



Office for Democratic Institutions and Human Rights

## FORMER YUGOSLAV REPUBLIC OF MACEDONIA

### PARLIAMENTARY ELECTIONS

5 July 2006

OSCE/ODIHR Election Observation Mission Final Report



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**FORMER YUGOSLAV REPUBLIC OF MACEDONIA  
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**I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign Affairs of the former Yugoslav Republic of Macedonia to observe the 5 July parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 30 May. The OSCE/ODIHR EOM assessed the parliamentary elections in line with the 1990 OSCE Copenhagen Document and other international standards for democratic elections. On election day, the OSCE/ODIHR EOM joined efforts with a delegation of the Parliamentary Assembly of the Council of Europe to form the International Election Observation Mission (IEOM).

While the 5 July 2006 parliamentary elections largely met OSCE commitments for democratic elections, instances of violence and intimidation during the first half of the campaign, and a number of cases of serious irregularities on election day, cast a shadow over an otherwise generally well-administered election held in a competitive environment.

The State Election Commission (SEC) approved, in an inclusive process, all candidate lists presented by 31 parties and coalitions and two groups of voters. Contestants were able to present their views, and the media provided voters with diverse information. This resulted in a competitive environment and a broad choice of political alternatives for the electorate, including within ethnic communities. However, isolated serious violations of the law observed on election day in some parts of the country undermined the universality and equality of the vote.

These elections were held under a new Election Code, which consolidates election-related legislation and provides a more consistent basis for the conduct of elections. The Code includes a number of OSCE/ODIHR recommendations from previous elections. At the same time, the Election Code remains vague in certain aspects, and some provisions are contradictory. Provisions regulating campaign financing are weak, and possibilities for the relevant authorities to audit campaign funding and expenditures remain limited. Amendments to the Criminal Code adopted in June 2006 provide for stricter sanctions for election-related criminal offences.

Under the new Election Code, the SEC, Municipal Election Commissions (MECs) and Election Boards (EBs) were newly appointed. The SEC is now a full-time professional body supported by a permanent secretariat. MEC and EB members were drawn from among civil servants, rather than nominated by political parties. The composition of MECs and EBs had to meet certain criteria regarding gender and representation of national minorities. The numerous criteria that had to be met proved difficult to implement, and consequently, some 3,000 civil servants had to serve on MECs and EBs away from their home precinct. For the most part, the SEC and MECs conducted election preparations in an

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<sup>1</sup> This report is also available in Macedonian. However, the English version remains the only official document.

effective and collegial manner, respecting legal deadlines. However, the training of MEC and EB members was conducted late and in an inconsistent manner, and many EBs received the EB manual only the day before election day.

The first half of the election campaign was overshadowed by numerous violent incidents, including attacks on campaign offices, fights among party activists, and non-fatal shooting incidents. Most of these incidents occurred in the north-west of the country and involved the ethnic-Albanian parties Democratic Union for Integration (DUI) and the Democratic Party of Albanians (DPA). Some parties complained to the OSCE/ODIHR EOM that their campaign activities in certain areas had been hindered as a result of violence or intimidation. Allegations made by political parties about pressure on voters, intimidation, abuse of administrative resources, and possible election-day fraud were indicative of a widespread lack of confidence in the election process and a high level of mistrust among the parties.

Most national minorities were represented in the elections by one or more parties. Ethnic communities were represented in the election administration, and election material, including ballots, was printed in their languages in municipalities where they make up a sizeable part of the population. However, some smaller communities, in particular the Roma, remain marginalized and vulnerable to electoral malpractices, including vote buying, intimidation, and threats of loss of employment or social benefits. The OSCE/ODIHR EOM directly observed several such cases. Some Roma also remain disenfranchised due to a lack of civil registration and proper identity documents.

Women were well-represented on election-administration bodies and on candidate lists, as a result of provisions in the new Election Code. The share of women in the new Parliament increased from 21 to 27.5 per cent.

The broadcast and print media generally provided voters with diverse and sufficient information and a variety of political views, allowing them to make an informed choice. However, OSCE/ODIHR EOM media monitoring showed that before the start of the official campaign period, media covered Government activities at length. During the campaign period, the public broadcaster Macedonian Television, in its Macedonian and Albanian-language channels, gave extensive coverage to parties in the ruling coalition. The coverage of some private broadcasters highlighted conflicts of interest caused by political activities of their owners.

Complaints and appeals mechanisms remain weak. Almost half of the first-instance courts contacted by the OSCE/ODIHR EOM were not aware of their important role in resolving election-related complaints and protecting candidate rights. After election day, the SEC rejected all 45 complaints received by political parties, in most cases citing lack of, or insufficient, evidence. However, the SEC chose not to inspect election material even in cases where notes in the official protocols supported a complaint. The SEC annulled the results in two precincts where voting was interrupted for more than three hours, as required by the Election Code. In response to appeals, the Supreme Court annulled the results in another 28 precincts.

Election day took place in a generally calm environment and was conducted in an orderly manner in most of the country, and IEOM observers assessed the performance of EBs positively in the vast majority of polling stations. However, isolated cases of serious irregularities were reported from a number of municipalities, in particular Bogovinje, Brvenica, Kočani, Radoviš, Struga, Studeničani, Štip, Tearce, Zajas, and Želino. They

included cases of ballot-box stuffing, vote buying, theft of ballots and other election material, and instances of tension and intimidation, including by groups of armed persons. Group and proxy voting, which effectively disenfranchise women in particular, were widespread. Voting procedures were not always followed, including important safeguards against multiple voting, such as marking voters with invisible ink, checking for ink and voters signing the voter list.

The situation deteriorated during the vote count, which was assessed much more negatively. One in seven IEOM observer teams characterized the count as 'bad' or 'very bad'. Serious irregularities were noted in 7 per cent of counts observed, and major procedural problems or omissions in 12 per cent. Key procedures were often not followed, including important safeguards against irregularities. The handover of election materials and tabulation of results at the MEC level was generally conducted in line with the law and assessed positively. The SEC announced preliminary results quickly, including by polling station.

Around 4,500 domestic non-partisan observers, in particular from the Citizens' Association MOST, contributed to the transparency of the election process. Authorized party representatives were present in almost all polling stations and most MECs visited by IEOM observers on election day. Police were observed to play generally a positive role on election day, maintaining or restoring order when necessary.

On 19 July, voting was re-run in 29 of the 30 polling stations where the results had been invalidated by the SEC or the Supreme Court. One polling station was not re-run because it could not affect the overall results of the election district. Although the OSCE/ODIHR did not observe the re-runs, observers from the local international community noted a number of irregularities. One polling station was annulled by the SEC where the voting had been suspended for more than three hours. Following the re-runs, the SEC rejected all ten complaints filed, and the Supreme Court upheld nine of the ten SEC decisions on appeal. No further re-runs were held.

The OSCE/ODIHR stands ready to co-operate with the authorities to address concerns raised in this report and follow-up on the recommendations offered below.

## **II. INTRODUCTION AND ACKNOWLEDGEMENTS**

Following an invitation from the Ministry of Foreign Affairs of the former Yugoslav Republic of Macedonia to observe the 5 July 2006 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 30 May. The EOM was headed by Ambassador Audrey Glover and included a core team of 13 international experts and 20 Long-Term Observers (LTOs), who were deployed in Skopje and eight regional centers. Core-team members and LTOs were drawn from 21 OSCE participating States.

The OSCE/ODIHR was joined by the Parliamentary Assembly of the Council of Europe (PACE) to form the International Election Observation Mission (IEOM) for the election-day observation. On election day, the IEOM deployed some 382 observers from 45 OSCE participating States, including the 18-member delegation of the PACE. On 5 July, observers observed voting in around 1,600 of the 2,976 polling stations throughout the country, and the vote count in 159 polling stations. IEOM observers were also present in

81 of the 84 Municipal Election Commissions to observe the handover of election material and the tabulation of results.

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs, the State Election Commission, and other national and local authorities for their assistance and co-operation during the course of the observation. The OSCE/ODIHR also wishes to express appreciation to the OSCE Spillover Monitor Mission to Skopje as well as other international organizations and embassies accredited in Skopje, for their support throughout the duration of the mission.

### **III. POLITICAL BACKGROUND**

The Speaker of Parliament announced on 20 April that parliamentary elections in the former Yugoslav Republic of Macedonia would be held on 5 July. The elections were due to be held by October 2006. The leading opposition party, the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO–DPMNE) had for some time been calling for the elections to be brought forward. In early 2006, the governing Social Democratic Union of Macedonia (SDSM) agreed to hold the elections at the beginning of the 90-day period envisaged for regular elections.

The 120 Members of Parliament are elected according to a regional proportional system without a threshold requirement. Twenty MPs are elected in each of the six election districts, whose boundaries are defined in the Election Code.

Following the country's achievement of European Union candidate status in December 2005, the holding of elections in accordance with OSCE commitments and other international standards was defined as one of the conditions to be met before the country could proceed towards EU membership. These elections were thus widely viewed as important for the country's ambitions to join the EU, as well as NATO.

