

INTERIM REPORT

31 March – 19 April 2016

22 April 2016

I. EXECUTIVE SUMMARY

- On 15 April, early parliamentary elections were officially called for 5 June. The main opposition party and some 20 smaller parties have announced their intention to boycott the elections, arguing that key Przino Agreement conditions had not been met, specifically cleaning of the voter register, media reforms and separation of party and state activities.
- The political climate deteriorated after 12 April, when President Ivanov pardoned all those charged, under investigation and suspected in the so-called “wiretapping scandal”. All of the major political parties condemned the pardon and called on the president to rescind his decision.
- The Electoral Code was substantially amended in November 2015. While these amendments address most of the previous OSCE/ODIHR recommendations and represent an effort to improve the Code, a number of OSCE/ODIHR EOM interlocutors stressed that full implementation of the Code is of equal importance. Some noted that late changes may negatively affect electoral stakeholders’ understanding of how to fulfill their functions.
- The new composition of the State Election Commission (SEC) comprises three independent experts, including its president and deputy, in addition to the six political nominees. Of the nine SEC members, two are women and three are ethnic Albanians.
- The SEC is working in a tense political environment and its long sessions attract significant media attention. On 15 April, the SEC voted that they were prepared to conduct “fair and democratic elections”. The SEC president and two opposition representatives refused to take part in this vote.
- The SEC now carries sole responsibility for maintaining the voter register. In February, the SEC started the process of cleaning the voter register by cross-checking various databases, as well as by conducting field verifications. OSCE/ODIHR EOM interlocutors stated that the process was complex, methodologically challenging and requiring major resources.
- While the legal framework provides for equitable treatment of political parties by media, most OSCE/ODIHR EOM interlocutors raised concerns regarding the deterioration of media freedom due to political pressure and media owners interfering in the work of journalists. They also highlighted the need for substantial reforms. On 4 April, the parliament dismissed draft amendments to the media legislation put forward by a coalition of civil society organizations.
- The citizen observer organizations MOST and CIVIL announced their intention to observe the elections. On 5 April, the Financial Police began an investigation of MOST activities, and some OSCE/ODIHR EOM interlocutors questioned the timing of this inquiry.

II. INTRODUCTION

Following an official invitation, and based on the recommendation of a Needs Assessment Mission conducted from 2 to 5 November 2015, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 31 March to observe the 5 June early parliamentary elections.¹ The EOM, headed by Ambassador Jan Petersen, consists of a 12-member core team based in Skopje and 24 long-term observers (LTOs) deployed throughout the country on 13 April. Mission members are drawn from 21 OSCE participating States. Participating States have been requested to second 300 short-term observers to observe election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

The last parliamentary elections were held on 27 April 2014 and resulted in a government formed by a coalition of Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) with 61 seats, and 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 (GROM) had one seat each.

Following the elections, SDSM refused to take up their mandates and boycotted the work of the parliament alleging that the elections were not legitimate due to electoral fraud, intimidation of citizens and inadequate separation of state and party activities. The political crisis deepened in February 2015 with the so-called “wiretapping scandal”, when incriminating wiretapped recordings allegedly implicated government and public officials in corruption, election fraud and abuse of power were released and led to a series of large-scale protests. Representatives of the European Commission and the European Parliament facilitated a political agreement between the four major parties resulting in the signing of the Przino Agreement on 2 June and a Protocol on 15 July.² The Agreement called for a “transitional period” followed by early parliamentary elections on 24 April 2016. An interim government was installed on 11 November, followed by the resignation of the prime minister on 15 January 2016.³

SDSM announced in the beginning of 2016 that they would not participate in the elections scheduled for 24 April, stating that key Przino Agreement conditions had not been met, specifically cleaning of the voter register, media reforms, and separation of state and party activities. On 23 February, the European Union (EU) and United States (US) ambassadors to Skopje released a joint assessment concluding that although some progress had been made, conditions for organizing credible elections were not in place. The same day, the parliament approved a DUI motion to postpone the dissolution of the parliament until 7 April.

