



REPORT

On conduct of local elections on 2013 in the Republic of Kosovo

The right to vote, namely the right for one to elect and be elected, is one of the fundamental rights, guaranteed by the Constitution of the Republic of Kosovo¹, as well as major international legal acts.²

Pursuant to the Law No. 03/L-072 on Local Elections in the Republic of Kosovo³, holding and administering local elections in Kosovo and respective electoral legislation are managed by several principles, such as:

- Local elections are held based on free, equal, direct and secret voting, in compliance with provisions of the Law and CEC's Rules.
- Every citizen of Kosovo has the right to vote and be elected without discrimination.
- Freedom and secrecy of voting is guaranteed. Nobody shall have the right to prevent any citizen from voting, to force him/her to vote in a special manner, to hold him/her accountable for the vote, to reveal the vote or reasons for not voting against his/her will.
- All political entities are free to have a pre-election campaign and to have equal opportunities in TV and radio shows, public funds and other forms of support.
- Use of public office, sources or staff of any institution to support political entity running for elections is strictly forbidden.
- Political entities cannot use civil servants or use sources or staff for pre-election campaign.
- All political entities, their supporters and all other institutions are obliged to respect basic principles determined in this article and undertake all measures to ensure holding of a free, fair and well informed elections, in a climate of democratic tolerance, peace and respect for the Rule of Law.

¹The Constitution of the Republic of Kosovo, Article 45.

²General Declaration on Human Rights, Article 21.3; International Convention on civil and political rights, Article 25 (b); Protocol No. 1 of the European Convention on Protection of Fundamental Human Rights and Freedoms (ECPHRF), Article 3.

³Law No. 03/L-072 on Local Elections in the Republic of Kosovo, Article 3.

Pursuant the Law No. 03/L-072 on Local Elections in the Republic of Kosovo⁴, the President of the Republic of Kosovo, Mrs. Atifete Jahjaga, has announced local elections (mayoral and municipal assembly elections) to be held on 3 November 2013.

Pre-election campaign of political entities was held from 2 October to 1 November 2013. Overall, campaign was held in a peaceful environment and without incidents, save for the north of Kosovo, where activities in favor and against participation in elections culminated in threats, verbal and physical attacks and other violent acts. There were cases **of schools facilities being used for political entities' campaigns during the regular educational process**, as well as **involvement of children in campaign**, which represents the violation of the Election Rule No. 13/2013 for election campaign and notification about political events.⁵ Schools can be used for public gatherings only if CEC and Government of Kosovo decide on that issue via memorandum and only after working hours.⁶

1. Observation of local elections on 3 November 2013

Municipal assemblies and Mayoral elections took place on 3 November 2013. Ombudsperson Institution (OI) was observing the Election Day process with 12 mobile teams throughout Kosovo (including North Mitrovica and village Çabër in Municipality of Zubin Potok) with exception of municipalities of Leposavic and Zveçan, as well as Zubin Potok, except for Çabër village). **OI observers visited 131 polling centers (PC) and 407 polling stations (PS) out of total 798 PCs and 2366 PS's in 38 municipalities of the Republic of Kosovo.**

Local elections held on 3 November 2013 were well organized, despite some technical shortcomings, which did not influence the good conduct of elections. Overall, Election Day passed calmly and without considerable incidents, except in North Mitrovica, where groups of anti-election campaigners who were persuading Serbs not to participate in election provoked and threatened citizens who were going to polling centers.

It was proven in this case as well, that the good will, persistence of all relevant Law Enforcement and Judicial bodies and with good outreach, it is possible to provide security for all citizens to exercise their constitutional right to express their election will through voting.

Registered violations

Number of Police Officers in front of some polling centers in **North Mitrovica** was inadequate and decreased in the afternoon hours, thus around 15:30 in front of PC 3805B (with 16 polling stations) in Primary School "Sveti Sava" the police presence was hardly noticeable. In the afternoon, precisely after 16:00 voting was disrupted in two biggest PC's (3805B and 3805X) with highest number of registered voters when dozens of people broke into the PS's and started damaging voting material.

⁴*Ibid*, Article 4.

⁵*Election Rule No. 13/2013 Election Campaign and Notification about Political Events*, Article 4.1 and Article 5.2.

