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Observation of the early parliamentary elections in “the former Yugoslav Republic of Macedonia” (11 December 2016)

Election observation report

Ad hoc Committee of the Bureau

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1. Introduction

1. On 14 December 2015, subject to receiving an invitation, the Bureau of the Assembly decided to observe the early parliamentary elections in “the former Yugoslav Republic of Macedonia”, constituted an ad hoc committee for this purpose composed of 20 members (EPP/CD: 8; SOC: 7, ALDE: 2, EC: 2, UEL: 1) and the co-rapporteurs on post-monitoring dialogue, and authorised a pre-electoral mission. On 25 January 2016, it approved the composition of the ad hoc committee and appointed Mr Stefan Schennach (Austria, SOC) as its Chairperson.

2. On 15 April 2016, the authorities of “the former Yugoslav Republic of Macedonia”, invited the Parliamentary Assembly of the Council of Europe to observe the early parliamentary elections in the country, scheduled for 5 June 2016.

3. A pre-electoral delegation visited Skopje on 26 and 27 April 2016. Its statement and composition appear in Appendix 1.

4. The Bureau, at its meeting on 26 May 2016, took note of the statement of the pre-electoral mission and of the cancellation of the elections initially scheduled for 5 June 2016. On 5 September 2016, subject to receiving an invitation, it decided to observe the elections postponed until 11 December 2016, constituted an ad hoc committee for this purpose composed of 20 members as well as the co-rapporteurs on post-monitoring dialogue and authorised a pre-electoral mission.



5. In line with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as a legal adviser.
6. On 19 October 2016, Mr Trajko Veljanovski, President of the Assembly of “the former Yugoslav Republic of Macedonia”, reiterated the invitation to the Assembly to observe the early parliamentary elections, re-scheduled for 11 December 2016.
7. A pre-electoral delegation visited Skopje on 21 and 22 November 2016. Its composition appears in Appendix 2, its programme in Appendix 3 and its statement in Appendix 4.
8. For the observation of the early parliamentary elections, the ad hoc committee (whose composition appears in Appendix 5) operated in the framework of an International Election Observation Mission (IEOM) together with delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA) and the European Parliament and with the Election Observation Mission (EOM) of the Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR).
9. The ad hoc committee met in Skopje from 9 to 12 December 2016 to observe the parliamentary elections on 11 December. The programme of the ad hoc committee’s meetings is set out in Appendix 6.
10. On polling day, the ad hoc committee split into nine teams which observed the elections in Skopje and its surrounding areas as well as in the following regions and municipalities: Tetovo, Gostivar, Kumanovo, Bitola and Strumica.
11. The following day, the IEOM held a joint press conference and issued a “Statement of preliminary findings and conclusions” and a press release (Appendix 7).

2. Political background

12. The 11 December early parliamentary elections were widely viewed as a crucial test for the functioning of democratic institutions in the country, following two years of institutional turmoil. These elections were the fourth consecutive early parliamentary elections since 2008. The last were held in 2014 and led to a government formed by the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), with 61 seats, and the Democratic Union for Integration (DUI), with 19 seats. The opposition included the Social Democratic Union of Macedonia (SDSM) with 34 seats and the Democratic Party of Albanians (DPA) with 7 seats. The National Democratic Revival (NDR) and Citizens Option for Macedonia had one seat each.
13. The main opposition party (SDSM) boycotted the parliament, claiming that the 2014 elections were rigged. The crisis deepened in February 2015 when incriminating illegal wiretapped recordings, allegedly implicating government and public officials in corruption, election fraud and abuse of power, led to widespread protests. On 15 July 2015, as part of the internationally mediated Przino Agreement, early parliamentary elections were called for 24 April 2016 and the Office of Special Prosecutor was created to investigate the wiretapping allegations.
14. The elections were postponed to 5 June 2016 on the grounds that key conditions had not been met, namely checking of the voters register, media reforms, and safeguards to separate State and party activities. The political climate deteriorated after 12 April 2016, when President Gjorge Ivanov issued a blanket pardon to all individuals who were charged, under investigation or suspected of involvement in the wiretapping scandal. All the major political parties condemned the pardon and called on the President to rescind his decision. The pardon triggered protests and counter protests. The demonstrators, under the *Protestiram* umbrella, called for the resignation of the President and the cancellation of the elections. The opposition boycotted the elections and, of the four signatories of the Przino Agreement, only VMRO-DPMNE submitted candidate lists. On 25 May 2016, the Constitutional Court declared the dissolution of parliament unconstitutional and the 5 June elections were cancelled.
15. The third attempt to organise elections this year followed the signing of a new agreement in July by the four main political parties, mediated by the European Union and the United States. Temporary mechanisms were introduced for cross-party oversight of some aspects of the electoral process, including voter registration and media oversight. On 17 October, the parliament was dissolved for the second time in 2016 and elections were called for 11 December.

3. Legal framework

16. A total of 120 members of parliament (MPs) are elected in-country for a four-year term, under a proportional representation system using closed lists, 20 in each of the six electoral districts. As a result of the 2015 amendments to the Electoral Code, up to three additional MPs are elected in a single out-of-country district. The number of MPs elected in the out-of-country district does not necessarily correlate to voter turnout.

17. The Electoral Code permits deviations of up to 5% from the average number of registered voters for in-country districts. On 25 October, the Unity party challenged the holding of elections at the Constitutional Court on the grounds that electoral district 6 deviates by 5.65%. The Court did not decide on the matter prior to election day.

18. The legal framework is generally conducive for the conduct of democratic elections. In a positive step, the electoral legislation was significantly revised in 2015 as part of the Przino Agreement. The amendments addressed many previous OSCE/ODIHR and Venice Commission recommendations, particularly those related to the principle of equal suffrage for out-of-country voting, the composition and competences of the State Election Commission (SEC), and measures for balanced media coverage during the campaign. They also strengthened provisions for the separation of party and State and for campaign finance reporting. In addition, voters can now submit a complaint at any stage of the electoral process and the courts have to decide on electoral disputes within shorter deadlines.

19. Following the July agreement, additional amendments introduced a temporary commission for media oversight and required citizens with "questionable" voter registration data to actively re-register for these elections. These latter provisions were applicable only to the current elections, signalling a need for continued reform to address these issues in a sustainable manner.