A day before the scheduled dissolution of the parliament, SDSM announced their intention to withdraw their representatives from the interim government; this matter was not, however, put on the parliamentary agenda.⁴ On 7 April parliament was dissolved, and on 15 April the parliament speaker called elections for 5 June. SDSM, along with 13 parties signed a Platform for a Democratic

¹ See [previous OSCE/ODIHR reports](#) on the former Yugoslav Republic of Macedonia.

² See the [Przino Agreement](#) and [Protocol](#).

³ The date of the resignation was a part of the Przino Agreement.

⁴ Rules of the parliament require that government resignations are put on the agenda of the next session.

Macedonia calling for the implementation of Przino Agreement and announced a boycott of these elections.⁵

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 wiretap scandal.⁶ All of the major political parties condemned the pardon and called on the president to rescind his decision. The pardon triggered protests and counter protests, some violent.⁷ These recent events have further exacerbated the tense and uncertain political situation and increased the exchange of harsh rhetoric between all parties, and particularly between VMRO-DPMNE and SDSM.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The elections are regulated by the Constitution and the Electoral Code, supplemented by regulations promulgated by the State Election Commission (SEC).⁸ The Electoral Code was adopted in 2006 but has undergone a number of changes since then. Following the Przino Agreement, a working group was created with the participation of VMRO-DPMNE, SDSM, DUI and DPA. The group reached consensus on electoral reform in November 2015, and on 9 November the parliament adopted a significant number of amendments.⁹

The amendments addressed most of the prior OSCE/ODIHR recommendations, particularly those related to the principle of equal suffrage for out-of-country voting, the composition and competences of the SEC, level playing field in terms of media coverage during the election period, strengthening party and campaign finance reporting and auditing, improving safeguards for the separation of party and state, introducing deadlines for courts to decide on electoral disputes and clarifying the definition of campaigning and campaign period.

While the amendments represent an effort to improve the Electoral Code, a number of OSCE/ODIHR EOM interlocutors stressed that full implementation of the Code is of equal importance. They also expressed the opinion that late changes may negatively affect electoral stakeholders' understanding of new provisions and impact on their ability to fulfill their functions.¹⁰

Between 120 and 123 members of parliament (MPs) will be elected under a proportional representation system, using closed lists. Of these, 20 MPs will be elected in each of the 6 in-country electoral districts with similar number of voters.¹¹ As a result of the 2015 amendments to the Electoral Code, up to 3 MPs can be elected from a single out-of-country district.¹²

⁵ Additionally, seven other parties announced a boycott, but did not sign the platform.

⁶ A total of 56 persons were pardoned, including the leaders of VMRO-DPMNE and SDSM, former government officials, politicians, Special Prosecutor staff and several businesspersons.

⁷ During the 13-14 April demonstrations, 6 people were injured, and a number of buildings, including the President's Information Office, were damaged. The following demonstrations were largely peaceful.

⁸ The legal framework also includes the Law on Political Parties, Law on Financing Political Parties, Criminal Code, Law on Media and the Law on Audio and Audiovisual Media Services.

⁹ The motion was passed with 104 votes out of 123 (108 members of the parliament were present during the vote).

¹⁰ Section II.2.b of the 2002 Council of Europe's Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters](#) recommends that "the fundamental elements of electoral law...should not be open to amendment less than one year before an election". However, the follow-up to recommendations is considered as an exception to the principle of the stability of electoral law.

¹¹ The law permits deviations of up to five per cent from the average number of voters per district.

¹² In order to be elected, the first candidate must receive the same number of votes as the MP elected with the least number of votes from an in-country district; for the second candidate to be elected twice as many votes should be cast, and the election of the third requires thrice as many votes. If the respective threshold is not obtained, no candidate will be elected.

