

**INTERIM REPORT 2**  
**20 April - 11 May 2016**

**13 May 2016**

**I. EXECUTIVE SUMMARY**

- The coalition of the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity Party and two non-parliamentary parties submitted candidate lists to compete in these elections. Three other parties that are signatories of the Przino Agreement call for the postponement of elections.
- The political atmosphere in the country remains tense. While the opposition and some civil society organizations are demanding a postponement of elections and calling for an increased involvement of the international community in resolving the crisis, counter-demonstrations call for elections to be held on 5 June.
- All demonstrations are generally peaceful, but several arrests were made for damages caused to state buildings and monuments. The OSCE/ODIHR Election Observation Mission (EOM) received credible allegations of pressure on public sector employees to attend the counter-demonstrations, no official complaints, however, have been filed.
- The State Election Commission (SEC) continues to work in a very tense political environment. As of 15 April, the two members nominated by SDSM have not participated in the SEC sessions. Despite a legal obligation to meet publicly, the SEC held two closed sessions, and its decisions have not been systematically published on its website. Many SEC regional offices complained about lack of resources and insufficient support from the headquarters.
- On 28 April, the SEC appointed new members to the Municipal Election Commissions (MECs), ensuring the minimum gender and ethnic minority representation required by the law. Of the four main parliamentary parties, it appears that only the ruling party nominated its members to the Electoral Boards (EB). As a number of MECs are not yet operational, the appointment of EB members is delayed by several days.
- Alleged irregularities in the voter list, such as fictitious voters and other fraudulent practices, are used as one of the main arguments for the postponement of the elections. The 26 April SEC progress report on updating voter lists did not reveal evidence of voter registration fraud to date.
- Some 1.8 million voters could check only their own data electronically, but not that of other citizens as required by law. The SEC has not published the voter lists online, due to a decision of the Directorate for Personal Data Protection. Upon a SEC appeal, the Administrative Court is yet to decide on the matter.
- The first monitoring report of the Agency for Audio and Audiovisual Media Services concluded that private broadcasters *Alfa*, *Kanal 5*, *Kanal 5+*, *Sitel* and *Nova* have so far failed to provide objective, equitable and unbiased coverage. It further concluded that the first four media listed above co-ordinated their editorial policy.

- The preliminary OSCE/ODIHR EOM media monitoring data shows that public *MRT-1* so far provided limited information about political events. Public *MRT-2* and *Alsati-M* provided more coverage to the Albanian parties. While private *Sitel*, *Kanal 5* and *Alfa* show bias for VMRO-DPMNE and against SDSM, private *Telma* and *Vesti 24* are more balanced.
- No official complaints have been filed to date to SEC or courts. Hotlines for reporting electoral violations have been established by several state institutions.

## II. POLITICAL CONTEXT AND PRE-CAMPAIGN ENVIRONMENT

The political atmosphere in the country remains tense. The Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity Party (VMRO-DPMNE) maintains that holding elections on 5 June is the only way out of the current political crisis, while Social Democratic Union of Macedonia (SDSM) calls for postponement of elections until the Przino Agreement is fully implemented. The Democratic Union for Integration (DUI) and Democratic Party of Albanians (DPA) stated that they stand for inclusive elections with all parties running.

A number of OSCE/ODIHR EOM interlocutors call for an increased involvement of the international community in resolving the crisis. A 22 April attempt by the European Union and United States to mediate the political crisis was met by an announcement by the SDSM that they would not participate in talks until the presidential pardon related to the wire-tapping scandal is withdrawn and the elections are postponed. Discussions continue as the 11 May deadline for candidate nomination has passed and a number of parties will not participate in the elections, including SDSM, DUI and DPA.

Demonstrations and counter-demonstrations continue in Skopje and numerous other cities. The civil movement *Protestiram* (I protest) mainly calls for postponement of elections, withdrawal of presidential pardon and resignation of the president. The demonstrations have been generally peaceful, however, several arrests were made after state buildings and monuments were splattered with paint.<sup>1</sup> While the *Protestiram* representatives maintain their independence from any political party, VMRO-DPMNE claims that the protests are orchestrated by SDSM. Counter-demonstrations organized by Civil Movement for Defense (GDOM) support the government position by calling for elections to be held on 5 June.

The OSCE/ODIHR EOM received credible allegations of pressure on public sector employees to attend the counter-demonstrations, including threats of loss of employment, however no official complaints have been filed.<sup>2</sup> Several OSCE/ODIHR EOM interlocutors attributed this to a culture of fear of retribution existing in state companies and institutions.

