



Office for Democratic Institutions and Human Rights

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

EARLY PARLIAMENTARY ELECTIONS
11 December 2016

OSCE/ODIHR Election Observation Mission
Final Report



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OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an official invitation, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) to observe the 11 December early parliamentary elections. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. On election day, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 12 December concluded that the “early parliamentary elections were an essential step in resolving two years of deep political crisis. The main political forces agreed to a series of legal and institutional changes to provide a level playing field for these elections. Underlying issues, such as voter registration and media, are yet to be addressed in a sustainable manner. The campaign was competitive but took place in an environment characterized by public mistrust in institutions and the political establishment, and allegations of voter coercion. The election administration struggled with the preparations for elections and missed a number of deadlines, but election day was generally well administered and proceeded without major incidents”.

The legal framework is generally conducive for the conduct of democratic elections. Positively, following the Przino Agreement that set out measures to resolve the political crisis, significant improvements to electoral legislation in 2015 addressed most previous OSCE/ODIHR and Council of Europe Venice Commission recommendations. Additional amendments in 2016 introduced temporary mechanisms for the cross-party oversight of key aspects of the electoral process and changes to the out-of-country electoral system. However, some recommendations remain unaddressed and certain provisions are ambiguous or conflict with other laws. In addition, while the reform process enjoyed support from the four largest political parties, the legal changes were approved hastily by the parliament and without inclusive consultation with relevant electoral stakeholders, at odds with OSCE commitments.

The State Election Commission’s (SEC) preparations for the elections were hampered by inefficient internal organization, politicized decision-making and shortened legal deadlines. While preparations were completed by election day, the SEC missed several deadlines and did not clarify some procedures. The SEC’s work was not always transparent, as it often held closed sessions and did not always publish decisions. The lower-level commissions generally worked in a professional manner, although some lacked adequate premises, timely funding, resources and equipment. The requirements for balanced ethnic and gender representation in election commissions were broadly respected. Two of the nine SEC members were women.

In order to address longstanding mistrust in the accuracy of voter lists, for the first time, the SEC was tasked to review the voter register by cross-checking several databases and conducting field-checks. The review process, observed by the four largest parliamentary political parties, led to a limited number

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

of deletions. While the process somewhat improved the accuracy of the voter register, it effectively deprived a number of citizens of the opportunity to vote, contrary to international standards and good practice. Moreover, the political agreement to review the voter register and the subsequent measures only applied to these elections, leaving some legal and structural flaws in the maintenance of the voter register unaddressed.

The SEC registered six political parties and five coalitions in a generally inclusive process. Parties and coalitions primarily representing the ethnic Albanian community ran independently, whereas parties and candidates representing smaller ethnic communities joined coalitions led by parties representing larger communities. The candidate registration process was generally inclusive but was negatively affected by a lack of legal clarity on certain aspects of nomination and registration processes, including signature verification and re-submission of registration documents, as well as how the SEC verified the documentation.

In line with an enhanced quota for women's participation, 41 per cent of candidates were women. The SEC registered three candidate lists that had not fulfilled the gender requirement. Thirty-eight women were elected (31.6 per cent), four less than the previous parliament. Women were under-represented in the campaign, as participants and speakers in rallies.

The parties were generally able to campaign freely, and fundamental freedoms of association, assembly and expression were respected. The main messages focused on the economy, youth emigration and job creation. While most contestants used positive campaigning, inflammatory and negative rhetoric were noted. Allegations of voter intimidation, coercion, pressure on civil servants, vote-buying, and the misuse of administrative resources persisted through the campaign. The OSCE/ODIHR EOM verified a dozen of these allegations. Such actions raised concerns about voters' ability to cast their vote free of fear of retribution, as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

The campaign finance regulations are comprehensive and require frequent reporting by contestants. However, accountability and transparency was diminished by the lack of a requirement to provide documentary evidence of either contributions or expenses. No actions were taken against campaign overspending, as reported by contestants.

Topics related to inter-ethnic relations featured prominently in the campaign, including institutional relations between the ethnic Albanian and ethnic Macedonian communities and the official use of languages. The contest was particularly competitive in the ethnic Albanian community, with newly formed political forces challenging the dominant position of longer established parties. The Social Democratic Union of Macedonia actively sought votes from the ethnic Albanian community, including by fielding ethnic Albanian contestants. Media reporting of Roma candidates often used stereotypes.

Substantial amendments to the Electoral Code in 2015 addressed several media concerns, but important media reforms foreseen in the Przino Agreement have not materialized. OSCE/ODIHR EOM media monitoring showed that electoral contestants were able to access the media for campaigning, including through free airtime in public broadcast media. Public television channels largely complied with the regulation on coverage of contestants during the campaign period. The private *Sitel*, *Kanal 5* and *Alfa* did not provide balanced and impartial coverage in their news, focusing on the campaign messages of the governing coalition. Dubious information originating from Internet was occasionally presented as political news. *Alsat-M*, *Telma* and *24 Vesti* offered overall diverse and often critical coverage of the contestants and political actors in their news programmes.

Despite improvements in the law and the adoption of a SEC rulebook on complaints and appeals, the implementation of electoral dispute resolution procedures did not fully provide for an effective legal redress, at odds with OSCE commitments and Council of Europe standards. The majority of complaints

at the election administration and courts were rejected on procedural or jurisdictional grounds. The Administrative Court held its hearings in closed sessions. A number of OSCE/ODIHR EOM interlocutors raised concerns related to judicial independence.

Election day proceeded in an orderly manner and without major incidents, and voters participated in large numbers. The process was generally assessed positively by observers, albeit with some procedural irregularities noted, particularly during the count and tabulation. Observers noted a number of persons not allowed to vote after having been deleted from the voter list during the recent review of the voter register. Transparency of the electoral process benefited from the active presence of numerous citizen and party observers. Positively, the SEC published preliminary results by polling station online throughout the night and the nationwide preliminary results with delay.

The post-election period was marked by a tense atmosphere and some harsh rhetoric, mainly on the part of the ruling party, whose leaders accused the SEC and a number of representatives of the resident diplomatic community of electoral interference. As a result of one complaint from an opposition party, a re-run was organized in one polling station, which did not alter the election results.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 3 November to observe the 11 December early parliamentary elections. The EOM, headed by Tana de Zulueta, consisted of a 16-member core team based in Skopje and 20 long-term observers (LTOs) deployed throughout the country on 9 November. The OSCE/ODIHR EOM remained in the country until 23 December to follow post-election day developments.

On election day, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Roberto Battelli was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Azay Guliyev headed the OSCE PA delegation, Stefan Schennach headed the PACE delegation, and Igor Šoltes headed the EP delegation. In total, 335 observers from 42 OSCE participating States were deployed, including 277 long-term and short-term observers by the OSCE/ODIHR, a 24-member delegation from the OSCE PA, a 19-member delegation from the PACE, and a 15-member delegation from the EP. Opening was observed in 92 polling stations and voting in 1,337 polling stations. Counting was observed in 131 polling stations, and tabulation in all 80 Municipal Election Commissions (MECs).

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards and obligations for democratic elections, and with national legislation. This final report follows the Statement of Preliminary Findings and Conclusions, which was released at a press-conference in Skopje on 12 December and is available on the OSCE/ODIHR website.²

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, including its permanent mission in Vienna, and other state and local authorities for their support and co-operation. The EOM also wishes to express its appreciation to political parties, civil society organizations and media representatives for their co-operation, and to the OSCE Mission to Skopje, embassies of OSCE

² See [previous OSCE/ODIHR reports](#) on the former Yugoslav Republic of Macedonia.

participating States and international organizations accredited in the country for their co-operation and support.

III. BACKGROUND AND POLITICAL CONTEXT

The 11 December early parliamentary elections were widely viewed as a crucial test for the functioning of democratic institutions, following two years of deep political crisis.³ These elections were the fourth consecutive early parliamentary elections since 2008. The previous elections were held in 2014 and led to a government formed by the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), with 61 seats, and the Democratic Union for Integration (DUI), with 19 seats. The opposition included the Social Democratic Union of Macedonia (SDSM) with 34 seats and the Democratic Party of Albanians (DPA) with 7 seats. The National Democratic Revival (NDR) and Citizens Option for Macedonia had one seat each.

The main opposition party boycotted the parliament, claiming that the 2014 elections were rigged. The crisis deepened in February 2015 when incriminating illegal wiretapped recordings, allegedly implicating government and public officials in corruption, election fraud and abuse of power, led to widespread protests. On 15 July, as part of the internationally-mediated Przino Agreement, early parliamentary elections were called for 24 April 2016 and the Office of Special Prosecutor was created to investigate the wiretapping allegations.⁴

The elections were postponed to 5 June 2016 on the grounds that key conditions had not been met, namely cleaning of the voter register, media reforms, and safeguards to separate state and party activities. On 7 April the parliament was dissolved. 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. The pardon triggered protests and counter protests. The demonstrators, under the *Protestiram* umbrella, called for the resignation of the president and cancellation of elections. The opposition boycotted the elections and, of the four signatories of the Przino Agreement, only VMRO-DPMNE submitted candidate lists. On 25 May, the Constitutional Court declared the dissolution of parliament unconstitutional and the 5 June elections were cancelled.⁵

On 20 July, the four main political parties, mediated by the EU and United States, signed a new agreement that foresaw the conduct of elections by the end of the year.⁶ On 17 October, the parliament was dissolved and elections were called for 11 December.

IV. ELECTORAL SYSTEM

Between 120 and 123 members of parliament (MPs) are elected for a four-year term through a proportional representation system using closed lists. Twenty MPs are elected from each of the six in-country electoral districts. As a result of the 2015 amendments to the Electoral Code, up to three additional MPs are elected in a single out-of-country district. The number of MPs returned in the out-

³ On 9 November, [the European Union \(EU\) Enlargement Policy Report](#) noted that “the country was faced with the continuation of the most severe political crisis since 2001. Democracy and rule of law have been constantly challenged, in particular due to state capture affecting the functioning of democratic institutions and key areas of society. The country suffers from a divisive political culture and a lack of capacity for compromise”.

⁴ The four largest parliamentary parties signed the [Przino Agreement](#) and [Protocol](#), calling for the implementation of a comprehensive set of measures to resolve the political crisis, including electoral and media reforms.

⁵ A week before the final court decision, the parliament reconvened and voted to cancel the 5 June elections.

⁶ See the [20 July Agreement](#).

of-country district does not necessarily correlate to voter turnout, and it is conditioned by a threshold linked to the previous elections.⁷ For these elections no out-of-country MP was elected.