V. ELECTION ADMINISTRATION

Elections are administered by the SEC, 80 Municipal Election Commissions (MECs), and some 3,500 Electoral Boards (EBs), including 53 abroad. Following the Przino Agreement, the SEC composition was increased from seven to nine members, including three independent experts selected by the parliament in an open recruitment process. Ruling and opposition party blocs in the parliament nominated three additional members each. The new SEC was appointed by the parliament on 16 December 2015, five months later than called for in the Przino Agreement. The SEC president and his deputy were elected from among the non-partisan members.

MECs are composed of five members who are randomly selected by the SEC from employees of the state and municipal administration. As the mandate of current MECs expires on 28 April, the SEC should appoint new MECs by the same date. EBs comprise five members – three randomly selected public employees and two appointees of the main ruling and opposition parties. A submitter of the list of candidates has the right to appoint an observer to each election administration body.

The Electoral Code provides for equitable representation of ethnic groups and each gender in election administration bodies. Of the nine SEC members, two are women and three are ethnic Albanians. While by law all sessions should be public, the SEC also convened in working meetings closed for media and observers.

The SEC is working in a tense political environment and its long sessions attract significant media attention. On 15 April, after a discussion between SEC and the US and EU ambassadors, the SEC publicly discussed and voted with six votes in favour that they were prepared to conduct “fair and democratic elections”. The SEC president and the two SDSM representatives refused to vote and left the meeting.

VI. VOTER REGISTRATION

All citizens over the age of 18 years are eligible to vote unless disenfranchised by a final court decision. Voter registration is passive, with the exception of voters temporarily residing abroad who must actively register. Voting rights are granted to persons with a registered residence in the country who have a biometric identification card or passport.

The accuracy of the voter register remains one of the most contentious issues in the ongoing political crisis. Following the 2015 changes to the Electoral Code, the SEC carries sole responsibility for maintaining voter register based on data extracted from civil and population registers. In February, the SEC started the cleaning of the voter register by cross-checking the databases of 11 state institutions, as well as by conducting field verifications.¹³ OSCE/ODIHR EOM interlocutors stated that the process proved complex, methodologically challenging as well as requiring major resources.

Out of approximately 1.8 million voters, some 330,000 were identified as needing clarification of their status. The SEC searched for inconsistencies in the databases and analyzed data that could indicate possible irregularities, such as deceased persons remaining on the lists, large number of voters registered at the same addresses or voters with similar names and birthdays. Some 220,000 records were forwarded for additional clarifications to the MoIA and several other state institutions.

¹³ These are: MoIA, Central Register, Directorate for Citizens Register, Health Insurance Fund, Agency for Employment, Fund for Pension and Disability Insurance, Cadaster of Real Estate, Ministry for Agriculture, Ministry of Labour and Social Policy, National Bank, Public Revenue Office.

The SEC published a list of some 89,000 citizens whose registration data were to be confirmed during field visits at voters' residence between 28 March and 5 April. Following an intervention by the Directorate for Personal Data Protection on 30 March, the SEC removed this list from its website, along with the national list with voters' addresses.¹⁴

Over 550 SEC representatives visited the households of some 87,000 voters, filling out questionnaires that were later uploaded in the SEC database.¹⁵ Some 35,000 voters were met in person, and 41,000 were not present but their data was checked. Over 10,000 forms did not indicate if a voter was met in person or not. The SEC removed over 1,100 deceased persons from the voter register and is currently awaiting a response from the MoIA regarding thousands of remaining records.

The cleaning of the voter register will continue in the electoral period. The voter lists are expected to be posted for public scrutiny from 25 April, and political parties will be able to challenge any records. For the first time in these elections, on election day voters' photo should be placed on the voter lists.