The last parliamentary elections were held in September 2002. Following those elections, a government was formed by the coalition 'For Macedonia Together', led by the SDSM, and the ethnic-Albanian Democratic Union for Integration (DUI). This coalition government continued in office throughout the term of the Parliament.

### **IV. LEGAL FRAMEWORK**

The legal framework for parliamentary elections is governed by a comprehensive Election Code adopted in late March 2006. The new Code consolidates election legislation and establishes an improved electoral framework, incorporating provisions from the previous Laws on the Election of Members of Parliament, on the Election of the President, and on Local Elections. In addition, other election-related laws, such as those on voter lists, polling stations and election districts (for parliamentary elections) were incorporated into the new Election Code. Although finalized only three months prior to the elections, it provides, together with other new or amended legislation, a more consistent basis for the conduct of elections. Nonetheless, the Election Code remains vague in some aspects, e.g. regarding the protection of candidate rights before first-instance courts where the Code

does not specify what procedure can be invoked before the court, and some provisions are contradictory.<sup>2</sup>

Besides the Election Code, the most relevant legislation governing the parliamentary elections included the newly-adopted Law on Broadcasting Activity, the Law on Political Parties, the Law on Civil Servants (newly amended), the Criminal Code (newly amended) and the Constitution.

In addition, the State Election Commission (SEC) regulated several aspects of the election process regarding, *inter alia*, the composition of election administration bodies and the nomination of their members, the training of election officials, activities of the police, the opening of bank accounts by campaign organizers, the rights and obligations of observers, early voting procedures, and others.

Parliament adopted amendments to the Criminal Code on 12 June which provide for stricter sanctions for election-related criminal offences, including long-term prison sentences that range from three to ten years. Most parties welcomed these last-minute amendments. However, these sentences appear to be too strict as they are not consistent with sentences proscribed for other criminal acts in the Criminal Code; for example, the minimum punishment for torture is six months' imprisonment.

In accordance with the 2001 amendments to the Constitution, the Election Code proscribes the mandatory use of other official languages and the corresponding alphabet at the level of municipalities (for the work and official material of Municipal Election Commissions and Election Boards, as well as the ballots), election districts (for submitting the candidate lists), and the entire country (for publishing the lists of candidates in the daily newspapers). Although voting instructions in polling stations are required to be in minority languages, there is no such requirement for informational candidate list posters in polling stations.

Each organizer of an election campaign<sup>3</sup> was required to open a bank account designated "for the election campaign", within 48 hours of the confirmation of the list of candidates. All expenses for the campaign had to be covered from funds in this account. The following types of donations were prohibited: funds from the State or municipality budgets, public enterprises and institutions, citizens' associations, religious communities and groups, foundations, foreign governments, international institutions, bodies and organizations of foreign states, foreign citizens, as well as from joint ventures where foreign capital is dominant. Private persons were allowed to donate the equivalent of 5,000 Euro in national currency, while the limit for legal entities was 20,000 Euro. The campaign organizer could spend no more than 60 denars (approximately one Euro) per registered voter in an election district.

At the end of the campaign, organizers were required to submit a financial report to the SEC, the State Audit Office and the Parliament, within 30 days of the day of verification of the mandates of newly elected MPs. These were the first elections where parties were obliged to send their financial reports to the State Audit Office. However, according to the Law on State Audit, the State Audit Office can audit only expenditures of public (budget)

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<sup>2</sup> For example, Article 104.6 states that if voting in a polling station is suspended for more than three hours, voting in this polling station must be repeated. Article 151, however, states that if voting in a polling station was annulled due to a suspension of over three hours (or for another cause specified in Article 151.1), voting is only repeated "if the total number of voters registered at those election precincts ... has an impact on the overall results".

<sup>3</sup> Please see Section VI, Candidate registration.

funds, not private donations. This might be an obstacle for the State Audit Office to fully audit the financial reports.

Although the Election Code provides some basis for regulating the financing of election campaigns, various interlocutors raised the concern that political parties did not respect the legal provisions regarding campaign financing, especially the legal limits on campaign spending and the use of prohibited donations. Legal safeguards to prevent illegal financing remain weak, as anonymous donations are allowed. Moreover, while political parties were required to submit financial reports on campaign financing after the elections, they were not obliged to include a detailed breakdown of their expenditures, but only the total amount of funds spent. Under these circumstances, the competent institutions had limited possibilities to carry out a detailed audit of the reported expenditures. In particular, there is a lack of effective enforcement mechanisms for ensuring compliance with the regulations.

The conduct of political activities before the official start of the campaign enabled parties to avoid reporting campaign expenditures, as the reports only have to include the official 20-day campaign period. This inconsistency could be resolved if the types of campaign activity during the official campaign period, such as free media and billboard advertising, were exhaustively defined. In that case, all other kinds of expenses related to political activities conducted outside of the official campaign period should be included in parties' annual reports on their finances.

There are a number of offences for which a fine is proscribed in the Election Code, including: participating in election campaign events in a uniform; violation of the Election Code by a member of an election administration body; not complying with the responsibilities of an organizer of an election campaign; preventing and obstructing the campaign; not providing equal presentation of the candidates in the media; failure of municipalities to determine places for displaying posters free of charge; destroying or putting up election posters over another election campaign organizer's posters in places designated for their display; a competent state body, religious community or public institution allowing a campaign organizer to organize pre-election rallies in violation of the law; and failing to submit a report on the financing of the election campaign and/or spending more funds than the amount defined in the law.

Any person preventing the holding of elections and voting, violating and misusing the right to vote, violating a voter's freedom of choice, bribing and buying votes, destroying electoral documents and committing election fraud, is liable to prosecution under the provisions of the Criminal Code.

Although the new legal framework was, for the most part, seen as a positive contribution to improving the election environment, successful implementation required all three components of the election process, namely voters, political parties and state institutions, to respect the letter and the spirit of the law and to uphold the rule of law. Moreover, further clarifications and interpretation of some Election Code provisions are still needed. Many interlocutors repeatedly raised concerns and issues regarding the implementation of the Election Code, stressing as an example the reluctance of the SEC to initiate proceedings against violators.



## V. ELECTION ADMINISTRATION

### A. ELECTION ADMINISTRATION BODIES

The Election Code establishes a three-tiered election administration for all elections, including the State Election Commission (SEC), 84 Municipal Election Commissions (MECs) and 2,976 Election Boards (EBs). The SEC was appointed by the Parliament on 14 April. Opposition parties, in this case the VMRO–DPMNE, proposed the SEC President, while governing parties, in this case the DUI, proposed the Vice President. The remaining five members of the SEC were identified in a process controlled by the other major political parties represented in Parliament. Since the SEC has become a professional full-time body following the recent adoption of the Election Code, SEC members no longer have deputies.

Civil servants were introduced as election administrators at all levels of the process. For the first time, members and deputy members of MECs and EBs were randomly selected from among civil servants, using a computerized database<sup>4</sup>, rather than nominated by political parties. Under a transitional provision of the Code for these elections only, two members of each EB (and their deputies) were nominated by political parties, one each by the main ruling parties and the main opposition parties. The presidents and their deputies were selected from among State and municipal administration officials, while the other members and their deputies were selected from among public administration officials.

Specific criteria regarding gender and ethnic balance had to be met in the appointment process.<sup>5</sup> At least two members of the EBs and three members of the MECs had to be of the less-represented gender. In municipalities where between 20 and 50 per cent of the population are “members of other ethnic communities”, this community was entitled to one member on the EBs and two on the MEC; in municipalities where this community accounted for between 50 and 70 per cent of the population, it was entitled to two members on the EBs and three members on the MEC; and in municipalities with more than 70 per cent belonging to another ethnicity, that ethnic group was entitled to three members on the EBs and four members on the MEC. While nearly all 84 MECs reflected these new criteria in their composition, a significant 13 per cent of EB members on duty in polling stations visited by IEOM observers on election day did not include a single female member.<sup>6</sup>

Because not all criteria for the composition of election-administration bodies could be satisfied by selecting officials from among local residents, approximately 3,000 election officials had to serve on MECs or EBs away from their home precincts. In conjunction with the MECs and State and municipal institutions, the SEC devised a transportation scheme which addressed the need for election officials to be in their home precinct at some time during election day in order to vote. The OSCE/ODIHR EOM did not receive any reports about election officials who had been disenfranchised while fulfilling their obligations outside their home precincts.

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<sup>4</sup> The technical requirements for the database were addressed in the SEC ‘Regulations for Determining the Criteria for the Manner and the Procedure for Selecting the President, his Deputy, the Members and their Deputies in Election Management Bodies’ of 26 April 2006.

<sup>5</sup> The criteria were outlined in two SEC instructions of 27 April.

<sup>6</sup> Since IEOM observers were asked to note the gender balance among the EB members present, this does not necessarily mean that the criteria were not met for the whole membership (including deputies). See Section XI, Participation of Women, for further details.

For the most part, the SEC operated in an effective and collegial manner. Forms, instructions and regulations necessary for the conduct of voting were adopted within the legal deadlines and posted on the SEC website.<sup>7</sup> The SEC undertook a limited and belated voter education effort that included material placed in the print media and three TV spots, which were broadcast on a number of TV channels. For the first time, the SEC was supported by a permanent secretariat, adding to the efficiency of its work.