Although international obligations and standards do not impose any specific model of electoral system, the current system did not ensure the parliamentary representation of the voters from the out-of-country district.⁸

Consideration could be given to review the threshold for the out-of-country voting district in order to ensure parliamentary representation of these voters. This could be correlated proportionally to the turnout, as is the case for the in-country voters.

The Electoral Code permits deviations of up to five per cent from the average number of registered voters for in-country districts.⁹ However, the Electoral Code does not provide a clear method for constituency delimitation, including a decision-making procedure to decide on the boundaries.¹⁰

Legislation should foresee periodic review of district boundaries by an independent body to account for population changes. When district boundaries are redefined, it should be done in a transparent, impartial and inclusive manner.

On 25 October, the Unity party challenged the holding of elections at the Constitutional Court as the number of registered voters in district 6 deviated by 5.65 per cent from the average number. The Court did not decide on the matter prior to election day, nor at the time of writing.

V. LEGAL FRAMEWORK

Parliamentary elections are governed by the Constitution, the Electoral Code, the Law on Political Parties, the Law on Financing Political Parties, provisions of the Criminal Code, the Law on Media, and the Law on Audio and Audiovisual Media Services, which are supplemented by regulations promulgated by the SEC.

The legal framework is generally conducive for the conduct of democratic elections. In a positive step, electoral legislation was significantly revised in 2015 as part of the Przino Agreement, when the amendments addressed many previous OSCE/ODIHR and Venice Commission recommendations, particularly those related to the principle of equal suffrage for out-of-country voting, the composition and competences of the SEC, and measures for balanced media coverage during the campaign. They also strengthened provisions for the separation of party and the state and for campaign finance

⁷ A candidate is elected from the out-of-country district if a list receives at least the number of votes equal to those won by the MP elected in-country with the lowest number of votes during the previous elections; for the 2016 elections the number was 6,478 votes. Second and third candidates are elected if their list obtains twice and thrice as many votes, respectively.

⁸ Paragraph 21 of the 1996 United Nations Human Rights Committee (CCPR) General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states “Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors”. See also section II.4 of the 2002 Council of Europe [Venice Commission’s Code of Good Practice in Electoral Matters](#).

⁹ Section I.2.2.iv of the 2002 [Venice Commission’s Code of Good Practice in Electoral Matters](#) recommends that seats be evenly distributed among constituencies with “the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”.

¹⁰ Section I.2.2.v of the 2002 [Venice Commission’s Code of Good Practice in Electoral Matters](#) recommends that, “in order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods”. Section I.2.2.vii recommends that this be done “impartially; without detriment to national minorities; (and) taking account of the opinion of a committee, the majority of whose members are independent...”.

reporting. In addition, voters were granted the right to submit a complaint at any stage of the electoral process and the courts were obliged to decide on electoral disputes within shorter deadlines.¹¹

Following the July 2016 agreement, additional amendments introduced a Temporary Commission for media oversight and required citizens with “questionable” voter registration data to actively re-register for these elections.¹² These provisions were applicable only to the 2016 elections, signalling the need for continued reform to address these issues in a sustainable manner.

Despite the improvements to the Electoral Code, some longstanding issues remain unaddressed, including in respect of voter eligibility of citizens without domicile in the country, candidate registration, procedures for the withdrawal of candidates and lists and public and periodic review of district boundaries by an independent body. Furthermore, some articles are ambiguous or conflict with other laws and rules, making their implementation uncertain.¹³ In addition, the legal changes were approved hastily by the parliament, after a reform process that lacked transparency and meaningful consultation with affected stakeholders outside of the four main parties, including relevant state institutions, other political parties and civil society. This is at odds with OSCE commitments.¹⁴

As previously recommended, 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 in a public procedure after consultations between all political stakeholders and relevant civil society representatives.

VI. ELECTION ADMINISTRATION

The early parliamentary elections were administered by the SEC, 80 Municipal Election Commissions (MECs), 3,480 Electoral Boards (EBs) established in-country and 46 EBs in diplomatic-consular offices abroad for out-of-country voting.

The SEC is a permanent body responsible for the overall conduct of elections. It is appointed by the parliament for a five-year term and is composed of nine members: three nominated by ruling parliamentary parties, three by opposition parties, and three independent experts selected in an open recruitment. The president and deputy are elected from among the independent members. The SEC has 34 permanent and 17 temporary regional offices. In line with previous OSCE/ODIHR recommendations, the SEC resources were strengthened by recruiting additional temporary personnel in the legal department and IT section.¹⁵

¹¹ See the [2016 OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Code](#).

¹² Section II.2.b of the 2002 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.

¹³ Conflicting provisions can be found in Article 150 (2) of the Electoral Code which provides for the public disclosure of how each judge voted when dealing with appeals to SEC decisions on annulment of election results. In contrast, the Rules of Procedures of the Courts provide that minutes for deliberation and voting are closed and sealed in a separate envelope and are not for public disclosure. Furthermore, Article 31 (2) 34-g of the Electoral Code provides that in case SEC members do not reach a consensus when adopting a draft decision referring to the interest of a non-majority community, an appeal may be submitted to the Administrative Court. In contrast, according to administrative procedure, only SEC decisions, and not draft decisions, may be appealed to the Administrative Court.

¹⁴ Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) provides that legislation should be “adopted at the end of a public procedure”.

¹⁵ As the term of their recruitment expired on 31 December 2016, the SEC requested the extension of these contracts until April 2017.

As previously recommended, to ensure sustainability of SEC administrative capacity, all essential support positions should be permanent and based on an open and competitive recruitment process.

The SEC preparations for these elections were hampered by inefficient internal organization and politicized decision-making. The shortened timeframe for early elections also had a negative impact on the SEC's activities.¹⁶ While all preparations were completed by election day, the SEC missed several important deadlines, such as delivery of voter lists to political parties, closing of the voter list, publication of the candidate lists, and distribution of election materials to MECs and EBs.

Consideration should be given to revising the SEC's Rules of Procedure to improve the internal organization, efficiency and transparency of its work.

SEC decisions were generally adopted unanimously. However, on politically contentious issues members voted along party lines and often engaged in lengthy procedural discussions that included heated exchanges on interpretations of the law. At times, decisions were clearly partisan. For example, the SEC determined the order of candidate lists on the ballots by drawing lots, but divided the lists in two groups with the first places on the ballot offered to the four parliamentary parties represented in the SEC.¹⁷ Although no contestant complained on the matter, this decision discriminated against other contestants, challenging OSCE commitments and Council of Europe standards.¹⁸

The SEC met regularly. Although official sessions were open to observers and the media, the SEC often conducted private working sessions where substantive matters to be decided in the public sessions were agreed upon in advance.¹⁹ Commission members, candidates and proxies were notified prior to the SEC sessions, however not all decisions and minutes of the sessions were published on its website, as required by law. These practices diminished the transparency of the SEC's work.²⁰

As previously recommended, in order to increase transparency and public confidence in its work, all SEC sessions should be public. SEC minutes of the sessions and decisions should be published on its website regularly and without delay.

The SEC is in charge of providing uniform implementation of the Electoral Code, however, it did not take sufficient steps to clarify certain procedures not elaborated in the Code.²¹ The lack of clarity contributed to an inconsistent implementation of procedures by election commissions, including on election day. In other matters the SEC exceeded its competence, for example in instructing how voters

¹⁶ The Electoral Code provides that the deadlines for the early parliamentary elections activities are five days shorter than for regular ones, except for the duration of the election campaign.

¹⁷ The first four positions on the ballots were, in order, VMRO-DPMNE-led coalition, DPA, DUI and SDSM-led coalition. The SEC decision on the manner of drawing of lots was not published.

¹⁸ Paragraph 7.6 of the [1990 OSCE Copenhagen Document](#) commits participating States to provide "political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law". See also section 2.3 of the [2002 Venice Commission Code of Good Practice](#). Article 6 of the Anti-discrimination Law defines discriminatory behaviour as any "active and passive behaviour from public authorities... which creates basis for giving privileges or placing persons/entities in unfavourable conditions".

¹⁹ This included decisions on tendering procedures for selection of contractors for activities related to the printing of election materials, IT software for election results, transport of EB members to out-of-country polling stations and voter education services. The tender documentation was not made public.

²⁰ Paragraph 19 of the [2011 UN CCPR General Comment No. 34](#) to Article 19 of [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". See also Article 10 of 2003 United Nations Convention against Corruption (UNCAC).

²¹ Procedures which would have benefited from clarifications related to the setup of voting booths to ensure the secrecy of the vote; discrepancies found in photographs on voter identification card and the voter list; ballot recounts by MECs and by SEC; validity of ballot papers; and the sealing of sensitive election materials by EBs for the hand-over to MECs.

could mark their ballots and what constitutes a valid and invalid ballot.²² This confusion, combined with the absence of voter education on how to mark a ballot, contributed to a high number of invalid ballots.

The SEC should clarify any procedures not elaborated in the Electoral Code in a timely manner. Any clarification should be in line with the provisions of the Electoral Code.

The lower-level commissions generally worked in a professional and transparent manner. The MECs are responsible for administering elections in their respective municipality. They are composed of five randomly selected civil servants and their deputies, appointed for a five-year term. EBs are composed of three randomly selected civil servants, one member appointed by the governing parties and one member appointed from the opposition parties for a four-year term. The Code provides for equitable representation of ethnic groups and each gender in election administration bodies, as well as the provision of election-related materials in minority languages.²³ Despite some late changes in the composition of the MECs and EBs, requirements for balanced ethnic and gender representation in election commissions were broadly respected. However, only two of the nine SEC members are women.

The OSCE/ODIHR EOM observed that some MECs lacked adequate premises and equipment.²⁴ A number of MECs informed the OSCE/ODIHR EOM that they did not receive the necessary funds for the administration of the elections in a timely manner and some MECs operated on their personal funds. However, the lack of funds did not interrupt the preparation of elections.

The SEC conducted cascade trainings and produced an e-learning programme, manuals and videos for election commissions. The trainings observed by the OSCE/ODIHR EOM were assessed positively by the participants and civil society. The MECs conducted limited trainings for all EBs, mainly using a training video, followed by a separate training for EB chairpersons to clarify the most important aspects of the polling procedures. However, the EB manual was not available at many of the EB trainings and some MECs reported that the manuals were distributed with election materials, only one day prior to election day.

The SEC should consider providing more comprehensive trainings to lower-level commissions with a focus on election day procedures.

The SEC undertook a limited voter education campaign. It also set up a telephone hotline for citizens to report any election day irregularities. Positively, a number of civil society organizations developed voter awareness campaigns on secrecy of vote and voter participation.

