



Office for Democratic Institutions and Human Rights

# THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

EARLY PARLIAMENTARY ELECTIONS  
Scheduled for 5 June 2016

OSCE/ODIHR Election Observation Mission  
Final Report



Warsaw  
8 July 2016

## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS</b> .....	<b>3</b>
<b>III.</b>	<b>POLITICAL CONTEXT</b> .....	<b>4</b>
<b>IV.</b>	<b>LEGAL FRAMEWORK</b> .....	<b>6</b>
<b>V.</b>	<b>ELECTORAL SYSTEM</b> .....	<b>7</b>
<b>VI.</b>	<b>ELECTION ADMINISTRATION</b> .....	<b>8</b>
<b>VII.</b>	<b>VOTER REGISTRATION</b> .....	<b>10</b>
	A. UPDATE OF THE VOTER REGISTER .....	11
	B. PUBLIC INSPECTION OF THE VOTER LISTS .....	12
<b>VIII.</b>	<b>CANDIDATE REGISTRATION</b> .....	<b>13</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE</b> .....	<b>14</b>
<b>X.</b>	<b>MEDIA</b> .....	<b>15</b>
	A. MEDIA ENVIRONMENT .....	15
	B. LEGAL FRAMEWORK FOR THE MEDIA.....	16
	C. MEDIA MONITORING FINDINGS.....	18
<b>XI.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS</b> .....	<b>19</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS</b> .....	<b>19</b>
<b>XIII.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES</b> .....	<b>21</b>
<b>XIV.</b>	<b>RECOMMENDATIONS</b> .....	<b>22</b>
	A. PRIORITY RECOMMENDATIONS .....	22
	B. OTHER RECOMMENDATIONS .....	23
<b>ANNEX II:</b>	<b>LIST OF OBSERVERS IN THE IN ELECTION OBSERVATION MISSION ....</b>	<b>25</b>
	<b>ABOUT THE OSCE/ODIHR</b> .....	<b>26</b>

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA  
EARLY PARLIAMENTARY ELECTIONS  
SCHEDULED FOR 5 JUNE 2016**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an official invitation, on 31 March the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) to observe the early parliamentary elections scheduled for 5 June. The OSCE/ODIHR EOM terminated its observation activities on 1 June, after the cancelation of elections. The mission assessed whether the electoral process and activities conducted until that date were in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation.

Early parliamentary elections were scheduled as part of a Przino multi-party agreement designed to end political tensions stemming from the oppositions' boycott of parliament and the release of wiretapped recordings on alleged abuse of power by senior government and public officials. The political crisis deepened following opposition announced intention to boycott elections as key conditions of the agreement were not met. After negotiations, the parliament postponed the early elections initially scheduled for 24 April to 5 June. Regular demonstrations to cancel elections were organized, as well as counter-demonstrations in support of holding elections.

The political climate was also impacted by President Gjorge Ivanov's decision to issue a blanket pardon to all individuals who were charged, under investigation or suspected of involvement in the wiretapping scandal.

Of the four signatories of the Przino Agreement only the ruling party submitted candidate lists by the 11 May deadline. Two non-parliamentary parties, which nominated lists of candidates, were rejected on technical grounds. Many OSCE/ODIHR EOM interlocutors argued that having an election with one contestant questions political pluralism. Some representatives of the international community stated that any government resulting from elections in which three major parties are not participating would not be a credible partner.

On 18 May the Constitutional Court issued a restraining order against decisions of parliament that were a result of its dissolution, although it had previously decided that it did not have the competence to review two such cases. On 25 May it declared the dissolution of the parliament unconstitutional. Before the final court decision the parliament reconvened and voted for cancelling the 5 June elections. The government returned to its composition prior to the Przino Agreement.

Although some measures to prevent intimidation and pressure on citizens were taken by the authorities, a climate of intimidation was frequently alleged by many OSCE/ODIHR EOM interlocutors. Several of them attributed this to a fear of retribution existing in state companies and institutions. The OSCE/ODIHR EOM received credible allegations of pressure on public sector employees to attend counter-demonstrations, including threats of termination of employment. This raised questions about voters' right to cast their vote free of fear of retribution, as provided by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

---

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

Elections are primarily regulated by the Constitution and the Electoral Code. In November 2015 the parliament adopted a significant number of amendments to the Electoral Code. These amendments attempted to address most of the prior OSCE/ODIHR recommendations. However, a number of OSCE/ODIHR EOM interlocutors stressed the equal importance of full implementation of the Code. The late changes negatively affected electoral stakeholders' understanding of new provisions and impacted on their ability to fulfil their functions. While the amendments represent an effort to improve the Code, OSCE/ODIHR EOM interlocutors uniformly opined that the Electoral Code would benefit from a full review due to its internal inconsistencies and lack of coherence.

Between 120 and 123 members of parliament (MPs) are elected under a proportional representation system from closed lists. Of these, 20 MPs are elected in each of the 6 in-country electoral districts. As a result of the 2015 amendments to the Electoral Code, up to three MPs can be elected from a single out-of-country district. Due to insufficient number of voters registered abroad, the out-of-country voting was cancelled, effectively disfranchising a number of voters.

Elections are managed by a three-level election administration, headed by the State Election Commission (SEC). The 2015 amendments changed the SEC's composition and increased its competences to include maintenance of the voter register.

The SEC worked in a very tense political environment and under criticism from the opposition and many civil society organizations, who were against holding elections on 5 June. It met the administrative deadlines and held regular meetings. Despite a legal obligation to meet publicly, the SEC conducted two closed official sessions and regularly also held "working sessions" closed to public. Its decisions were not systematically published on its website, diminishing the transparency of its work. In addition, sessions of the SEC were boycotted by two opposition members.

While the SEC regional offices appeared to be staffed with experienced employees, local election officials seemed to lack any decision-making power. Many complained about the shortage of necessary resources and insufficient support and direction received from the headquarters. Moreover, the reappointment of members of Municipal Election Commissions was done during the electoral process, which impacted their work, including the formation of Electoral Boards.

The current system of voter registration based on personal identification number can ensure accuracy of voter lists and provide sufficient safeguards against fraud and double registration if implemented consistently and correctly. While the SEC made significant efforts to timely conduct the updating the voter register by cross-checking the databases and field verifications, the process proved complex, methodologically challenging as well as requiring major resources. The process was criticized by OSCE/ODIHR EOM interlocutors for being chaotic, methodologically unsound and at times inadequately addressing prior allegations of fraud.

The OSCE/ODIHR EOM was informed about a number of examples of alleged existence of fictitious voters and other irregularities. While many allegations proved to be false, or they pertained to registration errors which had already been corrected, instances of voters registered at non-existing addresses were noted, which can indicate either registration fraud or administrative error. Addressing these allegations, the MoIA announced that as of 31 March 2016 there were 2,464,925 citizens in the population register, including 1,956,518 of voting age. The progress report on updating voter lists issued by the SEC on 26 April did not reveal evidence of voter registration fraud.

The media environment is divided along ethnic lines and is characterized by a high number of media outlets operating in a limited advertising market. A number of OSCE/ODIHR EOM

interlocutors raised concerns regarding the deterioration of media freedom due to political pressure and owners interfering in the work of journalists. Some opined that the government selection of the broadcasters for advertising is a reward for favourable coverage and editorial policy.

The legal framework for the coverage of elections was substantially amended; however, the majority of OSCE/ODIHR EOM interlocutors highlighted the need for more substantial reform. As part of the Przino Agreement, consultations between the four political parties and civil society organizations were held to further reform the media landscape, but draft amendments were dismissed by the parliament in April.

The OSCE/ODIHR EOM media monitoring indicates that the newscasts of MRT-1 provided limited information about political events and avoided comprehensive reporting in their daily news coverage. In several cases, MRT-1 journalists mixed facts with their own political opinions when covering the news. The most popular private TV stations, *Sitel* and *Kanal 5*, together with *Alfa*, displayed a unified approach in the news coverage with exclusively positive and neutral towards the ruling party and negative towards the main opposition party. *Telma* and cable-only *Vesti 24* provided more balanced and in-depth coverage of the news.

