



Office for Democratic Institutions and Human Rights

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

EARLY PARLIAMENTARY ELECTIONS 5 June 2011

OSCE/ODIHR Election Observation Mission Final Report



Warsaw
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I. EXECUTIVE SUMMARY

Following the receipt of an invitation from the Ministry of Foreign Affairs of the former Yugoslav Republic of Macedonia, and based on the recommendation of the Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 5 June early parliamentary elections. The elections were assessed for compliance with OSCE commitments and other international standards for democratic elections, and domestic legislation. For election day observation, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

The Statement of Preliminary Findings and Conclusions issued on 6 June concluded that “the early parliamentary elections were competitive, transparent, and well-administered throughout the country, although certain aspects require attention.” These include measures to ensure an adequate separation of state and party structures, a thorough voter list audit, and clarification of certain provisions in the Electoral Code. On election day, voters were able to freely express their choice in a peaceful atmosphere, despite some irresponsible claims of irregularities by political parties.

Although certain provisions were significantly amended two months before the elections and without opposition support, the revised Electoral Code provides a solid technical foundation for democratic elections if implemented in a fair and impartial manner. Nevertheless, altering the legal framework so close to an election is not in line with good electoral practice, as it affects the timely and consistent implementation of the law. This was accentuated during these early elections, as most electoral deadlines were shortened by five days.

This was especially relevant for out-of-country voting, which was introduced for the first time for these elections. Many questions concerning the new procedures remained unaddressed including how out-of-country Election Board members would cast their vote. The small number of voters who ultimately registered and voted abroad raises questions about the equality of the in-country and out-of-country votes.

Election commissions at all levels operated in a largely collegial and efficient manner. State Election Commission (SEC) sessions were open to international and domestic observers and the media. Voting on politically sensitive issues was often along party lines, and the presence of media tended to amplify partisan divisions. Despite delays in meeting some election-related deadlines, preparations for the elections proceeded on track. Municipal Election Commissions (MECs) informed the OSCE/ODIHR EOM that funds arrived late from the SEC, which resulted in some MEC presidents using their own funds to support the functioning of MECs.

¹ This report is also available in the Macedonian and Albanian languages. However, the English version remains the only official document.

Some 1.82 million citizens were eligible to vote in these elections, out of an estimated population of 2.05 million. These figures led to persistent doubts about the accuracy of the voter lists. Longstanding OSCE/ODIHR and Venice Commission recommendations that a thorough voter list audit be undertaken remain relevant.

Candidate registration was inclusive and offered a diverse choice to the electorate, including two large coalitions, one led by the ruling Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity and one by the opposition Social Democratic Union of Macedonia, as well as 16 other political parties.

Freedoms of expression, movement, and assembly were respected and candidates were able to campaign freely. The elections took place against a background of parliamentary boycott and significant mistrust between the parties of government and opposition that, at times, gave rise to inflammatory rhetoric during the campaign. Even though all political parties committed themselves to democratic elections, free from intimidation, reciprocal allegations of voter intimidation and misuse of state resources persisted.

Several parties actively promoted themselves before the official start of the campaign, in breach of the Electoral Code. The campaign was calm and noticeably low-key, especially outside of Skopje. Campaigning largely consisted of rallies and small gatherings around the country. Incidents of damage to party offices were reported; however, a number of these were exaggerated in an apparent attempt to attract media attention.

During the campaign, there were instances of an insufficient separation between state and party structures, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. This included misuse of state resources for campaign purposes and partisan rhetoric when candidates acted in an official capacity. This detracted from the overall quality of the election process.

In a positive development, the transparency of campaign finance was enhanced by a requirement that parties submit interim reports to the SEC, State Audit Office, and the State Commission for Prevention of Corruption. The majority of reports were available for public scrutiny from 27 May. However, the discrepancy in the nature of thresholds for campaign donations unduly discriminates between individuals and legal entities, while procedural aspects such as reporting templates and deadlines would benefit from further clarification.

A wide range of media provided voters with diverse and extensive coverage of the campaign, enabling voters to make an informed choice. However, the majority of broadcasters followed partisan editorial policies, frequently blending fact and editorial comment. OSCE/ODIHR EOM media monitoring revealed that the quantity and content of campaign coverage by the public television broadcaster significantly favoured the governing parties, which is contrary to legal obligations and the mandate of the public broadcaster.

Very few official complaints were filed with the SEC and none with the courts. Interlocutors justified the absence of complaints to the courts by a lack of confidence in complaints procedures and the adjudicating bodies. In addition, the Electoral Code does not adequately describe the complaints process for campaign-related disputes.

Electoral Code provisions for gender representation in candidate lists and election commissions were largely respected. While the visibility of women during the campaign remained relatively low, there was an increase in the number of women heading candidate lists.

Political parties campaigned almost exclusively along ethnic lines, reflecting the continued ethnic polarization of society. The atmosphere in the ethnic Albanian political arena was calm, seemingly aided by an agreement between the two largest parties committing themselves to democratic elections.

Overall, election day was calm and peaceful with no significant differences between ethnic Albanian and Macedonian areas. Only a limited number of technical irregularities were noted. The SEC started announcing results on election night and posted them on its website, broken down by electoral district, municipality, and polling station.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs, and in line with the recommendation of the Needs Assessment Mission conducted in Skopje from 5 to 7 April 2011, the OSCE/ODIHR on 6 May deployed an Election Observation Mission (EOM) for the 5 June early parliamentary elections. The EOM was headed by Mr. Julian Peel Yates and consisted of a 12-member core team based in Skopje and 20 long-term observers from 16 OSCE participating States deployed to 10 locations in the country. The OSCE/ODIHR has previously observed 11 elections in the country.²

For election day observation, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Mr. Roberto Battelli, OSCE PA Treasurer and Head of the OSCE PA delegation, was appointed Special Coordinator by the OSCE Chairperson-in-Office. Mr. Jean-Charles Gardetto headed the PACE delegation. In total, there were 288 short-term observers, including 141 seconded by 41 OSCE participating States. Voting was observed in some 1,200 polling stations out of a total of 2,976. Counting was observed in 114 polling stations. The tabulation process was observed in 80 out of 84 Municipal Election Commissions (MECs).

These elections were assessed for compliance with OSCE commitments and other international standards for democratic elections, and domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 6 June.³

The OSCE/ODIHR EOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, the State Election Commission (SEC) for its co-operation and providing accreditation documents, and to other state and local authorities for their assistance and co-operation. The OSCE/ODIHR EOM also wishes to express appreciation to the OSCE Mission to Skopje for their co-operation throughout the mission, as well as to the resident embassies of OSCE participating States and other international institutions.

² All reports are available on the OSCE/ODIHR website: www.osce.org/odihr/elections/fyrom.

³ See <http://www.osce.org/odihr/78439>.

III. POLITICAL BACKGROUND

Parliament voted to dissolve itself on 14 April and early parliamentary elections were called for 5 June, the second consecutive early parliamentary elections. The elections followed a protracted boycott of parliament by a majority of opposition parties, led by the Social Democratic Union of Macedonia (SDSM). The boycott started on 28 January in response to the freezing of bank accounts of four media outlets as part of a criminal investigation linked to the owner of *AI Television*, which is considered the media outlet most critical of the government. The opposition parties also stated that there was no opportunity for genuine political dialogue between themselves and the majority coalition led by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE).

