

INTERIM REPORT No. 2
16 May – 23 May

27 May 2011

I. EXECUTIVE SUMMARY

- Preparations for the elections appear to be on track, despite some delays on the part of the State Election Commission (SEC).
- The SEC has functioned transparently, but has yet to achieve a consensual style when handling more contentious issues.
- Municipal Election Commissions (MECs) are generally prepared for the elections. However, all MECs have complained that funds have not been transferred from the SEC which has resulted in some MEC Chairpersons using their own funds to support the functioning of the MECs.
- Training of lower-level commissions is ongoing. Although the SEC has published handbooks offering guidance to MECs and EBs, the corresponding official regulations are still lacking.
- The campaign officially began on 16 May and has so far been generally low key, particularly outside Skopje. The strident rhetoric observed in the pre-campaign period has again been noted.
- Campaigning has largely taken the form of rallies around the country. Only a few parties are using billboards and posters while other contestants rely on small events and door-to-door campaigning. This is partially attributed to a lack of financial resources.
- Although the media has so far provided voters with extensive coverage of the campaign, preliminary OSCE/ODIHR EOM media monitoring results suggest that the majority of broadcasters are following highly partisan editorial policies.
- Thus far, one formal complaint has been filed with the SEC concerning early campaigning. The majority of electoral contestants have been voicing verbal complaints rather than submitting formal written complaints. The OSCE/ODIHR EOM continues to follow up on earlier allegations of administrative pressure upon civil servants to support governing parties in the elections.

II. THE ELECTION ADMINISTRATION

Despite delays in meeting some election-related deadlines, preparations for the elections appear to be on track.¹ The State Election Commission (SEC) continues to operate in a transparent

¹ The following delays in meeting the SEC calendar deadlines have occurred: compulsory training of Municipal Election Commissions (MECs) started on 4 May, not 22 April; formation of the out-of-country Election Boards (EBs) was decided by the SEC on 15 May, not by 3 May; replacements to MEC and EB memberships are still ongoing, although the deadline for changes was 6 May.

manner. Collegiality and consensus, however, depend on the issues debated and whether the media are present. Voting on politically sensitive issues has been along party lines.²

The SEC has adopted and published two handbooks for training, one for the MECs and the other for the EBs. The SEC informed the OSCE/ODIHR EOM that they intended to adopt all the procedural instructions from the 2009 presidential and municipal elections for the current elections. However, to date, they have not done so and the handbooks act as a substitute for regulations for the work of MECs and EBs. The compulsory training of the EBs is ongoing.

The SEC has yet to pass a decision on ballot design and the number of ballots to be printed and delivered to MECs.

MECs are reported by OSCE/ODIHR EOM observers to be generally prepared for the elections. However, all MECs have complained that funds have not been transferred from the SEC.³ This has resulted in some MEC Chairpersons using their own funds to support the functioning of the MECs.

The SEC planned to launch a voter education campaign by 24 May which will include video spots covering three main areas: voting procedures, election day irregularities, as well as a get-out-the-vote appeal.

III. THE CAMPAIGN ENVIRONMENT

The campaign officially began on 16 May, calmly but against a background of a significant level of mistrust between the principal parties of the two coalitions, led respectively by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE) and the Social Democratic Union of Macedonia (SDSM). Campaigning to date has largely taken the form of rallies around the country,⁴ but otherwise has been generally low key, particularly outside Skopje. Only VMRO-DPMNE is using billboards and campaign posters in large numbers. Other contestants have indicated that they will not use billboards and posters but rely on small events and door-to-door campaigning, partially attributing this to a lack of financial resources.⁵

Although parties have generally enjoyed freedom to hold rallies, there have been isolated instances of refusals of access to public spaces. In a number of municipalities, parties applied to mayors' offices for permission to organize public meetings although the Electoral Code only requires notification to the local Ministry of Internal Affairs (MoIA) office.⁶ On 19 May the Skopje Centar municipality mayor denied a rally which SDSM intended to hold in the city centre, explaining that a public park could be damaged. Moreover, the mayor informed the party in writing that the only rallies that would be authorized were those taking place in front of parties' offices.

² For example, on 16 May, the SEC voted along party lines in their decision not to investigate alleged voter intimidation claims made by *A1 Television*.

³ Of the 78 MECs contacted by OSCE/ODIHR long-term observers (LTOs), 77 had not received any funds from the SEC.

⁴ The OSCE/ODIHR EOM observed 23 rallies in Veles, Tetovo, Gostivar, Ohrid, Kumanovo and the municipalities of Skopje during the reporting period.

