



European Union
Election Follow-up Mission

KOSOVO 2022

Final Report

November- December 2022



European Union Election Follow-up Mission Kosovo*

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FINAL REPORT

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FINAL REPORT

EU ELECTION FOLLOW-UP MISSION TO KOSOVO

14 November – 8 December 2022

I. EXECUTIVE SUMMARY

An EU election follow-up mission (EFM) was deployed to Kosovo from 14 November to 8 December 2022. The main objectives of the mission were to assess the status of the implementation of the recommendations of the EU election observation missions (EOM) as well as to discuss further steps to advance the electoral reform process. This was the first EU EFM ever deployed to Kosovo.

Since 2013, the EU observed all elections in Kosovo and offered a number of recommendations for improvements in the electoral framework. However, thus far, there seemed to be no noticeable progress in implementing those recommendations, partially due to the lack of political will to proceed with an efficient follow-up process, and also because of the unstable government coalitions and frequency of early elections in Kosovo.

The 2021 EU EOM proposed 23 recommendations, including six priority ones, addressing issues observed during the 2021 municipal councils and mayoral elections. However, as similar long-standing shortcomings were also noted by previous EU EOMs, many of the 2021 recommendations are akin to those offered by previous missions. The EFM focused on the implementation of the 2021 recommendations.

While the vast majority of EU recommendations are yet to be implemented,¹ the EFM noted significant progress in addressing the EU recommendations in the area of campaign finance. Several other recommendations requiring amendment of the Law on General Elections (LGE) are currently under consideration and a broad consensus appears to exist among the legislators to address them promptly. The electoral reform process is also supported by the donor community, including the EUSR Office, which provides platform for coordinating international electoral assistance and co-funds a small relevant project. The EU EOM recommendations serve as a key reference in these efforts.

An *Ad Hoc Committee on Electoral Reform* (hereinafter the Ad Hoc Committee) was set up in July 2022 by the Kosovo Assembly (KA) for amending election legislation with the specific mandate to address the 2021 EU EOM recommendations. Genuine political will by all parliamentary groups to enact reforms was confirmed by nearly all EFM interlocutors. Civil society organisations expressed, however, their discontent regarding the scope of planned reforms as they will focus on addressing mainly EU recommendations, all of which touch upon technical issues thus not addressing the long-standing concerns of civil society that would require constitutional amendments, such as the direct election of the president of Kosovo, the number of preferential votes for the members to the Kosovo Assembly or introduction of non-

¹ The matrix with the status of implementation of EU recommendations is attached in Annex 1.

partisan composition of election administration bodies.² The Ad Hoc Committee expressed, at the same time, its wish for all stakeholders to be involved in the reform process.

Following the 2021 municipal elections, the Central Election Commission (CEC) has revised a large number of its regulations with the aim to incorporate the 2021 EU EOM recommendations therein; they are now pending approval by the CEC members, planned for mid-December 2022. In parallel, the Commission also provided suggestions to the Ad Hoc Committee on the amendments that should be introduced in the Law on General Elections. Thanks to these efforts, the implementation of many of the 2021 EOM recommendations could be considered by EFM as ongoing. Other recommendations, including in the area of voter registration, media and campaign environment are yet to be addressed.

The electoral reform process that has just commenced in the Kosovo Assembly gives ground for cautious optimism regarding the prospects for the implementation of many EU recommendations ahead of the next parliamentary elections scheduled for 2025. There is a stable government coalition and a broad consensus among stakeholders on the need to finally address the EU electoral recommendations.

The EFM urged all stakeholders to conduct this process in a transparent and inclusive manner to build confidence among the electorate in its outcome. The EFM took place amidst a crisis in relations between Kosovo authorities and the Serbian community residing in the four northern municipalities, following which Serbian representatives resigned from their positions in the Kosovo institutions and, as a result, did not take part in the ongoing electoral reform process.

II. MISSION INFORMATION

The EFM was deployed to Kosovo from 14 November to 8 December 2022. The mission was led by Mr. Lukas Mandl, Member of the European Parliament and Chief Observer of the 2021 EU Election Observation Mission to Kosovo. In addition to the Chief Observer, the EFM included two election experts and two officials from the European External Action Service.

The main objectives of the EU EFM were to assess the status of the implementation of the recommendations of the 2021 EU EOM as well as to discuss further steps to advance the electoral reform process. This was the first EFM deployed to Kosovo.

III. CONTEXT

Since signing of the EU-brokered agreement on normalisation of relations between the governments of Serbia and Kosovo in 2013 (Brussels Agreement), EU observed all elections in Kosovo and offered a number of recommendations for improvements in the electoral process,

² Among others, some civil society actors advocate for the introduction of biometric voter identification and the introduction of regional constituencies in KA elections. As a rule, EU EOMs do not provide recommendations on introduction of IT equipment in conducting elections or on the design of electoral systems, unless they contradict international standards. As such, the recommendations on direct elections of the president of Kosovo or the method of electing of KA members fall outside of what an EU mission could recommend according to its observation methodology and mandate.

many of them repeated from election to election. Thus far, however, no efficient follow-up effort to consider EU recommendations could be noted. The lack of progress in implementing EU recommendations was the result of the absence of political will to proceed with electoral reform to address the long-standing shortcomings, and also because of the unstable government coalitions and frequency of early elections which did not allow for amending the election legislation by the KA.

The 2021 EU EOM proposed 23 recommendations, including six priority ones, addressing issues observed during the 2021 municipal and mayoral elections. Comparable, long-standing issues were also noted by previous EU EOMs thus many of the 2021 recommendations are similar to the recommendations offered by previous missions, for example on voter registration or campaign finance. The EFM focused on implementation of the 2021 recommendations, which also tackle the most important shortcomings identified previously and are still pertinent.

A. ELECTION-RELATED DEVELOPMENTS

The Ad Hoc Committee was formed on 1 July 2022 by the Assembly of Kosovo. Chaired by the opposition Democratic Party of Kosovo (PDK) and composed of all Parliamentary Groups,³ the Committee's main mandate is to propose draft legislation incorporating the 2021 EU EOM recommendations. In addition, the Committee decided to also examine recommendations by other stakeholders, mainly of the UK Election Expert Mission to Kosovo, that do not propose amendments to the electoral system or the composition of the Kosovo Assembly.

Following discussions on the operational modalities during the first months of its work, the Ad Hoc Committee delved into the content of the reforms during a workshop on 26 October 2022, supported by the EUSR and with the participation of the CEC and civil society organisations. Another joint workshop of the Committee with the CEC and civil society stakeholders, supported by the OSCE, was held on 3 November. As it informed the EFM, the Committee is aiming to submit a bill for the first reading to the Kosovo Assembly by mid-February 2023. The members of the Ad Hoc Committee from all Parliamentary Groups, who met with the EU EFM⁴, reiterated the existence of a cross-party consensus to advance the reforms. They also highlighted the strong political will to incorporate the 2021 EU EOM recommendations, which they all consider as unbiased and needed, into law in order to enhance the credibility of the electoral process.