The last OSCE/ODIHR EOM was deployed for the 22 March and 5 April 2009 presidential and municipal elections. The mission concluded in its final report that the elections “met most OSCE commitments and other international standards for democratic elections,” although some problems were evident, such as widespread allegations of voter intimidation.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

The legal framework provides for the fundamental civil and political rights and freedoms necessary for the conduct of democratic elections. However, it requires further improvement in order to fully comply with OSCE commitments and other international standards.

The Electoral Code is the primary law which regulates parliamentary elections. Certain provisions were significantly amended in April 2011 by a slim majority in parliament with opposition parties boycotting the vote.⁴ Although the amendments were part of a long consultation process, not all political parties participated in the decision making process.⁵

In addition, altering the legal framework so close to an election is not consistent with good electoral practice and affects the timely and consistent implementation of the law.⁶ As most electoral deadlines were shortened by five days for these early elections, further difficulties were encountered in implementing the necessary preparations and information outreach to electoral stakeholders before the election.

This was especially relevant for out-of-country voting which was introduced for the first time in these elections. Many questions concerning the new procedures remained

⁴ Amendments to the Electoral Code were passed on 5 April 2011 (68 of 120 MPs). In addition, changes to the boundaries of two electoral districts were passed on 13 April (63 of 120 MPs).

⁵ See paragraph 18.1 of the Moscow 1991 Document which states an obligation “to adopt legislation as the result of an open process reflecting the will of the people.”:
www.osce.org/odihr/elections/14310.

⁶ 2002 Venice Commission Code of Good Practice in Electoral Matters, II, 2.b.: “The fundamental elements of electoral law... should not be open to amendment less than one year before an election.”

unaddressed, including how out-of-country Election Board (EB) members would cast their vote. In addition, citizens who were abroad for election day but did not meet the three-month residency requirement for registration, as well as those who registered in diplomatic and consular offices where less than ten voters registered, were effectively disenfranchised.⁷

The equality of the vote is guaranteed by Article 22 of the Constitution and also provided for by paragraph 7.3 of the 1990 OSCE Copenhagen Document. However, the small number of voters who ultimately registered to vote abroad raised questions about the equality of the in-country and out-of-country votes.⁸ While special circumstances, including geographical factors, are recognized as a permissible departure from the equality of the vote, any deviation should be minimal. The Electoral Code provides for a five per cent deviation among in-country districts, however, contrary to good electoral practice, out-of-country districts are excluded from any requirements.⁹

B. ELECTORAL SYSTEM

A total of 123 Members of Parliament (MPs) were elected to serve four-year terms. 120 MPs were elected under a proportional representation system from six electoral districts and, for the first time, one MP was elected under a majoritarian system from each of the three new out-of-country districts of Europe and Africa, North and South America, and Australia and Asia. There was no threshold requirement for the election of the 120 in-country MPs. However, out-of-country candidates had to win the votes of at least two per cent of the total registered voters in the respective district in order to gain representation.

Citizens who are at least 18 years of age can vote, including those who are imprisoned. Every citizen with a voting right is eligible to stand as a candidate, except those who have been sentenced by a final court decision for imprisonment of at least six months or are serving a sentence for a committed criminal offence. The Electoral Code is silent on the resumption of candidacy rights for those who have already served the penalty for a committed crime. In order to be fully consistent with paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document,¹⁰ as well as Article 3 of Protocol 1 of the European Convention on Human Rights, the Electoral Code should be clearer on whether and when this right is reinstated.

⁷ Electoral Code Article 2(17) states that only those citizens who have at least three months' residence abroad fall under the definition of "temporarily abroad." According to Article 165(2) of the Electoral Code, a polling station can not be established if less than ten voters registered.

⁸ In electoral district four (in-country), the minimum number of votes necessary to win a seat was 9,340, while in electoral district nine (out-of-country), the winning candidate won with 548 votes, representing a difference of over 1,600 per cent.

⁹ 2002 Venice Commission Code of Good Practice in Electoral Matters, I, 2.2., states: "Seats must be evenly distributed between the constituencies... The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances."

¹⁰ Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that participating States will "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination". Paragraph 24 provides that "the participating States will ensure that the exercise of all the human rights and fundamental freedoms... will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. The restrictions have the character of exceptions."

V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered election administration including the SEC, 84 MECs, 2,976 in-country EBs, and 36 out-of-country EBs located in diplomatic and consular offices abroad.

The SEC is a permanent body appointed for a four-year mandate by parliament. It consists of seven members and oversees the general preparations for elections. The SEC president and two members are nominated by the parliamentary opposition parties while the vice president and three members are nominated by the governing parties. The current SEC was appointed in 2008.

The SEC operated in a largely collegial, efficient, and transparent manner. SEC sessions were open to international and domestic observers, as well as the media. The SEC would have enhanced the transparency of their work if they had made public the SEC session minutes.¹¹

Several important decisions, including those concerning the design and printing of the ballots and the accreditation of some observers, were taken in working groups which were not public and took no formal vote. Voting on politically sensitive issues was often along party lines and the presence of the media tended to amplify partisan divisions.¹² Some SEC sessions observed by the OSCE/ODIHR EOM tended to stall on minor details, obscuring the main business of the day.¹³ Despite delays in meeting some election-related deadlines, preparations and administration of the elections proceeded largely on track.¹⁴

MECs are responsible for overseeing the election process in each municipality. MECs are professional bodies of five members (and five deputies), and were randomly selected from public service employees. All MEC members were newly appointed on 26 April to serve a five-year mandate. MECs generally functioned in a co-operative manner and made consensual decisions. However, all MECs informed the OSCE/ODIHR EOM that funds arrived late from the SEC, which resulted in some MEC presidents using their own funds to support the functioning of the MECs.

EBs are responsible for particular polling stations prior to and on election day. EBs are composed of a president, four members and their deputies, using a mixed professional-political model. One member is nominated by the governing political parties, one by the opposition parties, and three members are randomly selected from public service employees, for a period of four years.

¹¹ Article 24 of the Electoral Code stipulates that the work of the election bodies should be public. Article 46 of the SEC Rulebook instructs that SEC sessions are recorded and minutes are prepared and stored in the SEC archives. However, the SEC did not publish the minutes from their sessions.

¹² For example: On 7 and 10 May, when the submitted candidate lists were discussed, and; on 16 May, when the SEC voted along party lines in their decision not to investigate alleged voter intimidation claims made by *AI Television*.

¹³ Venice Commission Opinion no. 190/2002, 3.1(79) "...rules of procedures should be provided for a limited amount of speaking time for each member, otherwise endless discussions are liable to obscure the main business of the day."

¹⁴ The following delays in meeting the SEC calendar deadlines occurred: formation of the out-of-country EBs was decided on 15 May, not 3 May; replacements to MEC and EB membership were completed on 23 May, although the deadline was 6 May.