However, the samples of the ballot papers, which had to be prepared separately for each of the six election districts, and in different combinations of official languages depending on the ethnic composition of each municipality, were adopted with some delay. This followed a process marred by disagreement within the SEC on the issue, amid indications of overt political pressure on the SEC and its President. The disagreement concerned the layout of the name of the VMRO–DPMNE coalition on the ballot, during which the SEC President, a nominee of VMRO–DPMNE, publicly threatened to resign.<sup>8</sup> A compromise between the SEC President and the other SEC members was reached after consultations involving the leaders of the major opposition and governing parties. Ultimately, the ballots were printed and distributed to EBs on time.

In addition to its regular sessions, which were open to the public and to observers, the SEC also initially conducted informal closed sessions. At times, this led to confusion among the SEC members themselves as to what had been officially decided or just agreed upon during such ‘pre-meetings’. After an OSCE/ODIHR EOM inquiry the SEC opened its pre-meetings to observers. Although the SEC established a working group tasked with drafting its rules of procedure, they were only adopted one day prior to election day and in a preliminary form, too late to improve the internal organization and transparency of the work of the SEC.<sup>9</sup>

With some delay<sup>10</sup>, the SEC organized mandatory training for all members of election administration bodies, many of whom had little or no prior experience in election administration due to the new appointment mechanism. The EB training sessions attended by the OSCE/ODIHR EOM focused on general issues, and explanations of procedures during such training sessions were not always consistent.<sup>11</sup> The negative effect of this was compounded by the fact that the official SEC procedures manual did not reach members of EBs in time.<sup>12</sup> Furthermore, the manual was barely adequate since it consisted largely of a compilation of articles from the Election Code and other documents and provided little practical guidance to EB members. Issues singled out in previous OSCE/ODIHR Final

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<sup>7</sup> However, the SEC instruction on how EBs correct mistakes in the EB result protocol was only adopted on 30 June, towards the end of EB training and after the printing of the procedures manual.

<sup>8</sup> The VMRO–DPMNE-led coalition’s official name consisted of a list of the names of all 14 constituent parties. Had the same font size been used for all names on the ballot, the coalition would have had considerably more space than other contestants; had the height of each entry been uniform, the name of the coalition would have been all but illegible.

<sup>9</sup> Similarly, the SEC also began approving minutes of prior sessions only on 4 July.

<sup>10</sup> The SEC training program initially stated that “according to this program and Article 37.2.5 of the Election Code, the MEC must finalize the training ten days prior to election day [i.e. 26 June], at the latest”. In practice, EB trainings began on 26 June and lasted until 1 July.

<sup>11</sup> Explanations of the procedure for voting by sick and disabled voters, for example, differed significantly during EB trainings. Some trainers promoted the use of a special ballot box, others recommended a procedure using only envelopes. In a further number of trainings, homebound voting procedures were not explained at all.

<sup>12</sup> The manual was, as a rule, only delivered to EBs on the day prior to election day, together with the ballots and other election material. This delay can only partially be explained by the fact that it had to be translated and printed in several official languages.

Reports as especially problematic, such as group voting, the counting process and the completion of the result protocols, did not receive due attention during the training.

While authorized representatives of list submitters were present in most polling stations on election day, very few list submitters used the opportunity afforded to them by the Election Code to appoint a representative to follow the work of the SEC or the MECs.

## **B. VOTER LISTS**

The Ministry of Justice displayed excerpts from the voter list for public inspection in its regional offices from 5 to 19 May. In response to previous concerns, the Ministry of Justice also enabled citizens to check on the Internet whether they were included in the voter list and ran several projects encouraging people to do so, including with the domestic observer organization MOST. More than 20,000 entries were checked by citizens. Prior to this, the Ministry of Justice had updated the voter list and removed more than 6,000 names of deceased persons.

As in previous elections, several parties questioned the accuracy of the voter list, but they initiated only a few concrete inquiries within the legal deadline for complaints. Most concerns related to voters living abroad and expectations that illegal proxy voting would take place on their behalf. Under the law, such persons remain on the voter list as long as they have permanent residence in the country. In an effort to minimize potential violations, the Ministry of Justice marked with asterisks the voter list entries of some 58,500 persons known to the authorities to have been abroad for more than a year.

## **C. ELECTION DISTRICTS**

On 9 June, the SEC published the description of election precincts and the final data on voters by precinct, municipality and election district, which had been prepared by the Ministry of Justice. Some 14 precincts, all located in remote areas, had less than the ten or more than the 1,400 registered voters foreseen as the minimum and maximum number in the Election Code. Five of the six election districts met the legal requirement regarding the number of registered voters, while Election District 6 deviated slightly from the legal norm that the number of voters in an election district should not differ by more than 3 per cent from the average number.

The boundaries of the six election districts were established in 2002 and have remained unchanged since. Following the territorial-administrative reform of 2004, five of the 84 current municipalities are split between two election districts.<sup>13</sup> In these municipalities, MECs had to effectively administer two sets of elections, with separate candidate lists and result protocols. In only one of these municipalities, the Skopje municipality of Čair, was the number of voters split fairly evenly between two election districts, with 32,774 and 24,170 voters registered in Election Districts 1 and 2, respectively. In the other four municipalities, only between 113 and 2,547 voters were registered in one of the two election districts in question.<sup>14</sup> It would appear that in these cases, election district boundaries could be readjusted easily and without conflicting with the legal requirements regarding the number of voters in each election district. This would reduce the workload of MECs and arguably lessen confusion for voters, since in such municipalities the same

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<sup>13</sup> Bitola, Krivogaštani, Kumanovo, Staro Nagoričane, and the Skopje municipality of Čair.

<sup>14</sup> The numbers were as follows: Krivogaštani – one polling station with 113 registered voters, out of a total of 13 polling stations; Kumanovo – 18 of 128 polling stations (2,112 voters); Bitola – 11 of 152 polling stations (2,547 voters); Staro Nagoričane – 7 of 38 polling stations (622 voters).

parties had to promote different ballot numbers in their campaigns, depending on the election district.<sup>15</sup>

## VI. CANDIDATE REGISTRATION

Registered political parties, coalitions of political parties, as well as a groups of voters (in which case 1,000 signatures of registered voters residing in the election district in which the group intended to submit a candidate list were required) could nominate candidates by submitting candidate lists for Members of Parliament. Parties and coalitions running in more than one election district had to submit separate candidate lists for each district. Official submitters of candidate lists are considered to be the organizers of the election campaign. The organizer of an election campaign is responsible for the legality of the conduct of the election campaign.

On 2 June, the SEC finalized the registration of candidate lists, confirmed and published the unified lists for each election district. Altogether, 31 political parties and coalitions, as well as two groups of voters, submitted candidate lists for one or more election districts, all of which were approved by the SEC in an inclusive process. Overall, a total of 135 lists were registered. Eleven parties and coalitions contested all six districts, and a further seven parties and coalitions submitted lists in five out of the six districts. Four parties and both groups of voters submitted lists for only one election district. The number of candidate lists per election district varied from 19 in Election District 6 to 29 in Election District 1.

Controversially, the Democratic Party of Albanians (DPA), one of the two main ethnic-Albanian parties contesting the elections, placed on its candidate lists one person with two pending criminal indictments and another under investigation for war crimes. This decision raised concerns about the party's commitment to democratic politics as well as about the potential for violent incidents in the home regions of these two candidates in the run-up to the elections and on election day. Ultimately, one of the candidates was elected.

## VII. ELECTION CAMPAIGN

Politics is divided primarily along ethnic lines, and the key races were among ethnically-based parties competing for votes within their own community. There were thus, in effect, parallel election campaigns among, on the one hand, the main ethnic-Macedonian parties and, on the other, the main ethnic-Albanian parties.

The political landscape has become more fragmented since 2002, particularly on the ethnic-Macedonian side, and a number of new parties challenged the two main rivals, 'For Macedonia Together' and VMRO-DPMNE. These included VMRO-People's Party (VMRO-NP), led by former Prime Minister Ljubčo Georgievski, which broke away from VMRO-DPMNE in late 2004. Following the split, VMRO-NP held more seats than VMRO-DPMNE in the outgoing parliament, but performed significantly less strongly than VMRO-DPMNE in the 2005 municipal elections. The New Social Democratic Party (NSDP) was formed in October 2005 by former senior SDSM official Tito Petkovski, a former Speaker of Parliament and the SDSM's presidential candidate in 1999. The Democratic Reconstruction of Macedonia (DOM), was formed in January 2006 by Liljana

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<sup>15</sup> This was due to the fact that the order of parties on the ballot was determined by drawing lots separately for each election district.

Popovska, formerly a senior official of the SDSM's junior coalition partner, the Liberal Democratic Party (LDP).

The main ethnic-Albanian parties in the outgoing parliament, the DUI and the DPA, were the principal contenders in these elections as well. The DUI contested the elections in a coalition with two smaller parties, the ethnic-Albanian Party of Democratic Prosperity (PDP) and a party representing the Bosniak minority.

