



Office for Democratic Institutions and Human Rights

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

REFERENDUM
30 September 2018

ODIHR Referendum Observation Mission
Final Report



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THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA REFERENDUM

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ODIHR Referendum Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Referendum Observation Mission (ROM) for the 30 September 2018 referendum. For referendum day, the ODIHR ROM joined efforts with a delegation of the Parliamentary Assembly of the Council of Europe to form an International Referendum Observation Mission (IROM). The ODIHR ROM assessed compliance of the referendum process with OSCE commitments, other international obligations and standards, as well as with national legislation.

The Statement of Preliminary Findings and Conclusions issued by the IROM on 1 October stated that “While the legal framework did not cover all aspects sufficiently, the 30 September Referendum was administered impartially and fundamental freedoms were respected throughout the campaign. The election administration was collegial and met deadlines, but was not always fully transparent in its work. The absence of an active ‘Against’ or of an organized boycott campaign meant that the media struggled to provide balanced coverage but did convey extensive information and diverse views to voters. Referendum day was generally calm and well-organized, and procedures were administered professionally and transparently”.

On 30 July, the parliament called for a consultative referendum on approval of a bilateral agreement with Greece, which envisaged constitutional amendments that would include changing the constitutional name of the country. The referendum asked voters to decide, “Are you in favour of EU and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?”. For the bilateral agreement to enter into force, any constitutional amendments would then require a series of parliamentary approvals, including a final two-thirds majority vote, followed by adoption of the agreement by the parliament of Greece.

The legal framework for referenda is neither comprehensive nor harmonized. The Referendum Law sets out basic rules for the process, but lacks details on salient issues such as campaigning and campaign finance, and contradicts certain provisions of the Electoral Code, such as composition of the Electoral Boards, dispute resolution procedures, and the presence of partisan observers in polling stations. Attempts by the State Election Commission (SEC) to fill these gaps and clarify other issues through regulations often lacked a legal basis and raised questions about the scope of the SEC’s regulatory authority.

The law requires a turnout threshold of a majority of registered voters for a referendum to be considered adopted, but does not explicitly state if this applies to a consultative referendum. Although the government announced its intention to pursue constitutional amendments regardless of the turnout, the boycott campaign implicitly connected the threshold to the success of the referendum. When the turnout failed to meet the threshold, the SEC concluded that “the decision is not adopted,” whereas the government declared that the results affirmed voters’ support of EU and NATO integration. Differing interpretations of the threshold created uncertainty as to the procedural consequences of the vote.

¹ The English version of this report is the only official document. Unofficial translations are available in Macedonian and Albanian.

The SEC administered the referendum impartially and generally met legal deadlines. Public meetings were conducted in an efficient and collegial manner, but were not open to media and lacked substantive debate. The lower level commissions generally worked in a professional manner and enjoyed the confidence of local stakeholders. Three out of seven members of the SEC were women, and two thirds of observed election boards were chaired by a woman.

In line with a prior ODIHR recommendation, the SEC conducted a voter information campaign, including televised and online content, which focused on referendum day procedures. Although the authorities made some efforts to provide neutral information about the issue to be decided, the substance of the agreement and the procedural consequences of the referendum were insufficiently explained. The broadcast media provided some information programmes about the agreement and referendum, which improved the ability of voters to make an informed choice.

Citizens at least 18 years of age have the right to vote, except for those declared legally incapacitated by a court decision, contrary to international standards. Positively, the authorities made some efforts to facilitate the renewal of identification documents for eligible voters serving prison sentences. Although the accuracy of the voter list was not cited as a major concern by ODIHR ROM interlocutors, longstanding issues related to the processing and accuracy of voter registration data remain to be addressed.

The campaign was generally active and peaceful throughout the country, and the freedoms of assembly, association and expression were respected. The parliament as the authorised proposer of the referendum led the ‘For’ campaign, primarily through the ruling SDSM and DUI parties. The ‘For’ campaign also featured a high degree of international engagement and received explicit endorsements from high-level EU and NATO representatives. Most ethnic Albanian, Turkish and Roma parties advocated the ‘For’ vote, but campaigned separately with messages targeted to their respective communities. In the absence of an organized ‘Against’ campaign, a ‘Boycott’ coalition denounced the referendum in a widespread social media campaign which often featured inflammatory content.

The legal framework for financing the referendum campaign does not contain spending limits and lacks clear requirements for disclosure, auditing procedures and sanctions. The government allocated some EUR 1.3 million to the parliament to spend on media advertisements, which the opposition parties declined, thus only the ‘For’ portion of the public funds were spent. Only the parliament, as the authorized proposer, was required to report on the spending of public funds, and only after the voting day, reducing transparency.

The media provided citizens with an extensive amount of information related to the referendum. Campaign-related advertisements were aired regularly in private media. Public media were not obliged to provide free airtime. Given the lack of an active ‘Against’ campaign, combined with a ‘Boycott’ campaign conducted primarily on social media, the views expressed by the ‘For’ campaign clearly dominated across all broadcasters. Most monitored television channels organised special programmes that provided diverse information about the broader context of the referendum.

The Electoral Code and SEC regulations provide for observation of the referendum by international and citizen observers. The “proposer” of the referendum, in this case the parliament, had the right to appoint representatives to observe in polling stations but declined to do so. Political parties were otherwise not permitted to observe the administration of the referendum and the voting day procedures, which diminished the transparency of the process and challenges OSCE commitments.

Voters had the right to file complaints to the SEC related to irregularities in their voting process. Prior to referendum day, the SEC adjudicated complaints in closed sessions and did not publish decisions, contrary to legal requirements on transparency. The Constitutional Court received three applications challenging the parliament's decision to hold the referendum, including the formulation of the question and the consultative nature of the referendum; these applications were rejected.

The referendum day process was well-organized and professionally administered, without major irregularities. Voting, counting and tabulation procedures were generally followed and the transparency of the process was ensured. Although the SEC issued guidance requesting that all polling stations be located at the ground level of municipal buildings, more than half of observed polling stations could not be independently accessed by persons with physical disabilities. In many cases, accredited citizen observers appeared to be affiliated with political parties.

This report offers a number of recommendations to support efforts to bring referenda and electoral processes further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to enhancement and harmonization of referendum-specific regulations, improvement of voter list maintenance, repeal of unreasonable restrictions on voter rights, and transparency of dispute resolution. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs and based on the recommendations of a Needs Assessment Mission conducted from 6 to 10 August, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Referendum Observation Mission (ROM) on 27 August to observe the 30 September referendum. The ROM, led by Ambassador Jan Petersen, consisted of a 13-member core team based in Skopje and 20 long-term observers who were deployed on 5 September throughout the country. The ROM remained in the country until 13 October to follow post-referendum developments.

For referendum day, the ODIHR ROM was joined by a delegation from the Parliamentary Assembly of the Council of Europe (PACE) to form an International Referendum Observation Mission (IROM). Mr. Stefan Schennach headed the PACE delegation. Both of the institutions involved in this IROM have endorsed the 2005 Declaration of Principles for International Election Observation. In total, 206 observers from 35 countries were deployed, including 198 long-term and short-term observers deployed by ODIHR, as well as an 8-member delegation from PACE. Opening procedures were observed in 77 out of 3,480 polling stations, voting in 896 polling stations, counting in 81 polling stations, and tabulation in 73 of the 81 Municipal Election Commissions (MECs).

The mission assessed the compliance of the referendum process against OSCE commitments, other international obligations and standards, as well as with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Skopje on 1 October.²

The IROM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the referendum and

² See previous [ODIHR reports on the country](#).

the State Election Commission (SEC) for its assistance. The IROM also expresses its appreciation to other institutions, political parties, media and civil society organizations for sharing their views, as well as to the resident international community and the OSCE Mission to Skopje for their co-operation.

III. POLITICAL CONTEXT

The last parliamentary elections were held in December 2016 and resulted in prolonged efforts to form a government. The incumbent Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) won the largest number of seats but was unable to form a government after the Democratic Union for Integration (DUI) and other ethnic Albanian parties aligned with the Social Democratic Union of Macedonia (SDSM). Following a period of intense political turmoil, in which President Gjorge Ivanov refused to give SDSM the mandate to form a government, a SDSM-led government was ultimately established on 31 May 2017.³

The country's accession to the European Union (EU) and North Atlantic Treaty Organization (NATO) has historically been impeded by a lack of consensus among member states of these organizations regarding the name of the country. On 17 June 2018, following a year of negotiations under the auspices of the United Nations, the country signed a bilateral agreement with Greece. The agreement envisaged constitutional amendments that would include changing the constitutional name of the country to "Republic of North Macedonia".⁴ Implementation of the agreement is considered a precondition for EU and NATO integration.⁵

A decision to hold a consultative referendum on approval of the agreement passed parliament on 30 July with a simple majority, without reaching consensus on the formulation of the question to be decided and the binding nature of the referendum.⁶ Following the referendum, constitutional amendments would still require a series of parliamentary approvals, including a final two-thirds majority vote.⁷ Once the amendments are enacted, the agreement would then require adoption by the parliament of Greece.