The SEC instituted a compulsory training programme for all lower-level election commissions. The SEC trained the MECs, and the MECs, in turn, trained the EBs. The SEC also trained the EBs for the out-of-country polling stations. The training observed by the OSCE/ODIHR EOM could have been improved by the use of interactive training techniques.

The SEC adopted and published two training handbooks, one for the MECs and the other for the EBs. The SEC regarded these handbooks as a substitute for regulations for the work of MECs and EBs and therefore issued few regulations governing the tasks mandated by the Electoral Code.

Some last minute decisions were passed by the SEC but these were applied inconsistently and led to confusion among lower-level election commissions. This was particularly the case in a decision on what constitutes an invalid ballot paper, which contradicted the Electoral Code.¹⁵ The lack and contradictory use of regulations is contrary to good electoral practice, which calls for instructions from election administration bodies to provide further clarification or detail to existing legal provisions and to be directly based on provisions in the electoral legislation.

The SEC launched a limited voter education programme ten days before election day consisting of TV spots, flyers, and voting guidelines aimed at motivating voters to participate, explaining the voting process, and warning against election violations. One gap in the voter education programme, which was raised by several OSCE/ODIHR EOM interlocutors, was information on the procedures for filing and resolving complaints.

VI. VOTER REGISTRATION

The responsibility for updating and maintaining voter lists rested, for the first time in these elections, with the SEC. The public inspection of extracts of the voter lists took place between 25 April and 4 May. The voter list extracts were available for inspection at SEC regional offices,¹⁶ through an internet-based search programme, and by emailing a dedicated SEC office.¹⁷ The SEC announced on 15 May that the final voter lists for the 2011 parliamentary elections contained 1,821,122 voters, some 29,000 more than in the 2009 presidential and municipal elections.

A total of 7,213 people registered for the out-of-country voting: 4,591 in electoral district seven which covers Europe and Africa; 1,824 in electoral district eight which covers North and South America; and 798 in electoral district nine which covers Australia and Asia. The small number of voters who registered abroad underlines concerns about the equality between in-country and out-of-country votes.

¹⁵ According to the Electoral Code a ballot is valid if the will of a voter is established. However, SEC instructions stated that if there is any sign, symbol, or marking on a ballot paper, other than a circle, the ballot should be deemed invalid.

¹⁶ These 34 regional offices were previously managed by the Ministry of Justice but were transferred to the SEC when it assumed voter registration responsibilities.

¹⁷ According to SEC information, 18,662 people checked their data during this period out of whom 42 people were newly registered, 842 deceased were deleted *ex officio*, 210 citizens requested changes to personal data, and 24 people who applied to be registered were refused.

Concerns about the quality and accuracy of the voter lists were voiced by many OSCE/ODIHR EOM interlocutors and are longstanding. With a population of 2,052,722,¹⁸ it is widely considered that voter lists are inflated. According to the SEC, there are some 80,000 people working or residing abroad who continue to appear on in-country voter lists, with an asterisk next to their name. However, this number is widely believed to comprise only a portion of those who are abroad, reaffirming that previous OSCE/ODIHR and Venice Commission recommendations for a complete voter lists audit continue to be relevant.¹⁹

VII. CANDIDATE REGISTRATION

Parliamentary elections may be contested by candidates nominated by political parties, coalitions of political parties, or by independent candidates nominated by groups of voters. A total of 1,679 candidates ran in the elections, offering voters a wide choice of political options. Two large coalitions, one led by VMRO-DPMNE and one by SDSM, as well as 16 political parties submitted candidate lists in a timely manner and competed in these elections. The VMRO-DPMNE-led coalition included 22 parties and the SDSM-led coalition, 15 parties. Both coalitions included political representation from a range of smaller ethnic communities. All ethnic Albanian parties ran separately, including the Democratic Union for Integration (DUI) and the Democratic Party of Albanians (DPA). Candidate lists from one party and one group of citizens failed to meet the requirements and were denied registration by the SEC with proper justification.

VIII. ELECTION CAMPAIGN

Although the elections took place against a background of parliamentary boycott and a significant level of mistrust between the parties of government and opposition, the general atmosphere of the campaign was calm and noticeably low-key, especially outside Skopje.

Most electoral contestants used neutral language and urged their supporters to conduct themselves in a calm and non-violent manner; however, there were a number of instances of inflammatory rhetoric.²⁰ This was especially true between the leaders of the two coalitions, who continued exchanging mutual accusations of unlawful actions and personal attacks, attracting most of the media attention and often overshadowing the campaigns of other parties.

Several parties actively promoted themselves before 16 May, the official start of the 19-day campaign. Instances of early campaigning included paid double-page advertisements in several newspapers, links on newspapers' websites to campaign videos posted on the internet, and the distribution of campaign material. Billboards also appeared in Skopje, some declaring "Are You for Victory" with a circled yes,²¹ and other billboards supporting specific political parties. Several interlocutors expressed their belief to the

¹⁸ Population estimated as of 31 December 2009 by the State Statistical Office, www.stat.gov.mk.

¹⁹ The results of the October 2011 census should help to clarify the situation.

²⁰ The OSCE/ODIHR EOM observed Democratic Union of Albanians (DUA) speakers in Tetovo, DPA leader Mr. Menduh Thaci in Debreshte, and United for Macedonia (UM) leader Mr. Ljube Boskoski in Bitola using inflammatory language to attack the current government.

²¹ No political party claimed responsibility for the "Are You for Victory" billboards before election day. However, it was widely considered that they were posted by VMRO-DPMNE.

OSCE/ODIHR EOM that early campaigning was a function of the short campaign period and a broad definition of “campaigning” in the Electoral Code.

Campaigning largely took the form of rallies and small gatherings around the country.²² While VMRO-DPMNE used billboards and posters in large numbers, other electoral contestants relied on small events, door-to-door campaigning, and social media, attributing this partially to a lack of financial resources.²³ Parties also promoted their websites as a means for citizens to get information on party candidates and platforms.

Parties were able to campaign freely and freedoms of expression, movement and assembly were generally respected. An exception was the denial by the Skopje Centar municipality mayor of a rally planned by SDSM in the city centre on 19 May. In a number of municipalities throughout the country, parties applied for permission to organize public meetings to mayors’ offices, although the Electoral Code requires only notification to the local Ministry of Internal Affairs (MoIA) office.²⁴

Inter-ethnic issues were largely absent from the election campaign, as parties campaigned almost exclusively along intra-ethnic lines. While issues of common concern such as economic development, EU and NATO integration, and country name were reflected in most party platforms, they were expressed according to ethnic community interests.

Electoral contestants on a local level often engaged in constructive co-operation and adopted a respectful attitude towards each other. Examples included agreements on allocation of free space for posters and co-ordination of rally schedules, as well as a football match between DUI and DPA activists in Lipkovo and a volleyball match attended by several party activists in Tetovo. The atmosphere in the ethnic Albanian political arena was generally calm, seemingly aided by an agreement between DUI and DPA committing to peaceful and democratic elections.