The 2015 amendments to the Electoral Code adjusted the deadlines for hearing and deciding on electoral complaints and mandated that all hearings by administrative bodies be open to the public. Despite a constitutional requirement to hold public court sessions, the Administrative Court operated in a non-transparent manner, and reviewed the two election-related cases without holding a public hearing. In addition, lack of permanent guidelines on the complaints process undermines the effectiveness of the means of legal redress that is required by paragraph 5.10 of the 1990 OSCE Copenhagen Document.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation, and based on the recommendation of a Needs Assessment Mission conducted from 2 to 5 November 2015, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 31 March to observe the early parliamentary elections scheduled for 5 June 2016. The EOM, headed by Ambassador Jan Petersen, consisted of a 12-member core team based in Skopje and 24 long-term observers (LTOs) deployed throughout the country from 13 April. Mission members were drawn from 21 OSCE participating States.<sup>2</sup>

With the cancellation of the elections on 18 May, the OSCE/ODIHR EOM ended its observation activities on 1 June. The mission, however, assessed whether the electoral process and activities conducted until that date were in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows two Interim Reports.<sup>3</sup>

The OSCE/ODIHR EOM wishes to thank the authorities for the invitation to observe the elections, as well as the State Election Commission (SEC), the Ministry of Foreign Affairs and other state and local authorities for their support and co-operation during the course of the EOM. The mission

---

<sup>2</sup> Participating States were requested to second 300 short-term observers to observe election day procedures.

<sup>3</sup> See [EOM Interim Reports](#), as well as [previous OSCE/ODIHR reports](#) on the former Yugoslav Republic of Macedonia.

also wishes to express its appreciation to the OSCE Mission to Skopje,<sup>4</sup> other international organizations and embassies accredited in Skopje, as well as political parties, civil society organizations and media representatives for their co-operation and support.

### III. POLITICAL CONTEXT

Early parliamentary elections were scheduled as part of the Przino Agreement signed on 2 June 2015 and its Protocol from 15 July, which were designed to end political tensions stemming from the oppositions' boycott of parliament and the release of wiretapped recordings on alleged abuse of power by senior government and public officials.<sup>5</sup>

This agreement, concluded between the four major parties – the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), the Social Democratic Union of Macedonia (SDSM), the Democratic Union for Integration (DUI), and the Democratic Party of Albanians (DPA), was facilitated by the European Commission (EC).<sup>6</sup> The early elections were initially scheduled for 24 April 2016.

In January 2016, the SDSM announced that they would not participate in the elections, maintaining that key Przino Agreement conditions had not been met, specifically cleaning of the voter register, media reforms, and separation of state and party activities.<sup>7</sup> On 23 February, the parliament approved a DUI motion to postpone the dissolution of the parliament and on 15 April the parliament speaker re-scheduled elections for 5 June.

The political climate deteriorated after 12 April, when President Gjorge Ivanov issued a blanket pardon to all individuals who were charged, under investigation or suspected of involvement in the wiretapping scandal.<sup>8</sup> All of the major political parties condemned the pardon and called on the president to rescind his decision. The pardon triggered protests and counter protests.<sup>9</sup> United under the *Protestiram* umbrella, the demonstrators called for the resignation of the president and cancelation of elections. While the *Protestiram* representatives stated their political independence, VMRO-DPMNE claimed that the protests were orchestrated by SDSM. Counter-demonstrations

---

<sup>4</sup> The [OSCE/ODIHR EOM](#) and the [OSCE Mission in Skopje](#) operate separately under specific mandates.

<sup>5</sup> The last (early) parliamentary elections were held on 27 April 2014 and resulted in a government formed by a coalition of VMRO-DPMNE with 61 seats and DUI with 19 seats. The opposition included the SDSM with 34 seats and the DPA with 7 seats. The National Democratic Revival (NDR) and Citizens Option for Macedonia (GROM) had one seat each.

<sup>6</sup> See the [Przino Agreement](#) and [Protocol](#), which provided for the implementation of a comprehensive set of measures to resolve the political crisis, including electoral and media reforms. The timelines agreed were 31 July 2015 for appointment of a restructured State Election Commission (appointed on 15 December), 1 September for return of SDSM in the parliament, 15 September for appointment of the Special Prosecutor to examine the wiretapped recordings, 20 October for appointment of SDSM ministers and deputy Ministers (appointed on 11 November), and 15 January 2016 (100 days prior to elections) for stepping down of the prime minister.

<sup>7</sup> On 21 February, ambassadors of the European Union and United States issued [a joint letter](#) stating that “the necessary conditions for organizing credible elections on 24 April are currently not in place”.

<sup>8</sup> A total of 56 persons were pardoned, including the leaders of VMRO-DPMNE and SDSM, former government officials, politicians, Special Prosecutor's Office staff, one SEC member, one former Municipal Election Commission member and several businesspersons.

<sup>9</sup> During the 13-14 April demonstrations, six people were injured and a number of buildings were damaged, including the President's Information Office. In subsequent demonstrations, state buildings and monuments were splattered with paint. A total of 13 people were arrested and fined with a total of EUR 15,000 with “participation in a crowd with intent to damage property”, and 3 were charged conditionally for up to one year in prison. Two members of *Levica* party were initially placed under house arrest for 8 days, which was extended twice by 30 days. Also, three Helsinki Committee representatives were fined EUR 50 each for damaging monuments of cultural heritage.

organized by Civil Movement for Defense (GDOM) supported the government position by maintaining that elections be held on 5 June.

Although some measures to prevent pressure on citizens were taken by the authorities, such as political statements and establishing hot-lines, a climate of intimidation was frequently alleged by many OSCE/ODIHR EOM interlocutors, and several of them attributed this to a fear of retribution existing in state companies and institutions. While no official complaints were filed, the OSCE/ODIHR EOM received credible allegations of pressure on public sector employees to attend the counter-demonstrations, including threats of termination of employment.<sup>10</sup> This raises questions about voters' right to cast their ballot free of fear of retribution as provided by the 1990 OSCE Copenhagen Document.<sup>11</sup>

*Citizens, including public or state employees, should not be subject to pressure or intimidation. Authorities should actively encourage citizens to report any cases of pressure, supported by verifiable evidence. Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by authorities.*

The pre-campaign period was characterised by an exchange of harsh rhetoric between the main political parties, particularly between VMRO-DPMNE and SDSM. VMRO-DPMNE maintained that holding early elections was the only way out of the political crisis while for the SDSM implementation of the Przino Agreement was the priority before any elections could take place. On 9 April, SDSM and 17 smaller parties signed the Platform for a Democratic Macedonia, calling for the implementation of the Przino Agreement and announced a boycott of elections. The DUI and DPA eventually stated that they stood for inclusive elections with all parties running.

Most parties were waiting for an increased involvement of the international community in resolving the crisis. After negotiations, no political agreement was reached, and of the four parties signatories of the Przino Agreement only VMRO-DPMNE submitted candidate lists on 11 May, and eventually was the only registered electoral contestant. Many OSCE/ODIHR EOM interlocutors argued that having an election with one contestant questions political pluralism.

On 17 May, a European Commission representative stated that they “do not see that the minimum conditions to enable credible elections on 5 June 2016, which could be recognized by the International Community, are met” and that “any government resulting from elections in which three major parties are not participating would not be a credible partner for the International Community”.<sup>12</sup>

---

<sup>10</sup> In four verified instances public employees or teachers were ordered by text message to attend counter-demonstrations in Skopje. Two public sector employees in Struga informed the OSCE/ODIHR EOM that they were instructed by a VMRO-DPMNE representative to go to the counter-protests in Skopje on 13 April. A Bitola Deputy Ombudsman stated to the OSCE/ODIHR EOM that 20 individuals had come to the office asking how to respond to threats of transfer, downgrading and termination of employment, coming from managers at state companies and institutions, if they not support VMRO-DPMNE.

<sup>11</sup> Paragraph 7.7 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. See also [the OSCE/ODIHR and Council of Europe's \(CoE\) Commission for Democracy through Law \(Venice Commission\) Joint Guidelines For Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

<sup>12</sup> See [media report](#) on the statement.

On 18 May, the Constitutional Court heard a DUI petition, submitted on 15 May, seeking to declare the dissolution of parliament unconstitutional. The petition argued that elections could only be held within 60 days from the day of the dissolution of the parliament.

In a unanimous decision, the court issued a restraining order against the decision on the dissolution of the parliament, including the speaker of the parliament's announcement of elections for 5 June. The campaign period and all election-related activities were suspended until the court decided on the underlying petition or lifted the restraining order.

Before the final court decision, the parliament convened on 18 May and voted unanimously to remove from the Electoral Code the date of 5 June as the designated election day.<sup>13</sup> No new date was set for the elections. On 25 May, the Constitutional Court granted the DUI petition and declared the dissolution of parliament unconstitutional, thereby nullifying the decree of the speaker calling elections for 5 June. Previously the court rejected the similar case twice for lack of their competency on the matter. Several OSCE/ODIHR EOM interlocutors claimed that the Constitutional Court decision was influenced by the political developments.