IV. LEGAL FRAMEWORK

The referendum is primarily regulated by the 1991 Constitution (last amended in 2011), the 2005 Law on Referenda and Citizen Initiatives (Referendum Law), and the 2006 Electoral Code (last amended in July

³ The parliament consists of 120 seats, of which VMRO-DPMNE holds 51, SDSM 49, DUI 10, the Movement BESA 5, the Coalition "Alliance for Albanians" 3, and the Democratic Party of Albanians 2. Of the 120 seats, 45 are held by women. Following a split within Movement BESA, two factions are operating as separate entities under the party name.

⁴ See [the full text of the agreement](#).

⁵ In Article 2 of the agreement, Greece commits "not to object to the application by or membership of the Second Party [under the name 'Republic of North Macedonia'] in international, multilateral and regional Organizations and institutions of which the First Party is a member". At its summit in July 2018, NATO extended an [official invitation to the country to begin accession negotiations](#). The EU has similarly indicated that the [beginning of accession talks is related to the resolution of the name dispute](#).

⁶ The decision to hold the referendum passed with 69 votes out of a 120-member parliament and no votes against. Representatives of VMRO-DPMNE did not participate in the vote. Votes in favor were cast by representatives of SDSM, DUI, and Movement BESA.

⁷ The Referendum Law requires a legally binding referendum for membership in an international association or community. The government informed the ODIHR ROM that an additional referendum would be required in advance of possible EU accession. A 1993 decision of the parliament, later reaffirmed in 2012 and 2018, approved the country's potential membership in NATO.

2018).⁸ Additional legislation includes the Criminal Code, Law on Public Assemblies, Law on Prevention of Corruption, Law on Administrative Disputes, Law on Media, and Law on Audio and Audiovisual Media. The country has also ratified key international instruments related to human rights and the holding of democratic elections.⁹

The legal framework for referenda is neither comprehensive nor harmonized.¹⁰ Although the Referendum Law sets out the basic rules for the process, it lacks detail on several substantive aspects, such as campaign and campaign finance rules, and contradicts certain provisions of the Electoral Code, such as composition of the Electoral Boards, dispute resolution procedures, and the presence of partisan observers in polling stations. The Referendum Law stipulates that provisions of the Electoral Code apply to referenda if not otherwise specified; however, while the SEC applied the Electoral Code provisions on election administration and voter registration to the referendum, the rules on campaign finance and campaigning were not applied.¹¹ The exclusion of these areas from the legal framework led to confusion among stakeholders with regard to applicable rules and detracted from legal certainty.¹² SEC attempts to fill these gaps and to clarify other issues through regulations raised questions about their legal basis and the scope of the SEC's regulatory authority.¹³

The legal framework for referenda should be reviewed and harmonised with the Electoral Code. In particular, the Referendum Law should be amended to include provisions on the campaign and campaign finance specific to referenda.

The Referendum Law requires that the issue being decided be “precisely formulated and unambiguous, so that the citizen may answer ‘For’ or ‘Against’”. The question on the ballot read, “Are you in favour of EU and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?”. Some ODIHR ROM interlocutors noted that the compound nature of the question, as well as the lack of explicit reference to the change of the country's constitutional name and other implicit constitutional amendments, could mislead voters. Other stakeholders argued that there was a direct relationship between the different parts of the question, as evidenced by public assertions of EU and

⁸ In line with prior ODIHR and Venice Commission recommendations, the government, in consultation with civil society and political parties, has undertaken steps to reform the electoral legislation, although these reforms are still pending.

⁹ These include the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1966 International Covenant on Civil and Political Rights, 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), and the 1950 European Convention on Human Rights. The country is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

¹⁰ SEC regulations for this referendum acknowledged that the Referendum Law is not harmonized with the Electoral Code.

¹¹ The Referendum Law does not detail what constitutes campaigning and the rights of individuals and entities to campaign. The SEC explained to the ODIHR ROM that the notion of “electoral campaign” in the Electoral Code refers to candidates and political parties and therefore does not apply to referendum campaign activities.

¹² For example, contradictory guidance was issued by the SEC and the Agency for Audio and Audiovisual Media Services (see *Media*). In addition, the SEC received letters requesting clarification on applicability of the Electoral Code and the Law on Financing of Political Parties with regard to campaigning by foreigners, presence of political party observers, and the use of special accounts for campaign financing, to which the SEC responded that the corresponding provisions of the respective laws were not applicable.

¹³ For example, SEC regulations mandated that special media space for the campaign be allocated to the parliament, and shifted complaints related to voter registration to the jurisdiction of the Supreme Court. The Supreme Court later held that there was no legal basis for this shift in jurisdiction. Paragraph VIII.18. of the [1994 OSCE Budapest Document](#) states that “the participating States emphasize that all action by public authorities must be consistent with the rule of law, thus guaranteeing legal security for the individual”. Section II.2.a. of the [2007 Venice Commission Code of Good Practice on Referendums](#) recommends that “apart from rules on technical matters and detail (which may be included in regulations of the executive), rules of referendum law should have at least the rank of a statute”.

NATO officials that the agreement is a precondition of integration.¹⁴ No non-partisan institution is tasked with review of questions submitted by parliament to a referendum vote.¹⁵ However, in response to complaints, the Constitutional Court reviewed the decision to hold the referendum, including the formulation of the question. In a public hearing on 19 September, the Court discussed weaknesses in the formulation of the question, but a subsequent written opinion stated that the question conformed with legal requirements for clarity, and the Court did not pursue further action (see *Complaints and Appeals*).

Consideration could be given to mandate an impartial body with the timely review of any proposed referendum question, to ensure clarity and legality.

The law requires a participation threshold of a majority of registered voters for a referendum to be considered adopted but does not explicitly state whether this threshold applies to consultative referenda.¹⁶ Given the consultative nature, the government did not identify *de facto* criteria, such as a turnout threshold or proportion of ‘For’ votes, upon which it would or would not pursue the proposed constitutional amendments in parliament following the referendum. The prime minister, foreign minister and the speaker of parliament each indicated that the amendments would be pursued regardless of the turnout, should a majority vote ‘For’. However, the boycott campaign emphasized the significance of the threshold to the outcome of the referendum, and on 3 October, the SEC announced that “*the decision is not adopted because more than half of the total number of registered citizens in the voter list did not vote*” (see *Announcement of Results*). These differing interpretations of the threshold created uncertainty as to the procedural consequences of the vote.¹⁷

The applicability of threshold criteria to consultative referenda should be clarified in the law.

V. REFERENDUM ADMINISTRATION

The referendum was administered by a three-level administration, comprising the SEC, 80 MECs and the City of Skopje Election Commission, and 3,480 Election Boards (EBs).¹⁸ An additional 33 EBs were established in Diplomatic–Consular Offices for out-of-country voting, and one additional EB in the SEC to administer the voting of EB members deployed to diplomatic representations.

Departing from good practice, the latest amendments to the Electoral Code from July 2018 introduced a

¹⁴ Section III.2. of the [Code of Good Practice on Referendums](#) recommends that the question not be misleading and not suggest an answer, and that “there must be an intrinsic connection between the various parts of each question put to the vote, in order to guarantee the free suffrage of the voter, who must not be called to accept or refuse as a whole provisions without an intrinsic link”.

¹⁵ Article 20 of the Referendum Law stipulates that the decision to hold a national referendum is made by parliament, and Article 9 requires that this decision include the proposition on which the citizens will vote.

¹⁶ Article 8 of the Referendum Law distinguishes between legally binding referenda for “deciding” and non-binding referenda for “consulting”, and Article 30.1 stipulates the required quorum of a majority of registered voters for a “decision to be considered adopted”. Section III.7.a. of the [Code of Good Practice on Referendums](#) advises not to provide for “a turn-out quorum (threshold, minimum percentage), because it assimilates voters who abstain to those who vote no”.

¹⁷ Section III.8.a. of the [Code of Good Practice on Referendums](#) advises that “the effects of legally binding or consultative referendums must be clearly specified in the Constitution or by law”.

¹⁸ On 14 September, the SEC published a list of 81 polling stations located in 27 municipalities with fewer than 10 registered voters. MECs did not appoint EB members for these polling stations but reallocated the respective voters to the next nearest polling stations. However, results of these voters were still recorded on a separate protocol, which could have potentially breached the secrecy of the vote due to the very small number of voters.

temporary SEC with a mandate of six-months.¹⁹ All seven members (three women) were nominated by parliamentary parties: four from the ruling coalition, including the vice president, and three from the opposition, including the president.²⁰ The Electoral Code foresees the appointment of a SEC deputy secretary general; however, this position was not defined or filled ahead of the referendum.

The parliament should adopt provisions for a permanent State Election Commission, to ensure stability and consistency in the administration of electoral processes.

The SEC administered the referendum impartially and generally met legal deadlines. The commission held regular public meetings that were conducted in an efficient and collegial manner. However, public sessions lacked substantive debate, with decisions being adopted unanimously following prior working meetings that were not open to the public or observers.²¹ While the SEC uploaded most decisions and key information on its website, not all decisions were published, at odds with the SEC's internal rules of procedure and international standards.²²

All SEC decisions on tendering procedures for selection of contractors were taken in closed meetings of the SEC procurement committee and the overall budget is not a public document.²³ This practice contradicts the legal requirement that certain aspects of the tendering procedure be conducted publicly and the general requirement that the work of the SEC be conducted publicly.²⁴

In order to increase public confidence and in accordance with the law, the State Election Commission should ensure that all election-related information of public interest, including decisions and procurement procedures, are made public in a timely manner.