Requirements that municipalities designate free space for placement of posters on an equal basis were inconsistently applied. There were some incidents of vandalism of posters and billboards. In most municipalities, large quantities of posters largely belonging to VMRO-DPMNE were noted in unauthorized places.

A number of incidents of damage to party offices, mostly of a minor nature, were reported to the MoIA and to the OSCE/ODIHR EOM. The MoIA reported 28 cases of damage to campaign offices.²⁵ Some parties reported incidents only to the OSCE/ODIHR EOM, international community representatives, and domestic observer groups rather than to the authorities. In addition, many unsubstantiated allegations of electoral abuses were made by political parties on election day. When trying to verify several of these reports, the OSCE/ODIHR EOM found the alleged incidents were often exaggerated or false.

In contrast to the peaceful environment throughout the country, tensions increased in the predominately ethnic Roma municipality of Suto Orizari as the election drew near. On 25

²² The OSCE/ODIHR EOM observed 73 rallies throughout the country.

²³ This is also reflected in the campaign finance reports of the parties. VMRO-DPMNE declared campaign expenses at MKD 272 million while SDSM spent MKD 17.5 million.

²⁴ This practice was reported in Skopje, Stip, Ohrid, and Tetovo.

²⁵ Windows of campaign offices of VMRO-DPMNE, SDSM, DUI, UM, the Party for Complete Emancipation of Roma (PCER), and the Union of the Roma in Macedonia (URM), were broken in Bitola, Kavadarci, Kicevo, Kumanovo, Radovis, Prilep, Skopje, and Tetovo.

May, scuffles broke out between the supporters of two main Roma parties, the URM which was running in coalition with VMRO-DPMNE, and the PCER in coalition with SDSM. Tensions escalated on election night when the UMR affiliated municipality mayor, together with associates, allegedly physically attacked the PCER leader.²⁶

During the campaign, there were instances of an insufficient separation between state and party structures, contrary to the commitment in paragraph 5.4 of the 1990 OSCE Copenhagen Document.²⁷ This was exemplified by actions of certain government officials, especially those also running as candidates. Such actions detracted from the overall quality of the election process.

The OSCE/ODIHR EOM received a number of allegations that party activists had requested civil servants to list a certain number of voters who would vote for the ruling party. According to these allegations, employees of state and public institutions were intimidated and threatened with loss of their jobs if they did not comply with these requests. Other allegations included threats that citizens would lose their pensions or social services if they did or did not support certain parties or candidates. The overwhelming majority of these allegations concerned actions by state officials and activists of the principal governing party. Any partisan actions by state employees taking place during working hours represent a misuse of state resources for party purposes.

The OSCE/ODIHR EOM was presented with emails that show that requests were made by a VMRO-DPMNE party activist to local mayors and heads of educational institutions before the elections were called. The EOM also got hold of copies of the requested lists compiled by employees of local educational institutions and the state library.

The Ombudsman office reported that they received seven complaints from citizens who were requested to compile similar lists in the pre-election period, and another three complaints on intimidation by political parties on election day. However, in its final report issued on 16 June, the office of the Ombudsman noted that majority of cases had no basis for proceeding, given that they were anonymous.

On 19 May, the Prime Minister, blurring the lines between his function as Prime Minister and as leader of the governing party, issued a letter on government letterhead to all civil servants and government employees in which he appealed that they “guarantee the freedom of elections.” However, in the same letter, the Prime Minister took a partisan position when he referred to “attacks from our political competitors” and “ungrounded attack from the opposition.”

There were instances when the Minister of Internal Affairs, who was also a leading VMRO-DPMNE candidate, used the authority of her office for campaign purposes, leading to a conflict of interest between her duties as head of the MoIA and her activities as a candidate. In one instance, the Ministry supplied the criminal records of several SDSM authorized representatives who were to observe on election day to the SEC, with a request that they not be accredited, although there is no legal ground for such action. In addition, on 2 June, commenting on a reported attack on the vehicle of the SDSM leading

²⁶ The situation calmed after the election as both party leaders won seats in the parliament. The MoIA is conducting an official investigation into the alleged assault.

²⁷ Paragraph 5.4 of the OSCE 1990 Copenhagen Document stipulates “a clear separation between the State and political parties.”

candidate, the Ministry questioned the motivation and veracity of the reports made by the witnesses before the investigation was completed.

Further allegations of the misuse of the authority of the MoIA for electoral purposes were received by the OSCE/ODIHR EOM concerning a number of ethnic Albanian police officers in the Kumanovo area being demoted for their reported lack of loyalty to DUI and the dismissal of three senior police officers just a few weeks before elections.²⁸

Article 9 of the Electoral Code requires that “authorized officials” of the Ministries of Internal Affairs and Defense temporarily cease their government duties once they have been confirmed as candidates. This article is intended to prevent the type of conflict of interests that is inherent in the dual role of being an official in a key ministry as well as a candidate during an election period. When the issue of non-compliance with Article 9 was raised with VMRO-DPMNE, they agreed that the Minister was an “authorized official”; however, their interpretation was that the article does not cover the Minister as, according to the Law on Civil Servants and the Labour Law, they are members of the government and not employed by their respective ministry.

IX. CAMPAIGN FINANCE

The April 2011 amendments to the Electoral Code significantly enhanced the transparency of campaign finance by requiring electoral contestants to submit interim reports on their campaign expenditures to the SEC, State Audit Office, and the State Commission for Prevention of Corruption (SCPC). The regulatory framework, however, does not require these institutions to review reports before election day.

Electoral contestants can finance their campaign expenses either from membership fees or donations. The legal limit for donations from private individuals is EUR 5,000, while the limit for legal entities is 5 per cent of their income from the previous year, ostensibly granting an advantage to larger entities. No donations may be received from foreign and public sources. All parties are obliged to open a special bank account for campaign donations and expenditures, which constitutes the only source for financing campaign activities. There is a ceiling on total campaign expenditures of MKD 180 per registered voter, or a total of MKD 327.8 million (EUR 5.4 million).

Electoral contestants were required to file two interim financial reports on income and expenditure, one on 27 May and the second on 4 June, as well as a final report on 19 June. All parties met the deadline for submitting the first interim report. However, four parties failed to comply with the deadline for the second report.²⁹ On 9 June, the SCPC initiated misdemeanour procedures against these parties, which could result in fines from EUR 4,000 to 5,000. On 24 June, the same procedure was initiated against the four parties which failed to submit the final report.³⁰ Earlier, DUA was warned for its failure to transfer the difference between the allowed and actual value of a donation to the state budget, as required by the Electoral Code.

²⁸ Chief of Police in Rostuse, and Mavrovo-Anovi, as well as the Chief of Traffic Police in Gostivar.

²⁹ National Democratic Union (NDU), Party for Democratic Prosperity (PDP), Social Democratic Party of Macedonia (SDPM), and UM.

³⁰ Liberal Democratic Party (LDP), NDU, PDP, and SDPM.