The SEC should consider developing a comprehensive and timely voter education programme, including in national minority languages. Particular attention should be paid to the marking of ballots by voters and secrecy of the vote.

²² The Electoral Code provides that a ballot is valid if marked by circling the ordinal number of the contestant. However, the SEC instruction provided that a ballot is valid also when the name of the first candidate or the contestant's symbol is circled, and that a ballot is invalid if the entire ballot or its part was crossed over, if the ballot paper number does not correspond to the relevant polling station, or if the ballot is not stamped by the EB. Moreover, the EB Manual stated that a ballot is invalid if marked with a pen in a colour other than blue.

²³ 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. At least 30 per cent of members in each election body should come from each gender.

²⁴ As observed in Novo Selo, Orizari, Kumanovo, Tetovo, Tearce, Gostivar, Vrapichishte, Mavrovo, Jegunovce, Zelino, Brvenica, Bogovinje and Kratovo.

VII. VOTER REGISTRATION

Voter registration is passive, with the exception of voters temporarily residing abroad who must actively register. According to the Constitution, citizens 18 years old by election day are eligible to vote, unless deprived of their legal capacity by a court decision.²⁵ However, only voters with a valid identification card or biometric passport, and registered domicile in country, are included in the voter register. These restrictions are in contradiction to the constitutional provision of universal suffrage as provided by paragraph 7.3 of the 1990 OSCE Copenhagen Document.²⁶ In addition, the Electoral Code contains conflicting provisions regarding the eligibility of out-of-country voters.²⁷

All eligible voters should be added to the voter lists, regardless of the validity of their identification card or passports, as provided by the Constitution.

The SEC is responsible for maintaining and updating the voter register with information received four times a year from the Ministry of Internal Affairs (MoIA) based on a database of citizens with valid identification documents and registered residency. In addition, the Basic Courts provide the SEC with the lists of people deprived of their legal capacity.

Following the Przino Agreement, in order to address longstanding mistrust in the accuracy of voter lists, the SEC was tasked to review the voter register. It cross-checked the register entries against the databases of 11 state institutions, which was followed by field checks.²⁸ However, the SEC could not check the validity of the data received from the state institutions as it did not have direct access to their databases and documents.

The review process, which was observed by the four main political parties, led to a limited number of deletions, mostly of deceased people. In addition, 39,502 voters were identified as having “questionable registration” data and were required to re-register, and 171,500 voters were considered as temporarily residing abroad and were moved to a separate register of out-of-country voters.²⁹ The latter could still vote in-country at their last registered address. While the process somewhat improved the accuracy of the voter register, it deprived a number of citizens of the opportunity to vote. On 13 November, the

²⁵ Article 24 of the Constitution provides that “guaranteed human rights and freedoms may be limited only by the law, within the scope permitted by the Constitution [...]”. Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the [2006 United Nations Convention on the Rights of Persons with Disabilities](#). See also, paragraph 9.4 of the 2013 CRPD Committee’s Communication No. 4/2011 (*Zsold Bujdosó and five others v. Hungary*) which stated that: “Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention”.

²⁶ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to “guarantee universal and equal suffrage to adult citizens”. See also sections I.1.1 and I.1.2 of the [2002 Venice Commission Code of Good Practice](#). Article 22 of the Constitution provides that “Every citizen on reaching 18 years of age acquires the right to vote. The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot”.

²⁷ Article 41(4) states that only voters with domicile in country are added to the voter list. Article 6(1) stipulates that any citizen with “domicile in electoral district” has the right to vote, which include those in the out-of-country district.

²⁸ Field checks took place from 28 March to 6 April. On 26 April, the SEC reported 44,308 voters were identified at addresses with more than 20 persons, and some with more than 6 surnames.

²⁹ On 23 July, provisions were added to article 196 of the Electoral Code to define these two categories of voters. The voters with no active records in the databases of other institutions after 1 July 2015 were considered to be living abroad, while those with no data found in the other databases than the MoIA registry, and who were not found home during field checks, were requested to re-register. The 1 July 2015 cut-off date was not referenced by any legal document, and was decided by the SEC following political agreements.

SEC decided to delete 28,341 entries from the register. Contrary to international standards and good practice, these voters had no possibility to appeal to be added to voter lists.³⁰

A mechanism for timely and effective redress should be established for all eligible voters not found in the voter lists in order that they can exercise their right to vote.

For these elections, voters could check and amend their registration details at SEC regional offices during a public scrutiny period, from 28 October to 11 November. In spite of a legal requirement, the SEC regional offices did not display printed voter lists and voters who visited the offices could only check their data on SEC computers. Voters could also check their personal data online as well as check the names of those registered at other addresses. According to the SEC, few of the 10,274 voters who visited the SEC offices requested corrections.³¹ Voters temporarily residing outside their municipality such as students, people with temporary employment, military, or patients in hospitals, could vote only if they travelled to their home domicile.

The review of the voter register only applied for these elections. The legal and structural flaws for maintaining the voter register were not addressed. According to the Electoral Code, only citizens with registered domicile in the country are to be entered in the voter registry. However, the OSCE/ODHR EOM was informed that voters are included in the voter register also based on their temporary residency, or sometimes based on the address where they were born. The MoIA does not maintain consistent records of the two categories of addresses – temporary residence and permanent domicile.³² Based on a simple declaration, citizens may be registered at a temporary address in the country, and allowed to vote there, although they are not living at the declared address, or might not have a domicile in the country. In spite of legal provisions obliging the MoIA to register citizens who left the country for more than three months and did not declare it, and to conduct verifications of temporary address declarations, there was limited proactive action by MoIA to update the address registry.³³

An additional structural problem is the quality of the address register, which is mainly caused by incomplete records of deaths, wrongly-entered or obsolete street names, and lack of efficient co-ordination between the agencies responsible.

As previously recommended, the SEC and MoIA should continue the process of updating the voter register through a co-ordinated effort and according to clearly defined responsibilities and procedures. This process should address the structural problems in a sustainable manner, be transparent and ensure access to political parties and civil society.

The Law on Permanent and Temporary Residency should be revised to provide consistent definitions of temporary and permanent residency of citizens living in-country and abroad, as well as efficient mechanisms for the MoIA to update the address registry. The legal inconsistencies should be addressed to ensure the accuracy of the voter registration data based on where citizens actually reside.

³⁰ Article 7.3 of the [1990 OSCE Copenhagen Document](#), Article 25(b) of [the ICCPR](#), Paragraphs 3 and 11 of the 1996 [UN CPPR General Comment No. 25](#). According to section I.1.2.iv of the [2002 Venice Commission Code of Good Practice](#), “there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day”.

³¹ As a result, 176 changes were made, 88 persons added, and 71 deleted due to wrong address or death.

³² Domicile and temporary residency are defined by the Law on Permanent and Temporary Residency under Articles 2 and 4, respectively. Temporary residency is registered based on own declaration, while domicile is registered based on ownership or legally registered lease contract.

³³ According to the MoIA records, only 586 persons in-country reported temporary residence outside their place of domicile during 2016. The MoIA does not verify the documentation of proof of address when renewing identification cards, passports or driving licenses.

The SEC approved 20,573 and rejected 458 applications for voting abroad.³⁴ Numerous applications were submitted from the same email address, with a significant number from the same Internet Protocol addresses in Skopje, Bitola and Shtip. Several OSCE/ODIHR EOM interlocutors raised questions about the integrity of the process. Some political parties informed the OSCE/ODIHR EOM that they assisted voters with applications. Voters were required to declare their ethnicity, which, according to the SEC, was necessary to print electoral materials in minority languages. Only 8,229 voters cast their votes abroad, which might support concerns that some citizens might have been registered by political parties without their consent.³⁵

In order to increase public confidence in the process, measures should be taken to ensure that active registration for voting abroad is performed only by the voter.

On 18 November, two days after the legal deadline, the SEC provided electoral contestants with copies of the preliminary voter lists. The SDSM requested the addition of 45 persons who recently renewed their identification cards, the addition of 348 voters identified through field checks conducted by the party, and the deletion of about 800 voters who were not found at their home address. The DUI requested the addition of five voters whose applications were delayed by regional SEC offices. The SEC rejected the SDSM requests and accepted the DUI request.³⁶ The SEC also approved 107 of the 120 deletions requested by a civil society organization.³⁷

As a measure to enhance voter identification, for the first time, voters' photographs were included on the voter lists. However, the SEC did not issue any instruction for EBs on how to deal with inconsistencies between the photos on the voter lists and those on the identification cards presented on election day.

On 28 November, two days after the official date for closing the voter lists, the SEC announced that 1,784,416 voters were registered to vote in-country, of which 230,122 were placed on the special list of voters considered to be temporarily living abroad. Special lists were also created for 2,015 prisoners, 13 internally displaced persons and 325 members of out-of-country EBs. A total of 5,746 homebound voters were registered and 999 were rejected, representing 0.32 per cent of voters. The SEC procedure to register homebound voters based on application was considered as restrictive and unclear by the majority of MECs.

VIII. CANDIDATE REGISTRATION

Any eligible voter can be a candidate for parliament, except those sentenced by a final court decision to more than six months imprisonment and who have not completed their sentence. Registered political parties, coalitions of political parties, and groups of voters could nominate candidates. The latter were required to provide at least 1,000 supporting signatures of voters residing in the respective district. In line with a previous OSCE/ODIHR and Venice Commission recommendation, for the first time, a voter could sign in support of more than one candidate list; however, the signatures are still required to be collected in front of a SEC employee. No group of voters attempted to register candidates.

³⁴ According to the SEC, as of 21 October, there were 76,721 voters temporary residing abroad.

³⁵ Some voters informed OSCE/ODIHR that they were unable to vote in-country, because they had been registered to vote abroad without their knowledge or consent.

³⁶ The SEC justified its decision on the grounds that voters could be added on the voter list only based on personal application. This contradicts Article 49-a of the Electoral Code which allows parties to request "entering data" in the list. The SEC also considered that the SDSM could not use its field checks as grounds for deleting voters, and had to base its request only on information existing in the preliminary register.

³⁷ The local office of Transparency International requested the SEC to delete 120 voters with domicile in the Ministry of Internal Affairs (MoIA) building. The MoIA cancelled 107 records due to illegal registration.

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

Candidate registration took place from 18 October to 11 November and was generally inclusive. However, the SEC published the documentation required for candidate registration only on 1 November. The registration process was also negatively affected by a lack of legal clarity on several aspects of nomination and registration, including signature verification and re-submission of registration documents, as well as by an inconsistent SEC approach in verifying the documentation.³⁸ This led to the rejection of a number of lists from the Social Democratic Party of Macedonia (SDPM) and the People's Movement for Macedonia (NDM).³⁹ The SEC used its discretionary powers in an inconsistent manner to verify the signatures and rejected lists without prior notification to allow for certain corrections. The two parties appealed the SEC decisions to the Administrative Court, which upheld the SEC decisions.

