



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for  
Human Rights  
as a Stakeholder in the  
Universal Periodic Review of the  
Former Yugoslav Republic of Macedonia**



**WARSAW, 12 JULY 2018**

**The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:**

**Participating/Partner State:** The former Yugoslav Republic of Macedonia

**UPR Session and Date of Review:** 32nd Session, January 2019

## **Background**

The former Yugoslav Republic of Macedonia has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1995 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including the former Yugoslav Republic of Macedonia, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the former Yugoslav Republic of Macedonia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in the former Yugoslav Republic of Macedonia.

## **Overview of this Submission**

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) last deployed an Election Observation Mission (EOM) to observe both rounds of the 15 and 29 October 2017 municipal elections.

Previously, ODIHR deployed an EOM to observe the 11 December 2016 early parliamentary elections, as well as an EOM to observe the 5 June 2016 early parliamentary elections. However, with the cancellation of the elections on 18 May 2016, the EOM ended its observation activities on 1 June 2016.

Key findings and corresponding recommendations are presented below.

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<sup>1</sup> OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

## **Elections**

### **Municipal Elections, 15 and 29 October 2017**

ODIHR deployed an Election Observation Mission (EOM) to observe both rounds of the 15 and 29 October 2017 municipal elections. The EOM assessed these elections for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. It concluded after the first round that the elections “contributed to strengthening confidence in the democratic process. Elections were held in a competitive environment with candidates generally able to campaign without restriction and fundamental freedoms were overall respected. However, credible allegations of vote-buying, pressure on voters and isolated cases of violence occurred during the pre-election period. Overall, monitored media provided unbiased coverage of contestants and facilitated the opportunity for political debate. Despite organizational challenges, the election administration ensured that voters were able to exercise their voting rights”.

Following the second round, the EOM concluded that the elections “were competitive and the respect for fundamental freedoms contributed towards the conduct of democratic elections. The campaign was short and subdued, with parties vying for support from beyond their traditional base though occasionally using aggressive rhetoric. Isolated cases of misuse of administrative resources and vote-buying were reported. Media continued providing balanced coverage of contestants, but this was overshadowed by negative campaigning spots. Election day was overall professionally managed, although the performance of polling staff during counting could have been enhanced”.

The Final Report published on 19 January 2018 (available here: <https://www.osce.org/odihr/elections/fyrom/367246>) includes 22 recommendations to further improve the electoral process related to both legislation and implementation.

#### **Key Findings:**

In 2017, two key amendments to the EC were introduced. Due to the delayed formation of the government, the timing of municipal elections was changed from May to October and the mandates of the sitting mayors extended. In addition, just weeks prior to the elections and contrary to good practice that recommends maintaining a stable electoral framework, the parliament was mandated to change the composition of the State Election Commission (SEC) to align it with the new composition of parliament. Moreover, this change was enacted under an expedited procedure, without broad consultation which is at odds with OSCE commitments. The late adoption undermined the opportunity to seek timely judicial review of the amendment.

#### **Recommendation:**

The Electoral Code should be comprehensively reviewed to address identified shortcomings, gaps and ambiguities, including provisions for second round of elections, to bring it in line with OSCE commitments, international obligations and good practice. The review and amendments should be conducted in a public procedure, after a broadly inclusive consultation process and sufficiently in advance of the next election.

**Key Findings:**

The level of transparency of MECs varied. While most did not apply measures to enhance transparency, some took initiatives to increase trust in their work. For instance, the MEC in Novo Selo maintained a Facebook page, while the MEC in Jegunovce proactively informed stakeholders about its meetings and afterwards distributed minutes.

**Recommendation:**

In order to increase transparency and public confidence in their work, the SEC and MECs should make their regulations, guidelines, decisions and minutes of sessions, including those related to procurement, public in a timely manner.

**Key Findings:**

Throughout the campaign, the OSCE/ODIHR EOM noted many allegations of pressure on voters, intimidation and vote-buying by different parties; some of these allegations were credible. The OSCE/ODIHR EOM was informed by various stakeholders about such instances in at least 10 different municipalities, with pressure on vulnerable groups and threats of repercussions against public employees being the most frequent allegations. In addition, one civil society organization (CSO) received many complaints of minors being used in the campaigns of almost all parties, which signalled significant concerns with regard to this issue.

**Recommendation:**

All instances and allegations of pressure, intimidation, vote-buying and misuse of administrative resources should be thoroughly and effectively investigated and prosecuted by authorities in a timely manner. There should also be civic education aimed at alleviation of corrupt activities in election campaigns with input from respective agencies.

**Early Parliamentary Elections, 11 December 2016**

ODIHR deployed an EOM to observe the 11 December 2016 early parliamentary elections. The EOM assessed these elections for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. It concluded after the first round that the elections “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 characterized by public mistrust in institutions and the political establishment, and allegations of voter coercion. The election administration struggled with the preparations for elections and missed a number of deadlines, but election day was generally well administered and proceeded without major incidents”.

The final report (available here: <https://www.osce.org/odihr/elections/fyrom/302136>) includes 30 recommendations. The recommendations stressed previous ODIHR recommendations, such a complete review and harmonization of the electoral legal framework, as well as improving coordination and clarity in the voter registration process, ensuring effective investigation of reports of pressure and intimidation of voters, and introducing further mechanisms to protect the editorial independence of the media.

## **Early Parliamentary Elections, 5 June 2016**

ODIHR deployed an EOM to observe the 5 June 2016 early parliamentary elections. However, with the cancellation of the elections on 18 May, the EOM ended its observation activities on 1 June. The mission, however, assessed whether the electoral process and activities conducted until that date were in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. The report concluded that “the late changes negatively affected electoral stakeholders’ understanding of new provisions and impacted on their ability to fulfil their functions.”

The final report (available here: <https://www.osce.org/odihr/elections/fyrom/302136>) includes 19 recommendations. These include comprehensively reviewing and harmonizing of the electoral code inclusive of political stakeholders and civil society, clarifying regulations of election-related media coverage, increasing the transparency of the voter registration and verification process, ensuring timely and effective procedures for legal remedy, and the periodic review of district boundaries by an independent body.