MECs were composed of five members (and deputies) and were randomly selected from among public employees. MECs oversaw the administration of the referendum in each municipality, appointed and trained EBs, and managed other technical preparations. EBs comprised three members (and deputies) randomly selected from among public employees and were responsible for management of the polling

¹⁹ Sections II.3.1.c of the [Code of Good Practice on Referendums](#) and II.3.1.c. of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) recommend that the central commission be permanent in nature. The previous SEC members resigned in January 2018 following a corruption scandal; following the referendum, the parliament extended the mandate of the current SEC for up to 2 years.

²⁰ Three members had prior experience with the electoral administration, including a former SEC president.

²¹ According to the SEC, these working meetings assessed the implementation of the calendar of activities and reached consensus on draft decisions and reports prepared by the professional staff. Article 32.2 of the Referendum Law and Article 24 of the Electoral Code require the work of the SEC to be public, in line with section 3.1 of the [Code of Good Practice in Electoral Matters](#).

²² Although Article 76 of the SEC's internal rules of proceedings requires all acts adopted by the SEC to be published on its website, only 27 of 42 such decisions were published. Paragraph 19 of the [2011 CCPR General Comment No. 34 to Article 19 of the ICCPR](#) requires that, "[t]o give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective, and practical access to such information".

²³ The SEC's procurement for the referendum was conducted under a negotiated procedure without prior publication of a contract notice. The ODIHR ROM could attend the last procurement session where selected contractors, for the supply of ballot papers, voter lists, protocols and voting booths, presented their offers.

²⁴ Article 136 of Law on Public Procurement states that "the opening of the tenders is the open procedure, the second phase of the restricted procedure and the phase of submission of the tenders in the competitive dialogue shall be public". Article 32(2) of the Referendum Law states that "[the] work of the State Electoral Commission shall be public". See also Article 24 of the Electoral Code and section 3.1. of the [Code of Good Practice in Electoral Matters](#).

stations and conducting voting and counting procedures.²⁵ For the referendum, EBs did not include two temporary members nominated by parties, as provided for in the Electoral Code for elections. Despite some late changes in the composition of MECs and EBs, the requirement for balanced ethnic and gender representation in election commissions was broadly respected.²⁶ Two-thirds of observed EBs were chaired by a woman.

The lower level commissions generally worked in a professional manner and enjoyed the confidence of local stakeholders. However, although sessions of most MECs were public, in a few cases they were not announced beforehand, making observation difficult.²⁷ A number of MECs informed the ODIHR ROM about overdue salary payments from 2016 and 2017, and many complained that the allocation of funds did not take into account the differing number of polling stations and the distance between polling stations in each municipality.

The SEC conducted cascade trainings for lower level election commissions, utilizing presentations, manuals, and videos. However, the SEC was late in delivering trainings for the MECs and decided to merge these with the training of trainers. MEC trainings observed by the ODIHR ROM were well organized, interactive, and conducted in both the Macedonian and Albanian languages where required.²⁸ The trainings of EBs observed by the ODIHR ROM were less organized and of lower quality. Training manuals were made available only for the training of EB members.

The SEC's instruction on the validity of ballots lacked clarity and was not consistent with the training manual and with the Electoral Code.²⁹ The instruction mandated the use of a blue pen and a circle as the only valid way to mark the ballot but also stated that "a ballot shall be considered valid if it can be established in a reliable and unambiguous way for which of the offered answers the voter has voted".³⁰ The training manual instructed commission members that any ballot that is not marked with blue ink and a circle is invalid, regardless of whether the intention of the voter is clear.³¹

Regulations on voting day procedures, including on interpreting the intention of the voter, should be in conformity with legislation and be adopted prior to the finalisation of training tools. Training for Electoral Board members could focus more on counting, with further details on results protocols and reconciliation procedures.

Positively, in line with a prior ODIHR recommendation, the SEC conducted an enhanced voter information campaign, including televised and online content, much of which targeted young voters. The material focused on referendum day procedures and how to locate polling stations, and emphasized

²⁵ MEC and EB members were appointed for five- and four-year terms, respectively, in 2016 and 2017.

²⁶ The Electoral Code stipulates that ethnic communities that constitute more than 20 per cent of the population in a municipality should be represented in MECs and EBs, while at least 30 per cent of members in all election bodies should come from each gender.

²⁷ For example, meetings of the Butel MEC were only open to accredited observers if requested with advance notice. Meetings of the Aerodrom MEC were closed and meeting minutes were not published, but decisions were published in the municipal gazette. Meeting minutes of the Zrnovci MEC were not made available to ODIHR ROM observers.

²⁸ The Electoral Code requires voting materials in polling stations to be available in the minority languages spoken by at least 20 per cent of the respective population.

²⁹ Article 115 of the Electoral Code states that a ballot shall be considered valid if the intent of the voter can be established in a reliable and unambiguous way.

³⁰ SEC instruction 08-1930/1 of 14 September 2018.

³¹ Section I.3.2.2.4 of the [Code of Good Practice in Electoral Matters](#) advises that "in case of doubt, an attempt should be made to ascertain the voter's intention".

freedom of choice and participation rather than encouraging turnout. Material was available in minority languages, but was not produced in accessible formats for individuals with auditory or visual impairments. While an impressive number of security features was used for the production of the referendum ballot papers, the SEC did not communicate to the electorate how the integrity of the process could benefit from this innovation.

The authorities made some efforts to provide neutral information related to the issue to be decided in the referendum.³² However, the substance of the agreement and its potential impact were explained insufficiently or too late in the campaign.³³ The broadcast media largely filled this gap by providing information programmes related to the agreement and referendum, which improved the ability of voters to make an informed choice (see *Media* section).

VI. VOTER REGISTRATION

Citizens at least 18 years of age have the right to vote, except for those declared legally incapacitated by a court decision. Deprivation of the right to vote on the basis of mental or intellectual disability contravenes international standards.³⁴

The legislation should be harmonized with the objectives of the Convention on the Rights of Persons with Disabilities, by removing all restrictions on voting rights on the basis of mental or intellectual disability.

Voter registration is passive for in-country voting while voters must actively register for out-of-country voting. Since 2015, the SEC is the only body legally responsible for updating the voter list. However, in practice, the voter list for the referendum was maintained by the State Statistical Office, to whom the SEC forwarded updates from the Ministry of the Interior (MoI), the Courts, and other institutions. During the period of public scrutiny that took place from 9 to 23 August, a total of 5,641 voters verified their personal information in the voter list.³⁵ The SEC closed the voter list on 7 September and the final list included 1,806,336 eligible voters.³⁶ Some deadlines for submission of data to the SEC came after the end of the period of public inspection, which compromised the ability of eligible voters to verify their entries.

The division of tasks and responsibilities for maintenance of the voter register should be clarified and enforced, and the deadlines for updates reviewed, to ensure inclusiveness and accuracy.

³² Paragraph 11 of the [1996 UN HRC General Comment 25](#) states that “voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community”. Section I.3.1. of the [Code of Good Practice on Referendums](#) states that “authorities must provide objective information”, and that “materials from supporters and opponents should be made available to electors sufficiently in advance”.

³³ For example, several ODIHR ROM interlocutors expressed uncertainty as to whether the issue of integration was a proposal of the current referendum question or whether an additional referendum would be held for EU membership, as required by law.

³⁴ Articles 12 and 29 of the [2006 CRPD](#). See also paragraph 9.4 of the [2013 CRPD Committee’s Communication No. 4/2011](#), which states that “Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of Article 2 of the Convention”. Paragraph 41.1 of the [1991 OSCE Moscow Document](#) commits participating States “to ensure protection of the human rights of persons with disabilities”.

³⁵ Voters were able to check their information in-person at MECs. According to the SEC, the public scrutiny resulted in 94 new inclusions, 295 deletions and 74 corrections.

³⁶ This figure includes 2,694 persons registered to vote abroad in 28 diplomatic missions.

In accordance with the Electoral Code, only persons with a registered address and valid identification card or biometric passport were included in the voter list. Despite a prior ODIHR recommendation, the Electoral Code and the Law on Permanent and Temporary Residency retain inconsistent definitions of temporary and permanent residency of citizens living in-country and abroad. Several ODIHR ROM interlocutors described flaws linked to the absence of a unified national address register, including lack of data harmonization across institutions compiling residency data.³⁷ Additionally, stakeholders informed the ODIHR ROM that the proof of residence requirement was not consistently enforced for the issuance and renewal of ID cards and passports, which was exacerbated by lack of self-reporting of citizens when updating their *de facto* place of residence, including abroad. The resulting lack of updates to address data on IDs could have impacted the subsequent allocation of voters to polling stations, although few such cases were observed during voting (see *Referendum Day*).³⁸ Positively, acting on a prior ODIHR recommendation, the authorities launched an *ad hoc* operation to renew expired documents of persons confined in prisons.³⁹ Despite longstanding issues related to the processing and accuracy of voter registration data, the integrity of the voter list was not cited as a major concern of ODIHR ROM interlocutors.