Detailed and timely procedures for the review of candidate lists should be introduced to ensure consistency and inclusiveness of the registration process, including allowing sufficient time for contestants to correct irregularities. A review of the Electoral Code could consider specifying all the conditions and required documents for withdrawal and replacement of candidates on lists.

The SEC registered 6 political parties and 5 coalitions fielding a total of 1,092 candidates on 58 lists.⁴⁰ In line with a revised quota intended to increase women's participation, 41 per cent of candidates were women.⁴¹ However, only 4 of the 58 lists were topped by women, with several OSCE/ODIHR EOM interlocutors stating that political parties could make greater efforts to promote women candidates. The SEC registered the out-of-country candidate list of Internal Macedonian Revolutionary Organization–People's Party (VMRO-PP) and two in-country lists of *Levica* despite not fulfilling the gender requirement. 38 women were elected (31.6 per cent), 4 less than to the previous parliament.⁴²

Political parties should consider internal measures to promote women to senior positions within party structures, and by including women in winnable positions on candidate lists.

³⁸ While not an issue in these elections, the law is also unclear on requirements for the withdrawal and replacement of candidates on lists.

³⁹ The SEC notified the parties to correct a number of irregularities and omissions, including certificates of non-conviction and signed statements confirming ethnicity, electoral district, and acceptance of candidacy. However, the SEC ultimately rejected all their lists, some due to irregularities not initially communicated.

⁴⁰ The VMRO-DPMNE-led coalition "For a Better Macedonia" included 25 parties, and the SDSM-led coalition "For Life" included 14. The other coalitions were the Alliance for Albanians (DPA - Reform Movement, Unity and NDR), the Coalition for Change and Justice (Democratic Union, FRODEM, MORO – Workers Party, and DEMOS) and VMRO-Coalition for Macedonia (VMRO-PP, United for Macedonia and *Dostoinstvo*). The six registered parties were DUI, DPA, BESA, *Levica*, Party for Democratic Prosperity and Liberal Party. One third of the outgoing 123 MPs did not compete in these elections.

⁴¹ Every third and tenth candidate on a list must be from the less represented gender. The quota increased by 10 per cent compared to the 2014 elections.

⁴² Article 7 of the [Convention on the Elimination of all Forms of Discrimination Against Women \(CEDAW\)](#) provides that "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies". See also paragraph 3 of the OSCE Ministerial Council Decision 7/09, which calls on participating States to "encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making".

IX. CAMPAIGN

The official campaign started on 21 November and ended with 24 hours of silence before the polls opened. Political parties and coalitions started campaigning before the official start of the campaign with leading political figures touring the country and mobilizing their voters. The parties were generally able to campaign freely, and fundamental freedoms of association, assembly and expression were respected. The campaign, however, took place in an environment characterized by lack of public trust in state institutions and the political establishment.

Contestants campaigned widely through social media as well as door-to-door canvassing, small scale meetings and rallies.⁴³ Billboards were visible in many municipalities, generally from the four main parties. However, displaying campaign posters and banners in public places varied by municipality due to unclearly marked locations and some local authorities not being aware of their obligation to designate such places. Due to financial constraints, smaller parties relied mostly on social media in the campaign.

Rallies throughout the country were generally well attended, although some audiences appeared to lack enthusiasm.⁴⁴ The VMRO-DPMNE-led coalition benefited from public support, including at rallies, of senior officials from EU member states. Women represented an average of 20 per cent of the audience, while at the ethnic Albanian parties' rallies the percentage of women was even smaller. Very few women were speakers.

The main campaign messages focused on the economy, youth emigration and job creation. While the majority of contestants used positive campaigning, negative rhetoric was noted. The VMRO-DPMNE-led coalition used nationalistic messages and accused the SDSM-led coalition of attempting to weaken the national identity, presenting the elections as a referendum on a unitary and sovereign state. In turn, the SDSM-led coalition accused the VMRO-DPMNE-led coalition of abusing state power and criminal activity.

The campaign within the ethnic Albanian community was more intense, with some inflammatory rhetoric from DPA, BESA, Alliance for Albanians and DUI. New wiretapped conversations of DUI officials were posted on social media during the campaign and of DPA after the elections. The campaigns of the ethnic Albanian parties addressed only their communities, and nationalistic rhetoric was noted at some rallies.

There were almost no debates between political leaders or candidates heading the lists either in the districts or at the national level. The only exception was the debate featuring the four largest parliamentary parties (VMRO-DPMNE, SDSM, DUI and DPA) in electoral district one in Skopje on 29 November.

During the campaign a number of violent incidents were observed, targeting several political parties.⁴⁵ Some parties claimed difficulties opening campaign offices in specific areas controlled by DUI.⁴⁶

⁴³ There are some 1 million Facebook users in the country.

⁴⁴ The OSCE/ODIHR EOM observed more than 60 rallies across the country.

⁴⁵ A number of local party offices were damaged or vandalized (SDSM Arachinovo on 7 November; VMRO-DPMNE Kavadarci on 18 and 26 November; NSDP Aerodrom on 22 November; two VMRO-DPMNE offices in Negotino on 23 November; DUI Sllupcane on 25 November). On 9 November, the car of the GROM branch president in Strumica was set on fire; on 13 November, the car of the DUI leader was stoned by a group of local residents in Kumanovo. Several billboards were destroyed: of DUI in Kumanovo and Gjorce Petrov; of BESA in Saraj; of VMRO-DPMNE in Strumica, Stip, Kumanovo and Berovo. After the elections, two SDSM headquarters were vandalized in Skopje, and the car of a former DUI MP was vandalized and she received threats.

⁴⁶ BESA, DPA and SDSM stated difficulties in opening party offices in Tetovo area.

Persistent allegations of voter intimidation, coercion, pressure on civil servants, vote-buying in Roma communities and misuse of administrative resources negatively impacted the campaign. The OSCE/ODIHR EOM verified a dozen of these allegations.⁴⁷ Such actions raised concerns about voters' ability to cast their vote "free of fear of retribution", as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.⁴⁸

Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by authorities in a timely manner. Authorities and political parties should consider more resolute steps to ensure that pressure is not applied on public-sector employees, political activists and other citizens to attend campaign events or vote in a particular way.

X. CAMPAIGN FINANCE

The Electoral Code regulates the financing of the campaign. As required by law, electoral contestants opened dedicated bank accounts for campaign finance purposes. Individuals could donate up to EUR 3,000, while legal entities could donate up to EUR 30,000. Foreign and anonymous donations, as well as those from state-owned, religious and charitable organizations, are prohibited. Contestants could spend a maximum of EUR 1.8 per registered voter in a district. Lists are reimbursed by EUR 0.25 for each vote won, provided they obtained at least 1.5 per cent of the votes cast in the district.

Contestants have to submit two interim and one final report to the SEC, State Audit Office (SAO) and State Commission for Preventing Corruption (SCPC). All reports are to be published on the website of each institution. All 11 electoral contestants submitted interim campaign finance reports on 1 and 10 December, declaring donations received and expenditures, which were published online. The expenditures in nine reports exceeded the contributions, with VMRO-DPMNE having the highest discrepancy amounting to more than EUR 600,000 in the first report and EUR 1 million in the second.⁴⁹ The reports submitted by BESA and VMRO-PP contained donations that exceeded the permitted limit.⁵⁰ The final reports were to be submitted within 30 days from the closing of the account, which can be up to four months after the elections.⁵¹ The OSCE/ODIHR EOM was not informed of any campaign finance related sanctions.

The campaign finance regulations are comprehensive and require frequent reporting by contestants. However, transparency is diminished by the lack of requirement to support the reports with bank statements and receipts and the absence of a level of itemized reports that could provide for more

⁴⁷ Including reports of vote-buying and pressure on individuals, their families, national minority representatives, public and private employees, and media, primarily by the VMRO-DPMNE and DUI.

⁴⁸ 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 2016 OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

⁴⁹ Other reports with discrepancies included those from BESA, the Liberal Party, PDP, DUI, DPA and *Levica*.

⁵⁰ The Electoral Code provides for a fine up to EUR 9,000, equivalent in MKD, for failing to submit campaign finance reports, and suspension or loss (partial or complete) of the reimbursement of election expenses for exceeding the spending limit. However, the Criminal Code imposes a sentencing for minimum five years for failure to submit a report and/or exceeding the spending limits.

⁵¹ Paragraph 200 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "Reports on campaign financing should be turned into the proper authorities within a timely deadline of no more than 30 days after the elections".

transparency and effective accountability.⁵² The SAO informed the OSCE/ODIHR EOM that it could only conduct an audit, including a cross-check of expenses at local level, following a complaint.⁵³

Consideration could be given to granting the SAO ex officio powers to undertake full campaign finance audits, including requesting further documentation and information from contestants, to ensure a comprehensive review against any possible infringement.

XI. MEDIA

A. MEDIA ENVIRONMENT

The media scene includes over 130 radio and television channels operating in a relatively small market with media outlets divided along political and ethnic lines. Television is the most important source of information for some 75 per cent of the population.⁵⁴ The most popular broadcast media are the private television channels *Sitel*, *Kanal 5* and *Telma*. The public broadcaster, Macedonian Radio and Television (MRT), operates MRT1, MRT2 and a Parliamentary Channel as well as three radio stations.⁵⁵

Many OSCE/ODIHR EOM interlocutors, including journalists, noted concerns about self-censorship and lack of editorial independence due to the political or business interests. Although government-financed media campaigns were not conducted in 2016 in the private media and were banned during the election period, they remained a concern for a number of OSCE/ODIHR EOM interlocutors who perceived them as means to sustain friendly media outlets. Cases of inflammatory language used by journalists and verbal attacks on journalists were also raised as issues of concern.⁵⁶ During the campaign, the OSCE/ODIHR EOM was informed of one case of alleged intimidation of a news editor by a DUI representative. The OSCE/ODIHR EOM received reports from public media employees of pressure and attempts by political stakeholders to influence media employees' editorial decisions.

Efforts should be taken to further strengthen editorial independence of the public media from political influence to facilitate citizen's access to pluralistic information.

Any purchasing of government-financed advertisement in the private media should at all times be based on objective and non-discriminatory criteria, with full and timely transparency on costs provided.

⁵² The template for the reporting contains broad lines of expenditure without an effective breakdown of expenses. For example, the line for Advertising and Propaganda includes all expenses incurred with media advertising, posters, billboards, campaign events etc. without a breakdown. This makes it impossible to compare, for example, how many television spots were declared by contestants versus how many were used.

