçi resigned on 5 November 2020 when ten indictments against him for crimes allegedly committed during the Kosovo conflict were confirmed by the Specialist Chambers Court.

Acting President Osmani had been the PM candidate for LDK in 2019 and became the Speaker of the Assembly following those elections; but had subsequently been expelled from the party leadership and remained in alliance with VV, joining their list as the second placed candidate in these elections. The same Constitutional Court verdict which removed the Hoti government and caused the elections, led to the former PM and leader of VV, Albin Kurti, being deemed by the CEC to be ineligible as a candidate since in September 2018 a court of final instance had confirmed his conviction on weapons and obstruction charges for protesting inside the Assembly in 2015 with tear gas.

Kosovo's elections are regulated in the first instance by the 2008 Constitution and the Law on General Elections (LGE, last amended in 2010). However, there are additionally CEC Rules and Regulations which expand on, or in some cases, limit principles in the LGE. The Constitution explicitly refers to the key international conventions, treaties and declarations protecting human rights.²

Out of 28 political entities registered for these elections, there were 21 political parties, 5 civic initiatives, and 2 coalitions.³ Seven parties competed for the 100 un-reserved seats. Of the 21 political entities from the non-majority communities, there were three Kosovo-Serb, five Kosovo-Bosniak, four Kosovo-Roma, two Kosovo-Egyptian, three Kosovo-Ashkali, two Kosovo-Turkish and two Kosovo-Gorani political entities competing. There were 1,090 candidates registered.

² Constitution Art. 22 *"Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions: (1) Universal Declaration of Human Rights; (2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; (3) International Covenant on Civil and Political Rights and its Protocols; (4) Council of Europe Framework Convention for the Protection of National Minorities; (5) Convention on the Elimination of All Forms of Racial Discrimination; (6) Convention on the Elimination of All Forms of Discrimination Against Women; (7) Convention on the Rights of the Child; (8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment."*

³ Individual candidates are permitted by law; but none stood in these elections.

3 Voter list

Kosovo has the youngest median population age in Europe at 30.5.⁴ There are long-standing problems with the composition of the voter list, particularly the complicated process of removing deceased voters. For these elections, an extensive cleaning of the list was undertaken, which removed approximately 143,000 deceased and otherwise ineligible people. There were 1,851,927 voters registered, a significant net reduction of 109,286 after accounting for first time voters being added.⁵

The main in-country voter list includes all citizens of Kosovo over the age of 18 on the day of the election, except those who remove themselves by joining the out-of-country voter list. Accordingly, the in-country voter list contains hundreds of thousands of people who do not live in Kosovo and have not declared their intention to vote outside of it using postal ballots. This creates a large pool of names of people who will not vote; but who still appear on voter lists in polling stations. There are persistent allegations from these elections and previous ones that this represents a vulnerability to fraud through voting by impersonation. The voter list additionally suffers from a set of procedural inconsistencies.

According to research undertaken by WFD for the British Embassy in Pristina in 2019, there are several unresolved problems with removing deceased voters from the list. For deceased people to be registered as dead, evidence needs to be provided to the Registrar of the Municipal Office of the Civil Status by the family. However, this involves only registration, but not certification of death. Certification of death is required for removal from the voter list. There are a variety of reasons why this may not happen. A citizen's status on the Civil Registry from which the voter list is formed, will only change due to a formal change in their status, such as the issuing of a new ID card, or a formal certification of death. Accordingly, there is no automatic review or renewal of the voter list.

Citizens who notify the authorities of a change of address within a municipality do not trigger the issuance of a new ID document, and therefore are not automatically updated in the voter list. This results in their polling station remaining the same despite changing address, which can lead to complications on election day. This process is further challenged by an incomplete universal address system in Kosovo.

A further procedural obstacle to removing inaccuracies is that citizens who note that a person is not eligible to vote on the voter list must go through a lengthy and costly court process to have a person removed from the list. Naturally, it is important to have safeguards against vexatious, politicised, or ethnic based challenges to the voter list.

⁴ It is the only country in Europe where the median age is below the world average of 31. [The CIA World Factbook](#)

⁵ In 2019 there were 1,961,213 registered.

Nevertheless, the onus should be on the state and not citizens to maintain an accurate voter list.⁶

Notwithstanding these problems, the authorities made progress in increasing the accuracy by removing more than 7% gross of the names on the list. Although *Srpska Lista* (Serbian List - SL) criticised this as falling disproportionately on the four northern municipalities (16,000 removed), they provided no evidence that anyone who was a legitimate voter had been removed. On the other hand, they did claim to have evidence of newly registered Kosovo-Serbs who having obtained their Kosovo issued ID for the first time were not found on the voter list. It was not possible for the Mission to verify these claims.

3.1 Problems and recommendations

Despite some progress in removing a backlog of ineligible voters, long-standing problems with voter registration remains. Having a large, but unknown number of deceased or otherwise ineligible people on the list leads to a perception of vulnerability to fraud through impersonation on election day.

- ***Consideration should be given to integrating the various elements of the government's information systems so that the register can be more actively kept up to date.***
- ***Additionally, procedures should be amended so that registration, rather than certification of death, results in removal of deceased voters from the list.***
- ***People who notify the authorities of a change of address within a municipality should have their polling station automatically updated.***
- ***A procedure for automatically reviewing and confirming the records of voters aged over 100 should be introduced. The responsibility should lie with the state rather than the voter to verify the records.***

⁶ Article 9.2 of the LGE: "A person who wishes to challenge a name that he/she considers should not be on the VL shall submit a request to the court of first instance clearly stating the facts supporting his/her challenge and including any relevant evidence."

4 Controversies concerning candidature

According to the LGE, candidates are not eligible if they have been found guilty of a criminal offence in the three years preceding the election.⁷ This does not consider the severity of the crime or of the penalty. Although this was a long-standing provision of the LGE, procedures to implement it appeared not to have been comprehensively followed in previous elections. It also implies in some cases a longer sentence and additional penalty than that imposed by a court, challenging the principle of rehabilitation after a sentence.

In these elections, following the Constitutional Court ruling of 21 December, the CEC took the decision to disbar candidates with criminal convictions, including the leader of VV, Albin Kurti and 46 others. Of these, 25 successfully appealed to ECAP or the Supreme Court, or were replaced by parties in time. However, Nisma had 11% of their candidates disallowed, and did not replace them. The approach of VV was to claim that Albin Kurti was still a candidate, and that the CEC decision was political, which increased political tensions in the pre-campaign and suggested to their supporters that it was an action of the “captured state,” a feature of their political campaign. Some argued, without clear legislative articles or judicial rulings to point to, that disqualification as an MP candidate might imply disqualification as PM also.

Acting President Vjosa Osmani after the rejection of Albin Kurti’s candidature by default became the head of the VV list, despite not being a party member. Her status as both the apolitical acting head of state and as a political candidate campaigning for re-election and for the VV list, was criticised by some opponents. Nevertheless, she was only acting president ex officio in her capacity as Speaker of the Assembly. As Speaker she was entitled to stand. She was also entitled to present herself in the election as a Presidential candidate – as indeed former PM, and leader of AAK, Ramush Haradinaj did in these elections. Nevertheless, although to the knowledge of the Mission, no official actions were taken by the acting president that were explicitly to her political advantage, her public threat to dismiss the Chair of the CEC immediately prior to the start of the campaign was problematic in that it undermined confidence in the electoral process and illustrated the tension between the Acting President’s constitutional duties and her political interests as a candidate in these elections.

4.1 Problems and recommendations

The controversy over the rejected candidatures of initially 47 candidates, including the leader of the largest party, harmed confidence in the neutrality of the election administration and removed choice from the electorate while increasing political tension. This additional penalty, in some cases going beyond the term of the original conviction,

⁷ LGE Art. 29.1(q) “Any person whose name appears on the Voter list is eligible to be certified as a candidate, except if he or she is:.. q) found guilty of a criminal offence by a final court decision in the past three years.”

is too broad in its scope to serve a legitimate purpose. In some other countries similar provisions have been abused as a mechanism for removing candidates. As a general principle, particularly in an open list system, the qualification to be a candidate should be the same as that of a voter.

- ***Consideration should be given to amending the Article 29.1 (q) of the Law on General Elections to remove the penalty of the automatic removing candidate rights from those convicted of crimes.***

There is no line of succession for the acting presidency beyond the Speaker of the Assembly. The calling of an early election concurrent with a vacancy in the presidency is foreseen in the Constitution given that the failure to fill the role of president automatically leads to an election of the Assembly. This resulted in the temporary ex-officio Acting President, who in their presidential role is meant to represent the country rather than party, uniquely exercising presidential powers while also standing for election.

- ***Consideration should be given to amending the constitution to provide for a line of succession for the acting presidency, which would allow the acting president to recuse themselves for the duration of an Assembly election to a pre-determined apolitical state official such as the Governor of the Central Bank, if the Speaker stands for re-election to the Assembly. Such a line of succession would also provide for the eventuality of the expiration of the six-month term of the acting president while elections were held.***

5 The election campaign

5.1 General campaigning conditions

Although the LGE defines a 30-day campaigning period for regular elections, it does not define the period for early elections.⁸ It also does not specifically prohibit holding campaign events prior to the official start of the campaign (3 February for these elections). All main political parties were active during the pre-campaign, prior to the too brief, ten-day official campaign.⁹ The effect of this is to remove the pre-campaign activities from the jurisdiction of the Election Complaints and Appeals Panel (ECAP) and the Code of Conduct,¹⁰ as well as avoiding campaign finance spending limits which apply only to the official campaign period.¹¹

The right to assembly has been upheld; no Kosovo-Albanian political parties reported to the Mission, or to our knowledge, to any other body, any barriers to free campaigning.¹² Parties and candidates used a variety of campaigning methods; door-to-door canvassing, indoor and outdoor large-scale meetings, and even large-scale rallies, with little or no regard to COVID-19 health measures. Social media was widely used, as demonstrated by both the Mission observation¹³ and the high number of fines issued for breach of electoral silence on social media.¹⁴

⁸ The LGE gives the CEC the right to modify timeframes for early elections as needed (Art. 4, para. 4.5. of the LGE). No regular Assembly elections have been held since independence.

⁹ Nevertheless, some parties gained an unfair “first-mover” advantage; in particular gaining the best private sector billboard venues. AAK’s “presidential campaign” was particularly visible on billboards and bus stops prior to the commencement of the official campaign. The “*Liria ka emër*” [“Freedom has a name”] poster campaign which pre-dated the calling of the election featured heavily, though not exclusively, PDK members, and can be seen as “third party campaigning”. It appeared that, based on limited observation in Pristina, of the main parties, VV was the most scrupulous in not placing posters until 3 February. See *campaign violations section*. PDK was the most active party in the media prior to the start of the campaign, presenting their electoral programme on TV, which also led to fines for five TV channels by IMC. See *the media section*.

¹⁰ Article 33 of LGE explicitly refers to the timeframe of the election campaign when listing the prohibited actions of election contestants, as does Article 3 of the [Regulation 01/2012](#) of ECAP, which prescribes fines for prohibited actions of the election contestants during the campaign. The first sanction by ECAP for breach of the Code of Conduct was on 5 February, referring to actions by a minister on 4 February ([Decision 331.2021](#)).

¹¹ Although Art. 40, para. 1 of the LGE sets out that campaign reports should cover the period starting 90 days prior to Election Day, [Decision 38-2021](#) of the CEC, para. III states that campaign spending limits are specifically related to the official campaigning period.

¹² On previous missions, with LTOs it was possible to assess that municipalities did not always provide equal treatment to parties in the provision of billboards of equal prominence. Anecdotally, there appeared to be a considerable preponderance of PDK billboards in Skenderaj/Srbica. No posters or billboards other than for SL and UZ-AH were observed in the Mission’s several visits to North Mitrovica. Similarly, in Gračanica/Gračanicë only SL and RI posters and billboards were seen. See *Kosovo-Serb Campaign section*.

¹³ See *Annex on social media*.

¹⁴ At least €34,250 in fines were issued to VV, SL, AAK, PDK and LDK based on Facebook and Instagram posts by officials of these parties on election day.

The campaign environment was physically calm, although the political climate was polarised throughout the electoral period, due in part to the persistently tense political environment which followed the previous elections, held on 6 October 2019.

See *Political Background* section.

5.2 Kosovo-Albanians' campaign

While all contestants discussed priorities and issues, the campaign also featured to a large extent personal attacks and attempts to damage the image of the other contestants. Some of the campaigning tactics included smear campaigns.¹⁵ ECAP issued at least four fines, for a total of €49,000, for use of so-called 'hate speech' or personal attacks against other candidates.¹⁶ ECAP used the term hate speech loosely, seemingly categorising as hate speech personal attacks towards other candidates, rather than in its formal meaning of inciting communal tensions. The discourse for which the fines were applied¹⁷ did not include an attack based on group identity.¹⁸ This can be attributed to the fact that hate speech is not properly defined in the LGE, leaving room for discretionary decision-making by ECAP.¹⁹ In general, it can be assessed that ECAP's decisions were (as in 2019) overly restrictive and hindered freedom of speech, by applying disproportionate sanctions for acts of contestants that could not be considered hate speech.

The leader of VV, Albin Kurti declined to debate any of the other candidates for PM, as he claimed that he was not competing with them as the popular sentiment was clear. Key campaigning topics included strengthening the economy, (in particular post-pandemic economic recovery), employment, and improvement of infrastructure. Foreign policy was not a prominent campaign topic and the dialogue with Serbia was barely mentioned

¹⁵ The target of personal attacks were mostly Kurti and Osmani, especially from the [LDK website](#). Limaj attacked both Hoxhaj and Kurti, but mostly Hoxhaj, attempting to undermine his credibility with KLA veterans. Hoti has repeatedly painted VV as a far-left party that "aims to orient the country towards the East."

¹⁶ Two fines for a total of €9,000 to PDK for attacking Kurti, one fine of €20,000 to Nisma for [attacks against Hoxhaj](#), and one of €20,000 to AAK for [attacks on Osmani](#).

¹⁷ E.g., on 11 February, ECAP fined AAK for a campaign ad in which VV's candidate for President, Osmani, was characterised as weak compared to Haradinaj who was characterised as strong. The ad claimed that Serbian President Vucic would vote for Osmani if he could as that would give him an upper hand in international relations with Kosovo. On 12 February, [ECAP fined PDK](#) for statements by Sami Lushtaku that can be considered personal attacks on Albin Kurti, but did not include elements of hate speech. Both complaints (from Kosovo Democratic Institute and VV) and the respective decisions of ECAP mention hate speech as reason for the sanctions, while no elements of hate speech can be found in the cases.

¹⁸ There is no international legal definition of hate speech. The definition used here is from the [2019 UN Strategy and Plan of Action on Hate Speech](#), which defines it as "...any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor".

¹⁹ Art. 33(l) of the LGE "using language, in oral or written form, which incites or provokes, or is likely to incite or provoke, another person to commit an act of violence against other persons or property, or which incites or is likely to incite hatred towards others..."

during the campaign. VV's programme did not include any mention of it; and even after the elections Kurti stated that this would only be the fourth priority of his government as it is not a priority for citizens.²⁰

5.3 Summary of social media analysis (main findings in annex).

Social media, especially Facebook, was extensively used during the campaign by all contestants. Throughout the campaign, the most popular posts on Facebook were related to the elections, showing the heavy usage made of the social media by parties and citizens. More evidence of the importance of Facebook for political communication in these elections is the demonstrated correlation between the number of engagements on Facebook for posts featuring a given political party, and the number of votes that party ultimately received.

The top five politicians, with the highest number of Facebook posts and also engagements (i.e., 'comments,' 'likes' and 'shares') during the election campaign were the Acting President and the leaders of the four Kosovo-Albanian parties that went on to win seats in the Assembly; Albin Kurti, Vjosa Osmani, Avdullah Hoti, Enver Hoxhaj and Ramush Haradinaj in that order. On a day-by-day basis, among the top five posts shared on Facebook, at least two were posts by VV leader or acting president or posts about their activities. Prime Minister Hoti and LDK also were in the top five on most days. The high number of out-of-country voters returning to vote was one of the top five topics on social media in the two days preceding election day.

In terms of political parties, the ranking of the top five Kosovo-Albanian parties by Facebook media engagements matches exactly the order of their electoral ranking by the voters.²¹ Some of the non-majority parties had very few social media postings and engagements.

After the elections, the political developments in LDK, particularly the resignation of their leader Isa Mustafa, and the ensuing leadership contest attracted a lot of social media comments. LDK moved from third to second placed political entity in terms of social media engagement, behind VV. Isa Mustafa had not been in the top five during the campaign. The outgoing PM Avdullah Hoti fell to fifth place, surpassed by Isa Mustafa and Ramush Haradinaj. The acting leader of PDK, Enver Hoxhaj fell in the period between election day and certification of results to eleventh place in terms of interactions. Albin Kurti and Vjosa Osmani kept their ranking as first and second placed in both time periods.

Close to election day, a popular topic on Facebook was the news that the CEC had instructed the mayor of Skenderaj/Srbica to turn off CCTV recording during election day

²⁰ See, e.g. [Kurti: Nuk i shmangim bisedimet me Serbinë – por së pari drejtësi e punësim.](#)

²¹ VV, PDK, LDK, AAK and Nisma.

inside classrooms that would serve as polling stations.²² The diaspora vote, and specifically the return of citizens living abroad to Kosovo to vote, was a trending topic on two of the three days preceding election day.

While the mission identified in online news portals some articles that contained misleading information, none of them trended significantly in social media. On election day, the most popular topic on social media was the statement of PDK's leader, Hoxhaj, which was considered breach of campaign silence by most media and also by ECAP.

While Facebook has lately been expanding their reporting of political adverts, including obliging declarations of who paid for them at around the time of elections in several countries in the Western Balkans,²³ this was not the case for Kosovo. This made it impossible to identify who paid for adverts on Facebook, or to complete a comprehensive analysis of the extent of their use.

(See Social media annex).

5.4 Kosovo-Serbs' campaign

These elections in the Kosovo-Serb majority municipalities, particularly in the four northern municipalities, took place in the stifling context of the recent history of actual, or threatened violence as well as threats of economic consequences against candidates, potential candidates and voters from within the Kosovo-Serb community and from Serbia.²⁴ The assassination of the Kosovo-Serb opposition leader Oliver Ivanović in 2018 cast a shadow which lingers to this day, causing fear among opposition and potential opposition. Kosovo police and prosecutors' offices were perceived as having insufficiently protected citizens from threats of violence and economic intimidation; UK EEM interlocutors claimed that standards of rule of law and police enforcement were demonstrably lower in Kosovo-Serb areas than the rest of Kosovo, and that this was leading to Kosovo-Serbs moving away from these areas.

Therefore, the context of the 2021 election campaign in the Kosovo-Serb community, in which there was almost no visible active physical campaign by opposition lists, was an absence of competition which produced a misleading general impression of calm. Beside Srpska Lista (SL) there were two other Kosovo-Serb designated lists running for these elections. They were the new entities based in the Southern municipalities; the Serb Democratic Alliance – (SDA) with 5 candidates and the Civic Initiative for Freedom,

²² Two of the top five trending topics on Facebook the day before election day were about this. See this [media report](#).

²³ Montenegro, North Macedonia and Serbia since March 2020; and Albania since March 2021.

²⁴ In 2019 President Vucić implied that without ten seats for SL, Serbia would not be in a position to “look after” Kosovo-Serbs.

Justice and Survival – (CI FSJ) with only 3 candidates.²⁵ SLS and PKS, two opposition parties which ran in 2019 claimed that democratic conditions for elections do not exist.²⁶

The opposition parties were barely visible except for a few media statements and one meeting with supporters in Štrpce/Shtërpca organised by CI FJS jointly with VV. This received negative reactions from Serbian government officials and was used by SL to further delegitimise and verbally attack CI FJS representatives and indeed VV leaders. Most of the opposition campaigns took the form of individual meetings and private communication, since they claimed that they were unwilling to mount a high-profile campaign for the safety of their supporters.

Compared to previous elections, the official and media messages seeking to delegitimise the candidature of opposition candidates were of a lesser intensity, though still present. Srpska Lista in its campaigning relied heavily on the support received from the Government of Serbia, including for COVID-19 measures. The party's campaign mostly consisted of doorstep meetings with voters.²⁷ SL also focused its campaign on visiting rural areas, organising smaller events where the key messages was that the government and the president of Serbia would protect their interests and work through SL for the benefit of the Kosovo-Serb communities.

In contrast to most of the Kosovo-Albanian parties, SL, with the notable exception of election day, was scrupulous to adhere to COVID-19 protocols, and other letters of the law, meaning that it was the major party least sanctioned by ECAP and other authorities.²⁸

The seemingly coordinated support that SL appeared to lend to UZ-AH and RI through extensive voting by Kosovo-Serbs for parties representing other communities also may have denied Kosovo-Serbs the opportunity to vote for parties of their choice within their own community.

(See Kosovo-Bosniak and Kosovo-Roma, Ashkali and Egyptian sections).

5.5 Kosovo-Bosniaks' campaign

The Kosovo-Bosniak community had five parties competing for these elections. The main topics in the campaign, as in the previous election cycles was the issue of forming two new municipalities for the Kosovo-Bosniaks. The parties consider this issue as the most important condition for their support to the future Kosovo government. Additionally, they

²⁵ Nenad Rasić's Sloboda Coalition supported the Civic Initiative in these elections. Rasić claimed that his own candidature would be a distraction.

²⁶ SLS is no longer registered as a party. PKS made [this statement](#).

²⁷ There were many posts on their [Facebook](#) page in the run-up to the election of candidates and party supporters delivering bags of small promotional gifts to voters in their houses.

²⁸ However, it was reported that after the election the SL mayor of Klokot/Kllokot was detained by police on charges of "violating voting rights". His case was pending at the time of writing this report.

sought effective inclusion in state structures and efforts for a multi-ethnic society dominated the political discourse during the campaign.