The establishment of a permanent national address register should be prioritized, with the harmonization of residency data clearly defined.

VII. REFERENDUM CAMPAIGN

The official campaign period began on 30 July, the day of the announcement of the referendum. However, most stakeholders intensified their campaign activities only after 10 September.⁴⁰ The campaign ended 48 hours before the referendum day and was generally active and peaceful throughout the country. There were no restrictions on fundamental rights associated with the campaign, including the freedoms of assembly, association and expression.⁴¹

The Referendum Law does not require participants to register in order to conduct a campaign. The law provides only for the authorised proposer of the referendum, in this case the parliament, to formally campaign, but does not regulate the campaign activities of any other stakeholders.⁴²

³⁷ The legal provisions regulating the address register, including on updating the records, deleting expired addresses and preventing registration at addresses with insufficient proof, are inconsistent. The authorities informed the ODIHR ROM of plans to reform the address register in 2019, including the standardization of the coding, naming and numbering of streets, as a component of a broader efforts by the Ministry of Information Society and Administration to establish a permanent national population register. Paragraph 11 of the [1996 CCPR General Comment No. 25 on Article 25 of the ICCPR](#) requires that “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right”.

³⁸ Although legally empowered to do so, the SEC did not verify entries in the voter list through cross-checks of databases of the MoI and other institutions.

³⁹ This initiative resulted in the issuance of 260 new ID cards. The new draft Law on Execution of Sanctions proposes a permanent solution to the issue of renewal of ID cards of incarcerated persons.

⁴⁰ This date coincides with the beginning of the parliamentary recess and also allows for 20 days of campaigning, in line with Article 69-a(2) of the Electoral Code.

⁴¹ Representatives of the non-parliamentary party United Macedonia informed the ODIHR ROM that advertising companies refused to place their billboards.

⁴² The Referendum Law foresees that the “authorised proposer” of a national referendum can be the parliament or a group of 150,000 citizens.

The ruling party, SDSM, joined together with over 100 civil society organizations to advocate the ‘For’ vote, with the message “Go out for a European Macedonia”. The ‘For’ campaign was visible across the country and focused on the benefits of EU and NATO membership, especially to the younger generation. Campaign means included distribution of brochures, billboards, posters, door-to-door canvassing, as well as rallies and town hall meetings.⁴³ Campaigning also took place on social media platforms.

Unlike the Electoral Code, the Referendum Law does not regulate the involvement of public officials or the use of public resources in the campaign. The prime minister, cabinet members and members of parliament actively participated in the ‘For’ campaign, and were often joined by mayors at local campaign events.⁴⁴

The legal framework for conducting referendum campaigns should be amended to include clear rules for campaigning, including the participation of public officials.

The campaign also featured a high degree of international involvement, with foreign leaders and high-level representatives of the EU, United States, and NATO visiting Skopje to promote the bilateral agreement and to encourage turnout.⁴⁵ Almost all of these officials categorized the agreement as “historic” and its approval as a pre-condition for EU and NATO membership, with some explicitly endorsing the ‘For’ vote.⁴⁶ In addition, throughout the referendum campaign period the Delegation of the European Union conducted extensive outreach activities under the slogan “Imagine a future together,” including television advertisements and public events across the country. Many ODIHR ROM interlocutors described a lack of distinction between the international activities and the national ‘For’ campaign, which consequently received heightened publicity (see *Media* section).

Despite the fact that ODIHR ROM interlocutors from minority communities and parties confirmed their support of the referendum and encouraged their followers to vote ‘For’, the campaign remained subdued in these communities. Most ethnic Albanian, Turkish and Roma parties campaigned separately with messages targeted to their respective communities. The largest of these, DUI, occasionally co-ordinated its activities with SDSM. Several ODIHR ROM interlocutors from these communities criticised the lack of campaign materials in minority languages, especially in Bosniak and Turkish areas.

The main opposition party VMRO-DPMNE denounced the agreement with Greece which it characterized as a “capitulation” and a threat to the country’s identity and history. However, the party did not take an official position on the referendum, and on 11 September, the party president announced that citizens should “act according to their conscience”. A few current and former officials of VMRO-DPMNE criticized the party leadership stance, with some publicly supporting the referendum question and

⁴³ The ODIHR ROM observed a total of 45 ‘For’ campaign rallies in Bitola, Demir Hisar, Gostivar, Kriva Palanka, Krusevo, Kumanovo, Ohrid, Štip, Struga, Strumnica, Tetovo, and Veles, among others.

⁴⁴ Section I.3.1. of the [Code of Good Practice on Referendums](#) states that while it is not necessary to prohibit intervention by authorities in a referendum, they must not influence the outcome of the vote by excessive, one-sided campaigning.

⁴⁵ Among others, German Chancellor, Austrian Chancellor, the EU High Representative, NATO Secretary General, US Secretary of Defence and Italian Defence Minister.

⁴⁶ The NATO Secretary General said publicly, while [visiting the country on 6 September](#), “I know that some in the country think they can say ‘no’ on the referendum, but ‘yes’ to NATO and EU membership. There is no such alternative. The option that the Treaty can be rejected, while joining NATO, is an illusion”. Participants of the EU’s Joint Parliamentary Committee meeting in September indicated that the agreement allows the country to move faster towards integration into EU and NATO.

encouraging turnout, and others indicating their intention to vote against.⁴⁷ Although the party conducted no official campaign related to the referendum, it conducted an ongoing anti-government campaign, which included protest marches and social media content to criticize government policies while also condemning the agreement with Greece.

While there was no organized ‘Against’ campaign, 72 civic associations and 2 non-parliamentary political parties, United Macedonia and Voice for Macedonia, advocated a boycott to prevent the referendum from reaching a 50 per cent turnout threshold. The boycott campaign was active through rallies and on social media, and featured nationalistic language which was often inflammatory.⁴⁸ Instances of disinformation, some allegedly funded by foreign actors, were not picked up by traditional broadcast media and their reach remained limited to the online space.⁴⁹ The president, who previously refused to sign the parliament’s ratification of the agreement, announced that he would not vote in the referendum.⁵⁰ Given the dichotomy between the ‘For’ campaign and the boycott of the referendum process, there was an absence of organized public debate between campaign participants.

Allegations of voter intimidation, including pressure on civil servants and school teachers to vote, as well as apparent attempts to suppress the vote, were made by some interlocutors, although concrete evidence to substantiate the allegations was not produced to the ODIHR ROM (see also *Referendum Day and Complaints and Appeals*). A complaint was filed with a local public prosecutor related to an alleged violation of the Criminal Code during one of the prime minister’s public campaign appearances.⁵¹

All instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and, where substantiated, prosecuted by authorities in a timely manner. Authorities should also provide public information on what constitutes corrupt activity during a referendum campaign.

VIII. CAMPAIGN FINANCE

Parties and other participants could self-finance their campaigns through private donations. Although the legal framework does not provide for public funding of the referendum, the government allocated MKD 80 million (some EUR 1.3 million) to the parliament in its role as authorised proposer to spend on media advertisements during the referendum campaign. A co-ordination committee within the parliament opened a designated bank account for this public funding and made direct payments to television and radio stations for airtime (see *Media* section). VMRO-DPMNE criticized the decision to allocate public funds and rejected its portion of the funding, stating that this use of public financing was not in the interest of

⁴⁷ On 12 September, a group of party founders released a document in support of the referendum. The mayor of Kavadarci stated that the party should call on its members to vote and a municipal councilor in Skopje declared his support for the referendum. A former foreign minister and party leader openly advocated for a boycott.

⁴⁸ The ODIHR ROM observed nine boycott rallies in Skopje, Štip, Strumica, Bitola and Gevgelija and a *bojkotiram* bus in Bitola, Kumanovo, Mogila, Novaci, Rankovce, and Staro Nagoričane.

⁴⁹ Analyses of Twitter conducted by the news aggregator [Time.mk](#) indicated that it was likely a result of a small number of users on Twitter sharing the same content to reinforce the visibility of a topic, but without reach to a wider social media audience.

⁵⁰ President Ivanov condemned the lack of consensus around the decision to hold the referendum and utilised the occasion of his speech at the UN General Assembly on 27 September to reaffirm his position in favour of a boycott.

⁵¹ At a 12 September rally in Kriva Palanka, the prime minister appeared to [encourage business owners](#) to pay bonuses to employees for voting. SDSM later responded that “encouraging higher salaries for all workers is responsibility of every prime minister and the government she/he leads” and that the “free voting of citizens is guaranteed”. The complaint is still under investigation.

citizens.⁵² As a result, public funds were only spent on behalf of the ‘For’ campaign. Several small parties and civil society organizations also objected to the use of government funds.⁵³

The legal framework for financing the referendum campaign does not contain spending limits and lacks clear requirements for disclosure, auditing procedures and sanctions. SEC regulations required only the parliament as the authorised proposer to file a campaign finance report, and only on its use of public funds, within 30 days after the referendum.⁵⁴ This report is not legally subject to audit by the SAO.⁵⁵

Unlike in elections, political parties and other stakeholders were not required to account for donations and expenditures for the campaign. Political parties were required to report expenses only as part of their annual financial reporting, next due in 2019, which is subject to audit by the SAO. Some ODIHR ROM interlocutors raised concerns about the lack of information on sources of funding for referendum campaign activities. The lack of regulation of campaign financing reduced transparency and is at odds with international standards.⁵⁶

The legal framework for financing the referendum campaign should be amended to clarify the use of public funding, as well as requirements for disclosure, auditing and sanctions. To enhance transparency, consideration could be given to requiring interim financial reports that are published prior to referendum day.