20. The 2015 amendments improved the Electoral Code, but some long-standing issues remain unaddressed, including in respect of candidate registration, withdrawal of candidates and lists, and public and periodic review of district boundaries by an independent body. Some articles are ambiguous or conflict with other laws and rules, making their implementation uncertain. In addition, the legal changes were approved hastily by the parliament, after a reform process that lacked transparency and meaningful consultation with affected stakeholders outside of the four main parties, including relevant State institutions, other political parties and civil society.

4. Electoral administration, voters lists and the registration of candidates

21. The elections are administered by the State Election Commission (SEC), 80 municipal election commissions (MECs), and 3 480 electoral boards (EBs). An additional 46 EBs were established in diplomatic-consular offices for out-of-country voting.

22. The SEC is composed of nine members: three nominated by ruling parliamentary parties, three by opposition parties, and three independent experts selected in an open recruitment. The president and deputy are elected from among the independent members. MECs are composed of five randomly selected civil servants appointed for five-year terms in April 2016. EBs were composed of three randomly selected civil servants, one member appointed by the governing parties and one member appointed from the opposition parties, appointed for four-year terms in November 2016. Despite some late changes in the composition of MECs and EBs, requirements for balanced ethnic and gender representation in election commissions were broadly respected. However, only two of the nine SEC members are women.

23. The SEC's preparations for these elections were hampered by inefficient internal organisation and politicised decision making. Several important deadlines were missed, but the preparations were completed by election day. The shortened time frame for early elections also negatively impacted the SEC's activities. SEC decisions were generally adopted unanimously. However, on politically contentious issues members voted along party lines and often engaged in lengthy procedural discussions that included heated exchanges on interpretation of the law. At times, decisions were clearly partisan. For example, the SEC determined the order of candidate lists on the ballots by drawing lots, but divided the lists into two groups with the first places on the ballot offered to the four parliamentary parties represented in the SEC. This discriminated against other contestants; however, no contestant complained about it.

24. Voter registration is passive, with the exception of voters temporarily residing abroad, who must actively register. According to the Constitution, citizens aged 18 on election day are eligible to vote, unless deprived of their legal capacity by a court decision. However, only voters with a valid identification card or biometric

passport, and a registered domicile, are included in the voters register. The Electoral Code contains conflicting provisions regarding eligibility of out-of-country voters. For the first time in these elections, voters' photographs were placed on the voters lists.

25. The SEC is responsible for maintaining the voters register. Following the Przino Agreement, and as a means of addressing long-standing mistrust in the accuracy of voters lists, the SEC was tasked with reviewing the voters register by cross-checking entries against the databases of 11 State institutions, followed by field checks. The review process was observed by the four largest parties and led to 39 502 voter records being identified as "questionable". These citizens were required to re-register in order not to be deleted from the register, in line with a new legal requirement. While the process improved the accuracy of the voters register, it appears to have deprived some citizens of the opportunity to vote. On 13 November, the SEC decided to delete 28 341 records; the voters concerned did not have the possibility of legal redress that would allow them to be added to voters lists and be able to vote on election day. Another 171 500 voters were moved to a separate register of persons considered to be temporarily living abroad, but they could still vote in-country at their registered address.

26. In addition to the possibility of verifying their registration throughout the year, voters could check and amend their registration details at SEC regional centres during a public scrutiny period, from 28 October to 11 November. In spite of a legal requirement, the SEC regional offices did not display printed voters lists and voters who visited the offices could only check their data on SEC computers. Voters could also check their personal data online as well as who is registered at other addresses. According to the SEC, few of the 10 274 voters who visited the SEC offices requested corrections.

27. The SEC approved 20 573 and rejected 458 applications for voting abroad. Numerous applications were submitted from the same email address, with a significant number from the same Internet Protocol addresses in Skopje, Bitola and Shtip. This raised questions about the integrity of the process. Voters were required to declare their ethnicity, which, according to the SEC, was necessary to print electoral materials in minority languages.

28. On 18 November, two days after the legal deadline, the SEC provided electoral contestants with copies of the preliminary voters lists. The SDSM requested the addition of 45 persons who had recently renewed their identification cards, as well as the addition of 348 voters identified through field checks conducted by the party and the deletion of about 800 voters who were not found at their home address. The DUI requested the addition of five voters whose applications had been delayed by regional SEC offices. The SEC rejected the SDSM requests and accepted the DUI request.

29. The SEC also approved 107 of the 120 deletions requested by a civil society organisation.

30. On 28 November, two days after the official date for closing the voters lists, the SEC announced that 1 784 416 voters were registered to vote in-country, of which 230 122 were placed on the special list of voters considered to be temporarily living abroad. Special lists were also created for 2 015 prisoners, 13 internally displaced persons and 325 members of out-of-country electoral boards.

31. The political agreement to review the voters register only applied for these elections. In addition, the legal and structural flaws for maintaining the voters register, mainly due to citizens being registered at addresses where they do not actually live, were not addressed.

32. Any eligible voter can be a candidate for parliament, except those sentenced by a final court decision to more than six months imprisonment and who have not completed their sentence. Registered political parties, coalitions of political parties and groups of voters can nominate candidates. The latter were required to provide at least 1 000 supporting signatures of voters residing in the respective district. In line with a previous OSCE/ODIHR and Venice Commission recommendation, for the first time, a voter could sign in support of more than one candidate list; however, the signatures are still required to be collected in front of a SEC employee.

33. Candidate registration took place from 18 October to 11 November and was generally inclusive. However, it was negatively affected by a lack of legal clarity on several aspects of nomination and registration, including signature verification and re-submission of registration documents, and by SEC inconsistency in verifying the documentation. This led to the rejection of a number of lists from the Social Democratic Party of Macedonia (SDPM) and the People's Movement for Macedonia (NDM). The two parties appealed the SEC decisions to the Administrative Court, which upheld the SEC decisions.