The key controversy in these elections, and the subject of much debate, including outside of the Kosovo-Bosniak community was the launching of the new political party United Community of Adrijana Hodžić, (UZ-AH), the recently appointed deputy mayor of North Mitrovica. Before, during and after the campaign, there were numerous rumours and direct accusations that SL provided financial and logistical support to UC-AH. In North Mitrovica, UZ-AH posters were the only other party posters that were visible along with SL's.

Another new development was that VV in general, and Albin Kurti and Vjosa Osmani in particular, campaigned directly with Emilija Redžepi's NDS in Prizren. There is no evidence from the results that Kosovo-Albanians' votes were channelled towards NDS.

5.6 Kosovo-Turks' campaign

For the first time since the 2017 municipal elections, the Kosovo-Turkish community had two political parties to choose from. The well-established political party KDTP faced a new challenger in the YTHP set up by defectors from KDTP in October 2020.²⁹ As with NDS in the Kosovo-Bosniak community, there was a limited amount of campaign co-ordination between YTHP and VV. YTHP, as a new political actor, had difficulties financing their campaign and providing an adequate number of observers at polling stations, which they believe was crucial to secure the legality of the election process. During the campaign, there were claims that voters faced economic threats and inducements through the dependence of voters on public jobs and funding, though the Mission was not able to ascertain the veracity of these claims.

5.7 Kosovo-Romas', Ashkalis' and Egyptians' campaigns

These three non-majority communities, unlike the other non-majority communities, are more widely dispersed around Kosovo. They have been subjected to vote buying schemes in the past by several community and Kosovo-Albanian parties, through the provision of food, money and phone credit. In the absence of LTOs, there were fewer reports available to ascertain the prevalence of this, though the Mission did see a video which alleged vote buying in Fushë Kosovë/Kosovo Polje.

In these elections VV promoted two pre-existing non-majority parties IRDK (in the Kosovo-Egyptian community) and PREBK (in the Kosovo-Roma community) as partners, including by organising campaign activities together. On a different scale, was the creation of a newly formed political entity called the Romani Initiative (RI) from Gračanica/Graçanicë which was accused of being a proxy of SL. Election results demonstrated that RI won more than 3,800 votes out of which 70% were from Kosovo-

²⁹ KDTP appeared to use its position on the CEC to delay the approval of the registration of YTHP. See *CEC recommendation*.

Serb areas.³⁰ Nevertheless, unlike UZ-AH, they were able to gain some 1,100 votes from other parts of Kosovo which indicates that they had some support in the Kosovo-Roma community.

5.8 Kosovo-Gorani's campaign

Members of the Kosovo-Gorani community reported feeling cut-off from both Kosovo and Serbia, having lost the municipal status that they held under the Yugoslav system. They remain partially economically and institutionally dependent on Serbia's state support. This has implications for their political choices, with similar controls exercised as in the Kosovo-Serb community exercised directly and indirectly. The United Gorani Party (JGP) won the sole guaranteed seat for the community for the fifth consecutive time. Multiple sources referred to threats and intimidation used by JGP, accusing them and SL of misusing resources of the Serbian state parallel institutions, including for instance the Education Department.

5.9 Campaign violations and fines

Civil society and media highlighted some instances of misuse of administrative resources, including filing complaints with ECAP. However, their focus was mostly on the misuse of public assets (such as municipal vehicles) for campaigning, or using state offices for ads by ministers, which are prohibited by law.³¹ The law does not include explicit provisions against local and central government policy and financial decisions designed for electoral gain by incumbents.

As in 2019, the government allocated funds for grants and support to groups in the final days before the official campaign,³² and throughout the campaign until two days before election day,³³ seriously abusing incumbent advantage and creating an unfair campaign environment. The caretaker incumbent Prime Minister Avdullah Hoti, who was also the

³⁰ These results were later partially overturned by ECAP. *See election results section.*

³¹ ECAP has issued at least four fines, for a total of €13,000 for such breaches. The LGE states: "A person who holds a public office, elected or appointed, may not use such office or any of its resources for the purpose of obtaining votes. No resource of any institution of the public administration at a central or local level or any enterprise owned or controlled by central or local authorities can be used or applied in support of a political entity in an election." (Art. 35.1) It seems that this is narrowly interpreted to refer to vehicles and telephones rather than more meaningfully, taxpayers' money.

³² Examples include a [call for applications for grants for farmers](#), by the Agency for the Development of Agriculture (under the Ministry of Agriculture, Forestry and Rural Development) opened on 29 January; a [call for application for grants for SMEs](#), by the Agency for Investments and Support to Enterprises in Kosovo (under the Ministry of Commerce and Industry) opened on 25 January.

³³ E.g., [increase in subsidies for farmers](#) by decisions adopted by the Government on 3 February. On 9 February, the Prime Minister received representatives of the Association of War Invalids of KLA and promised that the Government will provide €578,000 for prosthetics. A [decision of the government](#) to that effect was adopted on the same day. On 12 February the Government decided to cancel tuition fees for all undergraduate students and 50% decrease of tuition fees for master students for the 2020-2021 academic year.

PM candidate for LDK, claimed in the run-up to the campaign that Kosovo had procured COVID-19 vaccinations; however after the elections, that appeared not to be the case.

ECAP issued at least 40 fines to contestants for violations of the Code of Conduct, (see tables below) for a total of €209,550.³⁴ ECAP's decisions were generally posted on their webpage, but not in an easily accessible format, and the order of posting does not always follow the order of decisions or the date, making it difficult to track the decision-making, thus hindering transparency.

Fines issued by ECAP for breach of the Code of Conduct by contestants (categorisation and amounts per party)

Reason	Party						Grand Total
	AAK	LDK	VV	Nisma	PDK	SL	
Breach of campaign silence	€16,250	€15,000	€38,000		€42,500	€1,000	€112,750
Defamation / hate speech / personal attacks	€20,000			€20,000	€9,000		€49,000
Disruption of electoral events		€2,000					€2,000
Electoral event without the permission of MEC			€6,000				€6,000
Graffiti for campaign purposes						€1,200	€1,200
Improper placement of posters	€8,400		€1,200	€1,500	€12,000		€23,100
Misuse of administrative resources	€7,000	€4,000			€2,000		€13,000
Use of minors in campaign	€2,500						€2,500
Grand Total	€54,150	€21,000	€45,200	€21,500	€65,500	€2,200	€209,550

Source: [ECAP](#)

Fines issued by ECAP for breach of the Code of Conduct by contestants (categorization and number of fines applied, per party)

Reason	Party						Grand Total
	AAK	LDK	LVV	Nisma	PDK	SL	
Breach of campaign silence	3	3	7		5	1	19
Defamation / hate speech / personal attacks	1			1	2		4
Disruption of electoral events		1					1
Electoral event without the permission of MEC			1				1
Graffiti for campaign purposes						1	1

³⁴ These are the fines that the Mission could find from the decisions posted on the ECAP's official webpage . A full list of sanctions applied by ECAP for breaches of the Code of Conduct can be found in the annex.

Improper placement of posters	6		1	1	1		9
Misuse of administrative resources	2	1			1		4
Use of minors in campaign	1						1
Grand Total	13	5	9	2	9	2	40

Source: [ECAP](#)

Nineteen of these fines were related to breaches of campaign silence amounting to €112,750 in fines; and nine related to the improper placement of posters for a total of €23,100 in fines. Some of these fines can be considered disproportionate and hindering freedom of expression,³⁵ at odds with international standards.³⁶

The breaches of campaign silence, (covering election day, and the day of silence before it), concerned candidates or officials of political parties posting on social media, text messages sent to voters calling upon them to vote for VV, PDK and LDK, or statements made by party officials.³⁷ The two largest fines were for acting party leader of PDK Enver Hoxhaj's statement using the electoral slogan of PDK in interviews during election day (€25,000 fine), and VV for an indoor event organised the day before (€20,000 fine).

Third party campaigning is not regulated in the law, which leaves room for exceeding the campaign spending ceiling (as only contestants have an obligation to report campaign expenditure) and creates an uneven playing field, by providing unfair advantage for some contestants. Possible instances of third-party campaigning include political ads on some TV channels which did not include the disclaimer stating who paid for them.³⁸

However, the most obvious case of third-party campaigning was the activity of the “*Liria ka emër*” [“Freedom has a name”] campaign, which sought to glorify the UÇK [Kosovo Liberation Army - KLA]. The campaign started in July 2020³⁹ seemingly in anticipation of the indictments of the former leader of PDK and then incumbent President of Kosovo, Hashim Thaçi and PDK party leader Kadri Veseli (and others, some of whom were not in PDK) by the Specialist Prosecutor's Office in The Hague for alleged human rights abuses

³⁵ E.g., on 8 February ECAP [sanctioned an AAK candidate](#) for posting a picture of himself with his minor son and Ramush Haradinaj on his personal Facebook page.

³⁶ Article 19, para 2 of the International Covenant on Civil and Political Rights states that “*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*”

³⁷ On election day, in a statement for journalists after voting, Hoxhaj called upon citizens to go out and “vote for restoration”, which was the slogan of PDK during the campaign. The statement was censored by some media outlets, who wrote that Hoxhaj committed a breach of electoral silence, without quoting the exact statement (which could have made them also subject to fines from ECAP). Other outlets quoted the politician, while highlighting that this was a breach of electoral silence. ECAP fined PDK for this statement in the amount of €25,000.

³⁸ See *Kosovo-Albanian media section*.

³⁹ According to a [Facebook page](#) claiming to be the official page of the platform (although several others, some with larger following, exist).

when they were commanders of the KLA. The campaign became more active in November at around the time of the indictment. The campaign was widely regarded as being closely connected to PDK.⁴⁰ Billboards were observed throughout Kosovo-Albanian majority parts of the country before, during and after the campaign,⁴¹ including on top of the public sector broadcaster's building. Many ads were broadcast by RTK throughout the campaign, (as well as before and after it), featuring Thaçi and Veseli. The financial backers of the campaign are unknown, but the Mission was informed by journalist sources that they thought that RTK donated the airtime for free but that other stations refused to do so.

5.10 General problems and recommendations

The ten day *de jure* official campaigning period for early elections is insufficient for political parties to be able to campaign efficiently and for voters to be informed. *De facto*, political parties start campaigning as soon as elections are called (especially in the case of early elections) and thus the short formal campaigning period only serves to avoid the legal prohibitions and financial reporting requirements associated with the campaign. Given the long periods of caretaker governments which have often preceded and followed "early elections", compressing the electoral cycle serves no essential purpose, particularly since the post-election period is so long due to the large numbers of recounts and the processing of out-of-country and conditional ballots.

- ***Early elections should be called with 60 days' notice. The official campaigning period for early elections should be the same period (30 days) as for regular elections.***

The up to 30-day period between the certification of results and the opening of the new Assembly permitted by law is unnecessarily long and adds to the political intrigue of coalition negotiation rather than resolving it. It also extends the period in office of the outgoing government, which may have lost their mandate in both the outgoing Assembly and with the electorate. The feasibility of this recommendation is demonstrated by the Assembly being called ten days after the certification of results on this occasion.

- ***The Assembly should be called a week after the certification of results.***

The law does not include specific provisions that prohibit misuse of administrative resources for electoral gain, complete with relevant sanctions and an effective supervisory mechanism. The definition of misuse of administrative resources is too

⁴⁰ Including PDK's third listed candidate for these elections, Eliza Hoxha.

⁴¹ One of the banners of the campaign was burnt down in Gračanica on 17 November 2020.

narrow and leaves out many potential misuses (e.g., development projects, increase of salaries, increase in social benefits and subsidies, etc.)

- ***Policy and financial limitations could be placed on central and local government in the lead-up to elections, restricting decisions that redirect public funds to programmes or actions that provide electoral advantage, unless strictly necessary.***

The restrictions on use of minors during campaigning is arbitrary and limits freedom of expression.

- ***Any limitations to freedom of expression must be prescribed by law and necessary.***

The LGE defines hate speech loosely, allowing for a wide margin of discretion by ECAP while sanctioning contestants on its use, potentially hindering freedom of speech.

- ***The definition of hate speech in the LGE should be more narrowly specified and aligned with internationally acknowledged definitions of the term.***

Regrettably, Facebook did not provide information in the “ad library” on numbers, targeting or spending on political adverts in Kosovo, unlike in several recent regional elections in the Western Balkans.

- ***Social media companies should provide transparency concerning advertising spending on their platforms.***

5.11 Problems and recommendations for non-majority communities

The constitutional system of guaranteed seats was designed to provide safeguards to ensure political representation of all non-majority communities. However, over the years it has in some cases resulted in undemocratic tendencies and clientelism. It has also tended to entrench ethnic divisions rather than create a genuine multi-ethnic political system. Democratic choices are severely constrained in the Kosovo-Serb and Kosovo-Gorani communities and to a lesser extent in the Kosovo-Turkish community.

The trust and restraint based electoral system for non-majority parties in the (rightful) absence of ethnicity defining identification documents was subverted by a seemingly coordinated attempt by the leadership of the Kosovo-Serbs to determine the representation of the Kosovo-Bosniak and Kosovo-Roma communities. This indirectly also likely reduced representation for either the Kosovo-Egyptian or Kosovo-Ashkali community. Directing the votes of Kosovo-Serbs also damaged the freedom of choice of Kosovo-Serbs. Without legal reform, the electoral system for the smaller non-majority groups will remain vulnerable to judicial intervention and/or abuse by larger communities. Debate about the appropriateness of the current system is inevitable. Nevertheless, reform of the system is not going to be constitutionally possible in the absence of a wide-

ranging final settlement normalising relationships between Kosovo and Serbia, nor without the two-thirds consent of the non-majority communities.

Kosovo-Albanian parties have so far used the models of separate representation by non-majority parties as an excuse to neglect the ongoing problems and integration of non-Kosovo-Albanian groups. At present there are few incentives for the Kosovo-Albanian parties to incorporate non-majority candidates in their lists. At the same time, some Kosovo-Albanian parties dispute either the principle or the practice of guaranteed seats allocated to non-majority communities.⁴²

- ***The open-list, multiple preferential voting system permits some creative and voluntary approaches towards a list quota system which could eventually represent non-majority groups within multi-ethnic parties, just as over time gender quotas have become successful. As a start, the parties running for the non-reserved seats could voluntarily include one in eleven non-Albanian candidates zipped in their lists. This could allow for other communities' voices to be heard within the largest parties and could encourage democratic diversity within all of the communities, while also preserving the reserved seats for the time being.***

⁴² "Equality and national minorities a). Parties representing national minorities must be permitted. b). Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not in principle run counter to equal suffrage. c). Neither candidates nor voters must find themselves obliged to reveal their membership of a national minority." Art. 2.4. [Venice Commission Code of Good Practice in Electoral Matters](#)

6 Campaign finance

While the legal framework does prescribe rules for party and campaign finance, including limitations on sources of income, limits on income and expenditure, rules for self-transparency by political parties (disclosure requirements) and supervision, in practice there is little transparency or effective supervision, which goes against the principle of accountability of political parties.⁴³

The law provides for annual financial support for parliamentary parties,⁴⁴ as well as additional public funding to support election campaigns, 10% of which may be allocated to non-parliamentary political parties.⁴⁵ The parties in the Assembly continued their regrettable policy of not allocating this funding to non-Assembly parties.⁴⁶ International best practice suggests that when state funding is provided to established parliamentary parties, it should also be available in order to encourage pluralism to non-parliamentary parties.⁴⁷ This is particularly important in the non-majority guaranteed seats where in the cases of the Kosovo-Serb, Kosovo-Turkish, Kosovo-Gorani, Kosovo-Roma and Kosovo-Ashkali communities were all represented in the outgoing Assembly by single parties.

The expenditure ceiling is €0.50 per voter. For these elections, based on the most recent voter list, the ceiling was set at €934,831 per party. The parties should make public the financial reports for the campaign within 45 days of election day, which is after the period of analysis covered by this report.

Party and campaign spending transparency and supervision is mostly done on formal grounds, and is neither timely (i.e., it does not allow for income and expenditure to be disclosed before election day) nor effective (the format makes it hard for the public to understand without data being analysed by third parties). Parties and electoral contestants submit campaign finance reports to the Office for Registration and Certification of Political Parties, which is a division of the CEC. The LGE tasks the Office for Political Parties with auditing campaign financial reports as well as candidates'

⁴³ Paragraph 23 of OSCE/ODIHR and Venice Commission [Guidelines on political party regulation](#): “Political parties may obtain certain legal privileges, due to being registered as a political party, that are not available to other associations. This is particularly true in the area of political finance and access to media resources during election campaigns. As a result of having privileges not granted to other associations, it is appropriate to place certain obligations on political parties due to their acquired legal status. This may take the form of imposing reporting requirements or transparency in financial arrangements.”

⁴⁴ Up to 0.17% of the state budget; Art. 5 of the Law on Party Finance. On 19 January, the CEC [allocated €700,000 funding for political parties](#) for the months of January and February 2021.

⁴⁵ Up to 0.05% of the state budget; Art. 10 of the Law on Party Finance.

⁴⁶ See reports of EU Election Observation Missions for previous elections in Kosovo.

⁴⁷ See for instance paragraph 3.5/111 of the Venice Commission [Code of Good Conduct in Electoral Matters](#). Paragraph 23 of OSCE/ODIHR and Venice Commission Guidelines on political party regulation: “...to promote political pluralism, some funding should ideally be extended beyond parties represented in parliament to all parties representative of a minimum level of the citizenry’s support and presenting candidates in an election. This is particularly important in the case of new parties, which must be given a fair opportunity to compete with existing parties.”

financial forms,⁴⁸ though the resources and authority to check the financial reports (both campaign and annual reports) are lacking. What verification there is, is done mostly in terms of formal elements that the reporting must contain rather than substantive reporting.

Parties are required to submit annual financial reports and separately report for campaign income and expenditure when there are elections. The Commissioners of the CEC decide if the reports should be published online, which they failed to do for the 2019 elections and the 2018 annual reports. The decision of the CEC not to disclose the reports is based on a very narrow interpretation of the Law on Party Finance, which sets out that financial reports are published along with audit reports.⁴⁹ The wording of the article is ambiguous, as it does not make it clear if financial reports can be made public, if not audited. Indeed, the CEC has made inconsistent decisions; both the 2018 and 2019 annual reports of the parties have not been audited, but while the 2018 reports remain unpublished, the 2019 reports have been posted on the CEC webpage.⁵⁰ The reasons for failing to audit the reports are questionable. The principle of transparency and accountability of political parties should prevail. Although the Supreme State Audit has the right to audit financial reports of political parties, this has never occurred.

The 2019 election campaign reports have not been published. The auditors of the 2017 campaign reports noted considerable failures to keep accurate records and the acceptance of donations in excess of the legal limit per individual in the case of VV⁵¹ and also that the PAN coalition of PDK, AAK and Nisma did not have a consolidated campaign account making accurate accounting unfeasible.⁵²

Parties can voluntarily provide transparency by providing information on their webpages, and some of them do so. Of the seven Kosovo-Albanian parties that participated in these elections, only three, (VV, Nisma and Fjala), have some financial reports published on their webpage.⁵³ Srpska Lista has published annual and campaign financial reports on its website.

6.1 Problems and recommendations

The mechanism for party and campaign financial reporting does not lead to a meaningful outcome since it is formalistic and subject to decisions made by the political parties themselves as CEC commissioners. During campaigns there is little to no voluntary

⁴⁸ LGE Art. 41.2.

⁴⁹ LGE Art. 15.4 of the law states that “CEC should publish all annual financial reports together with auditing declaration of political parties in its official page.” The CEC has sometimes interpreted this to mean that the financial reports can only be published accompanied by audit reports.

⁵⁰ [CEC website on 2019 party annual accounts](#)

⁵¹ [CEC website on campaign financial reports](#)

⁵² [PDK 2017 campaign financial report](#)

⁵³ The webpage of AAK does have a section dedicated to financial reports, but no reports are published there, while PDK, LDK and Partia Balliste do not seem to have a section at all.

transparency by parties on their sources of income or amounts of expenditure until after the campaign, which may or may not be made public.

- ***The existing Office for Political Parties should be removed from the Central Election Commission in order to insulate the Office from decisions taken by political parties. It could become either a fully separate body, or part of the institution of the Election Complaints and Appeals Panel.***
- ***Parties should submit financial reports during the campaign at reasonable intervals (online real time reporting could also be considered), as well as at the end of the electoral process.***
- ***Campaign financial reports should be published immediately as they are received, and automatically audited. Reports should be published in an easily accessible electronic (rather than paper scan) format.***
- ***The Office for Political Parties should be provided with the necessary resources to perform meaningful supervision of party and campaign finance, including means to monitor the campaign and perform an independent estimation of campaign costs, based on sound methodology.***

The LGE provides for discretionary funding of newly formed and non-Assembly parties in addition to state funding of Assembly parties. However, this discretion is not exercised by the parties who take decisions.

- ***The existing discretion to allocate 10% of the state funds allotted to political parties to non-Assembly parties should become a statutory requirement in order to provide more equal access to state funds for all registered political subjects.***

7 COVID-19 compliance

Government anti-COVID-19 measures were comprehensively ignored by parties. Despite public calls (e.g., the Ombudsman and the Minister of Health), very little was done by the parties to provide for a secure environment and lower the risk of exposure to COVID-19 for participants at party events. The political parties acknowledged to the Mission that they were aware of breaking anti-COVID-19 rules, justifying this on the basis that the other parties were doing the same, and it was important to have large crowds to show support; and that they have no control on the number of people showing up. These few fines are accepted as a reasonable price to pay for campaigning.⁵⁴

Moreover, public institutions in charge of enforcing anti-COVID-19 measures were mostly passive, ignoring the violations by parties. The only institution that the Mission is aware to have applied sanctions is the Municipality of Pristina,⁵⁵ which fined five parties for a total of €22,000, starting on 11 January.⁵⁶ Even in these few cases of enforcement, the law was not fully observed, as only the parties were fined, but not their legal representatives (i.e., the individual Chairpersons), as the law prescribes.⁵⁷

In the four weeks following the election, rates of reported confirmed cases of COVID-19 increased by between three and four-fold.