The new Electoral Code allows for the use of billboards and advertising panels for political advertising as of 20 December 2015. However, many municipalities appeared not to be aware of the new provisions and the SEC has yet to allocate the space.<sup>3</sup>

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<sup>1</sup> To date 13 people were arrested and charged with “participation in a crowd with intent to damage property”, and ordered to pay a total of EUR 15,000 for damages.

<sup>2</sup> In two verified instances public employees were ordered by a text message to attend pro-government demonstrations in Skopje. Two public sector employees in Struga were summoned by a VMRO-DPMNE representative to go to the counter-protests in Skopje on 13 April. A Bitola Deputy Ombudsman stated to the OSCE/ODIHR EOM that 20 individuals had come to the office asking how to respond to threats of transfer, downgrading and termination coming from managers at state companies and institutions asking to support VMRO-DPMNE in the election.

<sup>3</sup> In each municipality 50 per cent of the billboards can be used, of which 40 per cent each should be allocated to the ruling and opposition parties and 10 per cent each to the parliamentary parties with no group in parliament and the non-parliamentary parties. Two advertising companies submitted their proposals for allocation and prices to the SEC within the deadline.

### III. THE ELECTION ADMINISTRATION

The State Election Commission (SEC) began administrative preparations for elections and adopted an electoral calendar with legal deadlines as well as a budget for administering elections.<sup>4</sup> The SEC has held regular sessions with only seven members, as the two members nominated by the SDSM have not participated in the public sessions since 15 April. Despite a legal obligation, the SEC held two sessions without inviting media and observers. In addition, its formal decisions were not systematically published on its website.<sup>5</sup>

The SEC continues to work in a very tense political environment and under criticism from the opposition and some civil society organizations who claim there are no conditions for holding elections on 5 June. Civil society organizations MOST and CIVIL criticized the SEC for “failing to clean the voter lists” and to “provide conditions for fair and credible elections”.<sup>6</sup> In a public session, SEC rejected these allegations and some of its members accused both organizations of links with the SDSM.

The employees of the SEC regional offices visited by OSCE/ODIHR EOM appear to be experienced and committed to their work, but many of them complained about the lack of necessary resources and insufficient support received from the headquarters.

As the four-year mandate of Municipal Election Commissions (MECs) expired on 28 April, the SEC appointed new MEC members. Selection was done randomly from among civil servants through a computer programme. The minimum gender and ethnic minority representation required by the law was largely respected. Among selected, 47 per cent of MEC members are women.

It appears that a number of MECs are not yet operational. As the appointment of their members was not harmonized with the calendar of the 2016 elections, new members did not receive any training before commencing their duties. In addition, OSCE/ODIHR EOM was informed that some new members were not aware of their appointments. Some 40 MEC members requested the SEC to cancel their selection for health reasons, political party affiliation or lack of necessary education.<sup>7</sup>

By the 5 May deadline, it appears that out of the four main parliamentary parties only VMRO-DPMNE nominated its representatives to the Election Boards (EB).<sup>8</sup> The appointment of EB members was due by the next day, but the EBs were not appointed in most MECs.

### IV. VOTER REGISTRATION

After a three-month effort to clean the voter register, alleged irregularities, such as fictitious voters and other fraudulent practices, are still used as one of the main arguments for the postponement of the elections. The 26 April SEC progress report on updating voter lists did not reveal evidence of voter registration fraud to date.

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<sup>4</sup> Adopted budget comprises MKD 450 million (EUR 7.3 million).

<sup>5</sup> Article 54 of the SEC Provisional Rules of Procedures requires that all acts adopted by the SEC are published on its website. The Electoral Code requires that SEC sessions are public.

<sup>6</sup> See [MOST](#) and [CIVIL](#) statements.

<sup>7</sup> Many SEC regional staff and newly selected MEC members contacted by OSCE/ODIHR EOM learned about the appointments from the SEC website or from the OSCE/ODIHR EOM.

<sup>8</sup> EBs are composed of five members (and five deputies) with one member nominated by the governing political parties, one by the opposition parties, and three randomly selected from public service employees.

Almost all of the 300,000 records initially identified as questionable were validated. Minor changes were made, mainly by removing deceased persons.<sup>9</sup> The SEC conducted an additional check of electronic databases of some 47,000 voters who were not met in person during the field verification conducted between 28 March and 5 April. This led to minor changes in the register. The SEC is conducting further research of some 4,100 voters whose status was questioned as a result of an online verification. Many OSCE/ODIHR EOM interlocutors, including some SEC regional staff, raised doubts about the usefulness of the field checks in general.