34. The SEC registered six political parties and five coalitions fielding a total of 1 092 candidates on 58 lists. In line with an enhanced quota to increase women's participation, 41% of candidates were women, although only four of the 58 lists were topped by women. The quota increased by 10% compared to the 2014 elections (when one in every three consecutive places on candidate lists was reserved for the under-represented gender, which led to a 33.33% ratio of women in the parliament). In 2016, every third and tenth candidate on a list must be from the less represented gender. The SEC registered the out-of-country candidate list for the VMRO People's Party (VMRO-PP) and two in-country lists of the Levica party despite their not fulfilling the gender requirement.

5. Election campaign and finance and media environment

35. The parties and coalitions were generally able to campaign freely, and the fundamental freedoms of association, assembly and expression were respected. The campaign took place in an environment characterised by lack of public trust in the institutions and political establishment.

36. Contestants campaigned through door-to-door canvassing, small scale meetings and rallies. Billboards were visible in many municipalities from the four main parties. However, the placing of campaign posters and banners in public places varied from one municipality to another due to the locations not being clearly marked and some local authorities not being aware of their legal obligation to designate such places. Rallies throughout the country were generally well attended but some audiences seemed quite passive. Women represented an average of 20% of the audience but very few were speakers. The VMRO-DPMNE-led coalition benefited from public support, including at rallies, of senior officials from European Union member States. Social media was extensively used in the campaign, including by smaller parties.

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

38. Persistent allegations of voter intimidation, coercion, pressure on civil servants, vote buying in Roma communities and misuse of administrative resources negatively impacted the campaign. Such actions raised concerns about voters' ability to cast their vote "free of fear of retribution".

39. During the campaign, a number of violent incidents were observed, targeting a range of political parties. The campaign within the ethnic Albanian community was more intense, with some inflammatory rhetoric from the DPA, BESA, Alliance for Albanians and the DUI. New wiretapped conversations of DUI officials were posted on social media during the campaign. Several parties claimed difficulties opening campaign offices in specific areas controlled by the DUI.

40. Electoral contestants were required to open a dedicated bank account for campaign finance purposes. Individuals could donate up to €3 000, while legal entities could donate up to €30 000. Foreign and anonymous donations, as well as those from State-owned, religious and charitable organisations, are prohibited. Contestants could spend a maximum of €1.80 per registered voter in a district. Lists will be reimbursed by €0.25 for each vote won, provided it obtains at least 1.5% of the votes cast in the district.

41. All 11 electoral contestants submitted interim campaign finance reports on 1 and 10 December, declaring donations received and expenditure, which were published online. The expenditure in nine reports exceeded the contributions, with VMRO-DPMNE having the highest discrepancy amounting to more than €600 000 in the first report and €1 million in the second. The reports submitted by BESA and VMRO-PP contained donations that exceeded the permitted limit. All contestants are obliged to submit final reports within 30 days of the closing of the account, which can be up to four months after the elections.

42. The campaign finance regulations are comprehensive and require frequent reporting by contestants. However, transparency is diminished by the lack of a requirement to support the reports with bank statements and receipts. The State Audit Office stated that it can conduct an audit, including a cross-check of expenses at local level, but only following complaints.

43. Numerous media, including over 130 broadcasters, operate in a relatively small market with media outlets divided along political and ethnic lines. Substantial media reforms foreseen in the Przino Agreement have yet to be agreed upon.

44. The Electoral Code governs the media coverage of elections. All broadcasters are required to provide balanced coverage during the campaign period. The public broadcaster, Macedonian Radio and Television (MRT), is required to grant access to free airtime, organise debates and provide contestants with prescribed shares of news coverage. Amendments in 2015 prohibit government-financed advertising and coverage of State officials favouring political parties during elections. Additional amendments in 2016, applicable only for these elections, provided for the appointment of an MRT1 editor-in-chief nominated by the opposition 100 days prior to elections (whose mandate ends on election night), and the formation of a temporary commission to oversee media coverage during the pre-electoral period.

45. The temporary commission was mandated to supervise the media for more than three months prior to elections. However, certain legal provisions were not fully harmonised with other sections of the Electoral Code, which strictly regulate the coverage of contestants only during the official 20-day campaign, creating uncertainty about its mandate. The commission has proposed 57 misdemeanour procedures, primarily in connection with unbalanced coverage, hidden campaigning by government officials and paid political advertising. Before election day, the court decided on two cases by rejecting them. Although required by law, the commission did not supervise the election coverage in the electronic media, due to unclear regulations.

46. All electoral contestants were able to access the media for campaigning, including through free airtime in public broadcast media and paid advertising. Some non-parliamentary parties complained about insufficient opportunities to present their messages in the media, including limits on advertising in private broadcast media. Attempts to organise debates with all key contestants were largely unsuccessful due to refusals of candidates to participate.

47. Many interlocutors of the International Election Observation Mission, including journalists, noted self-censorship and lack of editorial independence of media due to the political or business interests of the owners. During the campaign, the OSCE/ODIHR Election Observation Mission was informed of one case of alleged intimidation of a news editor by a DUI representative. Interlocutors also raised concerns about the use of government-financed media campaigns (on hold during the electoral period) as a way to sustain and reward friendly outlets.

48. The media monitoring results showed that both public television channels complied with the regulation on distribution of coverage between the groups in the campaign period. In MRT1 news programmes, the VMRO-DPMNE-led coalition and the DUI received 20% of coverage each, while the opposition parties were allocated 42%, and non-parliamentary parties 11%. On MRT2, the distribution of coverage between governing and opposition parties was similarly equitable, with more time dedicated to the ethnic Albanian parties. MRT1 and MRT2 portrayed the competitors overall in a positive and uncritical manner.

49. The private Sitel, Kanal 5 and Alfa failed to provide balanced and impartial coverage in their news. Although they allocated equitable portions of airtime mainly to VMRO-DPMNE and SDSM, the airtime allocated to VMRO-DPMNE was very positive in tone and that allocated to SDSM was often negative, in particular on Sitel. All three channels were openly supporting the ruling party and focusing on VMRO-DPMNE campaign topics. Dubious information originating from the internet was occasionally presented as political news on these channels.

50. Other private channels, Alsat-M, Telma and 24 Vesti, offered diverse and frequently critical coverage of the main contestants and political actors in their news programmes, and also granted contestants the opportunity to present their programmes in debates or interviews. Monitored newspapers generally provided a variety of views, while leaning towards particular parties.