⁵³ Paragraph 220 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "Legislation must include guidelines on how a legal violation may be brought to the attention of regulatory bodies, what powers of investigation are granted to such bodies, and the range of applicable sanctions. Generally, legislation should grant regulatory agencies the ability to investigate and pursue potential violations. Without such investigative powers, agencies are unlikely to have the ability to effectively implement their mandate. Adequate financing to ensure the proper functioning and operation of the regulatory body are also necessary".

⁵⁴ According to an [analysis](#) conducted on behalf of the Agency for Audio and Audiovisual Media Services (AVMS).

⁵⁵ It is financed from the license fee collected from citizens, advertising revenue and other activities as well the government subsidies.

⁵⁶ In addition, during the OSCE/ODIHR EOM deployment, a journalist detained since April 2016 was trialled for espionage, blackmail and criminal association, in a case perceived by local journalists' association and trade union as politically motivated; see the Council of Europe [alert](#). In addition, the critical website (SDK.mk) could not be accessed for unknown reasons four Fridays in a row prior to elections.

B. LEGAL FRAMEWORK FOR THE MEDIA

The Electoral Code governs the media coverage of elections. Substantial amendments in 2015, tested for the first time during the 2016 elections, addressed several issues of concern identified in the past, including the prohibition of government-financed advertising in the pre-election period and the coverage of state officials favouring political parties during elections. The amendments also provide for shorter deadlines for media-related complaints and misdemeanour procedures.

All broadcasters are required to provide balanced coverage during the campaign period, in accordance with the principle of proportionality based on the number of confirmed candidate lists. The public broadcaster, MRT has to provide contestants with prescribed shares of coverage in each news programme, and it is also required to grant them access to free airtime and to conduct debates.⁵⁷

As previously recommended, the legal requirement of MRT to provide an exact amount of time in every newscast devoted to the coverage of campaign activities of individual contestants could be replaced with a more general requirement, providing for impartiality and balance while respecting its editorial independence.

The Electoral Code allows 18 minutes of paid political advertising for every broadcast hour, while broadcast media can also air an additional 12 minutes of commercial advertisements. A number of OSCE/ODIHR EOM interlocutors considered 30 minutes of advertisement per hour as excessive. Private media that offered paid political advertising had to provide the parliamentary parties with the opportunity to purchase equal shares of such airtime. Some non-parliamentary parties complained about the disproportionately small quantity of paid airtime available to them.⁵⁸

The provisions on the distribution of paid advertising could be reviewed to increase access for non-parliamentary parties.

Substantial media reforms foreseen in the Przino Agreement were not finalized and implemented prior to the elections. In July 2016, the four largest parliamentary parties agreed to implement specific temporary measures for these elections. These included the appointment of the MRT1 news editor-in-chief by the opposition (upon consultation with other parliamentary parties) 100 days prior to elections with the mandate ending on election night, and the formation of a Temporary Commission to oversee media coverage during the pre-electoral period.

The Temporary Commission, a five-member body, was composed of four political nominees (two from governing parties and two from the opposition), and a fifth member selected by the four nominees. The Commission supplanted the supervisory role of the Agency for Audio and Audiovisual Media Services (AVMS), the regulatory body for broadcast media. The Temporary Commission was mandated to supervise the media for more than three months prior to elections. However, certain amendments in the Electoral Code were not fully harmonized across the Code, creating uncertainty about the Commission's mandate during the period starting from 17 October, when elections were called, up to 21 November, the official start of the campaign.⁵⁹

⁵⁷ Article 76a(2) of the Electoral Code provides that coverage of every newscast of the public broadcaster 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.

⁵⁸ Parties not represented in the parliament are allowed to purchase only a minute of advertising per hour, compared to 17 minutes of such airtime for parliamentary parties, which is distributed to a maximum of 8 minutes per hour for governing parties, 8 minutes for larger opposition parties represented in the parliament, and 1 minute for small parliamentary parties.

⁵⁹ Article 75a obliges broadcasters to ensure balanced coverage of the elections in all forms of electoral presentation in the media in accordance with the principle of proportionality based on the number of confirmed candidate lists.

As previously recommended, the Electoral Code could be amended to clarify the requirements for balanced reporting during the pre-campaign period. Consideration could be given to further strengthen the independence of the AVMS, granting it greater resources to ensure its oversight role, and providing it with sanctioning powers that are effective, proportionate and dissuasive.

The Commission assessed the broadcast media coverage of political actors and contestants based on monitoring reports prepared by the AVMS every 10 days.⁶⁰ The rulings of the Commission were based on its members' interpretation of the AVMS media monitoring findings. The rulings lacked consistency, and at times did not reflect the gravity of alleged violations.⁶¹ The Commission proposed over 60 misdemeanour procedures.⁶² Of these, 16 were for unbalanced coverage,⁶³ 6 for hidden campaigning by government officials,⁶⁴ and 29 related to political advertising.⁶⁵ There were also 13 cases that dealt with violation of the campaign silence period. The deadlines for adjudicating media-related complaints were, by and large, not respected.⁶⁶ Before election day, the courts considered only two cases, rejecting both.

C. MEDIA MONITORING FINDINGS



Electoral contestants were able to access the media for campaigning, including through free airtime in public media. The broadcast media provided coverage of the campaigns of contestants in their regular news programmes. While public, as well as some private media, attempted to organize debates with all key contestants, these were largely unsuccessful due to refusals of candidates to participate.

The OSCE/ODIHR EOM conducted media monitoring of eight television channels and five newspapers.⁶⁷ The monitoring results showed that both public television channels largely complied with the regulation on coverage of contestants during the campaign period. In MRT1 news programmes, the VMRO-DPMNE-led coalition and DUI received 40 per cent of coverage combined, while the opposition parties were allocated 43 per cent, and non-parliamentary parties 11 per cent. The MRT1 portrayed the contestants in a positive and uncritical manner. During the campaign silence period, the MRT1 showed a documentary about a controversial historical figure referred to by the VMRO-DPMNE leader in an earlier campaign rally.⁶⁸

⁶⁰ Although required by law, the AVMS did not supervise the election coverage in the online media, due to unclear regulations stating that “the Electoral Code does not define the term ‘Internet portal’ or its scope, and ...a definition of this term is not available in the other domestic laws”.

⁶¹ For instance, at its session assessing the second 10-day period of the campaign, the Commission decided not to initiate charges against any media outlets, despite overt bias and failure to respect the law by some, as documented in the AVMS media monitoring reports. In contrast, in its assessment of the first 10-day period of the campaign, the Commission proposed to initiate charges against several media although the monitoring reports in some cases did not provide a strong basis for such recommendations.

⁶² Neither AVMS, nor the Temporary Commission has legal power to impose sanctions directly, but AVMS can bring the identified violation to courts' attention.

⁶³ *Sitel* and *TV Nova* (5 cases each) and *Alfa*, *TV Telma*, *24 Vesti*, *Alsat-M*, *Kanal 5* and *TV Shenja* (1 case each).

⁶⁴ *Sitel*, *Alfa* and *TV Nova* (2 cases each).

⁶⁵ This included the length of advertising segments for a particular party or block that was longer than allowed by law, or advertisements that were aired outside of the campaign period.

⁶⁶ The court should decide upon a request for a misdemeanour violation within 48 hours. Its decision can be appealed within 24 hours. The second instance court is to decide on the appeal within 48 hours.

⁶⁷ The OSCE/ODIHR EOM media monitoring conducted from 7 November included the prime time programmes aired by public channels MRT1 and MRT2 and private channels *Sitel*, *Kanal 5*, *Alfa*, *Telma* and *Alsat-M* (between 18:00 and 24:00), and main news programmes of *24 Vesti* (aired at 20:00), as well as the daily newspapers *Dnevnik*, *Koha*, *Lajm*, *Sloboden Pecat* and *Vest*.

⁶⁸ On 10 December, MRT1 aired a documentary film about Andon Kjoseto, who was referred to in the 6 December campaigns speech of VMRO-DPMNE leader.

On the predominantly Albanian language service MRT2, the distribution of news coverage between the parliamentary governing coalition and opposition parties was similarly equitable – 42 per cent and 39 per cent, respectively. Parties outside of parliament received 14 per cent of coverage. However, the news programmes dedicated larger shares of coverage to ethnic Albanian parties. Political actors were presented mainly in positive or neutral manner.

The private *Sitel*, *Kanal 5* and *Alfa* did not provide balanced and impartial coverage in their news, as demonstrated in quantitative and qualitative aspects of the media coverage. The three channels focused on two major coalitions led by VMRO-DPMNE and SDSM, which received combined coverage ranging from 88 per cent on *Alfa* to 93 per cent on *Kanal 5*. While VMRO-DPMNE-led coalition and SDSM-led coalition received equitable shares of coverage, the VMRO-DPMNE-led coalition was presented mainly positively, and the latter was often presented in a negative light, particularly on *Sitel*. All three television channels focused on the campaign messages of VMRO-DPMNE-led coalition. Dubious information originating from the Internet was occasionally presented as political news.

Alsat-M, *Telma* and *24 Vesti* offered overall diverse and often critical coverage of the contestants and political actors in their news programmes. While *Telma* and *24 Vesti* concentrated more on the two major coalitions,⁶⁹ other coalitions and parties also received significant shares of news coverage.⁷⁰ All three channels granted opportunities to contestants to present their platforms in debates or interviews.

Monitored daily newspapers overall provided a variety of views, while leaning towards particular parties. *Dnevnik* favoured the VMRO-DPMNE-led coalition, and was critical of the SDSM-led coalition, which received the largest share of coverage. *Vest* also clearly favoured the VMRO-DPMNE-led coalition. *Sloboden Pecat* favoured the SDSM-led coalition, and was very critical of the governing parties. *Koha* and *Lajm* clearly focused on ethnic Albanian parties. While *Koha* was leaning towards DUI and presented overall rather positive coverage of the contestants, *Lajm* was very critical of the governing parties, particularly DUI, which received the largest share of coverage.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code allows for citizen, party and international observation. A total of 642 international observers, 98 international journalists and 7,605 citizen observers were accredited for these elections. The main citizen observer organizations MOST and CIVIL conducted long- and short-term observation activities. MOST deployed 80 LTOs and some 3,300 STOs, and CIVIL deployed 35 LTOs and some 300 STOs. MOST also conducted parallel vote tabulation.⁷¹ The active participation of citizen observers at all stages of the electoral process provided an important layer of transparency.