7.1 Problems and recommendations

The Mayoral and Municipal elections are due to be held at some point between 22 August and 22 November 2021.

- ***Lessons learned from these elections concerning health precautions for the campaign and election day, and in the Counting and Results Centre, should be implemented for future elections held during a time of health crisis. These should include stricter enforcement of health precautions during campaign events. On election day consideration should be given to health-based amendments to the voting process, such as the extension of voting hours, compulsory use of alcohol gel and nose and mouth coverings upon entry to the polling station and encouraging voters to use their own pens.***

⁵⁴ Some of them have even acknowledged this publicly in TV debates.

⁵⁵ The Municipality of Skenderaj/Srbica not only did not fine PDK for organising gatherings in violation of the law but asked to comment on this decision by the media, stated that although they were aware of the problem but that the Municipality could not do anything about it as it was a countrywide problem, and that the central government should have taken measures to address this issue. [See media report.](#)

⁵⁶ AAK (two fines); LDK (three fines); VV (two fines), Nisma (one fine); PDK (three fines). Each fine was for €2,000.

⁵⁷ Law no. 07/L-006, For the prevention and fight against the COVID-19 pandemic in the territory of the Republic of Kosovo, Art. 25, para. 1.

8 Kosovo-Albanian language media

8.1 Overview

The main sources of information for citizens are television, social networks and online media. According to a 2020 poll conducted by the National Democratic Institute,⁵⁸ television is the most trusted source of information,⁵⁹ followed by social networks⁶⁰ and online media.⁶¹ The most influential TV stations in the country, according to interlocutors are, [Klan Kosova](#), [KTV](#), [RTK](#), [T7](#), [Dukagjini TV](#), and [Kanal 10](#), although no recent viewership data are available. No newspapers have been printed since the start of the Covid-19 pandemic, although their distribution was small before then.

According to interlocutors, most TV stations' editorial policies are dictated by the interests of the owners. This is especially a concern since in some cases there is a lack of ownership transparency. Self-censure by TV and online journalists has been raised as a concern by media interlocutors. A further issue is that in both 2019 and 2021 there were repeated, but undocumented, claims that journalists and 'analysts' were either explicitly contracted by political parties' wealthy backers,⁶² or offered political favours in return for favourable coverage.⁶³

8.2 Campaign coverage in the media

The campaign was covered widely by TV channels. On almost all the main TV channels there were debates and/or interviews with representatives of election contestants, often followed by panels of analysts discussing campaign developments. Although the UK EEM did not have a media monitoring component, it appeared from a random sample of these programmes that some of the invited opinion-makers in these discussion panels selectively criticised contestants, which *de facto* turned the discussions into campaigning platforms.

Rules for broadcasting paid-for content include the obligation to clearly mark that the content is paid and by whom. Not all TV channels have observed this rule fully, in some cases only showing that the content was paid but failing to mention by whom, thus opening the possibility for third-party campaigning.

The broadcasters' oversight body, the Independent Media Commission (IMC), monitored 22 TV stations for compliance with the legal framework during the main broadcasting hours (16:00 - 00:00) and prepared daily, non-publicly disclosed, reports with raw data. The reporting methodology was both quantitative (airtime) and qualitative (tone used). The final report was issued on 2 March. The report assessed that, in general, the media's

⁵⁸ NDI (2020). [Kosovo Public Opinion Survey](#).

⁵⁹ Trusted by 66% of the respondents.

⁶⁰ Trusted by 15% of the respondents.

⁶¹ Trusted by 8% of the respondents.

⁶² Thus avoiding political parties' exposure – and campaign spending reporting and limits.

⁶³ Some of these claims come from journalists themselves.

coverage of the campaign was fair and balanced regarding coverage times, and the tone mostly neutral.⁶⁴ The main violations mentioned in the report include improper labelling of electoral advertising; use of children in political ads; sponsored political shows or product placement during the shows; and breach of campaign silence. Only one case of hate speech was observed according to the IMC throughout the campaign⁶⁵.

In a positive development, in a change from previous elections, the IMC monitored the conduct of the broadcasters from 17 January, thus monitoring not only the campaign but also at least part of the pre-campaign. This resulted in the IMC warning five TV channels⁶⁶ for broadcasting “programmes sponsored by political parties”.⁶⁷ Based on IMC findings, PDK was the most active party in the pre-campaign period.

Moreover, IMC sanctioned eight broadcasters for breaking the media conduct rules during the campaign. Sanctions - ranging from €2,000 to €7,500 - concerned improper disclaimers on campaign advertising (failing to mention who paid for the content) sponsored political shows, and product placement during political/electoral shows. The IMC informed the Mission that no complaints were filed against broadcasters for these elections.

Sanctions applied for violations before the start of the campaign		
Broadcaster / Link to decision	Sanction	Reason
Kanal 10	Warning	Broadcast of programme sponsored by PDK
Klan Kosova	Warning	Broadcast of programme sponsored by PDK
KTV	Warning	Broadcast of programmes sponsored by PDK
RTK 1	Warning	Broadcast of programme sponsored by PDK and LDK
T7	Warning	Broadcast of programmes sponsored by PDK
Sanctions applied for violations during the campaign		
Broadcaster / Link to	Sanction	Reason

⁶⁴ [Monitoring report of IMC](#), page 8.

⁶⁵ By TV PULS, during the newscasts of 12 February 2021. The report does not contain details on the case. However the channel took steps to ensure that this did not happen again.

⁶⁶ Kanal 10, Klan Kosova, Kanal 10, RTK 1 and T7. [IMC statement](#).

⁶⁷ In all five cases PDK was a sponsor of the programmes and was joined in one case by LDK.

decision		
Kanal 10	€5,000 fine	Using split screen and product placement during political programming
I7	€5,000 fine	Using split screen and product placement during political programming. Political TV shows sponsored.
TV Dukagjini	€7,500 fine	Broadcasting political ads without labelling by whom they were paid. Political TV show sponsored.
Klan Kosova	€5,000 fine	Product placement during political programming. Political TV shows sponsored.
KTV	€5,000 fine	Product placement during political programming. Political TV shows sponsored.
RTK 1	€5,000 fine	Broadcasting political ads without clearly labelling them as paid or unpaid, as well as ads without labelling by whom they were paid.
TV Syri Vision	€2,000 fine	Broadcasting political ads without clearly labelling them as paid or unpaid, as well as ads without labelling by whom they were paid.
TV Puls	€2,000 fine	Broadcasting political ads without clearly labelling them as paid or unpaid, as well as ads without labelling by whom they were paid.

Although the Mission positively assesses the fact that IMC applied sanctions during the electoral campaign, instead of as in 2019, after it, the mechanism is still slow and sanctions were applied at a late stage of the campaign (only one day before the last day of the campaign), thus reducing its effectiveness in terms of deterring improper conduct. This could in part be resolved by having longer official campaign periods for early elections.

None of the 13 issued fines concerned biased reporting, lack of pluralism, or use of negative tone (all provisions included in the Code of Ethics)⁶⁸ and were instead issued for obvious, but more technical violations. In the absence of the data used by IMC to reach their conclusions, it is not possible to judge if such instances existed and were ignored or the monitoring did not show them.

⁶⁸ [Code of Ethics for Broadcasters in the Republic of Kosovo](#).

The Mission monitored the trends in online media and Facebook.⁶⁹ Keywords and topics related to elections were tracked, as was the popularity of political leaders in online media and news portals. In total, the UK EEM followed 151 news portals.

See Social Media annex for more details.

8.3 Access and political boycotts

VV and PDK *de facto* boycotted some TV channels, refusing to appear in debates or interviews, seeking instead to appear on more ‘friendly’ or neutral broadcasters. PDK not only boycotted but also openly criticised RTV Dukagjini. Their stated reason was a controversy over the results of a pre-election poll published on 19 January which showed VV as the winner of the election by a wide margin.⁷⁰ After the publication of the poll’s results, PDK publicly stated that it would boycott all media under the ownership of Ekrem Lluka (including TV Dukagjini), accusing Lluka of conspiring with Albin Kurti to manipulate public opinion and calling on citizens to boycott the broadcaster also. On the other hand, VV reportedly turned down invitations for debates and interviews by RTK and T7, both of which are perceived to be biased against VV by some of the Mission’s interlocutors.

Albin Kurti and Vjosa Osmani appeared in an interview (labelled as debate) with three analysts on the last day of campaigning on TV Dukagjini.⁷¹ According to media reports,⁷² they made the interview conditional upon selecting the panel of analysts asking questions, specifically refusing to face two analysts who a few days before, on another debate, asked what were considered as tough questions to two VV candidates.⁷³

8.4 Online media

While TV and radio are regulated and supervised, online media remains unregulated. Political discourse has largely moved online, including social media, in common with the global trend. While some online media observe journalistic standards, according to media interlocutors, many of them lack professionalism and standards, do not disclose their ownership, and do not produce their own content but reshare content produced by other media, without citing the original source. They are, reportedly, used to spread fake news and smear campaigns against electoral contestants. Misinformation and disinformation are reported to be a problem by political party interlocutors.

8.5 Problems and recommendations

The IMC deserves credit for starting media monitoring earlier and for sanctioning violations before the election rather than after it. However, further progress is difficult in

⁶⁹ Twitter is little used for political communication with the general public.

⁷⁰ According to which VV would get 54.1% of the vote and PDK 14.9%

⁷¹ The interview was also broadcast live by KTV.

⁷² [See media report.](#)

⁷³ Although VV did not attend debates or interviews on RTK, according to [media reports](#) it tried to make RTK rebroadcast Friday’s interview on TV Dukagjini, by trying to buy airtime from 9:00 PM to 10:30 PM, on Friday, 12 February, a request that was refused by the marketing department of RTK.

the compressed calendar of early elections. The IMC does not publicly disclose daily data for media monitoring, thus hindering transparency on the coverage of the campaign during the campaign proper. Sanctions applied by the IMC are not dissuasive. The mechanism is more geared towards sanctioning violations *post factum*, instead of aiming to deter improper conduct by the media and ensure fair and balanced information for the public. The two leading parties appeared to selectively boycott certain TV stations.

- ***IMC's monitoring data should be published daily, even if in a raw format, so that transparency of media conduct during the campaign is improved and the rationale for applied sanctions is clear.***
- ***The oversight mechanism during election campaigns should be adapted to ensure timely and dissuasive sanctions to help ensure that the public is provided with balanced and fair information during the campaign. Changes could include holding more frequent IMC sessions during election campaigns. Remedy for affected parties could be provided, in the form of additional airtime granted for unbalanced coverage or clarification opportunities for biased comments.***
- ***While parties have the right to choose their platforms of communication, it is good practice for politicians to make themselves available to journalistic scrutiny. Avoiding doing so could potentially contribute to polarising both media and society.***

9 Kosovo-Serb and Republic of Serbia media

9.1 Overview

The Kosovo-Serb community mostly relies on broadcasters from Serbia, rather than the Serbian language broadcasts from Kosovo for news. Belgrade based media with Serbia-wide coverage such as RTS, Pink, B92 and Happy are visible throughout Kosovo through cable and satellite broadcasting. A few independent Belgrade media such as N1 and NovaS do not have cable coverage in all Kosovo-Serbs areas but can be seen online. Serbian independent TV channels do not have a big audience nor a significant impact on public opinion.

Kosovo based media in the Serbian language is provided, however the public TV channel RTK 2 is not available in northern Kosovo, while there are several private TV stations and those funded from the budget of the Republic of Serbia. There is only one print media (Jedinstvo) that is available in North Mitrovica. As for the online media based in Kosovo, the main sources of information for the Kosovo-Serb community are Kosovo Online and KoSSev. Other media portals/radio stations (Radio Kim, Kontakt Plus, Radio Mitrovica Sever) mainly cover local news and information.

It was reported to the UK EEM that in the last few months, there have been attempts to takeover small cable TV operators in Leposavić/Leposaviq and Štrpce/Shtërpca by forcing them to sell their businesses. This was assessed by interlocutors to be a monopolistic practice, which could have the effect of diminishing independent media's coverage.

9.2 Campaign coverage in the media

The most read portals, KoSSev and Kosovo Online had regular sections dedicated to the elections, including information on the campaign and on election day. KoSSev had a balanced representation of all candidates providing space to both SL and opposition in an equal manner. However, they lack resources to cover events from other parts of Kosovo as well. For instance, they were unable to follow up on cases of alleged intimidation in Gora/Gorë.⁷⁴ The case therefore was not raised in the public domain. Some of the mainstream Kosovo-Albanian media, namely Dukagjini (Debat+) and T7 programmes were covered by the KoSSev portal and translated into Serbian, making them available to the Kosovo-Serb population, which the UK EEM assesses as a positive step that should be further encouraged.

9.3 Access and political boycotts

Public and private mainstream radio, TV and online media outlets from the Republic of Serbia provided considerable space for SL representatives, and they were often positively portrayed. Opposition candidates rarely appeared at all. As a result, the vitriol against opposition candidates seen in the 2019 election was largely absent in the Serb media.

⁷⁴ This case was also reported to the UK EEM on its visit to Gora/Gorë.

Although the Mission did not systematically monitor the media, from a sample, it appeared that no Kosovo-Serb oppositional candidates had any space on the state-owned RTS, or private TV outlets associated with Serbian authorities. However, in part this is assessed as being because the opposition candidates barely campaigned publicly.

9.4 Problems and recommendations

Kosovo-Serbs do not have functional access to Kosovo-wide media in the North.

- ***Independent media should be supported more systematically by the international community and by Kosovo institutions to help to promote neutrality and diversity of media, particularly in the smaller communities.***

10 Diaspora voting

The estimated number of prospective voters amongst the diaspora is over 300,000.⁷⁵ 90% of registered diaspora are residents of Germany, Switzerland, Austria, France, Sweden, Italy and the UK. Based on previous election results, it is widely understood that diaspora voters traditionally vote disproportionately for VV (and in the case of votes from Serbia, SL). As a result, VV presented both long-standing and new registration and voting procedures as attempts to suppress their votes. Despite this the registration of diaspora increased three-fold compared to 2019.

Diaspora data:

	2017	2019	2021
Date of opening of diaspora registration	15 May	30 August	13 January
Date of closing of registration	22 May	10 September	21 January
Number of days to register ⁷⁶	7	12	9
Number of applications	20,354	40,313	130,535 ⁷⁷
Number of approved applications	15,118	35,087	102,168
Percentage approved	74.3%	87.0%	78.3%
Date of publication of out-of-country voter list	31 May 2017	19 September 2019	2 February 2021
Number of days to challenge it	4	3	1 ⁷⁸
Date of availability of ballots	1 June	19 September	3 February (after working hours)
Election day	11 June 2017	6 October	14 February

⁷⁵ See [Germin's 2019 report](#). In order to be eligible, out-of-country voters must be either a citizen of Kosovo, or have left the territory of Kosovo since 1 January 1998, or a refugee and be eligible to be a citizen. To be a citizen, they must have been born in Kosovo, or be a first generation descendent of someone who was. (Art.2 of the Law on Citizenship and Art. 5, LGE).

⁷⁶ In a regular electoral cycle, the prescribed period is up to 40 days. For early elections it can be as short as 7 days. CEC Rule 3, Art 3.5 in a regular election, registration ends 60 days before election day.

⁷⁷ Some of these were duplicates sent more than once to one of the three email addresses or several days in a row by applicants. CEC report 2 February 2021.

⁷⁸ Formally there was no official challenge period, although ECAP permissively accepted some challenges.

Date of last accepted ballots	10 June 2017	(5 October) ⁷⁹	12 February
Number of days for voters to return their ballots	10 days	17 days	9 days
Number of packages received	4,574	Disputed	43,477
Number of votes received	5,949	23,345	79,201
Percentage of registered voters who returned ballots	39.4%	56.4%	77.6%
Average number of ballots per package	1.30	n/a	1.82
Number of votes accepted	5,246	19,789 ⁸⁰	56,375
Percentage of votes accepted from the total ballots received	88.1%	84.8%	71.2%
Percentage of votes accepted from registered voters	34.7%	56.4%	55.2%
Percentage of accepted diaspora votes from the total valid votes	0.72%	2.35%	6.42%

10.1 Legal framework

The legal framework for the out-of-country voting falls within the LGE,⁸¹ where a basic outline of the voting rights of citizens living abroad are regulated. Further aspects of the

⁷⁹ In 2019, the Supreme Court allowed ballots sent before election day, but arriving after to be counted. Later the Constitutional Court ruled that the ballots should only have been accepted up until the day before the election. Since this ruling occurred after the certification of results, it did not change the results, but did alter the practice in 2021.

⁸⁰ Some 3,550 votes from Serbia were rejected on the grounds that they were not postal ballots having not been delivered through the postal or courier services. There is no direct postal link at present between Serbia and Kosovo (though private courier services are available).

⁸¹ LGE Art. 96, 97 and 98.

procedures of registration, eligibility and voting of the out-of-country voters are regulated through Rules⁸² and Procedure⁸³ decided by the CEC. Deadlines are also established in Rule No.15/2013.

The lack of a firm legal calendar for early elections leads to improvised and inconsistent decisions by the CEC and other authorities. As a direct result from the lack of clear and precise regulation the period for examination of the data in the voter list by the out-of-country voters varied from 4 days in 2017 to less than 24 hours in 2021.

The LGE permits diaspora to register by post or by fax. However, since 2017, the CEC has allowed for out-of-country applications to register by email. This welcome and permissive decision is nevertheless not in line with the LGE, rather it is based on a Rule No.03/2013. A by-law cannot overarch a Law; therefore, harmonisation is required of the LGE with the Rules and Procedures enacted by the CEC. When that is done, a full online registration process should be developed.

Similar permissiveness beyond the scope of legislation was noted with the process of appeals in front of ECAP for those not registered in the out-of-country voter list. By accepting the appeals and complaints by email, ECAP also (even though permissively) was not acting in accordance with the LGE since it specifies only postal and by-hand applications – which are impossible for most of those residing outside of Kosovo.

10.2 Registration

Every registered citizen, whether residing in or out of Kosovo, is considered as an eligible voter according to the Law on Citizenship. The voter list for in-country voting is extracted from the Civil Registry automatically and therefore represents passive registration. On the other hand, out-of-country voters need to request registration actively. A citizen may only be on only one of the two voter lists, so registration as a diaspora voter should involve (temporary) removal from the in-country voter list.⁸⁴ In principle this reduces the possibility of double voting – though in practice all postal ballots are considered conditional and are verified before counting. This has the consequence that anyone who applied to be out-of-country voters who were then unable to post ballots in time and could otherwise have returned to Kosovo, for instance from other Western Balkan countries, to cast their vote in person were disenfranchised.

In accordance with the LGE, every voter has the right to challenge any inaccuracies or omissions in either of the voter lists through a public inspection within a reasonable period by complaining to ECAP.⁸⁵ For the current elections, the CEC had an online platform so

⁸² Rule No. 03/2013, Central Election Commission of Kosovo

⁸³ [Procedure for acquiring the right to vote.](#)

⁸⁴ In accordance with the Rule No. 03/2013 Article 3.8.

⁸⁵ LGE Art 122.

that in-Kosovo voters could examine their data on the voter list during the scrutiny period.⁸⁶ However, this was not available to out-of-country voters.

The CEC introduced a controversial phone confirmation procedure, which detected only 290 cases of irregularities out of 88,382 that the CEC was able to verify before abandoning the process due to the lack of time. Since the CEC failed to conduct the check on almost 14,000 applicants, but at the last minute accepted their registration, this placed voters in an unequal position. This is particularly so given that the phone check was arbitrary. Additionally, in conjunction with the pre-existing cumbersome processes – printing out every email and attachment, and the large numbers who applied; the CEC failed to meet the deadline (25 January) for confirming the preliminary out-of-country voter list. Citizens were therefore not able to inspect their data and challenge the list (as intended for 25-27 January). Instead, the CEC published the out-of-country final list on 2 February along with the in-country voter list.

Total number of applications (including duplicates)	Number of confirmed	Number of verified by phone	Number of rejected
131,545	102,168	88,382	28,068

Source: CEC

Numbers	Reasons for rejection
15,933	CEC received only the application without the required proof of identity or at least did not fulfil one of the registration criteria.
11,164	Application not signed.

⁸⁶ <https://eomp.kqz-ks.org/Account/Login>

65	By the day of election, the applicant would not yet be 18 years old.
146	Sent applications with more than two last names from a single email.
470	Did not provide a phone number for contact.
290	During phone verification, they declared that they are not the persons that have been contacted or have said they did not apply at all.

While the in-country list could be searched by individuals for their own inclusion and should also have been available for inspection at MECs, the out-of-country list was published in its entirety online as a PDF document. This appeared to be a serious breach of GDPR regulations in both Kosovo and the countries of residence of the applicants. It also appears to be in contradiction with the national Law on Data Protection. Kosovo’s Data Protection Agency does not have an Inspectorate to investigate breaches. Nevertheless, the Agency could have reacted in some form, but did not do so.

10.3 Appeals

On 2 February once the out-of-country voter list was published, the ECAP received over 1,000 emailed complaints from people who had not been registered. ECAP originally argued that email complaints were not permitted - as their rules only permit in person or by mail within 24 hours - which makes it virtually impossible for a diaspora complainant to seek redress. This could open up legal challenges, since some of the Mission’s interlocutors argued that Article 45.1 of the Constitution has not been respected.⁸⁷

However, ECAP reversed its position, accepting the out-of-country voter complaints/appeals which arrived via e-mail within 24 hours from the publishing of the out-of-country voter list until 18.00 on 3 February.⁸⁸

⁸⁷ “Every citizen of the Republic of Kosovo who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision.”

⁸⁸ This may have been less than 24 hours, since it appeared that the out-of-country list was published around 19.40 or later on 2 February.