At the session on 18 May, the parliament approved the resignations of the SDSM ministers that had been submitted on 6 April, and replaced them with representatives of the ruling VMRO-DPMNE coalition. The SDSM and DPA stated that the Przino Agreement was violated, as the establishment of the interim government was one of its provisions.

The parliament also amended the Law on Pardon to allow for the president to revoke previously given pardons, which the president did on 6 June.<sup>14</sup> A number of opposition representatives initiated a procedure to impeach President Ivanov on grounds of violating the constitution when granting the pardons. On 21 June the parliament failed to achieve the two thirds majority needed to pass the initiative.

#### IV. LEGAL FRAMEWORK

Elections are regulated by the Constitution and the Electoral Code, supplemented by regulations promulgated by the SEC.<sup>15</sup> The Electoral Code was adopted in 2006 but has since then been substantively amended.

Following the Przino Agreement, a working group was created with the participation of VMRO-DPMNE, SDSM, DUI and DPA. The group reached consensus on electoral reform and on 9 November the parliament adopted a significant number of amendments.<sup>16</sup> The amendments attempted to address most of the prior OSCE/ODIHR recommendations, particularly those related to the principle of equal suffrage for out-of-country voting, the composition and competences of the SEC, level playing field in terms of media coverage during the election period, strengthening party and campaign finance reporting and auditing, improving safeguards for the separation of party and state, introducing deadlines for courts to decide on electoral disputes and clarifying the definition of campaigning and campaign period. Voter photographs on voter lists and the marking of voters' thumbs with ink were introduced as possible safeguards against multiple voting.

---

<sup>13</sup> All members of parliament present (96) voted for this decision. DPA did not participate in the voting.

<sup>14</sup> On 27 May, the president partially revoked the decision affecting only 22 individuals: the leaders of VMRO-DPMNE and SDSM, other political figures and one SEC member.

<sup>15</sup> The legal framework also includes the Law on Political Parties, Law on Financing Political Parties, Criminal Code, Law on Media and the Law on Audio and Audiovisual Media Services.

<sup>16</sup> The motion was passed with 104 votes out of 123 (108 MPs were present).



While the amendments represent an effort to improve the Electoral Code, a number of OSCE/ODIHR EOM interlocutors opined that the late changes negatively affected electoral stakeholders' understanding of provisions and their ability to fulfil their functions.<sup>17</sup> For example, very few stakeholders were aware of or understood the new provisions on political advertising using posters, billboards and advertising panels.

In addition, the provisions on early campaigning were not effective as the definition of electoral contestants who cannot campaign is limited to those who are confirmed as candidates by the SEC, which does not occur until just before the campaign begins. Provisions on the registration procedures for out-of-country voters also need to be clarified in order to ensure enfranchisement of all eligible voters. OSCE/ODIHR EOM interlocutors uniformly opined that the Electoral Code would benefit from a complete review. They also stressed that full and effective implementation of the Code is of equal importance.

*The Electoral Code would benefit from a complete review in order to harmonize it internally and with other relevant laws. The review should be conducted after consultations between all political stakeholders and relevant civil society organizations. It should be completed well in advance of the next elections. Training for electoral staff and public awareness programmes should be undertaken to enhance the effective implementation of the Code.*

## V. ELECTORAL SYSTEM

Between 120 and 123 members of parliament (MPs) are elected under a proportional representation system from closed lists. Of these, 20 MPs are elected in each of the 6 in-country electoral districts. As a result of the 2015 amendments to the Electoral Code, up to three MPs can be elected from a single out-of-country district.<sup>18</sup>

The new system of out-of-country voting was an attempt to balance the votes of in-country and out-of-country voters.<sup>19</sup> On 13 May, the SEC cancelled the out-of-country voting as it considered that insufficient number of citizens had registered to vote.<sup>20</sup> The decision effectively disfranchised all registered out-of-country voters, as the SEC made no alternative provision for them to exercise their right to vote.

*If the current out-of-country voting system is maintained, alternative provisions should be made for voters to exercise their right to vote if voting abroad is cancelled.*

On 13 May, the SEC sent a letter to the Minister of Justice and the speaker of parliament notifying them that three of the six in-country districts had a greater deviation in the number of voters than

---

<sup>17</sup> Section II.2.b of the 2002 Council of Europe's (CoE) Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters](#) recommends that "the fundamental elements of electoral law...should not be open to amendment less than one year before an election". However, the follow-up to recommendations is considered an exception to the principle of the stability of electoral law. See Section II.2 of the interpretative declaration on the stability of the electoral law.

<sup>18</sup> Under the previous system, one MP was elected from each of three out-of-country voting districts.

<sup>19</sup> In order to be elected, the first candidate must receive the same number of votes as the MP elected with the least number of votes from an in-country district; for the second candidate to be elected twice as many votes should be cast, and the election of the third requires thrice as many votes. If the respective threshold is not obtained, no candidate will be elected.

<sup>20</sup> There were 4,871 applications received for voting abroad, while the minimum number of votes to win a mandate was 6,478.

the 5 per cent allowed by the Electoral Code.<sup>21</sup> In December 2015, the SEC had previously notified these institutions about this inconsistency but no action was taken to change the districts before parliament was dissolved in April.

The Electoral Code does not include a procedure for setting district boundaries or criteria by which they should be drawn, which is contrary to international good practice. The Code assigns a specific number of polling stations to each district.<sup>22</sup> Moreover, the law obliges the SEC to divide polling stations with more than 1,000 registered voters prior to an election, therefore the list of polling stations included in the Electoral Code would not always be accurate.

*To ensure equality of the vote, legislation could foresee periodic review of district boundaries by an independent body. When district boundaries are redefined, it should be done in a timely, transparent, impartial and inclusive manner.*

## VI. ELECTION ADMINISTRATION

The three-level election administration comprised the SEC, 80 Municipal Election Commissions (MECs) and some 3,480 Electoral Boards (EBs). The SEC was supported by its 34 regional and local offices.

The SEC is responsible for the overall conduct of the elections. MECs are responsible for overseeing the electoral process in each municipality, appointment and training of EBs, tabulation and announcement of municipal results, as well as other technical preparations under the guidance of the SEC. EBs are responsible for the conduct of election day procedures at polling stations.

Following the Przino Agreement, the composition of the SEC was enlarged from seven to nine members. In addition to six parliamentary party representatives nominated by the governing parties (VMRO-DPMNE – 2 and DUI – 1) and the opposition (SDSM – 2 and DPA – 1), the commission also included three independent experts not affiliated with any political party.<sup>23</sup> The new SEC was appointed for a five-year term by the parliament on 16 December 2015, five months later than called for in the Przino Agreement. The SEC president and his deputy were elected from among the non-partisan members. In line with previous OSCE/ODIHR recommendations, the SEC resources were strengthened by recruiting additional personnel in the legal department and IT section as well as in some regional offices. However, these are all temporary positions until 31 December 2016.

*To ensure sustainability of the SEC administrative capacity, all necessary support positions should be permanent, based on open and competitive recruitment.*

---

<sup>21</sup> The deviations were -5.9 per cent in district 3, -5.1 per cent in district 4 and +6.5 per cent in district 6. Section 1.2.2.iv of the 2002 Code of Good Practice in Electoral Matters of the Venice Commission recommends that “the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances”.

<sup>22</sup> The current districts were set by the 2014 amendments to the Electoral Code. Paragraph 17 of the Code of Good Practice in Electoral Matters of the Venice Commission states that seats should be redistributed on a set schedule and preferably outside election periods as this limits the risks of any political manipulation. This should be done by a commission comprising a majority of independent members, a balanced representation of the parties and, where appropriate, representatives of national minorities, and voted by parliament. Paragraph II.2.b provides that “The fundamental elements of electoral law, in particular ... the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”

<sup>23</sup> The independent members were appointed by the parliament in an open application process for a five-year term; they could not be political party members in the two years prior to their appointment.

The main focus of the SEC was on reviewing the voter register. After the calling of elections, the SEC began administrative preparations by adopting an electoral calendar with legal deadlines, many of which were shortened because of early elections, as well as an operational budget.<sup>24</sup> The SEC met the legal administrative deadlines and held regular public sessions. However, the transparency of its work was diminished when it met in closed working sessions, not accessible to observers and media. However, no decisions were adopted in such meetings. Moreover, the SEC held two formal closed sessions, where decisions on changes in the appointments of MECs and some technical issues were adopted. In addition, nearly all SEC decisions adopted since March 2016 were not published on their website, contrary to the SEC Rules of Procedures. Such lack of transparency is at odds with international standards and good practice.<sup>25</sup>

*As required by law and in order to increase transparency and public confidence in its work, all SEC sessions should be open to public; all SEC decisions should be published on their website without delay.*

The SEC worked in a tense political environment and under criticism from the opposition and some civil society organizations who were against holding elections on 5 June. On 15 April, when election day was called, the commission voted with six votes in favour that they are “lawfully, conscientiously and transparently ready to conduct all electoral activities”. The SEC president and the two SDSM representatives left the meeting without voting and the SDSM representatives did not return to sessions until 13 May.