Shortly prior to election day, 19 civil society organizations (part of a voter awareness campaign led by Foundation Open Society – Macedonia), were notified of forthcoming financial audits.⁷² These

⁶⁹ On *Telma*, the VMRO-DPMNE-led coalition received 27 per cent of news coverage compared to 23 per cent allocated to the SDSM-led coalition; on *24 Vesti* it was 30 per cent compared to 19 per cent, respectively.

⁷⁰ *Alsat-M* allocated 25 per cent of its news coverage to the VMRO-DPMNE-led coalition while DUI received 21 per cent and the SDSM-led coalition received 15 per cent of coverage; similarly to *Telma* and *24 Vesti*, it allocated significant shares of coverage to other parties and coalitions.

⁷¹ The parallel vote tabulation [results](#) were published on 12 December and generally matched the election results at district level.

⁷² Financial audits were initiated for the Association of the Textile and Tanning Workers *Glasno* - Shtip (on 7 December), the Association for Local Development ACTION PLUS - Resen (on 9 December), the Association for Development and Activism AQUA - Struga (12 December) and the Foundation Open Society-Macedonia (14 December).

organizations questioned the timing of such an inquiry, and had to operate under conditions that are not conducive to the participation of civil society in public affairs.⁷³

XIII. COMPLAINTS AND APPEALS

The SEC dealt with most administrative disputes related to elections. The SAO and SCPC handled complaints related to campaign finance and misuse of administrative resources respectively. Amendments to the Electoral Code in 2015 strengthened legal guarantees for electoral dispute resolution. In line with previous OSCE/ODIHR and Venice Commission recommendations, the changes included shorter deadlines, publication of administrative decisions within 24 hours, and guaranteeing the right to appeal all administrative decisions to the Administrative Court. In addition, following previous recommendations, the SEC adopted a rulebook on procedures for dealing with complaints. However, despite the legal obligation, the SEC did not implement an electronic system for case and complaint management. In addition, the MECs had no competency to review complaints for issues under their administrative responsibility. This had a negative impact on the timing of complaints and appeals processes, since grievances were reviewed by the SEC centrally often with delay.

The SEC received some 11 complaints prior to the election day, the majority of which were dismissed due to a lack of jurisdiction or evidence.⁷⁴ Two SEC decisions regarding the rejection of the SDPM and NDM candidate lists were appealed to the Administrative Court and both were rejected, in closed session, as ungrounded.⁷⁵ Although both decisions were published on the court's website, the lack of guaranteed public hearings by the Administrative Court may reduce public confidence in the process, and is contrary to OSCE commitments and other international obligations and standards.⁷⁶ Overall, despite improvements in the Electoral Code, the implementation of electoral dispute resolution procedures did not fully provide for an effective legal redress, as provided by OSCE commitments and Council of Europe standards.⁷⁷ In addition, a number of OSCE/ODIHR EOM interlocutors raised concerns about judicial independence.⁷⁸

As previously recommended, the Electoral Code should be harmonized with the Constitution and clearly state that all court hearings on election-related cases must be held in public and that decisions should be published immediately.

Consideration could be given to decentralize the mechanism for electoral dispute resolution. MECs could be tasked to deal with complaints on issues that fall under their administrative responsibilities, so as to allow for a timely and effective remedy.

⁷³ Article 13 of the UNCAC states “Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations...”.

⁷⁴ The complaints were largely on the allegations of early campaigning; violations of Article 8-a of the Electoral Code forbidding new employments or the termination of employment in state and public institutions; partiality of presidents and members of two MECs; and changing the location of a polling station.

⁷⁵ According to the Constitution, court hearings and passing of verdicts are public. The public can only be excluded in cases determined by law. The Law on the Courts states that proceedings before the courts are to be based on the principle of publicity and transparency.

⁷⁶ 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 [ICCPR](#).

⁷⁷ 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”. See also section 3.3 of the [2002 Venice Commission Code of Good Practice](#).

⁷⁸ See UN Human Right Committee [Concluding Observations on the Third Periodic Report of the former Yugoslav Republic of Macedonia](#).

The SCPC received around 10 complaints, mostly submitted by the SDSM against VMRO-DPMNE officials and related to the misuse of state resources.⁷⁹ The hearings of these cases were public and the SCPC requested the Basic Public Prosecution to initiate a number of investigations. In addition, the Ombudsman initiated 10 investigations related to allegations of pressure on public employees and errors to voter lists.

Two other initiatives were submitted to the Constitutional Court challenging the constitutionality of election-related provisions. On 9 November, the Constitutional Court rejected both: one from BESA, challenging the provision which required voters with “questionable” voter registration data to re-register (no jurisdiction) and one from NDM, challenging the composition of the media Temporary Commission (ungrounded).

XIV. PARTICIPATION OF NATIONAL MINORITIES

Parties and coalitions primarily representing the ethnic Albanian community ran independently, whereas parties and candidates representing smaller ethnic communities joined coalitions led by parties representing larger communities.⁸⁰ Both the SDSM-led and VMRO-DPMNE-led coalitions included in their lists representatives of almost all smaller communities and seven of them entered the parliament.⁸¹ As in the past, the majority of parties representing smaller communities ran under the VMRO-DPMNE-led coalition.

The SDSM-led coalition, for the first time, actively sought votes from the ethnic Albanian community, including by fielding ethnic Albanian candidates in winnable positions. Some ethnic Albanian parties questioned the right of an ethnic Macedonian party to attract ethnic Albanian votes.⁸²

Topics related to inter-ethnic relations featured prominently in the campaign, including institutional relations between the ethnic Albanian and ethnic Macedonian communities and the official use of languages. The electoral contest was particularly competitive in the ethnic Albanian communities, with newly formed political forces, such as the Alliance for Albanians and BESA, as well as the SDSM, challenging the dominant position of DUI and DPA.

Media coverage of smaller communities and their participation in the elections, including rallies and statements by parties, was limited. Reporting on political activities by smaller communities, particularly Roma, often used negative stereotypes. While electoral materials were provided in national minority languages, there was no specific voter education campaign to reach out to smaller communities or in their languages.

⁷⁹ One complaint was submitted by the Additional Deputy Minister of Interior, claiming alleged misuse of official position by Minister who relocated employees and increased their salaries. The second, submitted by VMRO-DPMNE, alleged the use of official vehicles for transportation of SDSM campaign material. SDSM submitted other complaints related to alleged campaign activities of VMRO-DPMNE in an elderly home; to the presence of VMRO-DPMNE officials during the foundation of a water system in Makedonska Kamenica and during the initiation of the construction of a kindergarten in Zrnovce, and use of government vehicles to transport VMRO-DPMNE campaign material in Shtip.

⁸⁰ Most parties representing non-ethnic Albanian communities called for the merging of the existing seven electoral districts into a single countrywide one and for the establishment of reserved or guaranteed seats, to allow them to run independently.

⁸¹ Two MPs each have declared themselves as belonging to the Bosniak, Roma and Turkish communities, and one to the Serbian community.

⁸² In total, 22 newly elected MPs are ethnic Albanians: 20 elected within ethnic Albanian parties or coalitions and two with SDSM.

In addition to the ethnic Albanian community, smaller communities, including Roma, stated that they were disproportionately affected by the cleaning of the voter lists, possibly because such communities were not adequately informed of the need to actively re-register.

Media should provide more space for smaller communities and their representatives. Voter education and awareness campaigns, including on voters' right to cast their vote without fear of retribution, should target smaller communities and possibly be run in their language.

XV. EARLY VOTING AND ELECTION DAY

Early voting and election day generally proceeded in an orderly manner and without major incidents or tension. Transparency was enhanced by the presence of numerous citizen and party observers throughout the day in the polling stations observed.

A. EARLY AND HOMEBOUND VOTING

Early voting took place on 7 December for members of out-of-country EBs and on 10 December for homebound voters, internally displaced persons, detainees and prisoners. A total of 8,099 persons (some 0.5 per cent of all registered voters), including 5,746 homebound voters, were registered to vote early. Sick voters and those with physical impairments had to file a request with the relevant MEC seven days prior to election day. In order to reduce potential abuse of homebound voting, the SEC adopted an instruction which defined the category of potential homebound voters, the accompanying documents to such applications, and who can submit the request for voting on behalf of homebound voters. However, it remained unclear and a number of MECs requested clarification on how many times the same person can serve as a proxy for homebound voting.

Early voting was assessed positively in all but three observations. Procedural problems observed related to ballot boxes not being properly sealed in seven cases, and the secrecy of the vote not always ensured in eight cases. During voting at the prison in Idrizovo, the OSCE/ODIHR EOM observers noted several inmates with valid identification card being unable to vote because they were not on the voter list.⁸³ Over 500 prisoners were not included in the list due to expired documents.

To avoid disenfranchisement of voters in prison, legal deficiencies related to the renewal of their identification documents should be corrected.

B. VOTING

On election day, almost all polling stations observed opened on time. The opening process was assessed positively in most areas, however, observers noted some procedural problems: in 20 cases the required protocol was not filled in prior to voting, in 21 cases the ballot boxes were not shown to be empty, and in 10 cases the numbers of ballot box security seals were not recorded.

The voting process was assessed positively in 97 per cent of observations. Procedures were generally followed, including those to safeguard against multiple voting such as inking of voters' fingers and checking the photos on the voter list. The layout of four per cent of polling stations observed was

⁸³ Some 50 per cent of the inmates in prison in Idrizovo, 30 per cent of those from prison in Shuti Orizari, as well as in Shtip and Veles prisons, could not vote as they were not on the voter list. Paragraph 22 of the UN Human Right Committee [Concluding Observations on the Third Periodic Report of the former Yugoslav Republic of Macedonia](#) states that "The State party should ensure that voting rights are made accessible to all citizens, including persons with disabilities and persons deprived of their liberty. The State party should also take measures to rectify all administrative obstacles to ensure the equal and full voting rights of all citizens".

assessed as inadequate. In half of these cases, this impacted on the secrecy of the vote. Overcrowding was noted in five per cent of the polling stations visited. More than half of the polling stations observed did not allow for independent access for voters with physical impairments.⁸⁴

Measures should be undertaken to ensure access for persons with disabilities to polling stations.

Significantly, in 16 per cent of the observed polling stations, persons were not allowed to vote as they were not on the voter lists. While some of these citizens were redirected to other polling stations, others stated that they were part of the 28,341 records deleted in July 2016. According to the SEC, 470 affected persons submitted complaints on this matter.⁸⁵ This highlights the continued need to sustainably address the structural flaws in the voter register.