IX. THE MEDIA

A. MEDIA LANDSCAPE

The media landscape consisted of some 130 broadcasters, including over 15 TV channels with nationwide coverage, 6 daily newspapers as well as numerous websites providing news content. Television remains by far the most important source of political information, followed by Internet sources. Facebook holds the dominant position among social media.

Most journalists met by the ODIHR ROM acknowledged an improved working climate and reduced political pressure in recent years. However, media outlets continue to struggle financially, especially on the local level.

⁵² The 40 percent of funding allocated to the opposition will be returned to the government budget.

⁵³ Section II.3.4. of the [Code of Good Practice on Referendums](#) states that the general rules on the funding of political parties and electoral campaigns must be applied to both public and private funding of referenda. The political party *Levica* submitted a letter to the State Audit Office (SAO) requesting to review the conformity of the decision on allocation of public funds with the Law on Financing of Political Parties. The SAO informed the ODIHR ROM that it would review this request during its next annual audit in 2019.

⁵⁴ The report, filed on 29 October, designates on which broadcasters the funds were spent, but does not designate whether each instalment was spent on behalf of any specific parliamentary party.

⁵⁵ In accordance with SEC regulations, this report was filed to the SAO and the SEC. The State Commission for Prevention of Corruption (SCPC), also a recipient per the regulations, was not operating during the referendum, as all of its members had resigned. The SAO informed the ODIHR ROM that it intended to review the report as part of its audit plan for 2019.

⁵⁶ Article 7.3 of the 2003 UN Convention Against Corruption requires states to “consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”. See also, paragraph 159 of the 2010 [ODIHR/Venice Commission Joint Guidelines on Political Parties](#) and Section I.2.2. of the [Code of Good Practice on Referendums](#).

Although the government has drafted amendments to the legal framework which seek to improve the media environment, no structural reforms have yet been implemented. The broadcasting fee that previously financed the public broadcaster was abolished in 2017. The new system for financing public media constitutes a direct contribution of 0.5 per cent of the state budget, which the public broadcaster and other ODIHR ROM interlocutors described as insufficient to fund the activities of a public broadcaster.

B. LEGAL FRAMEWORK

Overall, the key pieces of legislation, including the Law on Audio and Audiovisual Media Services, the Referendum Law and the Electoral Code, lack details on media coverage of referenda. The legislation was supplemented by SEC regulations and guidelines adopted by the media regulator — the Agency for Audio and Audiovisual Media Services (AVMS).

The two institutions offered conflicting instructions concerning access of referendum stakeholders to paid advertising.⁵⁷ The AVMS guidelines stipulated that radio and television stations could dedicate a maximum of nine minutes per hour for paid advertisements concerning the referendum to be accessible to all campaign participants; divided into two equal shares of four-and-a-half minutes each for those campaigning in favour of the question, and those campaigning against or advocating boycott. In contrast, the SEC regulations held that only the parliament as the authorized proposer of the referendum should be reserved special airtime for the paid campaign, while other entities interested in placing paid campaign spots could do so as part of the designated 12 minutes per hour of regular commercial advertising.⁵⁸

Furthermore, in contrast to the AVMS's approach to divide the paid airtime in an equal manner, the parliament's co-ordination committee took the position that airtime should be allocated proportionally to the number of deputies who formally declared themselves 'For' and 'Against' or 'Boycott'; however, no deputies declared a position except the 71 (59 per cent) who declared themselves 'For'. Most TV channels monitored by the ODIHR ROM at times exceeded the time limits for 'For' spots set by the AVMS, especially in the final days of the campaign period.

The primary legislation for conduct of referenda should be amended to provide general principles on the media coverage of the referendum campaign. In particular, it should guarantee equality of opportunity for the supporters and opponents of the proposal being voted on, with modalities for public and private media, in conformity with freedom of expression.

The legislation should clearly stipulate the primary institution to regulate the broadcast media coverage during the referendum campaign.

Under the legal framework, public media are not obliged to provide free airtime during referenda. The Association of Journalists of Macedonia expressed concerns, both publicly and with the ODIHR ROM, that public funding of the referendum campaign for media advertisements would reinforce the already existing influence of political parties on the media and their reporting on political processes. Recent amendments to the Electoral Code introduced a similar model of public funding of contestants' advertising for future election campaigns. These amendments also authorized the SEC to register and monitor

⁵⁷ The AVMS, an independent non-profit regulatory body is legally required to monitor broadcasters during the campaign period.

⁵⁸ The latter conditions applied to civil society, international groups such as the EU, and non-parliamentary political parties.

electronic media (internet portals). These provisions were not yet in force during the referendum campaign, but their future applicability was a concern to many ODIHR ROM interlocutors.

C. ROM MEDIA MONITORING



The ODIHR ROM commenced its media monitoring activities on 3 September.⁵⁹ During the monitoring period the media provided citizens with an extensive amount of information related to the referendum. Campaign-related advertisements were aired regularly in national private media from 8 September.⁶⁰

The media generally provided fair coverage. However, the lack of an organized ‘Against’ campaign, combined with a ‘Boycott’ campaign conducted primarily on social media, complicated the ability of news media to present equitable coverage of both sides. As a result, across all broadcasters, the views expressed by the ‘For’ campaign clearly dominated. Reports extolling the benefits of EU and NATO integration were extensively presented in the media, especially in news programmes, through coverage of the government’s campaign activity and frequent high-level visits from EU and NATO officials.

News items related to the ‘For’ campaign and presenting views favourable or neutral to EU, NATO and the agreement exceeded 40 per cent on monitored TV channels that aired news programmes. Information related to ‘Against’ or ‘Boycott’, including critical views of the agreement or of EU and NATO, amounted to some 10 per cent of the airtime allocated to referendum related issues in the news programmes of television channels monitored.⁶¹ All channels dedicated a significant portion of airtime to voter information and other details of the referendum context and process.

Positively, most monitored television channels organised special programmes dedicated to the wider context of the referendum, and presented a variety of views regarding the agreement.⁶²

In the absence of MPs advocating for ‘Against’ or ‘Boycott’, only the publicly-funded advertisements promoting the ‘For’ campaign were aired in the media. However, at the end of the campaign, a non-parliamentary party *Glas za Makedonija* conducted a limited paid campaign promoting the boycott.

In addition to the official referendum campaign, spots promoting the EU and its benefits were aired as part of an official EU information campaign (“EU for you”). Civil society organisations also promoted EU and NATO membership in paid television advertisements.

⁵⁹ The ODIHR ROM monitored prime time (18:00-24:00) programmes aired by public TV channels *MRT1*, *MRT2*, and *Sobraniski Kanal 5* and private TV channels *Alfa*, *Alsat-M*, *Kanal 5*, *Sitel*, *Telma*, and *TV 24 Vesti*. News programmes and segments of paid advertising of *TV21* were also monitored.

⁶⁰ Regional and local broadcast media also aired public-funded campaign spots, but compared to the national media, the period of airing was only about two weeks long.

⁶¹ Among all monitored TV channels *TV Alfa* allocated the largest share of airtime in news programmes to information opposing referendum – some 17 per cent. It also granted a significant portion of airtime to the ‘For’ campaign, but its coverage and the comments of its journalists were generally critical. *TV Alfa* was also the only channel that presented the current government in a negative light. Portrayal of the government and political actors by other TV channels was predominantly neutral.

⁶² Discussions related to the referendum appeared on the following monitored television channels: *MRT1*, *MRT2*, *Alfa*, *Alsat-M*, *Kanal 5*, *Telma*, *TV 24 Vesti* and *TV 21*. Particularly diverse coverage of the referendum issues was offered by a political show “360 degrees” aired on *Alsat-M*. The involvement of regional or local media in the referendum campaign was less active, but some regional or local media attempted to organise discussions or other programmes dedicated to the referendum issues and its context.

D. MEDIA OVERSIGHT

The AVMS monitored national broadcast media from 10 September and issued two reports, before and after the referendum day.⁶³ On 14 September, the agency issued a statement alerting broadcasters that the time allocated to ‘For’ advertisements was exceeding the permissible limits and warned them to comply with the legal framework and AVMS guidelines.