While acknowledging the existing momentum for the adoption of the 2021 EU EOM recommendations, civil society organisations met by EFM criticised the decision of the Ad Hoc Committee to narrow the scope of its work to focus only on technical recommendations instead of proceeding with a widespread electoral reform that would require constitutional amendments. The Committee's justification for this "pragmatic" approach towards reform was not only the lack of cooperation with the SL members of KA whose support would be necessary

³ The Ad Hoc Committee on Electoral Reform is composed of 11 members, including five from the opposition parties, four from the ruling *Lëvizja Vetëvendosje* (LVV), one from non-majority communities and one representing *Srpska Lista* (SL). As indicated in the Joint Statement of the Heads of the Parliamentary Groups of 13 April 2022 on the creation of the Ad Hoc Committee, the representation of parliamentary groups in the Committee reflects their political power in the Assembly, in accordance with the Assembly's regulations.

⁴ The EFM was not able to meet representatives of *Srpska Lista*.

for constitutional amendments, but also that initiating deliberations on these issues would be controversial and thus, lengthy.

Civil society organisations informed the EFM that they were planning to put forward, within their participation in the Advisory Group of the Committee, several issues for discussion, such as removing the requirement for electoral silence and the need for the second round of the mayoral elections (thus implementing the first-past-the-post system), new candidate eligibility requirements and biometric voter identification on election day. However, during the EFM deployment, both the Ad Hoc Committee and the CEC pointed out that they had not received any structured recommendations by civil society thus far.

Two other issues beyond the scope of EU EOM recommendations are most likely to be included in the discussions on which consensus needs to be found among the Ad Hoc Committee members. The first is the split of the counting process between Polling Station Committees (PSCs) and Municipal Election Commissions (MECs). According to most EFM interlocutors, this would eliminate inconsistencies identified during all previous electoral processes between the number of votes received by political entities (Reconciliation and Results Form – RRF) and the number of preferential votes received by their candidates (Candidates Results Form – CRF). Pursuant to this proposal, the votes for political parties would be still counted at polling stations while candidates' votes would be counted at the MECs during a process shown on camera and in the wide presence of observers.⁵ It appears that the CEC members would also support the split of the counting process, as the best solution to address the manipulation of preferential votes during counting, a problem which was raised by nearly all EFM interlocutors.

The second issue that will require an inter-party agreement if introduced in the Ad Hoc Committee's discussion, is the proposal for in-person voting in embassies/consulates for Out of Kosovo (OoK) voters along with the postal voting already provided by the Law on General Elections (LGE). In addition to providing for the Kosovo embassies to organise voting in person, the ruling LVV would like to involve the diplomatic missions in collection of by-mail OoK ballots and dispatching them to Pristina for counting. The Democratic League of Kosovo (LDK) and PDK representatives met by the EFM consider these proposals unrealistic given the limited number of Kosovo embassies and a large number of potential voters abroad. Moreover, they also expressed concerns that the OoK in-person voting process would be more vulnerable to manipulation. Civil society organisations also consider that there are insufficient resources and capacity to organise voting in the embassies and the limited number of Kosovo embassies would require voters to travel long distances to exercise their right to vote.⁶

Nonetheless, expected deliberations on further changes in organisation of OoK voting which were not recommended by EU EOM have the potential to politicise the debate and delay the overall reform. In addition, some political party and civil society representatives raise the question of OoK voter eligibility criteria, namely that only persons with valid Kosovo ID should be allowed to vote, or the need for OoK voting in municipal elections (currently the law provides for OoK voting in both general and municipal elections).

⁵ Of all EU EFM interlocutors, PDK representatives informed the EFM that their party would not support organising the counting outside of the polling stations, a position with which civil society organisations concur.

⁶ For example, in United States, Kosovo has an embassy in Washington DC and two consulates in New York and Iowa.

In a welcomed proactive approach, simultaneously with the activities of the Ad Hoc Committee, the Central Election Commission initiated the revision procedure of the majority of its regulations, with the aim to incorporate the 2021 EU EOM recommendations that do not require legislative change and to approve them by mid-December 2022. In parallel, it provided suggestions to the Ad Hoc Committee on the changes that should be introduced in the Law on General Elections.

Meanwhile, the CEC is also implementing the changes to its structure and operations as a result of amendments to the Law on Financing of Political Parties (LFPP) and the LGE.⁷ Subsequently, the CEC is in the process of revising the related regulations. The *Law no. 08/L-122 on Amending and Supplementing the Law on Financing the Political parties, and the Law on General Elections* is a significant improvement to the previous legal framework, addressing several concerns raised by the EU, the Venice Commission and civil society, although some important issues still remain outstanding (*see below recommendations on campaign finance*).

B. POLITICAL CONTEXT

The Election Follow-up Mission took place amidst crisis in relations between Pristina and the Serbian community residing in the four northern municipalities. On 1 November, the Kosovo authorities began enforcing the prohibition of Serbia-issued car registration plates (so called KM plates) and threatened imposing severe fines to those who would not respect the law. The Serb population rallied against this measure and nearly all Serbian representatives resigned in protest from their elected or appointed positions in various Kosovo institutions, including the Kosovo Assembly, judiciary and the police. This *de facto* brought the integration process back to the situation prior to the 2013 Brussels Agreement.

While an agreement to postpone the implementation of the car registration regulations was achieved on 23 November under EU auspices, the Serbian officials refused to return to their previous functions until the association of Serbian municipalities in Kosovo is established in line with the Brussels Agreement.

The non-participation of *Srpska Lista* legislators in the work of KA also means that no representatives of the Serb community take part in the deliberations of the Ad Hoc Committee on electoral reform.

Following the resignation of Serbian mayors in the four northern municipalities as well as municipal councillors, the Kosovo president called early mayoral elections in those four municipalities for 18 December and election of councillors in Zvečan and Leposavič for 25 December. The political representatives of Serbian population declared a boycott. Following "the evaluation of the competent institutions regarding the security situation in the north",⁸ the early elections had to be postponed.

⁷ The Law no. 08/L-122 which amended and supplemented the Law on Financing the Political Parties and the Law on General Elections was gazetted on 5 September 2022.

⁸ See <https://president-ksgov.net/en/news/president-osmani-sets-april-23-2023-as-the-new-date-for-the-holding-of-the-early-elections-for-the-municipalities-of-north-mitrovica-zubin-potok-leposaviq-and-zvecan>

C. EU ACTIONS ON EOM FOLLOW-UP

European Union has been actively involved in supporting all key democratic institutions in Kosovo, including the Kosovo Assembly and the Central Election Commission as well as civil society organisations involved in election observation. The EU Special Representative/European Union Office in Kosovo coordinates electoral assistance with EU Member States and the wider donor community through bimonthly meetings hosted by the EUSR Office. A workshop, co-organised with Ad Hoc Committee and hosted by the EUSR, was held in October. The EUSR presented the EU EOM recommendations that required legislative changes divided in thematic groups. The EUSR representatives regularly participate in various election-related events, including in the thematic workshops, which were organised recently by the Ad Hoc Committee where they presented findings and recommendations of EU EOMs.