Although no deadlines are envisaged for verifying reports submitted prior to election day, the majority of reports were available for public scrutiny in a timely manner,³¹ and the majority of electoral contestants respected the provisions of the Electoral Code. The SCPC issued prompt opinions on the first and second interim reports and requested electoral contestants to clarify their reports in cases where expenditures were greater than reported income.³² In addition, the SCPC questioned if the bank loan obtained by the SDSM could qualify as financing for the campaign because the Electoral Code provides that campaigns shall be financed either by party membership fees or donations. It also reported discrepancies in the financial report submitted by SDSM and the data provided by the Broadcasting Council on political advertisements.

In its final report, the SCPC commended electoral contestants for generally filing timely reports and reminded those who had not of their continuing obligation to do so. They also recommended that criminal proceedings against SDSM and *A1 Television* be initiated for discrepancies in their reports, which, if proven, would constitute a violation of campaign finance regulations that could lead to a maximum sanction of five years imprisonment.

In line with previous OSCE/ODIHR recommendations, the Electoral Code now provides for partial reimbursement of campaign expenses for non-elected candidates who receive at least 1.5 per cent of the total vote.

X. MEDIA

A. GENERAL OVERVIEW

The large number of media outlets in the country provided voters with diverse and extensive coverage of the campaign allowing voters the possibility of making an informed choice.³³ Television remains the main source of political information; however, the majority of campaign coverage followed partisan editorial policies and lacked critical analysis, frequently blending fact and editorial comment.

The public broadcaster, Macedonian Radio and Television (MRT), consists of three television channels with nationwide coverage, one satellite channel, and three national radio stations. MRT is funded through a broadcast tax imposed on households and legal entities.

Although private media outlets enjoy a certain level of freedom, the owners often play a crucial role in the partisan editorial policy of the outlets. The majority of private television

³¹ Reports were posted online with minimal delay. However, contrary to its legal obligation, no reports were made available on the website of the State Audit Office.

³² DUI reported income of MKD 4,251,000 and expenditure of MKD 7,316,920; DPA reported income of MKD 669,000 and expenditure of MKD 2,735,368; United Democratic Party of Macedonia (PODEM) reported income of MKD 79,000 and expenditure of MKD 121,000; VMRO-DPMNE-led coalition reported income of MKD 31,930,000 and expenditure of MKD 272,256,168.

³³ Media outlets include 14 national, 12 satellite and 132 regional television and radio stations, as well as some 10 daily newspapers.

channels with nationwide outreach are owned by relatives of the leaders of political parties represented in parliament, contrary to the Law on Broadcasting Activity.³⁴

Government still remains the biggest single advertiser in the country. While advertisements paid from the state or municipal budgets are prohibited once the election has been announced, a number of OSCE/ODIHR EOM interlocutors perceived allocation of government advertisements as a reward for loyal editorial policies.

Several OSCE/ODIHR EOM interlocutors expressed reservations about the freezing of bank accounts of *AI Television* and three daily newspapers, *Vreme*, *Spic*, and *Koha e Re* as part of an ongoing investigation linked to the owner of *AI Television*. These media outlets are widely considered the most critical of government policies, leading many to perceive the investigations as politically motivated. The OSCE Representative on Freedom of the Media cautioned the state authorities that any investigation into suspected tax evasion or money laundering by the owners should not affect the broadcasting of *AI Television* or the publication of the three daily newspapers.³⁵ The possibility of further restrictions being placed on these outlets was a consistent theme during the campaign.

B. LEGAL FRAMEWORK

The coverage of the election campaign is regulated by the Election Code and the Law on Broadcasting Activity, as well as regulations adopted by the Broadcasting Council, the broadcast media regulatory body. On 21 April, the Broadcasting Council adopted a rulebook on the conduct of broadcast media during the campaign period and, for the first time in these elections, during the period between the announcement of elections and the start of the official campaign period. The legal framework requires that broadcasters cover elections in a fair, balanced, and impartial manner. They must also provide contestants with equitable access. The coverage of electoral contestants is proportional to the number of electoral districts in which the contestant is running.³⁶

News coverage of government activities is not allowed to favour any contestant. In the period between the announcement of the election and the official start of the campaign media outlets can only cover campaign activities and candidates within newscasts. Reacting to the criticism of media outlets that such requirements limit editorial freedom, the Broadcasting Council allowed media to cover elections in current affairs programmes on the condition that candidates registered by the SEC do not take part.

The Electoral Code stipulates that the amount of paid political advertising on commercial media should be limited to 15 minutes per hour, with a maximum of 10 minutes for a single electoral contestant. Public media are not allowed to air paid political adverts.

The Broadcasting Council oversees compliance of the broadcast media with campaign legislation and regulations and they are entitled to initiate misdemeanour charges and levy

³⁴ Article 11 of the Law on Broadcasting Activity states: "Political parties... public office holders and members of their families may not pursue broadcasting activity or appear as founders or co-founders of broadcasters, or acquire ownership of broadcasters."

³⁵ Regular Report to the Permanent Council by Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media, 17 March 2011: <http://www.osce.org/fom/76158>. This position was restated in a 4 July press release: <http://www.osce.org/fom/80636>.

³⁶ See Article 6 of the "Rulebook for Equal Access to the Media Presentation during the Election Campaign."

finances for any infringements by media outlets. During the official campaign period, the Broadcasting Council monitored 150 media outlets. While they were able to identify infringements promptly, they failed to react to these in a timely manner. The first decisions on infringements identified during the campaign period were made five days before election day, while the majority of misdemeanour procedures were only initiated after the election.

Overall, the Broadcasting Council initiated a total of 39 misdemeanour procedures against 5 national, 4 satellite and 11 regional broadcasters mainly for infringements related to paid advertisements, public opinion polls, and the campaign silence period. Nine procedures were initiated against media outlets, mostly national ones, for unbalanced coverage of the campaign, and nine against regional media for airing political advertisements without publishing the prices before the start of the campaign.

C. OSCE/ODIHR EOM MEDIA MONITORING

The OSCE/ODIHR EOM media monitoring was conducted from 9 May to 3 June. The mission monitored seven television channels and five newspapers.³⁷

The public broadcaster *MTV-1* complied with its legal obligations to allocate free airtime to political parties with 13 parties taking advantage of this opportunity. *MTV-1* and *MTV-2* created a special programme, "Election Chronicle," to cover the election activities of the contestants. However, the free airtime and "Election Chronicle" were usually aired outside prime time, significantly limiting their potential audience. Ethnic Albanian parties were allocated with additional free airtime on *MTV-2*.

The results of OSCE/ODIHR EOM media monitoring showed significant bias in terms of quantity and content of coverage of monitored broadcasters. Contrary to legal obligations and its public mandate, *MTV-1* coverage of the campaign favoured the governing parties and strongly criticized the opposition.³⁸ While the VMRO-DPMNE-led coalition received some 20 per cent of mostly positive and neutral coverage, the SDSM-led coalition received some 19 per cent of coverage, largely negative in tone. While direct speech of the list-carriers of VMRO-DPMNE was often broadcast, the direct speech of SDSM representatives was aired four times less frequently.

MTV-2 allocated 19 per cent of its news coverage to the governing party DUI and some 23 per cent to government officials, while DPA and New Democracy (ND) received only 7 and 8 per cent of coverage. The general tone of the coverage was far more balanced, compared to *MTV-1*.