Following the first phase of its monitoring period, the AVMS initiated misdemeanour procedures against two broadcasters for not respecting the provision related to paid advertising and also for violating a ban on publication of opinion polls within five days preceding referendum day.⁶⁴ In the second monitoring period the AVMS identified several national broadcasters which exceeded the permissible limits to ‘For’ adverts, but given the lack of explicit legal provisions for what constitutes equal coverage of referendum campaigns, the media regulator did not initiate any misdemeanour procedure in this respect.⁶⁵

Online media is, after television, the second most important source of political information in the country. The main boycott proponent, operating under the name *bojkotiram*, had a strong presence in social media. Social media materials with inflammatory or provocative content identified by the ODIHR ROM were frequently distributed from *bojkotiram* Twitter accounts that were established in the months preceding the referendum and focused exclusively on referendum-related issues. The ODIHR ROM observed that in the three weeks prior to 30 September, *bojkotiram* remained the most trending topic among in-country Twitter users.⁶⁶

X. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code and SEC regulations provide for observation of the referendum by international and citizen observers. Under the legal framework, only the parliament as authorised proposer of the referendum was allowed to appoint a special representative to observe the work of the referendum administration in each commission and polling station. Otherwise, political party observers were not permitted. Despite an application by VMRO-DPMNE to nominate observers, the parliament did not appoint any.⁶⁷

Several political parties complained to the ODIHR ROM that the rules for observing the referendum denied them the right to observe. The exclusion of partisan observers in polling stations, combined with

⁶³ The first AVMS report covering the period from 10 until 18 September 2018 was issued on 25 September 2018; the second report for the period from 19 until 27 September 2018 was issued on 4 October 2018.

⁶⁴ The AVMS concluded that *ITV* failed to observe the time limits for airing the advertising messages ‘For’ the referendum and, on a separate occasion, published an opinion poll within five days of the referendum day, violating the ban on such publication in this period. Since *TV* violated a ban on airing paid adverts within news programmes.

⁶⁵ According to the second monitoring AVMS report, in the period from 21 to 27 September the following TV channels exceeded the advertising time and breached the Article 28 from the AVMS Guidelines: *ITV*, *24 Vesti*, *TV 21*, *TV Sitel*, *TV Telma*, *TV Kanal 5* and *TV Alsat-M*.

⁶⁶ With respect to social media, analyses of Twitter conducted by the news aggregator [Time.mk](#) indicated that this was likely a result of group of users on Twitter sharing swiftly the same content (produced by a small number of users) to reinforce the visibility of a topic, but without reach to a wider social media audience.

⁶⁷ In a decision on 24 September, the parliament’s referendum co-ordination committee announced it would not appoint representatives in polling stations due to its full confidence in the process and in the presence of citizen and international observers.

the absence of party-nominated members on EBs, detracted from the overall transparency of the process and challenged OSCE commitments and international good practice.⁶⁸

In line with OSCE commitments and to ensure transparency for all stakeholders, the legal framework should provide for partisan observation of all stages of the referendum process.

In an inclusive process, the SEC accredited some 493 international and 11,927 citizen observers. Two well-established citizen observer organizations deployed observers for the campaign and voting day.⁶⁹ On referendum day, MOST deployed 1,902 observers, including some mobile teams, and ran a Parallel Vote Tabulation exercise. The CIVIL-Center for Freedom deployed 30 long terms observers and a total of 307 accredited observers on referendum day. Two additional organizations, the Macedonia Anti-Poverty Platform (MAPP) with 3,736 observers and the Agency for Civil Policies and Initiatives (IDULSJ) with 5,574, accredited most of their observers in the last days of the accreditation period, introducing many additions to the list of accredited observers after the official deadline which impacted negatively on the issuance of formal observers' individual accreditations. The SEC granted 39 additional requests for accreditation at its official session on 25 September, without specifying the names of the associations and the numbers of observers, failing to duly and timely inform the electorate.⁷⁰

In order to enhance the accountability of election observers and encourage transparency, accreditation badges should identify the observer as well as the associated organization.

XI. COMPLAINTS AND APPEALS

The Referendum Law gives all voters the right to file complaints related to irregularities in voting day procedures and tabulation to the SEC within 24 hours.⁷¹ The SEC adopted a regulation on referendum-related dispute resolution which narrowed the legal standing for citizens to file complaints. Under this regulation, voters could file a complaint only if they were included in the voter list and were present in the polling station, and if they requested that the irregularity be recorded in the logbook of the respective EB or MEC. The SEC also introduced the right of the authorised proposer to file complaints, including to challenge the results, but no such complaints were filed, as the parliament did not appoint any representatives to polling stations. The legal basis for the SEC to introduce these changes was unclear.

The SEC received 12 formal complaints prior to referendum day, 10 concerning the denial of applications for homebound voting and two concerning exclusion of a voter from the voter list.⁷² The complaints were

⁶⁸ In paragraph 8 of the [1990 OSCE Copenhagen Document](#), participating States recognized that the “presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place” and committed to invite observers “from any appropriate private institutions and organizations who may wish to do so to observe their national election proceedings”. According to [Section I.3.2.a.x. of the Code of Good Practice on Referendums](#), “polling stations must include representatives of a number of parties, and the presence of observers appointed by the latter or by other groups that have taken a stand on the issue put to the vote...”.

⁶⁹ Citizen observers were deployed by a total of 10 civil society organizations.

⁷⁰ The SEC regulation required only the name of the observer to be mentioned on the badge as well as the number of the polling stations where s/he will observe on voting day. The ODIHR ROM witnessed observers with handwritten or shared badges.

⁷¹ MECs have no jurisdiction over referendum-related complaints.

⁷² The SEC accepted eight complaints for homebound voting, while two such complaints were rejected due to lack of supporting documents. Two complaints concerning exclusion from the voter list were rejected as the deadline for voter registration requests had passed.

resolved in closed sessions and were not uploaded to the electronic system of complaints management, contrary to the legal requirements for transparency.⁷³

On referendum day, the SEC received 40 complaints made by citizens who could not find their names on voter lists.⁷⁴ The SEC rejected all of the complaints stating that the deadline for being included in the voter lists had passed.⁷⁵ Following referendum day, the SEC received six additional complaints, five of which were rejected for not meeting SEC admissibility requirements.⁷⁶ Although a complaint filed by a domestic observer was rejected due to lack of legal standing, the evidence attached to this complaint prompted SEC *ex-officio* action and led to the annulment of voting results in one polling station.⁷⁷ In a positive step, unlike for pre-referendum day complaints, SEC decisions on referendum day complaints were dealt with in a public session and were uploaded in the electronic system of complaints management, contributing to the transparency of the process.

As required by law, the State Election Commission should review complaints, including pre-referendum day complaints, in public sessions and publish all decisions through the electronic system of complaints management.

Under the Referendum Law, SEC decisions related to voting day procedures and results can be appealed within 48 hours to the Supreme Court. This mechanism differs from the Electoral Code, under which the Administrative Court is the highest instance of election dispute resolution.⁷⁸ The Supreme Court, due to late submissions, rejected two appeals related to referendum day irregularities.

The SEC regulations on the referendum shifted jurisdiction on appeals related to voter registration to the Supreme Court, without a legal basis.⁷⁹ Consequently, the Supreme Court rejected an appeal by a citizen regarding voter registration, citing its lack of jurisdiction. Nevertheless, the SEC continued to issue decisions to voters which indicated the Supreme Court as the appellate instance, compromising their right to effective legal remedy.

In addition, several complaints were filed with the Public Prosecutor, including challenges to the legality of certain SEC decisions and on alleged violation of the Criminal Code provisions in the prime minister's public campaign.⁸⁰ None of these complaints resulted in a criminal prosecution.

⁷³ The Electoral Code stipulates that the work of the election management bodies shall be public. It further obligates the SEC to establish an electronic system of complaints management.

⁷⁴ The Ombudsman received similar complaints through a hotline for reporting irregularities.

⁷⁵ The law does not allow adding voters to the voter lists after the period of public scrutiny.

⁷⁶ Four complaints were filed by the leader of the organization World Macedonian Congress, who was not included in the voter list in the polling stations where the alleged violations took place, and consequently did not have the legal standing to file the challenges.

⁷⁷ The unidentified observer pointed out a discrepancy between the turnout figures in the final EB's protocol that s/he received and the figures on the SEC website as evidence of unauthorized changes of the results protocol.

⁷⁸ The Minister of Justice informed the ODIHR ROM that this appellate route is the result of the outdated Referendum Law, which pre-dates the creation of the Administrative Court.

⁷⁹ Under the Electoral Code, appeals against SEC decisions related to voter registration are heard by the Administrative Court. The Referendum Law does not provide for jurisdiction of the Supreme Court on voter registration complaints. Section II.3.3.c. of the [Code of Good Practice on Referendums](#) recommends that "the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative)".

⁸⁰ According to the complaint, all SEC members allegedly violated Article 353 (abuse of official positions) and Article 392 (autocracy) of the Criminal Code by adopting the regulations outside the scope of the existing legal framework.

The Constitutional Court received three applications challenging the parliament's decision to hold the referendum, questioning, among other things, the wording and the compound character of the referendum question, the consultative nature of the referendum, and the lack of explanation of the constitutional changes envisaged in the agreement.⁸¹ All three applications were rejected by a majority vote. During the public hearing, the court debated weaknesses in the formalities of the decision to hold the referendum and the formulation of the question, but decided that they did not amount to unconstitutionality.⁸² The written decision stated that while the Constitution requires a binding referendum to join an international community or association, the current consultative referendum was not called on this issue. In addition, the decision stated that the referendum question was clear because the issues contained therein were interrelated.