While the SEC regional offices appeared to be staffed with experienced employees, local election officials seemed to lack any decision-making power and many of them complained about the shortage of necessary resources and insufficient support and direction received from the headquarters. The widespread expectation of cancellation or postponement of 5 June elections impacted on the level of engagement of election officials.

Each MEC is composed of a president, four members and their deputies randomly selected from among employees of the public administration with university education for a five-year term. EBs comprise a president, four members and their deputies appointed for a four-year term. The president and two members (and their deputies) are randomly selected from among employees of public administration and the remaining two members are nominated by political parties, one from the ruling political parties and one from the opposition.

As the five-year mandate of the MECs expired on 28 April, the SEC appointed new MEC members through a random selection computer programme. As a result of such selection, the civil servants were appointed to MECs without prior consultations and at times against their will. More than 50 of the 800 MEC members requested the SEC to cancel their selection quoting health reasons, political party affiliation or lack of necessary education.

---

<sup>24</sup> The budget was Macedonian Denar (MKD) 450 million (EUR 7.3 million); 1 EUR = 61.3 MKD.

<sup>25</sup> Paragraph 19 of the 2011 UNHRC General Comment No. 34 to Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) states “To 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.” Paragraph 68 of the Guidelines and Explanatory Report of the Code of Good Practice in Electoral Matters of the Venice Commission states that “only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results”.

The MEC appointment was not harmonized with the calendar of deadlines for the 2016 elections, as it happened during the electoral period. There was no time left for the new members to receive any training before commencing their duties, contrary to international good practice.<sup>26</sup> In addition, due to the poor communication between the SEC and MECs, many of the new members were not aware of their appointments to MECs for several days.<sup>27</sup> The establishment of many MECs was further delayed by allocating inadequate resources, including office space and computers. As a result of such delays, none of the EBs were appointed either by the legal deadline of 6 May or by the cancellation of election activities on 18 May. The VMRO-DPMNE was the only party that submitted its list of representatives to the EBs.

*Consideration should be given to establishing and ensuring a more efficient communication and support from SEC to local election management bodies. Comprehensive and standardized training for SEC local officials and MEC members should be undertaken before new elections are called. The local offices should be provided with the necessary resources for conducting their work in a timely and effective manner.*

The Electoral Code provides for equitable representation of ethnic groups and each gender in election administration bodies.<sup>28</sup> Of the nine SEC members, two are women and three are ethnic-Albanians. Positively, some 47 per cent of MEC members are women. In 22 MECs the required number of ethnic-Albanian members was ensured. In three MECs ethnic-Turks were represented while ethnic-Serbs and Roma were represented in one MEC each.

## VII. VOTER REGISTRATION

Voter registration is passive, with the exception of voters temporarily residing abroad who must actively register. Voting rights are granted to all citizens over the age of 18 years with a registered residence in the country who have a valid national identification documents or a biometric passport.

The accuracy of the voter register, and subsequently of the voter lists, was one of the most contentious issues in the political crisis. The OSCE/ODIHR has previously recommended clear, coordinated, and transparent procedures for all institutions involved in updating the voter lists. The 2015 amendments to the Electoral Code granted the SEC the sole responsibility for maintaining the voter register based on data extracted mainly from the Ministry of Internal Affairs (MoIA), while the MoIA maintained control over the databases of unique personal identification numbers, residence registration and the records on personal identification documents issued to citizens.<sup>29</sup>

---

<sup>26</sup> Paragraph II.3.1.g of the Code of Good Practice in Electoral Matters of the Venice Commission states that “members of electoral commissions must receive standard training”.

<sup>27</sup> Many SEC regional staff and newly selected MEC members contacted by OSCE/ODIHR EOM learned about the appointments from the SEC website or from the OSCE/ODIHR EOM.

<sup>28</sup> The Electoral Code provides for specific rights for minorities. In municipalities where ethnic communities constitute at least 20 per cent of the population, they should be represented in MECs and EBs, and all templates and election materials, including the ballot, should also be available in their language. In districts where at least 20 per cent of the citizens speak one of six officially recognized minority languages, candidate lists may also be submitted in this language.

<sup>29</sup> The 13-digit personal identification number includes date of birth, codes for a region of birth and gender, and three unique numbers.

## A. UPDATE OF THE VOTER REGISTER

In February 2016, as per its adopted methodology, the SEC started updating the voter register by cross-checking the databases of 11 state institutions, as well as by conducting field verifications.<sup>30</sup> All OSCE/ODIHR EOM interlocutors stated that this process proved operationally complex and methodologically challenging, as well as requiring major financial and human resources.

At the start of the process, the SEC searched for inconsistencies in the databases and analysed records that could indicate possible irregularities, such as deceased persons on the lists, large number of voters registered at the same address or voters with similar names and dates of birth. Out of approximately 1.8 million voters, over 300,000 voters were identified as needing clarification of their status. Some 220,000 records of voters were forwarded for verification to several state institutions.

As a result of data crosschecking, the SEC published a list of 89,000 citizens whose registration records were to be confirmed during field visits at voters' residence. Between 28 March and 5 April, over 550 SEC representatives visited the households of some 87,000 voters and filled out questionnaires.<sup>31</sup> The field checks confirmed 47,560 records (the voters concerned were met in person) and 39,792 records were forwarded for additional administrative checks to the MoIA and the Ministry of Justice. Subsequently, nearly all of those records were established to be accurate.

While the SEC made significant efforts to conduct the field verification, which was also aimed to increase public confidence, alleged irregularities, such as fictitious voters and other fraudulent practices, were still being used as one of the main arguments for the postponement of the elections. The supporters of this idea criticized the process for being chaotic, methodologically unsound and at times inadequately addressing prior allegations of fraud.

Between March and May 2016, the SEC submitted to the MoIA 45 written requests for data verification. Many of the MoIA responses were signed only by the deputy minister, as the minister, representing SDSM, refused to do so arguing that more time was needed to conduct accurate checks. The SDSM representatives in the SEC questioned the legality of such documents, but the SEC decided to accept them.<sup>32</sup>

The interior minister also requested the SEC to remove some 130,000 voters who possess a passport but not a valid identification document to prove the residence. The SEC rejected this request on the ground that law provides for registration of voters with either a valid identification card or a passport.

One of the most important SEC requests to the MoIA pertained to 73,000 voters identified by SEC as requiring confirmation of their residence status. While MoIA formally confirmed the legality of these records, many OSCE/ODIHR EOM interlocutors questioned whether this verification was done scrupulously.

---

<sup>30</sup> The databases belong to: MoIA, Central Register, Directorate for Citizens Register, Health Insurance Fund, Agency for Employment, Fund for Pension and Disability Insurance, Cadastre of Real Estate, Ministry for Agriculture, Ministry of Labour and Social Policy, National Bank, and Public Revenue Office.

<sup>31</sup> The remaining 2,000 voters did not have any address in the databases and as such were not eligible voters.

<sup>32</sup> Articles 46 and 47 of the Law on Government introduced as a result of Przino Agreement requires that all documents of MoIA related to the elections should be signed by the minister and his deputy.

One of the main examples of concerns about registration irregularities was the so called “Pustec voters” – the citizens living in the Republic of Albania whose voter eligibility was in question because of unclear residency status.<sup>33</sup> These persons were allegedly added to the voter lists in Skopje Centar municipality to influence the outcome of local elections.<sup>34</sup> According to the MoIA, in January 2016 a total of 349 identification cards of these persons were cancelled for not having the right to register residence at specific addresses.

Allegations of fictitious records in the voter register persisted, as many OSCE/ODIHR EOM stakeholders claimed that the total number of voters was suspiciously high based on the number of citizens as per the 2002 census. Inaccuracy in the voter lists was also used by many OSCE/ODIHR interlocutors as an argument for postponing elections. Addressing these allegations, and upon a SEC request, the MoIA announced that as of 31 March there were 2,464,925 citizens in the population register, including 1,956,518 over 18 years and some 150,000 without residence or valid identification document. In addition, the last progress report on updating voter lists issued by the SEC on 26 April did not reveal evidence of voter registration fraud. Almost all of the 300,000 records initially identified by SEC as questionable were validated. Minor changes were made, mainly by removing over 1,100 deceased persons identified during electronic data crosschecks.