⁶*Ibid*, Article 4.1.

Incidents were noticed in a PC 3401E in **Gračanica** as well. At around 14:00 pm, a political entity activist informed OI observers that the Police have detained 4 SKS members, under suspicion to have been offering money to voters in exchange for vote. OI observers interviewed the on-duty officer in Gračanica, who confirmed that police officers have detained SKS members for vote-buying and that public prosecutor and investigation judge are expected to visit them. OI observers paid another visit to the Police Station in Gračanica, and, after receiving consent from the Prosecutor and the Police, spoke to one of detainees who confirmed to be treated well by the Police and neglected charges against them. A 48 hours custody order was issued for all detainees who were transferred to Prishtina Detention Center at around 19.00.

Whereas, in a PC 3401E/02R, also in **Gračanica**, upon request of members of Polling Station Commission (PSC), the Police has taken out an observer, who was obstructing voting process, insulting voters and putting pressure on them to tell who they voted for, and attempted to prevent several voters to get to the booth and vote.

An evident discrimination case happened in PC 1315/01D in Lipjan where the sign “**Ashkali**” was placed on the polling station, as it was the polling station only for this community (even though it was noticed that members of the community voted in other polling stations as well).

Mobile observation teams observing the elections have noticed the following:

- *Ultraviolet lamps were functioning*, but in some cases not due to battery failure or lack of spare lamps. Such shortcomings were eliminated after remarks of PSC chairpersons and managers.
- In many cases the **ballot handlers (members of PSC) who were in charge of spraying voter fingers with invisible ink** have done so without gloves, due to lack of gloves, and later on have faced with problems if they had to vote in some other PS's from the one they were working as PSC members. PSC members had an opportunity to be the first ones to vote, before the beginning of the election process, based on the provisions of CEC's Election Rule⁷, but they are not always assigned to polling stations in which they vote.
- *Some PSC members were not informed about who has the right to assist limited voters with capabilities and/or illiterate*, not allowing family members to assist them. Appropriate Election Rule of the CEC clearly states that PSC members and accredited observers may not provide assistance to any voter, but it can be done by family members or any voter waiting in queue to vote and can assist only one voter.⁸ A person who agrees to assist voters will write his/her name and sign the appropriate voter list, beside the name or space allocated for voter who was assisted.⁹ OI observer teams in some cases noticed that one person assisted two family members during casting the ballot (his parents).

⁷Election Rule no. 09/2013 Voting and counting at polling station and polling centers management, Article 19.1.

⁸Ibid, Article 15.5.

⁹Ibid, Article 15.6.

- **Posters and billboards of political entities, with pictures of mayoral and candidates for municipal assemblies were placed within the perimeter of 100 meters from PC's even on Election Day**, although it is prohibited by relevant Electoral Rules of the CEC, which emphasizes that these need to be removed on the day of the election silence, meaning at least 24 hours before the beginning of voting process. Managers of PC as well as PSC are responsible for moving such materials within the polling station.¹⁰
- *There are still deceased people in the final voter list.* Such cases were noticed in all municipalities.
- *Persons with disabilities* (in wheelchair) in many cases **were not ensured unhindered access to polling stations**, due to the lack of adequate ramp slopes in buildings that have been designated as PC, including the building in which the Administrative Office of the Government of Kosovo is located, in Boshnjak Mahala, North Mitrovica.
- *There were cases when polling booths were positioned in such a manner in which the secrecy of vote was not ensured.*
- *PC within the Culture Center in Lipjan used regular pen for Voting process Book at the beginning*, but after OI observer team advice they started using blue pencil.
- During the observation in village Ratkoc, municipality of Rahovec, manager of the PC informed the OI team that **significant number of voters complained because their place of voting was up to 15 km far away from their place of residence**. Respective Election Rule of the CEC clearly indicates that 'Due care shall be taken that no voter travels for more than 3 km to his/her designated polling station'.¹¹
- **Several police officers in Vushtrri who were on-duty from 07:00 to 19:00 hrs. in Mitrovica on Election Day did not have the opportunity to exercise their right to vote.** They complained about this and asked a solution to be found for police officers on duty on Election Day, during the voting process, to exercise their right. OI called the CEC to obtain information, in order familiarize itself with the issue of voting for officers on duty outside their community. Answer from CEC was the following: "*Police officers, who were on duty in the same place where they live, can vote at any time, but the CEC did not foresee any solution for on-duty officers who were sent elsewhere or in another municipality, to exercise their voting rights*". That was not the only case, on-duty officers or medical personnel (as it was the case in the regional hospital in Gjakova) were not able to exercise their right to vote. However, not even Electoral Rules of the CEC foresees any solution for such cases.