Overview – Out-of-country complaints to ECAP	03.02. 21	04.02 .21	05.02 .21	Total
Total number of received complaints	931	184	1	1116
Number of complaints within 24 hours	931	/	/	/
Number of complaints approved for review	281	/	/	/
Number of complaints rejected based on the lack of attached documents	650	/	/	/
Number of complaints unfounded based on article 5.1 LGE	124	/	/	/
Number of complaints approved as grounded	144	/	/	/
Number of complaints rejected as incomplete	13			

Source: [ECAP](#)⁸⁹

This relatively permissive approach by ECAP is positive. However, since originally ECAP had said that it would not accept email complaints and did not provide an accessible mechanism for complaining from out of Kosovo an unknown number of people with reason to complain probably were disenfranchised without redress. Two thirds of the complainants who managed to email in time did not attach required documents, indicating that complainants were not provided with pertinent information to help them make a valid application for redress.

10.4 Voting

The LGE⁹⁰ stipulates a general provision in which out-of-country postal ballots should arrive before the election. However, the CEC has issued a rule⁹¹ which states that postal ballots should arrive 24 hours prior to election-day. There was a heated discussion at the CEC as to how to interpret this, with the final decision being that it should be interpreted as being midnight on 12 February. There does not appear to be an advantage to setting the deadline for arrival of postal ballots 43 hours before the closing of the in-country polls. Indeed recent elections elsewhere with extensive post-election deadlines for certification have demonstrated that permissive acceptance of ballots postmarked before the closing of polls extends the franchise without increasing fraud.⁹² Since postal ballots are the last to be counted, and cannot be counted under the current procedures until all of the signatures on the in-country voter lists have been scanned, which takes around a week,

⁸⁹ [ECAP's announcement of acceptance of email complaints.](#)

⁹⁰ LGE Art. 96.2.

⁹¹ Rule No.03 (2013) Article 4.4.

⁹² See for instance [OSCE Final Report on the 2020 US elections](#) pp40-41.

there is no reason (other than the December 2019 Constitutional Court judgement) to reject ballots arriving shortly after election day.

In 2019 there were 17 days for out-of-country voters to download and send their ballots, this time there were only nine. The reason for this is in part due to the late finalisation of the out-of-country voter list – but also due to the controversies about the candidature of some individuals including the leader of VV including an appeal by the party to the Supreme Court. This meant that the brochure of candidates' names was not available. The party was negatively affected since it may have resulted in an unspecified number of ballots arriving after the deadline. Although VV chose not to highlight this issue in the post-election circumstances of being the clear overall winner of the elections, had the results been tighter, these uncounted ballots would have been much more controversial. In reality, since many people, both in and out of Kosovo voted for individual preference numbers which did not have valid candidates, the trade-off between certainty over the individual candidatures and the *de facto* loss of ability to vote for a party due to the shortened period for returning ballots was not appropriately balanced.

Following a judicial decision in 2019 which overturned the precedence of accepting the hand delivery of votes from Serbia due to the lack of a direct postal link, only private couriers are available for voters resident in that country – other than those who travel to Kosovo to vote in person. It did not appear to be a priority of the CEC to find mechanisms to enfranchise Kosovo-Serb (or indeed other citizens) resident in Serbia. Behind the legal ruling were concerns that the ballots from Serbia in previous elections had been 'harvested' by the Serbian authorities. However, the consequence of not finding a viable method for postal ballots is more emphasis on physically transporting voters to Kosovo, which is coordinated by Serbian authorities and may not enhance freedom of choice for these voters.

10.5 Counting

The processing of the out-of-country ballots was made more somewhat more complicated by an investigation undertaken by the Special Prosecutors' Office due to an alleged attempt at electoral fraud concerning a small number of packages of postal ballots from Austria. It took two weeks until 1 March to sort, open and verify, a total of 43,043 packages containing 79,201 ballots.⁹³ Out of these 56,610 ballots were approved for counting while 22,951 ballots were refused. The last figure represents a very high 29% of the total number of processed ballots that were rejected before counting. Within this high percentage of rejected ballots, 41% or a total of 9,199 were rejected on the grounds that there was no record of the sender having registered within the application period.

⁹³ Source: GERMIN

General data out-of-country voting	Number	%
Total number of packages	43,043	
Total number of ballots	79,201	
Total number of valid ballots	56,610	71%
Total number of rejected ballots	22,951	29%

Breakdown on rejected ballots		
Reason for rejection	Number of ballots	% of rejected ballots
Did not apply within the application period	9,199	41%
Rejected but applied within the application period	6,665	30%
Cannot be identified / Group voting	2,451	11%
Group ballots outside the family circle or sent through unofficial channels	1,656	7%
Have sent ballots two times	1,325	6%
Have sent invalid documents	910	4%
Ballot packages delivered from within Kosovo	385	2%
Total rejected	22,591	

10.6 Problems and recommendations

There are no binding international standards pertaining specifically to out-of-country voters. Some countries in Europe do not permit out of country voting at all.⁹⁴ But a clear principle, although not always adhered to, is that where out-of-country voting is permitted, as in Kosovo, voters should as far as possible, not be disadvantaged compared to regular voters.

The number of successful registrants was very high constituting 5.51% of all registered voters, and 6.45% of all valid votes cast. However, the CEC made several decisions which increased the challenges for out-of-country voters.

- ***Out-of-country registration and voting should be comprehensively reformed as part of a general enhancement of the Law on General Elections so that***

⁹⁴ These include Kosovo's neighbours Montenegro and Albania as well as Malta. Although provided for in the Greek constitution, there are no procedures in place for out-of-country Greek citizens to vote. See [IDEA research](#). Albania was due to hold a trial of out-country-voting for 2021, but at the time of writing, appears not to have put provisions in place to do so.

the legislation, rather than CEC decided rules and regulations govern the process.

- *Registration should be electronic, in line with the app/web-tool used during registration to check and/or change location within the country.*
- *Ballots should be individually posted by voters within third countries to a PO Box set up for that purpose by the Embassy in the country.*
- *Kosovo's embassies in regional locations could also facilitate this for countries without physical offices (i.e., the Embassy in London for Ireland, in Podgorica for Serbia).*
- *The date for receiving the ballots should be the first working day after the election, whereupon the Embassy should send the ballots (in the presence of registered observers) to the Counting and Results Centre by courier.*
- *The out-of-country voter list should be subject to the same challenge and scrutiny procedures as the in-country voter list. Voters should be able to check their own registration, but not that of others, online.*

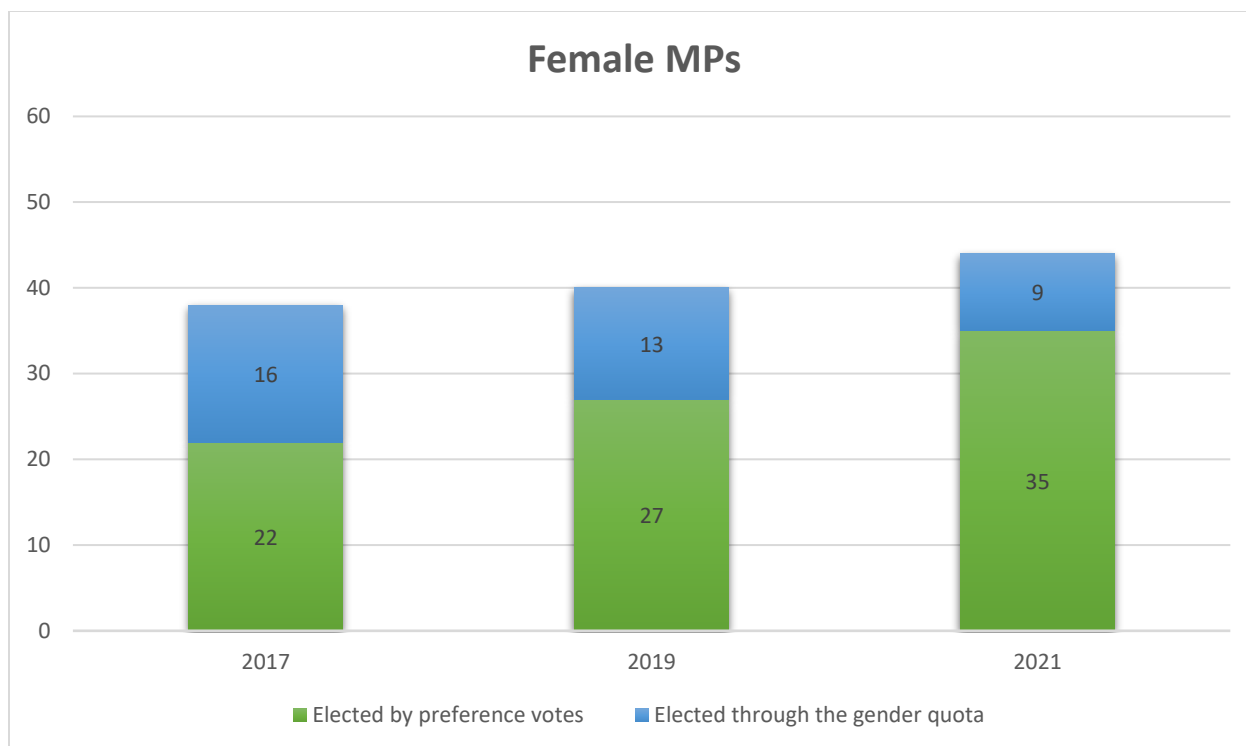
11 Gender

11.1 Candidates and quota

Competing political parties fulfilled the legislative criteria of 30% gender representation on their candidate lists. The same quota also applies to the gender of mandates awarded to parties in the Assembly where a party has more than two seats. Lists are ‘zipped’ so that both male and female candidates are represented in every three places on the list.⁹⁵ Political entity lists are not registered if these criteria are not met, and no party challenged these legal requirements. However, in the absence of the active promotion of female candidates by parties, this floor had also effectively been a ceiling in previous elections. Positively, for the first time, in these elections female candidates of the winning party won 40% of seats within their list, and for the second time, all VV’s female MPs were elected by preference votes without the need to ‘leapfrog’ over male candidates to meet the 30% gender quota of mandates awarded.

	Female MPs elected by preference votes	Percentage directly elected	Elected due to quota	% of MPs quota based	Total of female MPs	Overall percentage of the Assembly who are women
2017	22	57.9 %	16	42.1 %	38	31.6 %
2019	27	67.5 %	13	32.5 %	40	33.3 %
2021	35	79.5 %	9	20.5 %	44	36.7 %

⁹⁵ Positively, unlike in some other countries, since the list is both ‘zipped’ and open, the quota cannot be fulfilled merely by women being placed at the bottom of the list where they are less likely to be elected. Further, since there are no constituencies in Kosovo, there are no “safe” or “no-hope” seats to which candidates can be promoted, or marginalised.



The total number of women elected reached 44 (36.7%), which represents a steady trend of increase of around 10% more women MPs in recent elections. On the other hand, there is still a long road to full and equal representation as provided for in the Law on Gender Equality, according to which less than 50% representation in decision-making positions in political and public life is non-compliant with the principle of equality.⁹⁶

There is no gender disaggregated data on the turnout produced by the CEC or any other agency or civil society election monitoring organisations, which limits the possibility of conducting analysis on characteristics of voters. This not only affects understanding of any problems that might be revealed by gender distribution but also, age, disability, income and educational background. Most relevant international norms⁹⁷ and the best practices in promoting gender mainstreaming, women's participation and equity standards urge states to develop systems for collecting this disaggregated data and report on them regularly. This data is vital for monitoring trends of participation and provides researchers with opportunities to identify gaps and to propose actions to ensure equitable voting opportunities.

⁹⁶ These figures are of those certified as having been elected (as of 13 March 2021), rather than any changes to the composition of the Assembly that will follow the appointment of 12 MPs as government ministers. At the time of completing this report, their replacements had not been certified by the CEC. Six out of 18 ministers are women.

⁹⁷ These include among others: the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), CoE Istanbul Convention, OSCE Gender Action Plans, UN Resolution 1325 on Women, Peace and Security (UNSC 1325) and the Convention on the Rights of Persons with Disabilities (CPRD).

The following table shows the 2021 results of women by each party in the Assembly.

Political party	No. of women MPs	Elected by preference votes	Elected by quota	Female percentage of party caucus	Total MPs
VV	23	23	none	40 %	58
PDK	6	3	3	32 %	19
LDK	5	1	4	33 %	15
AAK	3	1	2	38 %	8
SL	3	3	none	30 %	10
KDTP	1	1	none	50 %	2
SDU	1	1	none	100%	1
NDS	1	1	none	100 %	1
RI	1	1	none	50 %	2
VAKAT	none	none	none	0 %	1
IRDK	none	none	none	0 %	1
JGP	none	none	none	0 %	1
PAI	none	none	none	0 %	1
Total	44	35	9	36.7%	120

11.2 Prominence of female candidates in campaign

The main Kosovo-Albanian parties made more of an effort to promote female candidates positioned high on their lists.⁹⁸ The prominence in the campaign and pre-campaign period of the Acting President and the Chairwoman of the CEC were notable, though controversial given their respective positions.⁹⁹ Vjosa Osmani received the most preference votes ever in the history of Kosovo as the *de jure* list leader of VV.¹⁰⁰ A number of other women scored high levels of support with the individual preference votes even if not high on the party lists. This led to a significant increase in the total of directly elected female MPs rather than those awarded seats due to the quota, demonstrating continuing progress in women's representation.

Women have been traditionally discouraged from taking a significant part in the leadership of political parties. Even though the gender quota has been in existence since the Assembly's establishment in 2000, women are not adequately represented in other parts of government structures as well as in party leadership. In all Kosovo-Albanian parties there is inadequate representation of women on their presidency boards, although VV comes closest to equality with 33% women members of the presidency.¹⁰¹ Internal women's forums or women caucuses appear either inactive or non-existent since web pages of political parties do not have available information about their work. In practice in the past when there were active women's forums, they could have the effect of marginalising, rather than integrating female participation in decision making. LDK has 37 branches, all of which are headed by men.

In the non-majority communities, three of the four main Kosovo-Bosniak lists were led by women, of whom two (out of three MPs elected for the reserved Kosovo-Bosniak guaranteed seats) won. Nevertheless, despite these elements of progress, in general women were not equal in their prominence either in the parties' campaigns or in the media beyond the Kosovo-Bosniak community. Few women were presented in campaigns among Kosovo-Serb political parties and coalitions, with only Rada Trajković from the CI FJS prominent, although she as an opposition candidate was limited in her campaigning activities due to the wider stifled political environment in Kosovo-Serb areas.

The media did not appear to have organised thematic debates on gender-related issues. In the election campaign, women accounted for only 6% of total airtime while only 21%

⁹⁸ For instance in PDK - Ganimete Musliu, Eliza Hoxha, Blerta Kadriu, Evgjëni Thaqi Dragusha; in AAK - Meliza Haradinaj, Teuta Haxhiu, Time Kadriaj; in LDK - Vlora Dumoshi, Besa Gaxherri, Lirije Kajtazi; and in VV - Vjosa Osmani, Arberie Nagavci, Fitore Pacolli, Rozeta Hajdari.

⁹⁹ See *Central Election Commission and Controversies concerning candidates sections*.

¹⁰⁰ In the absence of a *de jure* first placed candidate, since Albin Kurti was not certified as a candidate. The Mission noted that there was a small campaign by some activists to say that the third placed candidate, Glauk Konjufca should be voted for in preference to Vjosa Osmani; but this appeared to be for political rather than gender reasons.

¹⁰¹ PDK 11.7%, LDK 17.4%, AAK 29.5%, NISMA 8.33%.

of candidates presented in debates were women.¹⁰² Media portraying women in public positions and politically active women sometimes lacked professional standards. Unlike male political candidates, female candidates were sometimes subjected to commentary based on their physical appearance, past, fashion choices, and family relations, instead of their political ideas and contributions. There was criticism against the Interior Minister for seemingly referring to the Acting President in a misogynistic way in the pre-campaign period.¹⁰³

On the other hand, several civil society organisations are actively involved in promoting women's participation in decision making and elections. The Balkans Policy Research Group (BPRG) has been vocal in demanding that the gender quota be increased to the 50% as stipulated in the Law on Gender Equality.¹⁰⁴

Besides the CEC chair, only one out of the ten politically appointed Commissioners, is a woman. In the lower-level commissions, women are under-represented as members of MECs and PSCs. However, the CEC was unable to provide a gender breakdown for Commissioners for these elections.¹⁰⁵ The nomination of commissioners by political parties is a political choice by them and seems to indicate that they are not fully representative or inclusive. The failure by the CEC to publish data on this makes it harder for civil society to make political parties aware of their failure to nominate women.

11.3 Problems and recommendations

Kosovo remains a male-dominated society. Economic dependence has a crucial impact on the social and political life of women. The role of women in society is particularly affected by the combined health and economic COVID-19 crises. Women are less likely to be employed than men, and if they are employed, are more likely to lose their jobs than men, and are often expected to have more responsibilities in the home. All these factors affect the prospects of women aspirant politicians as both candidates for places on party lists and in the election itself. Fundamental reforms of recruitment and career advancement processes throughout local and national government are required to ensure an equitable gender balance.

- ***To achieve greater participation of women in political processes electoral reform should be initiated to over time harmonise the Law on General Elections with the Law on Gender Equality. As an interim step, the 30% list quota should be increased to 40%***
- ***Political parties should undertake measures to include more women and youth on election lists and in politics in general, as well as provide more***

¹⁰² [DiA Report of 9 February.](#)

¹⁰³ RFE/RL report on [apparent body shaming](#)

¹⁰⁴ [Balkans Group - Women in Politics](#)

¹⁰⁵ In 2019, 14% of MECs and less than a third of PSCs were women.

space for them within political parties and in public. This can be partially achieved through a more transparent candidate selection process.

- *Tailored professional development programmes designed to support the sustained political development of female and youth candidates should be encouraged, including networking and training opportunities for those who fail to be elected at the first attempt.*
- *Greater transparency about the allocation of party funding for candidates should be provided to ensure that women are not disadvantaged within party lists.*

12 Central Election Commission

12.1 Composition

The Central Election Commission (CEC) is the highest election body in a three-tier administration, followed by the 38 Municipal Election Commissions (MECs) and the 2382 Polling Station Commissions (PSCs). The CEC draws its authority from the Constitution,¹⁰⁶ which establishes the CEC an independent body.

In accordance with the LGE¹⁰⁷ and the Constitution, the CEC is composed of the Chair, appointed by the President from among the Supreme Court Judges and 10 members nominated from political parties. The six largest political parties elected to the non-reserved seats in the Assembly, are entitled to nominate. Since there are only four parties elected, two seats will be allocated to the largest parties. One seat is elected by the members of the Assembly elected to the guaranteed seats of the Kosovo-Serb community, while the remaining three seats are nominated by the remaining ten members of the Assembly representing the smaller communities.¹⁰⁸

For the CEC appointed in February 2020 following the 2019 election, VV had two commissioners with the remaining four Kosovo-Albanian members being split between PDK, LDK, AAK and Nisma. SL, VAKAT, KDTP and PAI had one commissioner each. The CEC clearly votes at some points along party divisions.

In accordance with the LGE, Article 61, the term of the Chair is seven years with a maximum of two consecutive mandates. Chairwoman Valdete Daka was appointed for her second term in April 2018, meaning that assuming she serves a full second term, she would potentially be in place at the end of the forthcoming Assembly term – with her mandate due to expire during the next electoral process. However, the LGE has foreseen this eventuality and would automatically extend the mandate of any commissioner's term to 90 days after the certification of results if the expiry fell within 90 days either side of an election.¹⁰⁹

12.2 Performance

The CEC performed under enormous logistical and political pressure deriving from the extremely shortened deadlines for implementation of the election. The CEC Secretariat

¹⁰⁶ Article 139.

¹⁰⁷ Chapter X.

¹⁰⁸ *“Six members shall be appointed by the six largest parliamentary groups represented in the Assembly, which are not entitled to reserved seats. If fewer groups are represented in the Assembly, the largest group or groups may appoint additional members. One member shall be appointed by the Assembly deputies holding seats reserved or guaranteed for the Kosovo-Serb Community, and three members shall be appointed by the Assembly deputies holding seats reserved or guaranteed for other Communities that are not in majority in Kosovo.”* Constitution Art. 139.4.

¹⁰⁹ LGE Art. 61.3(e). This also occurred at the end of her first mandate during the electoral cycle in 2017.

was able to function in a timely and efficient manner, with the significant exception of the diaspora voting.

The CEC functioned in a transparent manner, holding open sessions, which were televised. However, there were delays in posting CEC documents including minutes. Sometimes the CEC failed to observe the legal language requirements online. Two weeks after the election, the minutes from the five sessions held between 6 February and election day were not published.

The lack of a precise timetable for early elections with strict deadlines pushed the CEC to enact late or improvised decisions. The LGE leaves too much scope for the CEC to arrive at politicised or inconsistent decisions.

See diaspora section.

At around 14.00 on election day the CEC decided to allow expired documents to be accepted as valid by polling stations. Besides being in collision with the LGE Article 90, where only valid documents are permitted for voting, the CEC treated voters inconsistently since (an unknown) number of would-be voters were turned away in the morning, whereas others in the same category were permitted to vote with expired identification documents in the afternoon. While there are other regional precedents for extending the validity of documents (such as in the delayed 2020 North Macedonian Parliamentary election) due to COVID-19, the government, rather than the CEC should have enacted this decision well in advance. In addition, the out-of-country voters were rejected in both registration and in voting due to expired documents. The CEC did not take a decision to treat the 910 diaspora voters rejected due to invalid ID in the same way.¹¹⁰

12.3 Problems and recommendations

There is an urgent need for harmonisation of the Rules of the CEC¹¹¹ with the LGE. To avoid improvisations and unsustainable decisions, the CEC must prepare an advanced election activity calendar which will strictly follow the legal regulations regarding the deadlines. Not doing this risks disenfranchising different groups of voters.