## **B. PUBLIC INSPECTION OF THE VOTER LISTS**

The public inspection of preliminary voter lists for the 5 June elections was conducted between 25 April and 9 May at SEC’s 34 regional and local offices. Voters could check their own data electronically but not the data of other citizens as required by the Electoral Code. The system of public verification was more cumbersome for those without access to internet and those who live in rural areas.

The inspection process was not implemented uniformly across the country – while in some offices voters could check their data by their personal identification number, in others this was possible also by name, address and polling station number. Only 4,716 voters verified the accuracy of their data. As of 17 May, there were 1,804,348 registered voters on the voter lists.

The SEC had to remove on 30 March the voter lists from the website due to a decision of the Directorate for Personal Data Protection prohibiting the publication of personal data of voters including name, gender, address, date of birth and polling station number.<sup>35</sup> The lack of possibility for voters to check the voter lists during this time impacted the transparency and the public confidence in the quality of voter lists.<sup>36</sup>

*To increase public confidence and provide easier access of voters to verify voter lists, consideration could be given to displaying printed excerpts of voter lists at locations convenient to voters, possibly at polling stations.*

---

<sup>33</sup> Pustec is the municipality in the Republic of Albania where most of these citizens reside.

<sup>34</sup> The SEC identified 32 persons with residence at the addresses of government, religious or business facilities.

<sup>35</sup> The Directorate stated that publication of the voter lists with this information was a violation of Article 5(1) and (4) of the Law on Protection of Personal Data. However, Article 31 (28-d) of the Electoral Code obliges the SEC to publish voter lists on its website with voters’ name, surname and address. The list of 89,000 voters also included information on gender and date of birth. The national list allowed for a voter to check all registered residents at any address. Around 6,000 voters submitted online applications regarding inconsistencies in voter registration data.

<sup>36</sup> Paragraph 1.2.iii of the Code of Good Practice in Electoral Matters of the Venice Commission states that “electoral registers must be published”.

The OSCE/ODIHR EOM was informed about a number of examples of alleged existence of fictitious voters (so called “phantom voters”) and other irregularities.<sup>37</sup> The EOM followed up on a randomly selected sample of such irregularities; while many of the checked allegations proved to be false or pertained to registration errors which had already been corrected, the OSCE/ODIHR EOM confirmed instances of voters registered at non-existing addresses, which can indicate either registration malpractice or administrative errors.<sup>38</sup>

On 14 May, the SEC shared the voter lists with the four largest political parties who had five days to request any changes. The OSCE/ODIHR EOM is not informed of any requests made by political parties by the 22 May deadline.

On 26 May, the SEC published the entire voter list on its website, ensuring broad public access to registration data as the lists could be checked by personal identification number, names and addresses. Voters could apply for any changes in person at the local offices of SEC. The OSCE/ODIHR EOM is not informed of any challenges made by voters or other stakeholders.

The OSCE/ODIHR EOM noted the ongoing discussion on replacing the existing passive voter registration system with an active registration system as a means to prevent the alleged irregularities. Some OSCE/ODIHR interlocutors, however, argued that active registration is costly, time consuming and likely to disenfranchise voters unable to visit registration centers for personal reasons, such as disability or living abroad.

The current system of voter registration based on personal identification number can ensure accuracy of voter lists and provide sufficient safeguards against fraud and double registration if implemented consistently and correctly. While the MoIA is responsible for the accuracy of records, it is also critical that citizens inform the relevant authorities of any changes in their personal data and residency in a timely matter, as required by the law.<sup>39</sup>

*The SEC and MoIA should continue the process of updating of voter register through a co-ordinated effort according to clear responsibilities and procedures. Adequate resources and time should be allocated to accomplish this task before the next elections. This process should be transparent and ensure access to political parties and civil society. It should be accompanied by a public information campaign in order to increase the citizens’ confidence in the accuracy of voter registration.*

## VIII. CANDIDATE REGISTRATION

Any eligible voter can be a candidate for parliament, except those who have been sentenced by a final court decision to more than six months imprisonment and have not completed their sentence. The law also identifies a range of government and government-related positions that are

---

<sup>37</sup> The vast majority of examples of “phantom voters” shared with OSCE/ODIHR EOM pertained to people living abroad whose registration could allegedly be used for voting fraud.

<sup>38</sup> For example, some 20 voters in each were registered at non-existing addresses in Skopje, Kisela Voda municipality and in Veles.

<sup>39</sup> Article 3 of The Law on Registering Permanent and Temporary Residence of Citizens requires that “when changing the permanent residence the citizen shall be obliged to deregister the previous permanent residence and register the new permanent residence within eight days as of the day of moving out”.

incompatible with candidacy.<sup>40</sup> In addition, MPs cannot work in state administration bodies or engage in business or other profitable activity.

Candidates can be nominated by political parties, coalitions of political parties, or by groups of voters. Lists submitted by groups of voters are required to provide at least 1,000 supporting signatures of voters residing in the respective district. In line with a previous OSCE/ODIHR recommendation, a voter could sign in support of more than one prospective contestant. However, contrary to a prior OSCE/ODIHR recommendation, signatures must still be collected in front of a regional SEC representative. According to several OSCE/ODIHR EOM interlocutors, the requirement to visit a SEC office may have a dissuasive or intimidating effect on some voters, especially in smaller communities.

*As previously recommended, consideration could be given to providing alternative methods for signature collection in order to reduce the potential for intimidation.*

By the 11 May deadline, the SEC received three candidate lists. Of the four major parliamentary parties, only the VMRO-DPMNE coalition submitted lists. The lists respected the new Electoral Code provision requiring that at least 40 percent of candidates must belong to the less represented gender.<sup>41</sup>

Two non-parliamentary parties, the National Movement for Macedonia (NMM) and the Social Democratic Party of Macedonia (SDP), also nominated candidates. No independent lists were submitted. The SEC accepted the VMRO-DPMNE lists on 12 May and returned the other two parties lists for correction of deficiencies.<sup>42</sup> On 15 May, the SDP withdrew its lists and the SEC rejected the NMM lists for failure to correct the identified deficiencies.

*To avoid any confusion and the rejection of candidate list for technical reasons, all specific documents required for each list could be enumerated in the Electoral Code.*

The candidate registration process concluded with only one registered contestant, a situation which the Electoral Code does not specifically regulate.

*A review of the Electoral Code could consider including provisions to regulate the situation where only one electoral contestant is running for parliamentary elections.*

## IX. CAMPAIGN FINANCE

The Electoral Code regulates the financing of election campaigns. All campaign-related donations and expenditures must go through a dedicated bank account. Eligible private persons are allowed to donate up to the equivalent of EUR 3,000 in MKD, while legal entities may donate up to an equivalent of EUR 30,000.<sup>43</sup> Foreign or anonymous donations, as well as those from state-owned,

---

<sup>40</sup> These include president, prime-minister, minister, judge, prosecutor, ombudsman and other offices elected or appointed by the parliament.

<sup>41</sup> This represents an increase of a quota by 10 per cent from the 2014 elections. Every third and tenth candidate must be from the less represented gender. The women are still underrepresented in the leadership roles. For example, all six parliamentary parties are led by men, and only 3 of the 21 ministers are women.

<sup>42</sup> Deficiencies in the list included failure to comply with the gender requirement, nomination of several candidates who were not found on the voter's list, failure to provide copy of a valid identification document, and failure to provide evidence of non-conviction.

<sup>43</sup> The [average monthly net salary in March 2016](#) was MKD 22,053 (EUR 360).



religious and charitable organizations, are prohibited. Discounts given by media outlets to campaign participants for political advertisements are considered donations and are prohibited. An electoral contestant may not spend more than an equivalent of EUR 1.8 per registered voter in a given electoral district.

Electoral contestants have to submit two interim and a final campaign finance reports to the SEC, State Commission for Preventing Corruption (SCPC) and the State Audit Office (SAO). In line with previous OSCE/ODIHR recommendations, itemized reporting on campaign finance expenditure is now required and the SAO has been given the explicit authority to request additional explanations from contestants during the audit process. As the elections were cancelled just two days after the campaign began, no campaign finance reports were filed.

The SAO is obligated to audit the final campaign finance reports within 60 days of submission. If irregularities are detected the SAO initiates a misdemeanour procedure or reports the irregularities to the respective public prosecutor within 30 days of detection. The SAO has the right to request additional explanations and data from electoral contestants. The SAO stated to the OSCE/ODIHR EOM that they were not properly resourced for carrying out supervision of campaign finance reports as they are auditors and not investigators. Further, they do not possess the necessary personnel to carry out monitoring of campaign finance spending in order to determine if there are irregularities.