In the last years, the EU electoral assistance has been channelled mostly through an EU-funded project on following-up to election observation in the Western Balkans, implemented by the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

Following the 2021 municipal elections, the OSCE/ODIHR *inter alia* provided the CEC with a comprehensive review of its eleven regulations⁹ and produced three "technical papers" – on verification of candidate support signatures through direct contact with voters, on participation of minors in electoral campaigns and on normative framework and principles for the use of minors in political advertising. It also prepared a comparative review of the legal frameworks and practices in some OSCE participating States regarding the modalities of conducting local elections.

IV. IMPLEMENTATION STATUS OF EOM RECOMMENDATIONS

A. ELECTION ADMINISTRATION

The LGE includes several guarantees for the independence and transparency in the functioning of the CEC and provisions ensuring that its members cannot be recalled for a minor omission, thus reducing the potential for political interference. However, the vague wording of paragraph (d) of article 61.5 LGE allowing for the removal of the chair or a member if they behave or act "in a manner that seriously affects the status and integrity of the CEC", is not in accordance with international best practices which stipulate that the grounds for recall should be "clearly and restrictively specified in law."¹⁰ Therefore, the first 2021 EU EOM recommendation related to the election administration suggested to **amend the LGE to clearly and restrictively prescribe the grounds for dismissal of the CEC chair and members (Rec.#1)**. Civil society and members to the Ad Hoc Committee met with the EU EFM reiterated their approval of this

⁹ The CEC regulations were on Registration and Operation of Political Parties; Drafting, Confirmation and Challenge of Voters' List; Out of Kosovo Voting; Voting of Persons with Special Needs and Circumstances; Certification of Political Entities and their Candidates; Second Round of Elections for Municipal Mayors; Code of Conduct of Political Entities, their Supporters and Candidates; Extraordinary Elections and Early Elections; Voter Services Period for Changing of Polling Centres; and on Polling Station Committees.

¹⁰ Venice Commission, Code of Good Practice in Electoral Matters, Point 3.1f.

recommendation, stressing the need for it to be included in the electoral reform. As the implementation of this recommendation requires amendment in the LGE, it cannot be assessed before the reform process is finalised.

The 2021 EU EOM mentioned in its Final Report that the CEC, after the first round of the municipal elections, replaced 806 PSC members mostly due to poor performance during counting and inaccuracies in the completion of the results forms. This was also confirmed by the high number of recounts at the Counting and Results Centre (CRC). For this reason, the 2021 EU EOM recommended to **introduce a non-partisan clerical position of the PSC secretary to provide necessary advice and assistance to the PSC so as to improve their efficiency and performance (Rec.#2)**. Members of the Ad Hoc Committee who met with the EFM indicated their consensus. However, the implementation of this recommendation is considered by the CEC Secretariat as challenging due to the difficulty in identifying persons without political affiliation, especially in the rural areas, who would be accepted by all political entities' members in Polling Station Committees. In addition, if the law is amended to split the counting of ballots between PSC and MECs, the EFM interlocutors consider that the need for such position would become obsolete. As with the previous recommendation, this one also necessitates amendment to the LGE. Therefore, it is too early to assess its implementation. In its recommendations to the Ad Hoc Committee discussed on 3 November, the CEC proposed that this issue should be discussed during the reform process and the position of the secretary of the PSC should be foreseen. It also proposed the position of the PSC chairperson as a non-partisan position, similar to the role of the CEC and MEC chairpersons, to be selected from among teachers or employees of municipal administration.

The EU EOM recommendation #3 addressed to the CEC does not require legal change. It suggests **allocating more responsibilities to MECs regarding voter education and information activities and also engage civil society organisations across Kosovo. Special target groups should be addressed, such as women, voters in rural areas, first-time voters, and people with disabilities**. This recommendation was based not only on the fact that all EOM interlocutors considered the voter education activities in the rural areas to be insufficient and the role of the MECs very limited, but also because of article 107.3 of the LGE instructs the CEC when conducting the voter education campaign to “pay particular attention to target the rural, the disabled and the illiterate voters”. The CEC members informed the EU EFM that they are in the process of examining possibilities to give more responsibilities to the MECs and not only in voter education, so that they remain active also outside electoral periods; however, they indicated the limited budget that poses the main problem to voter education activities. Based on the above, the implementation of this recommendation is ongoing.

B. THE RIGHT TO VOTE AND VOTER REGISTRATION

As the Final Voter List in Kosovo is based on extracts from the Civil Registry Agency (CRA), the fact that the extracts provided to the CEC by the CRA originate from the database of produced IDs, which includes deceased persons whose ID is still valid, or persons who renounced their citizenship but are still in possession of their IDs, instead of the Civil Registration Status database which indicates the deceased, leads to inaccuracies. These problems have been reported by EU election observation missions since 2013.

The representatives of the Civil Registry Agency informed the EFM that little progress has been made regarding the implementation of the EU EOM recommendation to **introduce a mechanism for automatic removal of deceased persons from the civil register and**

database of issued IDs once the CRA has received information from hospitals and religious institutions (Rec.#4). The only change up to now is that their cooperation with religious institutions has improved with regards to the reporting of deaths.

Another problem with accuracy of voter lists is related to voters' addresses. According to EFM interlocutors, because the voter lists is based on a database of ID cards issued to citizens, when voters change their residence address without applying for new ID card, their previous address is still identified in voter lists and such voters are allocated to polling stations of their previous residence. Moreover, the databases of CRA and the Cadastral Agency are not unified and some street addresses and numbers are incorrect, with different spelling, etc. Therefore, the 2021 EOM recommended to **expedite the development of a unique address system to render more accurate the assignment of voters to polling locations (Rec.#5).** However, no significant progress has been achieved in this regard. Last year, the CRA started a pilot project together with the Cadastral Agency in two municipalities regarding development of a unique address system.¹¹ The project is expected to be finalised within six months and then gradually expanded to all Kosovo municipalities. It is unclear, however, when the unique address system could be finally established throughout Kosovo.

Some civil society and opposition representatives suggest a more active involvement of the CEC in managing voter lists, for example in removal of records of deceased persons from the database received from CRA before each election. However, it is unclear how this could become a sustainable solution as the same errors from the CRA database are likely to reappear on voters lists before another election.

The 2021 EOM noted that the Out-of-Kosovo voter registration and verification process lacked essential safeguards to protect its integrity from manipulation and fraud and recommended to **modernise the method of registration as Out of Kosovo voter for instance via a link on the CEC website with safeguards such as a two-step verification of the applicants (priority Rec. #6).**

The members of the Ad Hoc Committee from PDK, LDK and LVV informed the EFM, that they fully support the 2021 EU EOM recommendation for the CEC to establish for OoK voters an online application system. The CEC informed the EFM that it is currently developing, with OSCE support, a software application with two-factor verification, to be finished by June 2023. The OoK voters will apply for registration through an app on the CEC website and applications by fax will be no longer approved. Additionally, in order to further enhance the credibility of the process, the CEC will allow every Out of Kosovo voter to send only one envelope to the CEC and not one with ballots from several voters inside. As such, this recommendation is nearly implemented.