51. Parties and coalitions primarily representing the ethnic Albanian community ran independently, whereas parties and candidates representing smaller communities joined coalitions led by parties representing larger communities. Both the SDSM-led and VMRO-DPMNE-led coalitions included in their lists representatives of almost all smaller communities, some in likely winnable positions. As in the past, the majority of parties representing smaller communities ran under the VMRO-DPMNE-led coalition. The SDSM-led coalition actively sought votes from the ethnic Albanian community, including by fielding ethnic Albanian candidates in winnable positions, which unfortunately was not well received by established ethnic Albanian parties.

52. Topics related to inter-ethnic relations featured prominently in the campaign, including institutional relations between the ethnic Albanian and Macedonian communities and the official use of languages. The electoral contest was particularly competitive in the ethnic Albanian communities. The Alliance for Albanians and BESA challenged the dominant position of the DUI. Media coverage of smaller communities and their participation in the elections, including rallies and statements by parties, was limited. Reporting on political

activities by smaller communities, particularly Roma, often used negative stereotypes. While electoral materials were provided in national minority languages, there was no specific voter education campaign to reach out to smaller communities or in their languages.

53. The SEC dealt with most administrative disputes related to elections, and the State Audit Office and the State Commission for Prevention of Corruption (SCPC) handled complaints related to campaign finance and misuse of administrative resources respectively. Amendments to the Electoral Code in 2015 strengthened legal guarantees for electoral dispute resolution. In line with previous Venice Commission recommendations, this included shorter deadlines, publication of administrative decisions within 24 hours, and guaranteeing the right to appeal all administrative decisions to the Administrative Court. In addition, following previous recommendations, the SEC adopted a rulebook on procedures for dealing with complaints.

54. The SEC received 11 complaints prior to election day, the majority of which were dismissed due to lack of jurisdiction or evidence. Despite the legal obligation, the SEC did not implement an electronic system for case and complaint management. Two decisions regarding the rejection of the SDPM and NDM lists were appealed to the Administrative Court and both were rejected, in closed session, as ungrounded. Although both decisions were published on its website, the lack of public hearings is contrary to international obligations.

55. In addition, a number of interlocutors raised concerns about judicial independence. Overall, despite improvements in the law, the implementation of electoral dispute resolution procedures did not fully provide for an effective system of redress, which is at odds with Council of Europe standards.

56. The SCPC received some 1 000 requests for clarification on issues related to misuse of administrative resources, many of which were anonymous or submitted with little evidence. On 1 December, the SCPC requested the Basic Public Prosecution to initiate an investigation into two cases. In addition, the Ombudsman initiated 10 investigations related to allegations of pressure on public employees and corrections in voters lists, which are ongoing.

57. Two other initiatives were submitted to the Constitutional Court challenging the constitutionality of election-related provisions; the Constitutional Court rejected both of them on 9 November. One was from BESA, challenging the provision which required voters with “questionable” voter registration data to re-register, and the other was from NDM, challenging the composition of the temporary commission.

58. The Electoral Code allows for citizen, party and international observation. Two citizen observer groups observed the elections: MOST deployed 80 long-term observers (LTOs) and some 3 300 short-term observers (STOs), and CIVIL deployed 35 LTOs and some 300 STOs. MOST also conducted parallel vote tabulation. The participation of citizen observers at all stages of the electoral process contributed to the transparency of the elections. Ten civil society organisations working on voter awareness campaign, were notified of forthcoming financial audits before and soon after election day. These organisations questioned the timing of such an inquiry.

6. Early voting and polling day

59. Early voting and election day generally proceeded in an orderly manner and without major incidents or tensions. Transparency benefited from the presence of numerous citizen and party observers throughout the day in the polling stations observed.

60. Early voting took place on 7 December for members of out-of-country electoral boards and on 10 December for homebound voters, internally displaced persons, detainees and prisoners. Early voting was mostly assessed positively. However, during voting at the country’s largest prison, Idrizovo, the observers noted that several prisoners with valid ID were unable to vote because they were not on the voters list. Over 500 prisoners were not included in the list due to expired ID cards. There is no procedure for renewing the expired ID cards of prisoners.

61. On election day, the opening process was assessed positively in most areas. However, observers noted procedural problems: in some cases the required protocol was not filled in prior to voting, the ballot boxes were not shown to be empty, or the serial numbers of ballot box security seals were not recorded.

62. The voting process was assessed positively in 97% of observations. Procedures were generally followed, including those to safeguard against multiple voting such as inking of voters’ fingers and checking the photos on the voters list. In a limited number of cases, shortcomings were however observed: the layout of

some polling stations was inadequate (which sometimes impacted on the secrecy of the vote) and overcrowding was noted in some polling stations. More than half of the polling stations observed did not allow for independent access for voters with disabilities.

63. Significantly, in 16% of the polling stations observed, people were not allowed to vote as they were not on the voters lists. While some of these citizens were redirected to other polling stations, others stated that they were part of the 28 341 records deleted in July 2016. A total of 335 of the affected persons submitted complaints to the SEC on this matter. This highlights the continued need to sustainably address the structural flaws in the voters register.

64. Some serious irregularities were observed during voting: group voting (4%), proxy voting (2%), ballot boxes not sealed properly (2%). Incidents of voters being pressured and unauthorised persons directing the work of electoral boards were also observed. During election day, a number of police and media reports informed about irregularities related to vote buying and photographing of ballots. At least six people were arrested.

65. A Parliamentary Assembly team heard credible allegations about online films showing evidence of vote-buying in the Suto Orizari municipality of Skopje the day prior to election day; the films were allegedly made by unhappy voters who received only 1 000 MKD (around €16) while other voters had received twice as much earlier in the day. Another Assembly team observed in Gostivar that voters were obviously following instructions on how to vote and that they became confused when told discreetly by members of the electoral board not to expect any instructions while international observers were present in the polling station.

66. The counting process was assessed as efficient and transparent. However, significant procedural omissions were observed in a number of polling stations and the counting was assessed negatively in some cases. This primarily related to steps taken prior to opening the ballot boxes, including counting the number of signatures and unused ballots, and verifying the serial numbers of the ballot box security seals. Following the count, some electoral boards had difficulties filling in the results protocols and some did not follow the procedures for packing sensitive election materials and ballots. Copies of the protocol were given to most of those who requested them; however, some electoral boards observed did not post the protocols, as required by law.