In response to 45 SEC written requests, the Ministry of Internal Affairs (MoIA) submitted verified citizen records. Many of these requests were, however, signed only by the deputy minister, as the minister, representing SDSM, refused to do so with the argument that more time was needed to conduct accurate checks. While the SDSM representatives at the SEC questioned the legality of such documents, the SEC decided to accept them.<sup>10</sup> In addition, the MoIA minister requested the SEC to remove some 130,000 voters who possess a passport but not a valid identification card, which he claimed is necessary to prove their residency. The SEC rejected this request on the ground that law provides for registration of voters with either valid identification card or passport.

An ongoing concern for the SEC is the so called ‘Pustec voters’: citizens living in Albania whose voter eligibility remains in question because of unclear residency status.<sup>11</sup> These persons were allegedly added to the voter lists in Skopje Centar municipality to influence the outcome of local elections. According to MoIA representatives, some 349 identification cards were cancelled for the reason of respective voters not having the right to register at that specific residence.<sup>12</sup>

As required by the law, the public inspection of voter lists, comprising some 1.8 million voters, was conducted between 25 April and 9 May at SEC’s 34 regional and local offices.<sup>13</sup> Neither paper excerpts of the voter lists nor databases were available for voters to check the registration data of other citizens.<sup>14</sup> Instead, voters could check only their own data. This, however, was not implemented uniformly across the country: while in some offices they could do so by their personal identification number, in others this was possible also by their name, address and polling station number. As of 9 May, 4,700 voters verified the accuracy of their data.

The SEC has not published the voter lists on its website as required by law, due to the decision of the Directorate for Personal Data Protection prohibiting the publication of personal data of voters including name, gender, address, date of birth and polling station number.<sup>15</sup> The SEC has appealed the decision to the Administrative Court,<sup>16</sup> which is yet to decide on the matter. On 14 May, the SEC must share the voter lists with the political parties, which will have five days to request any changes. The voter list update is scheduled to conclude on 22 May.

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<sup>9</sup> Two persons were identified as registered twice with different personal identification numbers.

<sup>10</sup> Articles 46 and 47 of the Law on Government introduced as a result of Przino Agreement requires that all documents of MoIA related to the elections should be signed by the minister and his deputy.

<sup>11</sup> Pustec is the municipality in Albania where most of these citizens reside.

<sup>12</sup> The SEC identified 32 persons with residence at the addresses of governmental, religious or business facilities.

<sup>13</sup> According to MoIA, as of 31 March 2016, there were 2,464,925 citizens in the population register, of whom 1,956,518 were over 18 years of age (some 150,000 citizens do not have residence or valid identification document).

<sup>14</sup> Article 48.2 of the Electoral Code provides for a voter to inspect data of either him/herself or another voter.

<sup>15</sup> The directorate stated that publication of the voter lists with this information was a violation of Article 5(1) and (4) of the Law on Protection of Personal Data.

<sup>16</sup> The SEC argued that Article 31.28.d of the Electoral Code mandates publication of the list with name, surname and address of the voters on SEC website.

## V. REGISTRATION OF CANDIDATES

The deadline for the submission of candidate lists was 11 May. Of the four major parliamentary parties, only the VMRO-DPMNE coalition submitted candidate lists. In addition, two non-parliamentary parties, the National Movement for Macedonia and the Social Democratic Party of Macedonia, nominated their candidates. No independent lists were submitted by groups of citizens. The SEC is to verify submitted lists for candidate eligibility and required gender representation. Candidate registration will conclude by 14 May, and SEC decisions of non-registration can be appealed with the Administrative Court.

## VI. THE MEDIA

The Agency for Audio and Audiovisual Media Services (AVMS) is monitoring the broadcast media during the electoral period. On 28 April, the Agency released the first report focusing on national broadcasters covering the first 10 days of this period. The report concluded that private broadcasters *Alfa*, *Kanal 5*, *Kanal 5+*, *Sitel* and *Nova* failed to provide objective and unbiased coverage of the events as prescribed by Article 61 of the Law on Audio and Audiovisual Media services. The report also concluded that the first four media listed above co-ordinated their editorial policy.<sup>17</sup>

The Electoral Code requires the public broadcaster to organize debates between the ruling and the opposition parties. MRT-1 attempted to hold two debates between VMRO-DPMNE, SDSM, DUI and DPA, but only VMRO-DPMNE chose to participate and only once. MRT-1 also organized one debate between Citizens Option for Macedonia and Socialist Party of Macedonia, where New Social Democratic Party and Liberal Democratic Party chose not to participate despite having been invited.