*Monitoring and supervision of campaign finance provisions should be carried out by an independent agency that has the necessary personnel and expertise to effectively monitor for irregularities. Should that be the SAO, they should be provided with the adequate powers and resources.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

The media environment is divided along ethnic lines and is characterized by a high number of media outlets operating in a limited advertising market.<sup>44</sup> A number of OSCE/ODIHR EOM interlocutors raised concerns regarding the deterioration of media freedom due to political pressure and owners interfering in the work of journalists. The OSCE Representative on Freedom of the Media (RFoM) called on the authorities “to ease the pressure on media and respect free and critical voices”.<sup>45</sup>

The public broadcaster, Macedonian Radio and Television (MRT), operates three channels nationally and is funded through a broadcast tax imposed on households and legal entities. It is also entitled to seek and receive additional funds from the state budget.

The majority of the private broadcasters that the OSCE/ODIHR EOM met with reported minimal or no profit, and rely on the support from their owners as well as government-funded advertisements.<sup>46</sup> A number of OSCE/ODIHR EOM interlocutors opined that the government choice of broadcasters

---

<sup>44</sup> There are some 130 broadcasters, with 5 private channels broadcasting nationwide terrestrially, and 9 available nationwide via cable and satellite networks. *Sitel* and *Kanal 5* hold dominant positions in the advertising market.

<sup>45</sup> See [Press Release](#) of the OSCE RFoM from 17 January 2015.

<sup>46</sup> The [2014 Annual Report on the Advertisement Market](#) prepared by the Agency for Audio and Audiovisual Media Services (AVMS), which is the media regulatory body, concluded that only *Sitel* was profitable.

for advertising is perceived as a reward for favourable coverage and editorial policy.<sup>47</sup> This contradicts a recommendation made by the Parliamentary Assembly of the Council of Europe (PACE), which requires state institutions to treat all media that receive direct and indirect subsidies fairly and with neutrality.<sup>48</sup> In addition, the law prohibits political parties and office holders at state institutions, as well as their family members to own broadcasters.<sup>49</sup>

*The allocation of state advertisements should be done in a transparent, objective and non-discriminatory manner, including by providing detailed information on the substance and funds for such advertisements.*

## **B. LEGAL FRAMEWORK FOR THE MEDIA**

Coverage of the elections by media outlets is governed by the Electoral Code and the 2013 Law on Audio and Audiovisual Media Services. The legal framework for coverage of elections was substantially amended in November 2015. It now provides detailed requirements for paid political advertisements and prohibits broadcasters and their owners to donate funds to the contestants; shortens deadlines for media-related complaints and misdemeanours procedures and increases fines for violations; prohibits the coverage of state officials that favours a political party; allows non-parliamentary parties to receive free airtime on the Parliamentary Channel and obliges MRT to host regular election debates. The amendments also include requirements for campaign coverage by Internet portals. Despite these amendments, the majority of OSCE/ODIHR EOM interlocutors highlighted a need for continued substantial reform.<sup>50</sup> As part of the Przino Agreement, consultations between the four political parties and civil society organizations were held to further reform the media landscape, however, the parties have failed to reach a consensus while amendments coming from civil society organizations were dismissed by the parliament on 4 April.

The Electoral Code prohibits coverage of the regular activities of state institutions that promote political parties and coalitions. It also details the coverage requirements during the official campaign period, at times in an over-regulated manner.

The Electoral Code obliges the MRT, as well other broadcast and Internet media to cover the elections in a fair, balanced and unbiased manner providing contestants with equitable access. By law, the balance is established on the number of candidate lists, which are officially confirmed only few days before the start of the official campaign period. As such, a balanced coverage is not enforceable during the pre-campaign period.

In January 2016, the MRT adopted Ethical and Professional Principles of MRT for Media Coverage of the Election Process, establishing the general guidelines for their journalists to cover the elections. In addition, the Electoral Code provides very detailed and exact requirements for the

---

<sup>47</sup> According to statistics prepared by the Ministry of Information Society and Administration, in 2012-2014 that three national stations (*Sitel*, *Kanal 5* and *Alfa*) that are widely perceived to support the ruling party, received 35 times more state funds for state advertising during the last three years compared to the national stations that did not support the ruling party (*Alsati-M* and *Telma*).

<sup>48</sup> Article 8.19 of the [PACE Resolution 1636 \(2008\) Indicators for Media in a Democracy](#).

<sup>49</sup> According to the Central Registry, the most viewed channel *Sitel* is owned by the Monteco company, which is owned by the son of the leader of Socialist Party, part of VMRO-DPMNE coalition.

<sup>50</sup> The country has dropped significantly from 34<sup>th</sup> place in 2009 to 118<sup>th</sup> place in 2016 in the global [Press Freedom Index prepared by the Reporters without Borders](#). In 2016, the [Freedom of the Press Ratings of the Freedom House](#) ranked the country as 'Not Free' for the first time.

coverage of the campaign which results in excessive coverage of the campaigns of the main political parties.<sup>51</sup> This may also challenge MRT's editorial independence.<sup>52</sup>

The Electoral Code also outlines detailed requirements for paid political advertisements, allowing 18 minutes per hour in total.<sup>53</sup> As the law also allows 12 minutes per hour of broadcast for commercial advertisements, a number of OSCE/ODIHR interlocutors were of the opinion that 30 minutes of advertisement per hour of broadcast is excessive. The prices for the advertisements could not exceed the average commercial prices during the three months prior to the announcement of the elections; however, the Code does not envisage any verification of the media fulfilling this requirement.

The Agency for Audio and Audiovisual Media Services (AVMS) is the key regulator for the broadcast media. It is legally required to monitor broadcasters and their websites from the day of the announcement of elections until the day of voting, publish weekly reports before the campaign, and publish daily reports during the campaign. The agency has no legal power to impose sanctions directly, but can bring the identified violation to the court's attention. AVMS monitored only national broadcasters during the pre-campaign period. It did not monitor Internet media stating that there was lack of a clear definition of Internet portals in the legislation, which did not allow them to establish a clear monitoring sample.

AVMS released three interim and one final reports covering the pre-campaign period. The reports concluded that private broadcasters *Alfa*, *Kanal 5*, *Kanal 5+*, *Sitel* and *Nova* failed to provide objective and unbiased coverage as prescribed by the law. The reports also concluded that the first four media listed above co-ordinated their editorial policy.<sup>54</sup> The agency took no action based on the biased coverage, while the Electoral Code sanctions such violations, no sanctions are provided by the Law on Audio and Audiovisual Media Services.

*The Electoral Code could be amended to clarify the requirements for balanced reporting during the pre-campaign period. Consideration could be given to provide AVMS with greater resources to undertake its oversight role and sanctioning powers that are effective, proportionate and dissuasive.*

On 13 May the AVMS forwarded to the court an initiative for a misdemeanour procedure against *Alfa*, *Kanal 5* and *Sitel* for a number of reports covering activities of state institutions that were promoting VMRO-DPMNE. Despite the 48-hours legal requirement, the court did not issue

---

<sup>51</sup> Article 76a (2) of the Electoral Code provides that coverage of every newscast should be divided, with 30 per cent of each newscast to local and international events, 30 per cent to the campaign activities of the parliamentary majority, 30 per cent to the parliamentary opposition and 10 per cent to non-parliamentary parties. Failure of the MRT to follow these requirements could result in the dismissal of their General Director.

<sup>52</sup> The CoE [Recommendation CM/Rec\(2007\)15](#) of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns requires the regulatory framework on media coverage of elections to respect the editorial independence of the media.

<sup>53</sup> The ruling political parties and the opposition can purchase maximum eight minutes, while the parties that are not part of parliamentary group and non-parliamentary parties could purchase maximum one minute.

<sup>54</sup> The [first interim](#) and the [final report](#) stated that TV *Alfa*, *Kanal 5*, *Kanal 5+* and *Sitel* "demonstrate equal or extremely similar manner of reporting, they process/accentuate same thesis and positions ..., they even use same footages as illustrative material, which points out to certain coordination of their editorial policy", and perceived this as "contrary to the principle of autonomy, independence and accountability of editors, journalists and others involved in the creation of programmes and editorial policy".

decision at the time of this reporting.<sup>55</sup> The AVMS also identified violations in the third monitoring period, but it did not initiate any sanctions after the elections were cancelled.

The Council of Media Ethics (CME) is a self-regulatory body that reviews complaints about media content. On 12 February, the members of the Council signed the Charter on Ethical Reporting during Elections, pledging to report in a balanced, truthful, impartial and objective manner. The CME did not perform any monitoring of the media nor had performed any other activities related to elections during the electoral period.