67. Tabulation proceeded in a timely manner but was assessed negatively in some observations. The main problems noted related to the conditions at MECs: insufficient space, overcrowding and poor organisation. During the observation, a number of counting protocols contained discrepancies and the ballots from some polling stations were recounted.

68. While not required by law, preliminary results by polling station and district were published online by the SEC throughout the night, which contributed to the transparency of the process.

69. The results of the early parliamentary elections of 11 December are as follows: VMRO-DPMNE coalition: 39.39% of the votes cast (51 seats in the parliament); SDSM coalition: 37.85% (49 seats); DUI: 7.53% (10 seats); BESA: 5.02% (5 seats); Alliance for the Albanians: 3.05% (3 seats); DPA: 2.69% (2 seats).

7. Conclusions

70. The 11 December early parliamentary elections were an essential step in resolving two years of deep political crisis. The main political forces agreed to a series of legal and institutional changes to provide a level playing field for these elections. Underlying issues, such as voter registration and media, are yet to be addressed in a sustainable manner. The campaign was competitive but took place in an environment characterised by public mistrust in institutions and the political establishment, and allegations of voter coercion. The election administration struggled with the preparations for the elections and missed a number of deadlines, but election day was generally well administered and proceeded without major incidents.

71. The legal framework is generally conducive for the conduct of democratic elections. Significant improvements to electoral legislation in 2015 addressed most previous OSCE/ODIHR and Venice Commission recommendations. Additional amendments in 2016 introduced temporary mechanisms for cross-party oversight of key aspects of the electoral process. However, some recommendations remain unaddressed and certain provisions are ambiguous or conflict with other laws. In addition, while the reform process enjoyed support from the four largest political parties, decisions were taken under time pressure and without consulting the relevant electoral stakeholders.

72. The SEC preparations for the elections were hampered by inefficient internal organisation, politicised decision making and shortened legal deadlines. Several deadlines were missed and some procedures were not clarified. SEC activities were not always transparent, as it often held closed sessions and did not always publish its decisions. The lower-level commissions generally worked in a professional manner, although some lacked adequate premises, timely funding and equipment.

73. In total, 1 784 416 voters were registered. To address long-standing mistrust in the accuracy of voters lists, for the first time the SEC reviewed the voters register by cross-checking several databases and conducting field checks. The review does not guarantee sustainable improvement as it applied only to these elections. The legal and structural flaws for maintaining the voters register are yet to be addressed. The review process improved the accuracy of the voters register, but it appears to have led to some citizens being deprived of the opportunity to vote in these elections.

74. The SEC registered six political parties and five coalitions for these elections. Registration was generally inclusive, but was negatively affected by a lack of legal clarity on procedures and the rejection of candidate lists of two parties on inconsistent grounds. In line with an enhanced quota for women's participation, 41% of candidates were women, although they topped only four of the 58 lists.

75. While fundamental freedoms were generally respected and contestants were able to campaign freely, the elections took place in an environment characterised by a lack of public trust in institutions and the political establishment. Credible allegations of voter intimidation, widespread pressure on civil servants (for example teachers, doctors, nurses ...), vote buying, coercion and misuse of administrative resources persisted throughout the campaign. This included direct threats about losing jobs for not voting as requested.

76. The campaign finance regulations are comprehensive and require frequent reporting by candidates. However, transparency is diminished by the lack of a requirement to support the reports with bank statements and receipts. Reports submitted by candidates on 1 and 10 December revealed significant overspending, particularly by the VMRO-DPMNE.

77. The diverse media environment is split along political and ethnic lines. Candidates could campaign on public and private media through free and paid political advertising. Public media largely provided candidates with equitable news coverage. Some of the private media demonstrated bias in favour of the ruling party. A number of interlocutors of the IEOM, including journalists, expressed concern about self-censorship and editorial independence due to political and business interests favouring ruling parties. While recent amendments prohibited government-financed advertising and coverage of State officials during the campaign, significant media reforms foreseen in the Przino Agreement have yet to be implemented.

78. Topics related to inter-ethnic relations featured prominently in the campaign, including institutional relations between the ethnic Albanian and ethnic Macedonian communities. The Social Democratic Union of Macedonia actively sought votes from the ethnic Albanian community, including by fielding ethnic Albanian candidates. Media reporting of Roma candidates often used stereotypes.

79. The changes in the law and the adoption of a SEC rulebook on procedures strengthened legal guarantees for dispute resolution. The majority of complaints to the elections administration and courts were, however, rejected on procedural or jurisdictional grounds. The Administrative Court held its hearings in closed sessions. A number of interlocutors of the IEOM raised concerns with respect to judicial independence. Despite noted improvements in the law, the implementation of electoral dispute resolution procedures did not fully provide for an effective legal redress.

80. Election day proceeded in an orderly manner and without major incidents, albeit with some procedural irregularities observed, particularly during the count. Voters participated in large numbers and voting was generally assessed positively by observers. Observers noted a number of people not allowed to vote after having been deleted from the voters list during the recent review of the voters register. Transparency of the electoral process benefited from the active presence of numerous citizen and party observers.

81. The Parliamentary Assembly and the Venice Commission will continue to work alongside the authorities of "the former Yugoslav Republic of Macedonia" in the field of elections and more generally on the reinforcement of democratic institutions through co-operation activities.

Appendix 1 – Statement by the pre-electoral delegation

In Skopje, PACE pre-electoral delegation, concerned by revived tensions, urges all political forces to show responsibility towards the elections and implement the Przino Agreement

Strasbourg, 28.04.2016 – A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Skopje on 26 and 27 April 2016 to assess the pre-electoral climate of the early parliamentary elections scheduled for 5 June 2016.

The delegation*, led by Stefan Schennach (Austria, SOC), recalled that these early elections were called in the framework of the implementation of the EU-brokered Przino Agreement to put an end to the political crisis that followed the April 2014 presidential and early parliamentary elections. The main opposition party had challenged the results of the elections and boycotted the parliament until September 2015.