MTV-1 and *MTV-2* allocated 35 and 23 per cent, respectively, to government officials, including those registered as candidates. This coverage often failed to distinguish between their roles as candidate and government official.³⁹

³⁷ Monitored television channels: *MTV-1*, *MTV-2*, *A1*, *Kanal 5*, *Sitel*, *Alsat-M*, and *Telma*. Monitored newspapers: *Dnevnik*, *Nova Makedonija*, *Vreme*, *Koha*, and *Lajm*.

³⁸ Article 6 of the Rulebook for Equal Access to the Media Presentation during the Election Campaign (Media Rulebook); Election Code Article 75(5); Law on Broadcasting Activity Article 80.

³⁹ As required by Article 15 of the Media Rulebook.

Al Television, the most popular TV channel, dedicated 20 per cent of mostly neutral news coverage to SDSM, and 30 per cent of overwhelmingly critical coverage to the principal governing party. In contrast, private TV channels *Sitel* and *Kanal 5* allocated 38 and 32 per cent, respectively, of mostly positive coverage to the VMRO-DPMNE-led coalition, while the SDSM-led coalition received 32 and 29 per cent, respectively, of almost entirely negative coverage. TV *Telma* adopted a more balanced approach, although coverage was mostly critical of the VMRO-DPMNE-led coalition. *Alsat-M*'s coverage of the main electoral contestants was predominantly neutral.

Despite initial plans, *MTV-1* did not organize electoral debates. However, *MTV-2* hosted some five debates between ethnic Albanian parties. Several private TV channels also held debates between political parties. VMRO-DPMNE decided not to participate in any debates broadcast during the election campaign.

The print media also presented a variety of views. *Dnevnik* and *Nova Makedonija* generally provided a balanced picture of the campaign while being more critical of the SDSM-led coalition. In contrast, *Vreme* was very critical of the ruling coalition. A similar trend was observed in the Albanian language media. While *Koha* focused on the activities of the governing DUI and strongly criticized ND, *Lajm*, in contrast, was mostly critical of government activities and DUI.

XI. PARTICIPATION OF WOMEN

Even though the visibility of women in this election was less than that of men, women played a more prominent role than in previous elections including as candidates, political activists, campaign participants, and in the election administration.

According to the Electoral Code, one in each consecutive three places on candidate lists should be reserved for the less represented gender to ensure that both genders are represented throughout the lists. All candidate lists met this requirement. Out of 1,679 parliamentary candidates, 566 were women (33.7 per cent). Compared to previous parliamentary elections, there was an increase of women heading candidate lists from 6 in 2008 to 15 in 2011. Ultimately, 36 women were elected to parliament, compared to 42 in 2008. This represents a decrease from 35 per cent to 29 per cent of women MPs.

Women were well represented in election commissions and the 30 per cent threshold required by the Electoral Code was met. In 84 MECs, about half of the members were women and 40 per cent of MECs were chaired by women. The only exception was the SEC, where only one of seven members was a woman. Election day observation showed that 47 per cent of the EB chairpersons were women and, on average, 42 per cent of EB members were women.

Gender issues did not play a prominent role during the campaign, despite the fact that the majority of political parties included them in their electoral platforms. Some parties developed voter education activities which specifically targeted women voters.

The incidence of family voting showed a slight decrease from the 2008 parliamentary elections, from 18 to 15 per cent of EBs observed. However, the number of cases remained high, with 173 cases observed on election day. The SEC had taken steps to

address family voting through the creation of a “Strategy against Family Voting” which was adopted in December 2010.

XII. PARTICIPATION OF ETHNIC COMMUNITIES

Ethnic issues frame most party agendas. The priorities of the two largest ethnic communities – Macedonians and Albanians – dominated the campaign, with electoral contestants competing mainly within their respective ethnic constituencies.

Accounting for over ten per cent of the population, the other officially recognized ethnic communities – Turks, Serbs, Roma, Vlachs, and Bosniaks – generally promoted issues pertinent to them through ethnically based parties that were part of the two main coalitions. While these ethnically based parties adhered to the common platforms of the coalitions, they campaigned on their own ethnic agenda in order to secure support from their ethnic group and enhance their chances of entering parliament. Smaller ethnic parties gained 11 seats as part of electoral coalitions.

Ethnic Albanian parties concentrated on redefining the status of their community within the country, and gained 25 seats in these elections, a reduction of 4 on the 2008 results. This was largely due to lower voter turnout in electoral district six in the western part of the country, and the fact that seven parties were running separately, including ND and National Democratic Revival (NDR), which both participated in their first parliamentary elections.

Although the MoIA took measures to make identification documents available prior to election day, they were not targeted at smaller ethnic communities, in particular the Roma, for whom the lack of identification documents has been a long standing obstacle to their participation. The Electoral Code provides for “adequate and equitable representation of ethnic communities in the election management bodies.” At local level, this principle applies to those ethnic communities representing 20 per cent of the population in the municipality concerned. This principle was generally reflected in the composition of the MECs. For EBs, it is widely understood, although not specifically regulated, that this principle applies only to the public administration component of the EB, and not to the members nominated by political parties.

More generally, the implementation of this principle in EBs is dependent on the representation of ethnic communities in public administration, which, for some groups, remains low. In some cases, the application of the 20 per cent threshold has excluded those ethnic communities whose numbers fall slightly under the threshold.⁴⁰

XIII. COMPLAINTS AND APPEALS

The complaints and appeals framework for parliamentary elections provides for the protection of electoral rights. Complaints on candidate nominations, voting rights, and election day procedures should be submitted to the SEC, whose decisions can be appealed

⁴⁰ For example, in Dolneni municipality in electoral district five, where the Turkish community represents approximately 19 per cent of the local population according to the 2002 census.

to the Administrative Court. Complaints on the campaign should be filed with the Basic Courts, whose decisions can be appealed to the Court of Appeals.

Despite these available avenues for legal recourse, there were no complaints filed with the courts and only three with the SEC before election day. OSCE/ODIHR EOM interlocutors justified the absence of official complaints by a lack of confidence in the procedures and adjudicating bodies.

The SEC did not clearly define and regulate the complaints procedure, resulting in inconsistent and untimely remedies during the pre-election period. Of the three official complaints, only two were discussed in session. The SEC upheld one by recommending a misdemeanour procedure for publishing opinion polls outside the legal deadline, while an SDSM complaint on damaged campaign posters was left undecided due to a split of votes. A complaint filed by the SDSM alleging early campaign by VMRO-DPMNE was never publicly considered.

In several cases, complaints were filed with the wrong institution. This was largely due to a narrow reading of the competencies of the complaint and appeal bodies and inadequate understanding of the system by electoral contestants. A number of judges in the Basic Courts indicated to the OSCE/ODIHR EOM that they were unfamiliar with their role in regard to the protection of candidate rights during the campaign.⁴¹

In addition, the Electoral Code does not adequately describe the complaint process for campaign-related disputes. According to the Electoral Code, such complaints should be submitted to the Basic Courts. However, the only provision which gives candidates the right to file a complaint is narrowed to those situations where a contestant is “violating and disturbing the opponents’ campaign,” hence limiting the right to complain about any other type of campaign-related infringements.