### C. MEDIA MONITORING FINDINGS



The OSCE/ODIHR EOM conducted media monitoring of major broadcast and print media outlets during the pre-campaign period and the two days of election campaign.<sup>56</sup> The newscasts of the public MRT-1 provided limited information about political events and avoided comprehensive reporting in their daily news coverage. The coverage of the relevant political actors was mainly factual and neutral and was largely devoted to government activities (30 per cent), VMRO-DPMNE (18 per cent) and SDSM (15 per cent). All other political parties received marginal coverage. In several cases, MRT-1 journalists mixed facts with their own political opinions when covering the news.

The Albanian language service of MRT-2 devoted more attention, proportionally, to the ethnic-Albanian parties, especially to DUI, which received 13 per cent of mainly neutral coverage, while SDSM and VMRO-DPMNE received each 12 per cent of same type of coverage.

Numerous talk shows served as a platform for political parties to present their views, however, there was a lack of genuine policy debate among the two major political forces – VMRO-DPMNE and SDSM. The Electoral Code requires the public broadcaster to organize debates between the ruling and opposition parties during the campaign period. MRT-1 attempted to organize two debates between VMRO-DPMNE, SDSM, DUI and DPA; however only VMRO-DPMNE chose to participate and only once. While *Telma*, *Vesti 24* and *Alsat-M* were hosting regular debates and talk shows, they stated to the OSCE/ODIHR EOM that VMRO-DPMNE ignored their invitations.<sup>57</sup>

The most popular private TV stations, *Sitel* and *Kanal 5*, together with *Alfa*, displayed a unified approach in the news coverage. They allocated between 24 and 26 per cent of politically relevant news coverage to the activities of VMRO-DPMNE, between 21 and 27 per cent to SDSM and about 6 per cent to all other parties combined. The tone of the coverage was almost exclusively positive and neutral towards VMRO-DPMNE, their high-level government members, as well as the counter-demonstrations organized by GDOM. At times, the coverage of governmental activities was linked with the promotion of VMRO-DPMNE's future policies, which is contrary to the Electoral Code. The coverage of SDSM and of the ministers representing the party, the Special Prosecutor Office and the demonstrations organized by *Protestiram* was mainly negative in tone. The coverage included selective presentation of the facts and opinions voiced by the journalists, many times using identical sentences on all three broadcasters.

---

<sup>55</sup> According to the motions submitted to the court, between 25 April and 5 May, the AVMS identified 13 such violations on *Sitel*, 16 on *Kanal 5* and 20 on *Alfa*.

<sup>56</sup> The OSCE/ODIHR EOM conducted media monitoring from 15 April until 17 May of the following media: *MRT-1*, *MRT-2*, *Sitel*, *Kanal 5*, *Telma* and *Alsat-M* during 18:00 – 24:00; *Alfa* during 17:30 – 00:30; *Vesti 24* during 20:00 – 22:00). The OSCE/ODIHR EOM also monitored the campaign coverage of five daily newspapers: *Dnevnik*, *Sloboden Pecat*, *Nova Makedonia*, *Koha* and *Lajm*. As the official campaign period lasted only two days, the findings of its monitoring are not analysed in this report.

<sup>57</sup> The only exception was the debate between VMRO-DPMNE and SDSM on *Vesti 24* on 3 May.

*To guarantee equitable coverage and access for all political contestants, the broadcast media should ensure balance in their news and current affairs reporting in the pre-campaign period, as required by the law.*

*Telma* and cable-only *Vesti 24* provided more balanced and in-depth coverage of the news. Both stations devoted equitable proportions of largely neutral coverage to VMRO-DPMNE (17 and 15 per cent) and SDSM (15 and 12 per cent). *Alsat-M*, which mainly broadcasts in Albanian language also devoted equitable proportions (between 10 and 12 per cent) of coverage to VMRO-DPMNE, SDSM and DUI, although it was largely critical of VMRO-DPMNE and neutral to other parties.

The political coverage in the print media was more polarized than broadcast media. While *Dnevnik* was clearly biased against SDSM, the majority of the political coverage by *Sloboden Pecat* presented VMRO-DPMNE and the government in a negative manner. The tabloid *Vest* provided very limited political coverage, but was leaning towards VMRO-DPMNE. Albanian language newspapers *Koha* and *Lajm* were more focused on the activities of the ethnic-Albanian parties. While *Koha* mainly focused on the activities and projects of DUI, *Lajm* was largely criticizing DUI and their members of the government.

## **XI. CITIZEN AND INTERNATIONAL OBSERVERS**

The Electoral Code provides for international and citizen election observation. The citizen observer organization MOST engaged in a comprehensive monitoring of the electoral process with 80 long-term observers. The CIVIL organization had 35 long-term observers. On 4 May MOST filed the application for the accreditation of 27 observers to the SEC; the SEC did not grant accreditation to them before the elections were cancelled on 18 May, however, this did not hinder their observation activities.

Both CIVIL and MOST were critical of the electoral process, particularly in respect of a non-transparent field review of voter lists, misuse of state resources for party purposes, and pressure upon public administration employees. MOST and CIVIL claimed that the government failed to provide conditions for holding credible elections.<sup>58</sup>

## **XII. COMPLAINTS AND APPEALS**

Election-related complaints can be filed by authorized representatives of candidates, submitters of candidates' lists, and voters. The complaints are heard by the SEC, and its decisions can be appealed to the Administrative Court, which makes a final judgment.<sup>59</sup> The MECs do not have jurisdiction over electoral complaints.

In response to prior OSCE/ODIHR recommendations, the 2015 amendments to the Electoral Code shortened the deadlines for hearing and deciding on electoral complaints and require the SCPC to examine cases at a public session. Decisions on complaints should be published on their websites.

---

<sup>58</sup> See [MOST](#) and [CIVIL](#) statements.

<sup>59</sup> As an exception, the relevant basic court hears the complaints related to any prevention or disturbance of a campaign event.

Despite the constitutional requirement for all court hearings and verdicts to be public, the Administrative Court operated in a non-transparent manner, and reviewed the two election-related cases without a public hearing. The court informed the OSCE/ODIHR EOM that the judges would decide the cases in private. The lack of guaranteed public hearings by the Administrative Court is contrary to OSCE commitments and other international standards, reducing public confidence in the process.<sup>60</sup>

*The Electoral Code should be harmonized with the Constitution and state clearly that all hearings on election related cases should be held in public and that decisions are made public immediately.*

Of the two cases, the first one related to publishing voter lists on the SEC website. The Directorate for Personal Data Protection issued a decision on 29 March ordering the SEC to remove the voter lists from its website as this violated the law on personal data protection. On 9 April, the SEC appealed the decision to the Administrative Court.<sup>61</sup>

Although the case was time sensitive, the court did not make a decision until 5 May and did not publish the decision until 16 May, after the deadline for public inspection of the voter lists had passed.<sup>62</sup> Due to the delay, the voters did not have the possibility to check the voter lists for irregularities as provided for in the Electoral Code.

*To ensure effective remedy, all election-related cases should be decided within timely deadlines clearly stated in the law.*

The second case concerned the appeal of the SEC decision rejecting the candidate list on procedural grounds submitted by the NMM. On 17 May, the court found that in order to check the eligibility of a candidate, it was legitimate for the SEC to request copies of identification documents and criminal records.

In contrast to the Administrative Court, the Constitutional Court held public sessions when hearing the petition on the unconstitutionality of the dissolution of parliament and published its decision on the day the hearing was held.

In line with previous OSCE/ODIHR recommendations, the SEC established a legal department for handling complaints. However, the SEC did not adopt an instruction for deciding on complaints and appeals, as required by the Electoral Code. The lack of permanent guidelines on the complaints and appeals process inhibits the ability of electoral stakeholders to submit complaints, and undermines the effectiveness of the means of legal redress, as required by paragraph 5.10 of the 1990 OSCE Copenhagen Document.<sup>63</sup> In addition, the Electoral Code calls for the establishment of a system for case and complaint management that was not operational for these elections.

---

<sup>60</sup> Paragraph 12 of the 1990 OSCE Copenhagen Document states that “proceedings may only be held in camera in circumstances prescribed by law and consistent with obligations under international laws and international commitments”. See also Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights.

<sup>61</sup> The SEC argued that Article 31.28.d of the Electoral Code mandates publication of the list with name, surname and address of the voters on SEC website.

<sup>62</sup> There is no legal deadline for the court to make a decision. Paragraph II, 3.3 of the Venice Commission, Code of Good Practice in Electoral Matters provides that “States should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority, such as an electoral commission or the courts.”