VII. CANDIDATE REGISTRATION

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

Candidates can be nominated by political parties, coalitions of political parties, or by groups of voters. Candidate lists submitted by groups of voters are required to provide at least 1,000 supporting signatures of voters residing in the respective district. In line with a previous OSCE/ODIHR recommendation, a voter can now sign in support of more than one prospective contestant, however, signatures must be collected in front of a regional SEC representative.¹⁶

Candidate lists should be submitted to the SEC not later than 11 May with the candidate registration process to conclude by 13 May. In an effort to encourage the participation of women, the Electoral Code now provides that at least 40 percent of candidates must belong to the less represented gender.¹⁷

VIII. CAMPAIGN AND CAMPAIGN FINANCE

The official election campaign will begin on 16 May, and will end 24 hours before election day. Following previous OSCE/ODIHR recommendations, the use of administrative resources for campaigning, including the use of office premises, office equipment and official vehicles is explicitly prohibited. The Code now forbids pressuring or intimidating voters and obliges all electoral contestants to sign a Code on Fair and Democratic Elections as a guarantee.

Displaying campaign posters free of charge is allowed only at locations determined by each municipality.¹⁸ Posters can be posted on private buildings only with the permission of the owner.

¹⁴ Article 31 (28-d) of the Electoral Code obliges the SEC to publish voter lists on its website with voters' name, surname and address. The list of 89,000 voters also included information on gender and date of birth. The national list allowed for a voter to check all registered residents at any address.

¹⁵ The remaining 2,000 voters did not have any address in the databases.

¹⁶ The OSCE/ODIHR has previously recommended considering alternative methods for signature collection in order to reduce the potential for intimidation.

¹⁷ This represents an increase of a quota by 10 percent from the 2014 elections. Every third and tenth candidate must be from the less represented gender.

¹⁸ Municipalities have to identify locations 45 days before election day.

While most forms of campaigning are not allowed until 16 May, political advertising on billboards and advertising panels is permitted. The political parties have the right to rent advertising panels and billboards in a transparent manner.¹⁹

The Electoral Code regulates the financing of election campaigns. All campaign-related donations and expenditures must go through a bank account. Eligible private persons are allowed to donate up to the equivalent of EUR 3,000 in MKD, while legal entities may donate up to EUR 30,000. Foreign or anonymous donations, as well as those from state-owned, religious and charitable organizations, are prohibited. Discounts given by media outlets to campaign participants for political advertisements are considered donations. Each electoral contestant may not spend more than EUR 1.80 (MKD 110) per registered voter in a given electoral district.

Electoral contestants have to submit two interim reports and a final campaign finance report. In line with previous OSCE/ODIHR recommendations, itemized reporting on campaign finance expenditure is now required. The supervision of campaign finance is primarily carried out by the State Audit Office.

IX. MEDIA

The media is composed of a high number of outlets, and television remains the predominant source of news and information. OSCE/ODIHR EOM interlocutors raised concerns regarding the deterioration of media freedom due to political pressure and owners interfering in the work of journalists. They also highlighted the need for substantial reforms.²⁰ The OSCE Representative on Freedom of the Media also called on the authorities “to ease the pressure on media and respect free and critical voices”.²¹

The Constitution, Law on Media and Law on Audio and Audiovisual Media Service form the legal framework for the media, which requires equal treatment of political parties. In addition, the amended Electoral Code obliges broadcast media to cover elections in a fair, balanced and unbiased manner, providing contestants with equitable access. Strict rules governing news coverage and reporting on regular activities of state and municipal institutions during the campaign are also introduced. As part of the Przino Agreement, consultations between the four political parties and civil society organizations were held to further reform the media landscape, however amendments coming from civil society organizations were dismissed by the parliament on 4 April.

The Agency for Audio and Audiovisual Media Services (AVMS), the broadcast media regulatory body, is required to conduct media monitoring of broadcast and Internet media outlets during the electoral period. Due to the lack of a clear definition of the Internet portals in the Electoral Code, the AVMS does not intend to monitor such media. While during the pre-campaign period the AVMS only monitors national broadcasters and checks the regional and local media outlets only in case of complaints, it will monitor all broadcast media once the campaign starts.