C. POLITICAL PARTIES, POLITICAL PARTY FINANCING AND ELECTION CAMPAIGN

As required by the LGE, the CEC requests verification of the criminal records of all candidates from Kosovo Judicial Council (KJC), which manages the Central Criminal Records System of Kosovo. The 2021 EU EOM noted that this key procedural step revealed some shortcomings, as in a few cases the information on the criminal record arrived late or was never transmitted to the CEC. Therefore, it recommended to **ensure a mechanism is in place for accurate and**

¹¹ The pilot project, funded by the World Bank, is implemented in Mitrovica South and Istog.

timely data transmission by Kosovo Judicial Council (KJC) to allow the CEC to conduct an efficient and reliable verification of candidates' criminal records (Rec.#7). This recommendation, which does not require any legal change, is not yet implemented.

During the 2021 municipal elections, the CEC excluded 176 candidates because of their criminal records in the last three years, according to the LGE.¹² This legal provision is at odds with international standards because it disregards the gravity of the crime and in the past was a source of various interpretations as it is also not in line with the provisions of the Constitution and the Criminal Code. As a result, the 2021 EU EOM recommended to **prescribe candidate ineligibility in the election law only for a final criminal conviction for serious criminal offences and pursuant to a court decision explicitly depriving the convicted individual of the right to stand (Rec.#8).** The implementation of this recommendation requires an amendment of article 29 of the LGE. As such, civil society interlocutors expressed their concern that it might be very difficult to implement this recommendation due to possible disagreement between the political parties. Nevertheless, the CEC in its recommendations to the Ad Hoc Committee, suggested to discuss this specific issue.

Only one of the 2021 EOM recommendations pertains to the campaign environment (**Rec.#9**). The runoff campaign for the mayoral elections officially began on 8 November and lasted only five days until 12 November, in accordance with a relevant CEC decision.¹³ As the legal framework does not stipulate any sanctions for campaigning outside of this period, and the CEC took did not take any measures,¹⁴ the 2021 EU EOM found that most of the contestants resumed their campaign activities shortly after the first round, particularly in social media, disrespecting the official 5-day campaign period. Consequently, the EOM suggested to **introduce measures to enforce the official campaign period limitations for the second round of elections or to allow the campaign to start immediately after the first round.** Such a recommendation requires amending the CEC election regulations and introducing changes in the Law on Local Elections. No progress has been reported regarding its implementation, also due to the fact that the electoral reform is focusing on the Law on General Elections.

Probably the most significant progress in implementing EU election recommendations was achieved in the area of political party and campaign finance. The Kosovo Assembly adopted in August 2022 the Law no. 08/L-122, which amended and supplemented the Law on Financing the Political Parties and the Law on General Elections, and thus partially addressing two recommendations offered by the 2021 EU EOM.

The new law introduces significant improvements to the previously applicable provisions on political and campaign finance and largely addresses concerns raised by the Venice Commission in its relevant Opinion.¹⁵ New provisions have been adopted to increase the transparency of campaign finance by adding a requirement to publish a list of natural and legal

¹² LGE, art.29.1.q “a person found guilty of (any) criminal offence by a final court decision in the past three years” is not eligible to stand as a candidate.

¹³ However, this CEC decision was not harmonized with the Law on General Elections (LGE) which stipulates 24 hours campaign silence period before the opening of polling stations at 7.00. As a result, campaigning was observed on online platforms even shortly before 7.00 on 13 November.

¹⁴ According to art.126 of the LGE, the CEC could have issued a regulation defining sanctions and fines for violations of the LGE provisions.

¹⁵ Venice Commission, Opinion 922/2018 on the Draft Law on Amending and Supplementing the Law No.03/L-174 on the Financing of Political Entities

persons contributing to a political entity and/or to the campaign, and to provide for corresponding fines for violations of its provisions.

Identifying the lack of effective enforcement mechanisms for campaign finance rules that led to limited compliance among contestants and, in turn, to blatant lack of transparency and accountability, the 2021 EU EOM offered a priority recommendation in the area of campaign finance (**Rec.#11**). It recommended ensuring **an independent mechanism is in place for effective oversight of party and campaign finances, which is given the mandate, the authority as well as the financial and human resources to effectively and proactively monitor and investigate alleged party and campaign finance irregularities, including unreported income and expenditures, and impose sanctions**. Following the aforementioned legislative amendments, the law provides for the reform of the now renamed Office for the Registration, Certification and Financial Control of Political Entities (thereinafter: the Office). It maintains the responsibilities of the previous Office of Political Parties Registration and Certification, as provided by the LGE, but is also afforded a strong mandate and resources to monitor and audit the finances of political entities. The Office has a broad competence to carry out oversight on any occasion it deemed that a political entity violated the law and may perform verification of compliance in any irregularities in regards to campaign finance and reporting, in line with the 2021 EU EOM recommendation.

In addition, the reformed Office, although established within the structure of the CEC, should enjoy operational independence with adequate administrative, financial and human resources and manage its own budget, which cannot be limited or reallocated by the CEC or its Chair for any purpose without approval of the Director of the Office. This is in line with the EU EOM recommendation and the Venice Commission aforementioned Opinion. The new law stipulates the annual allocation of additional budget for auditing of political party financing of no less than five percent from the Fund for Support of Political Parties and of no less than three percent during the election cycle of the funds allocated for the election campaign and operations. This should address the lack of sufficient funding to conduct audits, identified by the 2021 EU EOM.

The Office was already established on 20 September 2022 and during the time of the EFM deployment, the CEC was developing relevant regulations, expected to be approved by March 2023, and was in the process of selection of the director of the Office, expected to be completed by 20 December. The new law amended the method of selection of the director, who is recruited by five-member panel, headed by the CEC Chair and consisted of members of independent agencies/institutions, following a public vacancy notice.¹⁶ This is an important advancement in comparison to the previous appointment method that provided for a selection through an interview panel consisted of only the CEC members. However, concerns were raised by some EFM interlocutors that this new method of appointment made the process more vulnerable to political influence as members of the selection panel are appointed by the parliamentary majority. It is noteworthy that the selection criteria for the position of director of the Office have been extended with the new law, which requires that the director should not have been a member of a political entity nor have given a donation or have been directly or indirectly in any contractual relation with a political entity five years prior to submitting his/her application. This is a stricter approach than the previous law (Article 66.3 LGE) that required only for the person

¹⁶ In accordance with the new law, other than the CEC Chair, the selection panel consists of one member appointed by each of the following agencies/institutions: the Anti-Corruption Agency, the Ombudsman Institution, the National Agency for Data Protection and The Office of the Auditor General.

not to hold any official post or executive position in a political party, and is a positive step to further safeguard the integrity of the director of the Office.

As the *de facto* establishment of the Office is still underway, the implementation of this priority recommendation is ongoing, as it requires not only changes in the law but also their application in a manner that would ensure transparency of campaign finance and integrity of the work of the oversight institutions. Therefore, the implementation will ultimately depend on the effectiveness of the functioning of the new system, which could be assessed in the future.