<sup>63</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

*To allow effective legal remedy, the SEC should develop permanent instructions on complaints and appeals process. Such regulations could be harmonized with the new complaint management system.*

Telephone hotlines were established by several state institutions: the Ministry of Information Society and Administration for public sector employees to report any election-related pressure; the Ombudsman Office for citizens to report violations of their electoral rights; and the Public Prosecutor's Office for citizens and civil society organizations to report any suspicion of criminal activity related to the elections. According to these institutions, very few calls were received and none concerned serious violations. The Public Prosecutor received 28 reports or complaints of which 14 were referred to the relevant basic public prosecutor's office with instructions to act urgently and report back. No grounds of suspicion of criminal activity were found in the remaining allegations. The public prosecutor informed the OSCE/ODIHR EOM that it will keep the hotline open for reports of electoral irregularities and will continue to investigate cases that were already reported.

### **XIII. PARTICIPATION OF NATIONAL MINORITIES**

Inter-ethnic relations remain a relevant factor in the politics of the country and political parties tend to mainly reach out to their own communities.<sup>64</sup> Inter-ethnic issues did not, however, feature prominently in the on-going political crisis, and relations among communities were not the focus of political confrontation.

Smaller communities expressed concern to the OSCE/ODIHR EOM about not being involved in international and domestic efforts to find a way out of the political crisis. They also claimed that parties representing larger communities use administrative resources and public employment to ensure support from minorities. Parties representing smaller communities also complained about lack of access to media.

Parties representing the ethnic-Albanian community, and particularly DUI, were decisive in initiating and finalising the process which led to 5 June elections being cancelled. Other parties representing smaller communities were more divided in their position. Those that had joined the VMRO-DPMNE-led coalition were ready to participate in the elections, while other parties stated to the OSCE/ODIHR EOM that conditions for credible elections were not present and they would therefore boycott the elections.

Members of minority communities and parties representing them, particularly the ethnic-Albanians, participated in protests across the country, individually, with other communities and as part of the *Protestiram* movement. In some areas, the protest had an inter-ethnic character, with symbols of the country's flag and of the ethnic-Albanian and Roma community displayed together. A demonstration organized by the Albanian Opposition Council, in which the party *Levizja Besa* plays a primary role, attracted a large number of supporters, advancing demands for the ethnic-Albanian community and accusing DUI of not adequately representing the community's interests.

---

<sup>64</sup> According to the latest census (2002) the ethnic composition of the country is the following: ethnic Macedonians 64.2 per cent, ethnic Albanians 25.2 per cent, ethnic Turks 3.9 per cent, ethnic Roma 2.6 per cent, ethnic Serbs 1.8 per cent, ethnic Vlachs 0.4 per cent and others 2.3 per cent. Another census was initiated in 2011 but was suspended.

Almost all representatives of national minorities, particularly those of smaller communities, advocated to the OSCE/ODIHR EOM the introduction of a single nationwide electoral district, as well as the creation of other special measures to promote national minorities, including reserved seats. In their view, these measures would allow parties representing smaller communities to run separately and not necessarily align with existing coalitions.

Several OSCE/ODIHR EOM interlocutors shared their concerns that the Roma community may be susceptible to political pressure and selling and buying of votes. At the same time, the OSCE/ODHIR EOM was informed of numerous initiatives aimed at raising awareness within the same community, which in some cases reportedly resulted in curbing such practice.

#### **XIV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in the former Yugoslav Republic of Macedonia 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 OSCE/ODIHR recommendations, in particular from the 2014 Final Report, which remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>65</sup>

##### **A. PRIORITY RECOMMENDATIONS**

1. The Electoral Code would benefit from a complete review in order to harmonize it internally and with other relevant laws. The review should be conducted after consultations between all political stakeholders and relevant civil society organizations. It should be completed well in advance of the next elections. Training for electoral staff and public awareness programmes should be undertaken to enhance the effective implementation of the Code.
2. As required by law and in order to increase transparency and public confidence in its work, all SEC sessions should be open to public; all SEC decisions should be published on their website without delay.
3. The SEC and MoIA should continue the process of updating of voter register through a coordinated effort according to clear responsibilities and procedures. Adequate resources and time should be allocated to accomplish this task before the next elections. This process should be transparent and ensure access to political parties and civil society. It should be accompanied by a public information campaign in order to increase the citizens' confidence in the accuracy of voter registration.
4. The allocation of state advertisements should be done in a transparent, objective and non-discriminatory manner, including by providing detailed information on the substance and funds for such advertisements.
5. The Electoral Code should be harmonized with the Constitution and state clearly that all hearings on election related cases should be held in public and that decisions are made public immediately.

---

<sup>65</sup> 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".



## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

6. A review of the Electoral Code could consider including provisions to regulate the situation where only one electoral contestant is running for parliamentary elections.

### **Electoral System**

7. If the current out-of-country voting system is maintained, alternative provisions should be made for voters to exercise their right to vote if voting abroad is cancelled.
8. To ensure equality of the vote, legislation could foresee periodic review of district boundaries by an independent body. When district boundaries are redefined, it should be done in a timely, transparent, impartial and inclusive manner.

### **Election Administration**

9. To ensure sustainability of the SEC administrative capacity, all necessary support positions should be permanent, based on open and competitive recruitment.
10. Consideration should be given to establishing and ensuring a more efficient communication and support from SEC to local election management bodies. Comprehensive and standardized training for SEC local officials and MEC members should be undertaken before new elections are called. The local offices should be provided with the necessary resources for conducting their work in a timely and effective manner.

### **Voter Registration**

11. To increase public confidence and provide easier access of voters to verify voter lists, consideration could be given to displaying printed excerpts of voter lists at locations convenient to voters, possibly at polling stations.

### **Candidate Registration**

12. As previously recommended, consideration could be given to providing alternative methods for signature collection in order to reduce the potential for intimidation.
13. To avoid any confusion and the rejection of candidate list for technical reasons, all specific documents required for each list could be enumerated in the Electoral Code.

### **Campaign**

14. Citizens, including public or state employees, should not be subject to pressure or intimidation. Authorities should actively encourage citizens to report any cases of pressure, supported by verifiable evidence. Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by authorities.

## **Campaign Finance**

15. Monitoring and supervision of campaign finance provisions should be carried out by an independent agency that has the necessary personnel and expertise to effectively monitor for irregularities. Should that be the SAO, they should be provided with the adequate powers and resources.

## **Media**

16. It is recommended to replace the legal requirement of MRT for exact amount of time in every newscast devoted to the coverage of campaign activities of individual parties with a more general requirement requiring impartiality and balance while respecting editorial independence of the public broadcaster.
17. To guarantee equitable coverage and access for all political contestants, the broadcast media should ensure balance in their news and current affairs reporting in the pre-campaign period, as required by the law.

## **Complaints and appeals**

18. To ensure effective remedy, all election-related cases should be decided within timely deadlines clearly stated in the law.
19. To allow effective legal remedy, the SEC should develop permanent instructions on complaints and appeals process. Such regulations could be harmonized with the new complaint management system.

## ANNEX II: LIST OF OBSERVERS IN THE IN ELECTION OBSERVATION MISSION

### OSCE/ODIHR EOM Core Team

Jan	Petersen	Norway	Head of Mission
Jasmina	Fracassetti	Croatia	
Laszlo	Belagyi	Hungary	
Alessandro	Rotta	Italy	
Alexandra	Pajevic	Montenegro	
Konrad	Olszewski	Poland	
Pawel	Jurczak	Poland	
Tomasz	Janczy	Poland	
Raul	Muresan	Romania	
Yury	Ozerov	Russian Federation	
Iegor	Tilpunov	Ukraine	
Donald	Bisson	United States	

### OSCE/ODIHR EOM Long-Term Observers

Suad	Salkic	Bosnia and Herzegovina
Tereza	Ambrozova	Czech Republic
Karen Benedikte	Skipper	Denmark
Irmeli Maria	Vieno	Finland
Sylvain	Ollier	France
Andreas	Kunert	Germany
Christa	Mueller	Germany
Julia Franziska	Ruppel	Germany
Cecilia Rose	Keaveney	Ireland
Alessandro	Gori	Italy
Catharina Maria	Appel	Netherlands
Servatius	Wiemers	Netherlands
Per N.	Svartefoss	Norway
Cristian	Negrila	Romania
Elof David	Dahmen	Sweden
Vida Koren	Holm	Sweden
Sascha Michel	Alderisi	Switzerland
Monica Angela	Giambonini	Switzerland
Anna	Galan	Ukraine
Roger	Bryant	United Kingdom
Joan	Pearce	United Kingdom
Nicholas	Alexander	United States
Andral	Bratton	United States
Sheila	Jaghab	United States

## ABOUT THE OSCE/ODIHR

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

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/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](http://www.osce.org/odihr)).