¹⁰*Ibid*, Article 12.

¹¹*Ibid*, Article 3.2.

OI mobile observer teams have observed voting in Corrective and Detention Centers, Prishtina Elderly-Care Center and in Hospitals.

- 85 detainees voted (conditional voting) *in the Correction Center in Dubrava*, municipality of Istog. This PS was closed at 14:00hrs, on the grounds that there were no other interested voters to vote and that they(voters) were not equipped with identification documents.
- 184 voters were registered *in the Correction Center in Smrekovnica*, municipality of Vushtrri. When the OI observers team visited the PC (11:00), voting still hasn't begun. According to Voting Coordinator, the arrival of election materials from CEC was expected. He later confirmed that the voting process started at 11:30.
- *In the Correction Center in Lipjan* voting was conditional and lists of candidates of political entities for municipal assemblies were lacking. Also, ballots for voters from the municipalities of Deçan and Mamusha were not sent to the center at all, while ballots for municipality of Fushë-Kosova were insufficient.
- *In Detention Center in Prishtina* detainees casted conditional ballots. Beside OI observer team, observers from CDHRF and KCRPT were present as well. Out of 65 detainees in total, 39 utilized their right to vote. Apart from the list of candidates for delegates of Prishtina MA, list of candidates for other municipalities were missing, thus detainees from other municipalities could only vote for mayoral candidates and political entity running for the municipal assembly.
- Opening of the PC in **Peja Detention Center** was delayed due to absence of one of the PSC member. Only 35 out of total 87 detainees voted due to the missing identification documents. Place designated for voting did not meet necessary conditions for vote secrecy, since the CEC did not provide voting booths.
- *In Detention Center in Prizren* voting started at 09:00 h and ended in 13:00 h. Only 8 out of 89 detainees voted.
- *In Detention Center in Mitrovica* voting right was exercised only by four detainees (3 from Graçanica and one from Fushë-Kosova). About 20 other prisoners could not vote. Deputy Director of Detention Centre said that they recently sent to the Correction Service of Kosovo a list with detainees and convicts requesting to be allowed to vote, which was also signed by them.
- *In the Community Center for Elderly and Persons without Family Care in Prishtina* the voting process started at 10:00 am, exactly at the time OI observer team arrived at the PS.
- *Voting was not organized in the University Clinical Center of Kosovo (UCCK) in Prishtina.* Mobile OI observer team visited the UCCK twice during the Election Day (at 11:20 and 15:30). In a telephone interview with the CEC's Director of the Department of Election Operations we were informed that UCCK did not submit to electoral roll to the CEC, thus voting process was not organized.

- There was no PS established in the **Regional Hospital in Ferizaj** as well. According to Director of the Hospital, reason for that is the fact that there were no immovable patients in the Hospital, while those who wanted to vote were discharged to do so.
- The voting process was not organized in the **Regional Hospital in Gjakova**. In the absence of MEC's mobile team, tens of patients, including medical staff on duty, could not exercise the right to vote.
- The voting process in the **Mental Health Institute (MHI) in Shtimje** was completed at 11:00. At the time when the OI observers visited the Institute, there was none of the authorized person to give official information. Later on, the Director of MHI informed observers that the ballot boxes were sent to the Institute without any notification. He said that 26 patients voted and nearly half of them are unable to make judgments.

2. Observation of return elections in North Mitrovica held on 17 November 2013

Elections in Northern Mitrovica were repeated in 3 PC's (29 PS) on 17 November 2013. ***OI observer team had observed the rerun elections in 20 PS's within these PC's.***

High Law Enforcement and Security presence was noticed in all PC's. EULEX and Kosovo Police Officers were around all PC's, while civil protection members were around 50-100 meters from PCs. No incidents and conflicts were noticed that would interrupt the order and endanger the safety of voters, yet the situation was still tense.