The OSCE/ODIHR EOM continues qualitative and quantitative media monitoring of eight television channels and five daily newspapers.<sup>18</sup> The preliminary OSCE/ODIHR EOM media monitoring data for the period from 15 April to 11 May show that public television MRT-1 devotes most coverage to government activities, followed by reports on the VMRO-DPMNE and SDSM. All other political parties received marginal coverage. The Albanian language service of MRT-2 and private *Alsat-M* provided more coverage of the Albanian parties, particularly DUI.

Between 15 April and 11 May, the most popular private stations *Sitel* and *Kanal 5*, together with *Alfa*, displayed a similar approach in the news coverage, devoting most time to VMRO-DPMNE, SDSM and government. The coverage tone was mainly positive and neutral for VMRO-DPMNE and for the counter-protests, and mainly negative of SDSM and protests calling postponement of elections. *Telma* and *Vesti 24* have so far provided equal coverage to VMRO-DPMNE and SDSM.

The electoral contestants are entitled to purchase paid political advertisements for the official campaign period. The AVMS has informed the OSCE/ODIHR EOM that in total 107 broadcasters have published the pricelists, while 24 broadcasters informed AVMS that they will not sell political advertisements.<sup>19</sup> In addition, 7 newspapers and 12 web portals have submitted their pricelists.

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<sup>17</sup> The [report](#) stated that TV *Alfa*, *Kanal 5*, *Kanal 5+* and *Sitel* “demonstrate equal or extremely similar manner of reporting, they process/accenuate same thesis and positions ..., they even use same footages as illustrative material, which points out to certain coordination of their editorial policy”, and labelled this as “contrary to the principle of autonomy, independence and accountability of editors, journalists and others involved in the creation of programmes and editorial policy”.

<sup>18</sup> This includes Public MRT-1 and MRT-2, private *Sitel*, *Kanal 5*, *Alfa*, *Telma* and *Alsat-M*, as well as the central news programs on *Vesti 24*. The daily newspapers are: *Dnevnik*, *Vest*, *Sloboden Pecat*, *Koha* and *Lajm*.

<sup>19</sup> The Electoral Code requires that all the media that want to sell advertisements are to announce the pricelists within five days after the calling of the elections. This SEC extended the deadline by seven days.

## VII. COMPLAINTS AND APPEALS

The SEC is yet to adopt an instruction for deciding on complaints and appeals. The electronic system for case and complaint management required by the Electoral Code has not been developed so far. To date no official complaints have been received by the SEC or the courts.

Hotlines have been established by several state institutions: the Ministry of Information Society and Administration for public sector employees to report any pressure on them related to the elections;<sup>20</sup> the Ombudsman Office for citizens to report violations of their electoral rights; and the Public Prosecutor's Office for citizens and civil society organizations to report any suspicion of criminal activity related to the elections.

According to these institutions, very few calls have been received and none of them concerning serious violations. The Public Prosecutor received 16 allegations or complaints of which 2 were referred to the relevant basic public prosecutor's office with instructions to act urgently and report back. No grounds of suspicion of criminal activity were found in the remaining allegations.

## VIII. PARTICIPATION OF NATIONAL MINORITIES

Interethnic issues are not a prominent factor in the current political crisis. Members of minority communities and parties representing them, particularly the ethnic Albanians, have been participating in protests across the country, individually, with other communities and as part of the *Protestiram* movement. The so-called non-parliamentary bloc of smaller Albanian parties (DPA- Reform, National Democratic Revival and BESA) also joined the demonstrations. In some areas such as Tetovo, the protest had an inter-ethnic character, with symbols of the country's flag and of the Albanian and Roma community displayed together.

Parties representing the Roma community and civil society organizations advocating for their rights have shared their concerns with the OSCE/ODIHR EOM that the community may be susceptible to political pressure and selling and buying of votes.

## IX. MISSION ACTIVITIES

The OSCE/ODIHR EOM continued its regular activities, meeting state officials, party representatives, the election administration, court officials, media and civil society representatives, and diplomatic missions. OSCE/ODIHR EOM LTOs continue to observe electoral preparations in the regions and are preparing for the deployment of short-term observers. A briefing for members of the diplomatic community and international organizations was held on 22 April. The OSCE/ODIHR EOM also briefed a delegation of the Parliamentary Assembly of the Council of Europe.

*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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<sup>20</sup> The Ministry sent a letter to all state institutions reminding them that it was illegal to put any political pressure on state employees and asking that all employees be informed of the phone number and email where they can report any political or election related pressure. It has received no reports of pressure to date.