Due to the reduction in numbers of voters (and consequently polling stations) because of the partial cleaning of the voter list and an inefficient process of informing the voters of their newly assigned polling stations, there was confusion for some voters who appeared at the wrong polling stations on election day. This was recorded on multiple occasions in different communities, but most affected Kosovo-Serbs in the north. This represents a limitation to the effective exercise of voter's rights. It also opened an opportunity for SL

¹¹⁰ It is not known how many of these were invalid due to expiration or for other reasons.

¹¹¹ Rule No.02/2013, Rule No.03/2013

structures to breach campaign silence provisions and exercise influence over voters by offering them transport to polling stations and back to their homes.

In previous elections, Kosovo-Albanian parties also organised transportation in rural areas, though with limited numbers of observers, this was not noted in these elections. It is also common practice with coaches coming from other countries organised by a range of political parties. This though is a different case, since the voters themselves consent in advance to be part of this operation. How this is accounted for in campaign spending reporting though, is unclear.

- ***Further public information for citizens on how to check their polling station's location in advance should be made available, including online.***

The LGE and the Rules of the CEC are in some respects incompatible. The LGE is also not in compliance with for instance the Law on Gender Equality.

- ***The CEC Rules and the LGE should be reviewed for synchronisation with other Kosovo legislation such as the Law on Data Protection and the Law on Gender Equality. The LGE should also be reviewed to ensure compliance with the EU – Acquis Communautaire.***

13 Legal environment

13.1 ECAP decisions

The legal remedy for violations within the electoral process is secured through the Election Complaints and Appeals Panel (ECAP). ECAP has ten members from a panel of judges of the Supreme Court and the Basic Courts, appointed for four-year terms by the President of the Supreme Court. The ECAP adjudicates in panels of three judges.¹¹² ECAP decisions are binding for the political entities and the CEC¹¹³ unless overturned at the Supreme Court. Within its mandate, adjudication ranges from complaints on the initial registration of political entities and their certification to participate in the elections, registration and certification of the candidates on entities' lists (or as individuals) for elections, the voter list, matters related to the election campaign and campaign financing, the election day and procedure of voting both for in and out of country voting, procedure of counting and tabulation etc. Each of these sections are regulated in the LGE.¹¹⁴

Please also see Diaspora section and Results section.

13.1 Problems and recommendations

As noted in previous sections there were overbroad interpretations of the Code of Conduct and other provisions which led to many fines some of which were disproportionate to the offence. While it is important that there is not a deluge of minor or unmerited complaints, the mechanisms for registration and complaints need updating.

- ***Amendments to Article 97 of the LGE, Article 3.4. of the CEC Rule No. 3/2013 and Articles 10.1 and 10.2 of the ECAP Rule No. 2/2015 are required to provide for out-of-country voters to apply for voting and appeals on-line.***

The 24-hour deadline for appeals to the ECAP is very short.¹¹⁵ The timeframe for reaching decisions is also short with only 72 hours. While complaints and decisions need to be taken quickly to be timely, particularly in advance of the election, this urgency is reduced after the election.

- ***Prior to the election, ECAP should allow 48 hours in which to complain, and after the election, 72 hours. Decisions should be made within 72 hours before the election and 120 hours after the election. The same timelines should apply for appeals and decisions at the Supreme Court.***

¹¹² LGE, Article 116.1

¹¹³ LGE, Article 118.5

¹¹⁴ Chapter XX, articles 115 through 122

¹¹⁵ According to the Venice Commission, in Bosnia and Herzegovina, Croatia, North Macedonia and Serbia the deadline is 48 hours, and in Albania it is 72 hours for complaints to the Central Election Body and 5 days before a court. In the UK it is between 14 and 28 days depending on the issue. [Report on the Cancellation of Election Results](#)

14 Election day

In line with Election Expert Missions' methodology around the world, the UK EEM did not have either Long- or Short-Term Observers. As such the observation that the Mission conducted on election day was not statistically representative or comprehensive. Nevertheless, from the Mission's limited observation by four teams together with information supplied by colleagues from the British and other diplomatic observers and media reports some conclusions can be drawn.

14.1 Problems and recommendations

The performance of the observed polling stations in northern Kosovo was significantly impacted by the *de facto* lack of control mechanisms. In many cases outside of North Mitrovica, polling station commissions were composed of representatives of one or two parties, which removed safeguards implied by multi-party political supervision. This led to observed failures to respect the voting process – for instance checking with UV lamps, cross checking the identity of the voter with the ID document, proper finger spraying, improperly recorded assisted voting. The primary responsibility lies with the political parties themselves to ensure that they provide adequate numbers of motivated polling station commission members.

- ***Political parties with a right to polling station commissioners should put more effort into ensuring that they are represented in all communities where they are eligible, by bringing in commissioners from other municipalities when necessary to ensure that there is a genuine balance of parties particularly in areas where there is limited electoral competition.***

In Kosovo-Serb areas, the voting of the mayors and other key political leaders was observed to be coordinated with that of hundreds of their staff. This is a mechanism for potential coercion by employers over employees, and as a rally, could constitute a breach of campaign silence.

- ***Political parties should respect the individual choices of the voters to vote (or not vote) at a time of their choosing, rather than encouraging mass demonstrations of public loyalty which constitutes an implied coercion and breach of campaign silence.***

The sudden addition of expired ID documents on election day was legally problematic.

- ***The subsidiary acts – the Rules and regulations of the CEC should provide for the technical implementation of the election process. These Rules should not be used to override the Laws and the Constitution of the country.***

15 Count and Results Centre

The Mission visited the Count and Results Centre (CRC) the day after the elections and several times thereafter, observing the intake process of the ballot boxes, the processing and data input of results forms, the verification of postal and conditional ballots, as well as some of the recounts. The assessment is that the processes were conducted in an orderly manner in line with the administrative procedures enacted by the CEC, but that more information should be provided to the public about ongoing results processing and recounts.

The data input was performed using a double-blind data entry system. The inspection of the omissions was performed using two steps of verification. The laborious process worked and identified results which required auditing and identified 552 boxes for recounting. No major issues with this process were noted, other than the lack of compliance with COVID-19 measures.

Handling of the conditional ballots was also in accordance with the procedure, however, considering the requirement to have each of the ballots cast checked against the signatures on the voter list from the polling stations, this adds considerable complexity to the process and delays the announcement of the results. Less than 3% of ballots are conditional.

See also sections on diaspora voting and ECAP decisions on diaspora votes.

Neither the CEC nor the CRC provided the public or parties with sufficiently comprehensive and consolidated information, particularly on the reasons for the recounts, or how each recount affected the overall tabulation of consolidated results. It is possible to manually compare the original result to the recounts using the scans of the handwritten protocols provided online but doing so is laborious and inaccessible to the electorate. Some 58 recounts occurred of polling stations were there where zero candidate preference votes recorded in the protocols. Again, the CRC/CEC did not provide public information on the results of these recounts. Two polling stations (Vushtrri/Vučitrn and North Mitrovica) were annulled by unopposed votes of the CEC due to minor levels of over-voting. As a result of ECAP decisions on 8 March, an additional 134 polling stations were recounted.

The case of the Minister of Foreign Affairs Meliza Haradinaj-Stubllja who resigned after inaccuracies were found in the re-counting of preference votes in the CRC showed that during counting, without safeguards, votes for a certain candidate can be transferred to other candidates within the same party. This is, potentially, harder to catch as political observers and commissioners in the polling station or CRC mostly focus on observing the votes between parties, rather than the preference votes within the party lists.

COVID-19 precautions were totally inadequate in the CRC. Face masks were not worn at all, or incorrectly, from the senior leadership down. The same was true for most CEC commissioners as well. The leadership of the CEC claimed to the UK EEM that in the initial 18 days between the election and the announcement of preliminary final results,

there was pressure from the parties to prioritise the speed of the count over health precautions for CRC staff. The number of tables devoted to counting was significantly increased compared to previous elections, reducing social distancing.

15.1 Problems and recommendations

Conditional ballots were introduced in the immediate post-conflict period to allow for internally displaced persons and other vulnerable groups to be able to exercise their democratic rights in polling stations other than where they were formally registered as some of them were unable to travel to their original homes. There is no longer a need for such processes which are neither widely used (fewer than 3% of ballots) or much trusted. Distances within Kosovo are small and there are mechanisms in place to allow voters to reassign their polling station should they wish to do so, which could be further enhanced and publicised. The laborious process of checking the voter list from every polling station to verify that conditional ballots are not a fraudulent second vote adds around ten days to the CRC process, delaying the certification of final results and therefore the creation of the new Assembly, and potentially a new government.

- ***Conditional ballots should be discontinued once the systems for changing polling stations following a change of address are improved.***

There were a small number of instances in these elections and previous ones of miscounting by polling station and CRC commission members.

- ***To deter fraudulent behaviour, the law could provide a mandatory recount of a small random sample of polling stations once the results are certified. This would serve as deterrent against fraud by polling station and CRC commissioners.***

16 Role of civil society organisations

In total, there are 11,395 registered CSOs in the country; many of which are of a high quality. However, their dependency on international donors can lead in part to them following international rather than national priorities, as well as vulnerability to donor withdrawal.

Election observation is regulated by [Rule No. 07/2013](#) which provides for a broad, comprehensive observation of the process by international organisations, national NGOs, media and political parties. However, in these elections only the media and political parties had a significant presence. Although the diplomatic community had a roaming observation, the OSCE for the first time did not have advisors stationed in the polling stations in Kosovo-Serb areas. The EU, which had observed previous elections, did not send an Election Observation Mission, but a team of three election experts.

Some journalists and smaller political parties, knowing this, were alarmed that, also for the first time, the main national nonpartisan umbrella organisation of NGO observers, Democracy in Action (DiA) comprising Kosovo Democracy Institute (KDI) and other partners including the Advocacy Centre for Democratic Culture (ACDC) in the four northern Kosovo-Serb municipalities and the Centre for Peace and Tolerance (CPT) in the six southern Kosovo-Serb majority municipalities also decided not to observe all polling stations in these elections.¹¹⁶ Instead, they observed in a representative sample of 500 (out of 2382) polling stations, observing the opening, voting and counting in all parts of the country. They published timely updates throughout the election day, which provided reassuring scrutiny of the process.¹¹⁷

KDI also had a reduced number of 16 Long Term Observers based in seven large towns, compared to previous recent elections when they had 2 LTOs in each of the 38 municipalities. The NGO Germin provided support and advocacy for Kosovo-Albanian diaspora, and observed the arrival, processing and counting of postal ballots, providing semi-regular updates of the verification process on Facebook, which partially made up for the lack of public information provided by the Counting and Results Centre directly. Investigative journalist organisations such as BIRN and Internews also undertook useful watchdog activities (mostly filling complaints to the ECAP on the breaches of various aspects of the LGE by the political parties).¹¹⁸

DiA with the support of the National Democratic Institute (NDI) performed a Parallel Vote Tabulation (PVT). The system in place (Statistical Based Observation - SBO, using an online data entry platform) worked well, enabling an efficient tracking of the turnout as well as possible irregularities at the polling stations. DiA held three press conferences

¹¹⁶ In 2019 DiA had 3,113 accredited observers, including 72 LTOs. In these elections they had around 650 observers including 16 long-term observers as a result of COVID-19 and a lack of funding.

¹¹⁷ [DiA report on election day](#)

¹¹⁸ [16 complaints to ECAP on election day](#)

and issued a press statement during the day providing information on the turn out, the atmosphere as well as the conduct of the voting procedure at the polling stations that were covered.

In less than four hours from the closing of the polling stations, at 22.45, DiA held its last press conference presenting the projection of the results from the PVT. The projected results followed the same form as those published during the evening on the CEC results webpage. Both the live feed of the CEC and the PVT projection of DiA excluded the Conditional, Special Needs and out-of-country votes, since they were not counted until more than a week later at the CRC.

Comparison of the results published by the CEC and the projection of the PVT results by DiA at 22.45 in the eve of the election day.

	CEC %	DiA %	Deviation%
VV	47.85	48.95	-1.1
PDK	17.41	16.93	0.48
LDK	13.08	13.34	-0.26
AAK	7.43	7.45	-0.02
SL	5.54	4.64	0.9
NISMA	2.6	2.5	0.1
Others	6.1	6.19	-0.09

Based on the comparison of the projection and the actual CEC results it is notable that the DiA's projection was highly accurate. The largest deviation from the initial results is for VV which is unsurprising given their landslide victory. This demonstrates that the DiA system functioned properly for the purposes of PVT. The sample was chosen to represent the demographic and geographic characteristics of the country. The small margin also indicates that the data from almost all the sampled polling stations were successfully collected.

However, the cost of the successful PVT was that by placing their limited number of observers in statistically appropriate locations, rather than 'hot-spots', the deterrent effect of observation was significantly diminished, which in the assessment of the Mission, and of others, resulted in harm to the electoral process in places.

16.1 Problems and recommendations

Civil society is one of Kosovo's strengths compared to its neighbours. However, with the reductions in international observation likely to continue, national observation will become even more important to maintain independent non-partisan observation.

The parallel vote tabulation organised by DiA was highly accurate. However, by placing emphasis on the statistical model of finding 500 average polling stations, the deterrent effect of observing in known or anticipated hot-spots was diminished. The next elections

foreseen in the autumn of 2021 for municipal councils and mayors cannot be as accurately covered by a PVT as it has 38 different constituencies.

- ***The international donor and diplomatic community should commit to the long-term funding and capacity building of national observation, encouraging additional coverage of known electoral hot-spots.***

17 Exit polls

Three separate exit polls were published at 19.00 on election day, by three TV channels. The exit polls varied in their level of professionalism and accuracy. Respondents for these exit polls were Kosovo-Albanians. There were no published exit polls for other communities.¹¹⁹

	RTV Dukagjini (Ubo Consulting Exit Poll)	Kanal 10 (Albanian Post / Gani Bobi Exit Poll)	Klan Kosova (PIPOS Exit Poll)	DiA – PVT of 500 PS	CEC preliminary count (15/2/21)
VV	47.9%	53.0%	41.8%	48.95%	47.85%
PDK	17.7%	20.0%	16.5%	16.93%	17.41%
LDK	14.6%	17.0%	15.2%	13.34%	13.08%
AAK	6.6%	7.0%	7.2%	7.45%	7.43%
Nisma	2.7%	2.0%	2.6%	2.50%	2.60%
Sample size	9,450	2,500	40,000	500 PS	
Stated margin of error	1%	Not published	1.5/2% ¹²⁰	3%	121

The LGE sets out that the publication of results for electoral surveys during the election campaign should be accompanied by details of the number of respondents, the party that commissioned the survey, the company that performed it, and the margin of error.¹²² However, no such obligation exists for exit polls, which leaves room for misleading the public.¹²³ While this was not necessarily a problem in these elections, in future elections, with a much closer result (potentially one that could fall within the margin of error) misleading exit polls could exacerbate political tensions and discredit the electoral process in the eyes of some.

Only one of the three exit polls (the one by Ubo Consulting and RTV Dukagjini) clearly explained the number of respondents, margin of error, and the meaning of the margin of error (thus putting the reported figures in context) prior to reporting the results, while the other two focussed on the results, emphasising them over providing complete information

¹¹⁹ The PIPOS one was reported by the organisers to have included in the sample voters from non-majority communities who could communicate in Albanian.

¹²⁰ Not published but referred to in an interview.

¹²¹ Before conditional, special needs and postal ballots.

¹²² Art. 47, para. 5.

¹²³ The only provision on exit polls can be found on Art. 52, para. 2, which prohibits their publication starting 24 hours before the closing of the polls until the polls close.

to the public. The UBO Consulting poll was also by far the most accurate exit poll. 9,450 respondents were asked several questions, besides who they voted for.

17.1 Problems and recommendations

The LGE does not oblige exit poll organisers to make public information that serves to put the data into context (such as number of respondents, margin of error, who commissioned or paid for the poll). Even assuming that the rules on pre-electoral surveys can be used by analogy for exit polls, (which does not necessarily follow from the law), the legal provisions that oblige the poll organisers to disclose this kind of information are vague.

- ***The law should clearly indicate that the publication of exit polls must be accompanied by the same information on methodology, who commissioned and who conducted the polls, as pre-electoral surveys. Moreover, to avoid abuse with this provision, the law should set out that the information should be mentioned at the same time as the results are presented and that all media that republish the data must abide by the same rules.***

18 Analysis of results

18.1 Turnout

Overall turnout in these elections was increased compared to 2017 and 2019 in part due to the large number of diaspora voters in 2021 and due to the decrease in the number of people registered on the voter list. However, the absolute number of voters in Kosovo was slightly reduced, though this was more than compensated for by the large increase in out-of-country voters. Diaspora votes contributed some 6.45% of valid ballots, which marks an increase of 2.8 times when compared to the 2019 early elections and 9.5 times compared to the 2017 Early elections.

	2017	2019	2021
Registered Voters	1,888,059	1,937,868	1,851,927
Number of voters who voted in polling stations	747,228	826,916	814,129
Conditional ballot, Special Needs Voting, Out-of-Kosovo	32,501	47,016	89,257
Turnout (%)	41.30	44.56	48.78
Valid ballots	727,986	841,275	871,796
Invalid Ballots	42,554	20,897	27,286
Blank Ballots	6,553	12,374	5,470
Ballots Used	777,191	873,997	903,422
Unused Ballots	924,087	853,257	740,129
Spoiled Ballots	1,746	1,599	1,854

Despite the overall number of in-country votes remaining more or less constant in the last three elections, the number of votes cast for VV doubled since the last election, while votes for LDK and AAK halved.

Political Party	Votes			% of votes		
	2021	2019	2017	2021	2019	2017
VV	438,335	221,001	200,135	50.28%	26.27%	27.49%
PDK	148,285	178,637	245,627	17.09%	21.23%	33.74%
LDK	110,985	206,516	185,884	12.73%	24.55%	25.53%
AAK	62,111	96,872	With PDK	7.12%	11.52%	With PDK
Srpska Lista	44,407	53,861	44,499	5.09%	6.40%	6.11%
Nisma	21,997	42,083	With PDK	2.52%	5.00%	With PDK
Others	45,676	42,305	51,841	5.17%	5.09%	7.13%
Totals	871,796	841,275	727,986	100.00%	100%	100.00%

Political Party	Seats			% of seats		
	2021	2019	2017	2021	2019	2017
VV	58	29	32	48.33%	24.17%	26.67%
PDK	19	24	39	15.83%	20.00%	32.50%
LDK	15	28	29	12.50%	23.33%	24.17%
AAK	8	13	With PDK	6.67%	10.83%	With PDK
Srpska Lista	10	10	9	8.33%	8.33%	7.50%
Nisma	0	6	With PDK	0.00%	5.00%	With PDK
Others	10	10	11	8.33%	8.33%	9.15%
Totals	120	120	120	100.00%	100.00%	100.0%

18.2 Kosovo-Albanian parties results and reactions

Four of the seven participating Kosovo-Albanian parties passed the 5% legal threshold and were allocated seats in the Assembly. Compared to the general ballot boxes, the counting of diaspora votes, conditional and SNV votes together with re-counts added two seats to VV's tally at the expense of PDK and AAK.

The results were accepted by all Kosovo-Albanian political parties. The day after elections, the Chair of LDK, Isa Mustafa announced his resignation, and on 14 March the party elected Lumir Abdixhiku as its leader.

The election results sparked controversy and division within AAK, which also received historically poor results. Two AAK candidates¹²⁴ accused the then incumbent Minister of Foreign Affairs and candidate for AAK, Meliza Haradinaj-Stublla of buying CRC counters to allocate votes of other candidates to herself. On 6 March an audio recording was published in the media,¹²⁵ in which allegedly one commissioner confesses to have changed votes for Bytyqi and Gjergji and allocating them to Haradinaj-Stublla in exchange for €6,000. Following the publication of the recording, Haradinaj-Stublla, who maintained that this did not occur, resigned from both her ministerial position and from AAK. A recount ordered by ECAP showed the result of Haradinaj-Stublla to be incorrect and she lost her seat to Albana Bytyqi.

Four of the top five candidates receiving the highest number of preference votes are from the VV list¹²⁶ and one from PDK;¹²⁷ two of the five are women.

18.3 Non-majority parties' results and reactions

The election results confirmed the political domination by Srpska Lista which won 44,407 votes or 5.09% of the total national vote, securing all 10 guaranteed seats for the Kosovo-Serb community. Kosovo-Serb oppositional parties continued to lose votes in each election (the non-SL pool of votes decreased from 8,464 votes in 2014 to 1,984 in 2021). In these elections Civic Initiative FJS won 1,508 while SDS won 476. Even though there were fewer voters on the voter list registered in the Kosovo-Serbs areas, these elections were marked by the extremely high turnout in some Kosovo-Serb municipalities.

The Mission's review of results in Zubin Potok shows that out of the municipality's 14 polling stations, in 10 polling stations, the only two parties that received votes were SL and UZ-AH, in a further three there was a single vote for a third party – which in two cases was one line away from SL on the ballot paper and may have been cast in error. The final polling station is a Kosovo-Albanian community. In the entire municipality out of 5,111 votes cast (83% turnout), there was a single vote for a Kosovo-Serb opposition party. In Zvečan/Zveçan, out of 12 polling stations, in nine of them, SL and UZ-AH were the only parties receiving any votes. In one polling station in Leposavić/Leposaviq SL won 100% of the vote. The credibility of these results has been questioned by many.

In North Mitrovica and Leposavić/Leposaviq, there were also votes for RI, JGP and Vakati included in the distribution of votes (before the intervention of ECAP), - the number of votes for JGP the SL's partner party for Kosovo-Gorani went up tenfold and the number of votes for the Kosovo-Roma community by a factor of one hundred, without there having been any significant demographic changes.

¹²⁴ Albana Bytyqi and Florentina Gjergji.

¹²⁵ [YouTube](#).