Ombudsperson would like to thank Kosovo Police, under the management of Mr. Besim Hoti, Deputy Regional Director of the Kosovo Police in North Mitrovica, for providing escort and safety to OI teams during the entire observation process.

Following violations and shortcomings were noticed during the observation process:

- ***The principle of bilingualism, i.e. language equality was not respected in none of PC's or PS's.*** Information and guidance material was only in Serbian language, Cyrillic script, despite the fact that Albanian and Serbian languages are official languages in the across Kosovo.
- ***There were some difficulties in relation to voting of people with disabilities and elderly people*** as many PS's were located on second floors or there were no ramp slopes.
- ***Difficulties were visible in relation to finding voter names on the voter list,*** which resulted in higher number of conditional votes as well as queues in front of conditional voting PS's.
- ***Most booths in PS's had only list of municipal assembly candidates and not the list of mayoral candidates.***
- ***Voter booths in some PS's were removed or covered which resulted in damaging CEC's logo.***

3. Observation of the second round of elections for Municipal Mayoral - 1 December 2013

The second round (so called *runoff*) for Municipal Mayoral Elections in Republic of Kosovo was held on 1st of December 2013 in 25 municipalities. The Ombudsperson Institution (OI) has observed the voting process in the Voting Day with 12 mobile observing teams Kosovo wide (including the northern part of Mitrovica). **OI observers visited 140 polling centers (PC) and 400 polling stations (PS) out of total 594 PCs and 1816 PSs in 25 municipalities of Republic of Kosovo.**

Generally, elections held on the 1st of December 2013 were well organized, apart some technical shortcomings (which were present during 3rd November 2013 elections as well) and incidents in village Pasjan, municipality of Pasjan as well as in First Tunnel, Mitrovica municipality.

Registered violations

A squabble occurred in PC 1116B in **First Tunnel**, municipality of Mitrovica between AKR and PDK coordinators. Upon Public Prosecutor's order they have been sent to police station in Mitrovica.

Unknown persons have damaged voting boxes in three polling stations of PC 3603D in **Pasjan** village.

The head of PS 1501E/07R in **Obiliq**, did not permit OI observer to monitor voting process unobstructed. This remark was registered in PS notebook as well.

An evident discrimination occurred again in this occasion, as in previous elections, in PS 1315E/01D in Lipjan where the sign "**Ashkali**" was placed on the polling station, as it was the polling station only for this community (even though it was noticed that members of the community voted in other polling stations as well).

Candidate's poster for the Mayer post was located in the entrance of PS 0202X in **Gjakovë**, while in polling station PS 0202X/07R, the manager of Polling Station Council (PSC) has allowed the manager of the Polling station to vote without ID on the ground that he knows him personally. Upon notification of Police by PSC members, the polling station was closed for 30 minutes until a statement has been taken for the persons involved in this case and later the voting process continued unhindered.

Candidate's brother for the Mayer position from AKK entity, Smajl Latifi stood in the entrance of PS 1602A in **Rahovec**, accompanied by two other men, but were removed upon police notification.

OI mobile observation teams observing the elections have noticed the following:

- In many cases the **ballot handlers (members of PSC) who were in charge of spraying voter fingers with invisible ink** have done so without gloves, due to lack of gloves, and later on have faced with problems if they had to vote in some other PS's from the one they were working as PSC members. Nevertheless, in some polling stations PSC provided gloves to the ballot holders, which facilitated their work. PSC members had an opportunity to be the first ones to vote, before the beginning of the election process, based on the provisions of CEC's Election Rule¹², but they are not always assigned to polling stations in which they vote.
- ***There are still deceased people in the final voter lists.*** Such cases were noticed in all municipalities. On the other hand these lists do not include all new voters that have reached the age of maturity, 18 years, in the meantime.
- ***Persons with disabilities*** (in wheelchair) in many cases **were not ensured unhindered access to polling stations**, due to the lack of adequate ramp slopes in buildings that have been designated as PC. One good example but rare, where these persons had access unhindered to the polling station was PC 3401E in Graçanicë.
- ***In PS 3040A*** in Dragobil village, Malisheva municipality ***complaint ballot forms*** were missing while in ***PSQV 3032A*** in the village Bajë and in ***PS 3047 in village Marali*** (both in Malisheva municipality) ***complaint ballot forms were only in Serbian language.***
- ***In the polling station 1301E/04D*** in Lipjan, as conformed by the Kosovo Police member, currently working for the Kosovo Correctional Service, CEC has put the stamp on her ballot but was not allowed on the grounds that she was on duty while her colleague, also during his working hours, was allowed to vote with unstamped ballot. But in other polling stations Kosovo wide Kosovo Police members on duty mainly voted conditionally.