On 13 June, two days before the start of the official campaign, leaders of most political parties contesting the elections participated in the public signing of a Code of Conduct promising to hold fair elections. The event was organized by the National Democratic Institute for International Affairs (NDI), the domestic non-partisan observer organization MOST and the Macedonian Women's Lobby. This was followed by an extensive public-information campaign, with the slogan "It Must Be Fair".

According to the Election Code, campaign activities were not supposed to start before 15 June. However, many parties conducted 'conventions', at which candidates and sometimes party programs were presented prior to this date, and which were apparently political events related to the election. In most cases, these conventions received extensive media coverage. Other early election campaign activities included the placing of billboard posters, paid media advertisements and tours of the country by party officials.

The conduct of political activities, which were apparently related to the forthcoming election campaign, was perceived by a number of media and non-governmental organizations as violation of the legal provisions for the election campaign. The lack of clarity about what precisely constituted campaign activities with regard to the official 20 day campaign period, as opposed to other political activities guaranteed by the respect for fundamental civil and political rights, created confusion. The SEC stated that it was outside its competence to comment.

The campaign atmosphere varied considerably in different regions of the country, depending on the diverse local conditions and ethnic configurations. In some regions, campaign activities were generally slow to pick up, whereas in others they were already well underway even before the official start of the campaign. A principal focus of campaign activities was the holding of rallies in the main cities, addressed by party leaders.

Paid television advertising and commercial billboard posters also formed a prominent part of campaign activities. Additionally, according to the Election Code, municipalities, as well as the City of Skopje, were supposed to allocate free space for posters during the official campaign period. This provision was applied variably around the country. Most municipalities did not identify the places for such free poster space by the deadline envisaged in the Election Code.

Many municipalities did not enforce the rules, so that in many areas the placing of campaign posters resembled a free-for-all, with posters placed wherever space could be found. The provision of the Election Code forbidding the destruction of election posters of other parties or placing posters over those of other parties was widely disregarded. As a result, competition over the placing of campaign posters proved contentious among parties, notably in Skopje.

Also contentious, especially in Kumanovo municipality, was the placing of party flags in public places. There was a lack of consistency as to whether the displaying of party flags in

public places was permitted or not, and if it was, what rules should apply. The DPA complained that the local authorities had not given instructions on the matter before the start of the campaign.

The first half of the campaign was overshadowed by a rash of violent incidents, allegations and counter-allegations. Most of these incidents occurred in the northwest of the country, and involved the DPA and the DUI. These included numerous attacks on campaign offices and on party activists, and allegations of intimidation. Such incidents were concentrated in the municipality of Tearce and the Skopje municipality of Saraj. Notable among the attacks was the extensive damage to a DUI office in Saraj, and grenades being thrown into the yard of a DPA office in the same municipality. Incidents in Tearce included attacks on DUI offices in Slatino village and reported intimidation and the removal of DUI campaign material in the villages of Dobrošte and Glogi. Other attacks occurred in the municipalities of Lipkovo, Studeničani, Tetovo and Struga. A shooting incident in Saraj on the night of 18–19 June involved DPA and DUI activists; nobody was hurt during the shooting. In another incident between DPA and DUI activists in the village of Rašče in Saraj municipality on 24 June, some of the protagonists were beaten, and one was injured by gunfire.

The DUI responded to the attacks, most of which were against its premises and members, with calls for calm. In a statement on 19 June, DUI leader Ali Ahmeti called on his party's activists to avoid acts of violence, irrespective of who had been responsible for the incidents perpetrated so far. On 20 June the US Ambassador and the EU Special Representative brought together the DPA and DUI leaders to issue a call for a peaceful election. On 27 June, senior representatives of the international community visited Rašče, where they publicly condemned acts of election-related violence.

On the night of 21–22 June, there was a fight in central Skopje between SDSM and VMRO–DPMNE activists, arising out of a dispute over the placing of billboard posters. The incident, which the parties blamed on each other, according to some reports involved shooting.<sup>16</sup> The SDSM announced that it would not place posters in Skopje for the remainder of the campaign period.

Political parties made widespread general allegations to the OSCE/ODIHR EOM about pressure on voters, including intimidation and inducements, especially towards vulnerable minority communities and public-sector employees. Alleged threats included loss of employment or social security benefits.

Some parties complained to the OSCE/ODIHR EOM that their campaign activities in certain areas had been hindered due to violent attacks or intimidation. The OSCE/ODIHR EOM observed that the DUI's campaign in Tearce and Saraj municipalities was curtailed due to a number of attacks on its offices. The DPA alleged that its campaign activities were hampered in areas around Kičevo, especially in Oslomej and Zajas municipalities. The NSDP alleged that it had difficulties opening offices in Kočani, Kumanovo and Gevgelija municipalities, which it blamed on pressure from political opponents.

Opposition parties in particular made general allegations of abuses of administrative resources, especially by mayors' offices. The OSCE/ODIHR EOM noted the use of the premises of the municipality building of the Karpoš municipality in Skopje as a campaign

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<sup>16</sup> The police said that it was unclear whether the shots heard were connected to the incident involving the party activists.

headquarters for the mayor, who was also a 'For Macedonia Together' candidate. In Šuto Orizari municipality in Skopje, public employees admitted using municipality resources such as cars, personnel and telephones for campaign purposes.

The State Anticorruption Commission identified two cases of illegal sales of State assets during the election campaign, namely the sale of shares in the thermal electricity plant TEC "Negotino" and of construction land in Skopje. The Commission was vigorous in publicly condemning such violations of the Law on Prevention of Corruption, calling upon all institutions effectively to protect the public interest and undertake all legal measures at their disposal to investigate alleged violations.

Recent changes to the Election Code, notably regarding the composition of EBs, were generally seen by the political parties as making a positive contribution to improving the conduct of the election. However, there continued to be a widespread lack of confidence in the electoral process, especially among opposition parties, as well as deep mistrust among the parties. This lack of confidence was reflected in opposition parties' stated concerns about the voter list and in repeated requests for a much more extensive deployment of international election observers, in order to prevent possible election day violations. Further, in statements that arguably undermined confidence in the law-enforcement agencies, DPA leaders repeatedly accused the police of partiality in favor of the DUI, notably during the clashes in Saraj. The Minister of Interior denied such accusations publicly.

Among the larger ethnic-Macedonian parties, campaigning focused on economic and social issues and the prospects for EU integration. The parties strongly criticized each others' records and programs. The 'For Macedonia Together' coalition stressed its success in attaining EU candidate status for the country, while the opposition VMRO-DPMNE portrayed the country's progress on EU integration under the outgoing government to be insufficient.

By contrast, the campaigns of the DUI and the DPA centered on the government's record in advancing the interests of the ethnic-Albanian community. The DUI claimed a positive record in government, in particular in achieving ethnic-Albanians aspirations in areas such as the status of the Albanian language, decentralization and the display of the Albanian flag. For its part, the DPA accused the DUI of having failed to improve the position of the ethnic-Albanian population.

Negative campaigning involving insults directed at rival party leaders were also a feature of the campaign. The DPA directed harsh rhetoric at the DUI leader. The latter stages of the campaign saw an increasing recourse to negative campaigning, particularly involving mutual accusations of corruption directed at SDSM and VMRO-DPMNE leaders, including a campaign of posters and newspaper advertisements depicting the VMRO-DPMNE leader in a negative light. Instances of hate speech were noted occasionally, notably from some prominent DPA candidates who made pejorative references to ethnic Macedonians.

## VIII. MEDIA

### A. REGULATORY FRAMEWORK

Media coverage of the parliamentary election campaign is regulated under the Election Code. During the official campaign period, broadcasters are furthermore governed by the Rules for Equitable Media Presentation and by relevant provisions of the Law on Broadcasting Activities. In general, the legal framework prescribes that the broadcast media are required to provide equal conditions for access to all contenders.

The Rules for Equitable Media Presentation, which were adopted by the Parliament on 22 May upon the proposal of the Broadcasting Council, governed both State and private broadcast media. According to these rules, the public broadcasting service, Macedonian Radio Television (MRTV), had to offer free airtime for direct presentation to each registered list.

National broadcasters, both public and private, had to ensure in their overall programming a balanced coverage of the contestants, in compliance with the principle of proportionality, based on the number of lists registered in the electoral districts. Local broadcasters had to provide coverage on an equitable basis, based on the number of registered lists in the area for which they have a concession.

Private broadcasters were required to provide equal conditions for paid political advertising and to respect set time limits for such advertisement. Paid political advertisement was not permitted on public broadcast media.

The Broadcasting Council has responsibility for regulating and overseeing the conduct of broadcast media. Its composition was changed in late 2005, following the adoption of the new Law on Broadcasting.

The Broadcasting Council, which is obliged to supervise the broadcast media during the official campaign period, started its monitoring activities of all local and national broadcasters on 15 June. Preliminary results of its monitoring unit were announced in press conferences during the campaign and two days after election day. As a result of its monitoring, the Broadcasting Council issued a number of official warnings to media outlets, mainly for exceeding the time limits for paid airtime. The Broadcasting Council also noted that during election day some media violated the campaign silence provisions.