Some serious irregularities were observed during voting, such as group voting (4 per cent of observations), proxy voting (2 per cent), and ballot boxes not sealed properly (2 per cent). Incidents of voters being pressured and unauthorized persons directing the work of EBs were also observed. During the day, a number of police and media reports informed of irregularities related to vote-buying and photographing of ballots. The OSCE/ODIHR EOM was informed that at least six people were arrested.

Incidents and irregularities, including campaigning and intimidation of voters around polling stations, organized transportation of voters, voters' assistance and family voting were often more reported in areas where ethnic communities live.

C. VOTE COUNT AND TABULATION

The counting process was assessed as efficient and transparent, good or very good in 114 of the 127 observations. However, significant procedural omissions were observed in a number of polling stations and the counting was assessed negatively in 13 polling stations observed. This primarily related to steps taken prior to opening the ballot boxes, including counting the number of signatures and unused ballots (28 and 25 cases, respectively), and verifying the numbers of the ballot box security seals (14 cases). Following the count, 16 EBs observed had difficulties filling in the results protocols, and 14 EBs did not follow the procedures for packing sensitive election materials and ballots. Copies of the protocol were given to those who requested them; however, 33 EBs observed did not publicly post the protocols, as required by law. The counting finished by the legal deadline in all polling stations observed.

Tabulation proceeded in a timely manner but was assessed negatively in 8 observations. The main problems noted related to the conditions at MECs: insufficient space (24 MECs), overcrowding (22 MECs), and poor organization (9 MECs). During the observation, 336 counting protocols had some discrepancies and the ballots from 40 polling stations were recounted.

D. ANNOUNCEMENT OF PRELIMINARY RESULTS

While not required by law, preliminary results by polling station and district were published online by the SEC throughout the night, which contributed to the transparency of the process. The SEC was to announce and publish the preliminary results at 07:00 on 12 December, however did so only at 21:30, when all MEC protocols were received and confirmed by the SEC. According to the SEC, voter turnout was 67 per cent. Invalid ballots constituted 3.18 per cent, a high number, which appears to be due to the confusion on what constitutes an invalid and valid ballot, as well as not allowing for spoiled ballots should a voter make a mistake whilst marking the ballot.

⁸⁴ See Article 9 and 29 of the 2006 CRPD.

⁸⁵ SEC reviewed only 355 complaints by the end of the polling (as required by law), and rejected them all.

XVI. POST ELECTION DAY DEVELOPMENTS AND COMPLAINTS

The post-election period was marked by a tense atmosphere and harsh rhetoric mainly by VMRO-DPMNE.⁸⁶ After BESA and SDSM lodged complaints against the results in several polling stations, the VMRO-DPMNE called for protests in front of the SEC. On 17 December, the VMRO-DPMNE leader presented a party proclamation to the crowd, accusing SEC and a number of resident ambassadors of electoral interference.⁸⁷ The following day, obituaries of current and former representatives of the international diplomatic community in Skopje were published. The OSCE/ODIHR EOM is not aware of any legal measures taken against these actions.⁸⁸

A. COMPLAINTS TO THE SEC AFTER ELECTION DAY

On 13 December, BESA and SDSM submitted 16 complaints to the SEC against the results in several polling stations.⁸⁹ These complaints could have potentially changed the election results and the forming of a governing coalition.

The SEC dealt with complaints in public sessions that lasted three days, and which were broadcast live on television. Despite the 48-hour legal deadline, the SEC issued the decision with a three-day delay. Seven out of eight complaints submitted by BESA that alleged irregularities during voting (pressure on voters, impersonation and vote-buying) were rejected due to lack of evidence provided with the complaint. Furthermore, no protocols of the referred polling stations contained reference to these irregularities nor had the MECs received any remarks on protocols on these matters. The remaining BESA complaint related to a case of alleged impersonation or attempt of double voting in a polling station.⁹⁰

The SDSM submitted eight complaints, however it withdrew two of these on 16 December. All complaints were rejected. None of the complaints provided evidence or served as a basis for the annulment of results, as they referred to arithmetical corrections on some EB protocols.

One complaint was discussed for more than a day and related to a ballot that was taken out of the ballot booklet together with the serial number stub. The SEC inspected election materials and questioned the

⁸⁶ The protesters called for lynching of several new MPs from the opposition, burning down the US embassy and chanted “damned Albanians”. High-level government officials made references to “The Night of the Long Knives”, and expressed the wish for a heart-attack and funeral of the opposition leader.

⁸⁷ The following accusations or statements were made: SEC is conducting post-electoral engineering; SEC and Administrative Court are pressured by foreign representatives in the country and resident ambassadors interfere in internal politics; the “pardoned criminal” Zoran Zaev will not be allowed to form a government; VMRO-DPMNE will not participate in a re-run or in any negotiations brokered by international representatives, it will not allow any cantonization or redefinition of the state, it will fight for “deSOROSoization” of civil society and will review the rules for financing of civil society organizations.

⁸⁸ Article 20 of [ICCPR](#) states that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law and the law should be enforced”.

⁸⁹ According to the Electoral Code, the election results at polling station level may be annulled if: the EB failed to conduct the voting in accordance with the law; secrecy of voting was violated; voting was suspended for more than three hours; police failed to respond to a request for intervention and this influenced the conduct of voting in the polling station; there were more cast ballots than the number of voters who voted; and in case of proxy voting. The SEC is obliged to inspect the electoral materials if an alleged irregularity was recorded in the EB protocol. In case of annulment, a re-run of elections should take place if the total number of voters registered at the polling station can impact on the results of the electoral district.

⁹⁰ A woman stated that she could not vote on election day as she was informed that her name had already been crossed off the voter list. The SEC questioned the EB yet it remained unclear whether someone voted for the woman or if she attempted to vote twice. A graphologist was called and confirmed that the signatures on the voter list and of the woman were different. The SEC annulled the results of this polling station.

EB and MEC members on the matter.⁹¹ Some of the independent SEC members showed a clear intention to invalidate the results of polling station on the grounds of violation of secrecy of vote, although the EB members insisted they did not know who used that ballot and as such could not trace the identity of the voter.

The entire review process was impeded by unprofessional behaviour by some SEC members, partisan conduct and lack of organization. MEC and EB members were called to sessions at late hours, were publicly pressured and threatened with prison sentences, and were questioned in front of media without any protection of their identity and privacy. The SDSM complaints were discussed at greater length by the SEC than those submitted by BESA, with the SEC summoning EB members to clarify corrections in the EB protocols and opening a ballot box without the alleged facts having been entered in the EB protocol, as required by law.

As previously recommended, the SEC should review all complaints and appeals in an impartial manner, free from political considerations. The law should be interpreted and enforced consistently and in line with the intent of the law.

B. APPEALS TO THE ADMINISTRATIVE COURT

Five appeals were submitted to the Administrative Court challenging the decisions taken by the SEC. One by VMRO-DPMNE challenged the SEC decision to annul the results of one polling station and four by SDSM challenged the SEC decision to reject the complaints for four polling stations due to allegedly procedural irregularities.

For the first time, the Administrative Court held public hearings on the cases. A reporting judge presented the case and provided the opportunity to the appellants to add other relevant facts. After the public hearings, each of the five-member panel of judges voted in a closed session, in accordance with the rules of procedure of the court. The Administrative Court upheld three of the SEC decisions and overturned two. Decisions were published on 20 December, within the 24-hour legal deadline.

In the first case, the Court overturned the SEC decision to annul one polling station results as it considered that the initial complaint submitted by BESA should not have been accepted by SEC as it was not signed by a complainant. In the second case, the Court overturned the SEC decision to validate the results of a polling station on procedural grounds and ordered repeat elections for 25 December 2016. The Court's procedural approach may serve as a precedent for invalidation of polling station results that do not affect the outcome of the elections based on procedural mistakes, at odds with the requirements of the Electoral Code.

C. RE-RUN AND FINAL RESULTS

On 25 December, a re-run was organized at polling station number 2011 in Tearce, district 6.⁹² According to the SEC, the re-run took place in an orderly manner, and the polling station results did not affect the overall results. On 28 December, the SEC handed over the MP certificates to the elected candidates.

⁹¹ The SEC found that protocol 15 (electoral material reception and polling station conditions) was missing. The ballot in question was found during counting and reconciliation; a note regarding this ballot was found in the EB results protocol yet was not present in the carbon copies of this protocol.

⁹² Prior to the re-run, the vote difference in district 6 between VMRO-DPMNE and SDSM was 306. Polling station number 2011 had 714 registered voters, which meant that the re-run could have changed the number of MPs of these two parties from 51 and 49 to 50 each, respectively.

The final results published by the SEC contained two inconsistencies. The number of valid votes was 1,153,984, while the sum of votes cast per contestant was 1,153,962, (22 votes less). Also, the number of voters who voted was 1,191,852; 2 more than the sum of invalid (37,870) and valid (1,153,984) votes. The SEC could not explain these discrepancies to the OSCE/ODIHR EOM.

XVII. 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 and June 2016 Final Reports, 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.⁹³

A. PRIORITY RECOMMENDATIONS

1. As previously recommended, 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 in a public procedure after consultations between all political stakeholders and relevant civil society representatives.
2. As previously recommended, in order to increase transparency and public confidence in its work, all SEC sessions should be public. SEC minutes of the sessions and decisions should be published on its website regularly and without delay.
3. As previously recommended, the SEC and MoIA should continue the process of updating the voter register through a co-ordinated effort and according to clearly defined responsibilities and procedures. This process should address the structural problems in a sustainable manner, be transparent and ensure access to political parties and civil society.
4. Detailed and timely procedures for the review of candidate lists should be introduced to ensure consistency and inclusiveness of the registration process, including allowing sufficient time for contestants to correct irregularities. A review of the Electoral Code could consider specifying all the conditions and required documents for withdrawal and replacement of candidates on lists.
5. A mechanism for timely and effective redress should be established for all eligible voters not found in the voter lists in order that they can exercise their right to vote.
6. Any instances and allegations of pressure and intimidation should be thoroughly and effectively investigated and prosecuted by authorities in a timely manner. Authorities and political parties should consider more resolute steps to ensure that pressure is not applied on public-sector employees, political activists and other citizens to attend campaign events or vote in a particular way.
7. Efforts should be taken to further strengthen editorial independence of the public media from political influence to facilitate citizen's access to pluralistic information.

⁹³ According to the paragraph 24 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

8. As previously recommended, the SEC should review all complaints and appeals in an impartial manner, free from political considerations. The law should be interpreted and enforced consistently and in line with the intent of the law.

B. OTHER RECOMMENDATIONS

Electoral System

9. Consideration could be given to review the threshold for the out-of-country voting district in order to ensure parliamentary representation of these voters. This could be correlated proportionally to the turnout, as is the case for the in-country voters.
10. Legislation should foresee periodic review of district boundaries by an independent body to account for population changes. When district boundaries are redefined, it should be done in a transparent, impartial and inclusive manner.