XII. REFERENDUM DAY

A. VOTING, COUNTING, AND TABULATION

Early voting and referendum day proceeded in an orderly manner without major irregularities. The referendum day process was well-organized and administered professionally. Voting, counting and tabulation procedures were generally well followed and the transparency of the process was ensured.

Citizen observers were present in 90 per cent of polling stations and tabulation centres observed. However, IROM observers noted widespread confusion over the identity of the organizations represented by some citizen observers. In 10 per cent of observed polling stations, citizen observers could not identify either their organization or outline their duties as observers. Even though the SEC did not accredit any authorized representatives, in some cases, observers identified themselves as authorized representatives of the parliament, political parties or the MEC. IROM observers determined that many of these citizen observers were actually accredited for MAPP or the IDULSJ.⁸³

Early voting was conducted on 29 September for homebound voters and those under home custody or in prison. The ODIHR ROM observed early voting in all 13 prisons in the country and 69 EBs.⁸⁴ Overall, the process was assessed as good or very good in 92 per cent of observations. However, in two prisons and five EBs the process was assessed negatively. The secrecy of the vote was compromised in five cases, the ballot box was not properly sealed in five cases, and procedures were not followed nor understood by voters in five cases. Citizen observers were present in 45 per cent of observations of early voting.

On referendum day, the IROM assessed the opening as good or very good in 72 of 75 observations. While most procedures were followed, in 15 cases observers noted that the ballot box was not shown to observers before being sealed and in 13 cases the opening protocol was not filled in before the polling station opened as required.

⁸¹ The complaints were filed by *Levica*, World Macedonian Congress, and a private citizen. Two applications were filed to the Constitutional Court following the 19 September public hearing of the court.

⁸² According to statements of the judges during the open hearing, seven out of nine judges upheld the constitutionality of the referendum. The deliberation and voting were not public.

⁸³ Many observers of these groups identified themselves as party observers for either SDSM or VMRO-DPMNE. According to the [2005 Declaration of Principles for International Election Observation](#), citizen observers should be impartial and neutral.

⁸⁴ In total, 2,041 voters were registered for homebound voting and 1,558 for voting in prison.

IROM observers were able to observe the voting process without restrictions and their assessment was positive in 98 per cent of cases. Voting procedures were well followed and the process was transparent. There were no major irregularities. In 13 per cent of observations, some voters were refused the right to vote as they were not on the voter list or not in possession of a proper ID.

The Prosecutor's Office received 40 reports on alleged violations of voting rights on referendum day, including violations of public order, attempts to photograph ballots and voters inside and outside of polling stations, and breach of secrecy of the vote. The MoI likewise received several reports of voter intimidation on referendum day, in the form of video recordings or photographs of voters at polling stations in an apparent attempt to suppress or encourage turnout.⁸⁵

Prior to the referendum, the SEC issued guidance requesting that all polling stations be located at the ground level of municipal buildings. While more than half of the observed polling stations were not independently accessible, the layout inside of polling stations was generally adequate for persons with physical disabilities. To facilitate the exercise of voting by persons with impaired sight, a braille ballot frame was available in 94 per cent of the polling stations observed.

The IROM observed the counting procedures in 80 polling stations. While the assessment was overall positive, IROM observers noted that not all procedures were fully completed or carried out in the correct order. For example, the reconciliation of signatures on the voter list against the number of unused ballots was not completed before opening the ballot box in 31 cases. Unauthorized individuals, mainly citizen observers, participated in the counting in 10 cases. In 47 of the observed polling stations, some ballots were invalidated because they were not marked with a circle, even though the intention of the voter was clear. The EB did not post a copy of the results protocol at 15 observed polling stations.

The overall assessment of the tabulation process in all of the 68 MECs observed was positive, with procedures generally followed in a transparent manner. In 22 cases, the EB chairperson was accompanied by an observer who acknowledged themselves as a party representative when transferring the election materials to the MEC. The ODIHR IROM observed inconsistent procedures for correcting results protocols, with some MECs opening ballot boxes and recounting the ballots, and others correcting protocols based only on reconciliation.

B. ANNOUNCEMENT OF RESULTS AND POST-REFERENDUM DEVELOPMENTS

The SEC gave information on the turnout six times during referendum day and announced the preliminary results on 1 October. After the expiration of the complaint period, on 3 October the SEC reported to the parliament that "according to the final results from the vote at the 2018 Referendum, the Decision is not adopted because more than half of the total number of registered citizens in the voters list did not vote". The SEC determined that out of the registered 1,806,336 voters, 666,344 voters cast their ballot, constituting 36.89 per cent of the electorate.⁸⁶ Of these voters, 609,427 (91.5 per cent) voted 'For' and 37,687 (5.7 per cent) 'Against'. The SEC determined that there were 19,221 invalid ballots, which represented 2.9 per cent of ballots.⁸⁷

The final results include a significant discrepancy between 'For' and 'Against' votes. Some EB-level

⁸⁵ The ODIHR ROM was not informed of any prosecutions in these cases.

⁸⁶ These figures take into account the annulment of the vote in one polling station in Kumanovo.

⁸⁷ Invalid ballots were included in the calculation of turnout.

results indicate that the secrecy of the vote could have been jeopardized for a considerable number of voters, if the voters were observed going to polling stations on the referendum day. In the context of widespread boycott efforts, any voters may have felt that merely casting a ballot could be considered as a partisan act. Significantly, in 301 EBs, 100 per cent of valid ballots contained a ‘For’ vote.⁸⁸

Following the announcement of referendum results, the ‘For’ and the boycott campaigns, as well as the opposition VMRO-DPMNE, each construed these results as voters’ support for their respective positions. The prime minister called on the parliament to affirm voters’ support for EU and NATO integration, while the opposition argued the low turnout indicated voters’ rejection of the agreement with Greece and other policies of the government.⁸⁹

On 19 October, the parliament achieved the necessary two-thirds majority to begin the process of amending the Constitution as envisaged by the agreement, and on 3 December, a simple majority approved the draft language of the draft constitutional amendments. A final two-thirds majority vote adopted the constitutional amendments on 11 January 2019. The amendments would enter into force upon ratification of the agreement by the parliament of Greece.

XIII. RECOMMENDATIONS

These recommendations are offered with a view to further enhance the conduct of elections in the country and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that not yet have been addressed. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.⁹⁰

A. PRIORITY RECOMMENDATIONS

1. The legal framework for referenda should be reviewed and harmonised with the Electoral Code. In particular, the Referendum Law should be amended to include provisions on the campaign and campaign finance specific to referenda.
2. The establishment of a permanent national address register should be prioritized, with the harmonization of residency data clearly defined.
3. The legislation should be harmonized with the objectives of the CRPD, by removing all restrictions on voting rights on the basis of mental or intellectual disability.

⁸⁸ An additional 280 EBs reported that only one valid ballot was cast ‘Against’.

⁸⁹ The president, in his annual address on 28 December, used the low turnout to conflate abstention from voting with opposition to the referendum issue.

⁹⁰ According to paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR ROM as follows: from the final report on the 2017 local elections, recommendations 3, 9 and 13 are mostly implemented, and recommendations 1, 12, 16, 26, 31, and 32 are partially implemented. From the final report on the 2016 parliamentary elections, recommendations 11, 15 and 21 are fully implemented, recommendation 2 is mostly implemented, and recommendations 1, 22 and 29 are partially implemented. From the final report on the 2014 presidential election, recommendation 17 is fully implemented, recommendations 19, 20, 21, and 22 are mostly implemented, and recommendations 4, 9, 10, 11 and 25 are partially implemented.

4. The legal framework for financing the referendum campaign should be amended to clarify the use of public funding, as well as requirements for disclosure, auditing and sanctions. To enhance transparency, consideration could be given to requiring interim financial reports that are published prior to referendum day.
5. The primary legislation for conduct of referenda should be amended to provide general principles on the media coverage of the referendum campaign. In particular, it should guarantee equality of opportunity for the supporters and opponents of the proposal being voted on, with modalities for public and private media, in conformity with freedom of expression.
6. As required by the law, the SEC should review complaints, including pre-referendum day complaints, in public sessions and publish its decisions through the electronic system of complaints management.

B. OTHER RECOMMENDATIONS

Legal Framework

7. Consideration could be given to mandate an impartial body with the timely review of any proposed referendum question, to ensure clarity and legality.
8. The applicability of threshold criteria to consultative referenda should be clarified in the law.

Referendum Administration

9. The parliament should adopt provisions for a permanent State Election Commission, to ensure stability and consistency in the administration of electoral processes.
10. In order to increase public confidence in the work of the SEC and in accordance with the law, the SEC should ensure that all election-related information of public interest, including decisions and procurement procedures, are made public in a timely manner.
11. SEC regulations on voting day procedures, including on interpreting the intention of the voter, should be in conformity with legislation and be adopted prior to the finalisation of training tools. Training for EB members could focus more on counting, with further details on results protocols and reconciliation procedures.

Voter Registration

12. The division of tasks and responsibilities for maintenance of the voter register should be clarified and enforced, and the deadlines for updates reviewed, to ensure inclusiveness and accuracy.