Violations of provisions on proportional coverage were only considered after 5 July, when the final figures of the Broadcasting Council's media monitoring were available to the SEC. The SEC is entitled to initiate a misdemeanor procedure upon the suggestion of the Broadcasting Council, based on its media monitoring results.

At its press conferences, the Broadcasting Council underlined that the majority of broadcast media during the campaign showed a satisfactory level of professionalism, however almost all the broadcasters failed to meet the requirement to allocate proportional airtime based on the number of registered lists. Media representatives pointed out that this was to a large extent due to the fact that some smaller parties had candidate lists in most or all election districts, but had considerably fewer campaign activities than major parties.<sup>17</sup>

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<sup>17</sup> The OSCE/ODIHR EOM's media monitoring also showed that broadcast media failed to comply with this provision.



Despite its warnings and the deterrent effect of public announcements during press conferences, the Broadcasting Council's lack of direct enforcement mechanisms reduced its ability to address unbalanced media coverage during the campaign in a timely and effective manner.

## **B. OSCE/ODIHR EOM MEDIA MONITORING**

On 2 June, the OSCE/ODIHR EOM commenced its monitoring of the major broadcast and print media. Monitoring activities focused on the prime-time broadcasts of the first channel of public Macedonian Radio Television, MTV1, and of the three private stations A1 TV, TV Sitel and Kanal 5. In addition, the main news and debates in Albanian language on public MTV2 and the free-of-charge presentations and debates on MTV+ were analyzed. Among the print media, the dailies *Dnevnik*, *Fakti*, *Lajm*, *Vest*, *Vreme* and *Utrinski Vesnik* were monitored.

Prior to the start of the official campaign period, the media reported on the parties' preparations for the campaign, including press conferences and presentations of candidates during conventions. Reports of political statements concerning campaign promises and mutual comments on party platforms were aired well before the official start of the campaign. Paid political slots were also placed in media broadcasts prior to 15 June.

OSCE/ODIHR EOM media monitoring findings indicate that, in the pre-campaign phase, national broadcasters and newspapers covered Government activities at length. During this period, the news broadcast on the public MTV1 dedicated 44 per cent of political time to cover Government members, mainly in a neutral manner. The second channel of MTV, in its main Albanian-language news, provided extensive coverage of DUI, which received 30 per cent of political time, compared to 8 per cent for the DPA.

Throughout the 20-day official campaign period, national electronic and print media provided voters with daily information on campaign activities and candidates' positions on various issues. Special TV programs and *ad hoc* pages in the main newspapers informed the public on political as well as technical aspects of the elections.

Public Macedonian Television complied with legal provisions on the allocation of free airtime to election contestants; the slots were allotted to the registered lists on the basis of the number of electoral districts contested. However, free presentations were broadcast well outside the prime-time period and on the less popular third channel, MTV+, which lessened the possible audience. Ethnic-Albanian parties conveyed their direct messages through the free presentations offered by the Albanian-language program on MTV2.

Besides the free presentations, MTV hosted a number of debates on MTV+, each of them focusing on a different topic. A number of forums with ethnic-Albanian candidates were aired on MTV2. Some of the scheduled debates on the public channels were cancelled because candidates declined to participate.

Special election-related bulletins informing about party campaign activities were regularly aired on MTV under the name "Election Chronicles". MTV informed the OSCE/ODIHR EOM that some parties did not respect the announced agendas of their campaign events, making it difficult for them to air campaign reports from the field as scheduled.

During the official campaign period, on MTV1 evening newscasts<sup>18</sup> the ruling coalition ‘For Macedonia Together’ received 23 per cent of airtime devoted to political subjects, while the VMRO–DPMNE-led coalition received 17 per cent. News coverage of government representatives acting in their official capacity was significantly higher on the two monitored public TV channels than on the private channels (12 and 11 per cent, respectively, on MTV1 and MTV2, compared with an average of 3.6 per cent on the three private channels monitored). MTV2 in its Albanian-language newscasts provided DUI with more than twice as much coverage as DPA (39 per cent and 15 per cent, respectively).

On 2 July, two days before the election silence, MTV2 aired a documentary during prime time dedicated to, and praising, DUI leader Ali Ahmeti. The same documentary was aired by some local Albanian-language TV stations.

The main private national TV channels had special election-related segments within the news, reporting on the campaign. Candidate forums and debates were also regularly aired.

Private channels A1 TV and Kanal 5 were balanced in the amount of news coverage dedicated to the two main coalitions, while TV Sitel clearly favored the opposition, with 40 per cent of political time devoted to the VMRO–DPMNE-led coalition, compared to 19 per cent for the ruling coalition. Notably, A1 TV focused its news coverage on the Party for Economical Renewal (PEO) more than on the two main contestants, devoting 19 per cent to PEO, compared to 13 per cent each for the ruling coalition and the VMRO–DPMNE-led coalition. This highlighted the conflict of interest faced by the broadcaster, since its owner, Velja Ramkovski, is also the leader of PEO.<sup>19</sup> The tone of news coverage in the private broadcast media was predominantly neutral.

The monitored print media published columns and commentaries containing a range of different political opinions. Newspapers provided voters with information on campaign activities as well as on technical and procedural aspects of the election process.

In general, the tone of the coverage in the print media was moderate, with some partisan comments in the editorials and occasionally sensationalist headlines. Incidents related to the election campaign and the use of violence by party activists during the first half of the campaign were widely criticized by the newspapers.

Parties placed paid political advertisements in the newspapers and on TV in the format of brief campaign spots, footage from rallies, music videos and satirical cartoons, as well as announcements of future campaign events. The two main coalitions were most active in terms of paid advertisement. Notably, the strategies of both ethnic-Macedonian and ethnic-Albanian political parties for the paid media campaign were influenced by considerations of ethnicity, as there was no political marketing targeted at the other community.

The public awareness campaign conducted by MOST and the Macedonian Women’s Lobby under the slogan “It Must Be Fair”, aimed at reminding the parties about the Code of Conduct that they had signed, was widely shown in the print and broadcast media.

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<sup>18</sup> “Election Chronicles” are not included in these figures.

<sup>19</sup> Similar conflicts of interest also concerned TV Sitel and Kanal 5, which are owned or controlled by relatives of party leaders whose parties were affiliated with the main opposition and ruling coalitions, respectively, in these elections.

## IX. COMPLAINTS AND APPEALS

Protection of candidate rights is guaranteed by two different procedures. Candidates may initiate a procedure for violation of their rights during the election campaign before the courts of first instance, followed by an appeal to appellate courts. Candidates may also seek protection of their rights before the SEC, followed by an appeal to the Supreme Court. In addition, every voter is entitled to submit a complaint regarding protection of their voting right to the SEC, and appeal the SEC decision to the Supreme Court. All procedures involve short deadlines for rendering decisions.

Almost half of the first instance courts in the country contacted by the OSCE/ODIHR EOM were not aware of their competence to resolve election-related complaints by campaign organizers, as prescribed in the Election Code. Ministry of Justice representatives stated that it is not within their scope of work to issue instructions or notifications to the courts regarding their newly-acquired competencies, since the Association of Judges is the body that normally conducts training. In addition, various interlocutors (the Ministry of Justice, legal experts and the SEC) offered different interpretations as to the nature of the procedure which can be invoked by candidates.,

During election day, the SEC received several “notifications” about irregularities, which were treated only as information since they were not clearly marked as complaints. The SEC resolved such issues by contacting the respective MECs. However, it is not clear on which grounds the SEC distinguished “real” complaints from “notifications”, as there is no legal basis for such a distinction. Moreover, these complaints were not answered in writing, and the only possibility to track their status was by noting them in the official SEC minutes.

After election day and within the legal deadline, the SEC received a total of 45 complaints regarding 213 polling stations. The SEC formed a working group to sort the received complaints and match respective protocols from polling stations that were contested (Form 16), as well as the respective MEC protocols (Form 21). The SEC rejected all complaints on July 9, voting in a public session and within the legal deadlines.

In deciding upon complaints, the SEC members voted for the most part along party lines in cases submitted by parties with which they are affiliated. Criteria for decision-making were not announced, nor agreed upon as a common policy among the members.

In most cases, the reasoning for rejecting complaints was lack of or insufficient supporting evidence, especially when there was no official note in the protocols. However, when there were official notes in protocols of polling stations and/or MECs, the SEC concluded that it could not establish whether the events described in these notes actually took place. The SEC would then typically vote not to inspect the election material. When party representatives asked for certain actions to be taken in order to establish facts, the SEC stated that it has no investigative power.

In many cases, the SEC stated that issues at the basis of complaints should have been brought before the police, prosecution, court or other institutions, referring to the criminal procedure. Arguably, by taking a formalistic approach to complaints and interpreting its obligations in a narrow sense, the SEC did not meet its overriding responsibility to ensure a democratic election process in this regard.

The Supreme Court received 35 appeals against SEC decisions within the legally prescribed deadline. Of these, 23 were rejected as ungrounded, nine were partially accepted, and three were accepted. In deciding upon the complaints, the Supreme Court cancelled the results from 28 polling stations.