On 11 May, the State Prosecutor launched an investigation of an alleged case of voter intimidation involving the ruling party VMRO-DPMNE’s collection of lists of voters who would vote for them.⁴² On 16 May, the SEC discussed the same case and decided to defer it to the State Prosecutor. On 25 May, some 20 civil servants who were included on the lists were invited to the State Prosecutor’s office to give evidence. According to the State Prosecutor, the majority of civil servants did not appear for the interview, and those who did denied that they had been pressured to vote for VMRO-DPMNE. On 3 June, the State Prosecutor stated that there was insufficient evidence to proceed. Another investigation into a similar case was dismissed by the local prosecutor in Bitola on 19 May after conducting two interviews and concluding that there was insufficient evidence to proceed.

XIV. ELECTION OBSERVATION

The Electoral Code provides for domestic and international election observation at all levels of the election administration. There were 493 international observers from international organizations and embassies, and 7,358 domestic civil society observers

⁴¹ Basic Courts in Bitola, Skopje, Stip, and Veles.

⁴² *AI Television* submitted information to the State Prosecutor that contended that VMRO-DPMNE had ordered heads of sectors in state institutions to submit lists of at least 15 people who would support the party in return for employment or other benefits.

accredited with the SEC for these elections. The largest observer group was MOST with 4,467 accredited observers, with 1,123 also deployed by the Association for Humanitarian Activities SINERGIJA, 937 deployed by Education Plus Macedonia, and 550 by the Youth Initiatives for Dialogue and Cooperation – MIDS.

Domestic observers were present in 83 per cent of polling stations visited by observers. In addition, electoral contestants fielded authorized representatives to observe on election day and were present in 96 per cent of polling stations observed. While authorized party representatives received copies of the entire results protocols, domestic observers were only given the tabulation part. In 42 per cent of the polling stations observed, the EB did not publicly post the results protocols.⁴³

XV. ELECTION DAY

On election day, the OSCE/ODIHR EOM and delegations from the OSCE PA and PACE observed opening, voting, and counting in almost 1,200 polling stations throughout the country. Overall, election day was calm and peaceful, despite some irresponsible claims of irregularities by political parties. Only a limited number of technical irregularities were noted. Official SEC data put voter turnout at 63.5 per cent.

Early voting took place on 4 June for homebound voters, prisoners, internally displaced persons (IDPs), and out-of-country voters. The overall assessment was positive in 54 of the 55 cases observed in-country. There were problems with some prisoners not being included on the voter lists and a few instances where the secrecy of the vote was not respected in homebound voting.

Observers assessed the opening of polling stations as positive in 114 of the 116 polling stations visited. Observers noted that 26 of the polling stations visited did not open on time. However, the delays noted were short and did not affect the rights of voters.

The voting process was assessed as good or very good in 97 per cent of polling stations visited, with no significant differences noted between ethnic Albanian and Macedonian areas, nor between urban and rural areas. The performance of the EBs was assessed as good or very good in 94 per cent of polling stations and their understanding of voting procedures was assessed as positive in 94 per cent of observations. Voting premises were assessed as inadequate and overcrowded in one out of twenty observations.

Procedural irregularities noted during the voting process included: 115 cases of problems with the secrecy of the vote (10 per cent), mainly due to the layout of the polling station; 38 cases of ballot boxes not sealed properly (3 per cent); and 173 cases of family voting (15 per cent).

Vote counting was assessed as good or very good in 100 of the 114 EBs observed. Although some procedural errors were observed during the count, these did not appear to have an impact on the overall assessment of the process. In 42 of the EBs where the count was observed, copies of the results protocol were not publicly posted. Vote tabulation was observed in 80 of the 84 MECs and was assessed as good or very good in 98 per cent of observations. While discrepancies were identified in some EB protocols, all were resolved

⁴³ Article 118(3) of the Electoral Code requires that results are publicly posted at the polling station.

at MEC level in a satisfactory manner. Overall, the MEC tabulation of results seemed to be well organized and transparent, with MEC members having a good understanding of procedures.

In a positive development, observers noted that in many instances that MECs and EBs took proactive steps to prevent irregularities and dealt with potential problems as soon as they occurred.

The SEC started announcing results on election night and posted them on its website by electoral district, municipality, and polling station. Final results were announced by the SEC on 14 June.

XVI. POST-ELECTION DAY DEVELOPMENTS

A total of 16 complaints were submitted to the SEC on election day concerning irregularities and the tabulation of results, some demanding annulment of results in particular polling stations. The SEC considered all complaints on 9 June in an open session and decisions were delivered in a timely fashion. Party representatives were present and were given the opportunity to provide explanations on each of the submitted complaints.

A complaint filed by PODEM was upheld and the SEC ordered the MEC to add 18 missing votes in favour of the party in Bitola polling stations 33 and 80, yet this had no effect on the overall results. The SEC rejected all other complaints as being unsubstantiated. The complaints filed by UM were dismissed on the grounds that there was no note in the protocol of the respective EB and MEC indicating that the party had complained to the EB. Although the law provides for making a remark in the protocol of the EB and MEC in the event of an alleged irregularity, it does not make it a prerequisite that the party complain to the EB in order to raise the complaint at the SEC. Cases which alleged photographing of marked ballot papers were forwarded to the MoIA for further investigation.

Five SEC decisions were appealed to the Administrative Court, one by ND and four by UM. The Court upheld the decision of the SEC in all five cases. The hearings were open to the public and did not involve the production of additional evidence in support of any of the cases. All decisions were publicly communicated and published in due course on the website of the Administrative Court and the SEC.

Two immediate post-election developments raised concerns among interlocutors. On election night, during the official VMRO-DPMNE celebration in the centre of Skopje a young man was killed, with a member of a special police unit suspected of being responsible for the death. For two days, the MoIA denied that a crime had been committed before, ultimately, acknowledging the death and the responsibility of the member of the special police unit. In the aftermath there were a series of daily protests against the MoIA and police brutality in general. At the time of writing, the case was still under investigation.

On the day after the election, the opposition UM leader, Mr. Boskoski, was arrested on suspicion of illegal campaign financing and abuse of office.⁴⁴ His arrest in central Skopje by masked special unit policemen was filmed and posted on the internet via the MoIA YouTube channel. The timing of his arrest was questioned by some interlocutors.

XVII. RECOMMENDATIONS

The OSCE/ODIHR offers the following recommendations for consideration by the authorities, political parties, and civil society in the former Yugoslav Republic of Macedonia. These recommendations should be read in conjunction with other recommendations offered previously by the OSCE/ODIHR. The OSCE/ODIHR stands ready to assist the authorities to further improve the electoral process.