The delegation noted that the election campaign was marked by long-standing contentious issues such as the accuracy of the voters list and media reforms. It observed that the climate had significantly deteriorated after the decision by the President of the Republic to pardon 56 persons, including those prosecuted by the Special Prosecutor established by the Przino Agreement to investigate the serious allegations – including electoral frauds – contained in the illegally wire-taped conversations released by the opposition. This decision had provoked major street protests, increased polarisation in society and seriously undermined the work of the Special Prosecutor. The delegation urges the authorities to find a way to revoke the Presidential pardon as soon as possible.

The delegation was aware that all political parties had, originally, shared the view that early elections would be the only way to solve the on-going political crisis. It therefore regretted the decision by the “Social Democratic Union Of Macedonia” (SDSM) to boycott the elections and was concerned by the position of the Albanian parties DUI and DPA which were considering boycotting the elections as well. The delegation reiterated the PACE position that boycotting elections is not a constructive approach to good governance, and is at odds with the rules of democracy.

The delegation expressed serious concerns about the accuracy of the voters list, which is essential to restore public confidence in the electoral process. It took note of the concerns expressed by the parties about media coverage of the campaign, despite the recent changes in the electoral code. It also considered that concrete measures to separate state and political party activities, and to prevent intimidation of voters, had to be taken. The misuse of administrative resources – an issue raised by PACE in previous election observations – was also a matter of concern for the delegation.

The delegation called on all parties to fully implement the Przino Agreement, which offered a path to lead the country out of the crisis and tackled, in the long term, systemic issues. They urged them to reach a political agreement to ensure a smooth electoral campaign, to show responsibility and accountability in lowering tensions within society in the interest of the citizens, and for the sake of the country’s stability.

The delegation noted with satisfaction that demonstrations, in which participated, inter alia, student organisations together with NGOs, did not result in serious clashes, either with the police or with simultaneous counter demonstrations.

The delegation also urged the authorities to make sure that all conditions would be in place to allow political parties to rally and campaign peacefully.

The PACE pre-electoral delegation was in Skopje at the invitation of the President of the Assembly. It met with the President of the Assembly, with the Chairman and members of the State Election Commission, the Minister of the Interior, the Special Prosecutor and the Public Prosecutor, with leaders of political parties, representatives of civil society, of student organisations and of the media, with the Head of the OSCE/ODIHR election observation mission and with diplomats and representatives of international organisations present in Skopje.

A fully-fledged 22-member PACE will arrive in Skopje prior to the early parliamentary elections to observe the vote.

Members of the delegation: Stefan Schennach (Austria, SOC), Head of delegation; Frank J. Jenssen (Norway, EPP/CD); Eerik-Niiles Kross (Estonia, ALDE); Tom Packalén (Finland, EC); Andrej Hunko (Germany, UEL); Lise Christoffersen (Norway), PACE rapporteur for the post-monitoring dialogue; Valeriu Ghiletschi (Republic of Moldova), PACE rapporteur for the post-monitoring dialogue

Appendix 2 – Programme of the pre-electoral mission (21-22 November 2016)

Monday, 21 November 2016

- 09:30-10:00 Delegation meeting
- 10:15-11:15 Meeting with members of the diplomatic corps:
– Ambassador of Italy, HE Carlo Romeo
– Ambassador of Slovenia HE Milan Jazbec
– Ms Anil Özge Ertay – Counsellor at the Turkish Embassy in Skopje
- 11:30-12:30 Meeting with Ms Tana de Zulueta, Head of the OSCE/ODIHR Election Observation Mission and members of the team
- 14:00-14:30 Meeting with representatives of the media (part 1):
– Media Development Center: Mr Dejan Georgievski
– Telma TV: Ms Sanja Vasic
- 14:30-15:00 Meeting with leaders and representatives of the “Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity” (VRMO-DPMNE)
- 15:15-15:40 Meeting with Mr Afrim Gashi, Leader of BESA movement, and Mr Zekiria Ibraimi, Vice-President
- 15:45-17:00 Meeting with representatives of civil society:
– Human Rights Institute: Mr Miroslav Draganov
– NGO Most: Mr Zlatko Dimitrioski
– NGO Civil: Mr Xhabir Derala
– Centre for Research and Policy Making (CRPM): Mr Zdravko Veljanov
- 17:30-18:00 Meeting with representatives of the media (part 2):
– Macedonian Association of Journalists (MAN): Ms Ivona Talevska
– Kanal 5 TV: Mr Ivan Mircevski
– Kurir (on-line magazine): Ms Anastasija Bodanoska
- 18:00-18:10 Meeting with representatives of the media (part 3):
– Macedonian Radio and Television (MRT): Ms Santa Argirova, Editor-in-chief of News Program

Tuesday, 22 November 2016

- 09:15-10:00 Meeting with Mr Nikola Poposki, Minister of Foreign Affairs
- 10:15-10:45 Meeting with Mr Trajko Veljanovski, President of the Assembly of “the former Yugoslav Republic of Macedonia”
- 11:00-11:30 Meeting with Ms Ivana Tufegdžich
- 11:30-12:00 Meeting with Mr Goce Markoski, Levica
- 12:15-12:45 Meeting with leaders and representatives of the Democratic Union for Integration (DUI)
- 13:00-13:30 Meeting with leaders and representatives of the “Social Democratic Union of Macedonia” (SDSM)
- 13:45-14:15 Meeting with leaders and representatives of the “Democratic Party of Albanians” (DPA)
- 16:00-16:30 Meeting with Mr Oliver Spasovski, Minister of the Interior
- 16:45-17:15 Meeting with Ms Katica Janeva, Special Prosecutor
- 17:30-18:00 Meeting with Mr Aleksandar Chichakovski, Chairperson of the State Election Commission, and members
- 18:30 Committee meeting (preparation of a statement)

Appendix 3 – Statement by the pre-electoral delegation

In Skopje, PACE pre-electoral delegation hopes that forthcoming elections will provide a way out of the profound crisis

Strasbourg, 23.11.2016 – A delegation of the Parliamentary Assembly of the Council of Europe (PACE) was in Skopje on 21 and 22 November 2016 to assess the pre-electoral climate of the early parliamentary elections scheduled for 11 December 2016.