## X. PARTICIPATION OF NATIONAL MINORITIES

Based on the Constitution, the Election Code and the 2001 Ohrid Framework Agreement, the State encourages ethnic communities to participate fully at all levels of politics. The Election Code stipulates that in municipalities where at least 20 per cent of the population belongs to “other ethnic communities”, the composition of the electoral bodies must be based on the principle of “adequate and equitable representation”, and use of minority languages is mandatory in election administration bodies. This requirement extends to ballots and all official election-related material and documents.

As in previous elections, each ethnic community had parties claiming to represent its interests. Parties representing ethnic Albanians play an important role in mainstream politics. Other ethnic communities (Roma, Turks, Vlachs, Serbs, Bosniaks) have parties that claim to represent their interests, and most are represented by more than one party. Most parties representing smaller national minorities participated in these elections within the two major coalitions rather than on their own. Thus, the VMRO–DPMNE-led coalition included the Democratic Forces of Roma, the ‘Integration of Roma’ party, Party of Vlachs, Bosniak Democratic Party, ‘Movement of Turks’ Party, and the Roma Alliance of Macedonia, while the ‘For Macedonia Together’ Coalition included the Democratic Party of Serbs, Democratic Party of Turks, Democratic Union of Vlachs, and the United Party of Roma. Among the smaller parties contesting the elections separately, only the recently-formed Party for European Future (PEF), which represents Macedonian Muslim voters, managed to enter the Parliament, winning one seat.

The OSCE/ODIHR EOM was told that in most cases, the negotiations of small ethnic parties to enter the main coalitions resulted in verbal agreements, without any protocol or further guarantees that these agreements would be honored. Generally, the small ethnic parties had no specific electoral platforms or programs, apart from their claims to represent an ethnic community. However, all these parties addressed their own community in their respective language and by stressing common traditional values.

Many members of small ethnic groups are marginalized and socially excluded. This makes them potentially easy targets for vote-buying since they are more susceptible to offers of small sums of money, food or the settlement of minor debts. They are also more vulnerable to threats of losing social benefits or other public services. The OSCE/ODIHR EOM received numerous reports of electoral malpractices affecting minority communities and directly observed such practices on several occasions.

In Štip, ID cards of Roma citizens left as a guarantee of credit at local stores were no longer there on election day; one local party leader told the EOM earlier that his party would give shop owners some 500 Euro to cover the debts of their members. In Prilep, a prominent community leader was offered a substantial sum of money if he promised not to interfere with the SDSM campaign and not to be involved in election-related activities for any other party.<sup>20</sup> On election day, an authorized SDSM representative in Kočani

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<sup>20</sup> The OSCE/ODIHR EOM received a written statement in this case.

instructed Roma voters in their own language for whom to vote. Other situations were directly observed during election day, including transport to polling stations by parties for voters from small ethnic groups, as well as group and proxy voting, mostly among ethnic communities. Although claims of vote buying were made during these elections, no legal charges were pressed to penalize this practice. Vote buying is a criminal offence punishable with at least five years' imprisonment.<sup>21</sup>

The OSCE/ODIHR EOM also received indications that some Roma may have been disenfranchised due to a lack of civil registration and proper identity documents. In Šuto Orizari, a municipality where Roma predominate, the voter turnout was just 32.5 per cent, among the lowest in the country, and the number of invalid ballots was 5.3 per cent, above the national average.

During these elections, no major inter-ethnic incidents such as violence between communities were reported to the OSCE/ODIHR EOM, although isolated cases of hate speech were noted.

A large number of civic organizations promoting the interests of small ethnic groups were active before and during the elections, especially in voter education and domestic observation. One example is the NGO 'Esma', which promotes the participation of Roma women in public life. They accredited 26 women as domestic observers<sup>22</sup> and held a press conference on their findings the day after the elections.

## **XI. PARTICIPATION OF WOMEN**

Provisions of the Election Code aim to promote the participation of women in political life. Under the Code, as clarified by the SEC, at least one in every three places on a candidate list must be filled by a candidate belonging to the less represented gender. This provision was respected by all submitters of candidate lists. The preliminary election results showed that in the new parliament the representation of women rose from 21 per cent to 27.5 per cent, or 33 out of 120 MPs.

The Election Code also stipulates that each gender should hold at least 30 per cent of places in election administration bodies. LTOs reported that this requirement was not met for six out of 84 MECs. Adherence to this regulation in EBs was uneven. In 87 per cent of polling stations visited by OSCE/ODIHR EOM observers, at least one female EB member was present in the polling station, and in 61 per cent, two or more women EB members were present.

As in previous elections, election-day observation suggests that polling stations were less likely to experience irregularities if women EB members were present. This is indicated by the fact that in 10 per cent of polling stations with no female EB member present during the visit, the overall assessment was negative, while the corresponding figure was 4 per cent for polling stations where at least one woman EB member was present.

Again, group voting remained widespread, particularly in rural areas in western regions of the country, where women were in effect disenfranchised where this practice occurred.

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<sup>21</sup> One prominent Roma leader was not aware that vote buying is a criminal offence punishable with at least five years imprisonment. He seemed to believe that vote buying was just a moral problem.

<sup>22</sup> SEC website (<http://www.sec.mk>).

## **XII. DOMESTIC AND INTERNATIONAL OBSERVERS**

The Election Code provides for both domestic and international observation. Domestic and international observers are accredited by the SEC. Domestic groups may observe if they have been registered in accordance with the Law on Citizens' Associations and Foundations at least one year prior to an election, and if their statute includes principles of democracy and human rights.

For the 5 July parliamentary elections, the SEC accredited almost 5,000 observers, of which around 4,500 were domestic non-partisan observers from a total of 12 domestic NGOs. This contributed substantially to transparency and public confidence in the process.

The largest domestic observer effort was mounted by the Citizens' Association MOST, which has observed all electoral events in the country since 2002. MOST accredited almost 3,900 observers for these elections. In addition to pre-election and election-day observation, MOST conducted a statistical projection of election results known as a 'parallel vote tabulation' (PVT), which was based on official results protocols from all six election districts. MOST held several press conferences during election day, informing the public about irregularities observed and providing information on voter turnout.

Another domestic NGO, Tetovo-based 'Diversiteti', had announced its intention to observe the elections and had accredited over 1,700 observers with the SEC. However, 'Diversiteti' on 2 July announced it would abandon its efforts, citing unspecified "pressures", a "media blockade" and a lack of funding as the reasons for its decision.

## **XIII. VOTING AND COUNTING**

### **A. EARLY AND HOMEBOUND VOTING**

On 4 July, early voting was held in 51 military units, prisons and centers for internally displaced persons (IDPs). A total of 3,514 voters (i.e. 0.2 per cent of all registered voters) were entitled to vote under the early voting procedures. While the Election Code provides for early voting by military personnel and prison detainees, it does not include IDPs; thus, the SEC instructions extending early voting to this category of voters arguably went beyond the scope of the Election Code.

Homebound voting was carried out on 4 July for sick and disabled persons who, at least three days prior to election day, had filed a request with the relevant MEC. As a welcome safeguard, the SEC instructed MECs only to accept requests that were accompanied by certified medical proof of the voter's state of health. A total of 1,592 voters registered for homebound voting.

Both the early and homebound voting procedures were carried out by regular Election Boards. The IEOM carried out limited observation of early voting and voting of homebound voters. While reporting an orderly conduct of early voting procedures in the 25 facilities observed, IEOM observers noted procedural errors, in particular frequent

breaches of the secrecy of the vote during homebound voting<sup>23</sup>, as well as considerable uncertainty among EB members as to the correct procedures for its implementation.<sup>24</sup> In the Kumanovo IDP collective center, a number of persons were not on the voter list, reportedly because they had lost IDP status, and could thus not vote at that facility.

At the MEC level, adding the military vote to the overall result proved a difficult task in some municipalities. The Ohrid MEC, for example, did not receive complete ballot material in time to conduct all early voting in the municipality. The arrangements for return of marked ballot material to MECs through the regular postal system were not well-organized, resulting in some cases in the disenfranchisement of early voters.

## B. VOTING

Election day took place in a generally calm environment, and voting was conducted in an orderly manner in most of the country. However, serious irregularities and violations, which undermined the universality and equality of the ballot, were reported from a number of municipalities, in particular Bogovinje, Brvenica, Kočani, Radoviš, Struga, Studeničani, Štip, Tearce, Zajas, and Želino. IEOM observers reported cases of ballot box stuffing, vote buying, theft of ballots and other election material, group and proxy voting, as well as tension and intimidation, including by groups of armed persons. Voting in several polling stations had to be suspended due to such incidents.

Observers reported on the opening of polling stations from 157 precincts. Opening procedures were assessed positively in 95 per cent of polling stations visited. Problems noted included: the relevant minutes (Form 15) not being completed before the polling station was opened (15 per cent), serial numbers of ballot box seals not being recorded in the election-day log (8 per cent), and party representatives and observers not being shown that the ballot box was empty (15 per cent). In a few cases, important election materials were missing, usually the election day log. In one instance, the ballot boxes were not properly sealed before the polling station opened. In 21 of the 80 polling stations visited where voting of homebound voters had been conducted the previous day, the EB did not recount the mobile voting envelopes and insert the ballots in the stationary ballot box.

