



**OSCE Office for Democratic Institutions and Human Rights
Election Observation Mission
2011 Early Parliamentary Elections
The former Yugoslav Republic of Macedonia**

**INTERIM REPORT No. 1
6 May – 15 May**

20 May 2011

I. EXECUTIVE SUMMARY

- Parliament voted to dissolve itself on 15 April 2011 and early parliamentary elections were called for 5 June. A total of 123 Members of Parliament (MPs) will be elected including, for the first time, one MP from each of the three newly established out-of-country districts.
- These are the first elections to be conducted since the Electoral Code was significantly amended in April 2011. The amendments address several recommendations previously offered by OSCE/ODIHR, however, a number of concerns remain unaddressed.
- Sixteen political parties and two coalitions will compete in these elections. Candidate lists from one party and from one group of voters were denied registration by the State Election Commission (SEC).
- The pre-campaign period has been tense and marked by strident rhetoric with the two coalitions accusing each other of voter intimidation.
- The official 20-day election campaign begins on 16 May. Several parties have already started to actively promote themselves through newspaper advertisements, billboards and distribution of campaign material. The SEC announced that they would consider the issue of early campaigning only if they receive complaints from electoral contestants. At the time of reporting, no complaints had been submitted.
- The final number of registered voters is 1,821,122, including 7,258 registered for out-of-country voting. The voter lists were posted for public scrutiny between 25 April and 4 May and 18,662 voters checked their records at local offices, through an internet-based search programme, and by emailing a dedicated office at the SEC.
- The elections are administered by a three-tiered election administration, including the SEC, 84 Municipal Election Commissions and 2,976 Election Boards (EBs). For the first time, an additional 36 EBs will be located in diplomatic and consular offices abroad to facilitate out-of-country voting.
- The SEC sessions are open to observers, the media, and the public. Those observed by the OSCE/ODIHR Election Observation Mission (EOM) were highly politicized. Discussion and voting were strictly along party lines, particularly when the media were present. In the absence of the media the SEC deliberations were more relaxed and consensual.
- A large number of media outlets exist in the country and television is the main source for political information. The Broadcasting Council has adopted rulebooks that regulate the coverage of the campaign period and, for the first time, the pre-campaign period.
- The OSCE/ODIHR EOM commenced its activities in Skopje on 6 May, with a 12-member core team. On 9 May, 20 long-term observers were deployed throughout the country.

II. INTRODUCTION

Parliament voted to dissolve itself on 15 April 2011 and early parliamentary elections were called for 5 June. In anticipation of an official invitation from the Ministry of Foreign Affairs (MFA), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) sent a Needs Assessment Mission (NAM) to Skopje from 5 to 7 April.¹

Based on the recommendation of the OSCE/ODIHR NAM, and following the receipt of an invitation from the MFA an Election Observation Mission (EOM) was established on 6 May.² The OSCE/ODIHR EOM, headed by Mr. Julian Peel Yates, consists of a 12-member core team based in Skopje and 20 long-term observers deployed in 10 locations throughout the country. OSCE/ODIHR has requested participating States to second 300 short-term observers to follow election day procedures. OSCE/ODIHR has previously observed 11 elections in the country.³

III. POLITICAL CONTEXT

The 5 June elections will be the second consecutive early parliamentary elections. They were called after a protracted boycott of parliament by the Social Democratic Union of Macedonia (SDSM) and several other opposition parties. The boycott started on 28 January in response to the freezing of bank accounts of four media outlets as a part of a criminal investigation linked to the owner of *Al Television*.

In the last parliamentary elections, held on 1 June 2008, 63 mandates were won by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE)-led coalition, 27 by the *Sun* coalition led by SDSM, 18 by the Democratic Union for Integration (DUI), 11 by the Democratic Party of the Albanians (DPA) and 1 by the Party for European Future (PEI). A government coalition was subsequently formed by the VMRO-DPMNE coalition, with DUI and PEI.

IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

The Electoral Code is the primary law which regulates parliamentary elections. It was amended in April 2011 by a slim majority, with opposition parties boycotting the vote.⁴ As most electoral deadlines have been shortened by five days for early elections, questions have been raised whether the necessary preparations and information outreach to electoral stakeholders can be implemented within this timeframe.

The revised Electoral Code addresses several recommendations previously offered by OSCE/ODIHR. However, a number of concerns remain unaddressed, including: a short timeframe for the courts and election administration bodies to hear and decide on complaints; a prohibition on submitting complaints by post; a lack of clarity on the resumption of candidacy rights for those who have served the penalty for a committed crime; and a revised ceiling on donations from corporations for campaign funding.⁵

¹ The OSCE/ODIHR NAM report is available at: www.osce.org/odihr/77051.

² The EOM website is www.osce.org/odihr/elections/77359.

³ All reports are available on the OSCE/ODIHR website: www.osce.org/odihr/elections/fyrom.

⁴ Extensive 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.

⁵ Electoral Code Article 83(2). Legal entities can donate up to five per cent of their total income from the previous year.