A. PRIORITY RECOMMENDATIONS

1. Authorities should consider developing safeguards to ensure sufficient separation between the state and party as required by paragraph 5.4 of the 1990 OSCE Copenhagen Document. Existing legislative safeguards, such as Article 9 of the Electoral Code, should be interpreted in a way to prevent the inherent conflict of interest between executive government positions requiring independence and those of candidates pursuing political advantage. Such provisions could also be expanded to include enforcement mechanisms.
2. Consideration should be given to addressing all gaps and ambiguities in the Electoral Code that have been identified through the election process, including those specifically mentioned in these recommendations. To this end, an inclusive consultative process should be established well in advance of the next elections.
3. A thorough audit and revision of the voter lists is long overdue. This should be done following the census in October 2011. It should focus on entries of deceased people and citizens residing abroad.
4. Allegations of intimidation of voters should be swiftly, thoroughly, and effectively investigated by the authorities and those found responsible prosecuted. Citizens should be encouraged to report allegations supported by verifiable evidence.
5. Steps should be taken to resolve conflicts of interest with regard to the control of private broadcasters by those engaged in politics. This practice is contrary to the law and undermines balanced political coverage during an election campaign.
6. Shorter deadlines should be established for courts to rule on complaints brought against broadcasters by the Broadcasting Council during the campaign and pre-campaign period. This would ensure that the Broadcasting Council can enforce the regulations in a timely fashion and also allow broadcasters the opportunity for a prompt and effective remedy if their rights have been infringed.

⁴⁴ Article 165-a and 353 of the Criminal Code

B. ADDITIONAL RECOMMENDATIONS

Legal Framework

7. The authorities should review the current system of allocation of mandates in out-of-country electoral districts to ensure that the number of votes needed to elect MPs does not significantly diminish the equality of the vote, as guaranteed by the Constitution and Electoral Code.
8. The right to vote of EB members abroad and those citizens who have been registered abroad for less than three months should be ensured.
9. The Electoral Code should clearly state that the voting rights of persons sentenced to imprisonment for more than six months are reinstated after their sentence is served.

Election Administration

10. The effective administration of future elections would benefit greatly from the adoption of timely and comprehensive regulations to guide the election process and compensate for gaps or inconsistencies in the Electoral Code.
11. To enhance transparency, the minutes of SEC sessions could be made public.

Voter Registration

12. Information outlining the procedures for out-of-country citizens to register should be publicized overseas a significant time in advance of the next elections.

Election Campaign

13. Campaign regulations should be fully respected and enforced. Authorities could consider reviewing regulations that are regarded by many parties as too restrictive, such as those limiting the length of the campaign, defining campaign activities, and regulating the placement of posters.
14. Voter education campaigns, be they conducted by the authorities, civil society, or political parties, should focus on the secrecy of the ballot as the ultimate tool to counter intimidation or pressure to influence voters' freedom of choice. Voters should be encouraged to demand that the secrecy of their ballot is respected.

Campaign Finance

15. Provisions on campaign finance reporting should be expanded to provide more effective mechanisms for audit. Consideration should also be given to adopting a more detailed template for the reports that requires contestants to itemize expenditures.
16. Deadlines should be introduced for auditing campaign finance reports before election day. Responsible institutions should strengthen their resources to enable an accurate and timely audit.

17. The discrepancy in the nature of thresholds for campaign donations between individuals and legal entities should be revised. The current provisions are discriminatory and grant an unfair advantage to large entities.

Media

18. For appointments to the Broadcasting Council, priority should be given to the professionalism and impartiality of the prospective members, rather than political affiliation. This is particularly salient after amendments to the Law on the Broadcasting Activity, passed on 18 July, increased the number of members of the body from 9 to 15.
19. To continue to retain its substantive independence, the Broadcasting Council requires pre-determined and adequate financial support.
20. Detailed campaign coverage rules for the media could be incorporated in the Law on Broadcasting Activity and the Electoral Code, rather than being adopted for each election.
21. Independence of the public broadcaster could be strengthened by ensuring adequate financing.

Participation of Women

22. The authorities should pay more attention to the practice of family voting, which is especially high in smaller ethnic communities. They should explore ways to eliminate it and seek consistent application of Article 112 of the Electoral Code.

Election Observation

23. The Electoral Code or election regulations should state clearly that domestic and international observers are entitled to receive copies of the entire EB and MEC results protocols, rather than just the tabulation parts.
24. The SEC and MECs should enforce the requirement for EBs to publicly post copies of the results protocols, immediately following the completion of the count.

Complaints and Appeals

25. Procedures for complaints and appeals should be simplified and widely publicized. The SEC should adopt detailed procedures on how to file and resolve complaints to ensure a consistent and effective application of the Electoral Code.
26. Consideration should be given to removing the restriction in Article 73 of the Electoral Code which limits the rights of electoral contestants to only complain about the actions undertaken by other electoral contestants.
27. Article 31(2)(35) of the Electoral Code, which mandates the SEC to inspect voting material upon a complaint only if at least two complaints are submitted for a respective polling station, should be removed as it undermines the right to effective

legal remedies. There should be no threshold for the number of complaints to be filed before they are considered.

28. Article 105 of the Electoral Code should be clarified to clearly state whether or not it is a prerequisite when filing an election day complaint to the SEC that the complaint must first be mentioned in the protocol of the relevant EB or MEC.

ANNEX: FINAL RESULTS

No.	Party / Coalition	Votes won	%	No. of seats
1.	New Democracy – ND	19,958	1.78	0
2.	United Democratic Party of Macedonia – PODEM	4,395	0.39	0
3.	Social Democratic Union – SDU	2,270	0.20	0
4.	Democratic Union of Albanians – DUA	4,517	0.40	0
5.	VMRO-DPMNE Coalition	438,138	38.98	56
6.	VMRO-Peoples Party – VMRO-NP	28,217	2.51	0
7.	Democratic Union for Integration – DUI	115,092	10.24	15
8.	Democratic Party of Albanians – DPA	66,315	5.90	8
9.	Political Party Dostoinstvo – PPD	8,837	0.79	0
10.	SDSM Coalition	368,496	32.78	42
11.	National Democratic Union – NDU	470	0.04	0
12.	Liberal Democratic Party – LDP	16,551	1.47	0
13.	Social Democratic Party of Macedonia – SDPM	1,807	0.16	0
14.	Democratic Right	1,517	0.13	0
15.	European Party of Macedonia	130	0.01	0
16.	Party for Democratic Prosperity – PDP	277	0.02	0
17.	National Democratic Revival – NDR	29,996	2.67	2
18.	United for Macedonia – UM	17,081	1.52	0

- 1,156,049 people voted and the turnout was 63.48 per cent.
- There were 1,124,064 valid ballot papers and 31,985 invalid ballot papers.
- For the out-of country vote (i.e. in electoral districts seven, eight, and nine) there were 7,213 registered voters out of whom 4,088 voted and the turnout was 56.67 per cent.
- In electoral districts seven, eight, and nine, there were 3,972 valid ballots and 116 invalid ballots.
- All 3 seats from the electoral districts seven, eight, and nine were allocated to the VMRO-DPMNE-led coalition.

[Source: SEC website (<http://217.16.84.11/Default.aspx>)]

ABOUT THE OSCE/ODIHR

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

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

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

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

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

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

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

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

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