Unauthorized persons, mostly police not invited by the EB, were present during the opening in 11 per cent of polling stations visited. Authorized party representatives were present in 91 per cent of polling stations visited for the opening, and domestic non-partisan observers in 56 per cent.

The conduct of voting was assessed as 'bad' or 'very bad' in 5 per cent of the almost 1,600 polling stations visited during election day, with significant regional variations. The performance of EBs was assessed as 'adequate', 'good' or 'very good' in 97 per cent of polling stations visited, and many procedural shortcomings appeared to stem from lack of prior experience and inadequate training. Observers' assessment of whether procedures were followed correctly was negative in 4 per cent of polling stations visited, while observers assessed voters' understanding of election procedures as 'bad' or 'very bad' in 7 per cent of polling stations.

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<sup>23</sup> This included a case in the Štip municipality, where homebound voters were instructed to reinsert their marked ballots in envelopes pre-marked with the name of the voter, rather than in the unmarked envelopes intended for that purpose.

<sup>24</sup> This appears to be mainly due to the fact that the explanation of these special procedures during training sessions for EBs was not consistent (see also section V, Election Administration).

Clear indications of ballot-box stuffing were observed in ten cases, namely in the municipalities of Bogovinje, Brvenica, Struga, Studeničani, Tearce, Zajas, and Želino. In 7 per cent of polling stations, observers noted multiple identical signatures on the voter list. IEOM observers reported thefts of ballot papers and other election material from Bogovinje, Brvenica, Tearce and Želino.

Proxy voting<sup>25</sup> was observed in 4 per cent of polling stations visited, and multiple voting<sup>26</sup> in 2 per cent. Group voting remains a major problem and was observed in 20 per cent of polling stations, it was more widespread in areas with a higher proportion of national minorities (31 per cent compared to 10 per cent in predominantly ethnic-Macedonian areas).

Some key procedures were not always followed, removing important safeguards against electoral irregularities. Thus, in 2 per cent of polling stations visited, not all voters signed the voter list. In 3 per cent of polling stations, ballot boxes were not properly sealed. Voters were not regularly checked for traces of invisible ink, or the ink was not applied, in 7 and 4 per cent, respectively.

To be valid, ballots had to be stamped twice, on the front when they were issued and on the back before they were inserted in the ballot box. However, in 5 per cent of polling stations, one or both stamps were not regularly applied to ballots, which effectively disenfranchised the voters who cast them.

The secrecy of the vote was not always safeguarded or respected. In 13 per cent of polling stations, voters did not always mark their ballots in secret. Attempts to influence voters were reported from 3 per cent of polling stations, while one person 'assisting' numerous voters was reported from 4 per cent.

Observers also witnessed other serious violations of the election process in various parts of the country. Vote buying affecting Roma was reported from Radoviš and Kočani, and similar attempts were reported from Strumica and Sveti Nikole. Undue pressure on voters by employers was reported from Češinovo-Obleševo, where workers from a textile plant were threatened with dismissal if they did not vote for the ruling party. Intimidation of Roma voters was reported from Štip. IEOM observers or their staff were obstructed, threatened or intimidated in four cases.<sup>27</sup>

Tension or unrest inside polling stations were reported from 1 per cent of visits, as was intimidation. Unauthorized persons were present in 2 per cent of polling stations observed, mostly police officers and unauthorized party activists. In 2 per cent of visits, such persons were interfering in or directing the work of the EBs. In Kumanovo, observers noted unknown persons videotaping voters and observers in a polling station, including filming of the actual voting. Overcrowding or disorganization hampered the process in 6 per cent of polling stations, and only one in two polling stations was characterized as accessible for persons with disabilities. Authorized party representatives were present in 94 per cent of polling stations visited, and domestic non-partisan observers, mostly from MOST, in 68 per cent.

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<sup>25</sup> A person voting on behalf of another person.

<sup>26</sup> A person being handed and casting more than one ballot.

<sup>27</sup> In Brvenica, Kriva Palanka, Makedonski Brod, and the Skopje municipality of Čair.



The SEC, in conjunction with the Ministry of Interior, issued an instruction regulating the role of the police on election day. In addition, police officers were trained before election day in order to familiarize them with their obligations. These measures appear to have had a positive effect, since observers reported on election day that police generally played a constructive role in maintaining or restoring order when necessary.

### C. VOTE COUNT AND TABULATION

IEOM observers assessed the vote count more critically than voting, with 15 per cent of counts assessed as 'bad' or 'very bad'. As during voting, major regional variations were noted. Major procedural problems or omissions were observed in 15 per cent, poor or very poor understanding of procedures by the EB in 10 per cent, and poor or very poor organization in 12 per cent of cases. Although no cases of deliberate falsification were observed, serious irregularities were reported from 7 per cent of counts observed.

Frequently, key procedures were not followed and important safeguards against irregularities were not implemented. This included not establishing participation by counting the number of signatures on the voter list (16 per cent) and not reconciling the voter list with the number of unused ballots (19 per cent). In a very high 29 per cent of counts observed, the reconciliation procedures were not completed before the ballot boxes were opened, and in 9 per cent the reconciliation figures were not recorded in the results protocol. The serial numbers of the ballot box seals were not checked and matched in 19 per cent of observed cases.

The determination of valid and invalid ballots was assessed as inconsistent in 8 per cent of observed counts, and in 24 per cent there was disagreement among EB members about the validity of ballots. When validity was determined by voting, the EB failed to write this on the back of the ballot in 74 per cent of counts observed. In 4 per cent, ballots were not divided in stacks by contestants and counted separately, and in 4 per cent, the figures were not counted accurately.

Tension and unrest were reported from 5 per cent of counts, while unauthorized persons were present during 4 per cent. During 2 per cent of counts observed, EB members or observers were intimidated. In 12 per cent of counts, EB members and/or observers did not have a full view of the counting process, and in 1 per cent, IEOM observers were prevented in their observations. Authorized party representatives were present in 94 per cent of polling stations where the count was observed, and domestic non-partisan observers in 69 per cent.

IEOM observers also visited MECs during the initial stages of tabulation, and 15 teams observed the handover of election material and the tabulation in an MEC from the start. The handover of material and the tabulation at the MEC level was generally conducted in line with the procedures, and the overall process was assessed as 'adequate', 'good' or 'very good' in 96 per cent of MECs. However, in 14 per cent of cases observers noted serious discrepancies in the results protocols delivered to MECs.

While in the majority of cases, OSCE/ODIHR EOM observers were given full access to observe the tabulation of results at the MEC level, some MECs<sup>28</sup> did not provide international observers with a copy of the tabulation part of the MEC protocol, referring to Article 126.5 of the Election Code, which reserves this right only to domestic observers.

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<sup>28</sup> MEC Veles and MEC Konče.

#### **D. INVALIDATION OF POLLING STATION RESULTS AND CONDUCT OF RE-RUNS**

On 11 July the SEC annulled the voting results in two polling stations in Bogovinje and Tetovo municipalities, where the voting process had been suspended for more than three hours due to attempts of ballot-box stuffing. In addition, the Supreme Court on 14 July invalidated voting in 28 polling stations, satisfying complaints brought forward by the DPA, DUI and VMRO–DPMNE.<sup>29</sup> The SEC subsequently determined that the outcome of the vote in the 29 of the 30 annulled precincts could impact on the overall result in three of six election districts and called re-runs in these precincts for 19 July.<sup>30</sup>

On 19 July, re-run elections were held in 29 polling stations in Election Districts 1, 5 and 6. While the OSCE/ODIHR did not organize election observation of the re-runs, the OSCE Spillover Monitor Mission to Skopje, along with other representatives of the international community, deployed a limited number of observers to follow the conduct of the re-runs.

Several cases of serious irregularities were observed during the re-run voting. In Grčec village in Saraj municipality, voting was stopped and results annulled because of tensions in the polling station. In the village of Kondovo, observers witnessed ballot-box stuffing in two polling stations. In the villages of Zajas and Grešnica (Zajas municipality), observers witnessed serious cases of proxy voting by voters bussed in from other areas, and some cases of multiple voting. Observers noted group and proxy voting in most of the polling stations visited. Regrettably, OSCE observers were obstructed in their observations and threatened by election officials in the Grešnica polling station. In Brodec village (Tetovo municipality), a domestic non-partisan observer and some authorized party representatives were expelled from the polling station. Observers reported procedural problems during the count in most polling stations visited, but no serious irregularities.

Turnout for the re-runs varied between municipalities, but was 43 per cent overall, according to the SEC. Preliminary results released by the SEC indicated that the VMRO–DPMNE gained one seat at the expense of DUI in Election District 6.

Following the re-runs, parties filed ten complaints with the SEC, all of which were rejected. All of these SEC decisions were appealed to the Supreme Court, which again rejected nine of the ten complaints, and partially accepted one. Since the overall results could not have been affected, no further re-runs were called.