⁵ For example, SDSM announced that it was taking out a loan on its property in order to finance its campaign.

⁶ Electoral Code Article 81. This practice was reported from Skopje municipalities, Stip, Ohrid, and Tetovo.

Provisions in the Electoral Code requiring the municipalities to designate free spaces for placement of campaign material have been inconsistently implemented. While some municipalities have designated these spaces, others failed to do so.⁷ In some municipalities the free space was distributed based on an agreement among parties.⁸

Although most party leaders announced their intention to run a positive campaign, the strident rhetoric observed in the pre-campaign period has again been noted, principally between VMRO-DPMNE and SDSM. The OSCE/ODIHR EOM also observed Democratic Union of Albanians (DUA) speakers in Tetovo, and Democratic Party of Albanians (DPA) leader Mr. Menduh Thaci in Debreshte and Dolneni municipalities, using inflammatory language to attack the current government.

Several parties have raised the issue of the blurring of the line between government and party activities. The OSCE/ODIHR EOM continues to follow up on earlier allegations of administrative pressure on civil servants to support governing parties in the election.⁹

On 19 May, Prime Minister Nikola Gruevski issued an open letter reacting to the widespread allegations of pressure on state employees. In the letter he requested all public employees to guarantee the freedom of the elections and stated that all those who attempted to pressure their employees would suffer sanctions regardless of their political affiliation.

IV. THE MEDIA

Whilst the media have so far provided voters with extensive coverage of the campaign, the majority of broadcasters monitored by the OSCE/ODIHR EOM have appeared to follow highly partisan editorial policies. Overall, there has been a lack of critical analysis and assessment, and frequent blending of fact and comment.

In the period before the official start of the campaign and since, the public TV channels *MTV-1* and *MTV-2*, as well as the private channels *Sitel* and, to a lesser extent, *Kanal 5* have presented candidates holding government posts as government officials during campaign events, thus failing to distinguish between their roles as candidate and government official.¹⁰

The public broadcaster has complied with its legal obligations to allocate free airtime to political parties, and so far 13 parties have taken advantage of this opportunity. In addition, *MTV-1* has met the requirement of the Broadcasting Council guidelines to “cover the activities of all participants in the election process” by creating a special programme, “Election Chronicle”, which has provided detailed coverage of the campaign activities of the contestants.¹¹ However, the free airtime and “Election Chronicle” were both aired outside of prime time viewing, significantly limiting their potential audience.¹²

⁷ As observed in Gostivar and Tetovo municipalities.

⁸ As observed in Krivogashtani, Dolneni, and Drugovo municipalities.

⁹ Article 5.4 of the 1990 OSCE Copenhagen Document requires a clear separation between the State and political parties; There have been several instances where it is difficult to determine whether Ministers who are candidates are acting in their governmental capacity or as candidates.

¹⁰ See Electoral Code Article 75(5); Law on Broadcasting Activity (LBA) Article 80; and Rulebook for Equal Access to the Media Presentation during the Election Campaign (Media Rulebook) Article 15.

¹¹ Media Rulebook Article 15.

¹² Free airtime is usually provided at around 16.00, and “Election Chronicle” is typically broadcast after 24.00.

MTV-1 initially announced that it would broadcast 14 90-minute debates between electoral contestants. However, they announced that due to technical problems, they would postpone the start of the debates. During the reporting period, no debate was aired out of the four scheduled. A number of private TV channels have also organized debates between various political parties. VMRO-DPMNE has indicated that they will not participate in any of the debates.

Preliminary indications from the OSCE/ODIHR EOM media monitoring of the campaign suggest that the prime time newscasts of *MTV-1* have favoured the ruling VMRO-DPMNE-led coalition, with political and election-related coverage being mostly positive or neutral in tone. By comparison, the opposition SDSM-led coalition has received slightly less coverage, which has been mostly negative in tone. *MTV-1* has given nearly half of its prime time news coverage, mostly positive in tone, to the activities of government officials, including those running as candidates. This is inconsistent with *MTV-1*'s legal obligations as a public broadcaster.¹³

The private TV channels *Sitel* and *Kanal 5* have adopted a broadly similar approach to *MTV-1*. In contrast, *A1 Television*, which at the beginning of the campaign announced that it would support opposition parties in the elections, has given extensive coverage to criticism of government officials and the VMRO-DPMNE-led coalition in its news bulletins. *Telma* has utilized a more balanced approach, albeit critical overall of the VMRO-DPMNE led coalition.