The delegation*, led by Stefan Schennach (Austria, SOC), recalled that these early elections were called in the framework of the implementation of the EU-brokered Przino Agreement to put an end to the political crisis that followed the April 2014 presidential and early parliamentary elections. It also recalled that they had been postponed twice in 2016 and hoped that they will be held in a peaceful environment.

The main political parties considered that the minimum conditions for the holding of elections had been met, the delegation noted. However, several of its interlocutors mentioned, among the issues still to be resolved, the accuracy of the voters list (now acknowledged to be better than before but still having room for improvement) and the continued misuse of administrative resources. The delegation welcomed the fact that all political parties supported the holding of these elections as scheduled on 11 December.

It took note of the concerns expressed by interlocutors about media coverage of the campaign and regretted the polarisation of the media, used more as a tool for propaganda than for informing the public. It hoped that before polling day the main media outlets will organise direct debates between candidates which would enable citizens to make a more informed choice.

The delegation was concerned by the fact that the temporary commission working within the framework of the Agency for Audio and Visual Media Services, mandated with the task of monitoring media representation, will last only until the completion of the electoral process. Moreover, the delegation called on the public broadcaster MRT to continue its efforts to ensure balanced coverage even after the elections.

The delegation also called for concrete measures to be taken to separate state and political party activities, and to prevent intimidation of voters. The delegation also underlined the importance of the work of the Special Prosecutor which should be continued into the next legislature.

The fact that the electoral campaign had started calmly and without incident was noted with satisfaction by the delegation, which hopes that the forthcoming elections will provide a way out of the prolonged crisis affecting the country.

The PACE pre-electoral delegation was in Skopje at the invitation of the President of the Assembly. It met with the President of the Assembly, with the Chairman and members of the State Election Commission, the Minister of Foreign Affairs, the Minister of the Interior, the Special Prosecutor, with leaders of political parties, representatives of civil society, and of the media, with the Head of the OSCE/ODIHR election observation mission and with diplomats present in Skopje.

A fully-fledged 22-member PACE will arrive in Skopje prior to the early parliamentary elections to observe the vote on 11 December.

* Members of the delegation: Stefan Schennach (Austria, SOC), Head of delegation; Egidijus Vareikis (Lithuania, EPP/CD); Cristina De Pietro (Italy, ALDE); Suat Önal (Turkey, EC); Matjaz Hanzek (Slovenia, UEL); Valeriu Ghiletschi (Republic of Moldova), PACE rapporteur for the post-monitoring dialogue.

Appendix 4 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Stefan SCHENNACH (Austria, SOC), Chairperson

Group of the European People's Party (EPP/CD)

- Vladyslav GOLUB, Ukraine
- Vusal HUSEYNOV, Azerbaijan
- Frank JENSSEN, Norway
- Luís LEITE RAMOS, Portugal
- Şaban DİŞLİ, Turkey

Socialist Group (SOC)

- Valeri JABLIANOV, Bulgaria
- George FOULKES, United Kingdom
- Saša MAGAZINOVIĆ, Bosnia and Herzegovina
- Muslum MAMMADOV, Azerbaijan
- Stefan SCHENNACH, Austria*
- Predrag SEKULIĆ, Montenegro

Alliance of Liberals and Democrats for Europe (ALDE)

- Pauline KRIKKE, Netherlands

Group of the Unified European Left (UEL)

- Matjaž HANZEK, Slovenia*

Venice Commission

- Kåre VOLLAN, Expert

Secretariat

- Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Co-operation Division
- Franck DAESCHLER, Principal Administrative Assistant, Election Observation and Interparliamentary Co-operation Division
- Anne GODFREY, Assistant, Election Observation and Interparliamentary Co-operation Division
- Domenico VALLARIO, Assistant Lawyer, Venice Commission

* members of the pre-electoral delegation

Appendix 5 – Programme of the election observation mission (9-12 December 2016)

Friday 9 December 2016

- 09:00-09:45 PACE delegation internal meeting:
- Briefing on the pre-electoral mission by Mr Stefan Schennach, Head of the Delegation
 - Briefing by members of the pre-electoral mission
 - Briefing on legal framework and recent modifications of election legislation, by Mr Kåre Vollan, Expert of the Venice Commission
 - Practical and logistical arrangements, Secretariat
- Joint briefing with the OSCE-PA and European Parliament delegations:
- 10:00-10:20 Opening by the Heads of Delegations:
- Mr Roberto Battelli, Special Co-ordinator
 - Mr Azay Guliyev, Head of the OSCE-PA Delegation
 - Mr Stefan Schennach, Head of the PACE Delegation
 - Mr Igor Soltes, Head of the European Parliament Delegation
- 10:20-11:00 International community:
- Mr Jeff Goldstein, Acting Head of Mission, OSCE Mission to Skopje
 - Ambassador Samuel Žbogar, Head of the Delegation of the European Union
- 11:00-11:15 Minister of the Interior, Mr Oliver Spasovski
- 11:15-11:30 Minister of Foreign Affairs, Mr Nikola Poposki
- 11:30-13:30 Meetings with political parties:
- Leaders and representatives of the “Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity” (VRMO-DPMNE) Mr Aleksandar Nikolovski MP, VMRO-DPMNE
- Leaders and representatives of the Democratic Union for Integration (DUI), Mr Bekim Neziri, Chief of President’s Cabinet
- Leaders and representatives of the “Social Democratic Union of Macedonia” (SDSM), Mr Damjan Mancevski, Vice-President
- Leaders and representatives of the “Democratic Party of Albanians” (DPA)
- Leaders and representatives of “BESA” Mr Kastriot Rexhepi, member of the central leadership, and of the Headquarters for relations with international community
- Leaders and representatives of “Levica” Ms Marija Jones, member of the Presidency and candidate
- 15:00-17:30 Briefing by the OSCE/ODIHR Election Observation Mission (Part I):
- Introduction and overview of findings to date: Ms Tana de Zulueta, Head of Mission
 - Political overview, election campaign, participation of women and of national minorities: Ms Saša Pajević, Political Analyst
 - Electoral system, legal framework, campaign finance, complaints and appeals: Ms Tania Marques, Legal Analyst
 - Election administration, candidate registration, election observation: Ms Maša Janjušević, Election Analyst
 - Voter registration: Mr Ovidiu Craiu, Voter Registration Analyst
 - Media environment and media monitoring findings: Mr Marek Mračka, Media Analyst
 - Security overview: Mr Peter Booker, Security Expert