Prior to the amendments, the deadline for reporting campaign income and expenditure was set at 45 days after the elections, limiting the possibility of public scrutiny before election day. While the spending of individual candidates can be significant, especially for the mayoral race, they are not required to submit separate campaign reports and parties generally do not reflect these expenses in their financial statements. In addition, while the financing of the campaign by third parties remains unregulated, the 2021 EU EOM observed that close to one third of campaign ads that circulated on Facebook and Instagram prior to the second round of the mayoral elections were sponsored by third parties. Therefore, another recommendation (**Rec.#10**) requires amendment of the LGE and the LFPP so as to **prescribe interim reporting of the incomes and expenditures of contestants during the campaign period as well as final reporting within 30 days from the election day, which should include the finances of party-nominated candidates and entities campaigning for contestants (third parties)**. Finally, the same recommendation suggests prescribing in the law **a short deadline for the oversight authorities and the political entities to publish all financial reports in an easily searchable manner**.

The implementation of this recommendation is partial. While the new law prescribes requirements for publication of campaign finance reports and of quarterly and annual financial reports to political entities, candidates for mayors of municipalities and to other independent candidates, it does not extend these requirements to individual party-nominated candidates, thus is not fully in line with the EU EOM recommendation. Positively, it reduces the deadline for the oversight authorities to publish the audit reports of the campaign finance of political entities from six months to 45 days after the elections, therefore implementing this part of the EU EOM recommendation. Nevertheless, without oversight of the campaign finance and expenditure of individual party-nominated candidates, transparency and accountability cannot be duly ensured.

D. MEDIA

The 2021 EOM made three recommendations regarding media environment, including one priority (**Rec.#14**) **to appoint in a timely manner all members of the Independent Media Commission (IMC) and the IMC Appeal Board**. The IMC needs all seven members' quorum for adopting decisions. While the Kosovo Assembly made three new appointments to the IMC since the completion of the 2021 elections, mandates of other members expired and the Commission remains without a quorum. The Commission currently comprises only four members and lacks leadership as the mandates of the chairperson and his deputy expired in October 2022. Similarly, only two out of three members of the Board of Appeals are appointed also not allowing for taking decisions which require presence of all three members. As such, this recommendation remains unimplemented.

The 2021 EOM noted that despite the existing pluralism on the media market, the IMC did not develop a regulatory framework to ensure media plurality and prevent media concentration, at

odds with international standards. Furthermore, the IMC provides limited or no public information on ownership of licensed broadcasters. Therefore, in the recommendation **nr 13** the EOM suggested to **introduce specific regulatory provisions aiming at ensuring media plurality and transparency of media ownership**. The EU Office through its media projects supported the implementation of this recommendation by mobilising two experts who helped the IMC to develop a draft regulation on media ownership. After the remaining vacancies at IMC are filled, the Commission will be able to review the draft regulation and initiate the public consultation process, as required by the law. Alternatively, should there be sufficient political will at the Kosovo Assembly, this very sensitive issue could be also addressed by a separate law on media plurality. The implementation of this recommendation is ongoing.

Public Radio and Television of Kosovo (RTK) is not fully independent as it is largely financed by the state budget without clear rules on how to define its annual budget, making it vulnerable to political influence. The 2021 EOM reported that a draft law aiming at enhancing RTK's financial independence was considered and discussed by the Kosovo Assembly in recent years, but was eventually never passed. As a result, the EOM called for **strengthening the independence of the public broadcaster RTK from possible political interference by revising its financing system (Rec.#14)**. The EFM was not able to identify any progress in implementing this recommendation. To the contrary, on 18 November, the RTK board issued a statement of concern that its allocated budget of EUR 8.96 million for 2023, which is EUR 2.2 million less than the 2021 budget, was inadequate and “will not allow the public broadcaster to make any investment in new equipment or technology”.¹⁷

Regarding digital campaigning, the 2021 EOM noted that no legal provision on the conduct of the campaign online was in place and the dissemination of electoral advertising on online platforms was also unregulated. The 2021 EOM recommended to **include provisions on electoral advertising on online platforms, and explicitly extend the existing campaigning rules to the digital sphere (Rec.#15)**. The EFM was not able to identify any progress in implementing this recommendation.

The 2021 EOM also noted that the adoption of social media advertising archives would enable a degree of scrutiny of paid content, in line with international standards for transparency and access to information. As such, the mission recommendation **(Rec.#16)** called for **fostering the cooperation between the election administration and digital providers on the issues of electoral advertisements online**. While no progress was achieved in establishing cooperation between the CEC and digital providers, in July 2022, Facebook introduced for Kosovo its mandatory political ads transparency enforcement policy which includes requirements for running political advertisements and maintaining a library of such ads for seven years.

E. PARTICIPATION OF WOMEN

The Kosovo legislative framework includes provisions promoting gender equality in public life, including the 30 per cent quota for the certification of political entities and for distribution of seats in municipal councils and the Kosovo Assembly provided by LGE, and the 50 per cent quota for all legislative, executive, and public institutions, required by the 2015 Law on Gender Equality. However, despite these safeguards, the 2021 EOM noted very low number of women

¹⁷ See <https://balkaninsight.com/2022/11/18/kosovo-public-broadcaster-complains-of-smallest-ever-budget/>

candidates in the mayoral races (8 per cent) and only two of them were elected as mayors, both representing SL. The representatives of the Kosovo Women Network met by the EFM advocates for harmonisation of the gender and election laws by introducing the 50 per cent candidate quota for all elections but – according to them – the government is not yet in agreement.

To further promote gender equality, the 2021 EOM recommended that political parties consider **adopting internal policies to promote women participation and integrate gender issues into the party platforms (Rec.#17)**. While all main parties met by EFM reported ongoing efforts to promote women participation as candidates and within party structures, some announced concrete policy decisions. The PDK adopted so called 50/50 goal for women representation at all levels of organisation and decision-making. The ruling LVV established an autonomous and independent “women-self-determination” group within its structures which will propose women candidates in future elections but without any specific quota mechanism. As such, the implementation of the recommendation nr 17 is ongoing.

F. PERSONS WITH DISABILITY

Although Kosovo is not a signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD), it has adopted the CRPD’s definition of disability in its National Disability Action Plan, which aims to align Kosovo’s legislation with the CRPD and other international instruments. However, in order for the rights of persons with disabilities to be fully guaranteed, the 2021 EU EOM recommended to **adopt and transpose the UN CRPD into the Constitution, so as to give effect to the rights guaranteed therein (Rec.#18)**. The implementation of this recommendation requires constitutional change thus it is difficult to be implemented at the current stage. The transposition of the UN CRPD into the Constitution is still the priority of the disability community, according to the Kosovo Disability Forum. As such, the National Council on the Rights of People with Disabilities initiated a meeting in June 2022 with members of the Kosovo Assembly (KA) to discuss it. Although members of the KA expressed the view that achieving constitutional amendments would be difficult due to the existing political circumstances, the Kosovo Disabled People’s Organisations (DPOs) are planning to form an advocacy group in 2023 to campaign for this amendment. Therefore, it is still too early to assess the implementation of this recommendation.

G. POLLING, COUNTING AND RESULTS

The 2021 EU EOM offered three recommendations aiming to improve the polling, counting and tabulation process.

The first of these does not require any legal or regulatory change. It suggests intensifying **training of polling staff to address recurring shortcomings such as not consistently following the vote count procedures and incorrect filling of results’ forms (Rec.#21)**. The implementation of this recommendation is too early to be assessed, as training of polling staff takes place a few weeks before election day.