OI mobile observer teams have observed voting in Corrective and Detention Centers as well as in Hospitals.

- Only 59 persons out of 204 have voted in ***Correctional Centre in Dubravë***, Istog municipality. The voting has started at 9:00 and ended at 13:00.
- 26 persons have exercised their right to vote in ***Detention Centre in Prizren*** and the voting ended at 10:45.
- In ***Detention Centre in Mitrovica*** only two detainees have exercised their right to vote while approximately other 20 detained persons could not vote. But this time, unlike from 1st November elections, the personnel on duty in this center exercised their right to vote (5 voters in total).

¹²Election Rule no. 09/2013 Voting and counting at polling station and polling centers management, Article 19.1.

- 27 detainees have voted while 11 of them refused to use their right to vote in the *Detention Centre in in Gjilan* where the voting started at 9:30 and ended at 10:20.
- Again voting was not organized in **University Clinical Centre of Kosovo (UCCK) in Prishtina**, since UCCK did not submit to CEC electoral roll.
- There was no voting in regional *Hospital in Peja* too and in *Integrated Centre for Elderly People* since electoral roll was not submitted by the Ministry of Health thus CEC did not send the mobile team.
- The voting process was not organized in the *Regional Hospital in Gjilan* due to the absence of MEC's team in Gjilan.
- No voting occurred in *Regional Hospital in Ferizaj* as well. According to Director of the Hospital, reason for that is the fact that there were no immovable patients in the Hospital, while those who wanted to vote were discharged to do so.
- In *Gjakova Regional Hospital* there were tens of immovable patients who could not exercise their right to vote since no mobile team has been allocated to this institution to enable such activity.

Based on shortcomings noticed by mobile observers during the local elections observation, the Ombudsperson Institution issued the following:

RECOMMENDATIONS

- Equip PC's timely with all necessary materials for the normal conduct of the electoral process on the Election Day.
- Perform adequate (appropriate) selection of PSC members, as well as ensure of adequate training and testing.
- Look into the possibility of designating members to PSCs of PS's or PC's in which they can vote, or close to PC's where their PS is located.
- Provide gloves to PC members who handle ballots and carry out fingers spraying with invisible ink in order to avoid spraying their own fingers with invisible ink, so that they could vote without any problems.
- Initiate criminal proceedings and bring before the courts all those who incited incidents and interfered with the voting process.
- Amend the final voter list by removing all names of deceased persons as well as add new voters who reached 18 years of age.
- All the posters and billboards of political entities, with photographs of mayoral and municipal assembly candidates should be removed before the start of the election silence, i.e. at least 24 hours before the start of the voting process.

- Create suitable conditions to ensure all persons with disabilities (especially those in wheelchairs) have easy access to all PC's and PS's where they vote. In cases where this is not possible or requires more time for implementation, mobile CEC and MEC teams should enable these individuals to vote in their homes or apartments, in accordance with the relevant Election Rules of the CEC.¹³
- Respect the principle of bilingualism in all of PC's and PS's, including on the election materials across Kosovo.
- Appropriate legal provisions should be introduced defining the exercise of the right to vote for persons who are on duty on Election Day, or during the duration of the voting process.
- Improve communication with voters outside of Kosovo, so that they receive ballots timely in order to exercise their right to vote, in accordance with the relevant Election Rules of the CEC.¹⁴

¹³*Election Rule no. 04/2013 Voting of people with special needs and circumstances*, Article 3.

¹⁴*Election Rule no. 03/2013 Out of Kosovo voting*, Articles 3-5.