Election Administration

11. Consideration should be given to revising the SEC's Rules of Procedure to improve the internal organization, efficiency and transparency of its work.
12. As previously recommended, to ensure sustainability of SEC administrative capacity, all essential support positions should be permanent and based on an open and competitive recruitment process.
13. The SEC should clarify any procedures not elaborated in the Electoral Code in a timely manner. Any clarification should be in line with the provisions of the Electoral Code.
14. The SEC should consider providing more comprehensive trainings to lower-level commissions with a focus on election day procedures.
15. The SEC should consider developing a comprehensive and timely voter education programme, including in national minority languages. Particular attention should be paid to the marking of ballots by voters and secrecy of the vote.

Voter Registration

16. All eligible voters should be added to the voter lists, regardless of the validity of their identification card or passports, as provided by the Constitution.
17. The Law on Permanent and Temporary Residency should be revised to provide consistent definitions of temporary and permanent residency of citizens living in-country and abroad, as well as efficient mechanisms for the MoIA to update the address registry. The legal inconsistencies should be addressed to ensure the accuracy of the voter registration data based on where citizens actually reside.
18. In order to increase public confidence in the process, measures should be taken to ensure that active registration for voting abroad is performed only by the voter.

Candidate Registration

19. As previously recommended, in order to reduce the potential for intimidation consideration could be given to providing alternative methods for signature collection or allowing for financial deposits.
20. Political parties should consider internal measures to promote women to senior positions within party structures, and by including women in winnable positions on candidate lists.

Campaign Finance

21. Consideration could be given to granting the SAO ex officio powers to undertake full campaign finance audits, including requesting further documentation and information from contestants, to ensure a comprehensive review against any possible infringement.

Media

22. Any purchasing of government-financed advertisement in the private media should at all times be based on objective and non-discriminatory criteria, with full and timely transparency on costs provided.
23. As previously recommended, the legal requirement of MRT to provide an exact amount of time in every newscast devoted to the coverage of campaign activities of individual contestants could be replaced with a more general requirement, providing for impartiality and balance while respecting its editorial independence.
24. The provisions on the distribution of paid advertising could be reviewed to increase access for non-parliamentary parties.
25. As previously recommended, the Electoral Code could be amended to clarify the requirements for balanced reporting during the pre-campaign period. Consideration could be given to further strengthen the independence of the AVMS, granting it greater resources to ensure its oversight role, and providing it with sanctioning powers that are effective, proportionate and dissuasive.

Complaints and appeals

26. As previously recommended, the Electoral Code should be harmonized with the Constitution and clearly state that all court hearings on election-related cases must be held in public and that decisions should be published immediately.
27. Consideration could be given to decentralize the mechanism for electoral dispute resolution. MECs could be tasked to deal with complaints on issues that fall under their administrative responsibilities, so as to allow for a timely and effective remedy.

Participation of National Minorities

28. Media should provide more space for smaller communities and their representatives. Voter education and awareness campaigns, including on voters' right to cast their vote without fear of retribution, should target smaller communities and possibly be run in their language.

Election Day

29. To avoid disenfranchisement of voters in prison, legal deficiencies related to the renewal of their identification documents should be corrected.
30. Measures should be undertaken to ensure access for persons with disabilities to polling stations.

ANNEX I: ANNEX 1: FINAL RESULTS⁹⁴

	Number		Per cent
Registered voters	1,784,416		
Voters who voted	1,191,852		66.79
Valid votes	1,153,984		96.82
Invalid votes	37,870		3.18
Results			
Parties/Coalitions	Votes	Per cent	Seats
Coalition led by the Macedonian Internal Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO–DPMNE)	454,577	38.14	51
Democratic Party of Albanians (DPA)	30,964	2.60	2
Coalition Democratic Union for Integration (DUI)	86,796	7.28	10
Coalition led by the Social Democratic Union of Macedonia (SDSM)	436,981	36.66	49
Coalition for Changes and Justice – Third Block (KPP)	10,028	0.84	0
Party of Democratic Prosperity (PDP)	1,143	0.10	0
Coalition “Alliance for Albanians”	35,121	2.95	3
Liberal Party	3,840	0.32	0
Coalition VMRO for Macedonia	24,524	2.06	0
Movement BESA	57,868	4.86	5
The Left (<i>Levica</i>)	12,120	1.02	0
Total number of votes	1,153,962	96.83	120

⁹⁴ Data aggregated according to final results published on the SEC [website](#).

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

SHORT-TERM OBSERVERS

OSCE Parliamentary Assembly

Roberto	BATTELLI	Slovenia	Special Co-ordinator
Azay	GULIYEV	Azerbaijan	Head of Delegation
Berivan	ASLAN	Austria	
Wolfgang	GERSTL	Austria	
Dimitar	DELTCHEV	Bulgaria	
Kiril	TZOTCHEV	Bulgaria	
Kristian	VIGENIN	Bulgaria	
Thomas	STRITZL	Germany	
Georgios	VAREMENOS	Greece	
Luigi	COMPAGNA	Italy	
Sergio	DIVINA	Italy	
Helen	KONZETT-BARGETZE	Liechtenstein	
Malgorzata	GOSIEWSKA	Poland	
Sven-Olof	SAELLSTROEM	Sweden	
Necdet	UNUVAR	Turkey	
Mir Kamal	ALIZADA	Azerbaijan	
Milovan	PETKOVIĆ	Croatia	
Georgios	CHAMPOURIS	Greece	
Monica	DELLI PRISCOLI	Italy	
Cenk	ILERI	Turkey	
Andreas	NOTHELLE	Germany	
Francesco	PAGANI	Italy	
Maria	CHEPURINA	Russian Federation	
Iryna	SABASHUK	Ukraine	

Parliamentary Assembly of the Council of Europe

Stefan	SCHENNACH	Austria	Head of Delegation
Vusal	HUSEYNOV	Azerbaijan	
Muslum	MAMMADOV	Azerbaijan	
Saša	MAGAZINOVIĆ	Bosnia and Herzegovina	
Valeri	JABLIANOV	Bulgaria	
Predrag	SEKULIC	Montenegro	
Pauline	KRIKKE	Netherlands	
Frank	JENSSEN	Norway	
Luis Leite	RAMOS	Portugal	
Matjaz	HANZEK	Slovenia	
Saban	DISLI	Turkey	
Vladyslav	GOLUB	Ukraine	
George	FOULKES	United Kingdom	
Domenico	VALLARIO	Italy	Venice Commission
Käre	VOLLAN	Norway	Venice Commission
Franck	DAESCHLER	France	Secretariat
Bogdan	TORCATORIU	Romania	Secretariat
Anne	GODFREY	United Kingdom	Secretariat

European Parliament

Igor	ŠOLTES	Slovenia	Head of Delegation
Angel	DZHAMBAZKI	Bulgaria	
Andrey	KOVATCHEV	Bulgaria	
Tonino	PICULA	Croatia	
Joëlle	BERGERON	France	
Jens	NILSSON	Sweden	
Maria	SPYRAKI	Greece	
Martin	FILIPOV	Bulgaria	
Jörgen	SIIIL	Estonia	
Julianna	HUSZAR-DEKANY	Hungary	
Paolo	BERGAMASCHI	Italy	
Johana	MARESCAUX	Czech Republic	Secretariat
Nikos	SALLIARELIS	Greece	Secretariat
Helen	COLLINS	Ireland	Secretariat
Gerrard	QUILLE	United Kingdom	Secretariat

OSCE/ODIHR EOM Short-term Observers

Uarda	CELAMI	Albania
Erinda	TOSKA	Albania
Manfred	ASCHABER	Austria
Florian	DOSCHEK	Austria
Thomas	MUEHLMANN	Austria
Iris	O'ROURKE	Austria
Thomas	BOTTERMAN	Belgium
Hugo	BRAUWERS	Belgium
Frederic	DE CONINCK	Belgium
Joris	VANHEE	Belgium
Viktoria	CHACHEVA	Bulgaria
Konstantina	KOSTOVA	Bulgaria
Dimitar	STANCHEV	Bulgaria
Elizabeta	MADAREVIC	Croatia
Martina	VRDOLJAK	Croatia
Josip	JURIC	Croatia
Hana	BRODSKA	Czech Republic
Adam	DRNOVSKY	Czech Republic
Jan	FALTUS	Czech Republic
Eva	JANU	Czech Republic
Martin	KOSATKA	Czech Republic
Jane	KOVARIKOVA	Czech Republic
Petra	KRATOCHVILOVA	Czech Republic
Oldrich	LACINA	Czech Republic
Pavel	PINKAVA	Czech Republic
Valdemar	URUBA	Czech Republic
Milena	LEVICKOVA	Czech Republic
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Ingegerd Nissen	PETERSEN	Denmark

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Brigitta	LENGYEL	Hungary
Elza	SCHÖNSTEIN	Hungary
Gábor	SZEKERES	Hungary
Krisztina	TIHANYI	Hungary
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William	BULMAN	Ireland
Pauline	CONWAY	Ireland
Frank	KENNEFICK	Ireland
Olivia	MITCHELL	Ireland
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Enza	PETRILLO	Italy
Nadia	RANERI	Italy
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Fumiyo	TAKAI	Japan
Anete	KARKLINA-LUOPE	Latvia
Rita	STAFEJEVA	Lithuania
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Iuliia	ANTONOVA	Russian Federation
Kristina	BOGDANOVA	Russian Federation
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Elizaveta	BORISOVA	Russian Federation
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Dally Tariq	HAKEM	United Kingdom
Adrian Francis	I'ANSON	United Kingdom
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John	MILLS	United Kingdom
Catherine Mary	PIDCOCK	United Kingdom
Bernard Joseph	QUOROLL	United Kingdom
Thomas Legh	RICHARDSON	United Kingdom
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Alison	SUTHERLAND	United Kingdom
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Hedy	GLENN	United States
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Steven (Mitch)	MORAN	United States
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Octavius	PINKARD	United States

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Constance (Connie)	ROBINSON	United States
Timothy James	SCOTT	United States
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Ovidiu	CRAIU	Romania	
Marek	MRAČKA	Slovakia	
Mario	ORRU	Italy	
Karolina	RIEDEL	Sweden	
Jonathan	MELLON	United Kingdom	
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Tatjana	PEROVIĆ	Serbia	
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Michael	WIERSING	Germany
Cecilia Rose	KEAVENEY	Ireland
Simone	BROCCHI	Italy
Aida	MASYLKANOVA	Kyrgyz Republic
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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 coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, 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).