Pointing out that assisted voting was recorded in the poll books of 70 per cent of the polling stations visited, the EU EOM further recommended the amendment of the LGE to provide for **assisted voting in the polling stations to be more strictly regulated, for example by requiring the person who assists a voter to be registered in the same polling station (Rec.#22)**. The CEC analysed the issue of assisted voting and in its recommendations to the Ad

Hoc Committee fully adopts the EU EOM recommendation, by suggesting that the person assisting is a voter in the same polling station of the voter requiring assistance. Therefore, if the Ad Hoc Committee adopts this suggestion, it will fully implement the relevant EU recommendation, but as the reform is ongoing, it is too early to assess it. In addition, the CEC proposes to introduce a new provision that would make it a criminal offence to assist voters more than once, thus aiming to further safeguard the assisted voting process from manipulation.

During the 2021 municipal elections, the EU EOM analysed data disaggregated by municipality as published by the CEC and established that the number of invalid ballots in the first round of the mayoral elections was 1.6 per cent. On the other hand, the number of invalid ballot papers for the assembly elections amounted to almost 7 per cent, indicating insufficient voter information activities or excessively complex ballot design. Therefore, it recommended to **redesign ballot papers for municipal assembly elections to improve understanding of voters and enhance voter information on how to properly mark the ballot so as to reduce the number of invalid votes (priority Rec.#23)**. This does not require legal change but only a CEC decision. The CEC members informed the EFM that they are in the process of redesigning the ballot paper for legislative elections and currently conducting, during the high school election days, a pilot test of two different options, the results of which the CEC is planning to discuss with civil society organisations before finalising the new design. Therefore, the implementation of this recommendation is ongoing.

H. ELECTORAL JUSTICE

The 2021 EU EOM noted that the legal framework on adjudication of electoral disputes contains confusing and contradictory provisions concerning certain deadlines for complaints and appeals. According to the law, complaints and appeals can be filed within a 24-hour deadline to ECAP, which has 72 hours to reach a decision. An appeal can further be filed within 24 hours to the Supreme Court (SC), the final instance, which has 72 hours to decide. These deadlines were assessed by all EU EOM interlocutors as extremely tight, both for the parties to gather strong evidence and for the appeal bodies to assess and examine them comprehensively. The 2021 EU EOM thus recommended to **extend the deadlines for filing an election complaint or appeal, and for ECAP and the Supreme Court to adjudicate them, to three to five days, both for lodging complaints and appeals and for their adjudication (Rec. #19)**. The implementation of this recommendation necessitates the amendment of the relevant articles of the LGE, and subsequently of the ECAP rules of procedure. Therefore, its implementation is linked to the work of the Ad Hoc Committee, which is currently ongoing, but from the meetings held with the different members it appears that the extension of the deadlines, either for filing complaints or for adjudication or for both, is not supported by all political entities represented in the Committee.

The ECAP prepared a set of recommendations to the Ad Hoc Committee that are generally in line with the aforementioned recommendation and would partially implement it. In particular, it recommended the extension of time limits for filing complaints and appeals related to Out of Kosovo voter registration to 48 hours (from 24 hours that currently the LGE provides) and for the adjudication by the ECAP to 96 hours (instead of 72 hours currently in place). It further recommended to extend the deadline for filing complaints about irregularities on election day to 48 hours after the closing of the polling stations and of the decision by the ECAP to be made within 96 hours (instead of 72 hours currently in place). Finally, the ECAP recommended to extend the deadline for submitting appeals against the CEC decision on the announcement of

the final election results to 48 hours and for the ECAP to decide in 96 hours. Therefore, this ECAP recommendation would implement the first part of the 2021 EU EOM recommendation.

Notably, the ECAP considered, based on the practices of the past elections, that not all deadlines should be extended. Therefore, it recommended to the Ad Hoc Committee that the 24-hour deadline for the submission of appeals to the Supreme Court remains as provided by the LGE, as well as the 72-hour deadline for the Supreme Court to reach a decision. Therefore, this part of the EU EOM recommendation would not be implemented if this proposal is adopted as such.

Considering that the law does not provide for appeals against the final results, but only for complaints related to voting and counting in the polling stations and the tabulation process at the CRC, which created difficulties for ECAP that had to assess the impact of the alleged violations on the final election results before results were published by the CEC, the 2021 EU EOM suggested to **include provisions on challenging the final election results published by the CEC as well as to clarify the ambiguities concerning the complaints related to voting, counting, the CRC process and their respective deadlines (priority Rec.#20)**. In its recommendations to the Ad Hoc Committee, the ECAP proposed that the deadline for submitting appeals against the decision of the CEC on the announcement of the final election results to be 48 hours, while the ECAP proposed for these appeals to be made within 96 hours. The ECAP further recommended to the Committee to impose a 24-hour deadline for submitting an appeal in the Supreme Court of Kosovo against the ECAP decision and for the Supreme Court of Kosovo to dispose 72 hours deadline to decide on the appeal. Consequently, if the ECAP endorses these suggestions, the EU EOM recommendation will be implemented but at the time of writing this report the implementation of this recommendation is ongoing.

V. THE STAKEHOLDER ROUNDTABLE

The stakeholder roundtable was held in Pristina on 2 December 2022. The agenda focused on specific thematic areas of the 2021 EOM recommendations on: a) amendments of the Law on General Elections (voter registration, polling, counting and tabulation), b) campaign finance, and c) media environment and social media.

The purpose of the roundtable was to bring together stakeholders involved in the ongoing electoral reform process in order to exchange views on the progress made in regard to implementation of the 2021 EU EOM recommendations, the challenges during the work of the Ad Hoc Committee on Electoral Reform and the adoption of the amended Law on General Elections.

High-level officials attended the event, including the Chairperson of the Ad Hoc Committee, three Commissioners and the CEO of the CEC, one Commissioner and the Deputy CEO of the IMC, an advisor of the Speaker's Cabinet, the Secretary of the Electoral Complaints and Appeal Panel, representatives from the civil society and experts from the OSCE.

The roundtable was chaired by the EFM Chief of Mission and Chief Observer of the 2021 EU EOM, Mr Lukas Mandl, and Ambassador Tomáš Szunyog, Head of the EU Office to Kosovo.

The EFM Chief of Mission and the EU Ambassador shared their views about the importance of the follow-up process as an integral part of EU election observation methodology while the Chairperson of the Ad Hoc Committee informed the participants about the ongoing legislative reform process. The three CEC Commissioners took the floor to present the progress on the

review of CEC regulations. All stakeholders welcomed the EU contribution and the 2021 electoral recommendations.

A lively discussion followed, during which almost all participants expressed their views on the ongoing reform, focusing, during the first session, on the two issues that would also be discussed during the Ad Hoc Committee meetings which were beyond the 2021 EU EOM recommendations, notably the Out of Kosovo voting in embassies and the split of the counting process between polling stations and municipal election commissions.

While recognising progress made in implementing the 2021 EU EOM recommendations in the area of campaign finance, the participants underlined that the reform is insufficient to ensure transparency, in particular as no reporting on campaign expenditure is required from individual candidates of political entities (parties). The Commissioner of the IMC spoke about the reasons behind the limited progress achieved in relation to the EOM recommendations on media.