¹²⁶ Vjosa Osmani, Glauk Konjufca, Arben Vitia, and Donika Gervalla-Swchartz

¹²⁷ Enver Hoxhaj.

When the first election results came through, the losing political parties in the Kosovo-Bosniak community in particular, but in other communities as well, renewed their accusations that the votes for UZ-AH and RI were orchestrated by Kosovo-Serb authorities due to the significant increases in votes for the communities which specifically came from the municipalities where Kosovo-Serbs form the majority of the population.¹²⁸

Table of Kosovo-Serb majority municipalities ballot box results before conditional, postal, SNV votes, recounts and the ECAP cancellation of ballots.

Municipalities	UZ-AH 2021	Total Bosniak Vote 2021	Total Bosniak 2019	RI 2021	Total Roma 2021	Total Roma 2019	Total JGP 2021	Total Gorani 2021	Total Gorani 2019
Leposavić/ Leposaviq	1129	1379	28	244	248	1	236	241	11
North Mitrovica	1780	1844	110	210	220	2	398	432	48
Zubin Potok	407	407	5	0	1	0	0	0	9
Zvečan/ Zveçan	454	456	8	3	4	1	1	5	11
Štrpce/ Shtërpca	494	507	4	0	10	0	8	15	5
Novobrdó/ Novobërda	251	511	2	215	225	0	0	2	9
Klokot/ Kllokot	248	262	1	147	150	1	0	1	2
Gračanica/ Graçanicë	385	406	10	1620	1689	20	3	5	10
Ranilug/ Ranillug	244	458	1	199	202	0	0	3	0
Parteš/ Partesh	183	217	2	88	93	1	0	0	0
Total: 10 Kosovo-Serb areas	5575	6447	171	2726	2842	26	646	704	105

¹²⁸ See for instance [KoSSev](#).

Total: 28 non-Kosovo-Serb areas	804	12099	12250	1101	3709	1341	1473	2363	2534
Total: Kosovo	6379	18543	12421	3827	6551	1367	2119	3067	2639

Civil Society Organisations from the Kosovo-Bosniak community reacted stating that this constituted an attempt to usurp guaranteed seats for Bosniaks and other non-majority communities in the Kosovo Assembly.¹²⁹ On 23 February, Kosovo-Albanian civil society organisations issued a public reaction, calling on the Kosovo institutions, and the international community, to respect the non-majority community rights and investigate this case.¹³⁰

Once the final results were announced, complaints to ECAP were filed by three Kosovo-Bosniak parties SDU, NDS and Naša arguing that the number of voters within the Kosovo-Bosniak community increased by 49% in comparison to the 2019 election which they argued was a clear indication of “election manipulation.”

Upon reviewing their complaint, ECAP decided to annul all of the votes for all the Kosovo-Bosniak parties in seven Kosovo-Serb majority municipalities. In addition, in the remaining three other Kosovo-Serb majority municipalities, ECAP partially annulled the votes gained by Kosovo-Bosniak political entities, based on the estimated demographic structure of population.¹³¹ The Panel also took into consideration the voter data from the two previous elections. The total number of Kosovo-Bosniak votes annulled by ECAP amounted 4,976 of which 4,205 votes were removed from UZ-AH, 583 from VAKAT, 165 from SDU, 14 from NDS and 9 from Naša.¹³²

Nevertheless, even with the altered results there was still a 14% increase in votes for the Kosovo-Bosniak community’s parties.

¹²⁹ See [statement on Facebook](#).

¹³⁰ See [statement on Facebook](#).

¹³¹ ECAP used data from the 2011 Census and 2018 OSCE estimations on the number of Kosovo-Bosniak living in the Kosovo-Serbs majority areas.

¹³² According to the most recent census in 2011, there were 25,553 Kosovo-Bosniaks. It is not possible to be certain of the impact of ten years of coming of age and of deaths. If we assume that theoretically the census figure would constitute approximately 100% turnout (which is only a general figure), this would equate to 48.6% turnout in 2019. In 2021, there were 18,543 votes cast for Kosovo-Bosniak parties (before ECAP nullified some of them) which would equate, on the same rule of thumb assumption as 72.6% turnout.

Certified results after the ECAP cancellation of 4,976 votes.

	2019	2021	Difference since 2019
UZ-AH	0	2217	+2217
Vakat	7075	5366	+840
SDU	(With Vakat)	2549	(Vakat & SDU)
NDS	3935	2885	-1050
Others	1411	1375	-36
Total votes for Bosniaks	12421	14392	+1971

Similar allegations were directed at the votes for the Romani Initiative (RI) and United Gorani Party (JGP) which both won a significant number of votes in the Kosovo-Serbs areas. Based on the complaint submitted by 5 political entities of Roma, Ashkali and Egyptian communities, the ECAP also annulled some of the votes received by RI in Kosovo-Serb areas. Even though the Panel annulled 655 votes RI, their result still represented an electoral upset since it is a newly established initiative. RI won 3,172 votes while all three other lists won 2,882 votes in total.

Both ECAP verdicts were appealed to the Supreme Court, which on 12 March upheld ECAP’s judgements, and the amended final results were certified on 13 March. The consequences of this are that compared to the provisional ballot box results, SDU gained a seat from UZ-AH and LPRK gained one from RI. This report has been completed prior to any potential judgement by the Constitutional Court on these matters.

Between Kosovo-Ashkali parties one mandate went to PAI, which won 2,138 votes, PDAK came second with 1,960 votes, while LpB received 1,261 votes. The most votes within the Egyptian community were taken by IRDK with 3,305 votes, while PLE received 2,430 votes.

The Kosovo-Egyptian community had won two representatives in the 2019 elections, and in the 2017 elections the Kosovo-Ashkali community had won two seats. However, although reduced by ECAP, because of the high number of votes for RI, the smallest of these three communities, the Roma community gained an additional seat in the 2021 elections.¹³³ The parties registered as representing the Kosovo-Roma community won in total 6,054 votes, the Kosovo-Egyptian parties 5,735 votes while Kosovo-Ashkali parties received 5,395 votes.

The well-established Kosovo-Turkish party KDTP won 6,496 votes and secured two seats while new contender, YTHP won 1,243. YTHP was backed by VV, who campaigned with

¹³³ According to the most recent census in 2011, there were 8,824 Kosovo-Roma, 15,436 Kosovo-Ashkali and 11,524 Kosovo-Egyptians. See the OSCE’s [Overview of the Roma, Ashkali and Egyptian Communities in Kosovo](#)

it. However, it is clear that VV did not direct any votes their way. In 2019 KDTP, running unopposed, had 6,788 votes – in 2017 when there had been two competitive Kosovo-Turkish parties, they had between them 9,290 votes.¹³⁴

In the Kosovo-Gorani community there has not been a shift in political representation for more than a decade. JGP confirmed its domination built with the support of SL and Serbian authorities. JGP won 2,161 while KZ managed to receive 1,010.

18.4 Problems and recommendation

It is not illegal for individual voters to vote across community lines, and anecdotally this has happened particularly since some families are from mixed-community backgrounds. However, if these inter-communal votes are orchestrated by political parties and authorities, it is clearly a breach of the spirit of the constitutional settlement. The UK EEM heard from credible sources that public sector workers in the Kosovo system were instructed to vote for UZ-AH in the North. The UK EEM observed the arrival of several hundred people of working age who appeared to have been coordinated to vote with Adrijana Hodžić at her polling station. Members of one community being coordinated to choose the representatives of another community risks undermining the entire constitutional settlement of the 20 guaranteed seats. However, on the other hand the ECAP judgement, upheld by the Supreme Court, appears to place the spirit of the constitution above the letter of it.

- ***In the long-term, reform, with the consent of affected communities, of the guaranteed seats will become imperative. In the meantime, parties should exercise restraint in their campaigning to ensure that the community-based MPs are genuinely elected by the communities they represent.***

¹³⁴ Though there remain persistent rumours of fraud in Mamuša/Mamusha/Mamuša in previous elections.

19 UK EEM Recommendations

The UK EEM supports the 23 recommendations from the 2019 EU Election Observation Mission, only two of which appear to have been partially adopted. This is in part due to the short period of time since the last election. These elections have though brought an urgency to some of these recommendations and necessitated amendments to the previous recommendations as well as highlighting new areas that should be addressed.

Voter registration

Despite some progress in removing a backlog of ineligible voters, long-standing problems with voter registration remains. Having a large, but unknown number of deceased or otherwise ineligible people on the list leads to a perception of vulnerability to fraud through impersonation on election day.

- ***Consideration should be given to integrating the various elements of the government's information systems so that the register can be more actively kept up to date.***
- ***Additionally, procedures should be amended so that registration, rather than certification of death, results in removal of deceased voters from the list.***
- ***People who notify the authorities of a change of address within a municipality should have their polling station automatically updated.***
- ***A procedure for automatically reviewing and confirming the records of voters aged over 100 should be introduced. The responsibility should lie with the state rather than the voter to verify the records.***

Candidate registration

The controversy over the rejected candidatures of initially 47 candidates, including the leader of the largest party, harmed confidence in the neutrality of the election administration and removed choice from the electorate while increasing political tension. This additional penalty, in some cases going beyond the term of the original conviction, is too broad in its scope to serve a legitimate purpose. In some other countries similar provisions have been abused as a mechanism for removing candidates. As a general principle, particularly in an open list system, the qualification to be a candidate should be the same as that of a voter.

- ***Consideration should be given to amending the Article 29.1 (q) of the Law on General Elections to remove the penalty of the automatic removing candidate rights from those convicted of crimes.***

Holding of early elections

There is no line of succession for the acting presidency beyond the Speaker of the Assembly. The calling of an early election concurrent with a vacancy in the presidency is

foreseen in the Constitution given that the failure to fill the role of president automatically leads to an election of the Assembly. This resulted in the temporary ex-officio Acting President, who in their presidential role is meant to represent the country rather than party, uniquely exercising presidential powers while also standing for election.

- ***Consideration should be given to amending the constitution to provide for a line of succession for the acting presidency, which would allow the acting president to recuse themselves for the duration of an Assembly election to a pre-determined apolitical state official such as the Governor of the Central Bank, if the Speaker stands for re-election to the Assembly. Such a line of succession would also provide for the eventuality of the expiration of the six-month term of the acting president while elections were held.***

The ten day *de jure* official campaigning period for early elections is insufficient for political parties to be able to campaign efficiently and for voters to be informed. *De facto*, political parties start campaigning as soon as elections are called (especially in the case of early elections) and thus the short formal campaigning period only serves to avoid the legal prohibitions and financial reporting requirements associated with the campaign. Given the long periods of caretaker governments that have preceded and followed “early elections”, compressing the electoral cycle serves no essential purpose, particularly since the post-election period is so long due to the large numbers of recounts and the processing of out-of-country and conditional ballots.

- ***Early elections should be called with 60 days’ notice. The official campaigning period for early elections should be the same period (30 days) as for regular elections.***

The up to 30-day period between the certification of results and the opening of the new Assembly permitted by law is unnecessarily long and adds to the political intrigue of coalition negotiation rather than resolving it. It also extends the period in office of the outgoing government, which may have lost their mandate in both the outgoing Assembly and with the electorate. The feasibility of this recommendation is demonstrated by the Assembly being called ten days after the certification of results on this occasion.

- ***The Assembly should be called a week after the certification of results.***

General electoral provisions

The law does not include specific provisions that prohibit misuse of administrative resources for electoral gain, complete with relevant sanctions and an effective supervisory mechanism. The definition of misuse of administrative resources is too narrow and leaves out many potential misuses (e.g., development projects, increase of salaries, increase in social benefits and subsidies, etc.)

- ***Policy and financial limitations could be placed on central and local government in the lead-up to elections, restricting decisions that redirect public funds to programmes or actions that provide electoral advantage, unless strictly necessary.***

The restrictions on use of minors during campaigning is arbitrary and limits freedom of expression.

- ***Any limitations to freedom of expression must be prescribed by law and necessary.***

The LGE defines hate speech loosely, allowing for a wide margin of discretion by ECAP while sanctioning contestants on its use, potentially hindering freedom of speech.

- ***The definition of hate speech in the LGE should be more narrowly specified and aligned with internationally acknowledged definitions of the term.***

Regrettably, Facebook did not provide information in the “ad library” on numbers, targeting or spending on political adverts in Kosovo, unlike in several recent regional elections in the Western Balkans.

- ***Social media companies should provide transparency concerning advertising spending on their platforms.***

The constitutional system of guaranteed seats was designed to provide safeguards to ensure political representation of all non-majority communities. However, over the years it has in some cases resulted in inculcating undemocratic tendencies and clientelism. It has also tended to entrench ethnic divisions rather than create a genuine multi-ethnic political system. Democratic choices are severely constrained in the Kosovo-Serb and Kosovo-Gorani communities and to a lesser extent in the Kosovo-Turkish community.

The trust and restraint based electoral system for non-majority parties in the (rightful) absence of ethnicity defining identification documents was subverted by a coordinated attempt by the leadership of the Kosovo-Serbs to determine the representation of the Kosovo-Bosniak and Kosovo-Roma communities. This indirectly also likely reduced representation for either the Kosovo-Egyptian or Kosovo-Ashkali community. Directing the votes of Kosovo-Serbs also damaged the freedom of choice of Kosovo-Serbs. Without legal reform, the electoral system for the smaller non-majority groups will remain vulnerable to judicial intervention and/or abuse by larger communities. Debate about the appropriateness of the current system is inevitable. Nevertheless, reform of the system is not going to be constitutionally possible in the absence of a wide-ranging final settlement normalising relationships between Kosovo and Serbia, nor without the two-thirds consent of the non-majority communities.

Kosovo-Albanian parties have so far used the models of separate representation by non-majority parties as an excuse to neglect the ongoing problems and integration of non-Kosovo-Albanian groups. At present there are few incentives for the Kosovo-Albanian parties to incorporate non-majority candidates in their lists. At the same time, some Kosovo-Albanian parties dispute either the principle or the practice of guaranteed seats allocated to non-majority communities.¹³⁵

- ***The open-list, multiple preferential voting system permits some creative and voluntary approaches towards a list quota system which could eventually represent non-majority groups within multi-ethnic parties, just as over time gender quotas have become successful. As a start, the parties running for the non-reserved seats could voluntarily include one in eleven non-Albanian candidates zipped in their lists. This could allow for other communities' voices to be heard within the largest parties and could encourage democratic diversity within all the communities, while also preserving the reserved seats for the time being.***

Financial reporting by parties

The mechanism for party and campaign financial reporting does not lead to a meaningful outcome since it is formalistic and subject to decisions made by the political parties themselves as CEC commissioners. During campaigns there is little to no voluntary transparency by parties on their sources of income or amounts of expenditure until after the campaign, which may or may not be made public.

- ***The existing Office for Political Parties should be removed from the Central Election Commission in order to insulate the Office from decisions taken by political parties. It could become either a fully separate body, or part of the institution of the Election Complaints and Appeals Panel.***
- ***Parties should submit financial reports during the campaign at reasonable intervals (online real time reporting could also be considered), as well as at the end of the electoral process.***
- ***Campaign financial reports should be published immediately as they are received, and automatically audited. Reports should be published in an easily accessible electronic (rather than paper scan) format.***

¹³⁵ "Equality and national minorities a). Parties representing national minorities must be permitted. b). Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not in principle run counter to equal suffrage. c). Neither candidates nor voters must find themselves obliged to reveal their membership of a national minority." Art. 2.4. [Venice Commission Code of Good Practice in Electoral Matters](#)

- ***The Office for Political Parties should be provided with the necessary resources to perform meaningful supervision of party and campaign finance, including means to monitor the campaign and perform an independent estimation of campaign costs, based on sound methodology.***

The LGE provides for discretionary funding of newly formed and non-Assembly parties in addition to state funding of Assembly parties. However, this discretion is not exercised by the parties who take decisions.

- ***The existing discretion to allocate 10% of the state funds allotted to political parties to non-Assembly parties should become a statutory requirement in order to provide more equal access to state funds for all registered political subjects.***

COVID-19

The Mayoral and Municipal elections are due to be held at some point between 22 August and 22 November 2021.

- ***Lessons learned from these elections concerning health precautions for the campaign and election day, and in the Counting and Results Centre, should be implemented for future elections held during a time of health crisis. These should include stricter enforcement of health precautions during campaign events. On election day consideration should be given to health-based amendments to the voting process, such as the extension of voting hours, compulsory use of alcohol gel and nose and mouth coverings upon entry to the polling station and encouraging voters to use their own pens.***

Media regulation

The IMC deserves credit for starting media monitoring earlier and for sanctioning violations before the election rather than after it. However, further progress is difficult in the compressed calendar of early elections. The IMC does not publicly disclose daily data for media monitoring, thus hindering transparency on the coverage of the campaign during the campaign proper. Sanctions applied by the IMC are not dissuasive. The mechanism is more geared towards sanctioning violations post factum, instead of aiming to deter improper conduct by the media and ensure fair and balanced information for the public. The two leading parties appeared to selectively boycott certain TV stations.

- ***IMC's monitoring data should be published daily, even if in a raw format, so that transparency of media conduct during the campaign is improved and the rationale for applied sanctions is clear.***

- ***The oversight mechanism during election campaigns should be adapted to ensure timely and dissuasive sanctions to help ensure that the public is provided with balanced and fair information during the campaign. Changes could include holding more frequent IMC sessions during election campaigns. Remedy for affected parties could be provided, in the form of additional airtime granted for unbalanced coverage or clarification opportunities for biased comments.***
- ***While parties have the right to choose their platforms of communication, it is good practice for politicians to make themselves available to journalistic scrutiny. Avoiding doing so could potentially contribute to polarising both media and society.***

Kosovo-Serbs do not have functional access to Kosovo-wide media in the North.

- ***Independent media should be supported more systematically by the international community and by Kosovo institutions to help to promote neutrality and diversity of media, particularly in the smaller communities.***

Out-of-country voting

There are no binding international standards pertaining specifically to out-of-country voters. Some countries in Europe do not permit out of country voting at all.¹³⁶ But a clear principle, although not always adhered to, is that where out-of-country voting is permitted, as in Kosovo, voters should as far as possible, not be disadvantaged compared to regular voters.

The number of successful registrants was very high constituting 5.51% of all registered voters, and 6.45% of all valid votes cast. However, the CEC made several decisions which increased the challenges for out-of-country voters.

- ***Out-of-country registration and voting should be comprehensively reformed as part of a general enhancement of the Law on General Elections so that the legislation, rather than CEC decided rules and regulations govern the process.***
- ***Registration should be electronic, in line with the app/web-tool used during registration to check and/or change location within the country.***

¹³⁶ These include Kosovo's neighbours Montenegro and Albania as well as Malta. Although provided for in the Greek constitution, there are no procedures in place for out-of-country Greek citizens to vote. See [IDEA research](#). Albania was due to hold a trial of out-of-country-voting for 2021, but at the time of writing, appears not to have put provisions in place to do so.

- ***Ballots should be individually posted by voters within third countries to a PO Box set up for that purpose by the Embassy in the country.***
- ***Kosovo's embassies in regional locations could also facilitate this for countries without physical offices (i.e., the Embassy in London for Ireland, in Podgorica for Serbia).***
- ***The date for receiving the ballots should be the first working day after the election, whereupon the Embassy should send the ballots (in the presence of registered observers) to the Counting and Results Centre by courier.***
- ***The out-of-country voter list should be subject to the same challenge and scrutiny procedures as the in-country voter list. Voters should be able to check their own registration, but not that of others, online.***

Women's representation

Kosovo remains a male-dominated society. Economic dependence has a crucial impact on the social and political life of women. The role of women in society is particularly affected by the combined health and economic COVID-19 crises. Women are less likely to be employed than men, and if they are employed, are more likely to lose their jobs than men, and are often expected to have more responsibilities in the home. All these factors affect the prospects of women aspirant politicians as both candidates for places on party lists and in the election itself. Fundamental reforms of recruitment and career advancement processes throughout local and national government are required to ensure an equitable gender balance.

- ***To achieve greater participation of women in political processes electoral reform should be initiated to over time harmonise the Law on General Elections with the Law on Gender Equality. As an interim step, the 30% list quota should be increased to 40%***
- ***Political parties should undertake measures to include more women and youth on election lists and in politics in general, as well as provide more space for them within political parties and in public. This can be partially achieved through a more transparent candidate selection process.***
- ***Tailored professional development programmes designed to support the sustained political development of female and youth candidates should be encouraged, including networking and training opportunities for those who fail to be elected at the first attempt.***
- ***Greater transparency about the allocation of party funding for candidates should be provided to ensure that women are not disadvantaged within party lists.***

Legal harmonisation

There is an urgent need for harmonisation of the Rules of the CEC¹³⁷ with the LGE. To avoid improvisations and unsustainable decisions, the CEC must prepare an advanced election activity calendar which will strictly follow the legal regulations regarding the deadlines. Not doing this risks disenfranchising different groups of voters.

Due to the reduction in numbers of voters (and consequently polling stations) because of the partial cleaning of the voter list and an inefficient process of informing the voters of their newly assigned polling stations, there was confusion for some voters who appeared at the wrong polling stations on election day. This was recorded on multiple occasions in different communities, but most affected Kosovo-Serbs in the north. This represents a limitation to the effective exercise of voter's rights. It also opened an opportunity for SL structures to breach campaign silence provisions and exercise influence over voters by offering them transport to required polling stations and back to their homes.

In previous elections, Kosovo-Albanian parties also organised transportation in rural areas, though with limited numbers of observers, this was not noted in these elections. It is also common practice with coaches coming from other countries organised by a range of political parties. This though is a different case, since the voters themselves consent in advance to be part of this operation. How this is accounted for in campaign spending reporting though, is unclear.

- ***Further public information for citizens on how to check their polling station's location in advance should be made available, including online.***

The LGE and the Rules of the CEC are in some respects incompatible. The LGE is also not in compliance with for instance the Law on Gender Equality.