#### **XIV. ANNOUNCEMENT AND PUBLICATION OF ELECTION RESULTS<sup>31</sup>**

In a positive development, the SEC announced preliminary results quickly, including by polling station, and also posted them on its website. Preliminary results were announced for the whole country on 6 July, by election district and municipality on 7 July, and by polling station on 11 July. According to the SEC, voter turnout was around 56 per cent. Following the re-runs on 19 July, the SEC posted updated results, with the same detailed breakdown, on its website.

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<sup>29</sup> In Saraj, Struga, Zajas, Vrapčište, Šuto Orizari, Tetovo, Sopište and Gostivar municipalities. A full list of re-run precincts is available at: [www.sec.mk/Portals/0/PonisteniGlasanja\\_preglasuvanje.doc](http://www.sec.mk/Portals/0/PonisteniGlasanja_preglasuvanje.doc).

<sup>30</sup> The SEC decided not to re-run elections in one polling station in Šuto Orizari (PS 2956), where the number of voters was too small to impact on the overall results in Election District 2.

<sup>31</sup> Please see Annex 1.

The number of invalid ballots increased sharply compared to previous elections. Some 3.9 percent of all ballots cast were declared invalid, compared to 2 per cent in the 2005 municipal elections. To a large extent, this appears to have been due to the newly-introduced practice of stamping ballots twice.

## **XV. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities with a view to supporting their stated goal of conducting elections in line with OSCE commitments and other international standards for democratic elections. A number of these recommendations have already been offered in previous OSCE/ODIHR final reports.

The extent to which any improvements in the legal framework and in election procedures can have a positive impact on the election process will, first and foremost, be determined by the political will exhibited by the authorities and other election stakeholders responsible for implementing and upholding the law in an effective and non-partisan manner.

Specifically, political parties must recognize the full consequences that electoral malfeasance poses to the integrity of an electoral process, and demonstrate a concerted commitment to bring such practices to an end. Party officials should be held accountable for encouraging or conducting illegal activities that undermine the credibility of the elections. Ballot-box stuffing, vote buying, encouraging or condoning violence, group voting or intimidating citizens and election officials are unacceptable practices.

### **A. LEGAL FRAMEWORK**

1. Legal provisions governing the delineation and size of election districts should be reviewed. Specifically, election districts should respect municipality borders and should be brought in line with legal requirements for the number of registered voters in each election district. The Election Code should be amended to include provisions for a review of election district boundaries at regular intervals.
2. Consideration could be given to include early voting of IDPs in the Election Code, to avoid a situation where the SEC adopts an instruction to this effect, which arguably exceeds its competence. In addition, early voting could be considered for those election administrators who are serving outside their place of residence.
3. When reviewing and deciding upon complaints, the SEC should adopt rules to inspect all relevant election material, especially if a complaint is supported by notes in official protocols. Rules of evidence should be clearly defined, based on the general administrative procedure. It would be good practice to reply to the submitter of any complaint, stating why it is rejected or what its status is.
4. The procedure for protection of candidate rights during an election campaign before the courts of first instance should be reviewed. Due to a lack of knowledge regarding this procedure among the courts, and probably among candidates as well, extensive training of all those involved should be conducted if the procedure remains in place. In addition, it would be useful to further clarify what kind of procedure can be initiated before the courts (civil or misdemeanor).

5. The Election Code should be amended to clearly task the SEC with publishing all election results, including by polling station, electronically and in a timely manner.
6. Supreme Court hearings to consider election-related appeals should be held in sessions open to the public.

#### **B. ELECTION ADMINISTRATION**

7. Existing legal provisions punishing serious irregularities such as ballot-box stuffing, theft or destruction of election material and vote-buying should be strictly enforced as a measure to discourage such practices. At the same time, such provisions should be proportionate to the offence committed.
8. Additional funding and technical support should be provided to the SEC to enable it to develop a range of programs to improve the administration of future elections. The SEC should continue to expand voter information as well as targeted training programs for election officials to combat practices such as group (or 'family') and proxy voting. Extensive training should be provided on the completion of result protocols and other forms, as well on counting and tabulation procedures.
9. The provision for double stamping of ballots should be reviewed. If maintained at all, the EBs should receive detailed guidelines on the correct set-up of the polling station and how to carry out the stamping procedures in practice. Additional rules that explicitly address the validity of multilingual ballots should also be developed.
10. The practice of printing exactly the same number of ballot papers as the number of registered voters should be re-examined to allow for the replacement of spoiled ballots and for setting up more workable arrangements for early voting to replace the current complex system for transfer of ballot material to and from MECs.
11. The SEC should issue guidelines for the conduct of the tabulation process by MECs, which is not regulated by law, and for the transfer of protocols and ballot material to the SEC.
12. The SEC should adopt their Rules of Procedure in a final version, as required by law. The Rules of Procedure should at a minimum oblige the SEC to adopt and publish minutes of its sessions with some regularity as well as to make all of its decisions available to the public, including by posting them on the SEC website.

#### **C. CAMPAIGN REGULATIONS**

13. Acts of election-related violence, especially during a campaign period, should promptly be investigated, and perpetrators should be brought to justice.
14. Early campaigning rules should only apply to special media regulations, such as free airtime and the allocation of clearly designated free space for posting of campaign material. Violations of these specific rules should be clearly prohibited and sanctioned in the Election Code.
15. The Election Code should be amended to prohibit anonymous donations.

16. The role and competence of the SEC and the State Audit Office regarding the inspection of financial reports should be clarified in order to provide them with investigative power that would go beyond merely checking for obvious irregularities in the reports. Moreover, they should be able to inspect, by sampling, whether all campaign expenditures are disclosed in the submitted reports, tracking excess expenditures through monitoring of the evidence of money spent for television spots, posters, postal campaigns, brochures, and payments to agents.
17. The Election Code should prescribe a detailed breakdown of campaign revenues and expenditures. It should at a minimum contain a list of donors and donations, including in-kind donations, and a list of expenditures by types and amounts spent. The report should clearly reflect all types of campaign expenditures made within the required reporting period, not only those which were paid or received as donations.

**D. PARTICIPATION OF NATIONAL MINORITIES**

18. Measures should be taken to ensure the participation in the election process of all eligible citizens, including those currently without identity documents. Such measures should include the issuance of ID cards and updates to the voter lists to include these citizens.
19. The authorities should implement the OSCE Action Plan on Roma and Sinti, especially Chapter VI, “Enhancing Participation in Public and Political Life”.
20. Well-prepared and focused voter and civic education programs for smaller ethnic communities (especially Roma) should be carried out throughout the country, through the involvement of local NGOs and relevant authorities.
21. Consideration could be given to printing informational candidate list posters in polling stations in minority languages and alphabets, in line with requirements for other election materials.

**E. MEDIA**

22. Procedures should be established to enable the Broadcasting Council to sanction broadcasters for breaches of the media regulations during the campaign period in a timely and effective manner. Procedures should be speedy in order to give the complainants a prompt remedy.
23. Provisions requiring broadcasters to cover contestants proportionally to the number of districts in which they are running should be reconsidered or accompanied by other criteria, such as the presumed popular support of the contestants. Alternatively, this requirement could be restricted to selected parts of programming.
24. Steps should be taken to resolve conflicts of interests with regards to direct or indirect control of nationwide private broadcasters by persons engaged in politics, especially since it affects their political coverage during an election campaign.

## ANNEX 1 – ELECTION RESULTS<sup>32</sup>

### Parliamentary Elections, 5 July 2006<sup>33</sup>

<b>Number of voters included in voters list</b>	1,741,449
<b>Number of voters who turned out to vote</b>	974,891
<i>Turnout in percent</i>	55.98%
<b>Number of valid votes</b>	937,018
<b>Number of invalid votes</b>	37,873
<i>Invalid votes in percent of votes cast</i>	3.88%
<b>Number of unused ballots</b>	766,558

<b>Party/Coalition/Group of Citizens</b>	<b>Votes</b>	<b>Percent</b>	<b>Mandates</b>
Coalition led by the Macedonian Internal Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO–DPMNE)	304,572	32.50%	45
Coalition “For Macedonia Together”	218,463	22.41%	32
Coalition Democratic Union for Integration (DUI)/Party of Democratic Prosperity (PDP)	113,522	11.64%	17
Democratic Party of Albanians (DPA)	70,261	7.21%	11
Macedonian Internal Revolutionary Organization –People’s Party (VMRO–NP)	57,077	5.85%	7
New Social Democratic Party (NSDP)	56,624	5.81%	6
Democratic Reconstruction of Macedonia (DOM)	17,364	1.78%	1
Party for Economic Reconstruction (PEO)	12,718	1.30%	0
Agrarian People’s Party (ZNP)	12,628	1.30%	0
Party for European Future (PEI)	11,255	1.15%	1
Democratic Alternative (DA)	11,067	1.14%	0
Other parties/coalitions/groups of citizens	40,467	4.32%	0
<i>Total</i>	<i>937,018</i>	<i>100.00%</i>	<i>120</i>

<sup>32</sup> Source: State Election Commission.

<sup>33</sup> This table includes the final results, including from polling stations where re-runs took place on 19 July. Parties or coalitions which received less than 1 per cent have not been listed individually. Percentages for parties and coalitions are based on valid votes cast.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).