The Albanian language programmes of *MTV-2* and the private TV channel *Alsat-M* have devoted more coverage to ethnic Albanian parties, but have also covered the activities of the main coalitions. *MTV-2* coverage has been generally positive in tone towards the government. *Alsat-M*'s coverage of the main electoral contestants has been predominantly neutral.

So far, few parties have made extensive use of paid political advertisements. VMRO-DPMNE has been the only political party to advertise on *Kanal 5* and *Sitel*. SDSM and the Internal Macedonian Revolutionary Organization – People's Party (VMRO-NP) advertisements have featured on *A1 Television*, while campaign advertisements of the Democratic Union for Integration (DUI) and New Democracy have aired on *Alsat-M*, and those of the VMRO-DPMNE-led and SDSM-led coalitions on TV *Telma*. While all the media have so far respected the 10-minute limit on political advertisements per hour per party, in a number of cases a single political advertisement has lasted for 20 minutes, using the permitted time from consecutive hours.

V. COMPLAINTS AND APPEALS

No official complaints have been filed with the courts even though a number of electoral contestants have voiced complaints to OSCE/ODIHR EOM LTOs concerning intimidation, pressure on civil servants, and obstruction of campaign activities. Several OSCE/ODIHR EOM interlocutors ascribed this to a lack of confidence in the adjudicating bodies.

On 16 May the SEC considered the information received by the Democratic Right Party on intimidation.¹⁴ The SEC decided that the case fell outside its competence and referred it to the State Prosecutor as the appropriate authority. The Ombudsman has also encouraged the State Prosecutor to expedite the investigation into this matter. The office of the State Prosecutor informed the OSCE/ODIHR EOM that the investigation is still ongoing. In another notable case, on 19 May the local prosecutor in Bitola dismissed the case against VMRO-DPMNE alleging

¹³ Electoral Code Article 75(5), LBA Article 80, and Media Rulebook Article 15.

¹⁴ *A1 Television* reported that VMRO-DPMNE had ordered heads of sectors in state institutions to submit lists of at least 15 persons who would give their support to the party in return for employment or other benefits.

intimidation of public servants. However, only two employees were questioned before the investigation was closed, raising concerns about the efficacy of the investigation.

On 19 May the OSCE/ODIHR EOM was informed by SDSM that they had filed an official complaint with the SEC alleging that VRMO-DPMNE had engaged in early campaigning.¹⁵ At the time of writing, the SEC has not yet decided on the complaint.

The MoIA reported 13 instances of damaging campaign offices.¹⁶ Investigations have been launched, but none of the perpetrators have yet been identified.

On 20 May, the office of the Ombudsman opened a free of charge hotline for voters to report instances of infringement of their voting rights. It will also launch a public awareness campaign encouraging citizens to report any instances of pressure or intimidation. Six lawyers in the Ombudsman's office will review the cases and forward them to the relevant state institution for appropriate action.

VI. DOMESTIC AND INTERNATIONAL OBSERVERS

The Electoral Code allows for both domestic and international observers to monitor the entire election process. Rights and responsibilities of all observers are provided in the Code for Observers, adopted by the SEC.¹⁷

The civil society organization MOST plans to deploy some 3,600 observers on election day to cover up to 70 per cent of polling stations, with some 1,200 observers conducting parallel vote tabulation in 10 per cent of polling stations.

The two coalitions have expressed their intention to deploy authorized representatives to observe at all polling stations on election day.

VII. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting the President, ministers, state officials, party and candidate representatives, the election administration, court officials, representatives of the media and civil society, and diplomatic missions. The Head of the OSCE/ODIHR EOM, Mr. Julian Peel Yates, also met with the OSCE Parliamentary Assembly Treasurer and Special Co-ordinator of short-term OSCE observers, Mr. Roberto Battelli, and with Mr. Jean-Charles Gardetto, the Head of the Delegation of the Parliamentary Assembly of the Council of Europe, on the occasion of their respective pre-election visits to Skopje.

A second briefing for the diplomatic community will be held on 30 May. LTOs continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers.

¹⁵ They allege a violation of Electoral Code Articles 69-a and 179-b(1), which imposes a fine of EUR 3,000 – 5,000, for commencing the campaign before the official start date of 16 May.

¹⁶ Windows of campaign offices of DUI, VMRO-DPMNE, SDSM, and United for Macedonia have been broken on a number of instances in Bitola, Kavardaci, Kicevo, Kumanovo, Prilep, Skopje, and Tetovo.

¹⁷ Adopted on 20 April 2011.