- ***The CEC Rules and the LGE should be reviewed for synchronisation with other Kosovo legislation such as the Law on Data Protection and the Law on Gender Equality. The LGE should also be reviewed to ensure compliance with the EU – Acquis Communautaire.***

As noted in previous sections there were overbroad interpretations of the Code of Conduct and other provisions which led to many fines some of which were disproportionate to the offence.

While it is important that there is not a deluge of minor or unmerited complaints, the mechanisms for diaspora voting and appeals need updating.

¹³⁷ Rule No.02/2013, Rule No.03/2013

- ***Amendments to Article 97 of the LGE, Article 3.4. of the CEC Rule No. 3/2013 and Articles 10.1 and 10.2 of the ECAP Rule No. 2/2015 are required to provide for out-of-country voters to apply for voting and appeals on-line.***

The 24-hour deadline for appeals to the ECAP is very short.¹³⁸ The timeframe for reaching decisions is also short with only 72 hours. While complaints and decisions need to be taken quickly to be timely, particularly in advance of the election, this urgency is reduced after the election.

- ***Prior to the election, ECAP should allow 48 hours in which to complain, and after the election, 72 hours. Decisions should be made within 72 hours before the election and 120 hours after the election. The same timelines should apply for appeals and decisions at the Supreme Court.***

Election day procedures

The performance of the observed polling stations in northern Kosovo was significantly impacted by the *de facto* lack of control mechanisms. In many cases outside of North Mitrovica, polling station commissions were composed of representatives of one or two parties, which removed safeguards implied by multi-party political supervision. This led to observed failures to respect the voting process – for instance checking with UV lamps, cross checking the identity of the voter with the ID document, proper finger spraying, improperly recorded assisted voting. The primary responsibility lies with the political parties themselves to ensure that they provide adequate numbers of motivated polling station commission members.

- ***Political parties with a right to polling station commissioners should put more effort into ensuring that they are represented in all communities where they are eligible, by bringing in commissioners from other municipalities when necessary to ensure that there is a genuine balance of parties particularly in areas where there is limited electoral competition.***

In Kosovo-Serb areas, the voting of the mayors and other key political leaders was observed to be coordinated with that of hundreds of their staff. This is a mechanism for potential coercion by employers over employees, and as a rally, could constitute a breach of campaign silence.

¹³⁸ According to the Venice Commission, in Bosnia and Herzegovina, Croatia, North Macedonia and Serbia the deadline is 48 hours, and in Albania it is 72 hours for complaints to the Central Election Body and 5 days before a court. In the UK it is between 14 and 28 days depending on the issue. [Report on the Cancellation of Election Results](#)

- ***Political parties should respect the individual choices of the voters to vote (or not vote) at a time of their choosing, rather than encouraging mass demonstrations of public loyalty which constitutes an implied coercion and breach of campaign silence.***

The sudden addition of expired ID documents on election day was legally problematic.

- ***The subsidiary acts – the Rules and regulations of the CEC should provide for the technical implementation of the election process. These Rules should not be used to override the Laws and the Constitution of the country.***

Conditional ballots were introduced in the immediate post-conflict period to allow for internally displaced persons and other vulnerable groups to be able to exercise their democratic rights in polling stations other than where they were formally registered as some of them were unable to travel to their original homes. There is no longer a need for such processes which are neither widely used (fewer than 3% of ballots) or much trusted. Distances within Kosovo are small and there are mechanisms in place to allow voters to reassign their polling station should they wish to do so, which could be further enhanced and publicised. The laborious process of checking the voter list from every polling station to verify that conditional ballots are not a fraudulent second vote adds around ten days to the CRC process, delaying the certification of final results and therefore the creation of the new Assembly, and potentially a new government.

- ***Conditional ballots should be discontinued once the systems for changing polling stations following a change of address are improved.***

There were a small number of instances in these elections and previous ones of miscounting by polling station and CRC commission members.

- ***To deter fraudulent behaviour, the law could provide a mandatory recount of a small random sample of polling stations once the results are certified. This would serve as deterrent against fraud by polling station and CRC commissioners.***

National observers and exit polls

Civil society is one of Kosovo's strengths compared to its neighbours. However with the reductions in international observation likely to continue, national observation will become even more important to maintain independent non-partisan observation.

The parallel vote tabulation organised by DiA was highly accurate. However by placing emphasis on the statistical model of finding 500 average polling stations, the deterrent effect of observing in known or anticipated hot-spots was diminished. The next elections foreseen in the autumn of 2021 for municipal councils and mayors cannot be as accurately covered by a PVT as it has 38 different constituencies.

- ***The international donor and diplomatic community should commit to the long-term funding and capacity building of national observation, encouraging additional coverage of known electoral hot-spots.***

The LGE does not oblige exit poll organisers to make public information that serves to put the data into context (such as number of respondents, margin of error, who commissioned or paid for the poll). Even assuming that the rules on pre-electoral surveys can be used by analogy for exit polls, (which does not necessarily follow from the law), the legal provisions that oblige the poll organisers to disclose this kind of information are vague.

- ***The law should clearly indicate that the publication of exit polls must be accompanied by the same information on methodology, who commissioned and who conducted the polls, as pre-electoral surveys. Moreover, to avoid abuse with this provision, the law should set out that the information should be mentioned at the same time as the results are presented and that all media that republish the data must abide by the same rules.***

Non-majority rights to representation

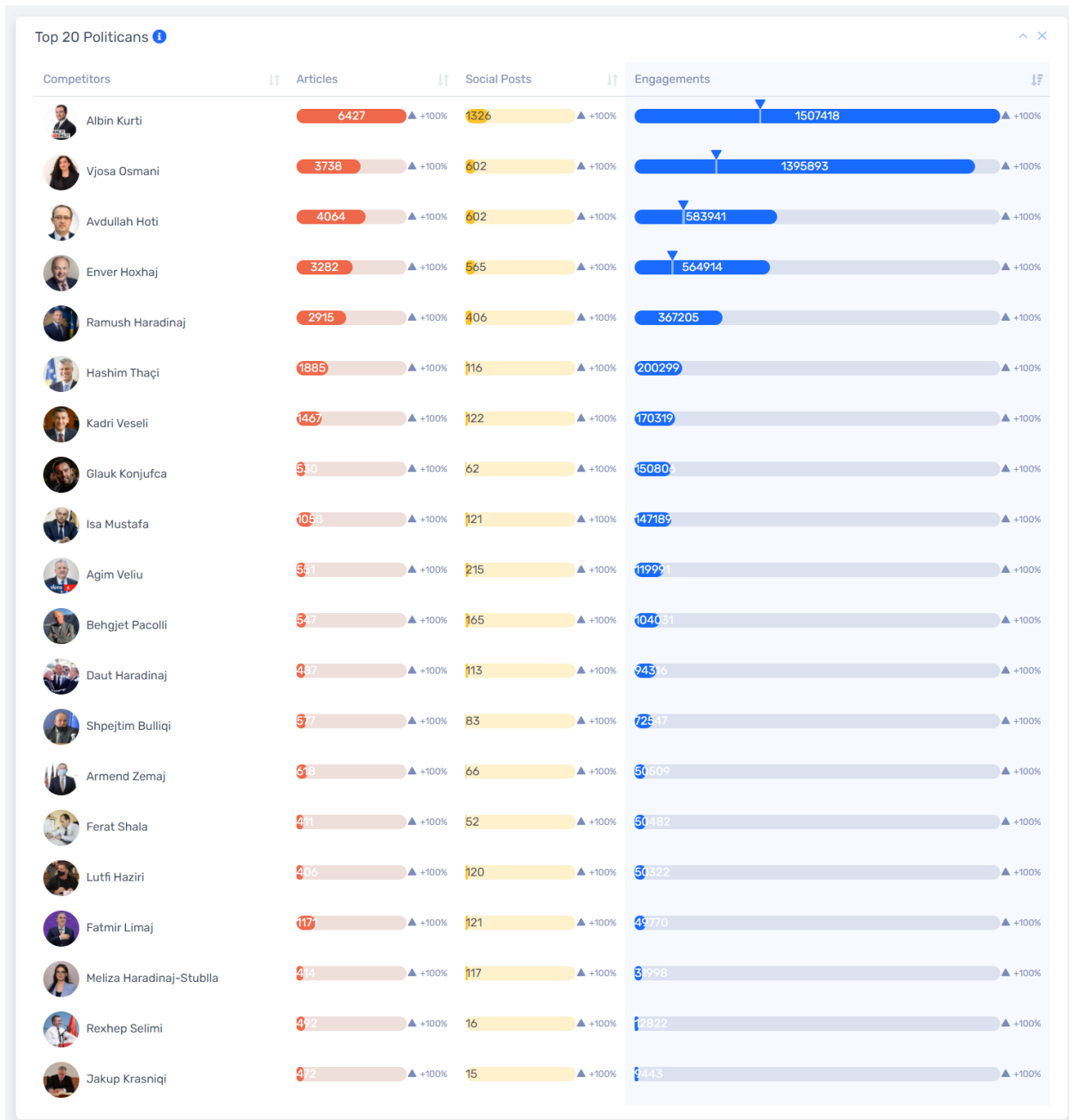
It is not illegal for individual voters to vote across community lines, and anecdotally this has happened particularly since some families are from mixed-community backgrounds. However, if these inter-communal votes are orchestrated by political parties and authorities, it is clearly a breach of the spirit of the constitutional settlement. The UK EEM heard from credible sources that public sector workers in the Kosovo system were instructed to vote for UZ-AH in the North. The UK EEM observed the arrival of several hundred people of working age who appeared to have been coordinated to vote with Adrijana Hodžić at her polling station. Members of one community being coordinated to choose the representatives of another community risks undermining the entire constitutional settlement of the 20 guaranteed seats. However, on the other hand the ECAP judgement, upheld by the Supreme Court, appears to place the spirit of the constitution above the letter of it.

- ***In the long-term, reform, with the consent of affected communities, of the guaranteed seats will become imperative. In the meantime, parties should exercise restraint in their campaigning to ensure that the community-based MPs are genuinely elected by the communities they represent.***

20 Annex on social media data

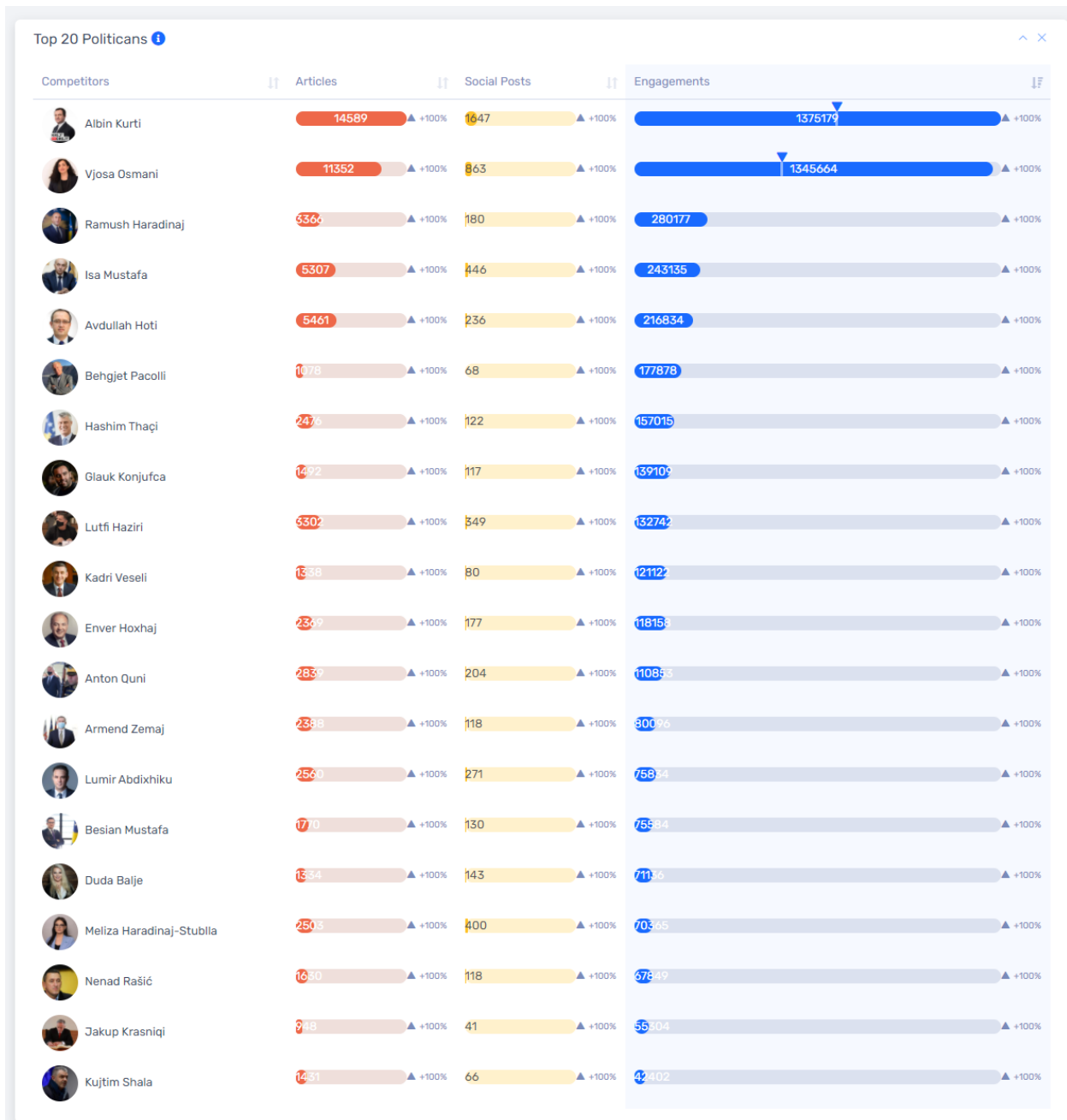
20.1 Popularity of top 20 Kosovo politicians from the start of the campaign (3 Feb.) to election day.

Popularity is measured in terms of a. *number* of articles generated on them in online news portals; b. *number* of social media posts generated on them, and c. *number* of engagements in social media of both categories, (a) and (b). *In this chart, politicians are ranked by engagements generated on Facebook.*

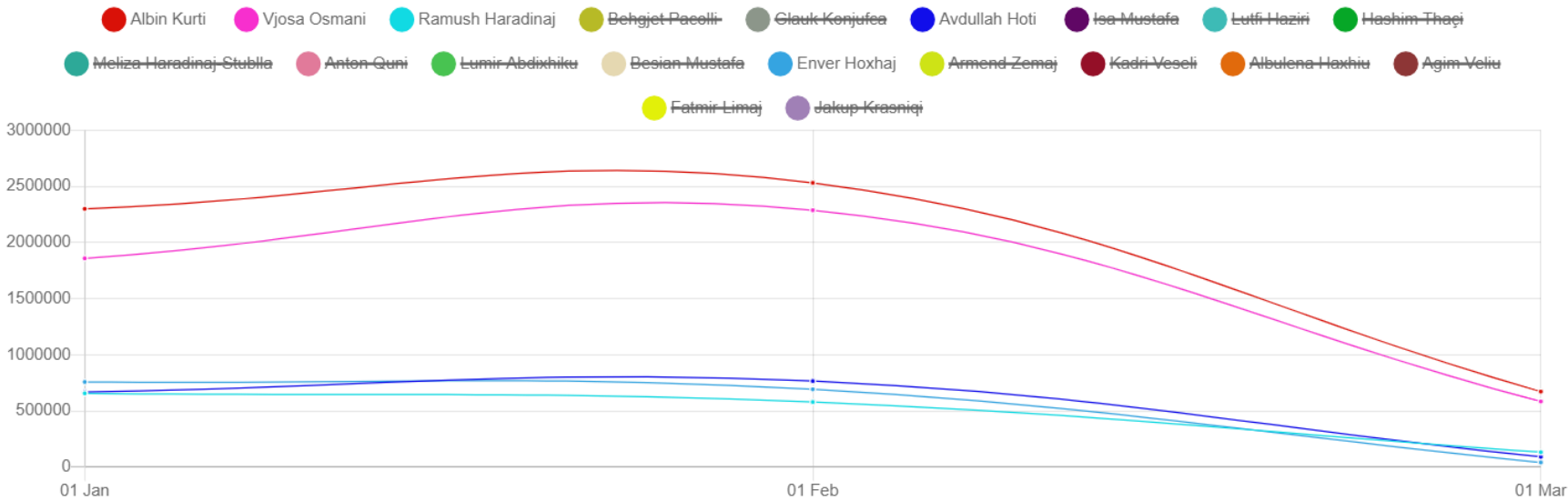


20.2 Popularity of top 20 Kosovo politicians from 15 Feb to the certification of results.

Popularity is measured in terms of a. *number* of articles generated on them in online news portals; b. *number* of social media posts generated on them, and c. *number* of engagements in social media of both categories, (a) and (b). *In this chart, politicians are ranked by engagements generated on Facebook.*



20.3 Change in number of Facebook engagements for the five main politicians (Kurti, Osmani, Hoti, Hoxhaj, and Haradinaj) over the period from 1 January to 1 March 2021.

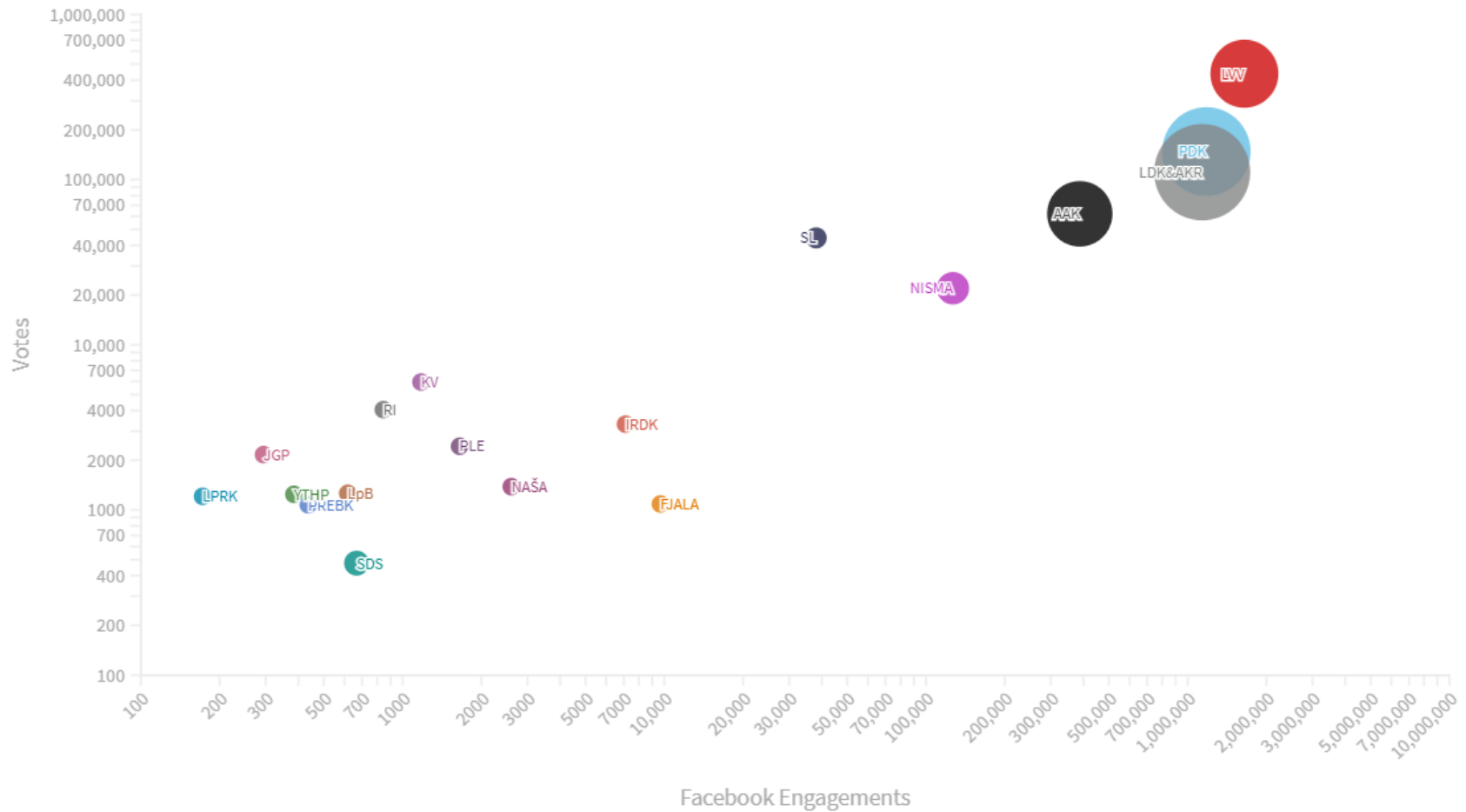


20.4 Popularity of top 20 political parties from the start of the campaign (3 Feb.) to election day (14 Feb.).

Popularity is measured in terms of a. number of articles generated on them in online news portals; b. number of social media posts generated on them, and c. number of engagements in social media of both categories, (a) and (b). In this chart, parties are ranked by engagements generated on Facebook.



20.5 Correlation between Facebook posts engagements for a political party and the votes the party received in the 14 Feb. election ($r=0.91$).