The Council of Media Ethics (CME), operating since early 2015, is a self-regulatory body that reviews complaints about media content. On 12 February, most private media outlets signed CME’s “Charter on Ethical Reporting during Elections”, pledging to report in a balanced, truthful, impartial and objective manner. Earlier in January, the public broadcaster Macedonian Radio and Television

¹⁹ The Electoral Code allocates the billboards space: 40 per cent each for ruling parties and opposition parties; and 10 per cent each for parliamentary parties without parliamentary groups and non-parliamentary parties.

²⁰ The country has dropped significantly from 34th place in 2009 to 117th place in 2015 in the global [Press Freedom Index prepared by the Reporters without Borders](#).

²¹ See [Press Release](#) of the OSCE Representative on Freedom of the Media from 17 January 2015.

(MRT), has also adopted “Ethical and Professional Principles of MRT for Media Coverage of the Election Process”, establishing the general guidelines for the journalists to cover the elections.

On 7 April, the OSCE/ODIHR EOM commenced qualitative and quantitative media monitoring of eight television channels and five daily newspapers.²²

X. COMPLAINTS AND APPEALS

Election related complaints may be filed by authorized representatives of candidates, by submitters of candidates’ lists as well as by voters. The complaints are heard by the SEC, and its decisions can be appealed to the Administrative Court.²³ Decisions of the Administrative Court are final.

Following previous OSCE/ODIHR recommendations, the 2015 amendments to the Electoral Code adjusted the deadlines for hearing and deciding electoral complaints. In addition, all hearings must be open to the public. Decisions on complaints should be published on the websites of the Administrative Court and the SEC. To date no complaints have been filed with the SEC or the Administrative Court.

In line with previous OSCE/ODIHR recommendations, the SEC established a legal department for handling complaints. In addition, the Electoral Code calls for the establishment of a system for case and complaint management that is yet to be operational.

XI. PARTICIPATION OF NATIONAL MINORITIES

Inter-ethnic relations remain a relevant factor in the politics of the country, and political parties tend to mainly reach out to their own communities. Traditionally, parties representing the Albanian community ran separately, whereas parties representing smaller communities aligned with stronger political forces in pre-election coalitions. These smaller communities expressed concern to the OSCE/ODIHR EOM about not being involved in negotiations on the Przino Agreement. They also claimed that parties representing larger communities use administrative resources and public employment to ensure support from minorities.

After the dissolution of the parliament, VMRO-DPMNE began forming a coalition, including some parties representing minorities. Other such parties stated to the OSCE/ODIHR EOM that there are no conditions for credible elections, and as such they would not take part.

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

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for international and citizen election observation. The citizen observer organizations MOST and CIVIL have announced their intention to observe these elections. At this

²² This includes Public MRT–1 and MRT–2, private *Sitel*, *Kanal 5*, *Alfa*, *Telma* and *Alsat–M* during prime time (18:00 to 24:00), as well as the central news programs on *Vesti 24* (20:00 and 22:00). The daily newspapers are: *Dnevnik*, *Vest*, *Sloboden Pecat*, *Koha* and *Lajm*.

²³ As an exception, the relevant basic court hears the complaints related to any prevention or disturbance of a campaign event. The MECs do not have jurisdiction over electoral complaints.

stage, MOST has 80 observers in 18 regional offices, and CIVIL has 35 observers in 14 regional offices as well as 12 mobile observers. On 5 April, the Financial Police began an investigation of MOST regarding out-of-country payments to foreign consultants, and some OSCE/ODIHR EOM interlocutors questioned the timing of this investigation.

XIII. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work in Skopje on 31 March. The Head of Mission met with the Ministry of Foreign Affairs, the SEC, and with representatives of political parties, the OSCE Mission to Skopje and the international community.²⁴ The EOM established contacts with electoral stakeholders at all levels. The OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) intend to deploy observer delegations for election day observation.

*The English version of this report is the only official document.
An unofficial translation is available in Macedonian and Albanian languages.*

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