One of the very positive aspects of the roundtable was that some smaller political parties, not represented in the Kosovo Assembly and therefore not participating in the Ad Hoc Committee, were present and had the opportunity to express their views on the election reform process and their relevant concerns.

VI. CONCLUSIONS

The 2021 EU EOM recommendations offered several suggestions to improve the electoral process in Kosovo, notably in relation to the improvement of the voter register and the Out of Kosovo registration process, the alignment of candidate eligibility criteria with international standards, the transparency and oversight of campaign finance, the independence of the public broadcaster and of the media regulatory body, the electoral advertising on online platforms, the promotion of participation of women through internal party policies, the electoral dispute resolution process, the performance of the Polling Station Committees and the process of counting and tabulation.

Two of these recommendations has been partially addressed through the new laws on financing of political entities. Several other recommendations requiring amendment of the Law on General Elections are currently being discussed during the ongoing electoral reform process. The existence of commensurate political will to swiftly address the EU recommendations has been declared by representatives of all parliamentary groups who met with EFM. All Parliamentary Groups members of the Ad Hoc Committee met by the EFM pointed out the determination not to enter into politicised debates during the deliberations of the Ad Hoc Committee that could delay the drafting of the bill. They also expressed their reassurance of a swift process to adopt the bill before the Assembly. The opportunity and prospect for the electoral reform to materialise appears therefore to be good.

The electoral reform process that has just commenced in the Kosovo Assembly gives ground for cautious optimism about the prospects for the implementation of EU recommendations ahead of the next parliamentary elections scheduled for 2025. There seems to be momentum for the long-overdue electoral reform due to the existence of a stable government coalition and a broad consensus among stakeholders on the need to finally address the EU recommendations. However, potential deliberations on other changes such as organisation of OoK voting by Kosovo embassies which seems to enjoy the support of the ruling party may complicate and delay this process. Additionally, some of the civil society interlocutors were generally sceptical

that a meaningful reform could be achieved in the current political climate in Kosovo recalling similar failed attempts in 2011.

During its meetings with stakeholders and the roundtable discussions, the EFM urged that ongoing reform process be conducted in a transparent and inclusive manner to build confidence among the electorate in its outcome.

ANNEXES

A. MATRIX ON THE IMPLEMENTATION STATUS OF EOM RECOMMENDATIONS

No.	Year	Recommendation	Electoral Theme	Status (1-6)	Comments and Additional information
1	2021	The vague wording of paragraph (d) of article 61.5 LGE allowing for the removal of the chair or a member if they behave or act “in a manner that seriously affects the status and integrity of the CEC”, is not in accordance with international best practices which stipulate that the grounds for recall should be “clearly and restrictively specified in law”.	Electoral Administration	2 Activity ongoing	The implementation of this recommendation is ongoing, as the Ad Hoc Committee on electoral reform was established in order to address the EU EOM recommendations. It requires the amendment of article 61.5(d) of the LGE, and members of the Ad Hoc Committee on Electoral Reform pointed out their intention to amend this provision accordingly in the bill to be prepared and submitted to the Kosovo Assembly in the next few months. However, at this early stage of the reform process it is not certain that this provision will be finally amended.
2	2021	Introduce a non-partisan clerical position of the PSC secretary to provide necessary advice and assistance to the PSC to improve their efficiency and performance.	Electoral Administration	2 Activity ongoing	This recommendation necessitates the amendment of LGE and a CEC regulation. It is one of the issues that will be discussed during the deliberations of the Ad Hoc Committee that have just started, and was also included in the CEC recommendations to the Committee.

3	2021	Allocate more responsibilities to MECs regarding voter education and information activities and also engage civil society organisations across Kosovo. Special target groups should be addressed, such as women, voters in rural areas, first-time voters, and people with disabilities.	Electoral Administration	2 Activity ongoing	The implementation of the recommendation does not require any legal change. The CEC members informed the EU EFM that they are currently examining possibilities of how to implement it.
4	2021	Introduce a mechanism for automatic removal of deceased persons from the civil register and database of issued IDs once the CRA has received information from hospitals and religious institutions.	Voter Registration	2 Activity ongoing	The Civil Registry Agency reported to the EU EFM improved cooperation with religious institutions in regard to the reporting of deaths.
5	2021	Expedite the development of a unique address system to render more accurate the assignment of voters to polling locations.	Voter Registration	1 No change	
6	2021	Modernise the method for registration as Out of Kosovo voter for instance via a link on the CEC website with safeguards such as a two-step verification of the applicants in order to protect against fraud and impersonation. (priority recommendation)	Voter Registration	2 Activity ongoing	The CEC informed the EU EFM that it has been developing a software application with two-factor verification, to be finalised by June 2023, that will allow Out of Kosovo voters to apply and register online.

7	2021	Ensure a mechanism is in place for accurate and timely data transmission by KJC to allow the CEC to conduct an efficient and reliable verification of candidates' criminal records.	Candidate registration	No change	
8	2021	Prescribe candidate ineligibility in the election law only for a final criminal conviction for serious criminal offences and pursuant to a court decision explicitly depriving the convicted individual of the right to stand.	Candidate registration	2 Activity ongoing	The implementation of this recommendation requires an amendment of article 29 of the LGE. The Ad Hoc Committee members informed the EFM that this issue would be included in the discussions. In addition, the CEC in its recommendations to the Committee suggested that this issue should be discussed by the Committee.
9	2021	Introduce measures to enforce the official campaign period limitations for the runoff elections or allow the campaign to start immediately after the first round.	Campaign environment	1 No change	
10	2021	The law to prescribe interim reporting of the incomes and expenditures of contestants during the campaign period as well as final reporting within 30 days from the election day. Reporting should include the finances of party-nominated candidates and entities campaigning for contestants (third parties). The law to prescribe a short deadline for the oversight authorities	Campaign finance	3 Partial implementation	The amended law is a significant improvement to the previous legal framework and partially address this recommendation. However, the reporting requirements do not apply to individual candidates nominated by political parties and entities campaigning for contestants (third parties).

		and the political entities to publish all financial reports in an easily searchable manner.			
11	2021	Ensure an independent mechanism is in place for effective oversight of party and campaign finances which is given the mandate, the authority, as well as the financial and human resources to effectively and proactively monitor and investigate alleged party and campaign finance irregularities, including unreported income and expenditures, and impose sanctions. (priority recommendation)	Campaign Finance	2 Activity ongoing	The Kosovo Assembly adopted in September 2022 a law amending the Law on Financing of Political Parties (LFPP) and the LGE, which provide for an independent Office for monitoring of political parties to be established within the structure of the CEC. The Office was established on 20 September 2022; the CEC is currently developing relevant regulations and the process of selection of a new director is ongoing. While the new law sets the principles for an independent authority, the actual implementation of these new legal framework which would thus fulfill the EU EOM recommendation, cannot be assessed at this stage.
12	2021	Strengthen the independence of the public broadcaster from possible political interference, by revising its financing system.	Media	No change	
13	2021	Introduce specific regulatory provisions aiming at ensuring media plurality and transparency of media ownership.	Media	Activity ongoing	The Independent Media Commission (IMC) developed draft regulations on media ownership but there are not adopted yet.
14	2021	Appoint in a timely manner all members of the IMC and the IMC Appeal Board through a	Media	No change	While the Kosovo Assembly made three new appointments to the IMC in 2022, mandates of other