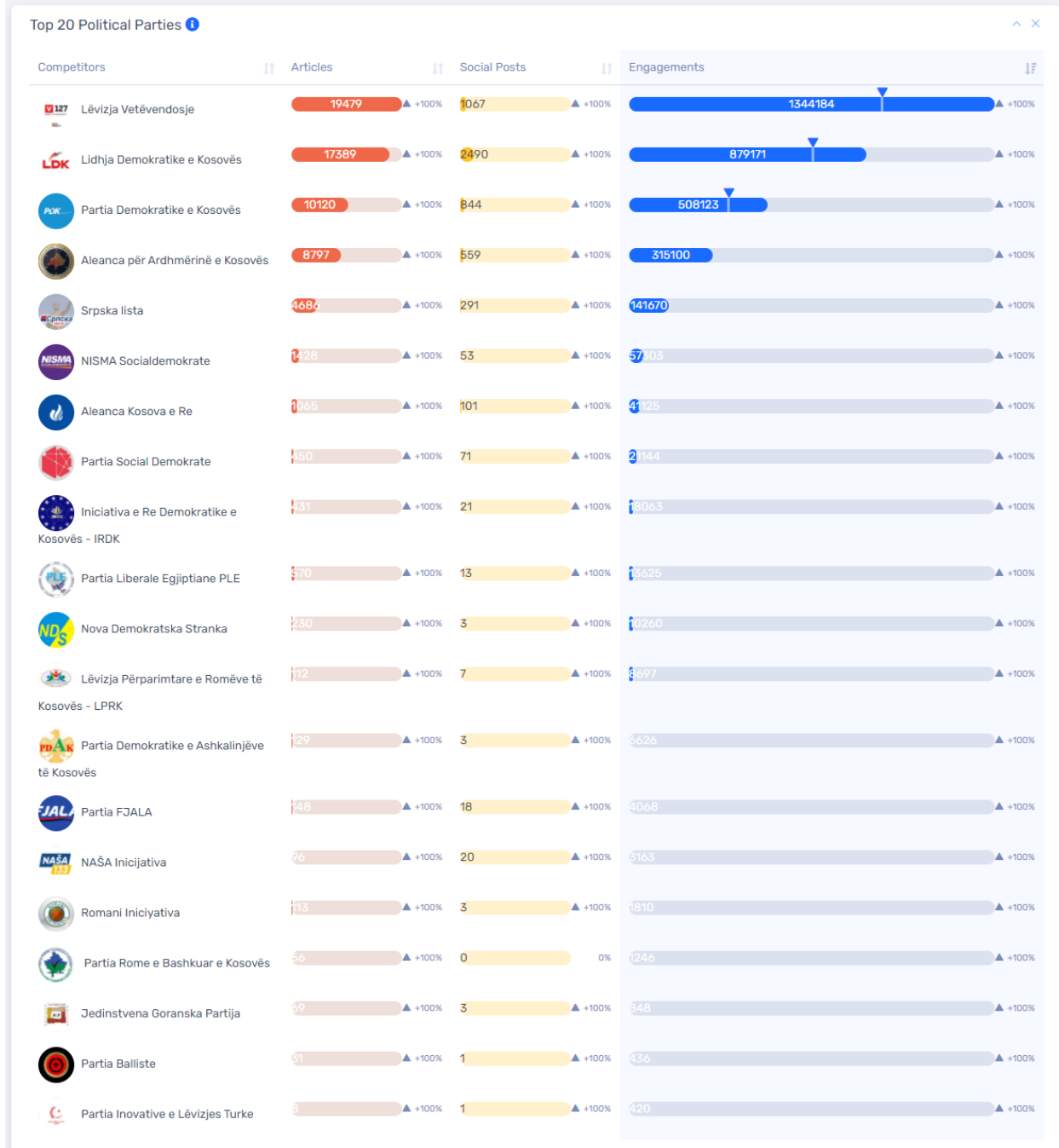


Notes:

1. The size of the bubble represents the number of social media posts for a given party.
2. Both axes of the chart are in log scale, to make individual data points visible.

20.6 Popularity of top political parties from the day after election day (15 Feb.) to the certification of results (12 Mar.).

Popularity is measured in terms of a. number of articles generated on them in online news portals; b. number of social media posts generated on them, and c. number of engagements in social media of both categories, (a) and (b). In this chart, parties are ranked by engagements generated on Facebook.



20.7 Change in number of Facebook engagements and ranking for the key politicians (heads of Kosovo-Albanian parties that gained seats in the Assembly and the Prime Minister) and larger parties between the campaign period and the post election period (until the certification of results).

<i>Politician</i>	<i>DURING THE CAMPAIGN (UP TO ELECTION DAY)</i>		<i>FROM THE DAY AFTER ELECTION DAY, UNTIL THE CERTIFICATION OF RESULTS</i>		<i>DIFFERENCE</i>	
	Facebook engagements	Rank	Facebook engagements	Rank	In engagements	In rank
<i>Albin Kurti</i>	1,507,418	1	1,375,179	1	-132,239	0
<i>Vjosa Osmani</i>	1,395,893	2	1,345,664	2	-50,229	0
<i>Avdullah Hoti</i>	583,941	3	216,834	5	-367,107	-2
<i>Enver Hoxhaj</i>	564,914	4	118,158	11	-446,756	-7
<i>Ramush Haradinaj</i>	367,205	5	280,177	3	-87,028	2
<i>Isa Mustafa</i>	147,189	9	243,135	4	95,946	5
<i>Party</i>	Facebook engagements	Rank	Facebook engagements	Rank	In engagements	In rank
<i>VV</i>	1,646,398	1	1,344,184	1	-302,214	0
<i>PDK</i>	1,177,707	2	508,123	3	-669,584	-1
<i>LDK</i>	1,053,059	3	879,171	2	-173,888	1
<i>AAK</i>	385,771	4	215,100	4	-170,671	0
<i>SL</i>	126,747	9	141,670	5	14,923	4

20.8 Top eight most popular posts on Facebook by politicians

From the start of the campaign to election day (3 – 14 February 2021)

<https://www.facebook.com/220997878400104/posts/1071835096649707/>

<https://www.facebook.com/165237913638481/posts/1932682863560635/>

<https://www.facebook.com/220997878400104/posts/1068310540335496/>

<https://www.facebook.com/165237913638481/posts/1925402907621964/>

<https://www.facebook.com/165237913638481/posts/1932107573618164/>

<https://www.facebook.com/165237913638481/posts/1933760146786240/>

<https://www.facebook.com/165237913638481/posts/1924556204373301/>

<https://www.facebook.com/220997878400104/posts/1068254120341138/>

20.9 List of online portals followed by the UK EEM

	NAME	LINK
1	Telegrafi	telegrafi.com
2	Bota Sot	botasot.info
3	DW	dw.de
4	Evropa e Lirë	evropaelire.org
5	Fish Media	fishmedia.info
6	Indeks online	indeksonline.net
7	RTV 21	rtv21.tv
8	Gazeta Express	gazetaexpress.com
9	Zeri	zeri.info
10	Koha.net	koha.net
11	RTK	rtklive.com
12	Presheva Jone	preshevajone.com
13	Klan Kosova	klankosova.tv
14	Lajmi.net	lajmi.net
15	KosovaLive360	kosovalive360.com
16	KosovaPress	kosovapress.com
17	PortaliOnline	portalionline.com
18	Arbresh	arbresh.info
19	Illyria	illyriapress.com
20	Prive	prive.al
21	GazetaBlic	gazetablic.com
22	Orainfo	orainfo.net
23	Kallxo	kallxo.com
24	Infokusi	gazetainfokus.com

25	Parrotlla	www.parrotlla.org
26	Insajderi	insajderi.com
27	Gazeta Fjala	gazetafjala.com
28	Gazeta Monitor	www.gazetamonitor.com
29	Periskopi	periskopi.com
30	Gazeta e re	www.gazetaere.com
31	Bota Press	botapress.info
32	Ekonomia Online	ekonomiaonline.com
33	Gazeta Observer	gazetaobserver.com
34	Epoka e Re	epokaere.com
35	Sinjali	sinjali.com
36	Syri.net Kosova	www.syri.net
37	Gazeta Metro	gazetametro.net
38	New Perspektiva	new-perspektiva.com
39	Info Kosova	infokosova.net
40	Radio Kosova e Lire	radiokosovaelire.com
41	Kosova info	kosova.info
42	Njeshi	njeshi.com
43	Kosova Post	kosovapost.net
44	Kosova live	kosova.live
45	Kosovo Insights	kosovoinsights.com
46	RTV Besa	rtvbesa.com
47	TV Tema	tvtema.net
48	TV Prizreni	tvprizreni.info
49	Llapi info	llapi.info
50	Ferizaj24	ferizaj24.info
51	Ferizaj press	ferizajpress.com
52	Revista Kosovarja	kosovarja-ks.com
53	Mekulli press	mekulipress.com
54	Indeks Kosova	indekskosova.com
55	Kosova24	kosova24.net
56	Gazeta Shneta	gazetashneta.net
57	06 Press	06press.com
58	Korrekt show	korrektshow.info
59	Nacionale Info	nacionale.info
60	Oxygen Press	oxygenpress.info
61	Mitrovica sot	mitrovicasot.net
62	Aktiv press	aktivpress.com
63	Shtime press	shtimepress.com
64	Radio Sharri	radio-sharri.info
65	Opoja TV	opoja.tv
66	Ulpiana press	ulpianapress.com
67	Lipjani News	lipjaninews.com
68	Malisheva TV	malisheva.tv
69	Istogu portal	istoguportal.eu
70	Gazeta Expert	gazetaexpert.com
71	Obiliqi Press	obiliqipress.com
72	Vec Lajme	veclajme.com

73	24 orë info	24-ore.info
74	Gazeta NewBorn	gazetanewborn.co
75	Vushtrria Online	vushtrriaonline.net
76	Republika Online	republikaonline.net
77	Suhareka Express	suharekaexpress.com
78	Suhareka Online	suharekaonline.com
79	Gjilani info	gjilani.info
80	2L Online	2lonline.com
81	Rajoni press	rajonipress.com
82	Gjilani Sot	gjilanisot.com
83	Drenica press	drenicapress.info
84	Drenica Sot	drenicasot.com
85	Reporteri	reporteri.net
86	Gazeta e Prizrenit	gazetaeprizrenit.net
87	Prizreni Sot	prizrenisot.net
88	Prizren Press	prizrenpress.com
89	Rahovec Posti	rahovecpost.com
90	Rahoveci24	rahoveci24.com
91	Ballkani info	ballkani.info
92	Gazeta Scanner	gazetascanner.com
93	Buletini Ekonomik	buletinieekonomik.com
94	Klina info	klina.info
95	Front Online	frontonline.net
96	Kosova ime	kosovaimetv
97	Njekomb	njekomb.org
98	Korrespondenti	korrespondenti.com
99	Gazeta Tribuna	gazetatribuna.com
100	Theranda post	therandapost.com
101	TV Kamenica	tvkamenica.com
102	Veriu	veriu.info
103	Podujeva press	podujevapress.net
104	RTV Fontana	radiofontana.org
105	Istogu Channel	istoguchannel.tv
106	Radio Prishtina	prishtina.fm
107	Mesazhi	mesazhi.com
108	Gazeta Sheshi	gazetasheshi.com
109	Gazeta Olle	gazetaolle.com
110	Prishtina press	prishtinapress.eu
111	Lajme365	lajme365.com
112	Radio Star Gjilan	radiostargjilan.com
113	Gazeta Mejdani	mejdani.com
114	Opoja.net	opoja.net
115	Bota e Lajmeve	botaelajmeve.com
116	Prizren Post	prizrenpost.com
117	04online	04online.info
118	Fakte Plus	fakteplus.net
119	Malisheva.al	malisheva.al
120	Infoline News	infoline-news.com

121	Lajme Kosovare	lajmekosovare.info
122	Albswiss	albswiss.com
123	Drenica online	drenicaonline.com
124	Gazeta Flash 24	gazetaflash24.net
125	Ferizaj Info	ferizajinfo.com
126	Gazeta Evropa	gazetaevropa.com
127	Gazeta Alo	gazetaalo.com
128	Jepi zë	jepize.com
129	Epilogu	epilogu.com
130	Gjakova Portal	gjakovaportal.com
131	Gjakova Press	gjakovapress.info
132	Zero 5	zeropese.com
133	Info Prishtina	infoprishtina.com
134	Shkruje	shkruje.com
135	Prishtina Ime	prishtinaime.net
136	Index Shqip	indexshqip.net
137	Toplajme	toplajme.al
138	Visionpress Info	visionpress.info
139	Klina Press	klinapress.com
140	Gazeta Direkt	gazetadirekt.com
141	Departamenti	departamenti.com
142	Gazeta Lajm	lajm.net
143	Realiteti 24	realiteti24.net
144	Kultplus	kultplus.com
145	Info Lajm	infolajm.net
146	Dardania Press	dardaniapress.net
147	Korneri	korneri.net
148	Kryelajmi	kryelajmi.com
149	Informatat	informatat.com
150	Ligjeruesi	ligjeruesipress.com
151	Lajme247	lajme247.com

21 Annex – ECAP fines on breaches of the Code of Conduct during campaigning

DATE	PARTY	CATEGORY*	AMOUNT	LINK
8 FEB 21	LDK	Misuse of administrative resources	€4,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A341-2021-Vendim.pdf
8 FEB 21	AAK	Use of minors in campaign	€2,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A343-2021-Vendim-1.pdf
8 FEB 21	AAK	Misuse of administrative resources	€4,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A331-2021-Vendim-1.pdf
8 FEB 21	AAK	Improper placement of posters	€1,200	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A329-2021-Vendim.pdf
8 FEB 21	AAK	Misuse of administrative resources	€3,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A347-2021-Vendim.pdf
8 FEB 21	PDK	Misuse of administrative resources	€2,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A346-2021-Vendim.pdf
11 FEB 21	VV	Improper placement of posters	€1,200	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A367-2021-Vendim.pdf
11 FEB 21	AAK	Improper placement of posters	€1,400	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A361-2021-Vendim.pdf
11 FEB 21	AAK	Improper placement of posters	€1,300	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A360-2021-Vendim.pdf

11 FEB 21	AAK	Defamation / hate speech / personal attacks	€20,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A352-2021-Vendim.pdf
11 FEB 21	Nisma	Defamation / hate speech / personal attacks	€20,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A351-2021-Vendim.pdf
11 FEB 21	PDK	Defamation / hate speech / personal attacks	€1,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A350-2021-Vendim.pdf
11 FEB 21	AAK	Improper placement of posters	€1,400	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A361-2021-Vendim-1.pdf
12 FEB 21	SL	Graffiti for campaign purposes	€1,200	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A371-2021-Vendim.pdf
12 FEB 21	VV	Electoral event without the permission of MEC	€6,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A370-2021-Vendim.pdf
12 FEB 21	LDK	Disrupting electoral events	€2,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A369-2021-Vendim.pdf
12 FEB 21	PDK	Defamation / hate speech / personal attacks	€8,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A366-2021-Vendim.pdf
12 FEB 21	AAK	Improper placement of posters	€1,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A364-2021-Vendim.pdf
12 FEB 21	PDK	Improper placement of posters	€12,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A363-2021-Vendim.pdf
14 FEB 21	AAK	Improper placement of posters	€1,600	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A375-2021-Vendim.pdf

15 FEB 21	VV	Breach of campaign silence	€500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A451-2021-Vendim.pdf
15 FEB 21	SL	Breach of campaign silence	€1,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A466-2021-Vendim.pdf
15 FEB 21	PDK	Breach of campaign silence	€3,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A452-2021-Vendim.pdf
15 FEB 21	Nisma	Improper placement of posters	€1,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A450-2021-Vendim.pdf
15 FEB 21	LDK	Breach of campaign silence	€1,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A447-2021-Vendim.pdf
15 FEB 21	VV	Breach of campaign silence	€1,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A440-2021-Vendim.pdf
15 FEB 21	LDK	Breach of campaign silence	€4,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A435-2021-Vendim.pdf
15 FEB 21	PDK	Breach of campaign silence	€25,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A419-2021-Vendim.pdf
15 FEB 21	PDK	Breach of campaign silence	€10,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A401-2021-Vendim.pdf
15 FEB 21	AAK	Breach of campaign silence	€4,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A382-2021-Vendim.pdf
15 FEB 21	LDK	Breach of campaign silence	€9,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A378-2021-Vendim.pdf

15 FEB 21	AAK	Breach of campaign silence	€10,75 0	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A377-2021-Vendim.pdf
16 FEB 21	VV	Breach of campaign silence	€12,00 0	https://pzap.rks-gov.net/wp-content/uploads/2021/03/A471-2021-Vendim.pdf
16 FEB 21	PDK	Breach of campaign silence	€500	https://pzap.rks-gov.net/wp-content/uploads/2021/03/A469-2021-Vendim.pdf
16 FEB 21	VV	Breach of campaign silence	€500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A510-2021-Vendim.pdf
16 FEB 21	VV	Breach of campaign silence	€500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A499-2021-Vendim.pdf
16 FEB 21	VV	Breach of campaign silence	€3,000	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A501-2021-Vendim.pdf
16 FEB 21	VV	Breach of campaign silence	€20,00 0	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A439-2021-Vendim-1.pdf
16 FEB 21	AAK	Breach of campaign silence	€1,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A459-2021-Vendim.pdf
16 FEB 21	PDK	Breach of campaign silence	€3,500	https://pzap.rks-gov.net/wp-content/uploads/2021/02/A453-2021-Vendim.pdf

* The category is by the Mission, based on the description.

22 Acronyms

22.1 Parties taking part in the 2021 elections

Acronym	Name in English	Name in Albanian [or other language] (acronym)	Community they represent
	Coalition Together	Koalicija Zajeno	Gorani
AAK	Alliance for the Future of Kosovo	Aleanca për Ardhmërinë e Kosovës	Albanian
Fjala	“The Word” Party	Partia Fjala	Albanian
GI SPO	Citizens’ Initiative for Freedom, Justice and Survival	Gradjanska Inicijativa za Slobodu, Pradu i Opstanak	Serbian
IRDK	New Democratic Initiative of Kosovo	Iniciativa e Re Demokratike e Kosovës	Egyptian
JGP	United Gorani Party	Jedinstvena Goranska Partija	Gorani
KDTP	Turkish Democratic Party of Kosovo	Kosova Demokratik Türk Partisi	Turkish
KNRP	The Kosovar New Romani Party	Kosovaki Nevi Romani Partia	Roma
LDK	Democratic League of Kosovo	Lidhja Demokratike e Kosovës	Albanian
LpB	Movement for Interaction	Lëvizja per Bashkveprim	Ashkali
LPRK	Progressive Movement of Kosovo Roma	Lëvizja Përparimtare e Romëve të Kosovës	Roma
Naša	Our Initiative	Naša Inicijativa	Bosniak
NDS	New Democratic Party	Nova Demokratska Stranka	Bosniak
Nisma	Social Democratic Initiative	Nisma Socialdemokrate	Albanian
PAI	Ashkali Party for Integration	Partia e Ashkalinjëve për Integrim	Ashkali
PB	Front Party	Partia Balliste	Albanian
PDAK	Democratic Ashkali Party of Kosovo	Partia Demokratike e Ashkalive të Kosovës	Ashkali

PDK	Democratic Party of Kosovo	Partia Demokratike e Kosovës	Albanian
PLE	Egyptian Liberal Party	Partia Liberale Egjiptiane	Egyptian
PRBK	United Roma Party of Kosovo	Partia Rome e Bashkuar e Kosovës	Roma
RI	Roma Initiative	Romani Iniciyativa	Roma
SDS	Social-Democratic Alliance	Social-Demokratski Savez	Serbian
SDU	Social Democratic Union	Social-Demokratska Unija	Bosniak
SL	Serbian List	Srpska Lista	Serbian
UZ-AH	United Community - Adrijana Hodžić	Ujedinjena Zajednica - Adrijana Hodžić	Bosniak
VAKAT	Coalition VAKAT	Koalicija VAKAT	Bosniak
VV	Self Determination Movement	Lëvizja Vetëvendosje (LVV)	Albanian
YTHP	Innovative Turkish Movement Party	Yenilikçi Turk Hareketi Partisi	Turkish

22.2 Other acronyms

Acronym	Full name - English	Name in Albanian and Acronym
CEC	Central Election Commission	Komisioni Qendror Zgjedhor (KQZ)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	Konventa për eliminimin e të gjitha formave të diskriminimit ndaj grave
Constitution	The Kosovo Constitution of 2008	Kushtetuta e Kosovës 2008
CRA	Civil Registration Agency	Agjencia për Regjistrim Civil (ARC)
CRC	Counting and Results Centre	Qendra e Numërimit dhe Rezultateve (QNR)
CRF	Candidates' Results Form	Formulari i Rezultateve të Kandidatit (FRK)

CRPD	Convention on the Rights of Persons with Disabilities	Konventa për të drejtat e personave me aftësi të kufizuara
ECAP	Election Complaints and Appeals Panel	Paneli Zgjedhor për Ankesa dhe Parashtrësia (PZAP)
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols	Konventa evropiane për mbrojtjen e të drejtave të njeriut dhe liritë themelore dhe protokollat e saj
ICCPR	International Covenant on Civil and Political Rights and its Protocols	Konventa ndërkombetare për të drejtat civile dhe politike dhe protokollat e saj
IMC	Independent Media Commission	Komisioni i Pavarur i Mediave (KPM)
LGE	The Law No. 03/L-073 on General Elections of 2008 as amended in 2010	Ligji 03/L-073 për Zgjedhjet e Përgjithshme i vitit 2008 dhe i amendimetuar më 2010 (LZP)
MEC	Municipal Election Commission	Komisioni Komunal Zgjedhor (KKZ)
MP	Member of Parliament (Member of Assembly of Kosovo)	Deputet i Kuvendit të Kosovës
PM	Prime Minister	Kryeministri (KM)
PSC	Polling Station Committee	Komisioni i Vendvotimit (KVV)
RRF	Result and Reconciliation Form	Formulari i Përputhjes së të Dhënave dhe Rezultateve (FPR)
SNV	Special Needs Voters	Personat me Nevoja të Veçanta (PNV)
UDHR	Universal Declaration of Human Rights	Deklarata Universale për të Drejtat e Njeriut
UK EEM	United Kingdom Election Expert Mission	Misioni i Mbretërisë së Bashkuari ekspertëve të zgjedhjeve
VL	Voter list	Lista Përfundimtare e Votuesve (LPV)
WFD	Westminster Foundation for Democracy	Fondacioni Westminster për Demokraci