A total of 123 Members of Parliament (MPs) will be elected to serve four-year terms. 120 MPs will be elected under a proportional representation system from six electoral districts, and, for the first time, one MP will be 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.

The transparency of campaign finance has been enhanced by a requirement for parties to submit interim reports on their campaign expenditures to the State Election Commission (SEC), State Audit Office and the State Commission for Prevention of Corruption. The reports are then required to be published on the websites of these institutions. However, no deadlines are envisaged for verifying reports submitted prior to election day.

V. ELECTION ADMINISTRATION

The Electoral Code foresees a three-tiered election administration including the SEC, 84 Municipal Election Commissions (MECs), 2,976 in-country Election Boards (EBs), and up to 50 out-of-country EBs located in diplomatic and consular offices abroad.⁶

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, however, the President resigned on 23 February 2011 and parliament elected a successor on 12 April.

The SEC sessions are open to international and domestic observers from civil society, and the media. The SEC sessions observed thus far have been highly politicized.⁷ Discussions and voting were strictly along party lines, particularly when the media were present. In the absence of the media, the SEC deliberations were more relaxed and consensual.

MECs are responsible for overseeing the election process in each municipality. MECs are professional bodies of five members, and are randomly selected from civil servants and public service employees. All MEC members were newly appointed on 26 April to serve a five-year mandate.

EBs are responsible for particular polling stations prior to and on election day. EBs are composed using a mixed professional-political model, with one member nominated by the governing political parties, one by the opposition parties, and three members randomly selected from public service employees. All lower-level election bodies followed the principle of “adequate and equitable” representation of ethnic groups and gender. However, the SEC has only one woman member.

The SEC has instituted a compulsory training program for the lower-level election commissions which began on 4 May and included the EBs for the out-of-country polling stations.

⁶ For these elections there will be 36 out-of-country EBs. The remaining 14 EBs did not reach the minimum requirement of 10 registered voters in order to open.

⁷ The OSCE/ODIHR EOM has observed both SEC sessions held since its deployment.

VI. VOTER LISTS

The responsibility for updating and maintaining the voter lists lies with the SEC. The public inspection of extracts of the voter lists took place between 25 April and 4 May. The extracts were available for inspection at the SEC regional and local offices through an internet-based search programme, and by emailing a dedicated office at the SEC. According to information published on the SEC website 18,662 people checked their data during this period out of whom 42 people were newly registered, 756 deceased were deleted *ex officio*,⁸ 6 deceased were deleted at the request of citizens, 210 changes to personal data were requested by citizens, and 24 persons applied to be registered but were rejected.

The SEC announced on 15 May that the final voter lists for the 2011 parliamentary elections contain 1,821,122 voters, some 29,000 more than the 2009 presidential and municipal elections. A total of 7,258 people registered for out-of-country voting.⁹ 4,653 in electoral district seven which covers Europe and Africa, 1,832 in electoral district eight which covers North and South America and 773 in electoral district nine which covers Australia and Asia.

VII. CONTESTANTS AND CAMPAIGN ENVIRONMENT

Parliamentary elections may be contested by candidates nominated by political parties, coalitions of political parties, or by independent candidates nominated by groups of voters. Two large coalitions, one led by SDSM and one by VMRO-DPMNE,¹⁰ as well as sixteen political parties submitted candidate lists to the SEC by the 5 May deadline and will compete in these elections. Candidate lists from one party and one group of citizens were denied registration by the SEC.¹¹

Even though the official campaign period does not start until 16 May, the political climate has been somewhat fractious and strident rhetoric has been used, particularly by the VMRO-DPMNE and SDSM led coalitions, which accused each other of unlawful behaviour in an attempt to influence voters' freedom of choice. There have been widespread allegations of threats of loss of employment made against civil servants if they do not secure a certain number of votes for the ruling coalition. The OSCE/ODIHR EOM has received documents from several sources concerning these allegations. Both parties have publicized documents containing lists of names of people allegedly pressured to vote for the opponent. VMRO-DPMNE has announced that it will file lawsuits against *AI Television* for broadcasting a news item about alleged intimidation, as well as against SDSM for allegedly bribing voters.

The atmosphere appears to be calmer in the ethnic Albanian political arena. The two traditional rivals, DUI and DPA signed an Electoral Pact on 4 May committing to a democratic election process, to refrain from hate speech, insults and provocations, and to recognize the election results. Two new ethnic Albanian political parties, New Democracy (ND) and the National Democratic Renewal (NDR), are running for the first time.

⁸ The Registry of Citizens is kept with the Ministry of Internal Affairs that was obliged to delete the deceased from the Registry of Citizens by 16 March 2011.

⁹ According to the SEC there are about 80,000 citizens registered as temporarily living or working abroad. Special excerpts of the voter lists with their data were sent to the diplomatic and consular offices, via the Ministry of Foreign Affairs, for public inspection for the same duration as the in-country public inspection.

¹⁰ The SDSM coalition includes 15 parties, and the VMRO-DPMNE coalition includes 23 parties. Both coalitions include political representation from a range of smaller ethnic communities.