		<p>competitive and transparent selection process to foster independence, oversight and the sanctioning power of the regulatory body.</p> <p>(priority recommendation)</p>			members expired and the Commission remains without a quorum necessary for decision making.
15	2021	<p>Include provisions on electoral advertising on online platforms, and explicitly extend the existing campaigning rules to the digital sphere.</p> <p>(priority recommendation)</p>	Digital Communication and Social Media	No change	
16	2021	Foster the cooperation between the election administration and main digital providers to encourage the adoption of mandatory archives for online electoral ads with a view to increase transparency and accountability of campaign spending. A regulation could be introduced for political entities and candidates intending to conduct campaigning on online platforms to register as political advertisers.	Digital Communication and Social Media	No change	

17	2021	Political parties to consider adopting internal policies to promote women's participation and integrate gender issues into party platforms.	Participation of women	2 Activity ongoing	While main parties reported ongoing efforts to promote women participation as candidates and within party structures, some announced concrete policy decision, notably the PDK 50/50 goal for women representation at all levels of organization and decision-making.
18	2021	Adopt and transpose the UN CRPD into the Constitution, so as to give effect to the rights guaranteed therein.	Participation of people with disabilities	1 No change	The transposition of the UN CRPD into the Constitution is still the priority of the disability community that is planning to form an advocacy group in 2023 to campaign for this amendment.
19	2021	Extend the deadlines for filing an election complaint or appeal, and for ECAP and the SC to adjudicate them, to three to five days (both for lodging complaints and appeals and for their adjudication).	Electoral Disputes	2 Activity ongoing	The implementation of this recommendation is linked to the work of the Ad Hoc Committee, which is currently ongoing. The ECAP recommendations to the Ad Hoc Committee are generally in line with this recommendation except for the extension of deadlines for the Supreme Court.
20	2021	Include provisions on challenging the final election results published by the CEC. Clarify the ambiguities concerning the complaints related to voting, counting, the CRC process and their respective deadlines. (priority recommendation)	Electoral Disputes	2 Activity ongoing	The implementation of this recommendation is linked to the work of the Ad Hoc Committee, which is currently ongoing. The ECAP recommendations to the Ad Hoc Committee are in line with this recommendation as well.
21	2021	Intensify training of polling staff to address recurring shortcomings such as not consistently following the	Polling, Counting and Tabulation	5	The implementation of this recommendation to is too early to be assessed, as training of polling staff takes place a few weeks before election day.

		vote count procedures and incorrect filling of results' forms.		Too early in electoral cycle to determine	
22	2021	Assisted voting in the polling stations to be more strictly regulated, for example by requiring the person who assists a voter to be registered in the same polling station.	Polling, Counting and Tabulation	2 Activity ongoing	The CEC in its recommendations to the Ad Hoc Committee fully adopts this recommendation, by suggesting that the person assisting is a voter in the same polling station of the voter with disability. Therefore, if the Ad Hoc Committee adopts this suggestion, it will fully implement the relevant EU recommendation.
23	2021	Redesign ballot papers for municipal assembly elections to improve understanding of voters and enhance voter information on how to properly mark the ballot so as to reduce the number of invalid votes. (priority recommendation)	Polling, Counting and Tabulation	2 Activity ongoing	The CEC is in the process of redesigning the ballot paper for legislative elections and currently conducting a pilot test of two different options, Therefore, the implementation of this recommendation is ongoing.

Guidance Notes

Column 1: The number relates to the number of a recommendation in the EOM Final Report

Column 2: Where two EOMs were deployed in a single year e.g. 2017, the first should be written as 2017(1) and the second should be written as 2017(2)

Column 3: The text of the recommendation should be inserted. Priority Recommendations should be written in **bold**

Column 4: 'Electoral Themes' are the thematic area under which the recommendation appears in the EOM Final Report e.g. Electoral/Legal Framework, Election Administration, Voter Registration, Campaign Finance, Media, Polling Procedures etc.

Column 5: The implementation status of a recommendation should be selected from the following:

Category	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity in ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g. electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e. strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

Column 6: Comments on the implementation status e.g. the government / parliamentary majority does not support the recommendation.

B. PRESS RELEASE



PRESS RELEASE

The EU welcomes the ongoing electoral reform and encourages the legislators to draft and adopt amendments to the relevant laws in an inclusive manner

PRISTINA, 2 December 2022 – The EU Election Follow-up Mission (EFM), deployed to Kosovo since 14 November 2022 presented today its preliminary findings on the progress in the implementation of the EU’s Election Observation Mission’s recommendations achieved thus far.

“We welcome the progress in the area of campaign financing, and we are encouraged by the Central Election Commission finalizing the review of its regulations. The EU further invites legislators to address the Election Observation Mission’s recommendations with a broad consensus and political will,” said Chief of the EU EFM, Lukas Mandl.

“I encourage the Kosovo Assembly’s Ad Hoc Committee on Electoral Reform to continue engaging with all stakeholders transparently and inclusively to build a greater level of public confidence in the electoral process,” he added.

The EU in Kosovo continuously monitors the implementation of the EU’s Election Observation Mission’s recommendations.

“The work on improving the electoral process has started and we want to see it lead to the completion of the electoral reform, which is an important part of Kosovo’s European integration process,” said the EU Ambassador in Kosovo, Tomas Szunyog.

The 2021 EU Election Observation Mission offered 23 recommendations, including six priority ones, focusing, among other issues, on the registration for the Out of Kosovo voters, party and campaign financing, media and online campaigning, as well as clarification of provisions on electoral dispute resolution.

“Many of the 2021 recommendations are similar to those offered by previous EU missions, and we will continue contributing to democratic election processes in Kosovo by helping to improve the electoral framework,” said Mandl.

The EU EFM, headed by Lukas Mandl, a Member of the European Parliament and former Chief Observer for the EU Election Observation Mission for 2021 municipal elections, was deployed to Kosovo on 14 November. The main objectives of this mission are to assess the degree to which the EU recommendations for improving the election framework have been implemented, as well as to discuss ways to achieve further progress on electoral reform. The Mission will stay in Kosovo until 8 December.

The EFM met with representatives of the Assembly's Ad Hoc Committee on Electoral Reform, the Central Election Commission, the Election Complaint and Appeal Panel, the Independent Media Commission, political parties, civil society organisations, and the international community. A comprehensive final report of the EU Election Follow-up Mission will be published in the next weeks.

The full archive of EU EOM reports and recommendations can be found at <http://database.eucom.eu>, for the EU EOM Kosovo 2021 report please see:

Coverage of the EU EFM Press Conference in local media

<https://kosovapress.com/en/the-eu-expects-the-recommendations-for-electoral-reform-to-be-addressed/>

<https://ekonomiaonline.com/politike/be-ja-e-gatshme-ta-ndihmoje-reformen-zgjedhore-szunyog-thote-se-presin-rezultate-gjitheperfshirese/>