Saturday, 10 December 2016

- 09:00-09:20 Special Prosecutor, Ms Katica Janeva
- 09:20-09:40 Public Prosecutor, Mr Malko Zvrlevski
- 09:40-11:45 Panel Discussion with media representatives
- 09:40-10:15 Part 1: Meeting with representatives of the media:
– Macedonian Institute for Media (MIM): Ms Biljana Petkovska
– Media Development Center (MDC): Mr Dejan Georgievski
- 10:15-11:45 Part 2: Meeting with representatives of the media:
– Macedonian Association of Journalists (MAN): Ms Ivona Talevska
– Kanal 5 TV: Mr Ivan Mircevski
– Telma TV: Ms Sanja Vasic
– Utrinski Vesnik (newspaper): Ms Slobodana Jovanovska
– MRT: Ms. Santa Agirova, Editor-in-chief
– Kurir: Ms Anastasija Bodanoska
- 11:45-12:45 Panel discussion with NGOs/INGOs:
– Human Rights Institute: Mr Miroslav Draganov
– NGO Most: Mr Zlatko Dimitrioski
– NGO Civil: Mr Xhabir Derala
– Helsinki Committee: Mr Voislav Stojanovski
– Centre for Research and Policy Making (CRPM): Mr Zlatko Simonovski and Mr Emil Shurkov
- 12:45-13:15 State Election Commission, Mr. Alexander Chichakovski, President, and Mr Rexhep Prekopuca, Vice-President
- 13:15-14:45 Briefing by OSCE/ODIHR (Part II):
– Election day procedures: Ms Maša Janjušević, Election Analyst
– Statistics and observation forms: Ms Karolina Riedel and Mr Jonathan Mellon, Statistical analysts, and Mr Raul Mureşan, Deputy Head of Mission
- 14:45-15:15 Meeting with OSCE/ODIHR EOM Long-Term Observers based in Skopje
- 15:15-16:00 Meeting with interpreters and drivers

Sunday, 11 December 2016

- 07:00 Opening of polling stations
- 19:00 Closing of polling stations

Monday, 12 December 2016

- 08:00 -09:00 PACE delegation debriefing meeting
- 14:30 Joint press conference

Appendix 6 – Press release of the International Election Observation Mission (IEOM)

Competitive elections follow cross-party co-operation to end political crisis, though need for sustainable reforms remains, international election observers say in Skopje

Skopje, 12.12.2016 – The 11 December parliamentary elections in the former Yugoslav Republic of Macedonia were competitive and an essential step in resolving two years of deep political crisis, but took place in an environment characterised by widespread public mistrust in institutions and the political establishment, international election observers concluded in a preliminary statement released today.

While the main political forces agreed to a series of legal and institutional changes to provide for a level playing field, underlying issues such as those related to the media and voter registration have yet to be addressed in a sustainable manner, the statement says.

“The high turnout testifies that the voters understood the crucial role good elections play in the future of their country,” said Roberto Battelli, Special Co-ordinator and leader of the short-term OSCE observer mission. “The political establishment now has a responsibility to live up to these expectations. They have to make use of this momentum and the mandate they have been given to carry on with reforms necessary for the country’s future.”

Significant improvements to electoral legislation addressed most previous recommendations by ODIHR and the Council of Europe’s Venice Commission, and introduced temporary mechanisms for cross-party oversight of key aspects of the electoral process. However, the statement says, some recommendations remain unaddressed and certain provisions are ambiguous.

“The country is at a new crossroads, which opens a path towards normality in political life. All stakeholders must now prove their commitment to directing the country along this path,” said Stefan Schennach, Head of the delegation from the Parliamentary Assembly of the Council of Europe. “The different ethnic communities already proved, during last summer’s street protests, that co-operation towards a common political goal is possible. Now the entire country must replace ethnic separation with nation-building co-operation.”

While fundamental freedoms were generally respected and contestants were able to campaign freely, there were allegations of voter intimidation and widespread pressure on civil servants, verified by observers in a dozen cases.

“We saw an overwhelming number of people who wished for better for their country and the generations to come. The positive trends we observed now have to be turned into sustainable mechanisms, and the shortcomings we list need to be addressed through meaningful dialogue within the relevant State institutions, and the parliament in particular,” said Azay Guliyev, Head of the delegation from the OSCE Parliamentary Assembly. “All political forces need to work to ensure there is no backsliding into political crisis.”

The State Election Commission (SEC) preparations for the elections were hampered by inefficient internal organisation, politicised decision-making and shortened legal deadlines, the observers said. The Commission’s activities were not always transparent, as it often held closed sessions and did not always publish its decisions. Election day was generally well administered and proceeded without major incidents.

“We believe these elections have shown the people of this country want, and fully deserve, to see an end to the long period of political crisis. We expect to see a clear signal from the new government that it will work with all political parties in the parliament to carry out urgently needed reforms,” said Igor Šoltes, Head of the European Parliament delegation. “We call on all parties to provide the necessary support for judicial institutions, and the Special Prosecutor’s Office in particular, as its work must be carried out in full.”

To address long-standing concerns about the accuracy of voters’ lists, for the first time the SEC reviewed the voters register, by cross-checking several databases and conducting door-to-door checks, the statement says. As the legal and structural flaws in maintaining the voters register have yet to be addressed, the Commission’s review, which applied only to these elections, does not guarantee sustainable improvement.

The diverse media environment is split along political and ethnic lines and media monitoring showed that, while the public media largely provided contestants with equitable news coverage, some private media outlets demonstrated bias in favour of the ruling party. Significant foreseen media reforms have yet to be implemented.

“The events in the lead-up to these elections required cross-party co-operation to find temporary mechanisms to address pressing issues. As a result, the process was improved, particularly as regards the media and the legal framework”, said Tana de Zulueta, Head of the ODIHR election observation mission. “For these improvements to be durable, underlying shortcomings will have to be addressed. This will require further co-operation and commitment to systematic and, most importantly, inclusive electoral reform efforts.”