¹¹ The Party for Democratic Action (SDA) was rejected since it failed to submit a complete list of candidates in all electoral districts. The list submitted by the group of voters, "Zorancho Zlatevski", was rejected as they failed to collect the required number of supporting signatures.

On 12 May all political parties signed a Code of Conduct. The signatories committed themselves to promote democratic elections, a climate of tolerance, and to publicly condemn violence and intimidation.

Several parties have already started actively promoting themselves before the official start of the campaign. Instances of early campaigning include 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 have also appeared in Skopje, some declaring "Are You for Victory" with a circled yes¹² and others supporting specific political parties.

The SEC announced that they would consider the issue of early campaigning only if they receive complaints from electoral contestants. So far, the SEC has received no complaints in this regard.

VIII. THE MEDIA

A large number of media outlets exist in the country, including 14 national, 12 satellite and 130 regional TV and radio stations as well as 10 daily newspapers. Television remains the main source for political information, while national broadcasters dominate the advertising market.

The coverage of the election campaign is regulated by the Electoral Code and the Law on Broadcasting Activity. In addition, the Broadcasting Council (BC) adopted one rulebook regulating the coverage of the campaign period and, for the first time, one rulebook regulating the pre-campaign period.

The BC oversees compliance of the broadcast media with the legislation and rulebooks. Since 15 April the body has been monitoring 16 national broadcast media outlets. With the official start of the campaign on 16 May the BC intends to monitor 154 broadcast media outlets. During the reporting period the BC initiated misdemeanour procedures against *Kanal 5* and *AI Television* for not supplying all necessary information when publishing the results of public opinion polls, and against *TV Alb* for airing paid political advertisements before the official start of the campaign period. In addition, notifications were sent to four media outlets (*MTV 1*, *Kanal 5*, *AI Television*, and *Radio Metropolis*) stating that the publication of advertisements paid by state institutions are prohibited after the announcement of the elections.

Article 76(a) of the Electoral Code requires the Public Broadcaster, Macedonian Radio and Television (MRT), to allocate free airtime to all candidates. On 10 May, MRT decided to allocate to each electoral contestant three minutes per electoral district in which the party/coalition is running. The law does not stipulate the time during which the free time should be allocated. MRT decided to allocate time between 16.00 and 16.30, clearly outside of prime time viewing. In addition, MRT is planning to organize 14 90-minute debates between electoral contestants.

The OSCE/ODIHR EOM's media monitoring is conducted in two time periods: the first from 9 May to 15 May, covering the period before the official campaign begins. The second will cover the official campaign period from 16 May to 3 June. The media monitoring consists of quantitative and qualitative analysis of the prime time broadcasts of two public and five private TV channels, as well as five daily newspapers.¹³

¹² No political party has claimed responsibility for the "are you for victory" billboards.

¹³ TV channels: *MTV-1* (public), *MTV-2* (public), *AI Television*, *Kanal 5*, *Sitel*, *Alsat-M*, and *Telma*. Newspapers: *Dnevnik*, *Nova Makedonija*, *Vreme*, *Koha*, *Lajm*.

IX. COMPLAINTS AND APPEALS

The Electoral Code provides for various legal avenues for protecting electoral rights, including appeals on voter registration issues, appeals against denial of registration, complaints concerning campaign offences and election results. All of these fall under the jurisdiction of different appeal bodies. The SEC is the competent body to deal with complaints from candidates and voters regarding election procedures. SEC decisions can be appealed to the Administrative Court. Complaints on campaign irregularities must be submitted to Basic Courts, whose decisions can be appealed to the Court of Appeals. Criminal complaints are also filed in the Basic Courts and can be appealed to the Court of Appeals. A further appeal can be taken to the Supreme Court, as the last instance. The State Prosecutor is mandated to launch a criminal investigation whenever he is notified of an electoral offence.

At the time of reporting, no formal complaints have been lodged regarding voter lists or candidate registration. On 11 May, the State Prosecutor launched an investigation into an alleged case of voter intimidation by VMRO-DPMNE, as reported in the media.¹⁴ The State Prosecutor informed the OSCE/ODIHR EOM that the case would be handled as an urgent procedure and be resolved before election day.

X. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM commenced its activities in Skopje on 6 May, with a 12-member core team. The OSCE/ODIHR EOM has so far met the Prime Minister, the Minister of Justice, the Minister of Internal Affairs, the Ministry of Foreign Affairs, the leaders of all main political parties, media, domestic observer groups, the Acting Head of the OSCE Mission to Skopje, and ambassadors of OSCE participating States. A first briefing for the diplomatic community will be held on 16 May.

The OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe will deploy observer delegations for election-day observation. The OSCE Chairperson-in-Office has appointed Mr. Roberto Battelli, OSCE PA Treasurer and Special Representative on South East Europe, as Special Co-ordinator to lead the OSCE short-term observer mission for these elections. The OSCE/ODIHR EOM met with Mr. Battelli during his pre-election visit in Skopje on 14 May.

¹⁴ *Al Television* reported that VMRO-DPMNE had ordered heads of sectors in state institutions to submit lists of at least 15 persons who would give their support to the party in return for employment or other benefits.