Referendum Campaign

13. The legal framework for conducting referendum campaigns should be amended to include clear rules for campaigning, including the participation of public officials.
14. All instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and, where substantiated, prosecuted by authorities in a timely manner. Authorities should also provide public information on what constitutes corrupt activity during a referendum campaign.

Media

15. The legislation should clearly stipulate the primary institution to regulate the broadcast media coverage during the referendum campaign.

Citizen and International Observers

16. In line with OSCE commitments and to ensure transparency for all stakeholders, the legal framework should provide for partisan observation of all stages of the referendum process.
17. In order to enhance the accountability of election observers and encourage transparency, accreditation badges should identify the observer as well as the associated organization.

ANNEX I: FINAL RESULTS⁹¹

Registered Voters	Turnout		Valid 'For' Votes		Valid 'Against' Votes	
	Number	%	Number	%	Number	%
1,806,336	666,344	36.89%	609,427	91.46%	37,687	5.66%

⁹¹ Detailed results are available [on the website of the State Election Commission](#).

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL REFERENDUM OBSERVATION MISSION

Council of Europe Parliamentary Assembly

Stefan	Schennach	MP	Austria	Head of Delegation
Bogdan	Torcătoriu	PACE Secretariat	Romania	
Aleksander	Pociej	MP	Poland	
Mart	Van De Ven	MP	Netherlands	
Marco	Nicolini	MP	San Marino	
Anne	Godfrey	PACE Secretariat	United Kingdom	
Richard	Barrett	Venice Commission	Ireland	
Gaël	Martin-Micallef	Venice Commission	France	

ODIHR ROM Short-term Observers

Mira	Hoxha	Albania
Uarda	Celami	Albania
Michaela	Sivich	Austria
Manfred	Aschaber	Austria
Claudia Maria	Amry	Austria
Guido	Jacobs	Belgium
Wim	Dewaele	Belgium
Monika	Petrova	Bulgaria
Ivaylo	Yordanov	Bulgaria
Margarita	Nikolova-ivanova	Bulgaria
Marek	Fiebich	Czech Republic
Stepan	Cernousek	Czech Republic
Eliška	Flídrová	Czech Republic
Jana	Bedanova	Czech Republic
Marketa	Tauerova	Czech Republic
David	Hrdoušek	Czech Republic
Marta	Hušková	Czech Republic
Erik	Thau-knudsen	Denmark
Jytte	Vagner petersen	Denmark
Lars	Hollaender	Denmark
Torsten	Juul	Denmark
Karen	Skipper	Denmark
Birgit	Hjortlund	Denmark
Niels Erik	Nielsen	Denmark
Katre	Sai	Estonia
Timo	Koisti	Finland
Susanna	Vuorinen	Finland
Minna	Pesu	Finland
Nadia	Jurzac	France
Michel Auguste	Rivollier	France

Ilhami	Gulcen	France
Etienne	Malingrey	France
Alexandre	Benz	France
Guillaume	Javourez	France
Helene	Devaux	France
Elizabeth	Tudor-Bezies	France
Laura	Similowski	France
Segolene	Tavel	France
Matthias	Vazquez	France
Robert	Werner	Germany
Rüdiger	Danapel	Germany
Anica	Heinlein	Germany
Ursula	Schulze-Aboubacar	Germany
Susanne	Neymeyer	Germany
Nele Teresa	Quecke	Germany
Mendel	Goldstein	Germany
Jutta	Krause	Germany
Gregor	Huebner	Germany
Reinhold	Osterhus	Germany
Simon	Gmeiner	Germany
Inken	Wiese	Germany
Norbert Hermann	Reiner	Germany
Horst	Denecke	Germany
Frank	Scholz	Germany
Nicolas	Nachtigall-Marten	Germany
Judith	Brand	Germany
Christian	Seiler	Germany
Reinhard	Hesse	Germany
Helmut	Klawonn	Germany
Volker	Wiemann	Germany
Peter	Besselmann	Germany
Gerda	Dopheide	Germany
Joerg	Lehnert	Germany
Karl	Pammer	Germany
Szabolcs	Varga	Hungary
Gyozo Jozsef	Gabriel	Hungary
Tamas andras	Vaszari	Hungary
Csilla	Göncöl	Hungary
Judit	Hidelmayer-Csicsman	Hungary
Hjördís	Stefánsdóttir	Iceland
Thengill	Björnsson	Iceland
Ciaran	Kinsella	Ireland
Geraldine	O'Neill	Ireland
Terence	Fleming	Ireland
Robert	McDaid	Ireland
Boaretto	Michele	Italy

Zane	Zālīte	Latvia
Renata	Japertaite	Lithuania
Kamile	Nemeiksyte	Lithuania
Simone	Gerrits	Netherlands
Onno Willem Cornelis	Hattinga van 'T Sant	Netherlands
Janmaat	Freek	Netherlands
Agnes	Wagenaar	Netherlands
Maurits	Heek	Netherlands
Even	Aronsen	Norway
Maria	Warsinska-Varsi	Norway
Hans	Dieset	Norway
Lewocki	Grzegorz	Poland
Krzysztof Wilhelm	Lechowski	Poland
Ionuț Florian	Coconeia	Romania
Juraj	Smolek	Slovakia
Matej	Gregorec	Slovenia
Andreas	Persson	Sweden
Rebecca	Palmer	Sweden
Erik	Persson	Sweden
Robin	Söderberg	Sweden
Lars	Lagergren	Sweden
Andreas	Berglöf	Sweden
Ola	Segnestam larsson	Sweden
Stina	Larserud	Sweden
Mansson	Michael	Sweden
Harder	Ronja	Switzerland
Luca	Laloli	Switzerland
Valérie	Nadrai	Switzerland
Evelin	Hutson-Hartmann	Switzerland
Thomas	Holzer	Switzerland
Martin	Damary	Switzerland
Daniele	D'esposito	Switzerland, Italy
Natascia	Zullino	Switzerland, Italy
Cihat	Battaloglu	Turkey
Rostyslav	Palagusynets	Ukraine
Peter	Hurrell	United Kingdom
Stella	Hellier	United Kingdom
Simon	Adams	United Kingdom
Pascoe	Pascoe	United Kingdom
Roger	Bryant	United Kingdom
Andrew	Caldwell	United Kingdom
Katherine	Robinson	United Kingdom
Heregoo Ranga Murari	Kaushik	United Kingdom
Howard	Knight	United Kingdom
Emma	Stephens	United Kingdom
Julius	Nkafu	United Kingdom

Stephen	Paul	United Kingdom
Dally	Hakem	United Kingdom
Julian	Nundy	United Kingdom
Joseph	Worrall	United Kingdom
Mary	Brooksbank	United Kingdom
Catherine	Pidcock	United Kingdom
Patricia	De'ath	United Kingdom
Melanie	Leathers	United Kingdom
Leslie	Paul	United Kingdom
Jill	Dietrich	United States
Anslem	Gentle	United States
Rebecca	Ripley	United States
Shaun	Barcavage	United States
Giulio	Venezian	United States
Sima	Osdoby	United States
Tiffany	Glass	United States
Mary	Stegmaier	United States
William	Lietzau	United States
Aubrey	Menarndt	United States
Jill	Mccracken	United States
Degee	Wilhelm	United States
Anthony	Barilla	United States
Rebecca	Graham	United States
James	Berk	United States
Lee	Bauer	United States
Constance	Phlipot	United States
Jill	Venezian	United States
Garrett	Monti	United States
Syeda	Ali	United States
Dwight	Pelz	United States
Quentin	Lide	United States
Mark	Lasser	United States
Hoda	Zaki	United States
Jack	Dougherty	United States
Gerald	Mcdonough	United States
Edward	Gonzalez	United States
Naomi	Wachs	United States

ODIHR ROM Long-term Observers

Ivana	Kratka	Czech Republic
Peter	Ravn	Denmark
Heidi	Teir-Setkic	Finland
Laurent	Campigotto	France
Sabrina	Rouigui	France

Ingo	Buettner	Germany
Janina	Markewitsch	Germany
Jochen	Rinck	Germany
Elena	Gherciu	Moldova
Cornelis	Kooijmans	Netherlands
Turid	Polfus	Norway
Ruzica	Jovanovic	Serbia
Barbara	Egger Maldonado	Switzerland
Roman	Enzler	Switzerland
Alexandra	Von Arx	Switzerland
Mark	Waller	United Kingdom
Paul	Wesson	United Kingdom
Michael	Eldred	United States
Sheila	Jaghab	United States
Louis	Palmer III	United States

ODIHR ROM Core Team

Jan	Petersen	Norway	Head of Mission
Miso	Imamovic	Bosnia and Herzegovina	
Florence	Ganoux	France	
Angela	Ghilascu	Moldova	
Maria	Krause	Romania	
Daniela	Diaconu	Romania	
Svetlana	Chetaikina	Russian Federation	
Marek	Mracka	Slovakia	
Robert	Bystricky	Slovakia	
Ruslan	Ovezdurdyev	Turkmenistan	
Oleksandr	Stetsenko	Ukraine	
John	Mellon	United Kingdom	
Chris	Taylor	United Kingdom	
Donald	Bisson	United States	

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is 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 Summit Document). This is referred to as the OSCE human dimension.

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 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. 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.

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.

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).